MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

AND

THE UNITED STATES DEPARTMENT OF JUSTICE

CONCERNING

THE DEVELOPMENT OF MANAGEMENT CAPACITY FOR HIGH-RISK INMATES

The Ministry of Law and Human Rights of the Republic of Indonesia and the United States Department of Justice (hereinafter referred to as the “Parties/Participants”)

Emphasizing the existing friendly relations and bilateral cooperation between the two countries;

Noting that strengthening of cooperation in the field of management capacity for high-risk inmates will be beneficial to both institutions;

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

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

Have reached mutual understanding as follows:

Article 1
OBJECTIVE

The objective of this Memorandum of Understanding is to promote cooperation in the field of management capacity for high-risk inmates based on equality and mutual benefit.

Article 2
SCOPE OF COOPERATION

The Scope of Cooperation of the Memorandum of Understanding will include:
(1) Design, develop and implement a jointly prepared strategic plan for the development of management capacity for high-risk inmates;
(2) Design, develop and implement an action plan for the development of management capacity for high-risk inmates;
(3) Design, develop and implement an intervention program for high-risk inmates;
(4) Design, develop and implement education and training for officials;
(5) Design, develop and implement policies and procedures for the development of management capacity for high-risk inmates;
(6) Design, develop and implement monitoring, evaluation, and reporting processes;
(7) Exchange of information on management capacity, including policies, procedures, training material, facilities specifications, and other mutually agreed information.

Article 3
EXECUTING AUTHORITIES

(1) The designated executing authorities for the implementation of the terms set out in this Memorandum of Understanding will be:


b. For the Department of Justice of the United States of America: the International Criminal Investigative Training Assistance Program (ICITAP).

(2) The Parties will notify each other in writing any changes of executing authorities for the implementation of this Memorandum of Understanding.

Article 4
DUTIES AND RESPONSIBILITIES OF THE RESPECTIVE EXECUTING AUTHORITIES

(1) The DGC will be responsible for:

a. Organizing, implementing, monitoring, and evaluating the activities mentioned in Article 2;
b. Providing experienced and qualified staff for the working group;
c. Providing meeting facilities;
d. Supporting training;
e. Ensuring trained staff will remain in respective positions throughout the development process; and
f. In accordance with the laws and regulations of the Republic of Indonesia, facilitating access to prisons or other correctional facilities.

(2) The ICITAP will be responsible for:

a. Providing subject matter experts;
b. Providing assistance to the other Party in carrying out activities within the scope of Article 2;
c. Providing funds based on the available budget, for minor facilities refurbishment, equipment purchases, travel, lodging, and meals and incidentals for the regular and non-regular members working group;
d. Facilitating necessary coordination with international partners; and
e. Providing assistance in conducting monitoring and evaluation.
Article 5
IMPLEMENTATION

(1) In order to pursue the objective and scope of cooperation of the Memorandum of Understanding, the Parties will establish a High-Risk Inmate Management Working Group (hereinafter referred to as the “Working Group”):
(2) The working group will be composed of a number of representatives from the DGC and the ICITAP. Its composition and total numbers shall be decided upon by the both parties based on mutual consent;
(3) The High-Risk Inmate Management Working Group will be co-chaired by two Senior Officials, one each from DGC and the ICITAP;
(4) The Functions and tasks of the Working Group, inter alia, are as follows:
   a. Drawing program and activities, including planning and implementation of scope of cooperation as set out in the Article 2;
   b. Identifying pilot facilities for program implementation and program review;
   c. Designing, developing, and implementing action plans, standard operating procedures, training curriculum, and policies and procedures related to high-risk inmate management;
   d. Designing, developing, and implementing an intervention treatment program for high-risk inmates;
   e. Monitoring and evaluating the implemented programs of activities, which will be conducted bi-annually;
   f. Developing a bi-annual evaluation report; and
   g. Exploring and facilitating any other areas of activities of common interest mutually agreed upon by the Parties.

Article 6
LIMITATION OF ACTIVITIES

Any persons engaged in activities related to this Memorandum of Understanding will not infringe laws and regulations, political independence, sovereignty, territorial integrity and law enforcement activities of respective Parties’ countries.

Article 7
EQUIPMENT STATUS

Equipment provided by the ICITAP to accomplish the objective of this Memorandum of Understanding will become the property of the DGC after the completion of the programs.

Article 8
INFORMATION EXCHANGE

(1) The use of information, either written or oral, that is exchanged in accordance with this Memorandum of Understanding will be subject to prevailing laws and regulations of the Parties/Participants;
(2) All necessary efforts will be taken to ensure the security of any information that is exchanged in order to achieve the purpose of this Memorandum of Understanding;
(3) Any information exchange in accordance with this Memorandum of Understanding will not be used by any third party without the written consent of the Party/Participant which provided the information.
Article 9
SETTLEMENT OF DIFFERENCES

Any differences arising from the interpretation or implementation of this Memorandum of Understanding shall be settled amicably through consultation by the Working Group.

Article 10
ENTRY INTO FORCE, AMENDMENT, DURATION AND TERMINATION

(1) This Memorandum of Understanding shall enter into force on the date of its signature and shall remain in force for 2 (two) years;
(2) This Memorandum of Understanding may be modified or amended by the mutual written consent of the Parties;
(3) Either Party may terminate this Memorandum of Understanding at any time by giving a written notice at least thirty (30) days prior to its termination;
(4) The Termination of this Memorandum of Understanding shall not affect the completion of ongoing projects and programs initiated prior to notice of termination as mentioned in paragraph (3) above.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by the respective Parties, have signed this Memorandum of Understanding.

Done in Jakarta, on Thursday, Twenty Nineth of March in the year Two Thousand and Twelve, in two originals each in Indonesian and English, all text being equally authentic. In case of divergence of interpretation the English text shall prevail.

For the Ministry of Law and Human Rights of the Republic of Indonesia,

SIHABUDIN
Director General Of Corrections

For the United States Department of Justice

THEODORE G. OSIUS
Deputy Chief of Mission, United States Embassy, Jakarta