

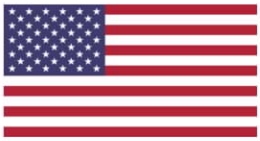


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JUSTIFICATION

FOR A

US-KAZAKHSTAN EXTRADITION TREATY





1. The Need to Expand the Treaty Framework

The Republic of Kazakhstan and the United States have an existing treaty framework for cooperation in criminal matters. The Treaty on Mutual Legal Assistance in Criminal Matters, signed on 20 February 2015, entered into force on 6 December 2016.

The Treaty provides for cooperation between the competent authorities of the two countries in criminal investigations, including the obtaining and transfer of evidence necessary to establish the circumstances of an offence and prove the guilt of persons involved. However, it does not regulate the extradition of wanted persons.

Mutual legal assistance does not cover a key aspect of international cooperation: the extradition of persons who evade criminal prosecution or the enforcement of sentences by fleeing beyond the jurisdiction of the state seeking them.

Under U.S. law (18 U.S.C. §§ 3181 and 3184), extradition generally takes place pursuant to an international treaty. The exceptions provided for under U.S. law are limited in scope.

Efforts to conclude a bilateral Extradition Treaty have been underway since 2016. In January 2025, Kazakhstan further advanced this initiative by submitting a draft Treaty to the U.S. side, reaffirming its interest in moving the negotiations forward.

The conclusion of the Treaty would address the existing gap and establish a comprehensive treaty framework for cooperation between Kazakhstan and the United States in criminal matters.

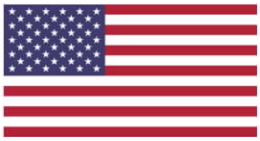
2. Practical Significance and Mutual Interests

An Extradition Treaty would establish a legal mechanism for the extradition of persons wanted for serious crimes and facilitate more effective cooperation between the competent authorities of the two countries.

For Kazakhstan, the Treaty would provide a legal basis for submitting extradition requests to the United States under an agreed international legal procedure.

According to INTERPOL information, approximately 50 persons wanted internationally in connection with crimes committed in Kazakhstan have been identified in the United States. A bilateral Treaty would enable requests for their extradition to be considered under an agreed legal framework.

For the United States, the conclusion of the Treaty would provide a mechanism for requesting the extradition from Kazakhstan of persons sought by U.S. law enforcement authorities for criminal prosecution or the enforcement of sentences.





Such a mechanism is particularly relevant given the increasingly transnational nature of modern crime.

For example, in cases involving fraud against U.S. citizens and companies, the misappropriation of funds, money laundering and cybercrime, the perpetrators of criminal schemes may be located in Kazakhstan, while the victims, financial transactions and evidence are linked to the United States.

The Treaty would enable both countries to act under an agreed procedure establishing requirements for extradition requests, grounds for extradition, procedures for their consideration and the necessary procedural safeguards.

This would strengthen both countries' capacity to combat transnational crime and prevent national borders from being used as a means of evading justice.

3. Positive Experience of Law Enforcement Cooperation

Kazakhstan and the United States already have positive practical experience in cooperating on complex transnational criminal investigations.

In particular, in June 2020, the U.S. Department of Justice publicly acknowledged the assistance provided by the National Security Committee of the Republic of Kazakhstan in an investigation into the activities of the international hacking group Fxmsp, which was linked to cyberattacks against organizations in more than 40 countries.

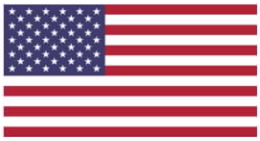
Another example of practical cooperation was Kazakhstan's extradition, in November 2020, of U.S. citizen Trent Drexel Howard to the United States to face criminal charges related to the production and possession of child pornography. The U.S. Department of Justice described this case as the first extradition from Kazakhstan to the United States.

These examples demonstrate the willingness of the competent authorities of both countries to cooperate on criminal matters affecting their shared interests and confirm the practical importance of further developing bilateral cooperation.

The conclusion of an Extradition Treaty would complement the existing mutual legal assistance framework with a mechanism for the extradition of wanted persons, which is essential to ensuring the completeness and effectiveness of criminal justice cooperation.

4. U.S. Practice in Concluding International Treaties

The United States has extensive experience in concluding bilateral extradition treaties and regards them as an important instrument of international cooperation in combating crime.





In particular, modern extradition treaties have been concluded with Chile (2013), the Dominican Republic (2015), Kosovo (2016) and Serbia (2016).

The experience of the Republic of Korea is particularly illustrative. Following the entry into force of the U.S. – Republic of Korea Treaty on Mutual Legal Assistance in Criminal Matters in May 1997, the two countries signed an Extradition Treaty on 9 June 1998, which entered into force on 20 December 1999.

This example demonstrates a sequential approach to developing the treaty framework: an existing mutual legal assistance mechanism became part of a broader system of cooperation, subsequently supplemented by a separate extradition mechanism.

A similar approach would be appropriate in relations between Kazakhstan and the United States. The existing Treaty on Mutual Legal Assistance provides a sound foundation for further expanding cooperation, including through the conclusion of a separate Extradition Treaty.

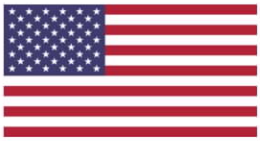
5. Kazakhstan's Readiness to Negotiate

The Republic of Kazakhstan is interested in concluding a modern Extradition Treaty based on reciprocity, compliance with international obligations and appropriate procedural safeguards.

The Kazakh side is ready to:

- Consider a modern U.S. extradition treaty model as a basis for negotiations;
- Engage in substantive discussions on issues including dual criminality, the extradition of nationals, grounds for refusal, documentary and evidentiary requirements, and procedures for provisional arrest;
- Agree on the necessary safeguards for protecting the rights of persons sought for extradition, including compliance with the rule of specialty and applicable international obligations;
- Organize expert consultations with the U.S. Department of Justice and the U.S. Department of State to negotiate and finalize the text of the Treaty;
- To expedite the negotiations, send Kazakh experts to the United States at any time convenient to the U.S. side for the joint development of the Treaty text, or host U.S. experts in Kazakhstan.

The conclusion of an Extradition Treaty would represent a practical step towards further strengthening Kazakhstan–U.S. cooperation in combating crime. It would provide both countries with an additional legal instrument for securing the return of wanted persons,





enhance the effectiveness of efforts to combat transnational crime, and help protect the citizens, businesses and legitimate interests of both countries.

The Treaty would not, however, provide for the automatic extradition of wanted persons. Each request would be considered in accordance with the terms of the Treaty, applicable domestic law and the relevant legal safeguards.