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MUTUAL
AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA

TO

COMBAT ILLICIT TRAFFICKING IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES AND MONEY LAUNDERING

The Government of the Republic of India and the Government of the Republic of Zambia, hereinafter referred to as the contracting parties,

BEARING in mind the existing problems of illicit trafficking in narcotic drugs and psychotropic substances in which both territories have been mainly used as transit points by international drug traffickers,

HAVING due regard for consequences which both territories suffer from spill over effects leading to increase in narcotic drug abuse amongst their populations, and

DESIROUS of co-operating in the field of combating illicit trafficking in narcotic drugs and psychotropic substances within the parameters laid down by various United Nations Conventions and particularly the recent convention on illicit trafficking adopted in December, 1988, through mutual assistance,

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HEREBY AGREE AS FOLLOWS:

ARTICLE 1: COMBATING DRUG-TRAFFICKING

- (1) The contracting parties resolve and commit themselves to cooperate in combating illicit trafficking in narcotic drugs and psychotropic substances, particularly in such cases which might take place in either territory and having ramification in the other.
- (2) The contracting parties shall intensify their efforts by cooperating with each other to check the menace of trafficking in and abuse of narcotic drugs and psychotropic substances.
- (3) The contracting parties shall designate agencies and officers through whom regular exchange of information and intelligence may be effected.

ARTICLE 2 NODAL AGENCIES

- (1) In matters relating to illicit drug trafficking, the nodal agency shall be the Narcotics Control Bureau in respect of the Republic of India and Drug Enforcement Commission in respect of the Government of the Republic of Zambia.
- (2) The postal address, telephone and telex numbers of the nodal agencies and the contact officers shall be exchanged by the contracting parties including any change from time to time.

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ARTICLE 3 EXCHANGE OF INTELLIGENCE OR INFORMATION

- (1) The nature of intelligence or information which may be exchanged between the parties shall include:
- (a) operational intelligence which shall be communicated through the fastest means of communication;
 - (b) information of a detailed nature which shall be communicated through correspondence in order to build up Dossiers in respect of smugglers, suspects, financiers and organisers.
- (2) The exchange of operational intelligence shall include the exchange of ideas for planning and implementation of controlled delivery operations as defined in the latest United Nations Convention on illicit trafficking.
- (3) Modalities for controlled delivery shall be worked out on a case to case basis by the contact officers of the contracting parties.
- (4) The contracting parties shall exchange information on routes, new methods and means used for drug trafficking and emerging trends in the field.
- (5) The contracting parties shall extend maximum cooperation with regard to the exchange of information in all cases.

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In respect of specific cases of importance, priority shall be clearly indicated in the communication of the requesting country so that the cases are pursued with the urgency they deserve.

ARTICLE 4: EXCHANGE OF INFORMATION ON DRUG TRAFFICKING.

Information regarding suspected drug traffickers operating between the two territories shall be exchanged in accordance with the prescribed formats in Annexure-I and II.

The normal mode of exchange of information and operational intelligence on matters relating to drug trafficking shall be in accordance with the prescribed format, whereas, any other information of significance shall be exchanged either in the manner as the situation will demand.

ARTICLE 5 IDENTIFICATION AND NEUTRALISATION OF DRUG TRAFFICKERS

The contracting parties shall take steps towards identifying notorious smugglers, drug traffickers, syndicates, dealers and also the money launderers with whom they are connected directly or indirectly and also for neutralising their activities.

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ARTICLE 6 CONFISCATION OF PROPERTY

- (1) The contracting parties shall adopt such measures as may be necessary to enable confiscation of proceeds derived from drug trafficking and money laundering.

- (2) In cases where mutual co-operation results in confiscation of properties or proceeds from drug trafficking and money laundering, such proceeds or property shall be used by the party in whose territory the proceeds or property are located in the fight against illicit traffic and drug abuse subject to the provisions in the national laws of the respective contracting parties.

ARTICLE 7 LEGAL ASSISTANCE

The contracting parties shall assist each other in providing mutual legal assistance in the form of evidence or documents etc. in cases where any information provided by either party leads to the arrest and trial of drug traffickers in the other's territory, or for extradition of drug offenders wanted in one country when present in the other in accordance with the law of each of the country.

ARTICLE 8 AMENDMENTS

This agreement may be amended by mutual agreement in writing between the parties.

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ARTICLE 9 ENTRY INTO FORCE AND TERMINATION

This Agreement shall come into force on the date of its signature and shall remain in force unless terminated by either of the parties by a six months' notice in writing.

Done at New Delhi this 5th day of October, one thousand nine hundred and ninety-three in two originals each in the Hindi and English languages, both texts being equally authentic.

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC
OF INDIA

M. R. Sivaraman

(M.R. SIVARAMAN)
SECRETARY TO THE
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

FOR AND ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC
OF ZAMBIA

H.B. Ian C.B. Sikazwe

H.B. IAN C.B. SIKAZWE
HIGH COMMISSIONER OF ZAMBIA

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APPENDIX-II

CASES OF ILLICIT TRAFFIC IN NARCOTICS AND SMUGGLING

References:

Date:

Sender (Organisation/Agency)

1. Name of the seizing agency
 2. Type of narcotics/contraband seized.
 3. Quantity
 4. Chemical Analysis Report
 5. Place of seizure
 6. Date of seizure
 7. Packing, Labelling & Trade Marks
 8. Particulars of conveyance used
 9. Name and Nationality of the custodian/owner of the conveyance.
 10. Name of Company, Airline, Ship
 11. Mode of concealment
 12. Route
 13. Place of production/processing
 14. Place where narcotics/contraband obtained
 15. Origin/source
 16. Destination
 17. Any equipment/accessories seized
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A P P E N D I X - I I I

PRO FORMA FOR REPORTING ON PERSON(S) INVOLVED IN NARCOTICS TRAFFICKING/S MUGGLING

(In cases implicating more than one person, please use separate form for each).

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1. Name and aliases used
2. Father's name
3. Sex
4. Age
5. Date and place of birth
6. Nationality
7. Passport No.
8. Place/Date of issue
9. Occupation
10. Address
11. Extent of involvement
12. Previous involvements
13. Associates
14. Arrested/Detained
15. Place of arrest
16. Judicial or administrative measures taken
17. Attach photocopy of the first page of Passport

SUMMARY OF THE CASE

(Please indicate details of the case necessary for furtherance of investigation).

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