

COUNTER TERRORISM COOPERATION TREATIES

Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh on Combating International Terrorism, Organised Crime and Illicit Drug Trafficking

The Government of the Republic of India and the Government of the People's Republic of Bangladesh hereinafter referred to as "Parties".

Guided by the traditional friendly relations between the two countries and their endeavor 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;

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 combating international terrorism; illicit trafficking in narcotic 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

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 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 combating international terrorism;
- (d) cooperate and share experience in areas of hijack, termination, hostage rescue and negotiations and protection of VIPs and innocent victims;
- (e) facilitate cooperation in preventing access to arms, explosives, and other prohibited substances for terrorist activities;
- (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 organizing seminars and conferences etc.; and
- (h) address any other matter in this Agreement as mutually agreed upon.

ARTICLE 3

- (1) For the purpose of this Agreement, crime will include all offences so created by legislature of the respective Party.
- (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, forfeiting or confiscating 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 seizure;
 - (f) Delivery or lending of exhibits;
 - (g) Serving of documents seeking attendance of persons;
 - (h) Exchanging the names of the persons criminally convicted in serious crimes;
 - (i) Locating and identifying persons and objects;

- (j) Any other assistance consistent with objectives of this Agreement.
- (4) For the purpose of Article 3(1) above,
- (a) “Proceeds of crime” means any property that is derived or realized directly or indirectly by any person from an offence or the value of any such property.
 - (b) “Property” includes - money of all kinds of movable or immovable, tangible or intangible property, and includes any interest in such property.
 - (c) “Confiscation” means any measures resulting in the deprivation
- (5) The Parties shall
- (a) Exchange data on persons involved in organized crime, their linkages, the structure of the criminal group and their modalities; and
 - (b) Consider ways and means to facilitate mutual legal assistance in criminal matters, arrest and prosecution of individuals and their associates engaged in crime.

ARTICLE 4

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

- (a) Exchange and share information about persons involved in narcotic drug trafficking, their modus operandi as well as other relevant details of such crimes, insofar as these are necessary for the prevention or suppression of crimes;
- (b) Exchange the results of their criminal and criminological research on narcotic drug trafficking and abuse of narcotic drugs;
- (c) Share and exchange of samples of narcotic drugs and psychotropic substances of natural or synthetic origin usable for abuse; and
- (d) Subject to its domestic laws and international obligations, facilitate the controlled delivery of illicit narcotic drugs and psychotropic substances in order to render possible the arrest of the persons to whom it will be delivered as well as any persons involved in the trafficking.

ARTICLE 5

1. The Ministry of Home Affairs shall be the nodal agency on the Indian side responsible for the implementation of this Agreement.
2. The Ministry of Home Affairs shall be the nodal agency on the side of the Government of the People’s Republic of Bangladesh.
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 be used or communication and exchange of information.

ARTICLE 6

The Parties shall set up a Coordination Committee including representatives of law enforcement agencies to promote and review the cooperation within the terms of this Agreement. The Committee shall meet at least once every year on mutually convenient dates and the venue of the meetings shall alternatively be in Bangladesh and India.

ARTICLE 7

The Coordination Committee shall lay down the detailed modalities and specify law enforcement agencies on either side to exchange operational intelligence in the field of terrorism and drug trafficking including their office address, contact telephone and fax numbers and other relevant details to facilitate contact on priority basis. Similarly, nodal authorities shall be specified for cooperation and mutual assistance in the field of crime.

ARTICLE 8

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

ARTICLE 9

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 10

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

ARTICLE 11

The provisions of this Agreement shall not affect the obligations assumed by Parties pursuant to other bilateral or multi-lateral agreements to which they are Parties.

ARTICLE 12

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

ARTICLE 13

1. This Agreement is subject to ratification and the instruments of ratification shall be exchanged as soon as possible. It shall come into force from the date of exchange of instruments of ratification.
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 the expiry of the six months period.

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

Done at New Delhi on the 11th day of January in the year 2010, in two originals each in Hindi, English and Bangla languages. All the texts being authentic, in case of any divergence of interpretation, the English text shall prevail.

**For the Government of the
Republic of India**

(Gopal K. Pillai)
Secretary
Ministry of Home Affairs
Government of the
Republic of India

**For the Government of the
People's Republic of Bangladesh**

(Abdus Sobhan Sikder)
Secretary
Ministry of Home Affairs
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