



REPUBLIKA E SHQIPËRISË
PROKURORIA E PËRGJITHSHME



Asociación Ibero Americana
de Ministerios Públicos

Memorandum of Understanding
Between General Prosecution Office of Albania (hereinafter "GPO")
And Ibero-American Association of Public Ministries (hereinafter AIAMP)

The General Prosecution Office of the Republic of Albania, the prosecutors' offices with general jurisdiction, hereinafter referred to as "GPO", and

Ibero-American Association of Public Ministries, hereinafter referred to as "AIAMP"

Hereinafter referred to individually as "Party" and collectively as "Parties",

Bearing in mind the provisions of the Constitution of the Republic of Albania, hereinafter referred to as "Constitution of Albania" and Law no. 97/2016 "On the organization and functioning of the Prosecutor's Office in the Republic of Albania", hereinafter referred to as "Law no. 97/ 2016" for the representation of the prosecution in relations with third parties and mutual assistance in criminal cases of general jurisdiction, and in particular Article 148/b, letter "dh" of the Constitution of Albania and Article 38, point 2 letter "ë" and Article 2, letter "d" of Law no. 97/2016;

Given the Statute of the Ibero-American Association of Public Ministries of 2017;

Expressing the will and readiness to cooperation in the fight against cross-border/international crimes involving the Parties, related to illegal trafficking, money laundering or any other crime of common interest to both Parties, as well as to improve professional capacities and scientific in the field of criminal law;

Being guided by the principles of equality, mutual understanding and mutual interests, as well as promoting cooperation in matters of common interest;

With the aim of creating and strengthening links of international cooperation and exchange of information between the Parties to guarantee effective criminal investigation and prosecution, in full compliance with recognized/ratified international acts and internal legislation of the Parties, as well as bringing to justice without delay of persons who are suspected or accused of committing crimes in the common interest of the Parties;

Have agreed as follows:

Article 1

Within the framework of the jurisdiction and in accordance with the legislation of Albania and the legal framework and jurisdictions of each of the AIAMP members, the Parties will strengthen the inter-institutional relations in the fight against cross-border/international crime of the two institutions, including the crimes of illegal trafficking, money laundering or any other crime of common interest to both parties, as well as for the improvement of professional and scientific capacities in the field of criminal law

Article 2

With the aim of implementing this Memorandum of Understanding (hereinafter "MoU"), the participants will cooperate in the following directions/way:

- By exchanging information on the legal system and legislation in the field of the fight against cross-border crimes involving the Parties related to illegal trafficking, money laundering or any other crime of common interest to both Parties, as well as legislative activities related to the implementation of this MoU, special law enforcement measures in the areas of their jurisdiction and international experience related to the aforementioned crimes, including extraditions;
- By advising on general legal issues related to mutual jurisdictional assistance, including extraditions;
- By organizing mutual visits of experts in order to improve the knowledge, experience and strengthen the skills of the participants, including the possibility of organizing study and work visits.
- By participating in specific activities of the AIAMP for the promotion of international cooperation between the Albanian GPO and Public Prosecutions member of the AIAMP, as well as to develop common (ordinary) strategies that allow the Parties to improve their institutional capacities to deal with criminal cases complex;
- By participating in networks and working groups on specific issues in order to exchange best practices and strengthen international cooperation.

Article 3

The Parties shall maintain contacts and expert relations between their officials in order to effectively update their experiences and exchange information and data on the legislation of their countries, which, in particular, relate to the exchange of texts of laws and regulations, analytical materials, statistics and reports for the suppression/dismantling the cross-border crimes involving

the Parties, related to illegal trafficking, money laundering and/or any other crime of common interest to both Parties.

Article 4

For the purpose of implementing this MOU, the Parties will contact each other directly through the means of communication they deem appropriate.

For direct contacts, the participants will use the addresses of the Parties' contact points and means of communication as follows:

- The General Prosecutor's Office of the Republic of Albania designates the Directorate of Foreign Jurisdictional Relations at GPO, as the point of contact for the purposes of this Memorandum:

Address: Street: "Qemal Stafa" Street, No. 1, Tirana

Email: Ols.Dado@pp.gov.al

-The Ibero-American Association of Public Prosecutions designates its General Secretariat as the point of contact for the purposes of this Memorandum:

Address: Ortega y Gasset Street n.57 (International Cooperation Unit
Spanish General Prosecution Office)
28072 Madrid (Spain)

Email: aiamp.secretariageneral@fiscal.es.

Article 5

The parties will inform each other of any change of designated point of contact officials according to Article 4 of this Memorandum.

Article 6

The parties will implement this MoU in accordance with their budgetary and organizational capabilities.

The parties will not request reimbursement of expenses arising from the implementation of this Memorandum, unless it is mutually otherwise determined in each specific case.

Article 7

The data and/or information exchanged under this MoU will be used exclusively for the purposes provided for in the MoU. The party receiving the data will not use it for any other purpose and will not transmit it to other subjects without the prior written authorization of the other.

The parties will take the necessary technical and organizational measures to guarantee the security and confidentiality of the personal data that will be processed within this MoU, in accordance with the legislation for the protection of personal data of the respective countries.

The exchange of personal data between the parties according to this MoU will be carried out only in the following cases:

- a) in defense of a key interest of the person in question or of another natural person;
- b) in defense of the legitimate interests of the person in question, as provided by the law of the supporting Party;
- c) prevention of an immediate and serious threat to the public security of the parties or of a third country;
- d) in specific cases, with the aim of preventing, investigating and prosecuting crimes and implementing criminal sanctions in the supporting Party, or with the aim of establishing, exercising or defending a right before the competent judicial authorities in relation to the aims mentioned above.

Article 8

This MoU does not create for the Parties rights and obligations binding under public international law, nor does it infringe the rights or obligations arising from the relevant international agreements to which the Republic of Albania and AIAMP member countries are parties.

Article 9

This MoU will enter into force on the date of its signature and will remain valid for an indefinite period of time.

This MoU may be amended at any time by mutual written consent of the Parties.

Either Party may terminate this MoU by giving written notice to the other Party. In such case, this Memorandum will cease to be into force three months after the date on which the other participant received the notice of termination.


Article 10

This Memorandum of Understanding is signed in three identical copies in Albanian, Spanish and English.

In case of differences in interpretation, the English language text shall prevail.

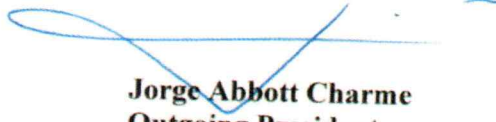
Signed in Cartagena, Colombia, / Tirana, Albania, 07/29/2022

GPO,



Olsi ÇELA
General Prosecutor
Republic of Albania

AIAMP,



Jorge Abbott Charme
Outgoing President
National Attorney General
Republic of Chile

AIAMP,



Francisco Barbosa Delgado
Incoming President
Attorney General of the Nation
Republic of Colombia