

No. 51034

**United States of America
and
Mexico**

Agreement between the Department of Justice of the United States of America and the Department of the Treasury of the United States of America, together acting on behalf of the United States of America, and the Office of the Attorney General of the Republic of the United Mexican States and the Ministry of Finance and Public Credit of the United Mexican States, regarding the Sharing of Forfeited Assets. Washington, 4 September 2001

Entry into force: *4 September 2001 by signature, in accordance with article VI*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 15 July 2013*

**États-Unis d'Amérique
et
Mexique**

Accord relatif au partage de biens confisqués entre le Département de la justice des États-Unis d'Amérique et le Département du trésor des États-Unis d'Amérique, agissant conjointement au nom des États-Unis d'Amérique, et le Bureau du procureur général de la République des États-Unis du Mexique et le Ministère des finances et du crédit public des États-Unis du Mexique. Washington, 4 septembre 2001

Entrée en vigueur : *4 septembre 2001 par signature, conformément à l'article VI*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 15 juillet 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE DEPARTMENT OF JUSTICE OF THE UNITED STATES OF AMERICA AND
THE DEPARTMENT OF THE TREASURY OF THE UNITED STATES OF AMERICA,
TOGETHER ACTING ON BEHALF OF THE UNITED STATES OF AMERICA,
AND
THE OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC
OF THE UNITED MEXICAN STATES AND
THE MINISTRY OF FINANCE AND PUBLIC CREDIT
OF THE UNITED MEXICAN STATES,
REGARDING THE SHARING OF FORFEITED ASSETS**

The Department of Justice of the United States of America and the Department of the Treasury of the United States of America, together acting on behalf of the United States of America, on the one hand, and the Office of the Attorney General of the Republic and the Ministry of Finance and Public Credit of the United Mexican States, on the other hand, (hereinafter referred to as the "Parties"),

CONSIDERING that the Treaty on Cooperation Between the United Mexican States and the United States of America for Mutual Legal Assistance (hereinafter "Mutual Legal Assistance Treaty"), signed at Mexico City on December 9, 1987, provides that, pursuant to their constitutional and other legal requirements, the two Governments "shall assist each other, to the extent permitted by their respective laws, in procedures relating to the immobilizing, securing, and forfeiture of the proceeds, fruits and instrumentalities of crime, restitution and collection of fines";

CONSIDERING that the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on December 20, 1988 (hereinafter "Vienna Convention") contemplates the possibility of entering into treaties, agreements or bilateral and multilateral arrangements that permit sharing of property resulting from the forfeiture of assets connected to narcotics crimes and related offenses;

RECALLING that the Agreement Between the United States of America and the United Mexican States on Cooperation in Combatting Narcotics Trafficking and Drug Dependency signed at Mexico City on February 23, 1989, allows that steps be taken as necessary to provide cooperation directed to give full effect and in the most effective manner, to the obligations assumed pursuant to the 1988 Vienna Convention referred to above;

TAKING INTO CONSIDERATION the pledge expressed in the Binational Drug Strategy of February 6, 1998, to reach a bilateral cooperation agreement regarding the forfeiture of objects, instrumentalities, and proceeds of crime and the reciprocal sharing of forfeited assets;

ACKNOWLEDGING the continuing threat to both countries posed by transnational organized crime and the need to continue working together to fight this illegal activity;

RECOGNIZING the efforts made by both countries to contribute effectively to the fight against transnational organized crime, particularly illegal drug trafficking, money laundering and other related crimes; and

DESIRING to strengthen international cooperation and enhance law enforcement effectiveness in both countries;

Have agreed as follows:

Article I
Scope of the Agreement

This Agreement is intended to establish procedures for reciprocal sharing of assets forfeited as a result of investigations and proceedings in which one Government has received assistance from the other.

Article II
Definitions

For the purposes of this Agreement:

1. "Property" or "assets" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible;
2. "Forfeiture" shall mean permanent deprivation of property pursuant to a final, non-appealable order of a court or other competent authority resulting from any action under applicable domestic law.

Those assets which the Administrative Service for Seized Assets of the Ministry of Finance and Public Credit of the United Mexican States has declared abandoned and which declaration has been ratified by the competent judicial authority shall, for the exclusive purposes of this Agreement, be given the same treatment as forfeited property or assets.

3. "Assistance" shall mean assistance of any kind, including intelligence and operational assistance or legal and judicial assistance that has been given by an agency or institution of the Government of one of the countries to an agency or institution of the Government of the other country, which has led to, or significantly facilitated, the forfeiture of assets.

Article III
Executing Authorities

This Agreement will be executed by the following Authorities:

1. For the United Mexican States:
 - a. The Office of the Attorney General of the Republic;
 - b. The Ministry of Finance and Public Credit through the conduct of the Administrative Service for Seized Assets.

2. For the United States of America:
 - a. The United States Department of Justice;
 - b. The United States Department of the Treasury.

Article IV
Transfer and Sharing of Forfeited Assets

1. When assistance of any kind has been provided, as contemplated under this Agreement, in investigations, proceedings or actions resulting in the forfeiture of assets representing the objects, instruments or proceeds of crime, or assets of corresponding value, the Parties may share all or a portion of such assets or the product of their sale, in accordance with the applicable domestic laws, policies, guidelines, and procedures.
2. The Parties may inform each other of the assistance and participation level provided in connection with investigations, proceedings and other actions leading to the forfeiture of criminal property.
3. The corresponding Party of the assisted Government shall determine, at its discretion and in accordance with its domestic laws, policies, guidelines, and procedures, whether or not to transfer forfeited assets, and if so, the amount to share in recognition of the contribution of the other Government in the investigations, proceedings, or other actions leading to the forfeiture.
4. Unless otherwise agreed by the Parties and in accordance with their domestic laws, policies, guidelines, and procedures, assets shared from the United States of America shall be transferred to the Office of the Attorney General of the Republic or to the Administrative Service for Seized Assets of the Ministry of Finance and Public Credit of the United Mexican States, and assets shared from the United Mexican States shall be transferred to the Department of Justice or the Department of the Treasury of the United States of America, as may be appropriate. Such transfers shall be made according to the terms and in the manner as the corresponding Parties mutually shall agree, in accordance with the applicable provisions of law and internal procedures.
5. Upon execution of a transfer under this Agreement, the entities transferring and receiving shared assets shall notify the head of each delegation to the United States/Mexico Plenary Group of Senior Law Enforcement Officials, or any successor bilateral group, of the date, amount, case name, and any other appropriate information concerning such a transfer.
6. As far as practicable and in accordance with the applicable domestic laws, policies, guidelines, and procedures, the assets shared shall be directed to drug

- abuse prevention programs, crime prevention and law enforcement efforts, and, if appropriate, for compensation of victims.
7. The transfer of assets under this Agreement will also constitute the transfer of all right, title, and interest with respect to any property which is the subject of the transfer. The Party transferring the assets will assume no liability or responsibility for the property once it has been transferred.

Article V
Application of the Agreement

1. This Agreement does not give rise to any rights or obligations on the part of individuals or legal persons and is not intended to benefit third parties.
2. This Agreement does not nullify or otherwise affect the obligations existing between the United Mexican States and the United States of America under the Mutual Legal Assistance Treaty or any other Agreement in force between them.

Article VI
Entry into Force and Termination

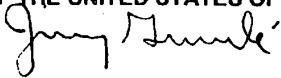
1. This Agreement shall enter into force on the date of signature by the Parties.
2. Any Party may terminate its participation in this Agreement at any time through written notification to the other Parties. The termination shall be effective six months after such notification.

DONE in duplicate at Washington, D.C., in the English and Spanish languages, both texts being equally authentic this fourth day of September of 2001.

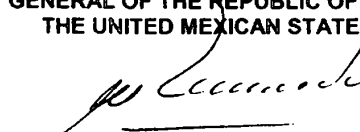
FOR THE DEPARTMENT OF JUSTICE
OF THE UNITED STATES OF AMERICA



FOR THE DEPARTMENT OF TREASURY
OF THE UNITED STATES OF AMERICA



FOR THE OFFICE OF THE ATTORNEY
GENERAL OF THE REPUBLIC OF THE
THE UNITED MEXICAN STATES



FOR THE MINISTRY OF FINANCE AND
PUBLIC CREDIT OF THE UNITED
MEXICAN STATES

