

No. 50919

**United States of America
and
Singapore**

Agreement between the Government of the United States of America and the Government of the Republic of Singapore concerning the investigation of drug trafficking offences and the seizure and forfeiture of proceeds and instrumentalities of drug trafficking (with forms and exchanges of notes). Singapore, 3 November 2000

Entry into force: *12 February 2001 by notification, in accordance with article 21*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

**États-Unis d'Amérique
et
Singapour**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Singapour relatif aux enquêtes sur les infractions liées au trafic de stupéfiants et à la saisie et la confiscation des produits et instruments du trafic de stupéfiants (avec formulaires et échanges de notes). Singapour, 3 novembre 2000

Entrée en vigueur : *12 février 2001 par notification, conformément à l'article 21*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE
CONCERNING THE INVESTIGATION OF
DRUG TRAFFICKING OFFENCES AND
THE SEIZURE AND FORFEITURE OF PROCEEDS
AND INSTRUMENTALITIES OF DRUG TRAFFICKING

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The Government of the United States of America and the Government of the Republic of Singapore,

Desiring to improve the effectiveness of the law enforcement authorities of both countries in the investigation and prosecution of drug trafficking and in the seizure and forfeiture of the proceeds and instrumentalities of drug trafficking;

Have agreed as follows:

ARTICLE I
DEFINITIONS

For the purposes of this Agreement:

(1) "Confiscation" or "confiscation order" means the deprivation or transfer of legal ownership or possession of proceeds or instrumentalities of drug trafficking, or benefits derived therefrom, as authorized by an order of a court for a drug trafficking offence;

(2) "Documentary information" includes, but is not limited to, any document, memorandum, report, record, or data compilation in any form, and any plan, graph, drawing, or photograph, and any disc, tape, or other device for audio reproduction or computer use, and any film, disc, negative, tape or other device for visual image reproduction;

(3) "Drug Trafficking" means engaging in unlawful production, supply, distribution, possession for supply, transport, storage, import or export of a controlled drug or substance, or engaging in any offence referred to in the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), in Article 36 of the Single Convention on Narcotic Drugs (1961), as amended by the 1972 Protocol, or in any other international counter-narcotics agreement that is binding upon both Contracting States. 'Drug trafficking' also includes concealing or transferring benefits of drug trafficking or assisting another to retain or dispose of the proceeds of drug trafficking, which includes the offence known as 'drug money laundering';

(4) "Forfeiture" means the deprivation or transfer of legal ownership or possession of proceeds or instrumentalities of drug trafficking, or the confiscation of such items, as authorized by an order of a court;

(5) "Freeze" means prohibit or restrain, by order of a court in the Requested State, the conversion, disposition, movement, or transfer of legal ownership of proceeds of drug trafficking;

(6) “Instrumentalities” means any and all moveable property, whether corporeal or incorporeal, tangible or intangible, and legal documents or instruments evidencing right or title to or interest in such property, used to further drug trafficking in any way or which contains evidence of a drug trafficking offence;

(7) “Proceeds” means any and all property, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing right or title to or interest in such property derived directly or indirectly from drug trafficking, or other property the value of which corresponds to that of such property and includes “benefits” derived directly or indirectly from drug trafficking; and

(8) “Seize” means assume custody or control of evidence or instrumentalities of drug trafficking, as authorized by order of a court in the Requested State.

ARTICLE 2

SCOPE OF ASSISTANCE

(1) To the extent permitted by their respective laws, the Contracting States shall provide mutual assistance, in accordance with the provisions of this Agreement, in the following areas:

- (a) the criminal investigation and prosecution of drug trafficking offences;
- (b) the tracing, restraint, and criminal forfeiture or confiscation of the proceeds and instrumentalities of drug trafficking;
- (c) the registration and enforcement of a forfeiture or confiscation order issued by a United States of America court or a Singapore court; and
- (d) the collection of evidence or other assistance as specified in this Article for use in civil forfeiture proceedings in the United States of America where —
 - (i) the request is permitted under Singapore law; and
 - (ii) the request contains the information specified in Article 6 (2) (e)(iv); and
 - (iii) one of the following conditions are satisfied:
 - (A) the proceeds or instrumentalities that are the subject of the proceedings are not located in Singapore, or
 - (B) the owner of the proceeds or instrumentalities is shown to be unknown, deceased, or a fugitive from justice; or
 - (C) criminal forfeiture proceedings would not be possible or would be inconsistent with the efficient, effective, and equitable administration of justice in the particular case; and
 - (iv) the Central Authority of Singapore, in its discretion, deems it appropriate to provide the requested assistance.

(2) For the purpose of paragraph (1), assistance shall include:

- (a) providing documentary information, including bank, financial institution, corporate, and business records, and items of evidence;
- (b) freezing and forfeiting or confiscating the proceeds of drug trafficking, and providing assistance in identifying and verifying such proceeds;

- (c) seizing and forfeiting or confiscating the instrumentalities of drug trafficking, and providing assistance in identifying and verifying such instrumentalities;
- (d) taking the testimony or voluntary statements of persons;
- (e) serving documents;
- (f) locating or identifying persons and property;
- (g) executing requests for searches and seizures; and
- (h) any other form of assistance not prohibited by the laws of the Requested State, as may be mutually agreed.

(3) The execution of requests made pursuant to this Agreement shall be subject to the terms of this Agreement and the laws of the Requested State.

ARTICLE 3

EXCLUSION OF THIRD PARTY RIGHTS

This Agreement is intended solely for mutual legal assistance between the Contracting States. The provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

ARTICLE 4

CENTRAL AUTHORITIES

(1) Each Contracting State shall designate a Central Authority to make and receive requests pursuant to this Agreement.

(2) For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For Singapore, the Central Authority shall be the Attorney-General or a person or body designated by the Attorney-General.

(3) The Central Authorities shall communicate directly with one another for the purposes of this Agreement.

ARTICLE 5

LIMITATIONS ON ASSISTANCE

(1) The Central Authority of the Requested State may deny assistance at any time if it is of the opinion that:

- (a) the execution of the request would impair the sovereignty, security, national or other essential interests of the Requested State or would be contrary to important public policy in the Requested State; or
- (b) the request is not made in conformity with this Agreement.

(2) Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.