

PROTOCOL

**Between
The Ministry of Interior of the Republic of Albania
And
Ministry of Interior of the Republic of Montenegro**

On Joint Patrolling Along the State Border Amongst the Republic of Albania and the Republic of Montenegro

In compliance with Article 13 of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Montenegro on trans-border Police cooperation, the Ministry of Interior of the Republic of Albania and the Ministry of Interior of the Republic of Montenegro (herein referred to as the Contracting Parties), in respect of the friendly relations between the two countries, in order to specify and enhance the cooperation between the Border Police services of these two countries as well as to organize and perform joint actions, plans and measures for a more effective fight against illegal migration, trafficking in human beings and other forms of transborder crime,

Have agreed as follows:

Article 1 Scope of the Protocol

Contracting parties, in compliance with this Protocol, shall enhance cooperation between the two Border Police services with the aim to prevent threats against of public order and security, to fight all forms of crime and to have a more effective protection of the State Border by stipulating the details and uniform standards for the establishment of joint patrols in the territories of both countries

Article 2 Area of implementation of the Protocol

This Protocol regulates the details and uniform standards on joint patrolling in the state territories of the Republic of Albania and the Republic of Montenegro.

Article 3 Purpose of establishing Joint Patrols

The purpose of establishing joint patrols is to:

- Enhance the security of the joint State Border;
- Prevent illegal migration;
- Prevent cross border crime;
- Prevent other dangers to public security;

- Improve the quality of security assessment;
- Boost the cooperation of the Police services along the shared State Border.

Article 4

Duties of the joint patrols

Joint patrols:

- Control the shared State borders within their areas of responsibility;
- Take measures for the detention/arrest of persons, who conduct criminal activity across the border and the seize of vehicles and goods that are brought illegally from outside the border crossing points;
- Control the observance of the navigation rules for vessels along the blue border;
- Assist in the event of a severe disasters or *force majeure* that may happen in the vicinity of the border;
- Exchange experiences and data on security conditions for the shared state border.

Article 5

Area of Operation

1. Joint patrols shall operate along the state border as far as of 10 kilometres/miles in depth from the border line within the state territory of the Contracting Parties.
2. Joint patrolling may be conducted outside the area specified in the previous paragraph, if it is required to perform the duties more effectively.

Article 6

Competencies of joint patrols

1. In performing their duties as part of joint patrols, officers of the other Contracting Party are entitled to determine the identity of the persons and arrest persons, who have attempted to flee from Police controls, in compliance with the national legislation of the Contracting Party in whose state territory the duties are being performed.
2. The exercise of other rights of the police duties shall lie within the competence of senior police officers of the Contracting Party in whose state territory the duties are being performed.
3. When performing official duties, the national legislation of the Contracting Party in whose state territory the police officers are operating prevails.

Article 7

Rights of joint patrols

During joint patrolling in the territory of the Contracting Party, police officers are entitled to:

- wear a uniform, carry a service weapon, rubber truncheon, handcuffs and other means of constriction, except for those cases where the police authority

of the other Contracting Party does not permit it in a specific case or imposes additional conditions for the use of these means;

- use the service weapon for self-defence when necessary;
- enter into the state territory of the other Contracting Party without a visa, without a travel document and stay along the shared state border as long as it is necessary to perform the duties of joint patrolling in a given case;
- as a rule, cross the border outside the border crossing points which both sides have agreed upon;
- as an exception, cross the state border outside border crossing points or through the border crossing points outside working hours if this is absolutely necessary for carrying out patrolling in the state territory of the other Contracting Party, upon prior notifications;
- use the necessary technical equipments for carrying out joint patrolling in the state territory of the other Contracting Party.

Article 8

Coordination of work for joint patrols

1. As a rule, joint patrolling is coordinated by the relevant regional authorities of the Contracting Parties.
2. **Central level authorities shall coordinate joint patrolling for areas that are under the jurisdiction of more than one Police Directorate.**

Article 9

Methodology of work

1. Joint patrolling may be done on foot or by police transportation means.
2. Joint patrolling may be done periodically depending on the level of criminal activity and the weather conditions in the area of responsibility.
3. When necessary and in cases of emergencies, the authority that signs the duty order in conformity with article 11 may decide that patrols be reinforced with additional equipments.

Article 10

Composition of joint patrols

1. Staffing joint patrols will depend on tactical assumptions for each concrete case, according to foreseen conditions for ensuring the implementation of a police action.
2. Police Patrol should normally be composed of two police officers of the host country and one police officer of the other country.
3. Knowledge of the language of the country of the other Contracting Party must be taken into consideration for selecting police officers for Joint Patrols.

4. Only police officers, who are trained in compliance with article 21, may participate in joint patrols.

Article 11
Deployment of joint patrols

Police Officers, who participate in joint patrolling in the state territory of the other Contracting Party, shall be deployed in compliance with their national legislation.

Article 12
Selection of Joint Patrols

Joint patrols shall be selected from the Patrol List or Duty Order of the Competent Authority of the Police of the Contracting Party in whose state territory joint patrolling shall take place. A copy of the patrolling list or duty order shall be handed over to a Police officer of the other Contracting Party.

- (1) A Police commandant may decide on territorial or time deviations of the Patrol List or the Duty Order. It is necessary to record the actual situation in the Duty Report of the Joint Patrol.

Article 13
Orders for Joint Patrols

- (1) Joint patrols are ordered through a duty order issued by the competent police authority of the Contracting Party in whose state territory the patrolling takes place. The duty order is filled in a model form drafted in the language of the Contracting Party in whose territory the patrolling takes place. A sample of this form is found in Annex 1 of this Protocol.

A copy of the order is handed over to a police officer of the other Contracting Party.

- (2) Any action, deviating from the ones envisaged in the duty order, is taken in accordance with the decision of the patrol leader. The actual situation must be reflected in the duty report of the joint patrol.

Article 14
Instruction and Reporting

- (1) As a rule, joint patrols shall be instructed by a representative of the Head of the Police station in the area where the joint patrolling takes place.
- (2) The Head of the Police station may decide for an alternate location for the instruction.

- (3) At the end of patrolling, the report shall be written in the language of the Contracting Party in whose territory the patrolling takes place and each of the Contracting Parties is provided with a copy of it.

Article 15 **Leadership of joint patrols**

The joint patrol is led by a police officer of the police station of the area where the joint patrolling takes place. He is appointed by the authority, specified in article 11, and is responsible for the professional efficiency, the implementation of the law, and reporting.

Article 16 **Police equipments**

Patrols are equipped for joint patrolling by the police station of the area where the patrolling takes place.

Article 17 **Communication Means**

During the joint patrolling in the state territory of the other Contracting Party, Police officers may use their communications system of duty to communicate with the Police station of their origin. In any case, in order to guarantee constant communication, police officers in patrol may also use the communications systems of the representatives of the other Contracting Party.

Article 18 **Uniform, equipment and armament**

- (1) During joint patrolling, officers wear uniforms. Patrolling is conducted in civilian attire if it is agreed by the heads of the competent police stations.
- (2) In addition to the equipment specified in this Protocol, joint patrols may use additional equipment available to the border police services, except for cases when this is in contradiction with the national legislation of the Contracting Party in whose state territory the joint patrolling takes place.

Article 19 **Operation**

- (1) Police Officers of joint patrols take the initial necessary police measures, while further action is carried out by the relevant competent police station of the territory where joint patrolling takes place.

- (2) Handover of persons, goods, and evidence is performed by police units that cooperate in accordance with concluded international agreements and national legislation.
- (3) Complaints regarding police procedures during joint patrolling, are reviewed by the Contracting Party in whose territory the patrolling has taken place. Every patrol member is obliged to make a statement with reference to complaint procedures. Contracting Parties inform each-other about complaints immediately.

Article 20
Criminal Liability

Police officers, participating in joint patrols, who operate in the territory of the other Contracting Party, are entitled to the status of police officers of the Contracting Party in relation to criminal acts committed by or against them, while carrying out duties related to the implementation of this Protocol.

Article 21
Civil Liability

1. When police officers of the forwarding Contracting Party, while carrying out duties as part of joint patrols, cause damage in the territory of the other Contracting Party, the sending Contracting Party is held responsible according to the legislation of the Contracting Party where joint patrolling is taking place.
2. The Contracting Party, where the damage mentioned in paragraph 1 takes place, will estimate this damage in conformity with the conditions for the damage caused by its officers.
3. The Contracting Party, whose officers have caused damage against another person in the territory of the other Contracting Party, shall reimburse the latter with the full amount paid to the victim or the person acting on his behalf.

Article 22
Sickness or Injury

In cases of sickness or injury during joint patrolling, the injured police officer is sent to the nearest health care institution and the respective police station of the other Contracting Party is immediately informed.

Article 23
Training

1. Police officers, assigned to work in joint patrols, should be professionally trained.
2. The Training Program should be drafted and coordinated by the respective structures of the Border Police at the central level. The training shall be conducted by the competent structures of the Police.

Article 24
Performance Evaluation of Joint Patrols

The evaluation, as a rule, will be carried out:

- each month at level of cooperation between police stations (local level);
- every 3 months at level of competent regional structures (regional level)

- every 6 months at level of managing authorities at Central level and whenever is necessary (central level)

Article 25
Expenses

Each of the Contracting Parties covers the expenses incurred by itself for the implementation of the provisions of this Protocol.

Article 26
Entry into force, Duration and Termination

1. This Protocol enters into force upon receipt of the Diplomatic Note according to which the Contracting Parties inform each-other that they have fulfilled the conditions envisaged by the domestic legislation regarding the entry into force of this Protocol. This Protocol will be effective as of its signing date.
2. This Protocol terminates at an undefined timeline. Each Contracting Party can revoke the Protocol in writing at any time following diplomatic means. The revocation enters into force 3 months after the other Party receives the notification on the revocation.
3. This Protocol becomes invalid contemporaneous with the cessation of Agreement on Cross Border Cooperation

Signed in _____ on _____ 2007, in three original copies, in the official languages of the two countries and in the English language, all texts being equally authentic. In the event of divergence in interpretation, the English version shall prevail.

**On Behalf of the Ministry of Interior
of the Republic of Albania**

Minister

**On behalf of the Ministry of Interior
of the Republic of Montenegro**

Minister