

**No. 51118**

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**United States of America  
and  
Jamaica**

**Agreement between the Government of the United States of America and the Government of Jamaica Regarding the Sharing of Forfeited Assets or the Proceeds of Disposition of Such Assets (with exchange of letters). Kingston, 22 August 2001**

**Entry into force:** *22 August 2001 by signature, in accordance with paragraph 11*

**Authentic text:** *English*

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

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

**Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la Jamaïque relatif au partage des biens confisqués ou du produit de leur aliénation (avec échange de lettres). Kingston, 22 août 2001**

**Entrée en vigueur :** *22 août 2001 par signature, conformément au paragraphe 11*

**Texte authentique :** *anglais*

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

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement Between the Government of the United States  
of America and the Government of Jamaica Regarding the  
Sharing of Forfeited Assets or the Proceeds of  
Disposition of Such Assets**

The Government of the United States of America and the Government of Jamaica, hereinafter referred to as "the parties"; considering the commitment of the parties to cooperate on the basis of the treaty on mutual legal assistance in criminal matters between the Government of the United States of America and the Government of Jamaica, which was signed on July 7, 1989 and entered into force on July 25, 1995, as well as the agreement between the Government of the United States of America and the Government of Jamaica concerning cooperation in suppressing illicit maritime drug trafficking, which was signed on May 6, 1997 and entered into force on March 10, 1998, and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, opened for signature at Vienna from December 20, 1988, hereinafter referred to as "The 1998 Convention";

Desiring to improve the effectiveness of law enforcement in both countries in the investigation, prosecution and suppression of crime and in the tracing, freezing, seizure, or forfeiture or confiscation of assets related to crime; and desiring also to create a framework for sharing the proceeds of the disposition of such assets;

Have agreed as follows:

1. For the purpose of this agreement:

(a) For Jamaica, "forfeiture or confiscation shall mean the forfeiture or confiscation of assets or any payment ordered in place of such forfeiture or confiscation or made pursuant to a pecuniary penalty order under a law providing for such forfeiture, confiscation or payment, and for the United States of America, "forfeiture shall mean any action under national law resulting in the final forfeiture of assets of any description related to, or proceeding from, crime or a sum which amounts to the value of such assets;

(b) "Cooperation" shall mean any assistance, including intelligence and operational assistance or legal and judicial assistance which has been given to one Party by the other Party

and which has led to, or significantly facilitated, the forfeiture or confiscation of assets.

2. Asset sharing under this Agreement is not limited to forfeited proceeds from drug trafficking offenses as set out in Article 3 of the 1988 Convention.

3. Where the Requesting Party has brought to the attention of the Requested Party its cooperation in an investigation or proceeding that led, or is expected to lead, to a forfeiture, confiscation or the payment of funds equivalent to a forfeiture, the Requested Party may, consistent with its domestic laws and in accordance with Paragraph 5(a) of this Agreement, share the net proceeds with the Requesting Party.

4. The Requesting Party shall set out the circumstances which have led to the request for asset sharing and include details which will enable the Requested Party to identify the assets, property owner(s), case reference and agency involved.

5. (a) The Requested Party shall determine, at its discretion and in accordance with the its domestic law, the amount of the forfeited or confiscated assets to be shared on the basis of its assessment of the cooperation rendered by the Requesting Party in relation to the forfeiture of the assets. The Requested Party shall not be obliged to share where the value of the realized assets or the assistance rendered by the Requesting Party is de minimis;

(b) The Requested Party may recover its costs relating to the forfeiture or confiscation proceedings, before determining the assets to be shared.

6. The Requested Party may place conditions in respect of the use of amounts paid where it deems this to be appropriate or make any payments conditional on the Requesting Party sharing them with another government organization.

7. Payments under this agreement shall be in the currency of the Requested Party unless other arrangements are agreed to by the parties. Payments to Jamaica shall be made to the Permanent Secretary in the Ministry of National Security and Justice and sent to the Director, Security and Narcotics Division, Ministry of National Security and Justice.

8. When property is transferred under this Agreement, the Transferring Party will relinquish all right, title and interest

with respect to any such property transferred in favor of the other Party and will assume no liability or responsibility for the property once it has been transferred.

9. The central authorities responsible for matters concerning implementation of this agreement shall be as provided in Article 3 of the Mutual Legal Assistance Treaty. In addition, where appropriate, the Government of Jamaica may transmit requests for asset sharing directly to the pertinent component agency of the United States Department of Justice or the United States Department of the Treasury. The United States of America may transmit requests for asset sharing to the Director, Security and Narcotics Division, Ministry of National Security and Justice.

10. Each Party shall notify the other of any change regarding the authorities identified in paragraphs 7 and 9.

11. This Agreement shall enter into force upon signature.

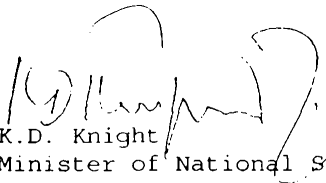
12. Either Party may terminate this agreement at any time, by giving written notice to the other Party. Termination shall become effective six months after receipt of the notification.

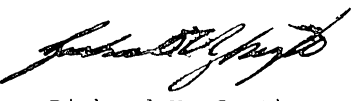
Done at Kingston, Jamaica,

This Twenty-second day of August, Two Thousand One.

For the Government of  
Jamaica

For the Government of the  
United States of America

  
K.D. Knight  
Minister of National Security  
and Justice

  
Richard H. Smyth  
Charge d'Affaires, a.i.

I

EMBASSY OF THE  
UNITED STATES OF AMERICA

Kingston, Jamaica  
August 22, 2001

Dear Minister Knight:

I refer to the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States America and the Government of Jamaica, which was signed on July 7, 1989, and entered into force on July 25, 1995, as well as the Agreement Regarding the Sharing of Forfeited Assets or the Proceeds of Disposition of Such Assets signed at Kingston, Jamaica on August 22, 2001, and propose the following arrangements between our two Governments with respect to the implementation of Paragraph 6 of the sharing agreement.

Paragraph 6 provides that "[u]pon such terms as may be agreed, the requested party may place conditions in respect of the use of amounts paid where it deems this to be appropriate or make any payments conditional on the requesting party sharing them with another government organization."

We recognize that the laws of Jamaica, as do the laws of the United States, address the purposes for which forfeited assets can be used. The language of paragraph 6 of the sharing agreement does not seek to usurp the authority of the Minister of National Security and Justice for Jamaica pursuant to Section 5(3)(b) of the March 1999 Sharing of Forfeited Property Act (No. 6-1999) to direct that forfeited assets be used for health, education, and national security activities. The use of shared forfeited assets or proceeds will be governed by applicable provisions of each party's internal laws. However, paragraph 6 contemplates that there may be occasions where it is appropriate to allocate such assets for law enforcement purposes. We appreciate that "national security" under the applicable laws of Jamaica does encompass any activity connected with law enforcement. Paragraph 6 does not permit either party to impose conditions unilaterally upon the other party regarding the use of

The Honorable

K.D. Knight

Minister of National Security and Justice