draft

**Agreement**

 **between the Government of the Republic of Latvia and the Government of the Republic of Kosovo on Cooperation in the Field of Security**

The Government of the Republic of Latvia and the Government of the Republic of Kosovo hereinafter referred to as the Contraction Parties,

Desiring to further consolidate and develop the friendly relations between the Republic of Latvia and the Republic of Kosovo,

Convinced that cooperation is extremely important for the effective prevention of and fight against crime, in particular organized and serious crime, terrorisms, drug –related crime, arms trafficking, and illegal migration and unlawful smuggling of persons,

Motivated by the desire to protect the citizens of their countries and other persons in their territory effectively against crime,

Mindful of the aims and principles of international agreements which both Contracting Parties have ratified, and of the resolutions of the United Nations Organization and its special organizations in the field of crime prevention,

Have agreed as follows.

**Article 1**

**Object of Cooperation**

1. The Contracting Parties shall cooperate, through their competent authorities, to prevent, combat and solve organized or serious crimes and terrorism.
2. Cooperation shall comprise in particular the following fields:
3. crimes against life, health as well as personal freedom;
4. terrorism and terrorism financing;
5. unlawful cultivation, production, processing, storage, import, export, transit of or trafficking in narcotic drugs, psychotropic substances and precursors;
6. pandering and trafficking in human beings;
7. smuggling of persons and illegal migration;
8. unlawful manufacturing of, trade in and smuggling of weapons, ammunition, explosives and radioactive material;
9. unlawful trade in potential dual – use goods and technologies;
10. unlawful trade in cultural property;
11. extortion;
12. production and dissemination or use of counterfeit money, means of non-cash payment or securities;
13. forgery of documents and certificates;
14. property-related crimes;
15. international illicit trafficking in vehicles;
16. fraud;
17. evasion of taxes and customs duties;
18. subsidy fraud;
19. corruption;
20. money laundering;
21. crimes against the environment;
22. computer crimes;
23. intellectual property crimes.
24. The Contracting Parties shall cooperate particularly in cases involving the commission of crimes or preparations for crimes on the sovereign territory of one of the Contracting Parties and if there is evidence to suggest that these activities have the capacity to adversely affect the other Contracting Party or to pose a threat to its security.

**Article 2**

**Types of Cooperation**

The Contracting Parties shall cooperate in accordance with Article 5of the Agreement to prevent and combat organized crime, terrorism and other crimes within the meaning of Article 1 of Agreement. To this end the Contracting Parties shall as far as possible:

1. exchange experts in line with demand to provide one another with information regarding the types and methods of crime prevention and suppression, and for particular forms of crime suppression and forensic science;
2. inform each other about particulars of those involved in crimes, especially of those organizing behind the scenes, structures of offender groups and criminal organizations and the links between them, typical behavior patterns of offenders and groups of offenders, facts related to crimes, in particular when, where and how they were committed, the means and resources used by the offender, any particularities, the penal provisions which have been violated and the measures which have been taken, as far as necessary to prevent crime or to avert a substantial threat to public security which may exist in a given case;
3. carry out, upon request, measures which are admissible under the law of the requested Contracting Party; they may grant representatives of the competent authorities of the other Contracting Party permission to attend the implementation of any such operational measures;
4. cooperate in the course of operative investigations through co-ordinate police measures, granting support in terms of staff, material and organization in doing so;
5. exchange experience and information in particular on common methods of international crime, special and new forms of committing crimes;
6. exchange forensic and criminological research findings as needed;
7. cooperate in the field of criminological assessments;
8. provide the other Contracting Party with samples of objects and substances obtained from or used in crimes or that could be abused;
9. send experts for advanced training and exchange of experience;
10. cooperate in the field of basic and advanced technical training;
11. hold work meetings as needed and as part of concrete investigations to prepare and conduct joint measures.

**Article 3**

**Cooperation to Prevent and Combat Drug – Related Crimes**

In order to prevent and combat the unlawful cultivation, production, processing, storage, import, export or transit of or trafficking in narcotic drugs, psychotropic substances and precursors, the contracting Parties shall, in accordance with Article 5 of the Agreement:

1. provide the particulars ant the other case-related findings about persons involved in the unlawful production of narcotic drugs, psychotropic substances and precursors and the trafficking in such substances, about hiding places and means of transport, methods, places of origin and destination and any particularities of a case, as far as necessary to combat crimes or to avert a substantial threat to public security which may exist in a given case;
2. conduct upon request, controlled deliveries and other special investigation measures related to the unlawful trafficking in narcotic drugs, psychotropic substances and precursors and provide the other Contracting Party with any helpful findings gathered;
3. exchange information about common methods of unlawful cross-border trafficking in narcotic drugs, psychotropic substances and precursors;
4. exchange forensic and criminological research results related to drug trafficking and drug abuse;
5. provide the other Contracting Party with information about new addictive or otherwise dangerous natural or synthetic substances which are abused;
6. share experience with regard to monitoring the lawful trade in narcotic drugs, psychotropic substances and precursors which may be diverted unlawfully;
7. carry out joint measures to combat the unlawful production of synthetic drugs.

**Article 4**

**Information Requests**

1. Information shall be transmitted, subject to the domestic law, by the responsible agencies of the Contracting Party in line of Article 6 of the Agreement upon request of the competent agencies of the other Contracting Party. In urgent cases, requests may also be made verbally; however verbal requests must be confirmed in writing without delay.
2. Requests in line of paragraph 1 above shall be made in Latvian and in English or in another language agreed upon by the Contracting Parties, and shall contain:
3. information concerning the purpose of the request,
4. the information needed to meet the request;
5. a statement as to what items of information are to be transmitted, and
6. any deadlines within which to meet a request, if necessary.
7. The competent agencies of either Contracting Party shall, in line with domestic law, also in the absence of a request, provide the competent agencies of the other Contracting Party with any information which may be of importance to combat or solve organized and serious crimes.
8. Any information that has been transmitted must not be disclosed to third parties without written consent of the transmitting Contracting Party.

**Article 5**

**Compliance with Laws and other Provisions of the Contracting Parties and Relationship to other International Treaties**

1. Cooperation of the Contracting Parties in all fields mentioned in the Agreement shall be governed by their domestic law.
2. The Agreement shall not affect the obligations of the Contracting Parties arising from bilateral or multilateral agreements.
3. The Agreement shall not affect the national regulations governing extradition, any other judicial assistance in criminal matters, administrative and judicial assistance in fiscal matters or any of the Contracting Parties’ obligations arising from bilateral or multilateral agreements. The Agreement does not provide a basis for requests to communicate data or information to be used as evidence in criminal proceedings.

**Article 6**

**Competent Agencies**

1. For the purpose of implementing of the Agreement cooperation between the Contracting Parties shall take place directly between the competent agencies referred below and through experts designated by them.

For the Government of the Republic of Latvia the competent agencies are:

1. Ministry of the Interior of the Republic of Latvia;
2. State Police of the Republic of Latvia;
3. Security Police of the Republic of Latvia;
4. State Border Guard of the Republic of Latvia;
5. Corruption Preventing and Combating Bureau of the Republic of Latvia;
6. State Revenue Service of the Republic of Latvia;
7. Ministry of Health of the Republic of Latvia;

For the Government of the Republic of Kosovo the competent agencies are:

1. The Ministry of Internal Affairs of the Republic of Kosovo;
2. he Ministry of Economy and Finance of the Republic of Kosovo;
3. the Ministry of Health of the Republic of Kosovo;
4. Police of the Republic of Kosovo; and
5. Customs of the Republic of Kosovo.
6. The Contracting Parties shall notify each other through diplomatic channels of any changes in competence or designation of the competent authorities responsible for the implementation of the Agreement.

**Article 7**

**Consultations; Implementing Protocols**

The Contracting Parties shall hold consultations to make cooperation under Article 1 to 4 of the Agreement effective, if necessary. Details and proceedings with regard to cooperation under Article 1 to 4 of the Agreement may be laid down in a separate Implementing Protocol.

**Article 8**

**Protection of Personal Data**

In compliance with the domestic law of each Contracting Party, personal data, hereinafter referred to as “data”, shall be communicated and used in a framework of the Agreement by the competent agencies of the Contracting Parties referred to in Article 6 of the Agreement with the following provisions:

* + - 1. The receiving competent agency of one Contracting Party shall, upon request, notify the communicating competent agency of the other Contracting Party as to how the data are to be used and any results achieved.
			2. The receiving competent agency shall use the data only for the purposes set forth in the Agreement and on terms specified by the communicating competent agency. Furthermore, it shall be permissible to use any such data for the prevention and prosecution of serious crimes and for purpose of averting serious danger to public security.
			3. The communicating competent agency shall ensure that the data to be communicated are accurate, and that the purpose of the data communication is both necessary and appropriate. In so doing, they shall respect the communication bans applicable under the relevant national law. The data shall not be communicated if the communicating competent agency has any grounds to assume that doing so could violate national law or harm the interests of the affected persons which are worthy of protection. If it is found that data have been communicated are inaccurate or unauthorized, the recipient must be informed thereof immediately. The receiving competent agency must correct or delete the data without delay.
			4. The person, whose personal data have been communicated, at his request and in accordance with the domestic law of the relevant Contracting Party, must be given information on the data and their intended use; in the interests of national security and public order, such information may be refused;
			5. If anyone is harmed unlawfully as a result of data communication based on the Agreement, the receiving agency shall be obligated to compensate him or her for damages in accordance with its domestic law. If the receiving competent agency compensates for damages caused, by the use of improperly or unlawfully communicated data, the communicating competent agency shall reimburse the receiving competent agency for the total amount of compensation paid.
			6. When communicating data, the communicating agency shall indicate any time limits for the retention of these data in accordance with its domestic law, after which time the data must be deleted. Irrespective of these time limits, the data communicated shall be deleted as soon as they are no longer required for the purpose for which they were communicated.
			7. The communicating and the receiving competent agencies are obligated to keep a written record of the communication and receipt of personal data.
			8. The communicating competent agency and the receiving competent agency shall ensure that the data communicated are effectively protected against unauthorized access, unauthorized alteration and unauthorized disclosure.

Article 9

Secondment of liaison officers

A Contracting Party may second liaison officers to the police authorities of the other Contracting Party, provided the latter has given its consent.

Such liaison officers shall assist and provide advice, without exercising sovereign powers independently. They shall provide information and discharge their tasks as instructed by the seconding Contracting Party, complying with the domestic law of the receiving Contracting Party.

Seconding Contracting Party shall bear expenses of the secondment and residence of the liaison officers in the territory of the state of the other Contracting Party.

Article 10

Limits of cooperation

* 1. Either Contracting Party may refuse cooperation under this Agreement in parts or entirely, or make it conditional on specific requirements, if such cooperation:

impairs its sovereignty, security or other important interests,

is in conflict with its domestic laws,

jeopardizes its investigations or current measures,

is in conflict with a court order handed down, on its territory,

is related to an activity which is not punishable under the acts of either Contracting Party.

(2) The Contracting Party refusing to cooperate shall inform the requesting Contracting Party in writing of the reasons for such refusal.

**Article 11**

**Settlement of Disputes**

1. Any dispute concerning the interpretation and application of the Agreement shall be settled by way of direct negotiations or consultations between the competent authorities of the Contracting Parties within the scope of their competence.

2. Should no agreement be reached by way of negotiations or consultations as referred to in paragraph 1 of this Article, the dispute shall be settled through diplomatic channels.

## Article 12

**Amendments and Supplements**

The Contracting Parties may make amendments and supplements to the Agreement in the form of protocols, which become an integral part of the Agreement. The amendments and supplements to the Agreement shall enter into force in accordance with paragraph 1 of Article 13 of the Agreement.

Article 13

Entry into Force

1. The Agreement is concluded for an indefinite period of time and shall enter into force on the day of the receipt of the last written notification through diplomatic channels by which the Contracting Parties notify each other of the completion of the internal procedures necessary for the Agreement to enter into force.
2. Each Contracting Party may terminate the Agreement at any time by giving the other Contracting Party a written notice of its intention through diplomatic channels. Such termination shall take effect on the ninetieth day following the date of receipt of such notice.

Article 14

Registration

The registration of the Agreement with the Secretariat of the United Nations Organization pursuant to Article 102 of the Charter of the United Nations Organization shall be arranged for by the Republic of Latvia immediately after the Agreement's entry into force.

Done at this........ day in two originals in the

Latvian, Albanian, Serbian and English languages, all texts being equally authentic, in case of divergent interpretations, the English text shall, prevail.

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| For the Government of the Republic of Latvia | For the Government of the Republic of Kosovo |

Iekšlietu ministrs R.Kozlovskis

Vīza: Valsts sekretāre I.Pētersone-Godmane

20.10.2011. 8:31

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