

**No. 51871\***

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**United States of America  
and  
Monaco**

**Agreement between the Government of the United States of America and the Government of H. S. H. The Prince of Monaco regarding the sharing of confiscated proceeds of crime or property. Monaco, 24 March 2007**

**Entry into force:** *1 July 2007, in accordance with article 11*

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *United States of America, 2 May 2014*

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

**Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de son Altesse Sérénissime le Prince de Monaco concernant le partage des produits du crime ou des biens confisqués. Monaco, 24 mars 2007**

**Entrée en vigueur :** *1<sup>er</sup> juillet 2007, conformément à l'article 11*

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat des Nations Unies :** *États-Unis d'Amérique, 2 mai 2014*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA**

**AND**

**THE GOVERNMENT  
OF H. S. H. THE PRINCE OF MONACO**

**REGARDING THE SHARING OF CONFISCATED PROCEEDS  
OF CRIME OR PROPERTY**

*The Government of the United States of America and the Government of H.S.H. the Prince of Monaco, hereinafter referred to as "the Parties",*

*Recalling the United Nations Convention against Transnational Organized Crime, done at New York 15 November 2000, in particular its article 12, paragraph 1, and articles 13 and 14,*

*Recalling also the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna 20 December 1988,*

*Recalling further the International Convention for the Suppression of the Financing of Terrorism, done at New York 9 December 1999,*

*Affirming that nothing in the provisions of this Agreement should prejudice in any way the provisions and the principles on international cooperation set forth in aforementioned Conventions and that this Agreement is also intended to enhance the effectiveness of international cooperation envisioned in those Conventions,*

*Desiring to create an appropriate framework for sharing confiscated proceeds of crime or property,*

*Have agreed as follows:*

**Article 1**  
**Definitions**

For the purposes of this Agreement:

(a) The terms “proceeds of crime”, “confiscation” and “property” shall be understood as defined in article 2 of the United Nations Convention against Transnational Organized Crime and article 1 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

(b) “Cooperation” shall mean any assistance which has been given by either Party and which has contributed to, or facilitated, confiscation of the proceeds of crime or property from any criminal offense.

**Article 2**  
**Scope of application**

This Agreement is intended solely for the purposes of mutual assistance between the Parties in all confiscation matters and does not give rise to any rights in favor of third parties.

**Article 3**  
**Circumstances in which confiscated proceeds of crime  
or property may be shared**

Where a Party is in possession of confiscated proceeds of crime or property and has cooperated with, or received cooperation from, the other Party, it may share such proceeds of crime or property with the other Party, in accordance with this Agreement, without prejudice to the principles set forth in the aforementioned Conventions.

#### **Article 4**

##### **Requests for sharing confiscated proceeds of crime or property**

1. A request for sharing confiscated proceeds of crime or property may be made before the confiscation occurs, but, unless otherwise agreed between the Parties, shall be made no later than one year from the date that the relevant order of confiscation becomes final. A request for sharing shall set out the circumstances of the cooperation to which it relates, and include sufficient details to identify the case, the confiscated proceeds of crime or property, the agency or agencies involved, and such other information deemed necessary for the execution of the request.

2. On receipt of a request for sharing confiscated proceeds of crime or property made in accordance with the provisions of this article, or upon its own initiative, the Party where confiscated proceeds of crime or property are located shall consider whether to share them with the other Party, pursuant to article 3 of this Agreement.

#### **Article 5**

##### **Sharing of confiscated proceeds of crime or property**

1. Where a Party decides to share confiscated proceeds of crime or property with the other Party, it shall:

(a) determine, at its discretion and in accordance with its domestic law and policies, the proportion of the confiscated proceeds of crime or property to be shared, which, in its view, corresponds to the extent of the cooperation afforded by the other Party; and

(b) transfer to the other Party in accordance with subparagraph (a) above: