BILATERAL · JUNE 22, 2017

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE AND THE INDONESIAN NATIONAL POLICE ON COOPERATION IN PREVENTING AND COMBATING TRANSNATIONAL CRIME AND CAPACITY...

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The Philippine National Police and the Indonesian National Police, hereinafter referred to as "the Parties";

DESIRING to renew the Memorandum of Understanding between the Philippine National Police and the Indonesian National Police dated June 22, 2017 and further enhance cooperation between the Parties in the spirit of partnership and the framework of ASEANAPOL;

CONCERNED by the increasing threat of transnational crimes;

REALIZING the need for effective cooperation between the Parties for law enforcement in preventing and combating crimes as well as enhancing capacity building;

CONSIDERING the Joint Communique of the ASEANAPOL;

BASED ON the prevailing laws and regulations in their respective countries;

HAVE COME to the following understanding:

Article 1

DEFINITIONS

For the purpose of this Memorandum of Understanding, the following terms will be defined as follows:

1.

Transnational crimes refer to crimes stated in the Joint Communique of ASEANAPOL which include: illicit drug trafficking, terrorism, arms smuggling, human trafficking/people smuggling, illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea, cybercrimes, money laundering, international economic crimes, banking offenses, fraudulent travel documents, wildlife and timber crime, and other crimes as mutually agreed upon by the Parties;

2.

Capacity building shall be activities in the context of enhancing the capacity and skills of the personnel of the respective Parties;

3.

Intelligence information shall be information needed in the process of investigation for law enforcement;

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4.

Joint Activities shall be activities conducted by the Parties in the context of preventing and combating transnational crimes and capacity building;

5.

Joint Committee shall be a committee formed by the Parties for the purpose of formulating policies and directives for preventing and combating transnational crimes and for capacity building within the scope of the Memorandum of Understanding.

Article 2

GENERAL PROVISIONS

1.

The implementation of this Memorandum of Understanding must respect the principles of sovereignty, territorial integrity, non-interference in internal affairs, equality, and common interests.

2.

Neither Party shall exercise in the other Party's jurisdiction, any competence or functions that constitute the authority of the latter Party's competent officials, based on national sovereignty and international law.

Article 3

OBJECTIVE

The objective of this Memorandum of Understanding is to enhance the existing cooperation between the Parties, particularly in preventing and combating transnational crimes and enhancing capacity building.

Article 4

AREAS OF COOPERATION

The Parties shall cooperate in the following:

1.

Preventing and combating transnational crimes, particularly criminal acts related to the following:

a)

Illicit drug trafficking;

b)

Terrorism;

c)

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Arms smuggling;

d)

Human trafficking/people smuggling;

e) Illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea;

f) Cybercrimes;

g) Money laundering;

h) International economic crimes and banking offenses;

i) Fraudulent travel documents;

j) Wildlife and timber crimes; and

k) Other crimes as mutually agreed by the Parties.

2.

Capacity building, which will be conducted through education and training programmes and comparative studies.

Article 5

FORMS OF COOPERATION

For the implementation of this Memorandum of Understanding, the Parties shall:

1.

Exchange intelligence information and documents, in compliance with national legislation and within the limits of their respective authorities.

2.

Undertake coordinated joint police activities, in accordance with the national provisions and within the limits of their respective authorities, to prevent and combat transnational crimes.

3.

Cooperate in enhancing human resources, including exchange of personnel, education and training as well as comparative studies.

4.

Establish a Joint Committee as a body responsible for the implementation of this Memorandum of Understanding;

5.

Cooperate in other activities as agreed upon by the Parties.

Article 6

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EXCHANGE OF INTELLIGENCE INFORMATION

The procedure governing cooperation referred to in Article 4 will be as follows:

1.

The use of intelligence information and document, either written or verbal, obtained in the implementation of this Memorandum of Understanding, must be kept confidential by both Parties.

2.

Each Party shall take every necessary measure to ensure the confidentiality of all intelligence information in accordance with the objective of this Memorandum of Understanding.

3.

Any intelligence information or document related to this Memorandum Understanding may not be transferred to a third party without the written approval of both Parties.

Article 7

JOINT COMMITTEE

1.

The Parties shall maintain the Joint Committee consisting of the Parties' representatives to be determined by the Parties.

2.

The Joint Committee shall be co-chaired by the Head of the Indonesian Committee and the Head of the Philippine Committee, who may determine the composition of the Sub-Committee.

3.

The tasks of the Joint Committee shall be as follows:

a.

Formulate and determine policies and procedures in the endeavors for preventing and combating transnational crimes and enhancing capacity building;

b.

Implement mutually agreed policies and activity programs;

c.

Coordinate and oversee the implementation of activities conducted within the framework of this Memorandum of Understanding; and

d. Evaluate implemented activities, identify and prepare subsequent programs.

4.

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The Joint Committee shall continue to meet in plenary at least once every year, alternately in Indonesia or the Philippines, on a date agreed upon by the Parties.

Article 8

PUBLICATION TO THE MEDIA

1.

Publication to the media, either unilaterally or jointly, must be coordinated in order to safeguard the interests of the respective Parties.

2.

Publication to the media shall be aimed at enhancing public awareness of the Parties' endeavours to suppress and foil criminal acts.

Article 9

FUNDING

Each Party shall bear its own expenses that may be incurred in the implementation of this Memorandum of Understanding, unless determined otherwise as agreed by the Parties.

Article 10

AMENDMENTS

This Memorandum of Understanding can be revised or amended anytime upon the written agreements of the Parties. Such revisions or amendments shall come into effect from the date mutually determined by the Parties.

Article 11

SETTLEMENT OF DISAGREEMENTS

Any matter arising from the interpretation, application, or implementation of this Memorandum of Understanding shall be resolved by the Joint Committee. In the event that the Joint Committee cannot resolve an issue, the same shall be elevated to the Chiefs of the PNP and the INP for resolution.

Article 12

ENTRY INTO FORCE, DURATION, AND TERMINATION

1.

This Memorandum of Understanding shall come into effect as of the last date of signing.

2. This Memorandum of Understanding shall remain in force for a period of 5 (five) years and it can be extended by mutual consent in writing by the Parties.

3.

Either Party can terminate this Memorandum of Understanding at any time by giving written notice no later than 3 (three) months prior to such termination.

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In witness thereof , the undersigned, being duly authorized by their respective governments, do hereby sign this present Memorandum of Understanding.

Signed in Jakarta on this 5th day of December in the year Two thousand and twenty-two and in Manila on this 12th day of December in the year Two thousand and twenty-two, in two originals, each in the Indonesian and English languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the

For the

PHILIPPINE NATIONAL POLICE

INDONESIAN NATIONAL POLICE

(SGD.)

(SGD.)

POLICE GENERAL RODOLFO S. AZURIN JR

POLICE GENERAL LISTYO SIGIT PRABOWO

Chief of the Philippine National Police
Chief of the Indonesian National Police

Entry into Force: September 14, 2005

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