

MEMORANDUM OF UNDERSTANDING
OF THE PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA,
OF THE GENERAL PROSECUTOR'S OFFICE OF THE REPUBLIC OF ALBANIA,
OF THE STATE PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA,
OF THE STATE PROSECUTOR'S OFFICE OF THE REPUBLIC OF CROATIA,
OF THE REPUBLIC'S PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF SERBIA
AND OF THE
CHIEF STATE PROSECUTOR'S OFFICE OF THE REPUBLIC OF MONTENEGRO
FOR REGIONAL CO-OPERATION AGAINST ORGANISED CRIME

The Public Prosecutor's Office of the Republic of Macedonia, the General Prosecutor's Office of the Republic of Albania, the State Prosecutor's Office of Bosnia and Herzegovina, the State Prosecutor's Office of the Republic of Croatia, the Republic's Public Prosecutor's Office of the Republic of Serbia and the Chief State Prosecutor's Office of the Republic 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, criminal groups and criminal associations.

Article 2

This co-operation shall be realized through the exchange of information, documents and evidence which are related to all forms of organised 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

For this co-operation each of the Signatories shall establish a National Contact Point. These National Contact Points shall be established at the Offices of the Public Prosecutor's Office of the Republic of Macedonia, the General Prosecutor's Office of the Republic of Albania, the State Prosecutor's Office of Bosnia and Herzegovina, the State Prosecutor's Office of the Republic of Croatia, the Republic's Public Prosecutor's Office of the Republic of Serbia and the Chief State Prosecutor's Office of the Republic 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.

All information, documents and evidence received shall be treated as urgent and confidential.

The National Contact Points shall communicate directly with each other. Communication in writing shall be in the language of the State that delivers the communication including a translation into the language of the State that receives the same or into the language of the requesting State. The National Contact Points may agree bilaterally on use of a specific language.

Article 4

The Signatories pledge for swiftness, efficiency and the necessary updates in the co-operation according to this agreement and, within their competences, in the procedures for extradition and requests for mutual legal assistance.

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.

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 and the heads of the units competent for combating organised crime shall hold regular meetings every 12 months to ensure the aforementioned exchange of information and to develop common strategies against organised crime.

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 information on draft laws important in this area, on new legal provisions and on organisational and other administrative changes as well as relevant forensic and other scientific information.

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

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 training necessary, especially in legal issues and the relevant foreign languages.

The Signatories shall provide each other with all information on the National Contact Points 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.

Within their competences the Signatories undertake to contribute the results of this evaluation to their national legislative processes by supporting amendments necessary to co-operate in combating organised crime.

Within their competences the Signatories shall contribute their influence to further a swift ratification and implementation of international instruments to combat organised crime.

Article 11

The Signatories devote themselves to further improvement of the regional network of prosecutors by developing a Model Legal and Institutional Framework to combat organised crime.

Article 12

Within their competences the Signatories shall undertake to develop and to propagate co-operation mechanisms with the relevant bodies of the United Nations Interim Administration Mission in Kosovo¹⁾.

Article 13

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

Article 14

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.

Article 15

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

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

Agreed in Skopje, dated 30 March 2005, in 6 copies in Macedonian, Albanian, Bosnian, Croatian, Serb and English language. In case of any dispute the English copy shall be regarded as the original.

For the
PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA

.....
The Public Prosecutor, Mr. Aleksandar Prcevski

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

.....
The Prosecutor General, Mr. Theodhori Sollaku

For the
STATE PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA

.....
The Chief State Prosecutor, Mr. Marinko Jurčević

For the
STATE PROSECUTOR'S OFFICE OF THE REPUBLIC OF CROATIA

.....
The Chief State Prosecutor, Mr. Mladen Bajić

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

.....
The Republic's Public Prosecutor, Mr. Slobodan Janković

For the
CHIEF STATE PROSECUTOR'S OFFICE OF THE REPUBLIC OF MONTENEGRO

.....
The Chief State Prosecutor, Mrs. Vesna Medenica