

On the approval of the Agreement on the exchange of information in the frame of the Commonwealth of Independent States in the field of combating the terrorism and other violent manifestations of extremism as well as their funding

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan of August 27, 2018, No. 529

Unofficial translation

The Government of the Republic of Kazakhstan **RESOLVES:**

1. To approve the attached Agreement on the exchange of information in the frame of the Commonwealth of Independent States in the field of combating the terrorism and other violent manifestations of extremism as well as their funding concluded in Tashkent on November 3, 2017.

2. Determine the National Security Committee of the Republic of Kazakhstan, the Foreign intelligence services of the Republic of Kazakhstan "Syrbar", the General Prosecutor's Office of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan, the Ministry of Defense of the Republic of Kazakhstan, and the Ministry of Finance of the Republic of Kazakhstan, responsible for the exchange of information under the Agreement.

3. The Ministry of Foreign Affairs of the Republic of Kazakhstan shall notify the Executive Committee of the Commonwealth of Independent States of the decision taken.

4. This resolution shall come into effect from the date of its signing.

Prime Minister of the Republic of Kazakhstan

B. Sagintayev

Approved by
Resolution No. 529 of the
Government of
the Republic of Kazakhstan
dated August 27, 2018

AGREEMENT

on the exchange of information in the frame of the Commonwealth of Independent States in the field of combating the terrorism and other violent manifestations of extremism as well as their funding

Governments of the States Parties to the Commonwealth of Independent States, hereinafter referred to as the Parties,

conscious of the danger posed by acts of terrorism and other violent manifestations of extremism, as well as their funding,

guided by generally accepted principles and norms of international law, documents adopted within the framework of the United Nations, the Commonwealth of Independent States, provisions of the legislation of the States of the Parties relating to the combating various manifestations of terrorism and extremism, as well as their funding,

based on the Treaty on Cooperation of the States Parties to the Commonwealth of Independent States in the Combating Terrorism dated June 4, 1999, the Treaty of the States Parties to the Commonwealth of Independent States on Counteracting the Legalization (Laundering) of Criminal Incomes and the Funding of Terrorism dated October 5, 2007, and other international treaties on the combating terrorism and other violent manifestations of extremism,

taking into account the Concept of cooperation of the States Parties to the Commonwealth of Independent States in the combating terrorism and other violent manifestations of extremism dated August 26, 2005, expressing the desire to further strengthen interstate cooperation in the exchange of information in the sphere of combating terrorism and other violent manifestations of extremism, as well as their funding,

wishing to render each other the widest possible assistance and to increase the effectiveness of cooperation in this field,

agreed on the following:

Article 1

For the purposes of this Agreement, the terms used mean the following:

“information” - data (messages, details) regardless of the form they are presented in, about individuals, organizations, objects, facts, events, occurrence and processes in the combating terrorism and other violent manifestations of extremism, as well as their funding;

“information system” - an organizationally ordered set of means that implement certain technological actions through information processes designed to solve specific functional tasks;

“competent authorities” - the authorities of the States Parties to this Agreement, responsible for the implementation of this Agreement;

“bodies of the CIS”, established in the manner prescribed by the Charter of the Commonwealth of Independent States dated January 22, 1993 and other documents of the Commonwealth of Independent States, bodies whose competence includes the combating terrorism and other violent manifestations of extremism, as well as their funding;

“legal regime of information systems” - the statutory established rules determining the status, subject area, order of formation, functioning and operation of information systems, as well as the procedure for handling the information contained in information systems, ownership of information, category of information on the level of access to it and information security;

“owner of information and information systems” - a competent body or body of the CIS, exercising the authority to own, use, manage information and information systems, including

to establish the legal regime of information systems, to the extent provided by the legislation of the States Parties to this Agreement (international agreements adopted within the framework of the Commonwealth of Independent States);

“possessor of information and information systems” - a competent body or body of the CIS, exercising the authority to possess, use, manage information and information systems in the amount established by the owner;

“user” - a competent authority or a body of the CIS that contacts the owner or possessor of information and information systems for obtaining the necessary information services;

“exchange of information” - the transfer and (or) receipt of information by the competent authorities and (or) bodies of the CIS, as well as the provision of information services by them, including using information systems;

"interstate information system" - a system used in interstate information exchanges, owned by the CIS authorities, competent authorities under joint ownership, joint possession or joint (common) use.

In this Agreement, the terms on the transfer, use and protection of secret information are used in the sense defined by the Agreement on the protection of secret information within the framework of the Commonwealth of Independent States dated October 25, 2013.

Article 2

The subject of this Agreement is to ensure the exchange of information within the framework of the Commonwealth of Independent States in the combating terrorism and other violent manifestations of extremism, as well as their funding.

Article 3

Each Party shall fulfill its obligations under this Agreement in accordance with the principles of sovereign equality, non-interference in the internal affairs of other states and the laws of their states.

Nothing in this Agreement gives the Party the right to have jurisdiction and exercise functions that are exclusively within the competence of the other Party.

Article 4

The parties are obliged to provide:

exchange of information on free of charge basis in the manner prescribed by this Agreement;

implementation of the legal regime of information systems, including interstate ones;

protection of secret information used in the exchange of information, in the manner prescribed by the legislation of the states of Parties, the Agreement on the mutual security of interstate secrets dated January 22, 1993, The Agreement on the Protection of secret Information within the Commonwealth of Independent States dated October 25, 2013, the Rules for the handling secret information in the Commonwealth of Independent States,

approved by the Decision of the Council of Heads of the states of the Commonwealth of Independent States dated October 25, 2013, and other international treaties on mutual protection of this kind of information, concluded by the Parties.

The transfer of secret information under this Agreement is carried out in accordance with the laws of the states of the Parties in each particular case, based on their own interests.

Article 5

The Parties determine the list of competent authorities responsible for the exchange of information under this Agreement. Information on the competent authorities shall be sent to the depositary upon depositing a notice of the completion of the domestic procedures necessary for this Agreement to come into effect. Each of the Parties shall notify the depositary in writing of the change of the list of competent authorities within a month.

Article 6

Information may be exchanged through diplomatic channels, using courier service or by other means agreed by the competent authorities, as well as using information systems, including interstate services.

Information intended for the exchange, depending on the type of media can be transmitted in a documentary (paper) or in electronic form.

Article 7

Competent authorities and (or) bodies of the CIS may receive information from its possessors and owners:

- on one-time requests for the availability and content of information available in the information system;

- on permanent requests as relevant information becomes available;

- by proactively informing about the receipt of relevant information.

Information obtained under this Agreement is provided on the condition that it will not be used for purposes other than those for which it is transmitted.

Article 8

1. The request for information indicates:

- a) the name of the requesting and requested competent authority or body of the CIS;

- b) the subject and basis of the request;

- c) a description of the content of the requested information;

- d) the purpose of using the requested information;

- e) other information necessary for its execution.

2. The requested competent authority or the body of the CIS informs the requesting competent authority or body of the CIS as soon as possible, but no later than 30 days from the date of receipt of the request:

- a) on the actions taken on request and their results;

- b) on refusal, postponement and (or) conditions for execution of the request (its part) with indication of the reason.

3. The requested competent authority may refuse to execute the request if it is contrary to the interests and (or) the law of its state or international obligations, and if the request does not comply with the provisions of this Agreement.

4. The requested competent authority or the body of the CIS does not disclose the information about sending the request without the prior written consent of the requesting competent authority or body of the CIS.

Article 9

The Parties may participate in the creation of interstate information systems for the organization of information exchange under this Agreement.

The transfer of secret information contained in the national information system to the competent authority of the other Party or the CIS body, as well as granting them the right of users of the national information system is carried out only with respect to that secret information, the transfer decision of which was taken in accordance with the national legislation of the state whose competent authority is owner of a national information system.

Definition of the legal regime of interstate information systems the Parties involved in their creation impose on the competent authority or the body of the CIS designated by them, to which the rights and powers of the owner of the interstate information system are delegated

The legal regime of interstate information systems containing secret information should include measures for the protection of secret information provided for by the Agreement on the protection of secret Information within the framework of the Commonwealth of Independent States dated October 25, 2013.

Article 10

The Interstate information system in the field of combating terrorism and other violent manifestations of extremism, as well as their funding, is the Specialized Databank of the Antiterrorist Center of the States Parties to the Commonwealth of Independent States (hereinafter referred to as the Specialized Databank).

The legal regime of the Specialized Data Bank is determined by the Council of Heads of Security Agencies and Special Services of the States Parties to the Commonwealth of Independent States.

Article 11

Coordination of measures for the formation, operation and functioning of the Specialized Databank and the necessary consultations (negotiations) are carried out by the Anti-Terrorism Center of the States Parties to the Commonwealth of Independent States.

The Antiterrorist Center of the States Parties to the Commonwealth of Independent States establishes direct contacts with the competent bodies and bodies of the CIS responsible in accordance with the legislation of the States of the Parties and international treaties within the Commonwealth of Independent States for the development and use of information systems, including interstate.

Article 12

In order to implement this Agreement, the competent authorities hold joint consultations, exchange relevant regulatory legal acts, and also carry out other cooperation.

Article 13

This Agreement does not affect the rights and obligations of each Party arising for it from other international treaties to which its state is a party.

This Agreement does not limit the right of the Parties to enter into other international treaties on matters that are the subject of this Agreement and do not contradict its objectives.

Article 14

Disputes arising from the application and interpretation of this Agreement shall be resolved through consultation and negotiation between the competent authorities of the Parties concerned.

Article 15

By agreement of the Parties, amendments and additions may be made to this Agreement, which are an integral part thereof, which are drawn up by the relevant protocol.

Article 16

This Agreement shall enter into force upon the expiration of 30 days from the date of receipt by the depositary of the third notification on the fulfillment by the Signatories of the internal state procedures required for its entry into force.

For the Parties that have completed domestic procedures later, this Agreement enters into force 30 days after the date of receipt by the depositary of the relevant documents.

Article 17

This Agreement, after its entry into force, is open for accession by any State Party to the Commonwealth of Independent States by transferring to the depositary the instrument of accession.

For the acceding state, this Agreement enters into force 30 days after the date of receipt by the depositary of the instrument of accession.

Article 18

This Agreement is concluded for an indefinite period. Each Party is entitled to withdraw from this Agreement by sending a written notification to the depositary of such an intention not later than 6 months prior to withdrawal and settling the financial and other obligations incurred during the term of this Agreement.

Article 19

When cooperating under this Agreement, the working language is Russian.

Concluded in the city of the year in a single original in Russian language. The original copy is kept in the Executive Committee of the Commonwealth of Independent States, which will send to each signatory to this Agreement its certified copy.

On behalf of the Government of the Republic of Azerbaijan

*On behalf of the Gc
Tajikistan*

On behalf of the Government of the Republic of Armenia *On behalf of the Government of the Republic of*
Belarus
On behalf of the Government of the Republic of Kazakhstan
On behalf of the Government of the Kyrgyz Republic
On behalf of the Government of the Republic of Moldova

On behalf of the Gc
On behalf of the Gc
On behalf of the Gc

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