

No. 30162

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
ECUADOR**

**Agreement concerning mutual assistance in relation to drug  
trafficking. Signed at Quito on 7 May 1992**

*Authentic texts: English and Spanish.*

*Registered by the United Kingdom of Great Britain and Northern Ireland  
on 30 July 1993.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
ÉQUATEUR**

**Accord d'assistance mutuelle en matière de trafic de stupé-  
fiants. Signé à Quito le 7 mai 1992**

*Textes authentiques : anglais et espagnol.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord  
le 30 juillet 1993.*

**AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
AND THE GOVERNMENT OF THE REPUBLIC OF ECUADOR  
CONCERNING MUTUAL ASSISTANCE IN RELATION TO  
DRUG TRAFFICKING**

The Government of the United Kingdom of Great Britain and Northern Ireland and  
the Government of the Republic of Ecuador,

Desiring to intensify their collaboration in the fight against illicit drug trafficking and  
in the application of the United Nations Convention Against Illicit Traffic in Narcotic  
Drugs and Psychotropic Substances of 1988<sup>1</sup>;

Have agreed as follows:

**ARTICLE 1**

**Scope of Application**

- (1) The Parties shall, in accordance with this Agreement, grant to each other assistance in investigations and proceedings in respect of illicit drug trafficking including the tracing, restraining and confiscation of the proceeds and instruments of drug trafficking.
- (2) This Agreement shall be without prejudice to other obligations between the Parties pursuant to other treaties, and shall not prevent the Parties or their law enforcement agencies from providing assistance to each other pursuant to other treaties or arrangements.

**ARTICLE 2**

**Definitions**

For the purposes of this Agreement, the Parties shall adhere to the following definitions:

- (a) “confiscation” means any measure resulting in the permanent deprivation of property by order of a court or other competent authority;
- (b) “instruments of drug trafficking” means any property which is or is intended to be used in connection with drug trafficking, as defined in subparagraph (e) below;
- (c) “proceeds” means any property that is derived or realised, directly or indirectly, by any person from illicit drug trafficking, as defined in subparagraph (e) below, or the value of any such property;
- (d) “property” means assets of any kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible and legal documents or instruments evidencing title to, or interest in, such assets;

<sup>1</sup> Came into force on 1 March 1993, i.e., the first day of the month following the expiration of one calendar month after the date of the last of the notifications (of 30 July 1992 and 20 January 1993) by which the Parties had informed each other of the completion of their respective requirements, in accordance with article 15 (1).

<sup>2</sup> United Nations, *Treaty Series*, vol. 1582, No. I-27627.

- (e) “illicit drug trafficking” means any illicit drug trafficking activity referred to in:
- (i) Article 3.1 of the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or
  - (ii) any international agreement binding upon both Parties, when such activity is treated as an offence pursuant to that agreement.

### ARTICLE 3

#### Central Authorities

- (1) Requests for assistance under this Agreement shall be made through the central authorities of the Parties and transmitted through the diplomatic channel.
- (2) In the United Kingdom the central authority is the Home Office. In Ecuador the central authority is the Consejo Nacional de Control de Sustancias Estupefacientes y Psicotrópicas (CONSEP).

### ARTICLE 4

#### Contents of Requests

- (1) Requests shall be made in writing. In urgent circumstances, or when permitted by the Requested Party, requests may be sent by facsimile, but shall be confirmed in writing within 15 days thereafter.
- (2) Requests for assistance shall include a statement of:
- (a) the name of the competent authority conducting the investigation or proceedings to which the request relates;
  - (b) the matters, including the relevant facts and laws, to which the investigation or proceedings relate;
  - (c) the purpose for which the request is made and the nature of the assistance sought;
  - (d) details of any particular procedure or requirement that the Requesting Party wishes to be followed;
  - (e) any time limit within which compliance with the request is desired;
  - (f) the identity, nationality and location of the person or persons who are the subject of the investigation or proceedings.
- (3) If the Requested Party considers that the information contained in a request is not sufficient to enable the request to be dealt with, that Party may request that additional information be furnished.

### ARTICLE 5

#### Execution of Requests

- (1) A request shall be executed as permitted by and in accordance with the domestic law of the Requested Party and, to the extent not incompatible with such law, in accordance with any requirements specified in the request.
- (2) The Requested Party shall promptly inform the Requesting Party of any circumstances which may cause a significant delay in responding to the request.

(3) The Requested Party shall promptly inform the Requesting Party of a decision of the Requested Party not to comply in whole or in part with a request and the reason for that decision.

(4) The Requesting Party shall promptly inform the Requested Party of any circumstances which may affect the request or its execution or which may make it inappropriate to proceed with giving effect to it.

#### ARTICLE 6

##### **Refusal of Assistance**

(1) Assistance may be refused when:

- (a) the Requested Party considers that the execution of the request would seriously impair its sovereignty, security, national interest or other essential interest;
- (b) provision of the assistance sought could prejudice an investigation or proceedings in the territory of the Requested Party, prejudice the safety of any person or impose an excessive burden on the resources of that Party;
- (c) the action sought is contrary to principles of the law of the Requested Party;
- (d) the request relates to an offence in respect of which the person had been finally acquitted or pardoned, or has served any sentence imposed and any order made as a result of the conviction has been satisfied.

(2) Before refusing to grant a request for assistance, the Requested Party shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to conditions, it shall comply with them.

#### ARTICLE 7

##### **Confidentiality and Restricting Use of Evidence and Information**

(1) The Requested Party shall, to any extent requested, keep confidential a request for assistance, its contents and any supporting documents, and the fact of granting such assistance except to the extent that disclosure is necessary to execute the request. If the request cannot be executed without breaching confidentiality, the Requested Party shall so inform the Requesting Party which shall then determine the extent to which it wishes the request to be executed.

(2) The Requesting Party shall, if so requested, keep confidential any evidence and information provided by the Requested Party, except to the extent that its disclosure is necessary for the investigation or proceeding described in the request.

(3) The Requesting Party shall not use for purposes other than those stated in a request evidence or information obtained as a result of it, without the prior consent of the Requested Party.

#### ARTICLE 8

##### **Information and Evidence**

(1) The Parties may make requests for information and evidence for the purpose of an investigation or proceedings.

- (2) Assistance which may be given under this Article includes but is not limited to:
- (a) providing information and documents or certified copies thereof for the purpose of an investigation or proceedings in the territory of the Requesting Party;
  - (b) taking evidence and producing documents, records or other material for transmission to the Requesting Party;
  - (c) searching for, retaining or seizing and delivering to the Requesting Party any relevant material, or a sample thereof, and providing such information as may be required by the Requesting Party concerning the place of seizure, the circumstances of seizure and the subsequent custody of the material seized.
- (3) The Requested Party may postpone the delivery of material requested if such material is required for proceedings in respect of criminal or civil matters in its territory. The Requested Party shall, upon request, provide certified copies of documents.
- (4) Where required by the Requested Party, the Requesting Party shall return material provided under this Article when no longer needed for the purpose for which it was supplied.

#### ARTICLE 9

##### **Restraint or Retention**

- (1) In accordance with the provisions of this Article, a Party may request the restraint or seizure of property in order to ensure that it is available for the purpose of enforcement of a confiscation order which has been or may be made.
- (2) A request made under this Article shall include:
- (a) in case of a request from the United Kingdom:
    - (i) a certificate stating that an information has been laid before a Justice of the Peace, or a person has been charged with an offence, or a bill of indictment has been preferred, or a petition warrant has been granted, or that one of these measures is to be taken and, if so, when; and
    - (ii) a summary of the facts of the case including a description of the offence, the time and place of its commission, a reference to the relevant legal provisions, the grounds on which the suspicion is based, and a certified copy of any relevant restraint order;
  - (b) in the case of a request from Ecuador, a certified copy of a writ issued by a judge initiating criminal proceedings for illicit drug trafficking and a certified copy of any relevant restraint order;
  - (c) where one of the Parties has issued a confiscation order, a certified copy thereof;
  - (d) to the extent possible, a description of the property in respect of which restraint or seizure is sought or which is believed to be available for restraint or seizure, and its connection with the person against whom the proceedings have been or are to be instituted.

- (e) where appropriate, a statement of the amount which it is desired to restrain and the grounds on which this amount is estimated;
  - (f) where applicable, a statement of the estimated time expected to elapse before the case is committed for trial and before a final judgement may be given.
- (3) The Requesting Party shall advise the Requested Party of any alteration in an estimate of time referred to in paragraph (2)(f) above and in doing so shall also give information about the stage of proceedings reached. Each Party shall advise the other promptly of any appeal or variation made in respect of restraint action requested or taken.
- (4) The Requested Party may impose a condition limiting the duration of the restraint. The Requested Party shall notify the Requesting Party promptly of any such condition, and the reason for it.

#### ARTICLE 10

##### **Enforcement of Confiscation Orders**

- (1) This Article applies to an order, made by a court of the Requesting Party, for the purpose of confiscating the proceeds or instruments of illicit drug trafficking.
- (2) A request for assistance in enforcing such an order shall be accompanied by a copy of the order, certified by an officer of the court that made the order, and shall contain information indicating:
- (a) that neither the order nor any conviction to which it relates is subject to appeal;
  - (b) where appropriate, property available for enforcement or the property in respect of which assistance is sought, stating the relationship between that property and the person against whom the order has been made;
  - (c) where appropriate, and where known, the interests in the property of any person other than the person against whom the order has been made; and
  - (d) where appropriate, the amount of money which it is desired to realise as a result of such assistance.
- (3) Where the domestic law of the Requested Party does not permit effect to be given to a request in full, the Requested Party shall give effect to it insofar as it is able to do so.
- (4) The Requested Party shall, subject to its domestic law, enforce the confiscation order and inform the Requesting Party of the results of any action taken.
- (5) Property obtained by the Requested Party in the enforcement of an order shall remain with that Party.

#### ARTICLE 11

##### **Costs**

The Requested Party shall bear any ordinary costs arising within its territory as a result of action taken upon requests of the Requesting Party. Extraordinary costs may be subject to special agreement between the Parties.

**ARTICLE 12****Language**

Except where otherwise agreed between the Parties in a particular case, requests in accordance with Articles 8, 9 and 10 and supporting documents shall be drawn up in the language of the Requesting Party and shall be accompanied by a translation into the language of the Requested Party.

**ARTICLE 13****Authentication**

Unless otherwise required under national law, and without prejudice to Article 10(2), documents certified by a central authority shall not require further certification, authentication or legalisation for the purposes of this Agreement.

**ARTICLE 14****Territorial Application**

This Agreement shall apply:

- (a) in relation to the United Kingdom:
  - (i) to England and Wales, Scotland, and Northern Ireland; and
  - (ii) to any territory for whose international relations the United Kingdom is responsible and to which this Agreement shall have been extended by agreement between the Parties in an Exchange of Notes subject to any modifications agreed by the Parties. Either Party may terminate such agreement by giving six months' written notice to the other through the diplomatic channel; and
- (b) in relation to Ecuador, to all the national territory.

**ARTICLE 15****Final Provisions**

- (1) Each Party shall notify the other as soon as possible in writing through the diplomatic channel of the completion of their respective requirements for entry into force of this Agreement. The Agreement shall enter into force on the first day of the month following the expiration of one calendar month after the date of the later of these notifications.
- (2) It may be terminated by either Party by giving notice to the other through the diplomatic channel. It shall cease to be in force six months after the date of receipt of such notice.

In witness whereof the undersigned being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at the city of Quito this Seventh day of May of Nineteen Hundred and Ninety two in the English and Spanish languages, each text being equally authoritative.

For the Government  
of the United Kingdom of Great Britain  
and Northern Ireland:

FRANK WHEELER

For the Government  
of the Republic of Ecuador:

DIEGO CORDOVEZ

GUSTAVO MEDINA

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