

# **Z A K O N**

## **O POTVRĐIVANJU SPORAZUMA IZMEĐU VLADE REPUBLIKE SRBIJE I VLADE REPUBLIKE AZERBEJDŽAN O SARADNJI U BORBI PROTIV KRIMINALA**

### **Član 1.**

Potvrđuje se Sporazum između Vlade Republike Srbije i Vlade Republike Azerbejdžan o saradnji u borbi protiv kriminala, koji je potpisan 13. maja 2010. godine u Bakuu, u originalu na srpskom, azerbejdžanskom i engleskom jeziku.

### **Član 2.**

Tekst Sporazuma u originalu na srpskom i engleskom jeziku glasi:

## **SPORAZUM**

### **IZMEĐU VLADE REPUBLIKE SRBIJE I VLADE REPUBLIKE AZERBEJDŽAN O SARADNJI U BORBI PROTIV KRIMINALA**

Vlada Republike Srbije i Vlada Republike Azerbejdžan ( u daljem tekstu: Strane),  
na osnovu principa uzajamnog poštovanja suvereniteta, jednakosti i nezavisnosti  
dve zemlje,  
u cilju obezbeđivanja efektivne zaštite ljudskih prava i fundamentalnih sloboda,  
u želji da prošire svoje odnose i promovišu svoju efektivnu međusobnu saradnju u  
borbi protiv kriminala,  
sporazumeli su se o sledećem:

#### **Član 1.**

##### **Predmet saradnje**

1. Strane, u okviru svojih nadležnosti, u skladu sa svojim nacionalnim zakonodavstvom i međunarodnim sporazumima čije su potpisnice, sarađuju u prevenciji i suzbijanju sledećih oblika kriminala:
  - a) terorizam i organizovani kriminal,
  - b) krivična dela protiv života i zdravlja,
  - v) priprema ili izvršenje krivičnih dela uz upotrebu oružja, municije, eksploziva, otrovnih, nuklearnih i radioaktivnih čestica,
  - g) ilegalna trgovina narkotičkim drogama, psihoaktivnim supstancama i njihovim prekursorima,
  - d) ilegalne migracije i trgovina ljudima,
  - đ) falsifikovanje ličnih isprava, novčanica, kreditnih kartica i menica,
  - e) krivična dela protiv kulturnog i istorijskog nasleđa,
  - ž) krivična dela protiv imovine.
2. Strane sarađuju i u drugim oblastima od zajedničkog interesa.

#### **Član 2.**

##### **Oblici saradnje**

1. Strane ostvaruju sledeće oblike saradnje:
  - a) vrše operativne i istražne aktivnosti na zahtev druge Strane,
  - b) razmenjuju informacije,
  - v) dele iskustva,
  - g) pomažu jedna drugoj u obuci zaposlenih i unapređenju svoje profesionalne stručnosti.
2. Jedna Strana, na zahtev druge Strane, vrši sledeće operativne i istražne aktivnosti:
  - a) traga za licima koja se kriju od istražnih organa i/ili sudova ili izbegavaju kaznu nakon što je sudska presuda kojom se izriče njihovo kažnjavanje postala

pravnosnažna ili izbegavaju izvršenje sudskih odluka, kao i tragaju za nestalim licima,

b) identifikuje neidentifikovane posmrtno ostatke i nepoznata lica,

v) identifikuje lica koja bez dozvole borave u državi druge Strane ili bez ličnih isprava ili sa falsifikovanim ispravama,

g) preduzima druge međusobno usaglašene operativne mere.

3. Strane razmenjuju:

a) informacije o operativnim i istražnim merama preduzetim prema članu 2. ovog sporazuma i o rezultatima istih,

b) iskustva u vezi sa primenom novih metoda rada, kao i primeni metoda moderne tehnologije u borbi protiv kriminala,

v) informacije i iskustva u vezi sa svojim aktivnostima u izradi zakonodavstva i promovisanju implementacije zakonskih regulativa,

g) delove nacionalnog zakonodavstva kojima se reguliše rad policije,

d) informacije i iskustva u vezi sa svim pitanjima od zajedničkog interesa u okviru predmeta ovog Sporazuma.

4. Strane organizuju neophodne obuke u svojim obrazovnim ustanovama za zaposlene druge Strane.

### **Član 3.**

#### **Nadležni organi**

Strane će se uzajamno, diplomatskim putem, obavestiti o organima nadležnim za sprovođenje odredaba ovog sporazuma.

### **Član 4.**

#### **Postupanje po zahtevu za saradnju**

1. Strane ostvaruju svoju međusobnu saradnju na osnovu pisanog zahteva koji sadrži sledeće informacije:

1) naziv organa i Strane molilje i zamoljene Strane,

2) rezime slučaja za koji upućuje zahtev, kao i druga dokumenta neophodna za ispunjenje zahteva,

3) spisak pitanja za ispitivanje od strane organa Strane molilje,

2. Zahtev će biti propisno potpisan i overen od strane organa Strane molilje. Uz tekstove sačinjene na maternjem jeziku Strane molilje prilaže se prevod na engleskom jeziku.

3. U izuzetnim slučajevima, zahtev može biti i usmeni, pod uslovom da za njim sledi i pisana potvrda.

4. Prilikom izvršavanja zahteva, primenjuje se nacionalno zakonodavstvo zamoljene Strane.

5. Zamoljena Strana može uskratiti, delimično ili u celosti, sprovođenje zahteva u slučaju da on nije u skladu sa odredbama Sporazuma ili je štetan po nacionalnu bezbednost ili u suprotnosti sa nacionalnim zakonodavstvom i interesima.

6. U svakom slučaju, Strana molilja se odmah obaveštava o toj odluci.

## **Član 5.**

### **Troškovi**

Svi troškovi u vezi sa merama saradnje predviđenim ovim sporazumom biće podmireni na osnovu zajedničkog sporazuma organa nadležnih za sprovođenje ovog sporazuma.

## **Član 6.**

### **Prateće aktivnosti**

Strane organizuju redovne sastanke i konsultacije u cilju razmatranja razvoja buduće saradnje i promovisanja efikasnosti.

## **Član 7.**

### **Obaveze predviđene drugim međunarodnim sporazumima**

Ovaj sporazum ne utiče na prava i obaveze Strana predviđene drugim međunarodnim sporazumima čije su potpisnice države Strana.

## **Član 8.**

### **Poverljivost**

Strane obezbeđuju poverljivost informacija dobijenih od druge Strane, ukoliko Strana koja pruža informacije smatra da njihov sadržaj nije za objavljivanje. Strana koja pruža informaciju određuje nivo njene poverljivosti.

Informacije razmenjene na osnovu ovog Sporazuma neće biti pružene trećim stranama bez prethodne saglasnosti Strane koja pruža informacije.

## **Član 9.**

### **Rešavanje sporova**

Svaki spor koji može proizići iz tumačenja ili implementacije ovog Sporazuma rešava se putem pregovora ili konsultacija između Strana.

## **Član 10.**

### **Izmene i dopune**

Ovaj Sporazum podleže izmenama i dopunama na osnovu međusobne saglasnosti Strana. Izmene i dopune se vrše u obliku posebnih Protokola koji čine integralni deo ovog Sporazuma i stupaju na snagu u skladu sa odredbama člana 11. ovog Sporazuma.

## **Član 11.**

### **Stupanje na snagu i prestanak važenja**

Sporazum stupa na snagu na dan prijema, diplomatskim putem, poslednje pisane potvrde da su nacionalne procedure neophodne za njegovo stupanje na snagu završene.

Ovaj sporazum se zaključuje na period od pet godina i biće automatski produžen za dodatnih pet godina ukoliko jedna od Strana ne obavesti drugu Stranu, diplomatskim

putem, najmanje šest meseci pre isteka petogodišnjeg perioda, o svojoj nameri da ga otkaže.

Sačinjeno u Bakuu, dana 13. maja 2010, u dva originalna primerka na srpskom, azerbejdžanskom i engleskom jeziku, pri čemu su svi tekstovi podjednako verodostojni.

U slučaju razmimoilaženja u tumačenju, tekst na engleskom jeziku ima prednost.

**za Vladu  
Republike Srbije**

Ivica Dačić, s.r.

**za Vladu  
Republike Azerbejdžan**

Ramil Usubov, s.r.

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF SERBIA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN  
ON COOPERATION IN THE FIELD OF COMBATING CRIME**

The Government of the Republic of Serbia and the Government of the Republic of Azerbaijan hereinafter referred to as "the Parties",

based on the principle of mutual respect of the sovereignty, equality and independence of the two countries,

aiming to ensure effective protection of human rights and fundamental freedoms,

wishing to expand their relations and promote their effective mutual cooperation in combating crime,

have agreed as follows:

**Article 1**

**Scope of Cooperation**

1. The Parties, within their competencies, in line with their respective national legislations and international agreements to which they are signatories, shall cooperate in preventing and suppressing the following types of crime:

- a) terrorism and organized crime;
- b) crimes against life and health;
- c) prepared or perpetrated crimes with the use of arms, ammunition, explosives, poisonous, nuclear and radioactive agents;
- d) illicit trafficking in narcotic drugs, psychotropic substances and there precursors;
- e) illegal migration and human trafficking;
- f) counterfeiting or forging personal documents, banknotes, credit cards and bills of exchange;
- g) crimes against cultural and historical heritage;
- h) crimes against property.

2. The Parties shall also cooperate in other areas of common interest.

**Article 2**

**Forms of cooperation**

1. The Parties shall conduct the following forms of cooperation:

- a) perform operative and search activities at the request of the other Party;
- b) exchange information;
- c) share experience;
- d) assist each other in training employees and enhancing their professional expertise.

2. One Party, at the request of the other Party, shall conduct the following operative and search activities:

- a) seek out persons who are hiding from investigation and/or courts or avoiding punishment after the judicial sentence requesting their punishment has become effective or avoiding execution of court decisions, as well as trace missing persons;
- b) identify unidentified corpses and unknown persons;
- c) identify persons residing without authorization in the State of other Party, or either without personal documents or with forged ones;
- d) undertake other mutually agreed operative measures.

3. The Parties shall exchange:

- a) information on operative and search measures conducted under Article 2 of this Agreement, the results thereof;
- b) experiences related to the application of new methods of work, as well as the use of methods of modern technology in the fight crime;
- c) information and experiences with their respective activities in drafting legislation and promoting the implementation of legal regulations;
- d) pieces of national legislation regulating police work;
- e) information and experiences concerning all issues of common interest within the scope of this Agreement.

4. The Parties shall organize, as appropriate, necessary training in their respective educational institutions for the personnel of the other Party.

### **Article 3**

#### **Competent authorities**

The Parties will inform each other through diplomatic channels about competent authorities responsible for implementation of the provisions of this Agreement".

### **Article 4**

#### **Acting upon requests for cooperation**

1. The Parties shall effect their mutual cooperation on the basis of written request containing the following information:

- 1) the name of the authority of both the requesting and requested Parties;
- 2) summary of the case for which the request is being made, as well as other documents necessary for meeting the requirement;
- 3) a list of interrogatories by the authorities of the requesting Party.

2. The request shall be duly signed and authenticated by the authority of the requesting Party. The requests drawn up in the native language of the Requesting Party shall be accompanied by English translation.

3. In exceptional cases, a request may be oral, on condition that a written confirmation follows right away.

4. When carrying out the request, the national legislation of requested Party shall be applied.

5. The Requested party may deny, partially or totally, implementation of the request in case is not in conformity with the provisions of the Agreement or is harmful to national security or contrary to national legislation and interests.

6. In any case, the requesting Party shall be immediately informed of the decision.

## **Article 5**

### **Costs**

All costs related to the cooperation measures under this Agreement shall be covered on the basis of the common agreement of the competent authorities responsible for implementation of the provisions of this Agreement".

## **Article 6**

### **Related activities**

The Parties shall organize regular meetings and consultations for the purpose of considering the development of future cooperation and promotion of efficiency.

## **Article 7**

### **Obligations under other international agreements**

This Agreement shall not affect the rights and obligations of the Parties under other international agreements to which their states are party.

## **Article 8**

### **Confidentiality**

The Parties shall provide confidentiality of the information received from the other Party, if the Party giving information considers that its content is not for publication. The Party giving information shall determine the level of its confidentiality.

Information exchanged under this Agreement shall not be provided to any third parties without the written consent by the Party giving the information.

## **Article 9**

### **Settlement of disputes**

Any disputes that might arise out of the interpretation or implementation of this Agreement shall be settled through mutual negotiations and consultations between of the Parties.

## **Article 10**

### **Amendments**

The present Agreement shall be amended by mutual consent of the Parties. The amendments shall be made in the form of separate Protocols forming an integral part of this Agreement and shall enter into force in accordance with the provisions of Article 11 of this Agreement.



## **Article 11**

### **Entry into force and termination**

This Agreement shall enter into force on the date of the receipt, through diplomatic channels, of the last written notification that the internal procedures necessary for its entry into force have been completed.

This Agreement is concluded for a period of five years and shall be automatically extended thereafter for further five years periods unless one Party notifies the other Party, through diplomatic channels, at least six months prior to the expiry of the five-year period, of its intention to terminate it.

Done in Baku on 13. May, 2010. in two original copies in Serbian, Azerbaijani 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 Republic of Serbia**

Ivica Dačić, s.r.

**For the Government of  
the Republic of Azerbaijan**

Ramil Usubov, s.r.

**Član 3.**

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.