

On approval of the Rules for engagement of citizens in defense of the State Border of the Republic of Kazakhstan within border area

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated August 27, 2013 № 866.

Unofficial translation

In accordance with paragraph 18), Article 55 of the Law of the Republic of Kazakhstan dated January 16, 2013 “On the State Border of the Republic of Kazakhstan”, the Government of the Republic of Kazakhstan hereby **DECREES AS FOLLOWS:**

1. Approve the attached Rules for engagement of citizens in defense of the State Border of the Republic of Kazakhstan within border area.

2. This Decree shall enter into force upon expiration of ten calendar days after its first official publication.

*Prime Minister
Republic of Kazakhstan*

S. Akhmetov

Approved by
the Decree of the Government of
the Republic of Kazakhstan
dated August 27, 2013 № 866

RULES

for engagement of citizens in defense of the State Border of the Republic of Kazakhstan within border area
1. General Provisions

1. These Rules for engagement of citizens in defense of the State Border of the Republic of Kazakhstan within border area (hereinafter referred to as the Rules) are developed in accordance with paragraph 18), Article 55 of the Law of the Republic of Kazakhstan dated January 16, 2013 “On the State Border of the Republic of Kazakhstan” and defines procedures for engagement of citizens of the Republic of Kazakhstan in defense of the State Border (hereinafter referred to as persons engaged in defense of the State Border) within border area.

2. These Rules shall not be applicable to legal relations arising in relation to law enforcement intelligence operations or counterintelligence operations governed by the Laws of the Republic of Kazakhstan dated September 15, 1994 “On law enforcement intelligence operations” and dated December 28, 2016 “On counterintelligence operations”.

Footnote – Paragraph 2 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.03.2019 № 104 (shall enter into force upon expiration of ten calendar days after its first official publication).

3. The following basic concepts shall be used in these Rules:

1) border space of the Republic of Kazakhstan (hereinafter referred to as the border space) - the State border of the Republic of Kazakhstan (hereinafter referred to as the State border) and the adjacent territory of the Republic of Kazakhstan up to the outer limits of the border zone with the existing internal waters of the Republic of Kazakhstan and territorial waters, the territory of checkpoints across the State border and other places where the passage across the State Border, fishing zone, continental shelf, as well as the airspace above them is carried out, within which border activities are implemented by authorized bodies;

2) voluntary squad - a group of citizens of the Republic of Kazakhstan participating, under the guidance of representatives of a structural unit of a territorial unit (hereinafter referred to as the structural unit) of the Border Service of the National Security Committee of the Republic of Kazakhstan (hereinafter referred to as the Border Service) in the defense of the State Border on a voluntary and transparent basis;

3) a voluntary vigilante - a member of a voluntary squad who, under the guidance of representatives of a structural unit of the Border Service, undertakes of his own free will to participate in the defense of the State Border;

4) non-staff member of the Border Service - a citizen of the Republic of Kazakhstan, involved on a voluntary basis by representatives of the structural unit of the Border Service to protect the state border to address long-term tasks or when the need arises;

5) Border Service Book - a reporting document reflecting the service and combat activities of a Border Service unit.

Footnote. Paragraph 3 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 26.05.2023 № 405 (shall be enforced ten calendar days after the date of its first official publication).

2. Forms and types of engagement in defense of the State Border

4. Engagement of persons in defense of the State Border shall be in the form of public or non-public cooperation.

5. Procedures for engagement of persons in defense of the State Border in the form of public cooperation shall be defined in accordance with these Rules.

6. Engagement of persons in defense of the State Border in the form of non-public cooperation shall be in accordance with the laws of the Republic of Kazakhstan dated September 15, 1994 “On law enforcement intelligence operations”, and dated December 28, 2016 “On counterintelligence operations”.

Footnote – Paragraph 6 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.03.2019 № 104 (shall enter into force upon expiration of ten calendar days after its first official publication).

7. By decisions of coordination councils on border issues created under the akimats of border regions (cities), in order to improve the efficiency and coordination of the actions of

persons participating on a voluntary basis in the State Border protection, voluntary squads shall be formed and their leaders shall be appointed.

Leaders of voluntary squads shall be appointed from among the voluntary squads for a term until one of the circumstances specified in paragraph 15 of these Rules arises.

The leaders of the voluntary squads shall conduct their activities under the control of the leadership of the structural units of the Border Service and shall be accountable to them.

Leaders of voluntary squads, together with representatives of structural units of the Border Service, shall participate in addressing problems related to planning, organizing and involving members of voluntary squads in activities to protect the State Border within the border area.

Footnote. Paragraph 7 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 26.05.2023 № 405 (shall be enforced ten calendar days after the date of its first official publication).

8. Persons shall be engaged in defense of the State Border in following forms:

- 1) as part-time employees;
- 2) individually as volunteers;
- 3) collectively within volunteer groups.

9. Individual participation of persons in the State border protection shall consist in rendering assistance to representatives of structural subdivisions of the Border Service by reporting facts and attempts to violate the State border, the State border regime, the regime at checkpoints, the boundary regime, the regime of internal and territorial waters, the regime of the fishing zone and the regime of the continental shelf that have become known to them.

Footnote. Paragraph 9 – as amended by the Resolution of the Government of the Republic of Kazakhstan dated 26.05.2023 № 405 (shall be enforced ten calendar days after the date of its first official publication).

10. Part-time employees, volunteers shall carry out their activities under the control of representative of structural subdivisions through:

1) individual participation and/or joint service together with representatives of structural subdivisions for the purposes of coverage of approaches to the State Border, search for, detection, detention of persons violating regimes in border area, and performance of search for, follow-up and detention of violators of the State Border through visiting rounds and observation over border area, search, pursuit and arrest of violators of the State Border;

2) individual and/or jointly with representatives of structural subdivisions conduction of inspections on routes of potential movement of violators of the State Border, their shelters, vehicles and locations within border area to investigate the causes and conditions of stay of unidentified persons, conduction of talks with local residents and identity checks in order to identify and retain persons violating the established regiment through periodical field inspection of border area;

3) individual prevention and repression of offences within border area;

4) use of physical force or other means to repress offences and to detain offenders, when it is impossible to achieve the above objectives using other methods;

5) detention and delivery of persons who committed offences within border area to structural subdivisions, law-enforcement or other competent authorities.

Footnote. Paragraph 10 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

11. Legal training for persons engaged in defense of the State Border conducted on the basis of respective structural subdivisions shall precede the activities specified in Paragraph 10 of these Rules.

Footnote. Paragraph 11 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

12. Persons engaged in defense of the State Border in performance of tasks on defense of the State Border shall:

1) immediately report to subdivisions of the Border Service on events of pending or committed offences within border area coming to the notice thereof;

2) upon request of citizens, present certificates justifying their participation in defense of the State Border in cases provided for by the Laws of the Republic of Kazakhstan;

3) explain to citizens detained for commission of offences the grounds of sanctions applied to them.

13. Control over arrangement of legal training for persons engaged in defense of the State Border shall be imposed on the first heads of the territorial subdivisions of the Border Service

Footnote. Paragraph 13 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

3. Procedures for engagement of persons in defense of the State Border

14. Persons shall be engaged in defense of the State Border through their voluntary participation in assisting the Border Service in defending the State Border in accordance with these Rules and other laws and regulations of the Republic of Kazakhstan.

15. Circumstances excluding possibility for participation of a citizen of the Republic of Kazakhstan in defense of the State Border within border area are:

1) criminal prosecution;

2) repeated (two or more times within a year) commitment of willful administrative offences;

3) departure for permanent residency beyond border area of the Republic of Kazakhstan;

4) occurrence of circumstances excluding his/her further participation in defense of the State Border (detection of mental, behavioral disorders (diseases), including associated with consumption of psychoactive substances, other disease, constituting danger for wider public - according to a list approved by the Government of the Republic of Kazakhstan, death of such person);

5) unwillingness in further participation in defense of the State Border within border area.

Footnote. Paragraph 15 as amended by the Decree of the Government of the Republic of Kazakhstan dated 09.02.2021 № 46 (shall enter into force upon expiry of ten calendar days after its first official publication).

16. A person stating willingness to participate in defense of the State Border as a part-time employee shall apply to a territorial subdivision of the Border Service exercising defense of the State Border for engagement in defense of the State Border with an attached copy of identity card or a passport of a citizen of the Republic of Kazakhstan. Such person shall have a right to attach life and health insurance certificates to the above documents.

Footnote. Paragraph 16 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

17. A territorial subdivision of the Border Service shall within thirty calendar days after receipt of an application shall check the applicant for substance abuse or neuropsychiatric records, for criminal records, whereupon it shall take a positive decision or refuse the applicant without indication of reasons for decision taken.

Footnote. Paragraph 17 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

18. In case of positive decision on engagement as a part-time employee based on an application of a person, the executive staff of a territorial subdivision of the Border Service shall record and register persons engaged in defense of the State Border, whereof it shall notify respective person and issue a certificate of a part-time employee as per Annex 1 to these Rules.

Footnote. Paragraph 18 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

19. A list of members of volunteer teams with attached copies of identity cards shall be sent by a local executive authority to a territorial subdivision of the Border Service for checking of the above persons for criminal records, or substance abuse or In absence of circumstances excluding possibility of participation of persons in defense of the State Border within volunteer teams, a territorial subdivision of the Border Service shall register them in

respective sections of Border Service Log of structural subdivisions, and in case of such circumstances, it shall notify a local executive authority for exclusion of a certain person from volunteer teams.

Footnote. Paragraph 19 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

20. Upon registration, the territorial subdivision of the Border Service shall issue a certificate of a member of a volunteer team as per Annex 2 to these Rules.

Footnote. Paragraph 20 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

21. Certificates indicated in Paragraphs 18 and 20 of these Rules, shall be signed by a commander of the territorial subdivision of the Border Service. Recording, registration and issue of certificates for persons engaged in defense of the State Border shall be performed by the territorial subdivision of the Border Service.

Footnote. Paragraph 21 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

22. In case of circumstances specified in Paragraph 15 of these Rules, a structural subdivision shall deregister the person, engaged in defense of the State Border within the border area, whereof it shall notify this person.

Footnote. Paragraph 22 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

23. Registration details and outcomes of work with persons engaged in defense of the State Border shall be entered into respective sections of a border service log of structural subdivisions. General recording shall be maintained by the territorial subdivision of the Border Service.

Footnote. Paragraph 23 as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

Annex 1
to the Rules for engagement of citizens
in defense of the State Border
of the Republic of Kazakhstan within
border area

Footnote – Annex 1 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.03.2019 № 104 (shall enter into force upon expiration of ten calendar

days after its first official publication); as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

COMMITTEE OF NATIONAL SECURITY OF THE
REPUBLIC OF KAZAKHSTAN BORDER SERVICE

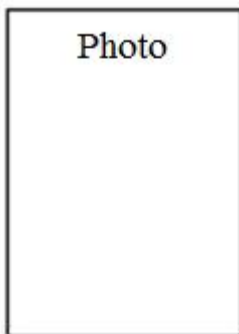
Certificate № _____

_____ is a
part-time employee of
the Border Service of CAN of
the Republic of Kazakhstan.

Territorial subdivision _____;
own signature: _____

The certificate was issued on
/___/___/20__

Place of Seal _____



Holder of this cer
State Border of th
within border are
This certificate sl
of an identity car

We ask all officials of government authorities,
establishment, enterprises and institutions within border
area (regardless
of subordination and ownership forms) to provide
assistance on issues of defense of the State Border
of the Republic of Kazakhstan.

(position held)

(military rank) (own signature) (full name)

Annex 2
to the Rules for engagement of citizens
in defense of the State Border
of the Republic of Kazakhstan within
border area

Footnote – Annex 2 as amended by the Decree of the Government of the Republic of Kazakhstan dated 12.03.2019 № 104 (shall enter into force upon expiration of ten calendar days after its first official publication); as amended by the Decree of the Government of the Republic of Kazakhstan dated 29.04.2020 № 259 (shall enter into force upon expiry of ten calendar days after its first official publication).

COMMITTEE OF NATIONAL SECURITY OF THE
REPUBLIC OF KAZAKHSTAN BORDER SERVICE

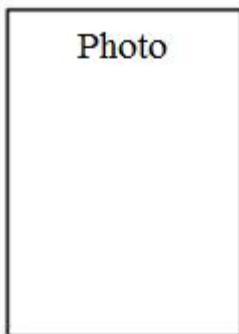
Certificate № _____

_____ is a volunteer of the Border Service of
CNS of the Republic of Kazakhstan.

Territorial subdivision _____;
own signature: _____

The certificate was issued on
/___/___/20__

Place of Seal _____



Holder of this cer
State Border of th
within border are
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of an identity car

We ask all officials of government authorities,
establishment, enterprises and institutions within border
area (regardless of
subordination and ownership forms) to provide
assistance on issues of defense of the State Border of the
Republic of Kazakhstan.

(position held)

(military rank) (own signature) (full name)

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