



On approval of the Agreement on cooperation between the Governments of the member states of the Shanghai Cooperation Organization in crime control

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated June 17, 2011 № 664

Unofficial translation

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

1. To approve the attached Agreement on cooperation between the Governments of the member states of the Shanghai Cooperation Organization in crime control, done in Tashkent on June 11, 2010

2. The Ministry of Foreign Affairs of the Republic of Kazakhstan, in accordance with paragraph 2 of Article 2 referred to in the Agreement, to inform the depositary that the competent authorities for its enforcement from the Republic of Kazakhstan shall be the state bodies specified in the Annex to this resolution.

3. This resolution shall come into force from the date of signing.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by resolution of the Government
of the Republic of Kazakhstan
dated June 17, 2011 № 664

Agreement on cooperation between the Governments of the member states of the Shanghai Cooperation Organization in crime control

The Governments of the member states of the Shanghai Cooperation Organization, hereinafter referred to as Parties

expressing concern at the scale and trends of crime, particularly in its organized forms, based on mutual interest in taking effective measures to ensure reliable protection against violations of life and health, rights and freedoms, honour and dignity of the person, the interests of society and the state,

emphasizing the importance of international cooperation in the field of respect for universally recognized human rights and freedoms,

guided by the universally recognized principles and standards of international law, the Charter of the Shanghai Cooperation Organization dated June 7, 2002, The Shanghai Convention on Combating Terrorism, Separatism and Extremism dated June 15, 2001, Agreement between the member states of the Shanghai Cooperation Organization on Cooperation in Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Precursors dated June 17, 2004, the Shanghai Cooperation Organization Convention on

Combating Terrorism dated June 16, 2009, Agreement on Cooperation between the Governments of the member states of the Shanghai Cooperation Organization in Combating Illicit Arms Trafficking, Ammunition and Explosives dated August 28, 2008, as well as national legislation of member states,

hereinafter agreed as follows:

Article 1 Directions of cooperation

1. The Parties shall cooperate in the prevention, suppression, detection and investigation of crimes, including those committed by organized groups, in the following main directions:

crimes against life, health, freedom, honour and dignity of the individual;

terrorist, separatist and extremist activities;

crimes against property;

corruption;

economic crimes, including the legalization of revenues of crime and the financing of terrorism;

production and sale of counterfeit currency, documents, securities, credit cards and other payment documents;

intellectual property infringement offences;

crimes related to human trafficking, especially women and children;

illicit production and trafficking of arms, ammunition, explosive devices, explosives, poisonous and radioactive substances, nuclear materials;

illicit production of and trafficking in narcotic drugs, psychotropic substances and their precursors;

smuggling;

crimes on transport;

information technology crime;

illegal migration offences.

The Parties shall also cooperate in combating other types of crimes, prevention, suppression, identification and investigation of which shall require the cooperation of the competent authorities of the Parties.

2. This Agreement shall not address the issues of legal assistance in criminal cases and extradition. The Parties shall cooperate on these issues in accordance with international treaties to which their states shall be involved and taking into account the legislation of the member states.

Article 2 Competent authorities

1. The Parties shall, through the competent authorities of their states, cooperate in combating crime, especially in its organized forms, in accordance with the provisions of this Agreement and in compliance with the international obligations and legislation of the member states.

2. The Parties shall provide the depositary with lists of competent authorities of their states upon notification of the implementation of the domestic procedures necessary for the entry into force of this Agreement.

Amendments to the list of competent authorities of states shall be notified by each Party in writing to the depositary within 30 days through diplomatic channels, which shall be communicated by the depositary to the Parties within 7 days from the date of receipt of the notification.

Article 3 Forms of cooperation

1. In order to enforce this Agreement, the competent authorities of the member states shall cooperate in the following forms:

1) exchange of information on the crimes being prepared and committed listed in Article 1 of this Agreement and the persons involved, including those committed by citizens of some member states or against them in the territory of other member states;

2) search for persons who shall be hiding from criminal prosecution or execution of a sentence, as well as persons who shall be missing;

3) execution of requests for operational and search activities;

4) identification of unidentified bodies and persons unable to report their identity due to health or age;

5) exchange of legislative and other regulatory legal acts;

6) exchange of experience, including through meetings, conferences and seminars;

7) assistance in training, retraining and advanced training of personnel;

8) exchange of scientific and technical literature and information.

2. In order to implement the provisions of this Agreement, the Parties shall apply the controlled delivery method in accordance with the legislation of their states on the basis of mutual agreements.

3. The competent authorities of the member states may also cooperate in other forms that shall be consistent with the purposes of this Agreement.

Article 4 Consultations

In order to improve cooperation within the framework of the implementation of this Agreement, the competent authorities of the member states shall hold consultations as necessary and mutually agreed.

The consultation of the competent authorities of member states shall be coordinated through the Secretariat or the Executive Committee of the Regional Counter-Terrorism Structure of the Shanghai Cooperation Organization.

Article 5 Sending a request or information

1. Cooperation between the Parties shall be carried out on the basis of a request for assistance from the competent authority of the member state concerned, as well as on the initiative of the competent authority of the state of one of the Parties.

2. The request or information shall be sent in writing. In urgent cases, the request or information may be transmitted orally, but within 72 hours it must be confirmed in writing, if necessary by technical means of text transmission.

3. In case of doubt as to the authenticity of the request or information or its content, further confirmation or clarification may be requested.

4. The inquiry shall have to contain:

The names of the requesting and requested competent authorities of the member states;
indication of purpose and justification;
description of the content of the assistance requested;
presentation of the merits of the case, as well as other information that may be useful for the timely and proper execution of the request;
an indication of confidentiality, if necessary.

5. The request or information transmitted in writing shall be signed by the head of the requesting competent authority of the member state or its deputy and/or sealed by competent authority.

Article 6 Execution of the request for assistance

1. The requested competent authority of the member state shall take all necessary measures to ensure that the request shall be implemented promptly and as fully as possible. The request shall be executed, as a rule, within 30 days from the date of its receipt.

2. The requesting authority of the member state shall be notified without delay of the circumstances preventing or delaying the execution of the request.

3. If the execution of the request is not within the competence of the requested competent authority of the member state, that authority shall transmit the request to another authority of its state competent to execute it and shall notify the requesting competent authority of the state of the other Party without delay.

4. The requested competent authority of member state may request additional information necessary in its opinion for the execution of the request.

5. In the execution of the request, the law of the state of the requested Party shall apply.

6. The requested competent authority of one member state may permit representatives of the requesting competent authority of the other member state to attend the execution of the request in the territory of its state, unless this shall be contrary to the law of the state of the requested Party.

7. Execution of the request may be deferred or refused in whole or in part if the requested competent authority of the state of one of the Parties consider that its execution may be detrimental to the sovereignty, security, public order or other essential interests of its state or contrary to the law or international obligations of the state of the requested Party.

8. Execution of the request may be refused if the act in connection with it has been committed, there shall not be an offence under the law of the state of the requested Party.

9. If, in accordance with paragraphs 7 or 8 of this Article, the request is refused in whole or in part, or its execution is postponed, the requesting competent authority of the member state concerned shall be notified in writing, indicating the reason for its obstruction.

Article 7 Restrictions on the use of information and documents received

1. Each Party shall ensure the confidentiality of the information and documents received if they are closed or the transmitting Party considers their disclosure undesirable. The degree of closure of information and documents shall be determined by the transmitting Party.

2. The information or results obtained under this Agreement, without the written consent of the appointing authority, may not be used for purposes other than those in which they shall have been requested or provided.

3. The information and documents received by the Parties under this Agreement may not be transmitted to the third party without prior written approval by the competent authority that transmitted them.

Article 8 Expenses

The Parties shall bear the expenses related to the execution of this Agreement in the territory of their states, unless otherwise agreed in each case.

Article 9 Dispute settlement

The Parties shall settle disputes arising from the interpretation or enforcement of the provisions of this Agreement through consultation and negotiation.

Article 10 Relation to other international instruments

This Agreement shall not affect the rights and obligations of the Parties arising from other international treaties to which their member states shall be involved.

Article 11 Working languages

The Parties shall use Russian and Chinese languages as working in their cooperation under this Agreement.

Article 12 Entry into force, duration and introduction of amendments

1. This Agreement shall be concluded indefinitely and shall enter into force on the date of deposit with the depositary of the fourth notification of compliance by the Signatories with the domestic procedures necessary for its entry into force.

2. For Signatories who shall have completed the necessary procedures at a later date, this Agreement shall enter into force on the date of receipt by the depositary of their respective notifications.

3. This Agreement by consent of the Parties may be amended by separate protocols.

Article 13 Accession and withdrawal

1. This Agreement shall, after its entry into force, be open to accession by states that shall have become members of the Shanghai Cooperation Organization. For the acceding state, this Agreement shall enter into force on the date of receipt by the depositary of the instrument of accession.

2. Each Party may withdraw from this Agreement by giving written notification to the depositary not later than six months prior to the proposed date of withdrawal. The Depositary shall notify the other Parties of this intention within 30 days from the date of receipt of the withdrawal notification.

3. Termination of this Agreement shall not affect activities under this Agreement commenced but not completed prior to termination unless otherwise agreed by the Parties.

Article 14 Depositary

The depositary of this Agreement shall be the Secretariat of the Shanghai Cooperation Organization, which shall, within 7 days from the date of signature of this Agreement, send to the Parties certified copies thereof.

Done in Tashkent on June 11, 2010 in a single copy in Russian and Chinese, both texts being equally valid.

.For the Government of the Republic of Kazakhstan

For the Government of the People's Republic of China

For the Government of the Kyrgyz Republic

For the Government of the Russian Federation

For the Government of the Republic of Tajikistan

For the Government of the Republic of Uzbekistan

Annex

to resolution of the Government
of the Republic of Kazakhstan
dated June 17, 2011 № 664

Competent authorities from the Republic of Kazakhstan on enforcement of the Agreement on cooperation between the Governments of the member states of the Shanghai Cooperation Organization in crime control

1. The General Prosecutor's office of the Republic of Kazakhstan
2. Ministry of Internal Affairs of the Republic of Kazakhstan
3. State protection service

Footnote. Paragraph 3 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 08.06.2017 № 350 (shall be enforced upon expiry of ten calendar days after its first official publication).

4. National Security Committee of the Republic of Kazakhstan

5. The Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption

Footnote. Paragraph 5 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 08.06.2017 № 350 (shall be enforced upon expiry of ten calendar days after its first official publication).

6. State Revenue Committee and Financial Monitoring Committee of the Ministry of Finance of the Republic of Kazakhstan

Footnote. Paragraph 6 in the wording of the resolution of the Government of the Republic of Kazakhstan dated 08.06.2017 № 350 (shall be enforced upon expiry of ten calendar days after its first official publication).

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