

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE STATE INVESTIGATION AND PROTECTION AGENCY („SIPA“)**

**AND**

**THE PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA („THE  
PROSECUTOR'S OFFICE“)**

**(HEREINAFTER: „THE SIGNATORIES“)**

**ON**

**COOPERATION IN THE FIELD OF CRIMINAL INVESTIGATIONS OF  
SERIOUS BREECHEES OF THE INTERNATIONAL HUMANITARIAN LAW**

**Being aware** of the importance for the Prosecutor's Office to conduct effective investigations in order to efficiently prosecute perpetrators of serious breeches of the international humanitarian law;

**Being aware** of the role of the State Investigation and Protection Agency in the conduct of criminal investigations aimed at efficient prosecution of the perpetrators of serious breeches of the international humanitarian law;

**Being aware** of the general obligation to investigate serious breeches of the international humanitarian law, committed during the armed conflict in Bosnia and Herzegovina in the period between 1992 and 1995, and the appropriate statutory obligation of the authorities in Bosnia and Herzegovina to investigate such serious breeches;

**Being aware** of the positive influence that such efficient prosecution of the perpetrators of serious breeches of the international humanitarian law shall have on the reconciliation in the country.

**Wishing to** establish an effective system to support criminal investigations through the joint cooperation in those areas;

**Bearing in mind** the provisions of the Criminal Procedure Code of Bosnia and Herzegovina, the Criminal Code of Bosnia and Herzegovina, the Law on the State Investigation and Protection Agency and the Instructions on the Professional Basis for Cooperation Between the State Investigation and Protection Agency and the Prosecutor's Office of Bosnia and Herzegovina in Discovery and Prosecution of Perpetrators of Criminal Offenses,

**The Signatories have agreed as follows:**

**Article 1**

The Signatories shall cooperate in the field of criminal investigations of breeches of the international humanitarian law in the mutual interest and in accordance with the provisions of this Memorandum of Understanding (the Memorandum), the Criminal Procedure Code of Bosnia and Herzegovina, the Law on State Investigation and Protection Agency, the Instructions on Professional Basis for Cooperation Between the State Investigation and Protection Agency and the Prosecutor's Office of Bosnia and Herzegovina in Discovery and Prosecution of Perpetrators of Criminal Offenses, in compliance with international treaties and the relevant national legislation.

**Article 2**

- (1) Joint cooperation of the Signatories shall include, but shall not be limited to, development of the joint strategy, methodology and the operational plan for conduct of criminal investigations of serious breeches of the international humanitarian law.
- (2) Center for Investigation of War Crimes and Criminal Offenses, punishable under international war and humanitarian law (hereinafter the SIPA War Crimes Investigation Centre) shall initially delegate five (5) investigators to conduct investigations of serious breeches of the international humanitarian law in accordance with the provisions of the Criminal Procedure Code of Bosnia and Herzegovina, the Law on the State Investigation and Protection Agency and the Instructions on the Professional Basis for Cooperation between the State Investigation and Protection Agency and the Prosecutor's Office of Bosnia and Herzegovina in Discovery and Prosecution of Perpetrators of Criminal Offences under the direct supervision and per instructions of the Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina (hereinafter: the Chief Prosecutor). In consultation with the Chief Prosecutor, the SIPA War Crimes Investigation Center shall delegate, as necessary, additional investigators, depending on means, office premises and staff available.
- (3) Special Department for War Crimes of the Prosecutor's Office (hereinafter Special Department for War Crimes) shall assist the coordination of the criminal investigations activities between the Prosecutor's Office and the SIPA War Crimes Investigation Center.
- (4) Special Department for War Crimes shall provide, if required, the necessary technical and other means to the delegated investigators of the SIPA War Crimes Investigation Center in order to enable them to effectively conduct criminal investigations of serious breeches of the international humanitarian law. Investigators of the SIPA War Crimes Investigation Center shall be accountable for

their work to the State Investigation and Protection Agency, under the supervision and per instructions of the Prosecutor.

### **Article 3**

As of the day this Memorandum is signed, Special Department for War Crimes shall provide work conditions for five (5) delegated investigators of the SIPA War Crimes Investigation Center within the premises of the Department, as well as necessary furniture, computers and telephone equipment for the five (5) delegated investigators of the SIPA War Crimes Investigation Center.

### **Article 4**

The Prosecutor's Office shall provide all other forms of cooperation as agreed by the Signatories, including regular meetings of the Signatories.

### **Article 5**

Joint activities as per the Memorandum shall depend on availability of means, office premises and staff working on criminal investigations.

### **Article 6**

In terms of this Memorandum, the Signatories shall consult each other on all issues related to the joint activities that may come up in interpretation and application of this Memorandum.

### **Article 7**

This Memorandum shall enter into force when signed by both Signatories and shall remain valid until any of the Signatories requests its termination.

There are four copies of the Memorandum, and each party retains two copies.

In Sarajevo, on October 12, 2005

**Marinko Jurčević**

Chief Prosecutor  
of the Prosecutor's Office  
of Bosnia and Herzegovina

**Sredoje Nović**

Director  
of the State Investigation  
and Protection Agency