



## List of Predicate offences relating to Money Laundering and Terrorist Financing

According to the following Financial Action Task Force (FATF) Recommendations the criminal offences as Money Laundering (ML) and Terrorist Financing (TF) (Art. 218 - ML and Art. 258 - TF of the Criminal Code of the Republic of Kazakhstan) were criminalised by the Republic of Kazakhstan and was defined the responsibility for violation of the AML/CFT legislation requirements (Art. 214 of the Code of Administrative Offenses of the Republic of Kazakhstan).

Pursuant to R.3 of the FATF Recommendations, Money laundering offence - Countries should criminalise money laundering on the basis of the Vienna Convention and the Palermo Convention. Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences.

Pursuant to R.5 of the FATF Recommendations, Terrorist financing offence - Countries should criminalise terrorist financing on the basis of the Terrorist Financing Convention, and should criminalise not only the financing of terrorist acts but also the financing of terrorist organisations and individual terrorists even in the absence of a link to a specific terrorist act or acts. Countries should ensure that such offences are designated as money laundering predicate offences.

According to the FATF Recommendations: *“When deciding on the range of offences to be covered as predicate offences under each of the categories listed above, each country may decide, in accordance with its domestic law, how it will define those offences and the nature of any particular elements of those offences that make them serious offences”.*

Based on the Designated categories of offences defined in the FATF Recommendations (2019), the List of Predicate offences relating to Money Laundering and Terrorist Financing with references on the appropriate Articles of the Criminal Code of the Republic of Kazakhstan is indicated below for information:

#	Designated categories of offences in FATF Glossary (Predicate offences relating to ML/FT)	Criminal Code of the Republic of Kazakhstan
1	Participation in an organised criminal group and racketeering	<p>Article 262. Creation and management of organised group, criminal organisation, as well as participation in them.</p> <p>Article 263. Creation and management of criminal society, as well as participation in it.</p> <p>Article 264. Creation and management of transnational organised group, transnational criminal organization, as well as participation in them.</p> <p>Article 265. Creation and management of transnational criminal society, as well as participation in it.</p> <p>Article 266. Financing activity of criminal group, as well as storage, division of property, development financing channels.</p>

2	Terrorism, including terrorist financing	<p>Article 255. Act of Terrorism.</p> <p>Article 256. Propaganda of terrorism or public calls for commission of an act of terrorism.</p> <p>Article 257. Creation, management of terrorist group and participation in its activity.</p> <p>Article 258. Financing of terrorist or extremist activity and other aiding and abetting to the terrorism or extremism.</p> <p>Article 259. Enlistment or preparation or armament of persons in order of organization of terrorist or extremist activity.</p> <p>Article 260. Undergoing the terrorist or extremist training.</p>
3	Trafficking in human beings and migrant smuggling	<p>Article 125. Kidnapping.</p> <p>Article 126. Illegal imprisonment.</p> <p>Article 128. Human trafficking.</p> <p>Article 135. Trafficking in minors.</p> <p>Article 394. Organization of illegal migration.</p>
4	Sexual exploitation, including sexual exploitation of children	<p>Article 121. Violent acts of sexual nature.</p> <p>Article 122. Sexual relationship or other actions of sexual nature with person, not reached the age of sixteen.</p> <p>Article 123. Coercion to sexual relations, pederasty, lesbianism or other actions of a sexual nature.</p> <p>Article 128. Human trafficking.</p>
5	Illicit trafficking in narcotic drugs and psychotropic substances	<p>Article 296. Illegal handling with narcotic drugs, psychotropic substances, their analogues, precursors with no intent of sale.</p> <p>Article 297. Illegal production, processing, acquisition, storage, transportation in order to sale, transfer or sale of narcotic drugs, psychotropic substances, their analogues.</p> <p>Article 298. Theft or extortion of narcotic drugs, psychotropic substances, their analogues.</p> <p>Article 300. Illegal cultivation of plants, containing narcotic substances, prohibited to cultivation.</p> <p>Article 301. Illegal trafficking poisonous substance, as well as substances, instruments or equipment, used for production or processing of narcotic drugs, psychotropic or poisonous substances.</p> <p>Article 302. Organization or keeping disorderly houses for consumption of narcotic substances, psychotropic substances, their analogues and provision of premises for the same purposes.</p> <p>Article 303. Violation of rules of handling with narcotic drugs, psychotropic or poisonous substances.</p>
6	Illicit arms trafficking	<p>Article 286. Smuggling of withdrawn from handling of items or items, handling of which is restricted.</p> <p>Article 287. Illegal acquisition, transfer, sale, storage, transportation or bearing of weapons, ammunition, explosive substance and explosive devices.</p> <p>Article 288. Illegal production of weapons.</p>

		Article 291. Theft or extortion of weapons, ammunition, explosive substances and explosive devices.
7	Illicit trafficking in stolen and other goods	Article 196. Acquisition or sale of property, certainly obtained by illegal means;
8	Corruption and bribery	Article 366. Acceptance of a bribe. Article 367. Giving bribe.
9	Fraud	Article 190. Fraud.
10	Counterfeiting currency	Article 231. Production, storage, transportation, or sale of counterfeit money or securities. Article 232. Production or sale of counterfeit charge cards and other payment or calculation documents.
11	Counterfeiting and piracy of products	Article 233. Violation of procedure and rules of marking of sub-excise goods by excise marks and (or) accounting and control marks, counterfeit and use of excise mark and (or) accounting and control marks. Article 286. Smuggling of withdrawn from handling of items or items, handling of which is restricted. Article 323. Handling with counterfeit medicines or medical products. Article 385. Forgery, production or sale of forged documents, stamps, seals, forms, state postage stamps, state awards. Article 399. Illegal processing, production, acquisition, sale or use of special technical means of surreptitious obtaining of information.
12	Environmental crime	Article 324. Violation of environmental requirements to the economic or other activity. Article 333. Violation of rules of protection and use of subsoil. Article 335. Illegal extraction of fish resources, other aquatic animals or plants. Article 339. Illegal handling with rare and endangered, as well prohibited to use the species of plants or animals, their parts or derivatives.
13	Murder, grievous bodily injury	Article 99. Murder. Article 106. Intentional infliction of grievous harm to health.
14	Kidnapping, illegal restraint and hostage-taking	Article 125. Kidnapping. Article 126. Illegal imprisonment. Article 261. Taking of hostage.
15	Robbery or theft	Article 188. Theft. Article 191. Robbery.
16	Smuggling; (including in relation to customs and excise duties and taxes)	Article 233. Violation of procedure and rules of marking of sub-excise goods by excise marks and (or) accounting and control marks, counterfeit and use of excise mark and (or) accounting and control marks. Article 234. Economic smuggling. Article 236. Evasion from payment of customs duties, customs charges, taxes, special, anti-dumping, countervailing duties.

		Article 286. Smuggling of withdrawn from handling of items or items, handling of which is restricted.
17	Tax crimes (related to direct taxes and indirect taxes)	Article 236. Evasion from payment of customs duties, customs charges, taxes, special, anti-dumping, countervailing duties. Article 244. Evasion of the citizen from payment of the tax and (or) other obligatory payments to the budget. Article 245. Evasion of taxes and (or) other compulsory payments in a budget with organization.
18	Extortion	Article 194. Extortion.
19	Forgery	Article 233. Violation of procedure and rules of marking of sub-excise goods by excise marks and (or) accounting and control marks, counterfeit and use of excise mark and (or) accounting and control marks. Article 322. Illegal medical and pharmaceutical activity and illegal issuance or forgery of prescriptions or other documents, granting the right to obtain the narcotic drugs or psychotropic substances. Article 369. Forgery by an official. Article 385. Forgery, production or sale of forged documents, stamps, seals, forms, state postage stamps, state awards. Article 386. Forgery, destruction of vehicle identification number, sale of transport vehicle with certainly forged identification number.
20	Piracy	Article 271. Piracy.
21	Insider trading and market manipulation	Article 223. Illegal acquisition, disclosure or use of information, constituting commercial or banking secret, tax secret, obtained in the course of horizontal monitoring, the secret of providing microcredit, the secret of collection activity, as well as information related to the legalization of property. Article 224. Violation of procedure of issuance of equity securities. Article 225. Non-provision of information or presentation of knowingly false details by civil servant of issuer of securities. Article 226. Adding of knowingly false details in the register of security holders. Article 227. Presentation of knowingly false details by professional participants of market securities. Article 228. Violation of rules of conducting of securities transactions. Article 229. Manipulation on the securities market. Article 230. Illegal actions in relation of insider information. Article 231. Production, storage. transportation, or sale of counterfeit money or securities.

**All information is given from the following sources: \*\*\* including an unofficial translation of the Articles' titles**

FATF Recommendations - <http://www.fatf-gafi.org/publications/fatfrecommendations/documents/fatf-recommendations.html>

Criminal Code of the Republic of Kazakhstan - <http://adilet.zan.kz/rus/docs/K1400000226>

Code of Administrative Offenses of the Republic of Kazakhstan - <http://adilet.zan.kz/rus/docs/K1400000235>