

**No. 51809\***

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**United States of America  
and  
Indonesia**

**Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Indonesia regarding mutual assistance between their customs administrations. Jakarta, 17 November 2006**

**Entry into force:** *17 November 2006 by signature, in accordance with paragraph XIV*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *United States of America, 4 March 2014*

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**États-Unis d'Amérique  
et  
Indonésie**

**Mémorandum d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République d'Indonésie relatif à l'assistance mutuelle entre leurs administrations douanières. Jakarta, 17 novembre 2006**

**Entrée en vigueur :** *17 novembre 2006 par signature, conformément au paragraphe XIV*

**Texte authentique :** *anglais*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
REGARDING MUTUAL ASSISTANCE BETWEEN  
THEIR CUSTOMS ADMINISTRATIONS**

The Government of the United States of America and the Government of the Republic of Indonesia, hereinafter referred to as "the Parties",

Considering that offenses against customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries;

Considering the importance of assuring the accurate assessment of customs duties and other taxes;

Recognizing the need for international cooperation in matters related to the administration and enforcement of the customs laws of their respective countries;

Having regard to the international conventions containing prohibitions, restrictions and special measures of control in respect of specific goods;

Convinced that action against customs offenses can be made more effective by cooperation between their Customs Administrations; and

Having regard to the Recommendation of the Customs Cooperation Council regarding Mutual Administrative Assistance of December 5, 1953;

Have agreed as follows:

**ARTICLE I**  
**DEFINITIONS**

**For the purposes of the present Memorandum of Understanding:**

- 1. the term "Customs Administration" means, in the United States of America, United States Customs and Border Protection and United States Immigration and Customs Enforcement, Department of Homeland Security, and in the Republic of Indonesia, the Directorate General of Customs and Excise, Ministry of Finance;**
- 2. the term "customs laws" means the laws and regulations enforced by the Customs Administrations concerning the importation, exportation, and transit or circulation of goods as they relate to customs duties, charges, and other taxes or to prohibitions, restrictions, and other similar controls respecting the movement of controlled items across national boundaries;**
- 3. the term "information" means data in any form, documents, records, and reports or certified copies thereof;**
- 4. the term "offense" means any violation or attempted violation of the customs laws;**
- 5. the term "person" means any natural or legal person;**
- 6. the term "property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to or an interest in such assets;**

7. the term "provisional measures" includes "seizure" or "freezing," which means:
  - a. temporarily prohibiting the conversion, disposition, movement, or transfer of property, or
  - b. temporarily assuming custody or control of property on the basis of an order issued by a court or competent authority, or other means;
8. the term "forfeiture" means the deprivation of property by order of a court or competent authority and includes confiscation where applicable;
9. the term "requesting Administration" means the Customs Administration that requests assistance;
10. the term "requested Administration" means the Customs Administration from which assistance is requested.

**ARTICLE II**  
**SCOPE OF MEMORANDUM OF UNDERSTANDING**

1. The Parties, through their Customs Administrations, shall assist each other, in accordance with the provisions of this Memorandum of Understanding, in preventing, investigating, and repressing any offense.
2. Each Customs Administration shall execute requests for assistance made pursuant to this Memorandum of Understanding in accordance with and subject to the limitations of its domestic laws and regulations, and within the limits of its competence and available resources.
3. This Memorandum of Understanding is intended solely for mutual legal assistance between the Parties; the provisions of this Memorandum of Understanding shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.
4. This Memorandum of Understanding is intended to enhance and supplement mutual assistance practices in effect between the Parties. No provision in this Memorandum of Understanding may be interpreted in a manner that would restrict agreements and practices relating to mutual assistance and cooperation in effect between the Parties.