

The Government of the Republic of Turkey and the
Government of the Republic of India,

Desiring to regulate and to make provision for
mutual assistance in criminal matters between the two
countries,

Have resolved to conclude the following agreement
to this effect.

Agreement on Mutual Assistance

Agreement for mutual assistance in criminal matters

CHAPTER I

GENERAL PROVISIONS

Article 1

Provision for Mutual Assistance

The Contracting Parties undertake to afford to each other, in accordance with the provisions of this Agreement, mutual assistance in criminal matters.

Article 2

Scope of Assistance

1. Cooperation in regard to criminal matters for which mutual assistance shall be afforded for the locating of witnesses, obtaining information about persons who are under investigation and investigation of crimes not involving any measure to compel any person to answer any question, between the competent authorities of the two Parties.

2. Mutual assistance shall include:

a) Execution of Letters Rogatory for the purposes of procuring evidence and, in particular, the taking of testimonies or statements of witnesses or experts;

b) Issuance of court's summons or warrants for production of documents using compulsory measures; and

c) Service of summons or warrants referred to in subparagraph (b) above.

Article 3

Refusal of Mutual Assistance

assistance obtained.

1. Requests for mutual assistance in criminal matters may be refused by the Requested Party in any of the following cases:

a) If the investigation is related to:

i) an offence which the Requested Party considers to be a political offence or an offence connected with a political offence; or

ii) a purely military offence which does not constitute an offence under ordinary criminal law.

b) If the Requested Party considers that execution of the request is likely to prejudice its sovereignty, security, public order or its other essential interests.

2. For the purpose of this Agreement the following offences shall not be considered political offences or offences connected with a political offence: Offences for which investigations and proceedings are obligatory for the Contracting Parties under multilateral and international agreements.

Article 4

Action on the Requests

1. If the Requested Party determines that the request for assistance is not consistent with the provisions of this Agreement or that it cannot be executed under its laws that Party shall immediately inform the Requesting Party and specify the reasons therefor.

2. Upon execution of a request for assistance, the Requested Party shall return the original request to the

Requesting Party together with all the documents, information or evidence obtained.

3. If the authority to whom the request for assistance has been addressed is not competent to execute it, it shall, of its own accord, forward the request to the competent authority of its country.

Article 5

Channel and Language of Communication

1. Requests for mutual assistance shall be submitted in writing through the diplomatic channel.
2. The request for mutual assistance and the documents shall be drawn up or a certified copy thereof shall be provided in the English language.

CHAPTER II

LETTERS ROGATORY

Article 6

Letters Rogatory

1. Each Contracting Party may address to the competent authorities of the other Party, Letters Rogatory for the purpose of procuring evidence such as taking of testimony or statements of witnesses or experts and the transmission of documents and records of evidence taken.

2. If the Requesting Party desires witnesses or experts to give evidence on oath, it shall expressly specify so in its request. The Requested Party shall comply with such a request if it deems it acceptable under its own law.

The Requested Party shall transmit the certified copies of documents and records or evidence requested, unless the Requesting Party expressly Article 7 the transmission of materials.

Contents of Letters Rogatory

- Appropriate officials of the Requesting Party and
1. In Letters Rogatory, the request for mutual assistance shall indicate in so far as possible:
- a) The name of the authority making the request;
 - b) The aim of and the principal need for the evidence sought, the information required, and the nature of the offence;
 - c) The subject-matter and nature of the investigation or prosecution;
 - d) The particulars of the offence and the accusation and a summary of the facts;
 - e) The identity, address and nationality of the person who is subject of the investigation or prosecution;
 - f) The identity, address and nationality of the person whose testimony or statement is requested; and
 - g) A description of the documents and records of evidence required.

2. To the extent necessary, a description of the particular procedure to be followed by the authorities of the Requested Party and a description of the testimony or statements required by the Requesting Party shall also be specified in the Letters Rogatory.

Article 8

Execution of Letters Rogatory

1. The Requested Party shall execute the Letters Rogatory related to criminal matters and addressed to it by the Requesting Party, in accordance with the usual procedure and manner provided for by its own laws.
2. The Requested Party may apply, upon request, a particular procedure required by the Requesting Party in the execution of the Letters Rogatory, to the extent that such procedure is not incompatible with the laws of the Requested Party.

3. The Requested Party shall transmit the certified copies of documents and records of evidence requested, unless the Requesting Party expressly requires the transmission of their originals.

4. Appropriate officials of the Requesting Party and the other interested persons or their representatives may be present, as observers, at the execution of the Letters Rogatory, if the Requested Party consents thereto.

To that end and on the express request of the Requesting Party, the Requested Party shall duly inform the former of the date and place of execution of the Letters Rogatory.

Article 9

Delivery and Return of Documents and Records of Evidence

1. Any original documents and records of evidence delivered in execution of Letters Rogatory shall be returned by the Requesting Party as soon as possible unless the Requested Party waives their return.

2. The Requested Party may postpone the delivery of original documents and records of evidence requested, if they are needed in connection with pending proceedings by the Requested Party.

CHAPTER III

SUMMONS OR WARRANTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Article 10

Summons or Warrants for Production of Documents and Things using compulsive measures

1. The Requesting Party may send to the other Party the summons or warrants issued by its criminal Court addressed to a specific Court of the Requested Party having jurisdiction in the matter, with the request to the Court of the other Party to secure production of documents and things mentioned

CHAPTER

in such summons or warrants using, if necessary, appropriate compulsive measures, as are permissible under the laws of the Requested Party.

2. Each Contracting Party shall retain the right to serve judicial documents on its own nationals in the territory of the Requested Party through its diplomatic or consular officials.

Article 11

Contents of the Requests for execution of summons or warrants for production of documents and things

The requests for execution of summons or warrants for production of documents and things shall indicate:

- a) The name of the authority making the request; and
- b) The name, address and if known, nationality of the person or entity against whom summons or warrants are to be executed.

Article 12

Execution of Summons or Warrants for Production of Documents and Things

1. The Court of the Requested Party shall execute summons or warrants for production of documents and things transmitted to it for this purpose by the Court of the Requesting Party in the manner provided for by its own laws and procedures for the execution of similar summons or warrants.
2. The Requested Party shall promptly transmit to the Requesting Party the documents and things received by its Court.
3. If the execution of summons or warrants cannot be effected, the reasons therefor shall be communicated to the Requesting Party.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 13

Judicial Records

The Requested Party shall communicate extracts from and information related to judicial records which are open to public, if requested by the competent authorities of the Requesting Party and needed in a criminal matter.

Article 14

Exchange of Information

Each Contracting Party shall inform the other party of all original convictions pronounced by its judicial authorities in respect of the nationals of the latter party and entered in the judicial records.

Such information shall be communicated as soon as possible through the diplomatic channel.

CHAPTER V

FINAL PROVISIONS

Article 15

Scope of Effect

The provisions of this Agreement shall apply to all the requests for mutual assistance related to the acts or offences which are committed after the date of entry into force of this Agreement.

Article 16

Entry into force

This Agreement shall be subject to ratification. It shall enter into force thirty days after the exchange of the instruments of ratification and shall remain in force for an indefinite period.

Article 17

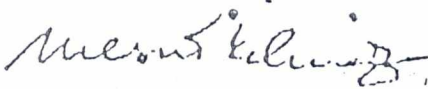
Termination

Either Contracting Party may terminate this Agreement by giving a six months prior written notice to the other Party.

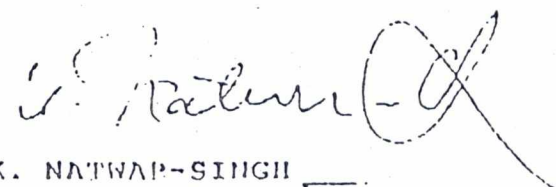
IN WITNESS WHEREOF, the respective Plenipotentiaries of the Contracting Parties have signed this Agreement and have affixed hereto their seals.

Done at Ankara this eighteenth day of July 1988 in duplicate and in the English language.

FOR THE GOVERNMENT OF THE
REPUBLIC OF TURKEY


A. MESUT YILMAZ
MINISTER OF FOREIGN AFFAIRS

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA


K. NATWAR-SINGH
MINISTER OF STATE FOR
EXTERNAL AFFAIRS