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AGREEMENT ON COOPERATION TO COMBAT TERRORISM,  
ORGANIZED CRIME AND ILLICIT TRAFFICKING IN  
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
AND  
THE GOVERNMENT OF THE ITALIAN REPUBLIC

The Government of the Republic of India and the Government of the Italian Republic (hereafter referred to as "the Contracting Parties"),

AWARE OF the fact that crimes related to terrorism, organised crime and trafficking in drugs and psychotropic substances affect both countries, thus jeopardising public order and security as well as the wellbeing and physical integrity of their inhabitants;

ACKNOWLEDGING the crucial importance of co-operation in the fight against terrorism, organised crime and illicit trafficking in drugs and psychotropic substances;

RECALLING the UN General Assembly Resolution 45/123 of 14 December, 1990, on international co-operation for the fight against international crime, the Convention on the Fight against illicit Trafficking in Drugs and Psychotropic Substances of 20 December, 1988 (Vienna Convention);

Have agreed as follows:

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ARTICLE 1

By this Agreement the Contracting Parties shall commit themselves to start any action aimed at enhancing their joint efforts in the fight against terrorism, organised crime, trafficking in drugs and psychotropic substances;

The Contracting Parties shall agree to set up a bilateral Committee for co-operation in the fight against terrorism, organised crime and illicit trafficking in drugs and psychotropic substances. Bilateral committee shall comprise of the representatives of the concerned agencies of the two countries.

The Committee shall be co-chaired by the Home Ministers of the two countries.

The Committee shall meet every time the Parties deem it necessary to further foster co-operation or in order to overcome obstacles for which high level arrangements are required.

Should the Parties consider it advisable and, however, every two years, joint meetings shall be organised and attended by Senior Officers of the relevant Ministries in order to check the activity carried out jointly and to detect the objectives to be achieved.

ARTICLE 2

As to the fight against terrorism, the Contracting Parties shall agree to carry out co-operation in the following sectors:

- (a) constant, detailed and rapid information exchange, upon request or on one's own initiative, about events, terrorist groups and the operational techniques they implement;
- (b) mutual updating on the menace posed by terrorism as well as on the techniques and organisational facilities aimed at countering this phenomenon;
- (c) regular exchange of experiences and technical expertise on the safety of air, sea and rail transport also in order to improve the safety standards followed at airports, ports and railway stations, modifying them constantly according to the terrorist threat.

ARTICLE 3

As far as the fight against organised crime is concerned, the Contracting Parties shall agree to carry out co-operation particularly in the sectors hereunder mentioned:

(a) constant, detailed and rapid information exchange, upon request or on one's own initiative, regarding various forms of organised crime, their facilities, activities and criminal techniques as well as connections among the criminal groups or organizations operating in both countries;

(b) exchange of operational information not only on drug - trafficking but also on the forgery of banknotes and other valuables, theft of works of art and antiques, environmental crimes, including the trafficking in toxic and radioactive substances, the trafficking in arms, illegal immigration and other particularly serious crimes;

(c) information exchange on money laundering systems and transfer of proceeds of crime, communication of data which may prove useful in an investigation aimed at seizing and confiscating crime proceeds for cases involving both countries, in compliance with the principles established by the Vienna Convention of 1988;

(d) constant and mutual updating on the present threat posed by organised crime, on the national

techniques and organisational facilities set up on a national level to fight this phenomenon, also by institutionalising in both countries, expertise exchange and planning, and organising joint training courses on specific investigative and operational techniques;

- (e) exchange of legislative acts and legal tools, scientific, professional and didactic issues on the flight against organised crime;
- (f) constant and mutual exchange of experience in the field of jurisprudence and criminology as well as technologies to secure computer communication network.

#### ARTICLE 4

Under this Agreement narcotic drugs are the substances mentioned and described in the Single Convention on Drugs of 30th March, 1961 as amended by the Protocol of 25th March, 1972; psychotropic substances are those mentioned and described in the Convention on Psychotropic Substances of 21 February, 1971; - "illicit trafficking" refers to the cases provided for under paragraphs 1 and 2, Article 3, of the UN Convention against Illicit Trafficking in Drugs and Psychotropic Substances of 20th December 1988.

- (d) in compliance with the national legislation, implementation of investigative and operational techniques in different intervention areas, there including also "controlled deliveries";
- (e) training methods, utilization of antidrug dog units and procedures for antidrug border checks;
- (f) exchange of legislative acts and legal tools, scientific professional and didactic issues on the fight against the illicit trafficking in drugs and psychotropic substances;
- (g) exchange of the results achieved in the criminalistic field and made available to the other Party, in compliance with the relevant national legislation, and exchange of samples of new drugs and psychotropic substances.

ARTICLE 5

In conformity with the laws in force in the relevant countries and without being prejudicial to the duties deriving from other bilateral or multilateral agreements:

- (a) upon request submitted by the competent Bodies of one Party, the other Party can start investigations at the competent Bodies as to

cases involving terrorist assaults already carried out or which haven't been committed yet, organized crime, activities, money laundering of illegal proceeds as well as illicit trafficking in drugs and psychotropic substances;

- (b) the requested Party shall commit itself to communicate the results of the actions started as soon as possible.

The procedures mentioned under letter (a) of this article shall not be started when, according to the requested Party, they might jeopardise the security of the country or other primary state interests or might clash with the national legislation.

In this case, the requested Party shall commit itself to communicate as soon as possible that it will fail to assist, giving precise reasons for its denial.

#### ARTICLE 6

The Contracting Parties shall agree on the channel of communication enabling a rapid information exchange regarding the fight against terrorism, organized crime and illicit trafficking in drugs and psychotropic substances. Information exchange shall be carried out in English.

ARTICLE 7

The Contracting Parties shall commit themselves to foster better understanding of their national legislations, including the identification of criminal offences, which represents a crucial tool for a concerted action against terrorism, organized crime and trafficking in drugs and psychotropic substances.

ARTICLE 8

The Contracting Parties shall consult in order to adopt joint positions and concerted actions in all the international fora where strategies are discussed or decided to counter terrorism, organized crime and trafficking in drugs and psychotropic substances.

ARTICLE 9

In accordance with their national legislations, the ~~Contracting Parties~~ shall agree to cooperate in their fight against terrorism, organized crime and trafficking in drugs and psychotropic substances, which shall include also the search for fugitives responsible for committing crimes and the enforcement of deportation without prejudice to the extradition laws.



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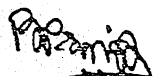
ARTICLE 10

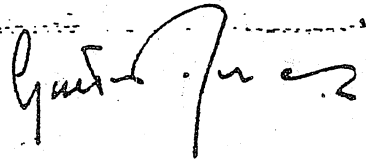
This Agreement shall come into force from the date of exchange of notes by which the Contracting Parties will notify their compliance with the internal requirements provided for by the respective legislations for the coming into force of the Agreement and it will be in force, unless a denunciation by one of the Parties with a notice of at least six months be filed.

This Agreement may be modified by mutual consent of the Contracting Parties within the period of its validity.

In witness thereof the undersigned representatives, duly authorized by their Government, have signed this Agreement:

Done at New Delhi on 6th day of January 1998 in two originals each in Hindi, Italian and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

  
(B.P. SINGH)  
HOME SECRETARY  
ON BEHALF OF THE  
GOVERNMENT OF THE  
REPUBLIC OF INDIA

  
(GAETANO ZUCCONI)  
AMBASSADOR OF ITALY IN INDIA  
ON BEHALF OF THE  
GOVERNMENT OF THE  
REPUBLIC OF ITALY

