MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
AND
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
ON
CO-OPERATION IN PREVENTING AND COMBATING CRIMES

The Government of the Socialist Republic of Vietnam and the Government of the Republic of Indonesia (hereinafter referred to as "the Parties");

Desiring to further develop co-operation and consolidate existing friendly relations between the two countries;

Noting the central importance of the co-operation between the competent authorities for the law enforcement and security issues for effective combating crimes, especially of the trans-national form thereof;

Recognizing for the principles of sovereignty, independence, territorial integrity, non-interference, equality and mutual advantages;

Pursuant to the prevailing laws and regulations in their respective countries;

Have agreed as follows:

Article 1

Objective

The Parties shall establish co-operation in preventing and combating crimes through the exchange of information and practical experience within the scope of this Memorandum of Understanding and in accordance with prevailing laws and regulations in their respective countries.

Article 2

Scope of Co-operation

The Parties shall co-operate in preventing, detecting and combating crimes, in particular criminal acts relating to:

1. Acts of terrorism;

2. Drug offences;
3. Trafficking in persons;
4. Money laundering;
5. Illicit trafficking in arms, ammunition, explosive and other dangerous materials and the illegal production thereof;
6. Cyber crimes;
7. International economic crimes;
8. Other types of crimes if deemed necessary by both Parties.

Article 3

Forms of Co-operation

In order to foster co-operation provided for in Article 2 of this Memorandum of Understanding, the Parties shall:

1. Exchange the following information and documents, in compliance with national legislation and within the limits of their responsibility:
   a. Information on criminal activities provided for in Article 2 of this Memorandum of Understanding to facilitate the prevention, investigation and detection of criminal cases;
   b. Information on citizens of one Party, either as perpetrators or victims of crimes occurred in the jurisdiction of the other Party;
   c. Other information of mutual concern on the prevention and fight against crimes.
2. Establish a jointly coordinated police force activities without delay, in compliance with national legislation and within the limits of their responsibility, embark upon appropriate police operations requested by the other Party, in particular related to the planning and establishment of programmes of activities.

Article 4

Mechanism of Co-operation

The implementation of this Memorandum of Understanding shall also comply with the framework of the co-operation system set up by the International Criminal Police Organization as well as ASEANAPOL, in accordance with prevailing national legislation in their respective countries.

Article 5

Training Co-operation and Delegation Exchange

1. The Parties may send and receive official and expert teams or training participants to either country, to make comparative studies and exchanges of experience in the area of technical skill and operation experience within the scope of this Memorandum of Understanding.
2. The Parties shall co-operate in such areas as scientific and technological research in respect of specialized operation, prevention and fight against crimes, exchanges of experience in manufacturing operational and specialized technical equipment and supporting tools used by the Police.
3. The Parties shall co-operate in capacity building through law enforcement education and training (officer training in such fields as counter terrorism, hostage free, martial art training, foreign languages training and other forms of training as deemed necessary by both Parties), and providing assistance in the facilities and infrastructure of law enforcement education and training.

Article 6

Meetings of the Parties

In order to implement this Memorandum of Understanding the Parties shall organize, if necessary and appropriate, meetings of representatives of both Parties. Such meetings shall be arranged through diplomatic channels and shall have, in particular, the following aims:

a. Creation of strategy for combating crimes as stipulated in this Memorandum of Understanding;

b. Planning and establishment of programmes of activities, including co-operation in education and training;

c. Improvement of communication among the competent authorities;

d. Exchange of information and experience.

Article 7

Implementing Agencies

1. The Parties agree that the Implementing Agencies for this Memorandum of Understanding are:

a. For the Government of the Socialist Republic of Vietnam:

- Ministry of Public Security of Vietnam;

b: For the Government of the Republic of Indonesia:

- Indonesian National Police.

2. The Implementing Agencies, in accordance with their national legislation and within the limit of their responsibility, may propose drafts and conclude separate written arrangements on specific co-operation programmes and activities, within the framework of this Memorandum of Understanding.

Article 8

Exchange of Information

1. The Parties undertake to ensure that, when requested, their police authorities shall, in compliance with their national legislation and within the limits of their responsibilities, communicate to each other information for preventing crimes, locating offenders and bringing them to justice. This Article shall not apply where the national legislation of the requested Party stipulates that the request has to be made to the judicial authorities.

2. Paragraph 1 shall not prevent the Parties, in compliance with their national legislation, from communicating to each other, on their initiative, potentially useful information, particularly in the interests of maintaining law and order.

3. The requesting Party, the National Central Bureau - Interpol (NCB - Interpol) or some other competent law enforcement authorities shall guarantee the level of confidentiality attributed to information by the requested Party. Such information shall not be transferred or transmitted to any third party without prior written consent of the Party which originally provided such information.

4. The Parties shall communicate in sending information through diplomatic channels or under the Interpol communication system.

Article 9

Protection of Personal Data

1. In application of the present Memorandum of Understanding, the transmission and processing of personal data shall be subject to the national legislation of each Party and to the relevant rules in force within Interpol.

2. The receiving Party shall, if so requested by the transmitting Party, take every necessary measure to ensure the confidentiality of all the information documents, specimens or technical equipment provided for the purpose of this Memorandum of Understanding.

3. The information, documents, specimens and technical equipment, exchanged under this Memorandum of Understanding shall not be informed, transferred or transmitted to a third party without the written consent of the other Party.

4. Without prejudice to paragraph 1 above, the following rules shall apply to the processing of personal data transmitted in application of the present Memorandum of Understanding:

   a. The data may be used by the receiving Party solely for the purposes for which the present Memorandum of Understanding stipulates that such data may be transmitted; such data may be used for other purposes only with the prior authorization of the Party which transmitted the data and in compliance with the legislation of the receiving Party;

   b. Data may only be used by judicial or police authorities or any other law enforcement authorities designated by the Party concerned, a list of which shall be communicated to other Party;

   c. The Party transmitting the data shall be obliged to ensure the accuracy thereof, should it note that the data is inaccurate or should not have been transmitted, the receiving Party must be informed thereof forthwith; the latter shall then be obliged to correct or destroy the data concerned;

   d. A Party may not plead that another Party had transmitted inaccurate data in order to avoid its liability under its national legislation vis-à-vis an injured party.

   e. The transmission and receipt of personal data shall be recorded. The Parties shall communicate to each other a list of authorities or services authorized to consult such records;

   f. Communication of and access to data shall be governed by the national legislation of the Party which has been asked for such communication or access by the person concerned. The data may only be communicated to that person with the authorization of the Party which originally supplied the data.

5. Each Party shall monitor the use made of information communicated by the other Party in order to prevent and sanction any abuse which could infringe on individual rights.

Article 10

Refusal of Co-operation

In the event the implementation of the co-operation under this Memorandum of Understanding violates the sovereignty of the State of either Party or poses a threat to its security, or otherwise prejudices its crucial interests or laws and regulations, either Party can derogate some areas of co-operation or suspend to co-operate altogether.

Article 11

International obligations

The provisions of this Memorandum of Understanding shall not prejudice to any international agreements to which the Socialist Republic of Vietnam or the Republic of Indonesia is Party.

Article 12

Amendment

This Memorandum of Understanding may be revised or amended at any time by the mutual consent in writing by the two Parties. Such revision or amendment shall enter into force on such a date as may be determined by the Parties.

Article 13

Dispute Settlement

Any disputes between the Parties on the interpretation or implementation of this Memorandum of Understanding shall be settled amicably by both Parties through direct negotiation or diplomatic channels.

Article 14

Entry into Force, Duration and Termination

1. This Memorandum of Understanding shall enter into force on the date of its signing.
2. This Memorandum of Understanding shall remain in force for a period of 3 (three) years and may be automatically extended for consecutive 3 (three) year periods, unless either Party notifies the other Party in writing of its

intention to terminate this Memorandum of Understanding within 6 (six) months before expiry of this Memorandum of Understanding.

3. The termination of this Memorandum of Understanding shall not affect the obligation of the Parties to protect the confidentiality of the information or data gathered under this Memorandum of Understanding, unless otherwise agreed by the Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Hanoi, on 30 May 2005, in two originals, each in the Vietnamese, Indonesian and English languages; all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of the Socialist Republic of Vietnam	For the Government of the Republic of Indonesia
Le Hong Anh General Minister of Public Security	Dr. N. Hassan Wirajuda Minister for Foreign Affairs