

A G R E E M E N T

between the Government of the Czech Republic and the Government of the Republic of Armenia on Cooperation in the Fight against Crime

The Government of the Czech Republic and the Government of the Republic of Armenia (hereinafter referred to as "Parties"),

with the aim of contributing to the development of mutual relations between the Czech Republic and the Republic of Armenia,

disturbed by international proliferation of organized crime, in particular the increasing abuse of narcotic drugs and psychotropic substances and the increase in their international traffic, as well as trafficking in human beings,

convinced that cooperation in the area of fight against any form of organized crime and terrorism and other kinds of criminal activities, or in their effective prevention is of crucial importance,

being aware of the seriousness of the increase in illegal immigration and the related security risks,

abiding by international law and the respective legislation of their States,

have agreed as follows:

Article 1

(1) The purpose of this Agreement is to deepen and strengthen police cooperation in preventing and detecting criminal offences and ascertaining their perpetrators, in particular through the exchange of both strategic and operational information and direct contacts between the competent bodies at all appropriate levels. This Agreement shall not include legal assistance in criminal matters which is covered by a special international agreement by which the States of the Parties are bound.

(2) Cooperation under this Agreement shall take place in accordance with the legislation of the States of the Parties and the international agreements by which the States of the Parties are bound.

Article 2

Cooperation under this Agreement shall relate to all forms of criminal activities, in particular:

- a) organized crime;
- b) terrorism and its financing;
- c) crime against life and limb;
- d) trafficking in human beings, procuring, unlawful trafficking in human organs and tissues;
- e) sexual abuse of children and child pornography;
- f) crime related to illegal immigration;
- g) illicit trafficking in narcotic drugs and psychotropic substances in the sense of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988;
- h) cyber-crime;
- i) illegal production, solicitation, possession, import, export, transit of and trade in weapons, ammunition and explosives, chemical, biological, radioactive and nuclear materials, in goods and technologies of a strategic importance, as well as other highly dangerous substances;
- j) counterfeiting and altering of money, stamps and securities, means of non-cash payments and official documents, in particular travel documents, and their distribution and use;
- k) legalization of the proceeds of crime and economic crime;
- l) corruption;
- m) crime related to objects of cultural and historical value;
- n) crime related to motor vehicles;
- o) crime against intellectual property;
- p) crime against environment.

Article 3

The competent authorities of the Parties shall provide each other with mutual support by exchanging personal and other data and documents, particularly on:

- a) criminal acts, including data on persons suspected of or involved in a criminal activity, links between perpetrators, the organization of groups involved in criminal activities and their

structure, the typical behaviour of individual perpetrators and groups, violations of criminal law and the adopted measures;

- b) the planning of criminal acts, including acts of terrorism directed against the interests of the Parties;
- c) prevention and fight against illegal immigration;
- d) objects used as instruments of crime or proceeding from crime; and they shall provide each other with samples of these objects;
- e) the planning of special actions and operations that may be of interest to the other Party;
- f) the knowledge drawn from the activities of the competent authorities, in particular on new forms of crime; they shall also provide each other with conceptual and analytical documentation and specialist literature;
- g) results of forensic and criminological research, investigation practice, working methods and means of work;
- h) legal and internal acts related to the subject matter of this Agreement and any changes to these acts.

Article 4

When necessary, the competent authorities of the Parties shall coordinate their activities and shall support each other, in particular:

- a) in searching for persons suspected of a crime as well as persons absconding from criminal prosecution or the service of a sentence;
- b) in searching for missing persons, including procedures related to the identification of persons or mortal remains;
- c) in searching for objects, including the implementation of measures aimed at the tracing and recovery of the proceeds of crime;
- d) in preparing and organizing the implementation of special investigative techniques such as controlled deliveries, surveillance and undercover operations;
- e) in providing security on board an aircraft;
- f) in planning and implementing joint crime-prevention programmes.

Article 5

(1) In case of need and for the purpose of supporting the other Party or coordinating activities related to specific crimes, the competent authorities of the Parties shall send consultants to the competent authorities of the other Party or establish joint analytical and other working teams.

(2) Officials of the competent authorities of one Party shall be active on the territory of the State of the other Party in an advisory and support capacity. When exercising their advisory and support capacity, they shall abide by the instructions of the competent authorities of the Party of the State to whose territory they have been sent.

Article 6

(1) For the purpose of improving and accelerating cooperation, the competent authorities of the Parties may conclude special agreements on the assignment of police liaison officers of one Party to the competent authorities of the other Party for limited or unlimited periods of time.

(2) The liaison officers shall be active in the territory of the State of the other Party in advisory and support capacity, provide assistance in establishing contacts and participate in the organization of working meetings. They shall carry out their tasks in accordance with the instructions they receive from the sending Party.

(3) The liaison officers of one Party sent to a third State may upon a mutual agreement of the Parties and upon a written consent of the third State represent also the interests of the State of the other Party.

Article 7

The Parties shall cooperate in the area of training and education, and this cooperation shall include in particular:

- a) participation of officers of the State of one Party in training courses of the other Party;
- b) the holding of joint seminars, exercises and training courses;
- c) training of specialists;
- d) exchange of experts, as well as training concepts and programmes;
- e) participation of observers at exercises.

Article 8

(1) Upon written request the competent authorities of the Parties shall provide each other with information and other forms of support under this Agreement. The request may be transmitted, if necessary, via electronic or other means of communication, providing that it is permissible given the content of the request. In emergencies, the request may be verbal to be immediately followed by written confirmation.

(2) The competent authorities of the requested Party shall answer the request specified in paragraph (1) as soon as possible. The competent authorities of the requested Party may ask for further information if necessary for granting the request. If the authority which has received a request for support is not the competent authority to deal with this request, it shall refer the request to the authority which is competent thereto.

(3) The competent authorities of the Parties shall inform each other about specific cases also without request if their findings make them believe that the information can help the other Party avert concrete dangers to public order or security, or to prevent and detect crimes and ascertain their perpetrators.

(4) Each of the Parties may refuse, wholly or partly, a request for support should it believe that granting the same might threaten sovereignty, security or another vital interest of its State, or if it contravened legislation and international obligations of its State. In order to grant the request, the requested Party may stipulate conditions by which the requesting Party shall be bound.

(5) Should a request be refused or granted only partially, the Parties shall immediately inform each other thereof in writing.

(6) In implementing the provisions of this Agreement, the competent authorities of the Parties shall use the English language, unless agreed otherwise.

Article 9

(1) Within the cooperation under Article 4 lit. (e) of this Agreement each Party may deploy its own armed police officers on board an aircraft registered in its State, who will be responsible for ensuring security on board the aircraft (hereinafter referred to as "Air Marshals"). Deployment of Air Marshals shall be carried out in accordance with the Convention on International Civil Aviation of 7 December 1944 and its Annexes, particularly Annex 17, as well as with other documents implementing this Convention, and with regard to the powers of the aircraft commander pursuant to the Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963 as well as in accordance with other relevant international obligations of the States of the Parties.

(2) The competent authorities of the Parties shall inform each other of any deployment of Air Marshals. Air Marshals may on the territory of the State of the other Party carry weapons to an extent necessary for ensuring security of the aircraft.

(3) The competent authorities of the Parties may agree upon the modalities and conditions of the use of Air Marshals in a separate arrangement.

Article 10

The following provisions shall apply to the exchange of personal data (hereinafter referred to as "data") and the handling of the transmitted data:

- a) The recipient Party may use the data solely for the purposes of the fight against crime and the protection of public order and security and under the conditions determined by the data-transmitting Party; such data may be used for other purposes only with the prior written consent of the data-transmitting Party and in compliance with the legislation of the States of both Parties.
- b) Sensitive data, as defined in Article 6 of the Convention of the Council of Europe for the Protection of Individuals with Regard to Automatic Processing of Personal Data of 28 January 1981, may only be exchanged if absolutely necessary.
- c) Upon the request of the data-transmitting Party, the recipient Party shall provide information on the use of the transmitted data and the results thus achieved.
- d) The data-transmitting Party shall ensure that the transmitted data are correct and check that the transmission is necessary and appropriate to the intended purpose. In doing so, it is necessary to respect the legislation of the States of the Parties which may restrict the data transmission. Should it be subsequently ascertained that the transmitted data were incorrect or should not have been transmitted, the recipient Party must be notified immediately. It shall correct the wrong data and destroy the data which should not have been transmitted.
- e) Each person has the right to receive, upon request, from the authority responsible for the data processing information on the data concerning him or her transmitted or processed under this Agreement, as well as the right to the correction of incorrect data or the destruction of data

processed unlawfully. Provision of such information may be refused only in cases defined by the legislation of the States of the Parties. The authority handling the request for information shall provide the information only with the prior written consent of the other Party.

- f) When transmitting data, the data-transmitting Party may, in accordance with the legislation of its State, set the other Party a deadline for the destruction thereof. Regardless of the deadline, the data must be destroyed as soon as they cease to be needed. In the event of the termination of this Agreement, unless it is replaced by a new international agreement or another regulation by which the States of the Parties are bound, all data received on its basis must be destroyed.
- g) The Parties shall keep records on the transmissions, receipt and destruction of data. The records shall in particular indicate the purpose of the transmission, the scope of the data, the authorities involved and the reasons for destruction.
- h) The Parties shall effectively protect the transmitted data against accidental or unauthorised access, loss, accidental or unauthorised change, against accidental or unauthorized transmission, or against accidental or unauthorised disclosure.
- i) The Parties shall cooperate in the protection of the transmitted data; in particular, they shall inform each other of the possibilities of persons to seek protection of their rights under lit. (e).

Article 11

(1) If no special international agreement providing for the exchange of classified information has been concluded, classified information shall be transmitted under this Agreement in accordance with the legislation of the States of the Parties, while:

- a) Information which under the legislation of the State of the transmitting Party is subject to security classification, and is marked accordingly, shall be provided by the recipient Party with protection equal to that given to information subject to the corresponding level of security classification under the legislation of its own State, in accordance with the table of equivalence of the security classification levels included in the Annex to this Agreement. The Annex forms an integral part of this Agreement.
- b) The transmitting Party shall notify the recipient Party in writing and without delay of any reclassification or declassification of the classified information transmitted. The recipient Party shall carry out the reclassification or declassification in accordance with the notification.
- c) The transmitted classified information may be used only for the purpose for which it has been transmitted and may be made accessible only to persons with a need to know who are authorized thereto under the legislation of the respective State.
- d) The transmitted classified information may be made accessible to other than the competent authorities of the Parties under Article 14 only with a written approval of the transmitting Party.
- e) Any violation of the legislation of the State of the recipient Party concerning the protection of the transmitted classified information shall be without delay reported to the transmitting Party, including information on the circumstances of the violation of the legislation, its consequences and the measures adopted to reduce the consequences and prevent such violations in the future.

(2) The classified information may be transmitted directly between the points of contact notified by the Parties through diplomatic channels.

Article 12

(1) Information and documents transmitted in the framework of cooperation under this Agreement may be provided to third States and international organizations only with a written consent of the transmitting Party.

(2) Unless the Parties indicate otherwise in each individual case, the Parties may share information necessary for the purpose of border protection and visa policy, exchanged in the framework of cooperation pursuant to this Agreement, with third States which are members of an integration group characterized by the removal of controls at the common borders, by means of information systems established on the basis of the legislation binding upon the State of that Party due to its membership in such integration group.

Article 13

Unless the competent authorities of the Parties agree otherwise in advance, the costs associated with the implementation of all forms of cooperation under this Agreement shall be borne by the Party which provides the support; the Parties shall be mindful of mutual balance and reciprocity of costs.

Article 14

(1) Within 30 (thirty) days of the date of entry of this Agreement into force, the Parties shall inform each other of the authorities competent to implement this Agreement, which shall directly and operatively cooperate in the framework of their respective competence. At the same time they shall notify each other of the addresses of the competent authorities, as well as their other contact details.

(2) The competent authorities of the Parties shall immediately notify each other of any changes in their addresses and other contact details.

Article 15

The competent authorities of the Parties may, when necessary, conclude implementing arrangements on the basis of this Agreement.

Article 16

Any disputes which might arise in connection with the interpretation or implementation of the provisions of this Agreement shall be resolved by negotiations between the competent authorities of the Parties. Should the disputes not be resolved this way, they shall be further solved through diplomatic channels.

Article 17

This Agreement is without prejudice to the obligations of the Parties arising from other international bilateral or multilateral agreements by which the States of the Parties are bound.

Article 18

Either Party may suspend the implementation of this Agreement in full or in part should the concerns of national security, public order or public health require so. The Parties shall immediately notify each other of the adoption or revocation of such measures by diplomatic channels. The suspension of the implementation of the Agreement and the revocation of that suspension shall become effective upon the lapse of 15 (fifteen) days from the delivery of such notification to the other Party.

Article 19

The Parties may agree upon amendments and supplements of this Agreement in the form of a protocol which shall become an integral part of this Agreement and shall enter into force in accordance with the procedure stipulated in Article 20 paragraph (1).

Article 20

(1) This Agreement shall enter into force 60 (sixty) days after the delivery of the later notification by diplomatic channels by which the Parties notify each other of the completion of the procedures required by the legislation of the States of the Parties for its entry into force. This Agreement is concluded for an indefinite period of time.

(2) This Agreement may be terminated by either Party by means of a written notice. This Agreement shall terminate six months after the date of delivery of such written notice to the other Party.

Done in Prague on 30th January 2014 in two originals, each in the Czech language, in the Armenian language and in the English language. In case of divergence in the interpretation of the provisions of the Agreement, the English version shall prevail.

For the Government
of the Czech Republic

Milan Chovanec
Minister of the Interior

For the Government
of the Republic of Armenia

Edward Nalbandian
Minister of Foreign Affairs

Annex

**to the Agreement between the Government of the Czech Republic
and the Government of the Republic of Armenia
on Cooperation in the Fight against Crime**

The Parties stipulate, in compliance with Article 11 paragraph (1) lit. a) of the Agreement between the Government of the Czech Republic and the Government of the Republic of Armenia on Cooperation in the Fight against Crime and with regard to the legislation of their States, that for the purposes of this Agreement the following levels of security classification shall be comparable:

VYHRAZENÉ/RESTRICTED
or DŮVĚRNÉ/CONFIDENTIAL

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ԳԱՂՏՆԻ/SECRET

TAJNÉ/SECRET
or PŘÍSNĚ TAJNÉ/TOP SECRET

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ՀՈՒՅԺ ԳԱՂՏՆԻ/TOP SECRET

When the Czech side receives information classified as ԳԱՂՏՆԻ/SECRET from the Armenian side, it shall always be classified as DŮVĚRNÉ/CONFIDENTIAL on the Czech side. When the Czech side receives information classified as ՀՈՒՅԺ ԳԱՂՏՆԻ/TOP SECRET from the Armenian side, it shall always be classified as PŘÍSNĚ TAJNÉ/TOP SECRET on the Czech side.