

A G R E E M E N T

between the Government of the Czech Republic and the Government of the Republic of Kazakhstan on Cooperation in Combating Crime

The Government of the Czech Republic and the Government of the Republic of Kazakhstan (hereinafter referred to as “Contracting Parties”),

with the aim of contributing to the development of mutual relations,

disturbed by proliferation of international crime,

convinced about the fundamental importance of cooperation in the area of combating any form of organized crime, terrorism and other kinds of criminal activities, or in their effective prevention,

abiding by international obligations and respective legislation of their States,

have agreed as follows:

Article 1

1. The purposes of this Agreement are to deepen and strengthen cooperation in preventing and detecting criminal offences and establishing their perpetrators, in particular through the exchange of operational information and direct contacts among the competent bodies at all levels.

2. Cooperation under this Agreement shall take place in accordance with the national legislation of the States of the Contracting Parties as well as with provisions of the international agreements by which the States of the Contracting Parties are bound and shall not include legal assistance in criminal matters.

Article 2

The Contracting Parties in accordance with the national legislation of their States cooperate in combating all types of crime, in particular:

- 1) organized crime;
- 2) terrorism, extremism and their financing;
- 3) crime against life and health;
- 4) trafficking in human beings, procuring, illicit trafficking in human organs and tissues;
- 5) sexual abuse of children and child pornography;
- 6) crime related to illegal migration;

- 7) illicit trafficking in narcotic drugs and psychotropic substances, precursors and chemicals as well as the instruments and/or equipment used for their production, stipulated as criminal offences in accordance to Article 3, paragraphs 1 and 2 of the United Nations Convention on the Fight Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done in Vienna on December 20, 1988;
- 8) crime in area of information technologies;
- 9) illicit trafficking in weapons, ammunition and explosives, goods of a strategic importance including radioactive and nuclear materials and other dangerous substances;
- 10) forgery and altering of money, stamps and securities, means of non-cash payment and official documents, in particular travel documents of all types, and their distribution and use;
- 11) money laundering, smuggling and other economic crime;
- 12) corruption;
- 13) illicit trafficking in objects of cultural and historical value;
- 14) crime related to motor vehicles;
- 15) criminal offences against intellectual property.

Article 3

The competent authorities of the States of the Contracting Parties shall in accordance with the national legislation of their States assist each other by means of exchanging information and documents, particularly on:

- 1) criminal offences, including data on persons suspected of or involved in a criminal activity, links between offenders, the organized groups involved in criminal activity and their structure, the typical behaviour of individual offenders and groups;
- 2) the planning or organizing of criminal offences, including acts of terrorism directed against the national interests of the States of the Contracting Parties;
- 3) transactions suspicious of legalization of the proceeds of crime or financing of terrorism;
- 4) prevention and fight against illegal migration;
- 5) objects, related to crime, and they shall provide each other with samples of these objects if it is possible;
- 6) the knowledge drawn from the activities of the competent authorities of the States of the Contracting Parties, in particular on new forms of crime; they shall also provide each other with conceptual and analytical documentation and specialised texts;
- 7) results of criminalistic and criminological research, investigation practice, methods and means of work;
- 8) legal provisions related to the subject of this Agreement.

Article 4

The competent authorities of the States of the Contracting Parties shall in accordance with the national legislation of their States coordinate their activities and provide assistance, in particular:

- 1) in searching for persons suspected of a criminal offence as well as persons avoiding criminal prosecution or service of a sentence;

- 2) in searching for missing persons, including procedures related to the identification of persons or mortal remains;
- 3) in searching for objects;
- 4) in preparing and organizing the implementation of special investigative techniques such as controlled deliveries, surveillance and undercover operations;
- 5) in planning and implementing joint programmes of crime prevention.

Article 5

1. For the purpose of supporting the other Contracting Party or coordinating activities related to specific crimes, the competent authorities of the States of the Contracting Parties may in accordance with the national legislation of their States send experts to the competent authorities of the State of the other Contracting Party.

2. Officials of the competent authorities of the State of one Contracting Party shall have on the territory of the State of the other Contracting Party a consultative and support capacity. When exercising their consultative and support capacity, they shall abide by the instructions of the competent authorities of the State of the Contracting Party whose territory they have been sent to.

Article 6

1. To prevent or detect criminal offences and to establish their perpetrators, the competent authorities of the States of the Contracting Parties shall in accordance with the national legislation of their States provide each other with information related to travel documents of all types which had been lost or stolen, stolen blank or revoked.

2. Information pursuant to paragraph 1 of this Article shall, at a minimum, include the number, type, and reported status of the travel document concerned.

3. Information pursuant to paragraph 1 of this Article shall be provided regularly directly between the competent authorities of the States of the Contracting Parties or via Interpol database.

4. The competent authorities of the States of the Contracting Parties shall in accordance with the national legislation of their States exchange information concerning detection of forged travel documents used to cross the State borders of the States of the Contracting Parties.

Article 7

To prevent or detect criminal offences, in particular trafficking in human beings, and to establish their perpetrators, the competent authorities of the States of the Contracting Parties shall in accordance with the national legislation of their States provide each other with information related to missing persons and other searched persons.

Article 8

The Contracting Parties shall in accordance with the national legislation of their States

cooperate in training and education in the area of combating crime, and this cooperation shall include in particular:

- 1) participation of representatives of the competent authorities of the State of one Contracting Party in training courses of the other Contracting Party;
- 2) holding of joint seminars, exercises and training courses;
- 3) exchange of experts, as well as training concepts and programmes.

Article 9

1. Information and other forms of assistance pursuant to this Agreement shall be provided upon a written request made in accordance with the national legislation of the States of the Contracting Parties. Electronic or other means of communication may be used should it be acceptable in light of the contents of the request. In urgent cases, a request may also be made orally with an immediate subsequent written confirmation.

2. The competent authorities of the State of the requested Contracting Party shall reply to the request pursuant to paragraph 1 of this Article without any undue delay. The competent authorities of the State of the requested Contracting Party may ask for further information, should it be necessary to meet the request. Should the authority which has received the request for assistance not be the competent authority to deal with this request, it shall refer the request to the authority which is competent thereto.

3. The competent authorities of the States of the Contracting Parties shall exchange information on individual cases also without a request, if their findings give rise to the belief that such information may help the other Contracting Party to avert a particular threat to public order or security, or to prevent or detect criminal offences and establish their perpetrators.

4. Each of the Contracting Parties may, in full or partially, refuse a request for assistance pursuant to this Agreement should it conclude that meeting such request would pose a threat to sovereignty, security or any other important interests of its State, or should it be in violation of legislation or international obligations of its State. In order to meet the request, the Contracting Party may stipulate conditions by which the other Contracting Party shall be bound.

5. Should a request be refused or met only partially, the Contracting Parties shall immediately inform each other thereof in writing.

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

Article 10

For the purpose of the protection of the data relating to a concrete person (hereinafter referred to as "personal data") mutually provided in the framework of the cooperation of the Contracting Parties, in accordance with the national legislation of the States of the Contracting Parties, the following conditions shall be observed:

- 1) The recipient Contracting Party may use the personal data solely for the purposes of combating crime, for the purposes of related proceedings, as well as for the purposes of protecting public order and security, all the above under the conditions determined by the providing Contracting Party; such personal data may be used for other purposes only with

a prior written consent of the providing Contracting Party and in accordance with the national legislation of the States of both Contracting Parties and international agreements by which the States of the Contracting Parties are bound.

- 2) Personal data revealing nationality, racial or ethnic origin, political opinions, religion, philosophical beliefs, previous criminal convictions, health or sexual life of the subject of the personal data may be provided only when necessary.
- 3) The recipient Contracting Party shall, upon request of the providing Contracting Party, communicate information on the use of the personal data provided and on results thus achieved.
- 4) The providing Contracting Party shall ensure that the personal data provided are correct and make sure that the provision is necessary and proportionate to the intended purpose. Should it be subsequently determined that the personal data provided were incorrect or should not have been provided, the recipient Contracting Party must be notified without delay. The recipient Contracting Party shall correct the incorrect personal data and destroy the personal data which should not have been provided.
- 5) When providing personal data, the providing Contracting Party shall, in accordance with the national legislation of its State, set the other Contracting Party a deadline for the destruction thereof. Regardless of the deadline, the personal data must be destroyed as soon as they cease to be needed. In the event of the termination of this Agreement, all personal data received on its basis must be destroyed.
- 6) The Contracting Parties shall keep records on the provision, receipt and destruction of personal data. The records shall in particular contain information regarding the purpose of the provision, the scope of the personal data, the authorities involved and the reasons for destruction.
- 7) The Contracting Parties shall protect the personal data provided from accidental or unauthorised access, accidental loss, accidental or unauthorised modification, from accidental or unauthorised provision, or against accidental or unauthorised disclosure.

Article 11

1. The Contracting Parties shall in accordance with the national legislation of their States ensure necessary protection of information, documents and other materials which were provided to each other in the framework of cooperation pursuant to this Agreement.

2. Information and documents provided in the framework of cooperation pursuant to this Agreement may be provided to third states and international organizations only with a written consent of the providing Contracting Party.

Article 12

The Contracting Parties bear individually expenses, occurred during the implementation of this Agreement, within the limits of their financial resources as provided for by the national legislation of their States if not agreed otherwise in each specific case in advance.

Article 13

1. The Contracting Parties shall, within thirty days of the date of the entry into force of this Agreement, notify each other via diplomatic channels of the titles of the authorities of their States

competent to the implementation of this Agreement which shall, directly and operatively, cooperate in the framework of their respective competence.

2. The competent authorities of the States of the Contracting Parties shall, within thirty days of the date of the entry into force of this Agreement, exchange contact addresses, telephone numbers, fax numbers and other contact information as well as, if possible, a name of a contact person having the knowledge of the language of the State of the other Contracting Party or the English language.

3. The competent authorities of the States of the Contracting Parties shall inform each other, without delay, on any changes in the information exchanged pursuant to paragraph 2 of this Article.

Article 14

Any disputes concerning the interpretation or implementation of the provisions of this Agreement shall be resolved by means of negotiations and consultations between the Contracting Parties.

Article 15

This Agreement shall be without prejudice to the rights and obligations of the States of the Contracting Parties arising from other international agreements binding upon the States of the Contracting Parties.

Article 16

This Agreement may be amended and supplemented by mutual consent of the Contracting Parties. Amendments and supplements shall be drawn up in the form of separate protocols to this Agreement, which shall form an integral part of this Agreement, and shall enter into force in accordance with procedure laid down in Article 18 of this Agreement.

Article 17

Either Contracting Party may suspend the implementation of this Agreement in full or partially should the concerns of security of its State, public order or public health require so. The Contracting Parties shall without delay notify each other of the adoption or revocation of such measures via diplomatic channels. The suspension of the implementation of this Agreement and the revocation of that suspension shall become effective upon the lapse of fifteen days from the delivery of such notification to the other Contracting Party.

Article 18

1. This Agreement is concluded for an indefinite period of time and shall enter into force on the first day of the second month following the date of receipt, via diplomatic channels, of the last written notification by which the Contracting Parties inform each other on the fulfilment of the national legal procedures required for the entry into force of this Agreement.

2. Either Contracting Party may at any time terminate this Agreement by means of written notice via diplomatic channels to the other Contracting Party. In that case this Agreement terminates six months after the date of receipt via diplomatic channels of such written notice by the other Contracting Party.

3. On the date of the entry into force of this Agreement, the Agreement between the Government of the Czech Republic and the Government of the Republic of Kazakhstan on Cooperation in Combating Organized Crime, Trafficking in Narcotic Drugs and Psychotropic Substances, Terrorism and Other Dangerous Forms of Crime of the April 9, 1998 shall terminate.

Done atAstana..... on the .23. day ofNovember..... in the year2017... in duplicate in the Czech, Kazakh, Russian and English languages, each of these texts being equally authentic. In case of differences in interpretation of this Agreement, the English text shall prevail.

For the Government
of the Czech Republic

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Ambassador Extraordinary and Plenipotentiary
of the Czech Republic
to the Republic of Kazakhstan

For the Government
of the Republic of Kazakhstan

Kalmukhanbet Kassymov
Minister of Internal Affairs of
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