

## Memorandum of Understanding

between

The Prosecutor General's Office of Ukraine and the Prosecutor's Office of Bosnia and Herzegovina

**On cooperation in preventing and suppressing all forms of serious crime, particularly international and transnational organized crime, economic crime and corruption; laundering of proceeds of crime; war crimes, crimes against humanity, genocide and values protected under international law.**

The Prosecutor General's Office of Ukraine and the Prosecutor's Office of Bosnia and Herzegovina, (hereinafter: the Parties),

**AIMED** at establishing, developing and strengthening prosecutorial cooperation in the prevention and suppression of all forms of serious crime, particularly international and transnational organized crime, economic crime and corruption; laundering of proceeds of crime; war crimes, crimes against humanity, genocide and values protected under international law;

**BASED UPON** established principles of sovereignty and equality of rights among States, mutual understanding and interests, fulfilment of obligations in good faith, as well as rules universally recognized by general principles of international law;

**BEARING IN MIND** the principles stated in the European Convention on Mutual Assistance in Criminal Matters of 1959 and the Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime of 1990, and all other relevant international agreements in criminal matters;

### **HAVE AGREED AS FOLLOWS:**

- (1) The Parties shall, within the jurisdiction and in compliance with their respective applicable national laws, cooperate in the prevention and suppression of all forms of serious crime, particularly international and transnational organized crime, economic crime and corruption; laundering of proceeds of crime; war crimes, crimes against humanity, genocide and values protected under international law..
- (2) Cooperation within the scope of this Memorandum shall be implemented by the Parties through the exchange of information and documentation concerning crimes of an international character and persons involved in their perpetration.

In this case, the Parties, in compliance with the requirement of ensuring the integrity and confidentiality of investigations, shall mutually exchange information whereupon any respective national, foreign national or stateless person are being investigated and/or prosecuted for a criminal offence as referred to in Paragraph 1 of this Memorandum.

- (3) The Parties shall, subject to their respective applicable national laws adopt such measures as may be necessary to favour the effective and prompt execution of any request for legal assistance in criminal matters referred to in Paragraph 1 of this Memorandum, provided that such requests have been received by the competent authorities of the requested Party.
- (4) The Parties shall promote and develop professional contacts and relations between members of their respective Offices with a view to effectively update experiences and exchange information and data on their national laws, including the exchange of laws and other legislation, practical strategies and internal guidelines, analytical material, statistical data and reports concerning criminal matters referred to in Paragraph 1 of this Memorandum.
- (5) In order to implement this Memorandum, the Parties shall contact each other directly, which may include the use of diplomatic channels as and when appropriate.

For direct contact, the Parties shall use the following address and communication means:

Ukraine:

Prosecutor General's Office of Ukraine  
International Law Department  
13/15 Riznytska Str.  
01011, Kyiv, Ukraine  
Fax: +380 (44) 280-28-51  
E-mail: [ilrd@cp.gov.ua](mailto:ilrd@cp.gov.ua)

Bosnia and Herzegovina:

Prosecutor's Office of Bosnia and Herzegovina  
88 Kraljice Jelene Str.  
71000, Sarajevo, Bosnia and Herzegovina  
Fax: +387 (33) 707-465  
E-mail: [tohy.cadman@tuzilastvobh.gov.ba](mailto:tohy.cadman@tuzilastvobh.gov.ba)

- (6) Cooperation within the scope of this Memorandum shall be implemented on the basis of requests for information. Each Party may, without prior request, forward to the other Party information when it considers that such information might assist the receiving Party in initiating or conducting criminal proceedings.
- (7) The requests for information and the relevant responses shall be submitted in writing, in the language of the requesting Party accompanied by an English translation. In the event of urgency, such requests may be sent via e-mail, facsimile communication channels or other technical communications, with formal confirmation to follow.
- (8) Each Party shall execute the requests for information pursuant to its national legislation. Where it is not possible to execute a request, the requested Party shall promptly inform the requesting Party of the reasons preventing such execution.
- (9) The Party which provides information and documentation pursuant to the provisions of this Memorandum may request the other Party to ensure that they be kept confidential when used.

Where it is necessary to use such information during the main trial proceedings, the requesting Party shall submit a request for international judicial assistance in compliance with the rules governing international and national law.

- (10) Information, document, data equipment or technology received in accordance with this Memorandum shall not be disclosed or distributed to any third party except to the extent as authorized in written form to do so by the State providing it.

In the event of termination of this Memorandum, the Parties have agreed that the provisions of this Paragraph shall continue to apply.

- (11) Any issue concerning the interpretation and implementation of this Memorandum shall be settled amicably through consultations and/or negotiations between the Parties without reference to any third party.
- (12) The Parties may request in writing a revision, amendment or modification of all or any part of this Memorandum. Any revision, amendment or modification shall be mutually agreed upon in writing by the Parties and shall form part of this Memorandum. Such revision, amendment or modification shall enter into force on such date as determined by the Parties.
- (13) This Memorandum does not establish any new international and interstate legal obligation for the Parties and their States and does not impact upon any of their present international obligations. Cooperation within the scope of this Memorandum shall be effected through the constant good will of the Parties aimed at adopting practical decisions in the prevention and suppression of international crime and in the cooperative spirit which characterizes this document.
- (14) This Memorandum shall enter into force on the date of signature of both Parties and shall remain in force for an indefinite period of time, unless denounced in writing by either Party. In such a case the denunciation shall become effective upon the expiration of a six month period from the date on which either Party has received the notice of denunciation.
- (15) In case of denunciation of this Memorandum execution of any request and any other activity initiated under this Memorandum that is still in progress shall be implemented until completion thereof.

Done in Sarajevo on 3 April 2008 in two originals, each in Ukrainian, Bosnian, Croatian, Serbian and English, each of three texts being equally authentic. In case of any dispute on the interpretation of the text the English version shall prevail.

***For the Prosecutor General's Office of  
Ukraine***

***Deputy Prosecutor General of Ukraine***

***Mr. Vitaliy Shchotkin***

***For the Prosecutor's Office of Bosnia and  
Herzegovina***

***Acting Chief Prosecutor of Bosnia and  
Herzegovina***

***Mr. Milorad Barasin***

