

AGREEMENT

between the Government of the Republic of Kosovo and the Government of Montenegro on police cooperation

The Government of the Republic of Kosovo and the Government of Montenegro hereinafter referred to as the „Contracting Parties“,

with the intention of contributing to the development of mutual relations,

concerned about the spread of international organised crime,

convinced of the substantial importance of police co-operation in combating and effectively preventing crime,

endeavouring to specify and improve the level of police co-operation between the Republic of Kosovo and Montenegrin authorities and

having due regard to international obligations and the national legislation of their States,

have agreed as follows:

Article 1

Subject of the Agreement

The purpose of this Agreement is to strengthen bilateral police co-operation between the Contracting Parties in the prevention, investigation, clarification and detection of crime, in particular through the exchange of both strategic and operational information and regular contacts of the competent authorities.

The co-operation pursuant to this Agreement shall not affect the legal assistance which lies within the competence of the judicial authorities.

Article 2

Protection of citizens and legal persons

The Contracting Parties, in the framework of their competence, shall provide the protection of rights, freedoms, legitimate interests and property of the citizens and legal persons of the State of other Contracting Party as well as the citizens and legal persons of the State of the own Party.

Article 3

Competent Authorities

For the purposes of this Agreement, Competent Authorities of the Contracting Parties are as follows:

- For the Republic of Kosovo:
The Ministry of Interior of the Republic of Kosovo– Kosovo Police General Directorate,
- For the Montenegro:

The Ministry of Interior – Police Directorate.

For the eventual change of the Competent Authorities the Parties shall be notified through diplomatic channels.

In the frameworks of their competences, the competent authorities of the Parties shall directly cooperate and negotiate specific forms of cooperation and manners for communication.

Article 4 Areas of Cooperation

The Parties shall, in conformity with the legislation of their States, cooperate in combating:

- 1) organized crime and terrorism;
- 2) illicit turnover of narcotic drugs, psychotropic substances, their analogues and precursors;
- 3) trafficking in human beings;
- 4) crime against life, health, personal freedom and dignity;
- 5) crime against private property;
- 6) illegal producing, trafficking, storage and possessing of explosives, firearms and ammunition;
- 7) illegal seizure and illicit turnover of motor vehicles, forging and using of forged documents for this aim;
- 8) crime in the sphere of economy;
- 9) forgery of money, securities and stamps, means of non-cash payment which are not securities, as well as their distribution and use;
- 10) crime in the sphere of computer usage, computer-aided systems and computer networks (cyber-crime).

By mutual approval, the Contracting Parties may extend the sphere of cooperation in combating other offences, for which criminal responsibility is specified by the legislation of the Contracting Parties' States.

Article 5 Forms of Cooperation

In order to achieve cooperation in combating crime defined by this Agreement, the Parties shall, in accordance with the legislation of their States:

- 1) provide each other with information about the persons involved in organized crime, and their connections, about criminal organizations and groups, typical behavior of criminals and criminal groups, on the facts, particularly regarding the time, place and manner, methods and hardware crimes, criminal assault on objects, circumstances of the offense, the rules of criminal law are violated, the measures taken to prevent and suppress serious crimes;
- 2) assist each other in search of persons suspected of having committed a crime, and those who shy away from criminal liability or punishment;
- 3) carry out coordinated effort to identify and document the crimes;
- 4) undertake compatible measures with the aim to achieve controlled delivery and exchange information on the origin, vehicles, transportation ways, methods and means of

illegal production, possession, concealment and transportation, as well as other information about illegal circulation of narcotics, psychotropic substances, their analogues and precursors;

5) provide each other new patterns of narcotic drugs, psychotropic substances, their analogues and precursors, as well as the exchange of technological schemes of production and the results of forensic investigations in narcotic drugs, psychotropic substances, their analogues and precursors;

6) cooperate in finding people, missing persons, and activities aimed at identifying persons or unidentified corpses;

7) cooperate in searching for stolen objects as well as motor vehicles in the investigation of crimes;

8) provide mutual technical and organizational assistance to identify persons who have committed crimes;

9) provide each other with information about the ways, methods and means of forgery and use of forged and falsified documents to travel and stay abroad;

10) exchange of information, experience, analytical and conceptual material on methods and new forms of crime and other issues related to the fight against crime;

11) if necessary, conduct working meetings with the aim of preparation and coordination of measures related to the detection of the specific criminal offences;

12) exchange information about the results of forensic and criminological researches concerning offences, practice of their investigation, methods of work, means and methods of scientific researches and use of the means and methods with the aim of their further development;

13) organize joint training and exchange of experts in the relevant areas for the purposes of professional training;

14) exchange information on the provisions of the laws of the Parties which regulates the fight against crime.

Article 6 **Conditions of Cooperation**

The Requested Party shall provide the information upon the request of the Requesting Party, in accordance with provisions of this Agreement.

The request for providing information or assistance shall be forwarded in written form, unless otherwise agreed.

The Requested Party shall fulfill such request without delay. Additional information may be asked if it is necessary for the fulfillment of the request.

One of the Contracting Parties may at its own initiative provide the other Party with information which may help in preventing, detecting and investigating crimes if it considers that such information is of interest for the other Contracting Party.

Article 7 **Refusal on Fulfillment of the Request**

Each Contracting Party may refuse, completely or partially, to provide information or assistance, if it considers that the fulfillment of the request may threaten to its sovereignty, national security or interests of the Parties' States, or in the case if the request contradicts the legislation of the Parties' States or international obligations.

The Contracting Parties shall inform each other in written about the refusal of fulfillment of the request about providing information and/or assistance, stating the reasons of refusal.