

## **MEMORANDUM OF UNDERSTANDING**

**Amended on 25.01.10**

**OF THE PUBLIC PROSECUTION OF THE REPUBLIC OF MACEDONIA,  
OF THE GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF ALBANIA,  
OF THE PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA,  
OF THE STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA,  
OF THE REPUBLIC PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF SERBIA  
AND  
OF THE SUPREME STATE PROSECUTOR'S OFFICE OF MONTENEGRO**

**FOR REGIONAL CO-OPERATION AGAINST ORGANISED CRIME AND OTHER FORMS OF  
SERIOUS CRIME**

The Public Prosecution of the Republic of Macedonia, the General Prosecutor's Office of the Republic of Albania, the Prosecutor's Office of Bosnia and Herzegovina, the State Attorney's Office of the Republic of Croatia, the Republic Public Prosecutor's Office of the Republic of Serbia and the Supreme State Prosecutor's Office of Montenegro, hereinafter referred to as Signatories, based on the national Action Plans of their States for combating organised crime and in line with the common conclusions from the joint meeting of the Ministers of Justice and Ministers of Internal Affairs of their countries and Member States of the European Union of 28 November 2003, resolved to combat all forms of organised crime in the region, and with that also to contribute to the process of integration of their States into the European Union, have reached an understanding on the following:

### **Article 1**

Within their national legal and institutional frameworks and having in mind international obligations, the Signatories agree to co-operate closely in repressing, investigating and prosecuting perpetrators of organised crime and all other forms of serious crime, criminal groups and criminal associations.

In view of implementing European standards, Signatories shall in particular base their co-operation, and use to the highest possible extent measures contained therein, the following European instruments:

- European Convention on Mutual Assistance in Criminal Matters;
- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism;
- Convention on Cybercrime and its additional protocols;
- Convention on Action against Trafficking in Human Beings;
- European Convention on the Transfer of Proceedings in Criminal Matters;
- European Convention on the International Validity of Criminal Judgements;
- Convention on the Transfer of Sentenced persons.

## **Article 2**

This co-operation shall be realised through the exchange of information, documents and evidence which are related to all forms of organised crime and other forms of serious crime, within their jurisdiction, especially in case of offences committed or prepared totally or in part on their territories in which their nationals or foreign citizens are involved or of which they are victims.

## **Article 3**

In order to facilitate direct cooperation and networking, each of the Signatories shall establish a National Contact Point. These National Contact Points shall be established at the Public Prosecution of the Republic of Macedonia, the General Prosecutor's Office of the Republic of Albania, the Prosecutor's Office of Bosnia and Herzegovina, the State Attorney's Office of the Republic of Croatia, the Republic Public Prosecutor's Office of the Republic of Serbia and the Supreme State Prosecutor's Office of Montenegro.

The National Contact Points should - as far as possible - be identical with the contact points established for EUROJUST and the Prosecutorial Focal Points set-up within SEEPAG.

The National Contact Point shall have his/her replacement (substitutes) to ensure that networking is permanent and not affected by the his/her absence.

All information, documents and evidence received shall be treated as urgent and confidential according to the provisions on confidentiality in the domestic legislation of each of the signatory countries.

The National Contact Points shall communicate directly with each other. Communication in writing shall be in the language as agreed by national contact points on a case by case basis, including in English language.

## **Article 4**

The Signatories pledge for swiftness, efficiency and the necessary updates in the co-operation according to this agreement and relevant international instruments, within their competences, in the procedures for extradition and requests for mutual legal assistance. Signatories will in particular make use of the possibilities for direct cooperation as foreseen in Article 5 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

## **Article 5**

Within their competences the Signatories shall develop a mechanism to ensure a coordination of investigation of cases of cross-border organised crime with a view to preventing possible overlaps and disadvantageous effects on investigations undertaken by other Signatories.

This coordination will include ensuring the formal approval and practical organisation of: presence of officials of the requesting Party; hearing by video conference; hearing by telephone conference; cross border observations; controlled delivery; covert investigations and joint investigation teams as foreseen in the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

## **Article 6**

Within their competences the Signatories shall organise regular professional contacts with a view to exchange experience, analytic materials, statistical data and relevant reports on organised crime.

The National Contact Points shall hold regular meetings every year to ensure the aforementioned exchange of information and to develop common strategies against organised crime and other forms of serious crime. The heads of the units competent for combating organised crime, or other relevant officials and experts, shall participate in regular meetings as needed.

If considered necessary and if decided by the majority of Signatories, ad hoc meetings might also be organised.

To ensure sustainability of the Prosecutorial Network, the Signatories shall seek ways to ensure that funds are available for participation in annual meetings and ad hoc meetings.

To ensure continuity and to provide necessary logistical arrangements for annual and ad hoc meetings, the Signatories shall rotate alphabetically as a host and an organiser of the above-mentioned meetings.

## **Article 7**

Within their competences the Signatories shall provide the training for Public Prosecutors necessary for enhancing their capabilities of combating organised crime, e.g. by mutual exchange programmes, organisation of and participation in conferences and seminars on issues of common interest.

They will exchange draft laws important in this area, legal provisions in force, updated information on organisational and other administrative changes, as well as relevant forensic and other scientific information. Furthermore, they will share with each other training manuals, model legislation and other documents in the field of international co-operation and fighting against organised and other forms of serious crime.

Within their competences the Signatories shall promote co-operation between associations of Public Prosecutors, other prosecutorial networks, and other relevant professional organisations in this field.

The Signatories might decide to invite representatives of other prosecutorial networks to their annual or ad hoc meetings with a goal of achieving synergies between different networks.

## **Article 8**

Within their competences the Signatories shall ensure that the National Contact Points established according to Article 3 are provided with the powers and the staff as well as the means of communication and other equipment necessary for effective and swift fulfilment of their tasks. Within their competences they shall organise the necessary training, especially in legal issues and the relevant foreign languages.

The Signatories shall reach to international donors in case they have no capacities to provide either equipment or appropriate training.

The Signatories shall provide each other with all information on the National Contact Points and their replacements (substitutes) and take the necessary measures to keep this information up to date.

Within their competences, the Signatories shall develop at national level measures to ensure effective and swift co-operation between the National Contact Points and the country's prosecutorial services.

#### **Article 9**

The Signatories shall co-operate with the aim to prevent and combat corruption and other possible forms of influence by organised crime, especially in those national institutions which are of relevance to combating organised crime.

#### **Article 10**

The Signatories shall evaluate their respective national provisions and practices with a view to improving the legal framework and mechanisms to combat organised crime and other forms of serious crime and to propose to competent government institutions amendments to bring national legislation fully in line with European Convention on Mutual Assistance in Criminal Matters, its Second Additional Protocol and other international standards.

Within their competences the Signatories shall contribute by influencing further the swift ratification and implementation of international instruments to combat organised crime and other forms of serious crime, and full compliance of domestic legislation with the international instruments they adhered to.

#### **Article 11**

Within their competences the Signatories shall undertake to develop and to promote co-operation mechanisms with the relevant bodies of the United Nations Interim Administration Mission in Kosovo<sup>1</sup>

#### **Article 12**

All amendments to this Memorandum shall be subject to approval by its Signatories.

#### **Article 13**

The Signatories shall review the provisions of this Memorandum and their effectiveness every 12 months with a view to providing the amendments necessary to react to new developments in the field of organised crime and other forms of serious crime.

#### **Article 14**

This amended Memorandum shall enter into force on the day of its signature.

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<sup>1)</sup> As defined by the United Nations Security Council Resolution (UNSCR) 1244 of 10 June 1999.

Agreed in Rome, in 7 copies in Macedonian, Albanian, Bosnian, Croatian, Montenegrin, Serb and English language. In case of any dispute the English copy shall be regarded as the original.

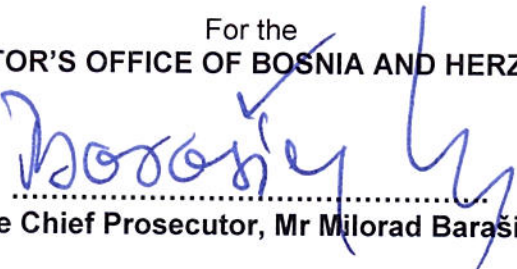
For the  
**PUBLIC PROSECUTION OF THE REPUBLIC OF MACEDONIA**

  
.....  
The Public Prosecutor, Mr Ljupco Svrgovski


For the  
**GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF ALBANIA**

  
.....  
The General Prosecutor, Ms Ina Rama

For the  
**PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA**

  
.....  
The Chief Prosecutor, Mr Milorad Barašin

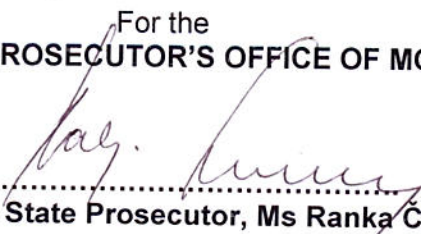
For the  
**STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA**

  
.....  
The State's Attorney General, Mr Mladen Bajić

For the  
**REPUBLIC PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF SERBIA**

  
.....  
The Republic Public Prosecutor, Ms Zagorka Dolovac

For the  
**SUPREME STATE PROSECUTOR'S OFFICE OF MONTENEGRO**

  
.....  
The Supreme State Prosecutor, Ms Ranka Čarapić