MEMORANDUM OF UNDERSTANDING

BETWEEN

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

AND

THE DEPARTMENT OF JUSTICE OF THE UNITED STATES OF AMERICA

CONCERNING

DEVELOPMENT ASSISTANCE ON MANAGEMENT CAPACITY
FOR HIGH-RISK INMATES

The Ministry of Law and Human Rights of the Republic of Indonesia and the Department of Justice of the United States of America, hereinafter referred to individually as a “Party” and collectively as the “Parties”;

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

Desiring to further strengthen the existing friendly relations between the two countries under the framework of the Indonesia – United States Comprehensive Partnership;

Noting the importance of enhancing the cooperation between the parties 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; and

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

Have reached the following understanding:
Article 1
OBJECTIVES

The objectives of this Memorandum of Understanding are:

(1) To promote cooperation between the Parties in the field of management capacity for high-risk inmates convicted under the Law of the Republic of Indonesia No. 15 Year 2003 on Eradication of Criminal Acts of Terrorism.
(2) To form a collaborative development assistance to improve the capacity, professionalism, competencies and responsiveness for managing high risk inmates through training and education, technical assistance, and equipment assistance.

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 the Action Plan 2014-2016 for the development of management capacity for high-risk inmates which will include benchmarks intended to lead to the completion of the Memorandum Of Understanding objectives;
(3) Design, develop and implement education and training for officials, including training of trainers;
(4) Design, develop and implement guidelines and procedures for the development of management capacity for high-risk inmates;
(5) Design, develop and implement monitoring, evaluation, and reporting processes; and
(6) Exchange of information on mutually agreed matters.

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. Designing, planning, 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 based on the available budget;
   d. Supporting training and education activities as well as assigning secondee to
      assist during such activities; and
   e. Ensuring, to the extent possible, that trained staff will remain in respective
      positions throughout the development process.

(2) The ICITAP will be responsible for:
   a. Providing subject matter experts;
   b. Providing assistance to the DGC in carrying out activities within the scope of
      Article 2;
   c. Providing funds based on the available budget, for facilities refurbishment,
      procurement of equipment, education and training allowance, travel, lodging,
      and meals and incidentals for the regular and non-regular members working
      group; and
   d. 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 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, 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 implementing and reviewing pilot facilities program;
   c. Designing, developing, and implementing action plans, standard operating
      procedures, training curriculum, guidelines and procedures related to high-
      risk inmate management;
   d. Monitoring and evaluating the implemented programs of activities, which
      will be conducted bi-annually;
   e. Developing a bi-annual evaluation report; and
f. 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 under the framework of 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
STATUS OF EQUIPMENT

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

Article 8
CONFIDENTIALITY

(1) The Parties commit themselves to protect the sensitive information, either written or oral, to which they may have access within the framework of this Memorandum of Understanding in accordance to prevailing laws and regulations of the Parties.

(2) The Parties will take all necessary efforts to ensure the security of any information that is exchanged in order to achieve the purpose of this Memorandum of Understanding.

(3) All information provided under the framework of this Memorandum of Understanding will be treated confidentially and shall not be transferred, disclosed or released, either directly or indirectly, on temporary or permanent basis, to third parties, whether persons or entities, without the prior written consent of the Party which provided the information.

Article 9
SETTLEMENT OF DIFFERENCES

Any differences arising out of the interpretation or implementation of this Memorandum of Understanding will be settled amicably through consultation and/or negotiation between the Parties.
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, and may be extended for another 2 (two) years by mutual written consent.

(2) This Memorandum of Understanding may be modified or amended based on the mutual written consent.

(3) Either Party may be terminate this Memorandum of Understanding at any time by giving a written notification at least 60 (sixty) days prior to its termination.

(4) The termination of this Memorandum of Understanding shall not affect the completion of on-going projects and programs initiated prior to notification 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 Tuesday Seventeenth of February in the year Two Thousand and Fifteen, in two originals each in Indonesian and English, all text being equally authentic.

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

HANDOYO SUDBRADJAT
Director General of Corrections

For the Department of Justice of the United States of America,

KRISTEN F. BAUER
Deputy Chief of Mission, United States Embassy, Jakarta