



On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Czech Republic on cooperation in combating crime

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated July 9, 2018 No. 411.

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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 Czech Republic on cooperation in combating crime concluded in Astana on November 23, 2017.

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

*Prime Minister of the
Republic of Kazakhstan*

B. Sagintayev

Approved by the Resolution
No. 411 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 Czech Republic on cooperation in combating crime

Government of the Republic of Kazakhstan and the Government of the Czech Republic (hereinafter referred to as the "Contracting Parties"),
willing to promote the development of relations,
expressing concern over the spread of international crime,
convinced of the importance of cooperation in combating any form of organized crime, terrorism and other types of criminal activity or their effective suppression,
guided by international obligations and relevant legislation of their states,
agreed on the following:

Article 1

1. The objectives of this Agreement are to deepen and strengthen cooperation in the suppression and disclosure of criminal acts, as well as the identification of criminals, primarily through the exchange of operational information and direct contacts between the competent authorities at all levels.

2. Cooperation on the basis of this Agreement is carried out in accordance with the national laws of the States of the Contracting Parties, as well as the provisions of international treaties to which the States of the Contracting Parties are party, and does not include the provision of legal assistance in criminal matters.

Article 2

The Contracting Parties, in accordance with the national laws of their states, cooperate in combating all types of crime, including:

- 1) organized crime;
- 2) terrorism, extremism and their financing;
- 3) crimes against the identity and health of the population;
- 4) human trafficking, pandering, illegal trafficking in human organs and tissues;
- 5) child sexual abuse and child pornography;
- 6) criminal activities related to illegal migration;
- 7) illicit trafficking in narcotic drugs and psychotropic substances, precursors and chemicals, as well as tools and / or equipment used for their manufacture, denoting an offense in accordance with paragraphs 1 and 2 of Article 3 of the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, signed in Vienna on December 20, 1988;
- 8) cybercrime;
- 9) illicit trafficking in weapons, ammunition and explosives, strategic raw materials, including radioactive and nuclear materials and other hazardous materials;
- 10) production and sale of counterfeit banknotes, seals and securities, cashless payments means and official documents, in particular, travel documents of all kinds, as well as their distribution and use;
- 11) money laundering, smuggling and other economic crimes;
- 12) corruption;
- 13) illicit trade in cultural and historical values;
- 14) criminal activity in relation to motor vehicles;
- 15) intellectual property offenses.

Article 3

The competent authorities of the States of the Contracting Parties, in accordance with the national laws of their States, assist each other in the form of the exchange of information and documents, in particular, about:

- 1) crimes including data on persons suspected of or involved in criminal activities, communications between criminals, organized groups involved in criminal activities, and their structure, typical behavior of individual and groups of criminals;
- 2) planning or organizing crimes, including terrorist acts, directed against the national interests of the states of the Contracting Parties;
- 3) suspicious transactions involving the legalization of proceeds from crime or the financing of terrorism;
- 4) suppressing and combating illegal migration;
- 5) items related to crimes, with the provision of their samples, if possible;

6) information obtained during the activities of the competent authorities of the states of the Contracting Parties concerning, in particular, new forms of crime; along with this, there is an exchange of conceptual and analytical materials and specialized literature;

7) results of forensic and criminological research, the practice of investigation, methods and means of professional activity;

8) legislation relating to the subject matter of this Agreement.

Article 4

The competent authorities of the states of the Contracting Parties, in accordance with the national laws of their states, coordinate their activities and assist each other, in particular:

1) in the search for persons suspected of committing crimes, as well as evading criminal responsibility or the execution of punishment;

2) in the search for missing persons, including procedures related to the identification of persons or identification of corpses;

3) in search of subjects;

4) in the preparation and organization of the implementation of special technical methods of investigation, such as controlled deliveries, surveillance and undercover operations;

5) in the planning and implementation of joint programs to suppress crime.

Article 5

1. To assist the other Contracting Party or to coordinate activities to suppress certain crimes, the competent authorities of the states of the Contracting Party may, in accordance with the national laws of their states, send experts to the competent authorities of the other Contracting Party.

2. Employees of the competent authorities of the state of one Contracting Party shall provide in the territory of the state of the other Contracting Party consulting and auxiliary assistance. When carrying out consultation and support assistance, they adhere to the instructions of the competent authorities of the state of the Contracting Party to whose territory they are sent.

Article 6

1. The competent authorities of the States of the Contracting Parties, in accordance with the national laws of their states, in order to suppress and disclose crimes, as well as identify the criminals, transmit to each other information about travel documents of all types that have been lost or stolen, about stolen or canceled travel documents.

2. The information referred to in paragraph 1 of this article shall at least contain the number, type and status of the relevant travel document.

3. The information referred to in paragraph 1 of this article is transmitted regularly directly between the competent authorities of the states of the Contracting Parties or through the Interpol information database.

4. The competent authorities of the States of the Contracting Parties, in accordance with the national laws of their states, exchange information on the facts of detecting counterfeited travel documents used to cross the state borders of the states of the Contracting Parties.

Article 7

The competent authorities of the States of the Contracting Parties, in accordance with the national laws of their states, in order to suppress and uncover crimes, in particular, human trafficking, as well as identification of the criminals committed them, exchange information about missing and wanted persons.

Article 8

The Contracting Parties, in accordance with the national laws of their states, cooperate in training and education in combating crime, and such cooperation, in particular, includes:

- 1) the participation of representatives of the competent authorities of a state of one Contracting Party in training courses conducted by another Contracting Party;
- 2) organization of joint seminars, courses and trainings;
- 3) the exchange of experts, as well as training concepts and programs.

Article 9

1. Information and other forms of assistance in accordance with this Agreement shall be provided upon written request in accordance with the national laws of the states of the Contracting Parties. For such request, electronic or other means of communication are used, if the content of the request allows it. In urgent cases, the request may also be submitted orally, in which case it must be immediately confirmed in writing.

2. The competent authorities of the State of the requested Contracting Party shall respond to the request referred to in paragraph 1 of this article in urgent manner. The competent authorities of the state of the requested Contracting Party may require additional information, if it is necessary to satisfy the request. If the authority that received the request for assistance is not the authority competent to handle the request, it will forward the request to the authority competent to handle it.

3. The competent authorities of the States of the Contracting Parties inform each other about individual cases without request if they consider, on the basis of established facts, that they can assist the other Contracting Party in eliminating certain threats to public order or security or in order to suppress, uncover crimes and identify the criminals committed them.

4. Each Contracting Party may partially or fully refuse a request for assistance referred to in this Agreement if it believes that satisfying the request may pose a threat to the sovereignty, security or other important interests of its state or if satisfying the request conflicts with national legislation or international obligations of their state. Contracting Party may establish conditions for satisfying the request, which will be binding on the other Contracting Party.

5. Contracting Parties immediately inform each other in writing in cases of refusal to fulfill the request or its partial fulfillment.

6. In the implementation of this Agreement, the competent authorities of the States of the Contracting Parties shall use English language, unless otherwise agreed.

Article 10

In order to protect data in relation to a specific person (hereinafter referred to as “personal data”), mutually transferred in the framework of cooperation of the Contracting Parties, in accordance with the national laws of the states of the Contracting Parties, the following conditions shall be met:

1) the host Contracting Party may use personal data solely for the purpose of suppressing criminal activities, related procedures, and the protection of public order and security subject to the conditions established by the sending Contracting Party; for other purposes such personal data may be applied only on the basis of the previously obtained written consent of the sending Contracting Party and in accordance with the national laws of the states of the Contracting Parties and international treaties to which the states of the Contracting Parties are parties;

2) personal data of national, racial or ethnic origin, political views, religious and philosophical beliefs, convictions for a crime, state of health and sexual life of persons can be transmitted only when necessary;

3) the host Contracting Party shall, at the request of the sending Contracting Party, provide information on the use of the transferred personal data, as well as the results achieved in their use;

4) the sending Contracting Party is obliged to ensure the accuracy of the transmitted personal data, as well as to ensure that personal data is transmitted in case of need and volume appropriate to the purpose of their use. If it later becomes aware of the transferred personal data was unreliable or could not be transferred, then the receiving Contracting Party should be informed immediately. The receiving Contracting Party is obliged to correct incorrect personal data, and destroy the personal data that shall not be transferred;

5) the sending Contracting Party in the process of transferring personal data to the other Contracting Party shall inform the term for its destruction, established in accordance with the national legislation of its state. Personal data shall be destroyed, not taking into account the above period, as soon as it is no longer necessary. In the event of the expiration of this Agreement, all personal data obtained on its basis must be destroyed.

6) Contracting Parties keep records of the transfer, reception and destruction of personal data. The records indicate, in particular, the purpose of the transfer of personal data, its list, the government bodies involved and the reasons for the destruction.

7) Contracting Parties are obliged to protect the transmitted personal data from accidental or unauthorized access, accidental loss, accidental or unauthorized alteration, accidental or unauthorized transmission, or accidental or unauthorized publication.

Article 11

1. The Contracting Parties in accordance with the national laws of their states provide the necessary protection for information, documents and other materials transmitted to each other in the framework of cooperation under this Agreement.

2. Submission to third states and international organizations of information and documents received in the framework of cooperation under this Agreement is possible only with the written consent of the sending Contracting Party.

Article 12

The Contracting Parties shall pay the costs arising during their implementation of this Agreement within the limits of funds provided for in accordance with the national laws of their states, unless otherwise agreed in each particular case preliminary.

Article 13

1. Within thirty days from the date of entry into force of this Agreement, the Contracting Parties shall inform through diplomatic channels the names of the competent authorities of their states to implement this Agreement, which will directly and promptly cooperate within their competencies.

2. The competent authorities of the states of the Contracting Parties will exchange contact addresses, telephone numbers, facsimile numbers, as well as other contact details, and, if possible, designate a contact person, fluent in the language of the other Contracting Party's state or in English, within thirty days from the date of entry into force of this Agreement.

3. The competent authorities of the states of the Contracting Parties shall immediately inform each other of any changes made to the data transmitted in accordance with paragraph 2 of this article.

Article 14

In the event of any disputes arising from the interpretation or application of the provisions of this Agreement, the Contracting Parties shall resolve them through negotiations and consultations.

Article 15

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

Article 16

By mutual agreement, the Contracting Parties may make changes and additions to this Agreement, which are its integral parts, which are drawn up in separate protocols and enter into force in the manner provided by Article 18 of this Agreement.

Article 17

Any Contracting Party may fully or partially suspend the operation of this Agreement if required by the security of the state, public order or public health. The Contracting Parties

shall immediately notify each other of the introduction or abolition of such measures through diplomatic channels. The suspension of this Agreement and its cancellation shall take effect fifteen days after the date of receipt of such notice by the other Contracting Party.

Article 18

1. This Agreement is concluded for an indefinite period and enters into force on the first day of the second month following the date of the receipt, through diplomatic channels, of the last written notification of the implementation by the Contracting Parties of the internal procedures necessary for its entry into force.

2. Any Contracting Party may at any time terminate this Agreement by written notice through the diplomatic channels of the other Contracting Party. In this case, the Agreement will cease to have effect six months after the date of receipt by the other Contracting Party of such written notice through diplomatic channels.

3. From the date of entry into force of this Agreement, the Agreement between the Government of the Republic of Kazakhstan and the Government of the Czech Republic on cooperation in combating organized crime, trafficking in narcotic drugs and psychotropic substances, terrorism and other dangerous crimes, signed on April 9, 1998, ceases to have effect.

Signed in Astana on November 23, 2017, in two original copies, each in Kazakh, Czech, Russian and English languages, all texts are equally authentic. In case of disagreement in the interpretation of the provisions of this Agreement, the Contracting Parties will refer to the text in English language.

On behalf of the Government of the Republic of Kazakhstan

On behalf of the Government of the Czech Republic