



Republika e Kosovës
Republika Kosovo-Republic of Kosovo

MEMORANDUM OF UNDERSTANDING

Between

State Prosecutor

and

Aeronautical Accident and Incident Investigations Commission of the Republic
of Kosovo

State Prosecutor represented by the State Head Procesoator

And

Aeronautical Accident and Incident Investigations Commission of the Republic
of Kosovo represented by the Chairman of AAIC

Were agreed as follows:

Article 1

PURPOSE

1. This memorandum of Understanding aims to increase cooperation between the two institutions within the scope and powers defined by the law, which represent a common interest.

Article 2

Areas of Cooperation:

- 2.1 Whenever the investigations are initiated by Prosecutors of Kosovo for any Aeronautical Accident and Incident, an authorized Prosecutor who initiate the case shall notify AAIC in writing.
- 2.2 In cases of initiation of investigation by Kosovo's Prosecutors, the Investigator in Charge from the AAIC must keep the records and document any evidence at the scene and ensure that has not change any of the evidence for investigation purposes.
- 2.3 In cases of initiation of investigation by Kosovo's Prosecutors, if for the need of investigation the inspectors of AAIC need to modify a part of evidence, to do so, a prior approval by the competent authority is required.
- 2.4 Whenever the competent authority during the process of collecting evidence for the investigation of the case has received any evidence from the accident scene, investigators of AAIC should have full access and unlimited in such evidence.

- 2.5 When AAIC investigators need to send a Cockpit Voice Recorder or Flight Data Recorder in a certain place for reading, the competent authority may appoint a person who will always accompany the AAIC investigators in their work for reading or flight recorders.
- 2.6 Whenever the AAIC investigators, during the investigation, suspect that the cause of the accident or incident is unlawful interference of any person, AAIC is obliged immediately to inform the authorized Prosecutor. Information obtained from AAIC, in such cases, should be offered immediately.

ARTICLE 2 CONTRIBUTION OF AAIC

1. Whenever the AAIC performs or participates in the investigation of accidents and incidents in civil aviation shall always take care for the recording of evidences. In cases of investigation by Prosecutors in Kosovo, AAIC will inform the Prosecutor regarding the factual findings of the case.
2. The State Prosecution whenever is needed shall ask from AAIC about factual findings report on cases of investigation of accidents and incidents in civil aviation.
3. During the investigations AAIC shall receive the evidence from witnesses, providing them proof that they will remain confidential and will not be provided to the prosecutor, unless forced to do so for the public interest by the relevant court.

Article 3 Contribution of SP

1. The State Prosecutor shall forward to AAIC information which considered to be related to the investigation of accidents and incidents in civil aviation.
2. The State Prosecutor in certain cases shall offer to AAIC information available, when required by written request of the AAIC addressed to SP.
3. State Prosecutor if during the exercise of its activities has information that considers important and of the interest of AAIC the same will be forwarded to AAIC despite there was no written request from the AAIC.

Article 4 Mode of Communication

Cooperation between SP and AAIC will be accomplished through contact lines and through liaison persons.

Article 5 Final provision

This memorandum shall enter into force on the day of signature by signatory parties of the memorandum and remain valid until the parties can not agree otherwise.

Signatory parties do not intend that with this memorandum of understanding to create legal obligations between each other.

Drafted in Pristina on September 21, 2011, two original copies for each signatory party, in Albanian and Serbian language.

Version in Albanian and Serbian language should be equally authentic . In case of disagreement, the Albanian language version shall prevail.

Signatory parties

STATE PROCESUTORT

AAIIC

Ismet Kabashi

Kreshnik Gashi

Head Prosecutor

Chairman