

On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of Georgia on cooperation in combating terrorism, illicit traffic in narcotic drugs, psychotropic substances and precursors, organized and other types of crime

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated December 5, 2011 № 1450

Unofficial translation

The Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

1. To approve the Agreement between the Government of the Republic of Kazakhstan and the Government of Georgia on cooperation in combating terrorism, illicit traffic in narcotic drugs, psychotropic substances and precursors, organized and other types of crime, done in Astana on March 31, 2005.

2. This resolution shall be enforced from the date of its signing.

Prime Minister of the Republic of Kazakhstan

K.Massimov

Approved
by resolution of the Government of
the Republic of Kazakhstan
Dated December 5, 2011 № 1450

Agreement

between the Government of the Republic of Kazakhstan and the Government of Georgia on cooperation in combating terrorism, illicit traffic in narcotic drugs, psychotropic substances and precursors, organized and other types of crime

The Government of the Republic of Kazakhstan and the Government of Georgia, hereinafter referred to as the Parties,

convinced that cooperation to combat terrorism, illicit trafficking in narcotic drugs, psychotropic substances and precursors, organized and other forms of crime shall be important,

reaffirming its desire to work together to combat terrorism,

concerned about the increasing trend in illicit trafficking in and abuse of narcotic drugs, psychotropic substances and precursors,

deliberate to take effective measures to combat illegal migration and economic crime,

hereby agreed as follows:

Article 1

The Parties shall, in accordance with the national legislation of their states, cooperate to combat terrorism, illicit traffic in narcotic drugs, psychotropic substances and precursors,

organized and other types of crime, if crimes are committed or prepared for in the territories of member states.

Article 2

In order to combat terrorism in any form, the Parties shall, in accordance with the national legislation of their states and in accordance with the provisions of this Agreement:

1) exchange information on planned and committed acts of terrorism, terrorist organizations and groups, as well as persons involved in such crimes, on the forms and methods of committing such crimes and the means used, as well as information necessary to combat terrorism;

2) exchange information on the provision of terrorist organizations and persons involved in terrorist activities, support, including the sources of their financing;

3) exchange information on persons and organizations engaged in illegal trade in weapons, ammunition, military equipment, explosives and toxic substances, nuclear and radioactive materials, as well as on the channels of their movement in the territories of the member states;

4) carry out operational and search activities at the request of one of the Parties aimed at prevention, detection, suppression of terrorist crimes;

5) hold joint working meetings and consultations on the fight against terrorism, exchange of experience on forms and methods of counteracting terrorist manifestations.

Article 3

In order to suppress illicit trafficking in narcotic drugs, psychotropic substances and precursors, including the illicit cultivation of plants containing narcotic and psychotropic substances, as well as the tools or equipment used for their manufacture, the Parties shall, on the basis of the national legislation of their states:

1) exchange information on persons involved in illicit trafficking in narcotic drugs, psychotropic substances and precursors, secret shelters, vehicles and methods of work of these persons, place of origin and destination of narcotic drugs, psychotropic substances and precursors, as well as other information necessary for prevention and suppression of crimes related to narcotic drugs, psychotropic substances and precursors;

2) exchange information on methods of illicit trafficking of narcotic drugs, psychotropic substances and precursors;

3) share the results of forensic and criminological research on offences related to trafficking in and abuse of narcotic drugs, psychotropic substances and precursors;

4) make available to each other samples of narcotic drugs, psychotropic substances and precursors used for abuse;

5) exchange experience on control of legal traffic of narcotic drugs, psychotropic substances and precursors, paying special attention to possible offences in this field;

6) undertake concerted measures to prevent illicit traffic in narcotic drugs, psychotropic substances and precursors.

Article 4

Cooperating in the detection, prevention, control and reduction of crime, especially organized crime, Parties shall:

1) exchange information on persons involved in organized criminal activity, connections of criminals, structure of organized criminal groups, relations of individual criminals and organized criminal groups, facts in criminal cases (especially the time, place and manner in which the offence was committed), the characterization and types of offences, the measures taken, and any other relevant details to the extent necessary to prevent or suppress such offences;

2) at the request of one of the Parties shall carry out operational investigations and investigative actions provided for by the national legislation of the state of the requested Party ;

3) exchange information and experience on methods of committing and new forms of international crime;

4) exchange the results of their forensic, criminological and other relevant criminal studies . Mutually inform each other of their experience in investigating and applying their working methods and equipment with a view to improving them;

5) in order to strengthen cooperation in the fight against organized crime, mutual internships of specialists shall be held to improve their skills, exchange experience and scientific achievements in the field of forensic, criminological and forensic medical examination;

6) if necessary, carry out joint activities to combat organized crime, for the preparation and implementation of which working meetings are held.

Article 5

In addition, the cooperation of the Parties shall include:

1) cooperation in combating the legalization of illegally obtained income, as well as illegal financial transactions;

2) exchange of information on illegal proceeds arising from criminal activity;

3) exchange of experience and regulatory acts in the field of combating illegal migration, as well as regulatory legal acts regulating the procedure for the stay of foreigners in the territories

member states;

4) exchange of information necessary for the other Party in the fight against trafficking in human beings, as well as with regard to legal entities and individuals involved in the organization of illegal migration and identified channels for the transfer of migrants;

5) exchange of normative acts in the field of combating criminal acts mentioned in this Agreement.

Article 6

1. In order to comply with the provisions of this Agreement, all contacts shall be made directly between the central competent authorities of the member states.

2. For the purposes of this Agreement, the central competent authorities of member states shall be:

1) from Kazakhstan side:

General Prosecutor's Office,

Committee of National Security,

Ministry of Internal Affairs,

Ministry of Finance,

Ministry of Justice,

Agency for Combating Economic and Corruption Crime (Financial Police);

2) from the Georgian side:

Ministry of Internal Affairs,

Special Foreign Intelligence Service,

Customs Department of the Ministry of Finance,

Service of financial monitoring.

3. The central competent authorities of the member states, within the national legislation of their states, shall cooperate with each other directly and may establish forms of cooperation in a separate protocol.

4. Each Party shall notify the other Party of the changes in the list of central competent authorities in a timely manner through diplomatic channels.

Article 7

1. Requests for the exchange of information and the implementation of the actions provided for in this Agreement shall be submitted in writing to the central competent authorities of the member states. The inquiry shall be followed:

1) the name of the requesting competent authority, as well as the reasoned wording determining the competent authority to which the request shall be directed;

2) description of the criminal case for which assistance shall be requested;

3) the content of the request, as well as the information necessary for its execution;

4) if necessary, the dates within which the request shall be expected to be executed.

In urgent cases, the central competent authorities of the member states shall apply orally in advance for the implementation of the provisions of this Agreement, which shall thereafter be confirmed in writing.

2. If the requested Party considers that the information provided in the request is insufficient, it may request additional information. The competent authorities of the member states shall execute the requests without delay.

Article 8

In order to protect personal data submitted during cooperation, the Parties shall comply with the following conditions in accordance with the national legislation of their states:

1) the requesting Party shall use personal data solely for the purposes and on the terms and conditions specified by the requested Party;

2) at the request of the requested Party, the requesting Party shall provide information on the use of the delivered personal data and the results obtained;

3) personal data may be sent exclusively to the central competent authorities defined in Article 6 and dealing with the crimes provided for in this Agreement. Personal data may be transmitted to other authorities only with the written consent of the requested authority;

4) the requested Party shall be convinced of the accuracy of the personal data to be transferred, as well as of the necessity of such transfer. At the same time, restrictions on the delivery of personal data established by the national legislation of the state of the requested Party shall be observed. If it is proved that incorrect or restricted personal data has been sent, the requesting Party shall be informed immediately. It makes the necessary adjustments or immediately destroys restricted personal data;

5) The person concerned, upon his request, may be provided with a certificate on the personal data transmitted to him and the purpose of their use in accordance with the national legislation of the state of the requested Party;

6) when sending personal data, the requested Party shall set deadlines for destruction of these personal data in accordance with the national legislation of its state. Despite this, delivered personal data must be destroyed when the need for it disappears. Each Party shall immediately notify the other Party of the destruction of the obtained personal data and the basis of such destruction. The obtained personal data shall be destroyed upon termination of this Agreement;

7) each Party shall maintain a register of sending, receiving and destruction of personal data;

8) The Parties shall protect the personal data received from unauthorized access, modification or publication.

Article 9

1. The Parties shall guarantee the protection, in accordance with the national legislation of the member states, of all data and information obtained from the exchange in order to implement this Agreement. The degree of protection established by the transmitting Party shall not be subject to change.

2. Documents, data and technical equipment delivered under this Agreement may be transferred to the third State only with the written consent of the requested Party.

Article 10

1. The Parties shall bear the expenses of this Agreement on their own to the extent necessary to fulfill their obligations in accordance with their national legislation.

2. If necessary, the Parties shall bear joint expenses for the implementation of actions arising from this Agreement, which shall be formalized by mutually acceptable arrangements on a case-by-case basis. The Parties' obligations for joint expenses shall be governed by these arrangements.

Article 11

1. In order to implement the provisions of this Agreement, the Parties may establish a joint commission. The Parties shall notify each other of the composition of the commission through diplomatic channels.

2. The meetings of the joint commission will be held alternately in the territories of the member states as necessary.

Article 12

1. The requested Party may refuse to execute the request in whole or in part if the execution of the request may be detrimental to sovereignty, security or contrary to the national legislation of the state of the requested Party.

2. In case of refusal to execute the request or its partial execution, the requesting Party shall be notified in writing thereof with indication of the reasons for refusal or partial execution.

Article 13

The Parties shall use the Russian language when cooperating under this Agreement.

Article 14

By mutual consent of the Parties, this Agreement may be amended and added by protocols which shall be integral parts of this Agreement.

Article 15

This Agreement shall not affect rights and obligations arising from other international treaties to which the member states are parties.

Article 16

1. This Agreement shall enter into force on the date of receipt of the last written notification of the implementation by the Parties of the domestic procedures necessary for its entry into force.

2. This Agreement shall be entered into indefinitely and shall remain in force until the expiration of 6 months from the date on which one of the Parties receives written notification to the other Party of its intention to terminate it.

Done in Astana on March 31, 2005 in two copies, each in Kazakh, Georgian and Russian, all texts being equally valid.

In the event of a disagreement in the interpretation of the provisions of this Agreement, the Parties shall refer to the Russian version.

*For the Government
of the Republic of Kazakhstan*

*For the Government
of Georgia*