

**No. 48662**

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**Switzerland  
and  
Serbia**

**Agreement between the Swiss Confederation and the Republic of Serbia on police cooperation in the fight against crime. Belgrade, 30 June 2009**

**Entry into force:** *7 February 2011 by notification, in accordance with article 21*

**Authentic texts:** *English, German and Serbian*

**Registration with the Secretariat of the United Nations:** *Switzerland, 28 June 2011*

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**Suisse  
et  
Serbie**

**Accord entre la Confédération suisse et la République de Serbie sur la coopération policière en matière de lutte contre la criminalité. Belgrade, 30 juin 2009**

**Entrée en vigueur :** *7 février 2011 par notification, conformément à l'article 21*

**Textes authentiques :** *anglais, allemand et serbe*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Suisse, 28 juin 2011*

**AGREEMENT**  
**between**  
**the Swiss Confederation**  
**and**  
**the Republic of Serbia**  
**on Police Co-operation in the Fight Against Crime**

*The Swiss Confederation*  
*and*  
*The Republic of Serbia*

hereinafter referred to as the Contracting Parties,

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

convinced of the substantial importance of police co-operation in combating and effectively preventing crime, in particular organised crime, the illicit trafficking in narcotics, psychotropic substances and precursors and terrorism,

endeavouring to specify and complement the level of police co-operation between the Swiss authorities and the Republic of Serbia,

while respecting the rights and duties of the population of the States of the Contracting Parties and

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

have agreed as follows:

**Title I**

***Purpose of the Agreement***

**Article 1**

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

## **Title II**

### ***Applicability***

#### **Article 2**

##### **Areas of Crime**

(1) Co-operation as established in this Agreement shall relate to all forms of criminal activities, in particular:

- a. organised crime;
- b. terrorism and its financing;
- c. trafficking in human beings and smuggling of migrants;
- d. paedocriminality;
- e. cyber crime;
- f. trafficking in narcotics, psychotropic substances and precursors;
- g. illegal acquisition, possession and trafficking of arms, ammunition and explosives, or of chemical, biological, radioactive and nuclear materials, or of goods and technologies of strategic importance, or of scientific technology;
- h. crimes regarding objects of cultural and historical value;
- i. forgery or falsification of money, means of payment and official documents;
- j. money-laundering and economic crime;
- k. corruption;
- l. motor vehicle crimes.

(2) This Agreement does not allow the competent authorities of the Contracting Parties to co-operate in matters of political, military and fiscal nature.

#### **Article 3**

##### **Applicable Law**

Co-operation according to this Agreement takes place as provided by the national legislation of the Contracting Parties and subject to the provisions of International Law.

## **Title III**

### ***Procedures and Areas of Co-operation***

#### **Article 4**

##### **General Co-operation**

Co-operation between the competent authorities according to this Agreement covers the following areas:

- a. the exchange of information;
- b. the co-ordination of operations;
- c. the setting up of joint bodies;
- d. training and education.

## **Article 5**

### **Exchange of Information**

The Contracting Parties shall offer mutual support through the exchange of personal and non-personal data and materials, particularly on:

- a. *criminal acts, in particular on perpetrators or other persons involved in criminal acts as well as on the conditions under which a crime was committed and the measures taken;*
- b. *the planning of criminal acts, in particular acts of terrorism directed against the interests of the Contracting Parties;*
- c. *objects that are connected with a crime, including samples of such objects;*
- d. *impending special actions and operations that may be of interest to the other Contracting Party;*
- e. *conceptual and analytical documentation and specialist literature;*
- f. *legal and internal provisions on the subject matter of this Agreement, and any changes to these provisions;*
- g. *the knowledge drawn from the activities of the competent authorities, in particular on new forms of crime.*

## **Article 6**

### **Co-ordination**

(1) The competent authorities of the Contracting Parties shall take measures as necessary to ensure on their respective territory the co-ordination of operations:

- a. *in the search for persons and objects, including the implementation of measures aimed at finding and securing the proceeds from criminal acts;*
- b. *in the implementation of special investigative techniques such as controlled deliveries, surveillance and undercover operations;*
- c. *in the protection of witnesses, victims and other persons in order to avert health hazards or any other serious danger in connection with criminal proceedings;*
- d. *in the planning and implementation of joint crime-prevention programmes.*

(2) The competent authorities shall jointly decide on an individual case basis on financial compensation as a result of costs arising from the implementation of this Article.

## **Article 7**

### **Joint Bodies**

The competent authorities of the Contracting Parties shall establish as required mixed analysis teams, working groups and control, observation and investigative bodies in which officials of the competent authorities of one Contracting Party, without exercising sovereign powers, are active in an advisory and support capacity in operations on the sovereign territory of the other Contracting Party. The officials observe the instructions issued by the Contracting Party on whose territory the operations take place.

## **Article 8**

### **Assistance and Employment**

(1) The Contracting Parties grant officials from the other Contracting Party operating on their territory according to Article 7 the same protection and assistance as their own officials.

(2) The officials of the Contracting Parties remain subject to their national legislation concerning the conditions of employment, the terms of service and their disciplinary status.

## **Article 9**

### **Civil liability regarding Officials**

(1) Where, in accordance with Article 7, officials of a Contracting Party are operating on the sovereign territory of the other Party, the first Party shall be liable for any damage caused by them during their operations, in accordance with the law of the Party in whose territory they are operating.

(2) The Party in whose territory the damage referred to in paragraph 1 was caused shall compensate such damage under the conditions applicable to damage caused by its own officials.

(3) The Party whose officials have caused damage to any person in the territory of the other Party shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

(4) Without prejudice to the exercise of its rights vis-à-vis third parties and with the exception of paragraph 3, each Party shall refrain in the case provided for in paragraph 1 from requesting reimbursement of damages it has sustained from the other Party.

## **Article 10**

### **Criminal liability regarding Officials**

During the operations referred to in Article 7 officials from a Party other than the Party of operation shall be regarded as officials of the Party of operation with respect to offences committed against them or by them.