

10

AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF CYPRUS  
ON  
COMBATING INTERNATIONAL TERRORISM,  
ORGANISED CRIME AND ILLICIT DRUG TRAFFICKING

The Government of the Republic of India and the Government of the Republic of Cyprus (hereinafter referred to as the "Parties").

Guided by the traditional friendly relations between the two countries and their endeavour to contribute to the further development of their bilateral relations;

Deeply concerned with the expansion of organized crime and International Terrorism;

Convinced of the need to enhance bilateral cooperation in combating international terrorism, transnational organized crime and illicit drug trafficking;

Recognizing the mutual advantages of such cooperation for both Parties in accordance with their national laws and regulations;

7] Taking into consideration the relevant international treaties to which both are Parties;

Desiring to improve the effectiveness of both countries in the prevention, investigation, prosecution and suppression of crime including crime relating to terrorism and drug trafficking and to establish a framework for enhancing cooperation between the officials of intelligence and law-enforcement agencies of the Parties;

Have agreed on the following:

Article 1

The Parties shall, within the framework of this Agreement and subject to their domestic laws and regulations, cooperate in

2

combating international terrorism; illicit trafficking in drugs and psychotropic substances including their precursor chemicals and provide each other with the widest measure of the mutual legal assistance in the investigation, prosecution and suppression of crime.

## Article 2

In the context of this Agreement the following terms have the meaning defined hereinafter

- (a) "proceeds" means any economic advantage, derived from or obtained, directly or indirectly, from criminal offences and shall include any property as defined in sub-paragraph (b) of this article;
- (b) "property" includes property of any description, or the value of such property whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title to or interest in such property;
- (c) "confiscation" means a penalty or a measure, ordered by a court, or any other authority following proceedings in relation to a criminal offence or criminal offences resulting in the final deprivation of property;
- (d) "controlled delivery" means the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of either Party, with the knowledge and under the supervision of their competent authorities with a view to investigate person or persons involved in the commission of the offence;
- (e) "freezing" or "seizure" means temporarily prohibiting the transfer, destruction, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority; and
- (f) "financing of terrorism" means the acts set out in Article 2 of the International Convention for the Suppression of the Financing of Terrorism.

### Article 3

The Parties have resolved to cooperate in their joint fight against terrorism in all its forms and to this end, shall:

- (a) exchange information and intelligence on the activities of any terrorist groups and their associates including those providing front or cover to individuals or groups engaged in the planning, promoting or executing acts of terrorism against the parties as well as those which may operate from or use the territories of either Party;
- (b) identify and exchange information on any sources of financing of terrorism which may be located in the territory of either Party and take steps to seize and confiscate the sources of financing of terrorism;
- (c) coordinate approach to combat international terrorism;
- (d) cooperate and share experience in areas of hijack termination, hostage rescue and negotiations and protection of VIPs;
- (e) facilitate cooperation in preventing access of terrorists to fire arms, ammunition, explosives, nuclear material and other prohibited substances;
- (f) enhance cooperation and intelligence sharing between the law enforcement agencies of the Parties;
- (g) provide mutual assistance including exchange of professional expertise and training of security and law enforcement personnel and in organizing seminars and conferences etc.; and
- (h) address any other matter as mutually agreed upon.

### Article 4

- (1) For the purpose of this Agreement, crime will include all offences so created by the legislature of the respective Party.

57

4

(2) The Parties shall provide each other the widest measure of mutual legal assistance in the investigation, prosecution and suppression of crime, including crimes related to terrorism.

(3) The assistance shall include but not be limited to:

- (a) Measures to locate, restrain, forfeit or confiscate the means and resources of financing terrorism, or the proceeds of crime;
- (b) Taking of evidence or obtaining statements of persons;
- (c) Providing information, documents and other records including criminal and judicial records;
- (d) Communicating information available with each Party about criminal acts either committed or being planned to be committed within the territory of the other Party;
- (e) Executing requests for search and freezing or seizure;
- (f) Delivery or lending of exhibits;
- (g) Serving of documents seeking attendance of persons;
- (h) Exchanging the names of the persons criminally convicted for serious crimes on a case by case basis upon a relevant request;
- (i) Locating and identifying persons and objects; and
- (j) Any other assistance consistent with objectives of this Agreement.

(4) The Parties shall

- (a) Exchange data on persons involved in organized crime, their linkages, the structure of the criminal groups and their modus operandi; and
- (b) Consider ways and means to facilitate mutual legal assistance in criminal matters, arrest, extradition and

prosecution of individuals and their associates engaged in crime.

Article 5

For suppression of illicit trafficking in drugs, psychotropic substances and precursors, the Parties shall -

- (a) Exchange and share information about persons involved in drug trafficking, their modus operandi as well as other relevant details of such crimes, in so far as these are necessary for the prevention or suppression of crimes;
- (b) Exchange the results of their criminal and criminological research on drug trafficking and abuse of drugs, psychotropic substances and precursors;
- (c) Share and exchange of samples of drugs and psychotropic substances of natural or synthetic origin usable for abuse;
- (d) Subject to their domestic laws and international obligations, facilitate the controlled delivery of illicit drugs and psychotropic substances in order to render possible the arrest of the persons to whom it will be delivered as well as any other persons involved in the trafficking, provided that the necessary information is submitted at least 48 hours prior to the requested action; and
- (e) Promptly exchange information about the seizures of drugs, psychotropic substances and precursors and arrest of the citizens of one Party in the territory of other Party on drug related crimes and to provide information on investigations, prosecution and related matters.

Article 6

1. The competent authorities of the Parties shall ensure the protection of confidential information delivered to them in accordance with their national legislation.

2. In case of disclosure or a risk for disclosure of confidential information delivered by the competent authorities of one Party, the competent authorities of the receiving Party shall immediately inform the other about the event, and relevant circumstances. The notification should include the consequences of the event and measures undertaken in order to prevent future disclosures.

### Article 7

Documents, data and technical equipment delivered pursuant to the present Agreement can be transferred to a third country only with the approval of the competent authority of the delivering Party.

### Article 8

1. For the protection of personal data delivered in the course of the cooperation, the following conditions shall apply:

- (i) The receiving competent authorities of the one Party may use the personal data solely for the purpose and under the conditions determined by the delivering competent authorities of the other Party;
- (ii) Upon the request of the delivering competent authorities of the one Party, the receiving competent authority of the other Party shall give information on the utilization of the personal data delivered and the results thus achieved;
- (iii) Personal data may be forwarded solely to security and public order protection authorities. Personal data may be transferred to other competent authorities only with the previous permission of the delivering Party;
- (iv) The competent authorities of the Parties shall take all the appropriate measures for the security of the data and their protection against accidental or unlawful destruction, accidental loss, alteration, unauthorized dissemination, or access or publication and any other form of unlawful processing; and

- 55
- 7
- (v) The competent authorities of the delivering Party shall be responsible for the authenticity of the personal data. Should it become evident that the personal data so delivered is false, the receiving authorities of the other party must be informed about it immediately. In such a case the receiving party is obliged to rectify or destroy such false data.

### Article 9

1. The Ministry of Home Affairs shall be the central authority on the side of the Republic of India.
2. The Ministry of Justice and Public Order shall be the central authority on the side of the Republic of Cyprus.
3. The Parties shall nominate such other law enforcement agencies for cooperation in various areas under this Agreement as deemed necessary.
4. In the absence of other agreement, the English language shall be used for communication and exchange of information.

### Article 10

The Parties shall set up a Joint Coordination Committee in order to promote and review the cooperation within the terms of this Agreement, which shall also include representatives of law enforcement agencies. The Committee shall meet whenever needed but not more than once a year on mutually convenient dates and the venue of the meetings shall alternatively be in India and Cyprus.

### Article 11

The Joint Coordination Committee shall lay down the detailed modalities and specify law enforcement agencies on either side to exchange operational intelligence in the field of crime, terrorism and trafficking in drugs, psychotropic substances and precursors including their office address, contact telephone numbers, fax and other relevant details to facilitate contact on priority basis.

### Article 12

1. The Joint Coordination Committee shall observe complete confidentiality in the conduct of its work.
2. Any confidential information provided by one Party pursuant to Agreement shall not be passed on or disclosed to a third party without express consent of the Party providing such information.

### Article 13

Either Party may deny a request for cooperation, in whole or in part, if that request affects its national sovereignty, endangers its security or violates its laws and regulations.

### Article 14

Any dispute arising out of the interpretation or application of this Agreement shall be settled through negotiations between the Parties through Diplomatic Channels.

### Article 15

The provisions of this Agreement shall not affect the rights and obligations assumed by the Parties pursuant to any other bilateral or multilateral agreement to which they are parties.

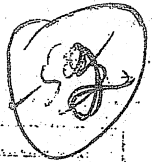
### Article 16

This Agreement may be amended or revised, as deemed necessary, by mutual written consent of the Parties.

### Article 17

1. This Agreement shall come into force from the date of exchange of instruments of ratification and remain in force for an indefinite period.





2. Either Party may at any time terminate this Agreement by giving six months advance written notice to the other Party indicating its intention to terminate this Agreement. The Agreement shall cease to have effect on expiry of the six months notice period.

The undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at...Nicosia.....on the...25<sup>th</sup>.....day of  
...May.....in the year 2007, in two originals each in Hindi, English and Greek language, all the texts being authentic. In case of any divergent interpretation, the English text shall prevail.

For the Government of the  
of the  
Republic of India

PRANAB MUKHERJEE

Minister of External  
Affairs

For the Government

Republic of Cyprus

YIORGOS LILLIKAS

Minister of Foreign  
Affairs