

**On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Afghanistan on cooperation against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, their analogues and precursors and their abuse**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan No. 881 dated July 29, 2011

*Unofficial translation*

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

1. Approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Afghanistan on cooperation against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, their analogues and precursors and their abuse, done in Kabul on May 17, 2010.

2. This Decree shall be enforced from the day of signing.

*The Prime Minister of the Republic of Kazakhstan*

*K. Massimov*

Approved  
by Decree of the Government  
of the Republic of Kazakhstan  
No. 881 dated July 29, 2011

**Agreement**

**between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Afghanistan on cooperation against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, their analogues and precursors and their abuse**

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

aware that the Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, their analogues and precursors and their abuse shall constitute a serious threat to the health and well-being of population of the States of Parties,

having regard to the principles of the Single Convention on Narcotic Drugs 1961, as amended by the Protocol 1972 on amendments to the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,

considering that to desire for strengthen and develop effective cooperation between Authorities operating against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances,

their analogues and precursors, with strict respect for sovereignty of the States of Parties and the principle of non-interference in internal affairs,

guided by the national laws and international obligations of their states, have agreed as follows:

## **Article 1**

The Parties, under this Agreement and in accordance with the national laws and international obligations of their States, shall cooperate against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances, their analogues, precursors and their abuse.

## **Article 2**

The cooperation provided by this Agreement shall be carried out directly between the competent authorities of the States of the Parties by direct contacts and agreements.

The competent authorities of the States of Parties shall be:

from the Republic of Kazakhstan:

Ministry of Internal Affairs

Ministry of Health;

Agency for the Fight against Economic and Corruption Crime (Financial Police);

National Security Committee;

Customs Control Committee of the Ministry of Finance;

General Prosecutor's Office

from the Islamic Republic of Afghanistan:

Ministry of Internal Affairs

Ministry of Finance;

Ministry of Health;

Ministry of Drug Control;

National Security Administration;

General Prosecutor's Office.

The Parties shall immediately notify each other by diplomatic channels on changes in the names of competent authorities of the States of Parties and on transfer of their functions to other authorities.

## **Article 3**

Cooperation under this Agreement shall be carried out in the following forms:

1) exchange of information on countering the Illicit Trafficking of Narcotic Drugs, Psychotropic Substances, their analogues and precursors;

2) exchange of legislative and other regulatory legal acts and materials on practice of their implementation on countering the Illicit Trafficking of Narcotic Drugs, Psychotropic Substances, their analogues and precursors, including the control of their legal trafficking;

3) providing assistance in the field of combating the legalization of funds received as a result of criminal activities related to the Illicit Trafficking of Narcotic Drugs, Psychotropic Substances, their analogues and precursors;

4) interaction in the field of drug addiction prevention, treatment and rehabilitation of persons with drug addiction.

## **Article 4**

The exchange of information under this Agreement shall be carried out regarding:

1) forms and methods of identifying sources of Narcotic Drugs, Psychotropic Substances, their analogues and precursors in Illicit Trafficking and methods used to suppress their distribution;

2) methods of concealment of Narcotic Drugs, Psychotropic Substances, their analogues and precursors used in their transportation, and methods for their detection;

3) specific facts and events related to the illegal movement or intentions of the illegal movement of Narcotic Drugs, Psychotropic Substances, their analogues and precursors from the territory of the State of one Party to the territory of the State of other Party;

4) persons, organizations, organized criminal groups in respect of which there are suspicions of involvement in the Illicit Trafficking of Narcotic Drugs, Psychotropic Substances, their analogues and precursors, as well as about their suspicious relations in the territory of the State of other Party;

5) identified routes for transport of Narcotic Drugs, Psychotropic Substances, their analogues and precursors;

6) new types of Narcotic Drugs, Psychotropic Substances, their analogues and precursors;

7) ways and methods of legalizing income derived from illegal operations with Narcotic Drugs, Psychotropic Substances, their analogues and precursors;

8) methods for identifying and organizing the accounting of consumers of Narcotic Drugs, Psychotropic Substances, their analogues and precursors.

This Agreement shall not prevent the Parties from establishing and developing other mutually acceptable areas and forms of cooperation.

## **Article 5**

The competent authorities of the States of Parties, in accordance with the national laws of their States, shall be considering the feasibility and possibility of conducting coordinated measures (operations) to block the channels of illegal movement of Narcotic Drugs, Psychotropic Substances, their analogues and precursors, including “controlled deliveries”.

The decision to conduct a controlled delivery shall be made in each individual case and may, if necessary, take into account the financial arrangements of the Parties.

## **Article 6**

Cooperation under this Agreement shall be based on requests or at initiative of one of the Parties.

The request for assistance shall be made in writing on letterhead, sealed with the official seal of the competent authority of the State of Party sending a request, and contains:

1) name of the competent authority of the State of the requesting Party and the competent authority of the State of the requested Party;

2) a statement of merits of case and basis of request, as well as other information necessary for its execution.

The request for assistance and the attached documents in accordance with this Agreement shall be made in English or in the language of the Party to which the request shall be addressed.

If necessary, the competent authorities of the States of Parties shall have the right to request additional information to facilitate the execution of request.

## **Article 7**

The Party to which a request is addressed shall give an official answer to it no later than two months from the day of receipt of a request.

A request may be refused in whole or in part if the requested competent authority believes that its execution could prejudice the sovereignty, security and other essential interests of its State, or contrary to national law and international obligations of its State. If a decision is made to refuse to execute a request, the requesting Party shall be notified in writing of this with indication of reasons for refusal.

## **Article 8**

The Parties shall ensure the confidentiality of information received that is recognized as confidential by any of the Parties in accordance with the provisions of the national legislations of their States.

The Parties shall not transmit information and documentation to third countries obtained in accordance with this Agreement without prior approval from the competent authorities of the State of the requested Party.

## **Article 9**

In order to implement the provisions of this Agreement, the Parties shall create a Joint Commission of authorized representatives of the competent authorities of the States of Parties

The Joint Commission shall be convened alternately in the capitals of the States of Parties in connection with the need to consider issues of mutual interest.

## **Article 10**

The financial costs on cooperation under this Agreement shall be determined and borne by the Parties independently within the limits of funds stipulated by the laws of the States of Parties, unless otherwise agreed in each specific case.

## **Article 11**

This Agreement shall not affect the rights and obligations of the Parties arising from other international treaties to which they are Parties.

## **Article 12**

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

Such amendments shall enter into force in accordance with the procedure provided for the entry into force of this Agreement.

## **Article 13**

Any disagreement regarding the interpretation and application of the provisions of this Agreement shall be resolved by mutual consultation and negotiation between the Parties.

## **Article 14**

In the implementation of cooperation under this Agreement, the Parties shall use the English language, unless otherwise agreed in each specific case.

## **Article 15**

This Agreement shall enter into force on the date of receipt of the last written notice by diplomatic channels on completion by the Parties of domestic procedures necessary for its entry into force.

## **Article 16**

This Agreement shall be concluded for an indefinite period and remains valid until six months from the date on which one of the Parties shall send a written notification by diplomatic channels to the other Party of its intention to terminate it.

In this case, the provisions of Article 8 of this Agreement will continue to apply with respect to any confidential information provided under this Agreement.

Done in Kabul on May 17, 2010 in two original copies each in Kazakh, Dari, Russian and English, 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 English.

For the Government  
of the Republic of Kazakhstan

For the Government  
of the Islamic Republic of Afghanistan