

On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crime

Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 1488 dated December 8, 2011

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The Government of the Republic of Kazakhstan hereby **DECREES AS FOLLOWS:**

1. Approve the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crime, done in Astana on June 2, 2004.

2. This Decree shall be enforced from its signing.

The Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved

by the Decree of the Government
of the Republic of Kazakhstan

No. 1488 dated December 8, 2011

Agreement

between the Government of the Republic of Kazakhstan and the Government of the Republic of Estonia on cooperation in combating organized crime and other types of crime

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

convinced that cooperation in order to effectively prevent and combat organized crime, drug trafficking, terrorism, illegal movement of persons, vehicles, goods and other types of crimes across the border shall be important,

concerned about the increasing worldwide abuse of narcotic drugs and psychotropic substances and their illicit trafficking,

reaffirming their joint will to combat terrorism effectively,

intentional (take effective measures to combat illegal migration,

have agreed as follows:

Article 1

The parties will cooperate, under their national laws, as well as international treaties to which the states of the Parties shall be parties, in combating organized crime and other types

of crimes, including their prevention, suppression, disclosure and investigation, including by the exchange of information and execution of requests.

Article 2

1. The cooperation of the Parties extends in combating the following types of crimes:

- illegal cultivation of plants containing narcotic substances, manufacture, smuggling of narcotic drugs, psychotropic substances, their analogues and precursors, illegal trafficking of tools or equipment used for their manufacture, as well as illegal trade in them;
- legalization of cash or other property acquired illegally;
- terrorism;
- illegal migration;
- exploitation of prostitution and human trafficking;
- manufacture and sale of counterfeit banknotes and securities;
- crimes against property;
- falsification and sale of documents, payment cards and other settlement and payment documents;
- crimes against the environment;
 - smuggling of potent toxic and explosive substances, weapons, military equipment, explosive devices, firearms and ammunition, nuclear, chemical, biological and other types of weapons of mass destruction, materials and equipment that can be used to create weapons of mass destruction;
- illegal trade in cultural property;
- economic crimes;
- computer crimes;
- organization, participation in illegal paramilitary groups and mercenaries;
- attack on persons and organizations enjoying international protection;
- hostage taking;
- violations of tax laws, as well as failure to fulfill financial obligations to the state;
 - corruption and other crimes against the interests of public service and public administration.

2. With the consent of the Parties, cooperation may extend to the fight against other types of crimes.

3. The parties will also exchange specialists to obtain mutual information in various areas in combating crime and on forensic technology, as well as the results of scientific research in the field of forensics and criminology.

Article 3

In order to combat the illegal cultivation of plants containing narcotic substances, manufacture, import, export, transit of narcotic drugs, psychotropic substances, their analogues and precursors, the illicit trafficking of tools and equipment used for their manufacture, as well as their trade in the Parties under national legislation their states will be primarily:

- exchange experience in the field of control of the legal circulation of narcotic drugs and psychotropic substances, as well as information on ways to conceal the diversion of precursors from legal production to illegal;

- jointly implement measures aimed at preventing the illegal diversion of narcotic drugs and psychotropic substances recognized by the Parties from the legal circulation;

- exchange data on persons involved in the manufacture, smuggling or trafficking of narcotic drugs, information on places of shelter, transport routes and means, places of origin and points of delivery of narcotic drugs, psychotropic substances and precursors, as well as specific details of specific criminal cases;

- present to each other samples of new narcotic drugs, psychotropic substances, their analogues of plant and synthetic origin, precursors, as well as exchange information about equipment and technologies used for their illegal manufacture;

- jointly carry out operational investigative measures against the illicit manufacture of narcotic drugs, psychotropic substances, their analogues and precursors.

Article 4

In order to combat terrorism, the competent authorities of the Parties, in accordance with this Agreement and the national laws of their states, will cooperate by exchanging information of mutual interest, including:

- on revealed intentions of individuals, groups or organizations to commit acts of terrorism against the state of the other Party;

- on upcoming acts of terrorism directed against the leaders of states, governments of foreign countries and members of international organizations.

The exchange of information shall be carried out on the basis of a request from an interested Party for assistance or at the initiative of a Party, assuming that such information is of interest to the other Party.

Article 5

In order to combat illegal migration, the Parties, under the national laws of their states, will exchange information:

- on facts of violation of the state border by citizens of the states of the Parties;

- on facts and detained citizens of the states of the Parties for attempting to smuggle weapons, ammunition, narcotic drugs, psychotropic substances, their analogues and precursors, explosive, poisonous and radioactive substances;

- on facts of falsification of documents for the right to cross the border by citizens of the states of the Parties and citizens of other states.

Article 6

In order to cooperate in combating organized crime, the Parties in accordance with the national laws of their states will:

- exchange data on persons involved in organized crime, in particular, on its organizers;
- exchange information about organized criminal groups and communities;
- exchange information on the circumstances of their crimes, in particular, on the time, place and method of committing crimes, objects of abuse, features, as well as on the qualification by the national criminal laws of the states of the Parties of their criminal acts.

The exchange of data and information shall be carried out to identify, suppress and investigate crimes that pose a significant threat to public safety in each case;

to cooperate in carrying out operational-search measures and, for this purpose, to carry out coordinated actions and provide mutual personnel, material and organizational assistance;

to transfer to each other samples of objects used in the commission of crimes.

Article 7

Under this Agreement, the Parties will exchange specialists to jointly or mutually enhance professionalism in combating organized crime and other types of crimes.

Article 8

1. A request for assistance shall be sent in writing. The request, supporting documents and subsequent communications shall be transmitted directly between the competent authorities of the states of the Parties. The request must contain:

- 1) name of the requesting and requested authority;
- 2) name of the case in which assistance is requested;
- 3) content of the request, as well as the information necessary for its execution.

2. The request, supporting documents and subsequent communications shall be accompanied by a translation into the state language of the requested Party or into Russian. These documents shall be certified by the official seal of the requesting authority and do not require any other certification or authentication.

3. If the requested Party considers the information provided in the request insufficient, it may request additional information. The competent authorities of the Parties shall accept requests for priority execution.

Article 9

In order to facilitate and evaluate the cooperation provided by this Agreement, the Parties will create a Joint Commission from among the leading employees of the competent authorities of the states of both Parties. The Parties shall notify each other of composition of the Commission by diplomatic channels. If necessary, the Joint Commission may involve experts specially appointed by it. Commission meetings will be held as necessary.

The powers and the rules of work of the Joint Commission will be determined by the Parties by separate agreements.

Article 10

If one of the Parties considers that the fulfillment of the request or implementation of a specific event within the interaction may lead to a violation of sovereign rights, threaten security or other important interests, or violate the principles of the established rule of law, then assistance or execution of this event may be fully or partially refused or may certain conditions must be put forward for performance of the event.

Article 11

When transferring data on persons in accordance with this Agreement and existing national laws of the states of the Parties, the following provisions apply:

- use of data by the recipient shall be allowed only for the purposes and on conditions prescribed by the transferring Party;
- recipient of data, in the case of a request, informs the transmitting Party about their use and the results obtained from this;
- data on persons may only be transmitted to the central competent authorities of the states of the Parties listed in Article 13 of this Agreement. Further data transfer to other authorities may be carried out only with the prior consent of the transferring Party;
- transmitting authority ensures the reliability of the transmitted data about the person and makes sure that it is necessary to transmit it within and in accordance with the objectives and content of the request. The transfer of data on persons shall not be carried out if there is reason to believe that in this way the principle of one of the national laws of the states of the parties may be violated or the interests of the persons protected by law may be infringed. If

inaccurate data or data that shall not be transferable has been transmitted, the receiving authority shall be immediately informed of this. The receiving authority corrects or destroys this data.

In all cases related to the transfer of personal data, the Parties shall be guided by the provisions of the national law of the state of the transmitting Party.

Article 12

1. The Parties shall ensure the confidentiality of the information received if one of the Parties recognizes the information as confidential in accordance with the provisions of the national law of its state.

2. The documentation, information and technical equipment received by the Parties under this Agreement may not be transferred to a third party without prior approval from the competent authorities of the transferring Party.

Article 13

In order to implement this Agreement, all contacts will be carried out directly between the central competent authorities within the competence established by the national laws of the Parties.

The central competent authorities shall be:

from the Republic of Kazakhstan:

- General Prosecutor's Office;
- National Security Committee;
- Ministry of Internal Affairs;
- Agency for fight against economic and corruption crime (Financial Police);

from the Republic of Estonia:

or any authority or person authorized in accordance with the national laws of the states of the Parties to carry out the cooperation provided by this Agreement.

In the event of a change in the official name or authority of the competent authorities, the Parties will immediately notify each other by diplomatic channels.

Article 14

If necessary, for the preparation and conduct of joint activities, the central competent authorities of the states of the Parties may hold working meetings on specific criminal cases that are in the preliminary investigation stage.

Article 15

Other details of cooperation provided by the provisions of this Agreement, the Parties or, by their authority, the central competent authorities may be established by separate agreements.

Article 16

Disagreements regarding the interpretation or application of this Agreement shall be resolved by the Parties by negotiations and consultations.

If necessary, a conciliation commission shall be created from an equal number of authorized representatives of the Parties, which shall be entrusted with the duties of resolving disputes.

Article 17

The parties shall independently bear the costs that will arise in the course of the implementation of this Agreement, unless a different procedure shall be agreed upon in each case.

Article 18

By mutual agreement of the Parties, this Agreement may be amended and supplemented by the Protocols, which are integral parts of this Agreement.

Article 19

This Agreement shall not affect the rights and obligations of the Parties arising from other bilateral or multilateral agreements to which their states are parties, and shall not prevent the Parties from developing and developing other mutually acceptable forms of cooperation.

Article 20

This Agreement shall be temporarily applied from the signing it and comes into force from the date of receipt of the last written notification on implementation by each Party of the domestic procedures necessary for its entry into force.

Article 21

This Agreement shall be concluded for an indefinite period and will remain in force until six months from the date when one of the Parties receives a written notification of the other Party of its intention to terminate it.

Done in _____ years in two original copies, each in the Kazakh, Estonian and Russian languages, all texts being equally authentic. In case of disagreement in

the interpretation of the provisions of this Agreement, the Parties will refer to the text in Russian.

For the Government
of the Republic of Kazakhstan

For the Government
of the Republic of Estonia

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