

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE (PNP) AND THE INDONESIAN NATIONAL POLICE (INP) ON COOPERATION IN PREVENTING AND COMBATING TRANSNATIONAL CRIMES AND CAPACITY BUILDING

The Philippine National Police (PNP) and the Indonesian National Police (INP), hereinafter referred to as the "Parties";

DESIRING to renew the Memorandum of Understanding between the Philippine National Police and Indonesian National Police dated November 18, 2005 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 the law enforcement in preventing and combating crimes and capacity building;

CONSIDERING the Joint Communiqué of 30th ASEAN Chief of Police Conference (ASEANAPOL) held in Phnom Penh, Cambodia on May 24-28, 2010;

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

Have agreed on the following matters:

**Article 1
DEFINITIONS**

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

1. Transnational Crimes refer to crimes stated in the Joint Communiqué of 30th ASEANAPOL, which include: illicit drug trafficking, terrorism, arms smuggling, human trafficking, illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea, cyber crimes, money laundering, international economic crimes, banking offenses, fraudulent travel documents 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;

4. Joint activities shall be activities conducted by the Parties in the context of preventing and combating transnational crimes and capacity building; and
5. Joint Committee shall be a committee formed by the Parties for the purpose of formulating policy and directives for preventing combating transnational crimes and for capacity building within the scope of this 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 interest.
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 official, 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 capacity building.

Article 4 AREAS OF COOPERATION

The Parties shall cooperate in following:

- a. Preventing and combating transnational crimes, particularly criminal acts related to the following:
 1. Illicit Drug Trafficking;
 2. Terrorism;
 3. Arms Smuggling;
 4. Human Trafficking;
 5. Illegal fishing, maritime fraud, armed robbery at sea, sea piracy, illegal cargo and other crimes at sea;
 6. Cyber-crimes;
 7. Money laundering;
 8. International economic crimes and banking offenses;

9. Fraudulent travel documents; and
10. Other crimes as mutually agreed by the Parties.

b. Capacity building, namely;

1. Education and training; and
2. 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; and
5. Cooperate in other activities as agreed upon by the Parties.

Article 6

EXCHANGE OF INTELLIGENCE INFORMATION

1. The use of every 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 of Understanding may not be transferred to a third Party without the written approval of both Parties.

Article 7

JOINT COMMITTEE