

Oman

137

Secret

Annexure IV

**MEMORANDUM OF UNDERSTANDING  
ON JOINT CO-OPERATION FOR  
COMBATING CRIME**

The Government of the Republic of India and the Government of the Sultanate of Oman (hereinafter called the two contracting parties);  
recalling the traditional friendly relations between the two countries;  
deeply concerned by the magnitude of and rising trend in acts of international terrorism and organized crime;  
concerned further by the rising trend in illegal trade on narcotic drugs and psychotropic substances and in items of historical and cultural value;  
endeavouring to achieve the common objective of co-operation in combating these crimes;  
have agreed upon the following:

**SECTION ONE**

**The Mutual Assistance in Combating Crime**

Article 1 - The two contracting parties shall co-operate in providing mutual assistance in the following sectors:

(1.1) Combating the following:

- a) The illegal activities of the production, consumption and traffic in narcotic drugs and psychotropic substances.
- b) The international organized crime including terrorism, deception and fraud.
- c) Forgery, falsification of documents, counterfeiting of money and their circulation and other international illegal activities in the economic field.

d) Illegal acts with reference to arms, ammunition and explosives.

e) Activities of the various international criminal elements.

f) Smuggling of items of historical and cultural values and precious stones and minerals.

g) Illegal crossing of borders and use of counterfeit travel documents.

(1.2) The tracing, restraint and confiscation of properties and proceeds of organized crime or activities of international terrorism.

Article(2) The co-operation on mutual assistance between the two contracting parties shall be accomplished as follows:

(2.1) Exchange of the names of persons criminally convicted in serious crimes and the suspects and also those under surveillance allowed to travel, especially on occasions when required.

(2.2) Communication of data available with each party about any criminal acts committed or being prepared within the lands of the other country or abroad - to achieve this, there should be close contacts between the authorities in charge of vetting and criminal investigation in both countries.

(2.3) Exchange of documentation, publications and result of scientific research contributing to the development of the means of crime combat and aspects of mutual concern.

(2.4) Each party may communicate to the other the details of nationals of the other country who may be under detention in the respective country.

(2.5) The two contracting parties may communicate mutually through the diplomatic channels specimen of seals and types of entry visas in use within each country in order to prevent and combat the illegal crossing of borders.

SECTION TWO

Mutual Legal Assistance

Article (3)

The two contracting parties shall cooperate to provide the required assistance regarding the investigation and prosecution of criminal cases taking place in any of the two countries as follows:

(3.1)

Collection of oral and documentary evidence or arrangements for production of any document or article, either during the course of investigation or of trial pending in court of law.

(3.2)

Execution of summons/warrants including search warrants, arrest and precautionary detention and taking all necessary actions as per the local law to arrange for documents or article to be produced either in person or otherwise.

Article (4)

The two contracting parties may refuse to provide mutual legal assistance if:

(4.1)

The requested party considers that the request if granted would seriously impair its sovereignty, security or national interest.

(4.2)

The action requested is contrary to the domestic law of the requested party.

(4.3)

Provision of the assistance sought could prejudice an investigation or proceedings in the territory of the requested party.

(4.4)

Provision of the assistance sought would constitute a violation of any court order of the requested party.

Article (5)

The two contracting parties shall enter into a separate agreement on mutual judicial assistance in matters within the scope of this Memorandum of Understanding.

SECTION THREE

General Provisions

Article (6)

The two contracting parties shall take every necessary action to maintain the confidentiality of the information and materials mutually exchanged whenever the other party availing the assistance is informed that they are secret. Such information and materials shall not be handed over to any third party without the approval of the other party providing such information or materials.

Article (7)

The two contracting parties shall co-operate in conducting and elaborating scientific studies on various aspects of mutual interest and hold meetings of experts whenever they both agree that there is a need to resolve urgent matters of mutual interest as mentioned above.

Article (8)

The provisions of this Memorandum of Understanding shall be without prejudice to the rights and obligations of the parties under any other bilateral or multilateral agreements to which they are parties.

Article (9)

Either of the two contracting parties may, for reasons of national security, public order or public health, suspend in whole or in part the implementation of this Memorandum of Understanding. Such suspension and its termination shall be communicated to the other contracting party at any time through the diplomatic channels.

Article (10)

This Memorandum of Understanding may be terminated by either of the parties upon a three month advance written notice for this purpose, communicated to the other contracting party through the diplomatic channels.

Article (11)

The two contracting parties, within two months from the date of exchange of the instruments of ratification, shall notify each other of the designated authorities of the respective sides responsible for the implementation and coordination of the provisions of this Memorandum of Understanding.

114

200  
76

ele (12)

This Memorandum of Understanding shall be ratified according to the rules and regulations applicable in each of the two contracting parties, and shall enter into force one month after the exchange of the instruments of ratification.

In confirmation of the above-stated, this Memorandum of Understanding is hereby signed by the legally authorised representatives of the two governments.

Done at Muscat, Oman on this Fifth day of October, 1996 in originals each in Hindi, Arabic and English languages, all of equal validity. However, in case of dispute the English shall prevail.

the Government of  
REPUBLIC OF INDIA

For the Government of  
THE SULTANATE OF OMAN

