

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE OF THE REPUBLIC OF THE PHILIPPINES AND THE CAMBODIAN NATIONAL POLICE OF THE KINGDOM OF CAMBODIA ON COOPERATION...

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The Philippine National Police of the Republic of the Philippines and the Cambodian National Police of the Kingdom of Cambodia, hereinafter referred to as the Participants;

Recognizing that transnational crime has been spreading, threatening, and creating destruction in all regions, causing damages to their stability, safety, social security, as well as fear among their citizens;

Cognizant that combating transnational crime is the duty and obligation of law enforcement in all countries and that major topic which demand strong cooperation among law enforcement is necessary;

Conscious to build cooperation in combating transnational crime to build peace security, stability and safety for society as well as for people's harmony and country development,

Desirous to strengthen law enforcement cooperation and close relationship between the Participants and to combat transnational crime effectively; and

On the basis of mutual respect for sovereignty, equality and mutual benefits, the participants reached the following Memorandum of Understanding (MOU) on cooperation in combating transnational crime for common interests;

Have decided as follows:

PARAGRAPH I

AREAS OF COOPERATION

As jointly decided by the Participants and in compliance with relevant international treaties and agreements, subject to Participants' domestic laws, the areas of cooperation include:

- Terrorism
- Drug Trafficking;
- Arms Smuggling;
- Money Laundering, Financial Crimes, and other Economic Crimes;
- Piracy on high seas;
- Cyber crimes;
- Trafficking in Persons and Smuggling of Migrants;
- Illegal Wildlife Trade and Other Environmental Crimes;

- Identity Fraud
- Smuggling of Cultural Property; and
- Other forms of transnational crime as may be agreed upon by the participants.

PARAGRAPH II

FORMS AND COOPERATION

The cooperation between the Participants referred to in Paragraph I may take the following forms:

- Exchange of knowledge, experience and information within the limits of the authority of the Participants;
- Exchange of delegation for improving cooperation and sharing best practices within the limits of the authority of the Participants;
- Capacity building initiatives including training and education programs, convening of meetings, seminars, workshops and conferences;
- Cooperation in transnational crime investigation and arrest the fugitives in accordance with each Participant's respective domestic laws within the limits of the authority of the Participants; and
- Other mutually acceptable forms of cooperation involving law enforcement as the Participants may see fit within the limits of the authority of the Participants

PARAGRAPH III

PROCEDURE

The procedures governing cooperation referred to in Paragraph I will be as follows:

- All requests will be submitted formally in writing by the requesting Participant to the requested Participant through facsimile or other means of electronic communication or diplomatic channel.
- The Request will include the following information:
 - Subject of the request to which cooperation pertains;
 - Description of the type of information or other cooperation being sought;
 - Purpose for which the information or other cooperation is being requested; and
 - Date by which the information or cooperation is desired.
- All requests, or responses to the request and supporting documents, and other communications made pursuant to this MOU should be in English or accompanied by a translation in English.
- The requested Participant will inform in writing the requesting Participant of the outcome of the request.

PARAGRAPH IV

DENIAL OR DEFERMENT OF REQUESTS

- The requested Participant may deny requests if:
 - a) The request is not submitted in conformity with the provisions of Paragraph III; and
 - b)
Compliance with the request is contrary to its domestic laws.

- The requested Participant may defer compliance to the request if the request would interfere with its own investigation or with judicial proceedings.

- In case of denial or deferment of cooperation, the requested Participant will:

- a) Promptly inform the requesting Participant in writing of the reason for denial or deferment; and

- b)

- Consult with the requesting Participant to determine whether cooperation is possible on other mutually acceptable terms.

- The reason/s for denial or deferment should be specified in the form of a written statement.

PARAGRAPH V

COOPERATION MECHANISM

The Office who primary responsibility in coordinating, collaborating and facilitating the implementation of this MOU will be

Philippine National Police
Foreign Liaison Division, Directorate for Intelligence
Telefax: (-632) 725 3849 local 3432
Email: foreign.liaisondivision@gmail.com
NHQ Bldg. Camp Crame, Quezon City, Philippines

Cambodian National Police
Foreign Affairs Bureau, Office of Chief of Staff
Fax: (855) 232 6585
Email: camcontactperson@gmail.com or borenyou2959@gmail.com
Address: Norogem Blvd., Phnom Penh, Cambodia
NCE Interpol Bureau, Office of Chief of Staff as contact point through I 24/7

PARAGRAPH VI

COSTS

Each Participant will bear their respective costs in furtherance of this MOU unless otherwise decided upon the both Participants.

PARAGRAPH VII

CONFIDENTIALITY

All information to be exchanged pursuant to this MOU will be kept confidential by the Participants. The Participants will not use the information for purposes other than that specified in the request and without the prior written consent of the other Participant, such information will not be divulged to any third party outside of this MOU. The information will be kept confidential even after this MOU has ceased to have effect.

PARAGRAPH VIII

SETTLEMENT OF DIFFERENCES

In case of differences arising from the interpretation of this MOU, both Participants will jointly resolve the differences by means of consultations or negotiations, through diplomatic channels, in the spirit of amicable and cooperative mutual understanding.

PARAGRAPH IX

EFFECTIVITY, VALIDITY, AMENDMENT AND TERMINATION

This MOU will come into effect on the date of later written notification by either of the Participants, through diplomatic channels, indicating that the domestic requirements for its effectivity have been complied with.

This MOU will be effective for five (5) years and will be renewed for a similar period, unless one Participant notifies the other in writing, through diplomatic channels, of its intention to suspend or terminate this MOU, at least three (3) months prior to the intended date of termination. In such a case, the MOU will remain effective until sixty (60) days after the date on which one Participant receives an official notification from the other Participant expressing the desire of the latter to suspend or terminate this MOU.

Any amendment or revision to the text of this MOU will be done by mutual consent of the Participants. Such amendment or revision will come into effect in accordance with the provision on effectivity.

The termination of this MOU will not affect the implementation of any ongoing activities or projects, unless both Participants mutually decide otherwise

This MOU represents the mutual assistance cooperation between participants in combating transnational crime. It is not a conditional and legally binding arrangement.

Signed in Phnom Penh this 14th day of December 2016 in duplicate, in English and Khmer languages, both text being equally authentic. In case of divergence, the English text will prevail.

For Philippine National Police

For General Commissariat

Cambodian National Police

(Sgd.) PERFECTO R. YASAY, JR.

(Sgd.) PRAK SOKHONN

Secretary of Foreign Affairs

Senior Minister and Minister and

Foreign Affairs and International

Cooperation

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