No. 53618*

Turkey
and
Turkmenistan

Cooperation Agreement between the Government of the Republic of Turkey and the Government of Turkmenistan on combating serious crime in particular terrorism and organized crime. Ankara, 29 February 2012

Entry into force: *14 November 2015, in accordance with article 12*

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Turquie
et
Turkménistan

Accord de coopération entre le Gouvernement de la République turque et le Gouvernement du Turkménistan sur la lutte contre les formes graves de criminalité, en particulier le terrorisme et le crime organisé. Ankara, 29 février 2012

Entrée en vigueur : *14 novembre 2015, conformément à l'article 12*

Textes authentiques : *anglais, turc et turkmène*

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[ENGLISH TEXT – TEXTE ANGLAIS]

COOPERATION AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

AND

THE GOVERNMENT OF TURKMENISTAN

ON COMBATING SERIOUS CRIME

IN PARTICULAR

TERRORISM AND ORGANIZED CRIME

The Government of the Republic of Turkey and the Government of Turkmenistan, hereinafter referred to as "the Parties";

DESIRING to enhance bilateral cooperation in order to strengthen and develop friendly relationships between the Republic of Turkey and Turkmenistan to promote welfare and stability in a peaceful atmosphere in both States in the framework of the principles of mutual respect of the sovereignty, equality and interest of both Parties;

BEING CONCERNED about the increase of the acts of international terrorism and international organized crime;

IN ACCORDANCE WITH the principle of protecting effectively their citizens and other persons in their countries from acts of terrorism and other criminal acts;

STRIVING TO enhance cooperation in this area by confirming the significance of international cooperation in combating terrorism and organized crime;

CONSIDERING national legislation and international obligations of both Parties;

TAKING INTO CONSIDERATION the basic principles of the Law of Nations defined in the United Nations Charter as well as the protection of human rights;

CONSIDERING the international conventions of the United Nations on combating terrorism and transnational crimes,

RESPECTING the principle of sovereignty and equality of States and wishing to further strengthen the friendly relations between both Parties;

HAVE AGREED the following:

ARTICLE 1
OBLIGATION TO COOPERATE

1. The Parties shall cooperate, in conformity with their legislation and the international treaties in force, in fighting against serious crimes and crimes related to terrorism, organized crime, smuggling of migrants, trafficking in human beings, narcotic drugs and psychotropic substances and their precursors.

2. This Agreement shall not affect the international legal assistance procedures in force.

ARTICLE 2
FIELDS OF COOPERATION

1. The Parties shall cooperate with a view to prevent, dismantle and suppress the crimes in the areas mentioned but not limited to in the Article 1. In addition, Parties shall cooperate in the following fields of interest through the exchange of information to provide operational investigations and criminalistic assistance. Besides Parties shall fight against crimes on which they mutually agree.

- transnational organized crime, including money laundering, cybercrime, smuggling of works and objects of art and historical artifacts;
- illicit production of and trafficking in narcotic drugs, psychotropic substances and their precursors;
- trafficking in persons and smuggling of migrants;
- illicit trafficking in weapons, ammunitions, explosives, nuclear, radioactive and toxic materials.
- transnational organized crime groups, their organizational structure and fields of activity,
- forgery on official documents and any kind of crimes related to smuggling,
- members of criminal organizations.

2. The Parties shall cooperate to prevent and suppress terrorism and decrease its consequences, and prevent financing of terrorism, in conformity with their relevant national legislation and the international obligations, including the relevant international Conventions and UN Security Council Resolutions.

ARTICLE 3
COOPERATION PROCEDURES

In the framework of cooperation, for the purpose of implementing Article 2 of this Agreement and in compliance with their national legislation Parties shall:

- exchange operative information on criminal organizations and criminal acts, which are planned or were perpetrated, and the structure, composition, external contacts and modus operandi of such organizations in order to prevent and combat serious crimes and activities of terrorist organizations;

- in conformity with their national laws, agree to carry out joint operational investigations. The relevant operational procedures shall be agreed upon by the Authorities of both Parties as mentioned in Article 6 of this Agreement;

- in compliance with their relevant national legislation, take measures to prevent and combat the illicit production of and trafficking in narcotic drugs, psychotropic substances and their precursors;

- exchange experiences in the control of legal trade in narcotic drugs, psychotropic substances and their precursors, and shall take measures to prevent abuses in this field. They shall also exchange and analyze information on narcotic drugs, psychotropic substances and their precursors, places and methods of production and manufacturing, channels and means used by traffickers, including concealing modalities, as well as on analysis techniques;

- exchange information related to operational investigations in order to identify and detect persons, objects and money referable to the crimes covered by this Agreement;

- cooperate to coordinate the necessary measures for the implementation of special investigative techniques such as controlled deliveries and joint operational investigations;

- exchange information on techniques and methods implemented and developed in juvenile delinquency, and combating crime and criminality against children;
- exchange information on the current migration policies and practices, as well as on the effects of these practices on irregular migration;

- cooperate by exchanging information on the main illegal immigration flows, the routes followed by illegal migrants, their *modus operandi* and transportation methods. The Parties shall also exchange information on possible threats;

- cooperate by exchanging information on passports and other travel documents, visas as well as entry and exit stamps in order to detect counterfeited documents;

- cooperate in executing the requests envisaged in Article 4 of this Agreement;

- take any other action, in compliance with their national legislation and other international conventions by which the Parties are bound and in accordance with the purposes of this Agreement;

- cooperate to organize mutual training courses through their respective Authorities mentioned in Article 6 of this Agreement.

ARTICLE 4
REQUESTS FOR ASSISTANCE AND EXECUTION

1. Providing assistance within the framework of this Agreement shall be based on the attempt or request of either Party. The request for assistance shall be submitted in the written form though the communication channels. In case of emergency, provided that the request is confirmed in the written form in three days, requests may be transferred orally.

2. Confirmation may be requested in case of suspicion about the accuracy or content of the request of assistance.

3. Requests for assistance shall contain:

- the name of the Party to which a request for assistance has been submitted;
- the name of the Party which requests assistance;
- detailed information on the case, aim of and reasons for the request, and any other information which are necessary for the execution of the request.

4. Requests for assistance and attached documents shall be transmitted in the language agreed upon by the Parties.

5. Requests for assistance shall be transmitted after the Parties complete the procedures that their national legislation requires.

6. The requested Party shall take all measures necessary for the implementation of the request as rapidly and completely as possible.

7. The assistance shall be executed in 30 days after it is transmitted and in case of an emergency, the assistance shall be executed in 15 days after it is transmitted. In the most urgent cases, it shall be executed as soon as possible.

8. If the execution of a request jeopardizes the sovereignty or territorial integrity or is contrary to the national legislation or international obligations of one of the Parties, that Party may refuse to execute the request wholly or partially.

9. The requesting Party shall be informed immediately about the conditions preventing the execution of the request and the conditions which may enable the execution of the request.

10. The requesting Party shall use the transmitted information only for the purpose mentioned in the request.

ARTICLE 5
LIMITS ON THE USE OF
INFORMATION AND DOCUMENT

1. The Parties agree that the information and personal data transmitted under this Agreement shall be used exclusively for the purposes envisaged by it, in conformity with the provisions of the International Conventions on Human Rights.

2. Personal data and, in particular, sensitive information exchanged between the Parties shall be, in conformity with the Parties' domestic law on data and information, protected according to the same standards applying to national data.

3. The Parties shall adopt the necessary technical and organizational measures to safeguard sensitive and personal data against accidental or unlawful destruction, accidental loss or disclosure, unauthorized alteration or access or any unauthorized form of processing. The Parties, in particular, shall take any relevant measure to ensure that only those authorized to access personal data can have access to such data.

4. The information and documents supplied by a competent authority under this Agreement may be disclosed to other persons, Countries or international organizations only upon agreement of the competent authority that transmitted them.

5. At the request of the transmitting Party the receiving Party shall be obliged to correct, block or delete, consistent with its national law, the data received under this Agreement that are incorrect or incomplete or if its collection or further processing contravenes this Agreement or the rules applicable to the supplying Party.

6. Where a Party becomes aware that data it has received from the other Party under this Agreement are not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such data, which shall include in particular supplementation, deletion or correction of such data.

7. Each Party shall notify the other if it becomes aware that material data it has transmitted to the other Party or received from the other Party under this Agreement are inaccurate or unreliable or might give rise to significant doubt.

ARTICLE 6
COMPETENT AUTHORITIES FOR THE IMPLEMENTATION OF THE AGREEMENT

1. The competent Authorities for the implementation of this Agreement shall be:

- for the Turkish Party:

a) the Ministry of the Interior.

- for the Turkmen Party:

a) Ministry of National Security,
b) Ministry of Interior,
c) State Counter-Narcotics Service.

2. Within 30 days from the entry into force of this Agreement the Parties shall exchange the list of the national offices authorized to maintain direct contacts in order to implement the provisions of this Agreement and establish the relevant communication channels.

3. The Parties shall immediately notify each other possible changes in the list of the national offices authorized to maintain direct contacts in order to implement the provisions of this Agreement. They shall also notify each other of changes in their communication channels.

4. The Parties, in addition to the above mentioned authorized offices, shall cooperate through the "Interpol" channel, their respective Liaison Officers and other experts in the field of crimes that are covered by this Agreement.

ARTICLE 7
MEETINGS AND CONSULTATIONS

1. With a view to facilitating implementation of this Agreement the representatives of the competent authorities may, if necessary, hold bilateral meetings and consultations to assess the progress made under this Agreement as well as to analyze and enhance cooperation.

2. Meetings shall take place in Turkey and in Turkmenistan, alternately.

ARTICLE 8
SETTLEMENT OF DISPUTES

Any divergence and dispute arising from the interpretation or implementation of this Agreement shall be settled amicably through consultations between the competent Authorities of the Parties mentioned in Article 6 and negotiations through diplomatic channels.

ARTICLE 9
RELATIONS OF THIS AGREEMENT WITH OTHER INTERNATIONAL TREATIES

This Agreement shall not prejudice the rights and duties stemming from other international treaties concluded by the Parties.

ARTICLE 10
EXPENSES

1. Ordinary expenses for the processing of a request under this Agreement shall be borne by the requested Party unless otherwise agreed upon in writing by the Parties. If the request includes a considerable or extraordinary expense, the competent Authorities shall consult each other in order to establish terms and conditions for processing the request as well as cost sharing modalities.

2. Unless otherwise agreed upon, expenses for the meetings shall be borne by the receiving Party whereas international travel and accommodation expenses of delegates shall be borne by the sending Party.

ARTICLE 11
LANGUAGE OF COOPERATION

For the purposes of cooperation under this Agreement, the Parties shall use their official languages and enclose translations in the official language of the requested Party or in English.

ARTICLE 12
ENTRY INTO FORCE, CHANGE AND AMENDMENTS AND TERMINATION

1. This Agreement shall enter into force one month after the date of the receipt of the last of the two notifications by which the Parties shall notify each other that their respective internal procedures have been completed.

2. This Agreement shall be valid for an indefinite period of time and may be terminated following a written notification thereon by the other Party. The Agreement shall remain in force for a period of six months after delivery of the written notification on the termination to the other Party.

3. This Agreement may be amended by mutual written consent of the Contracting Parties at any time. The amendments shall enter into force in accordance with the same legal procedure prescribed under Article 12 paragraph 1 of this Agreement.

IN WITNESS THEREOF, the undersigned – duly authorized by the Governments – have signed and sealed this Agreement on 29/02/2012 in Ankara in two original copies, each in Turkish, Turkoman and English languages, all texts being equally authentic. In the case of any divergence of interpretation, the English text shall prevail.

For the Government of the Republic of Turkey

İdris Naim ŞAHİN
Minister of Interior

For the Government of Turkmenistan

Garriyev MIRAT
Acting Minister of Justice