

MEMORANDUM of UNDERSTANDING

On co-operation between the Attorney General of the Federal Republic of Nigeria and the National Antimafia Bureau of Italy in combating trafficking in persons and other related organised crimes and laundering of the proceeds from crime.

- The Attorney General of the Federal Republic of Nigeria and the National Antimafia Bureau of Italy, hereinafter referred to as the “Parties”;
- Aiming at establishing and developing co-operation in combating trafficking in persons and other related organised crimes and laundering of the proceeds from crimes committed by criminals and criminal associations;
- Based upon the principles of sovereignty and equality of rights among States;
- Bearing in mind the principles and rules universally recognised by the international law;

HAVE AGREED AS FOLLOWS:

1. The Parties, within the jurisdiction and in compliance with their domestic laws, shall co-operate in combating trafficking in persons and other related organised crimes and laundering of proceeds from crimes committed by criminals and criminal associations.
2. Co-operation within the Memorandum shall be implemented by the Parties through exchange of information and documents on trafficking in persons and other related organised crimes and persons involved in it.

In this case, the Parties, in compliance with investigation secrecy requirements shall mutually exchange information where any of their nationals, foreign nationals and stateless persons are being investigated for trafficking in persons and other related organised crimes offences committed in the other Party, also for having therein invested proceeds from crime.

3. The Parties within the scope and limits of their powers, shall adopt such measures as may be necessary to favor the effective and prompt execution of any request for extradition and legal assistance in criminal matters relevant to trafficking in persons and other related organised crimes, provided that such requests have been accepted by the competent authorities of the requested Party.

4. The Parties undertake to promote the development of professional contacts and relations between members of their respective offices with a view to effectively update their experiences and to exchange information and data on their national laws, including the exchange of laws and other legislation, analytic materials, statistical data and reports concerning trafficking in persons and other related organised crimes and laundering of proceeds from crimes committed by criminal and criminal associations.
5. In order to implement this Memorandum, the Parties shall contact each other directly, which does not exclude that they may use diplomatic channels.
6. Co-operation within this Memorandum shall be implemented on the basis of requests of information. Yet, a Party may, without prior request, forward to the other Party information when it considers that such information might assist the receiving Party in initiating or conducting investigations.
7. The request of information and the relevant responses shall be sent, in writing, in the language of the requesting party accompanied by the English translation. In the event of urgency, such requests may be sent by telex or fax, with formal confirmation to follow.

Each Party shall appoint a prosecutor responsible for arranging co-operation and contacts within this Memorandum. Within three months as of the date when this Memorandum is signed, each Party shall notify the other, in writing, the name and address of the prosecutor involved.

The Parties, in mutual agreements, may send their own representative to take decisions over issues arising from mutual co-operation.

8. Each Party shall execute the requests for information in accordance with domestic laws. Where it is impossible to execute a request, the requested Party shall promptly inform the requesting Party of the reasons of the refusal.
9. The Party which provides information and documents pursuant to the provisions of this Memorandum may request the other Party to ensure that they be kept confidential when used.

Where it is necessary to use such information at trial, the requesting Party shall submit a request for judicial assistance in compliance with the rules governing international and national law.

10. Any issue concerning the construction and implementation of this Memorandum shall be decided by the Parties according to principles of

mutual understanding and respect. Nevertheless the Parties may, in mutual agreement, amend or change this Memorandum at any time.

11. This Memorandum does not establish any new international and interstate legal obligation for the Parties and their States and does not affect any of their present international obligations. Co-operation within this Memorandum shall be effected through the constant willingness of the Parties aimed at adopting practical decisions in combating trafficking in persons and other related organised crimes and in the co-operative spirit which characterises this document.

Done at Abuja, Nigeria on the 11th day of November 2003, in two copies, respectively English and Italian, both text being equally authoritative.

Each Party receives the official translation in English together with a copy of this Memorandum.

Chief Akinlolu Olunjinmi, S.A.N.
Hon. Attorney-General
of the Federation and
Minister of Justice

Piero Luigi Vigna
National Anti-Mafia Prosecutor
The National Anti-Mafia Bureau
of Italy

