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**Agreement on Mutual Legal Assistance in Criminal Matters between the
Government of the Republic of India and the
Government of the Arab Republic of Egypt**

PREAMBLE

The Government of the Republic of India and the Government of the Arab Republic of Egypt (hereinafter referred to as Contracting States);

Guided by the traditional friendly relations between the two countries;

Recognizing the need to facilitate the widest measures of mutual legal assistance in criminal matters; and

Desiring to improve the effectiveness of both countries in the prevention, investigation, prosecution and suppression of crime, including crime related to terrorism and tracing, restraint, forfeiture or confiscation of the proceeds and instruments of crime, through cooperation and mutual legal assistance in criminal matters.

Have agreed as follows:

**ARTICLE 1
Scope of Application**

1. Under this Agreement, the Contracting States shall grant each other the widest possible measure of mutual legal assistance in criminal matters, in respect of offences the punishment of which at the time of the request for assistance falls within the jurisdiction of the judicial authorities of the Requesting State.
2. This Agreement shall be without prejudice to other obligations between the Contracting States pursuant to other treaties or arrangements or otherwise, and shall not prevent them or their law enforcement agencies from providing assistance to each other pursuant to other treaties or arrangements.
3. This Agreement shall also apply to any request for mutual legal assistance relating to acts or omissions committed before its entry into force.

4. Assistance shall include, but not limited to:
- (a) measures to locate, restrain, forfeit or confiscate the proceeds and instruments of crime;
 - (b) taking of evidence and obtaining of statements of persons;
 - (c) providing of information, documents and other records, including criminal and judicial records;
 - (d) location of persons and objects, including their identification;
 - (e) search and seizure;
 - (f) delivery of objects, including lending of exhibits;
 - (g) assisting in the availability of detained persons or others to give evidence or assist in investigations;
 - (h) service of documents, including documents seeking the attendance of persons; and
 - (i) other assistance consistent with the objects of this Agreement.
5. This Agreement does not apply to:
- (a) the arrest or detention of any person with a view to the extradition of that person;
 - (b) the enforcement in the Requested State of criminal judgments imposed in the Requesting State except to the extent permitted by the law of the Requested State;
 - (c) the transfer of persons in custody to serve sentences; and
 - (d) the transfer of proceedings in criminal matters.

**ARTICLE 2
Definitions**

For the purpose of this Agreement:

- (a) For India, "criminal matters" means investigations, inquiries, trials or other criminal proceedings relating to an offence created by a law of Parliament or by the legislature of a State and for Egypt, means any criminal proceeding relating to an offence created by a law in force;
- (b) "criminal matters" shall also include investigations or proceedings relating to offences concerning taxation, duties, customs and international transfer of capital or payments;
- (c) "proceeds of crime" means any property that is derived or realised directly or indirectly by any person from an offence or offences or the value of any such property;
- (d) "property" includes money and all kinds of movable or immovable, tangible or intangible property, and includes any interest in such property;
- (e) "confiscation" means any measure resulting in the deprivation of property;
- (f) "instruments of crime" means any property which is or is intended to be used in connection with the commission of an offence; and
- (g) "the restraint of property" means any measure for the prevention of dealing in or transfer or disposal of property.

**ARTICLE 3
Central Authorities**

1. Requests for assistance under this Agreement shall be made through the Central authorities of the Contracting States who will ensure that the request is prepared in accordance with this Agreement.
2. The Central Authority of the Requested State upon receipt of a request for assistance, shall examine whether it is in accordance with the provisions of this Agreement and other relevant laws; and if satisfied may process the request for its compliance.

3. In the Republic of India, the Central Authority shall be the Ministry of Home Affairs. In the Arab Republic of Egypt, the Central Authority shall be the Ministry of Justice.

ARTICLE 4
Contents of Requests

1. Requests for assistance under this Agreement shall be made in writing. However, in urgent circumstances, or where otherwise permitted by the Requested State, requests may be made orally but shall be confirmed in writing thereafter.

2. Requests for assistance shall include a statement of:

- (a) the name of the competent authority conducting the investigation or proceedings to which the request relates;
- (b) a description of the facts alleged to constitute the offence and a statement or text of the relevant laws, except in cases of a request for service of documents;
- (c) the purpose for which the request is made and the nature of the assistance sought;
- (d) details of any particular procedure or requirement that the Requesting State wishes to be followed;
- (e) any time limit within which compliance with the request is desired;
- (f) the identity, nationality and location of the person or persons who are the subject of the investigation or proceedings;
- (g) in the case of request for the taking of evidence or search and seizure, a statement indicating the basis for belief that evidence may be found in the jurisdiction of the Requested State;
- (h) in the case of request to take evidence from a person, a statement as to whether sworn or affirmed statements are required, and a description of the subject matter of the evidence or statement sought;
- (i) in the case of lending of exhibits, the person or class of persons who will have custody of the exhibit, the place to which the exhibit

is to be removed, any tests to be conducted and the date by which the exhibit will be returned;

- (j) in the case of making detained persons available, the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the date of that person's return;
- (k) the need, if any, for confidentiality and the reasons therefor; and
- (l) in the case of requests for restraint or forfeiture of proceeds or instruments of crime, where possible:
 - (i) a detailed description of the proceeds or instruments including their location;
 - (ii) a statement describing the basis for belief that the monies or property are the proceeds or instruments of crime; and
 - (iii) a statement describing the evidence that would be available for a proceeding in the Requested State.

3. The Requested State shall not refuse to execute the request solely because it does not include all of the information described under this article, if it can otherwise be executed according to the law of the Requested State.

4. If the Requested State considers that additional information is needed to enable the request to be dealt with, that State may request such additional information.

**ARTICLE 5
Execution of Request**

1. For the purpose of this Agreement, mutual legal assistance shall be granted irrespective of whether the assistance is sought or is to be provided by a court or some other competent authority.

2. Requests for assistance shall be executed in accordance with the law and practice of the Requested State and may be executed in accordance with any requirements/manner specified in the request if not incompatible with the law of the Requested State.

3. The Requested State shall, upon request, inform the Requesting State of any circumstances which are likely to cause a significant delay in execution of the request.

4. The Requested State shall promptly inform the Requesting State of its decision not to execute in whole or in part a request for assistance or to postpone execution and shall give reasons for that decision.

**ARTICLE 6
Refusal of Assistance**

1. The Requested State may refuse the assistance if:
 - (a) the execution of the request would impair its sovereignty, security, public order or other essential interests or prejudice the safety of any person;
 - (b) the execution of the request would be contrary to its domestic law;
 - (c) if the request seeking restraint, forfeiture or confiscation of proceeds or instruments of activity which, had it occurred within the jurisdiction of the Requested State, would not have been an activity in respect of which a confiscation order could have been made;
 - (d) the request relates to an offence in respect of which the accused person had been finally acquitted or pardoned;
 - (e) the offence is regarded by the Requested State as ex-facie being of a political nature, except serious offences against the life, the physical integrity or the freedom of person;
 - (f) there are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that that person's position may be prejudiced for any of those reasons;
 - (g) the request relates to an offence that is subject to investigation or prosecution in the Requested State or the prosecution of which in the Requesting State would be incompatible with the Requested State's law on double jeopardy;
 - (h) the assistance requested requires the Requested State to carry out compulsory measures that would be inconsistent with its law and practice, had the offence been the subject of investigation or prosecution under its own jurisdiction; and

- (i) the act is an offence under military law, which is also not an offence under general criminal law.

2. Assistance for banking or financial transactions shall be in accordance with national legislation of the Requested State. The request for legal assistance for the crime, including crime related to terrorism, or transnational organized crime under any International or Regional Convention to which both the Contracting States are parties, shall not be refused.

3. The Requested State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the Requested State.

4. Before refusing or postponing the execution of a request for assistance, the Requested State shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with them.

5. Reasons shall be given for refusal or postponement of mutual assistance.

ARTICLE 7
Transmission of Documents and Objects

1. The Requested State shall provide copies of documents and records insofar as they are open to public access as part of a public register or otherwise, or insofar as they are available for purchase or inspection by the public.

2. The Requested State shall provide copies of any other document or record under the conditions as it may provide to its own law enforcement and judicial authorities.

3. Insofar as not prohibited by its law, the Requested State shall transmit documents, objects and records in a form or accompanied by such certification as may be requested by the Requesting State in order to make them admissible according to the law of the Requesting State. The original records, documents and objects so transmitted to the Requesting State, shall be returned to the Requested State as soon, as possible.

ARTICLE 8
Obtaining of Evidence

1. The Requested State shall, in conformity with its law and upon request, take the sworn or affirmed testimony, or otherwise obtain statements of persons,

including those in custody or require them to produce items of evidence for transmission to the Requesting State.

2. Subject to the law of the Requested State, commissioners, other officials of the Requesting State and persons parties to the proceedings in the Requesting State shall be permitted to be present when evidence is taken in the Requested State.

3. Persons parties to the proceedings have the right to be represented by their counsels, to pose questions through the representatives of the Competent Authority of the Requested State and to make a verbatim transcript of the proceedings. The use of technical means to make such a verbatim transcript may be permitted according to the law of the Requested State.

4. For the purpose of request under this Article, the Requesting State shall specify the questions to be put to the witnesses or persons giving evidence and the subject matter about which they are to be examined. If necessary, any questions in addition to those specified in the request, may be put through the representative of the Competent Authority of the Requested State to the witness or person giving evidence by the representatives of the Requesting State present at the time of recording of evidence.

ARTICLE 9
Availability of Persons to Give Evidence or Assist
in Investigation in the Requesting State

1. The Requesting State may request the assistance of the Requested State in making available a person:

- (a) to appear in proceedings in relation to a criminal matter in the Requesting State unless that person is the person charged; or
- (b) to assist in the investigations in relation to a criminal matter in the Requesting State.

2. The Requested State shall make available the person to appear as a witness or expert in proceedings or to assist in the investigations or to seek that person's concurrence. Where appropriate, the Requested State shall satisfy itself that satisfactory arrangements have been made for the person's safety.

3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the Requesting State.

4. Upon request, the Requested State may grant the person an advance, which shall be refunded by the Requesting State.

ARTICLE 10
Making Detained Persons Available to Give Evidence or Assist in Investigations

1. If the Requested State agrees and its law so permits, a person in custody in the Requested State may, at the request of the Requesting State, be temporarily transferred to the Requesting State to give evidence or assist in investigations or proceedings, provided that the person consents to that transfer and there are no overriding grounds against transferring the person.
2. While the person transferred is required to be kept in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.
3. Where the Requested State advises the Requesting State that transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as person referred to in Article 9.
4. The transfer of the person in custody may be postponed if the presence of that person is necessary in a criminal action pending in the territory of the Requested State.

ARTICLE 11
Safe Conduct

1. A person present in the Requesting State in response to a request seeking that person's attendance shall not be prosecuted, detained or subjected to any other restriction of personal liberty in the territory of that State for any acts or omissions which preceded that person's departure from the Requested State, nor shall that person be obliged to give evidence or assist in any investigation in any proceeding other than the proceedings to which the request relates.
2. A person, who is present in the Requesting State by consent as a result of a request for the person's attendance to answer before a judicial authority any acts, omissions or convictions shall not be prosecuted or detained or subjected to any other restriction of personal liberty for acts and omissions or convictions which preceded that person's departure from the Requested State, not specified in the request.
3. Paragraphs 1 and 2 of this Article shall cease to apply if a person, being free to leave the Requesting State, has not left it within a period of 30 days after being officially notified that that person's attendance is no longer required or, having left that territory, has voluntarily returned.

4. A person who does not consent to a request pursuant to Article 10 or accepts an invitation pursuant to Article 9 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement in the request or summons.

ARTICLE 12
Proceeds and Instruments of Crime

1. The Requested State shall, upon request, endeavour to ascertain whether any proceeds or instruments of a crime are located within its jurisdiction and shall notify the Requesting State of the results of its inquiries. In making the request, the Requesting State shall notify the Requested State of the basis of its belief that such proceeds or instruments may be located within its jurisdiction.

2. A request may be made for assistance in securing the forfeiture or confiscation of proceeds or instruments of crime. Such assistance shall be given in accordance with the law of the Requested State by whatever means are appropriate. This may include giving effect to an order made by a court or other competent authority in the Requesting State or submitting the request to a competent authority for the purpose of seeking a forfeiture or confiscation order in the Requested State.

3. A request may be made for assistance in the restraint of property for the purpose of ensuring that it is available to satisfy an order for the recovery of proceeds or instruments.

4. Where, pursuant to paragraph 1 of the present Article suspected proceeds of crime are found, the Requested State shall upon request take such measures as permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime, pending a final determination in respect of those proceeds by a court of the Requesting State.

5. The Requested State shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds of crime made by a court of the Requesting State or take other appropriate action to secure the proceeds following a request by the Requesting State.

6. The Parties shall ensure that the right of bonafide third parties shall be respected in the application of the present Agreement.

**ARTICLE 13
Protection of Confidentiality**

1. The Requested State may require, after consultation with the Requesting State that information or evidence furnished or the source of such information or evidence be kept confidential or be disclosed or used only subject to terms and conditions as it may specify.
2. The Requested State shall use its best endeavour to keep confidential the request for assistance its contents and its supporting documents as well as the fact of granting of such assistance. If the request cannot be executed without breaching the confidentiality requirement, the Requested State shall so inform the Requesting State which shall then determine whether the request should nevertheless be executed.
3. The Requesting State shall keep confidential evidence and information provided by the Requested State, except to the extent that the evidence and information is needed for the investigation and proceedings described in the request.

**ARTICLE 14
Limitation of Use**

The Requesting State shall not, without the consent of the Requested State, disclose, use or transfer information or evidence provided by the Requested State for investigations or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used insofar as the offence is an offence in respect of which mutual assistance could be provided under this Agreement.

**ARTICLE 15
Authentication**

Evidence or documents transmitted pursuant to this Agreement shall not require any form of authentication, save as is specified in Article 7.

**ARTICLE 16
Language**

Requests and supporting documents shall be accompanied by a translation in English or in the language of the Requested State.

ARTICLE 17
Costs

1. The Requested State shall meet the cost of executing the request for assistance, except that the Requesting State shall bear:

- (a) the expenses associated with conveying any person to or from the territory of the Requested State at the request of the Requesting State, and any allowance or expenses payable to that person while in the Requesting State, pursuant to a request under Articles 9 or 10 of this Agreement; and
- (b) the expenses and fees of experts either in the Requested State or the Requesting State.

2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the Contracting States shall consult to determine the terms and conditions under which the requested assistance can be provided.

ARTICLE 18
Service of Documents

1. The Requested State shall effect service of documents that are transmitted to it for this purpose by the Requesting State.

2. A request to effect service of summons shall be made to the Requested State not less than ninety days before the date on which the appearance of a person is required. In urgent cases, the Requested State may waive the time requirement.

ARTICLE 19
Right or Obligation to Decline to Give Evidence

1. A person who is required to give evidence in the Requested or Requesting State may decline to give evidence where either:

- (a) the law of the Requested State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the Requested State; or

(b) the law of the Requesting State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the Requesting State.

2. If a person claims that there is a right or obligation to decline to give evidence under the law of the other State, the State where that person is present shall, with respect thereto, rely on a certificate of the competent authority of the other State as evidence of the existence or non-existence of that right or obligation.

ARTICLE 20
Provision of Publicly available documents and other Records

1. The Requested State shall provide copies of documents and records insofar as they are open to public access as part of a public register or otherwise, or insofar as they are available for purchase or inspection by the public.

2. The Requested State may provide copies of any other document or record under the same conditions as such document or record may be provided to its own law enforcement and judicial authorities.

ARTICLE 21
Search and Seizure

The Requested State shall, insofar as its law permits, carry out requests for search and seizure and delivery of any material to the Requesting State for evidentiary purposes, provided that the rights of bonafide third parties are protected.

ARTICLE 22
Entry into Force

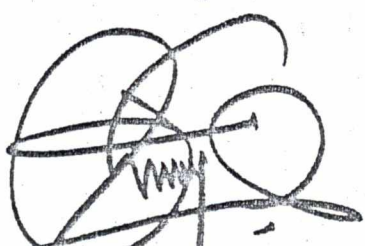
The present Agreement shall enter into force from the date of receiving the last notification by either of the Contracting States through the diplomatic channels, concerning the execution of the necessary measures for the ratification, according to the domestic laws of either Contracting State.

**ARTICLE 23
Termination**

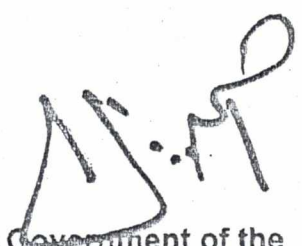
Either Contracting State may terminate this Agreement by giving notice in writing to the other State. Such termination shall take effect six months following the date on which it is received by the other State.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Cairo this the eighth day of January, 2008. (Two Thousand and Eight) in two originals each, in Hindi, Arabic and English, all texts being equally authentic. However, in case of any divergence of interpretation, the English text shall prevail.



For the Government of the
Republic of India



For the Government of the
Arab Republic of Egypt