

### Preamble

The Government of the Italian Republic and the Government of the Republic of Cape Verde (hereinafter jointly referred to as the “Parties” and each a “Party”):

**BEING AWARE** of the negative impact of crime on public order and security, as well as on their citizens welfare;

**CONVINCED** of the need of enhancing international cooperation between Police authorities in the fight against crime and terrorism;

**RECALLING** the UN General Assembly Resolution no. 45/123 of 14 December 1990 concerning International Cooperation in the Fight against Organized Crime, the Conventions on Narcotic Drugs and Psychotropic Substances adopted by the United Nations, the Convention against Transnational Organized Crime signed in Palermo by the Italian Republic and by the Republic of Cape Verde on 12 December 2000 and 13 December 2000, respectively, and protocols thereto, as well as the relevant Resolutions of the UN Security Council and the Conventions against Terrorism adopted under the aegis of the United Nations;

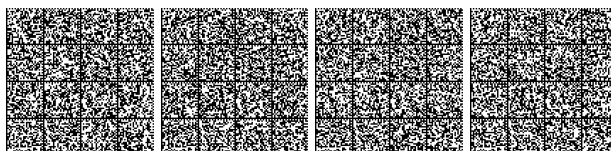
**RESPECTING** the principle of sovereignty and equality of both States and wishing to further consolidate the friendship relations between the two States;

**HAVE AGREED** as follows:

### Article 1

#### COMPETENT AUTHORITIES AND OBLIGATION TO COOPERATE

1. The competent Authorities responsible for implementing this Agreement are the following:
  - a) For the Government of the Italian Republic, the Ministry of the Interior, Department of Public Security;
  - b) For the Government of the Republic of Cape Verde, Ministry of Justice, Judicial Police
2. In compliance with the provisions of this Agreement, the Parties shall cooperate, acting within their jurisdiction and in compliance with their international obligations and national legislation in force in their respective countries.



## Article 2

### FIELDS OF COOPERATION

1. The Parties shall - within their means and in compliance with their national legislation – cooperate in order to prevent, fight and carry out investigations on crime, including, but not exclusively, the following:
  - a. transnational organized crime;
  - b. illicit production of, trafficking and smuggling in narcotic drugs, psychotropic substances and precursors;
  - c. trafficking in persons and migrants smuggling.
2. In addition, the Parties shall - in compliance with the national legislation in force in their respective Countries and with their international obligations, including the relevant UN Security Council's international Conventions and Resolutions - cooperate in the prevention and fight against terror acts.

## Article 3

### COOPERATION MODALITIES

In order to implement the provisions of article 2, the Parties shall cooperate through the following:

- a) exchange of information on crimes, criminals, criminal organizations, their *modus operandi*, structures and contacts;
- b) exchange of information on kinds of narcotic drugs and psychotropic substances, precursors and basic chemical substances, on production methods and places, channels and means used by traffickers, hiding techniques, changes of price and analysis techniques, as well as methods for carrying out anti-drug controls at the borders and use of new technical means, including training methods and use of canine units for drug detection;
- c) exchange of information on terror crimes, terrorists, terror organizations, their *modus operandi*, their structures and contacts;
- d) exchange of information on legislative and scientific instruments in order to fight crime, including information on the analysis of criminal and terror threat;
- e) exchange of information on police personnel training and use of specialized techniques for the fight against crime,
- f) the adoption – in compliance with the conditions set out by the national legislation of each Country – of the measures necessary to enable the use of special investigation techniques, as the undercover operations and controlled deliveries;
- g) exchange of information on methods used for the fight, trafficking in human beings and migrants smuggling;
- h) exchange of information on passports and other travel documents, visa, entry and exit stamps in order to detect fake documents;
- i) identification and readmission of their own nationals present on the other State's territory in an irregular position in relation to the legislation on migration; the best



- operational modalities for the implementation of this provision may be defined in an implementation protocol;
- j) the execution of requests for assistance envisaged by article 4;
  - k) exchange of other information that the competent Authority of a Party considers to be of interest to the Authority of the other Party;
  - l) exchange of experts and identification of contact points to be designated by the Parties to facilitate the implementation of this Agreement.

#### Article 4

##### REQUESTS FOR ASSISTANCE

1. Cooperation in the framework of this Agreement shall take place based of the requests for assistance by the interested competent Authority or on initiative of the competent Authority who considers said assistance to be of interest to the other competent Authority.
2. The request for assistance are submitted in writing. In case of emergency the requests may be submitted orally, but shall be confirmed in writing within seven (7) days.
3. The requests for assistance contain:
  - a) the name of the agency of the Party which requests assistance and the name of the agency of the Party to which a request for assistance has been submitted;
  - b) detailed information on the case;
  - c) aim of and reasons for the request;
  - d) description of the assistance requested;
  - e) any other information which may contribute to the effective execution of a request.
4. A request may also be made through the usual Interpol channels.

#### Article 5

##### REFUSAL OF ASSISTANCE

1. Assistance under this Agreement may be rejected totally or partially if the competent requested Authority considers that the execution of a request might jeopardize the sovereignty, security, public order or other fundamental interests of its own State or if it conflicts with the national legislation in force in its own Country or with its international obligations.
2. In addition, assistance may be rejected if the execution of the request implies an excessive burden on the competent Requested Party resources.
3. Whenever possible, the competent requested Authority – before taking a decision concerning the refusal of the assistance requested under this Agreement – confers with the competent requesting Party in order to define if the assistance may be given under the conditions which may be imposed by the competent requested Authority. In case



the competent requesting Party accepts to receive assistance under the proposed conditions, it shall comply with said conditions.

4. The competent requesting Authority receives a written notice of the total or partial refusal to execute the request with a description of the refusal reasons.

#### **Article 6**

#### **EXECUTION OF THE REQUEST**

1. The competent requested Authority adopts all measures necessary to guarantee a prompt and complete execution of the request.
2. The competent requesting Authority is informed immediately of any circumstance hindering or delaying considerably the execution of the request.
3. In case the execution of the request doesn't fall within the powers of the competent requested Authority the latter shall immediately notify the competent requesting Authority about it.
4. The competent requested Authority may request all information that it considers necessary for an adequate execution of a request.
5. The competent requested Authority reports to the competent requesting Authority as soon as possible on the outcome of the request execution.

#### **Article 7**

#### **LIMITS ON THE USE OF INFORMATION AND DOCUMENTS**

1. The Parties agree that personal and sensitive data transmitted in the framework of this Agreement shall be used exclusively for the purposes envisaged by it, in conformity with the provisions of the international Conventions on Human Rights.
2. Personal and sensitive data exchanged between the Parties shall be - in conformity with the respective national legislation of the Parties - protected according to the same standards applying to national data.
3. Each Party shall ensure a level of protection of the personal data acquired under this Agreement equivalent to the level of protection guaranteed by the other Party. It shall adopt the necessary technical measures to safeguard personal data against accidental or unlawful destruction, accidental loss or disclosure, unauthorized alteration or access or any unauthorized form of processing. The Parties, in particular, shall reasonably take measures to ensure that only those authorized to access personal data can have access to such data.
4. The information and documents supplied by a competent Authority under this Agreement may be disclosed to third parties only upon consent of the competent Authority that transmitted them.



5. At the request of a transmitting Party the receiving Party shall be obliged to correct, block or delete, consistent with its national law, the data received under this Agreement that are incorrect or incomplete or if its collection or further processing contravenes the purpose of this Agreement or the provisions applicable to the transmitting Party.
6. Where a Party becomes aware that data it has received from the other Party under this Agreement are not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such data, including, in particular, integration, deletion, or correction of the data.
7. Each Party shall notify the other if it becomes aware that material data it has transmitted to the other Party or received from the other Party under this Agreement are inaccurate or unreliable or might give rise to significant doubt.

#### **Article 8**

#### **MEETING AND CONSULTATIONS**

1. With a view to facilitating implementation of this Agreement the representatives of the competent Authorities may, if necessary, hold bilateral meetings and consultations to assess the progress made under this Agreement as well as to analyse and enhance cooperation.
2. Meetings shall take place in Italy and in Cape Verde, alternately.

#### **Article 9**

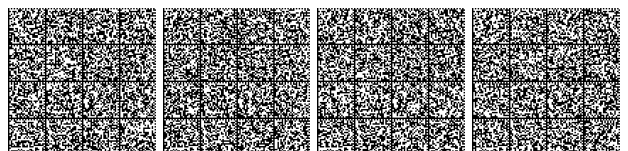
#### **EXPENSES**

1. Ordinary expenses for the processing of a request under this Agreement shall be borne by the requested Party unless otherwise agreed upon in writing by the Parties. If the request includes considerable or extraordinary expenses the Parties shall consult each other in order to establish terms and conditions for the processing of the request as well costs-sharing modalities.
2. Unless otherwise agreed upon, expenses of meetings shall be borne by the receiving Party whereas travel and accommodation expenses of delegates shall be borne by the sending Party.

#### **Article 10**

#### **LANGUAGE**

For the purposes of cooperation under this Agreement the Parties shall use the English language as means of communication.



**Article 11****SETTLEMENT OF DISPUTES**

Any dispute between the Parties over the interpretation or implementation of this Agreement shall be settled amicably by means of consultations and negotiations through diplomatic channels.


**Article 12****ENTERING INTO FORCE, TERMINATION AND AMENDMENTS**

1. This agreement shall enter into force on the date of the receipt of the second written note by which the Parties shall officially notify their compliance with their internal procedures and shall remain in force for an indefinite period of time.
2. Each Party may denounce this Agreement with at least a six month's written notice.
3. The present Agreement may be amended by mutual consent of the Parties.

IN WITNESS THEREOF, the undersigned – duly authorized – have signed and sealed this Agreement in three originals, each in the Italian, Portuguese and English languages, all texts being equally authentic. In case of differing interpretation the English text shall prevail.

**DONE** in Praia, on 8<sup>th</sup> July 2013

  
**FOR THE GOVERNMENT  
 OF THE ITALIAN REPUBLIC**

  
**FOR THE GOVERNMENT  
 OF THE REPUBLIC OF CAPEVERDE**

**LAVORI PREPARATORI**

*Senato della Repubblica* (atto n. 1605):

Presentato dal Ministro degli affari esteri e della cooperazione internazionale (MOGHERINI) e dal Ministro dell'interno (ALFANO), in data 8 settembre 2014.

Assegnato alla 3<sup>a</sup> commissione (Affari esteri, emigrazione), in sede referente, il 23 settembre 2014 con pareri delle commissioni I<sup>a</sup> (Affari costituzionali), 2<sup>a</sup> (Giustizia) e 5<sup>a</sup> (Bilancio).

Esaminato dalla 3<sup>a</sup> commissione (Affari esteri, emigrazione), in sede referente, il 2 ottobre 2014: il 19 maggio 2016.

Esaminato in aula e approvato, con modificazioni, il 28 giugno 2016.

*Camera dei deputati* (atto n. 3942):

Assegnato alla III commissione (Affari esteri e comunitari), in sede referente, l'11 luglio 2016, con pareri delle commissioni I (Affari costituzionali), II (Giustizia) e V (Bilancio, tesoro e programmazione).

Esaminato dalla III commissione (Affari esteri e comunitari), in sede referente, il 28 settembre 2016; il 27 ottobre 2016.

Esaminato in aula e approvato definitivamente il 6 dicembre 2016.

**16G00262**

