

The Department of State refers the Embassy of Saint Vincent and the Grenadines to Note No. 80 dated June 28, 1991, from the United States Embassy at Bridgetown, in which the United States sought verification of the registry of the M/V LUCKY STAR and permission of the Government of Saint Vincent and the Grenadines to detain the vessel, arrest the crew and enforce United States law on the grounds that a large quantity of hashish had been found on board the vessel.

The United States understands that the Government of Saint Vincent and the Grenadines has verified that the M/V LUCKY STAR is registered in Saint Vincent, and that, as it has done in previous cases involving its flag vessels suspected of engaging in the illicit traffic in narcotic drugs and psychotropic substances, desires to co-operate with the United States Government to the fullest extent possible to suppress illicit traffic in narcotic drugs and psychotropic substances by sea, in conformity with the international law of the sea.

The attention of the Embassy is referred to the detailed information regarding the results of the search of the vessel contained in the declaration of the Maritime Law Enforcement Officer, Bureau of International Narcotics Matters, which is attached to this note.

Based on the foregoing, the United States understands that the Government of Saint Vincent and the Grenadines wishes to enter into a special arrangement with the Government of the United States regarding the enforcement of United States law against this vessel and the persons and cargo on board.

The United States acknowledges its duty, in taking action pursuant to such a special arrangement, to respect the sovereignty of Saint Vincent and the Grenadines, to take due account of the need not to endanger the safety of life at sea, the security of the vessel and the cargo or to prejudice the commercial and legal interests of Saint Vincent and the Grenadines.

In that regard, if any loss or injury is suffered as a result of any action taken by the United States in connection with its boarding of the M/V LUCKY STAR or in contravention of this arrangement or any improper or unreasonable action taken by the United States pursuant thereto, representatives of the two Governments shall meet at the request of either to decide any question relating to compensation.

The Department of State is pleased to inform the Government of Saint Vincent and the Grenadines that the United States recognizes assistance rendered by foreign governments in matters related to the enforcement of the laws of the United States, both civil and criminal. These matters specifically include the enforcement of the narcotics laws of the United States resulting from an agreement with a foreign government to not object to the boarding of a vessel of its registry in international waters. In those instances where a forfeiture results, in part, from the assistance of the foreign government, the statutes of the United States authorize the sharing of proceeds of assets adjudicated forfeited to the United States. It is the policy and practice of the United States to consider sharing such proceeds with the foreign government whose assistance contributed to the forfeiture.

The Government of the United States undertakes to keep informed the Government of Saint Vincent and the Grenadines of the progress of civil or criminal cases filed in the Federal District into which the vessel and its crew are brought as a result of this arrangement. As civil and criminal proceedings in the United States are open to the public, the Government of Saint Vincent and the Grenadines is welcome to send observers to attend the proceedings.

The Government of the United States will extend appropriate courtesies to the observers authorized by the Government of Saint Vincent and the Grenadines in this regard.

In light of the exigent circumstances of this case, the Department of State would appreciate a favorable reply by mid-afternoon Thursday July 11, 1991.

Enclosure:

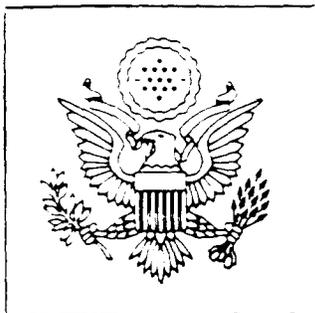
Declaration of Bruce E. Leek

Department of State,

Washington, July 11, 1991.

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United States of America



DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That Bruce E. Leek, whose name is subscribed to the document hereunto annexed, was at the time of subscribing the same Maritime Law Enforcement Officer, Bureau of International Narcotics Matters, Department of State, United States of America, and that full faith and credit are due to his acts as such.

In testimony whereof, I, James A. Baker, III, Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this eleventh day of July, 1991.

James A. Baker III
Secretary of State

Annie R. Madley
Authentication Officer,
Department of State

DECLARATION

Bruce E. Leek declares as follows:

1. That I am Bruce E. Leek, and that I have been assigned to the Bureau of International Narcotics Matters, Department of State, since June 15, 1989.

2. That in my official capacity, I have been designated by the Secretary of State through the Assistant Secretary of State for International Narcotics Matters, to make certifications provided by Section 3202 of Public Law 99-570, the Maritime Drug Law Enforcement Prosecution Improvements Act of 1986.

3. I certify that on July 1, 1991, Lieutenant (Junior Grade) Mark A. Eyler, a United States Coast Guard Boarding Officer, while aboard the USS INGERSOLL on the high seas of the Pacific Ocean, communicated by means of an internationally recognized radio frequency with M/V LUCKY STAR, during which conversation the master of said vessel identified himself, together with the name, owner, claim of registry, crew composition and itinerary of the vessel, and also asserted the vessel to be in ballast, that is, devoid of cargo.

4. That again on July 1, 1991, upon requesting and receiving the consent of said master, subject to his terms and limits, LT(jg) Eyler and his boarding party went aboard M/V LUCKY STAR; and that during an inspection of the vessel, the boarding party discovered an estimated 100-140 tons of a cargo appearing to be Hashish and field-testing by standard means to be the same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 10, 1991



Bruce E. Leek
Maritime Law Enforcement Officer