

On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Latvia on cooperation in combating terrorism, illicit trafficking of narcotic and psychotropic substances, precursors and organized crime

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated July 9, 2018 No. 412.

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The Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Latvia on cooperation in combating terrorism, illicit trafficking of narcotic and psychotropic substances, precursors and organized crime, signed in Astana on October 8, 2004.

2. This resolution comes into effect from the date of its signing.

*Prime Minister of the
Republic of Kazakhstan*

B. Sagintayev

Approved
by Resolution No. 412 of
the Government of the
Republic of Kazakhstan
dated July 9, 2018

Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Latvia on cooperation in combating terrorism, illicit trafficking of narcotic and psychotropic substances, precursors and organized crime

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

being convinced that cooperation in the fight against terrorism, trafficking in narcotic and psychotropic substances, precursors and organized crime is essential,

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

confirming their will to jointly combat terrorism,

intending to take effective measures to combat illegal migration and crimes in the economic sphere,

agreed on the following:

Article 1

The Parties, in accordance with the national laws of their states, cooperate in combating organized crime, trafficking in narcotic and psychotropic substances, precursors, terrorism, if crimes are committed or prepared in the territories of the States of the Parties.

Article 2

To combat terrorism in any of its manifestations, the Parties, in accordance with the national laws of their states, as well as 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, forms and methods of committing such crimes and the means used, as well as information necessary to combat terrorism and suppress crimes that threaten;

2. exchange information about the support provided to terrorist organizations and individuals involved in terrorist activities, including the information about the sources of funding;

3. exchange information on persons and organizations involved in the illegal trade in arms, ammunition, military equipment, explosives and toxic substances, nuclear and radioactive materials, as well as on the channels for their movement through the territories of the Parties;

4. carry out operational activities at the request of one of the Parties aimed at preventing, detecting and suppressing crimes of a terrorist nature;

5. hold joint working meetings and consultations on combating terrorism, exchanging experience on the forms and methods of combating terrorist manifestations.

Article 3

To suppress the illicit cultivation of plants containing narcotic and psychotropic substances, precursors of production, storage, movement, transit and distribution of narcotic and psychotropic substances, precursors, illicit trafficking in tools or equipment used for their manufacture, Parties, based on the national legislation of their states:

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

2. exchange information on methods of trafficking in narcotic and psychotropic substances, precursors;

3. exchange the results of forensic and criminological research on crimes related to illicit trafficking in narcotic drugs, psychotropic substances and precursors and their abuse;

4. provide each other with samples of narcotic drugs, psychotropic substances and precursors used for abuse;

5. exchange of experience on monitoring the legal turnover in narcotic drugs, psychotropic substances and precursors, with particular attention to possible abuses in this area;

6. take concerted action to prevent illicit trafficking in narcotic drugs, psychotropic substances and precursors.

Article 4

Cooperating in the detection, prevention, suppression and reduction of crime rate, especially organized crime, the Parties:

1. exchange information about persons involved in organized criminal activities, criminal relations, the structure of organized criminal groups, the relations of individual criminals and organized criminal groups, facts about cases (especially about time, place and method of committing a crime), qualifications and types of crimes taken as well as any other relevant details to the extent that they are necessary for the prevention or suppression of such crimes;

2. at the request of one of the Parties, carry out operational activities stipulated by the national legislation of the state of the requested Party;

3. exchange information and experience in the field of methods and new forms of international crime;

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

5. in order to strengthen cooperation in the combating organized crime, they conduct mutual internships for specialists to enhance their qualifications, exchange experience and scientific achievements in the field of forensic, criminological and forensic examination;

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

Article 5

In addition, the cooperation of the Parties covers:

1. cooperation in combating the legalization of illegally obtained revenues, as well as with illegal financial transactions;

2. exchange of regulations in the field of combating criminal acts referred to in this Agreement;

3. exchange of information on illegal income resulting from criminal activities;

4. exchange of experience and regulations in the field of combating illegal migration, as well as regulatory legal acts regulating the stay of foreigners in the territories of the states of the Parties;

5. exchange of information necessary for the other Party in the fight against human trafficking, as well as in relation to legal entities and individuals involved in organizing illegal migration and identified channels of migrants.

Article 6

1. In order to fulfill the provisions of this Agreement, all contacts will be made directly between the central competent authorities of the states of the Parties.

2. For the purposes of this Agreement, the central competent authorities of the states of the Parties are:

from the Kazakhstan side:

The Ministry of the Interior;

National Security Committee;

Agency of the Republic of Kazakhstan on Combating Economic and Corruption Crimes (financial police);

Customs Control Agency;

from the Latvian side:

The Ministry of the Interior;

State Revenue Service.

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

4. Each Party shall promptly notify the other Party about changes in the list of central competent authorities.

Article 7

1. Requests for the exchange of information and the implementation of actions provided for in this Agreement shall be sent in writing to the central competent authorities of the States of the Parties. The request will be accompanied by:

- motivated wording defining the requesting body, as well as the body to which the request has been sent;

- description of the case for which assistance is requested;

- content of the request, as well as information necessary for its execution.

In urgent cases, the central competent authorities of the States of the Parties will preliminary apply verbally about the implementation of the provisions of this Agreement, which should be immediately formally confirmed in writing.

2. If the requested Party deems insufficient information provided in the request, it may request additional information. The central competent authorities of the States of the Parties will execute requests promptly..

Article 8

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

1. the requesting Party uses personal data solely for the purposes and on the terms determined by the requested Party;

2. upon request of the requested Party, the requesting Party provides information on the use of the delivered personal data and the results obtained therewith;

3. personal data may be sent exclusively to the central competent authorities of the States of the Parties, as defined in Article 6 of this Agreement and combating crimes provided for by

this Agreement. Personal data may be transferred to other authorities only with the written consent of the requested authority;

4. the requested Party ensures with the accuracy of the personal data to be transferred, as well as the necessity for such transfer. At the same time, restrictions on the delivery of personal data established by the national legislation of the state of the other Party are observed. If it is proved that incorrect or restricted personal data were sent, the requesting Party is immediately informed about it. It makes the necessary adjustments or immediately destroys the personal data that is subject to restrictions;

5. the person concerned, upon his request, may be provided with a certificate of the personal data transferred in relation 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 sets deadlines for the destruction of this personal data in accordance with the national legislation of its state. Despite this, the delivered personal data must be destroyed when the need for it disappears. Each Party shall immediately notify the other Party about the destruction of the personal data received and the basis for such destruction. The received personal data is destroyed upon termination of this Agreement;

7. each Party keeps a register of sending, receiving and destruction of personal data;

8. the Parties protect the received personal data from unauthorized access, alteration or publication.

Article 9

1. The parties guarantee the protection in accordance with the national laws of the States of the Parties of all data and information obtained as a result of the exchange in order to implement this Agreement. The degree of protection set by the transmitting Party is not subject to change.

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

Article 10

1. The costs of the implementation of this Agreement are borne by the Parties to the extent necessary to fulfill their obligations.

2. If necessary, the Parties shall bear joint expenses for the implementation of actions arising from this Agreement, which is documented by mutually acceptable agreements in each particular case. The cost sharing obligations of the Parties are 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 inform each other about the composition of the commission through diplomatic channels.

2. Meetings of the joint commission will be held as necessary alternately in the territories of the states of the Parties. Each Party may suggest an additional meeting, if necessary.

Article 12

1. The requested Party may completely or partially refuse to execute the request if the execution of the request may prejudice the sovereignty, security or contradicts 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 with indication of the reasons for refusal or partial execution.

Article 13

The parties in the implementation of cooperation under this Agreement use the Russian language..

Article 14

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

Article 15

This Agreement does not affect the rights and obligations arising from other international treaties to which the States of the Parties are parties.

Article 16

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

2. This Agreement is concluded for an indefinite period and will remain in force until the expiration of 6 months from the date when one of the Parties receives written notice of the other Party of its intention to terminate it.

Signed in Astana on October 8, 2004, in two copies, each in the Kazakh, Latvian and Russian languages, all texts are equally authentic.

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

<i>On behalf of the Government of the Republic of Kazakhstan</i>	<i>On behalf of the G</i>
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