



On approval of the Rules for the application of additional measures and time restrictions in a state of emergency

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated January 28, 2014 № 35.

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In accordance with Article 16, paragraph 1 of the Law of the Republic of Kazakhstan dated February 8, 2003 "On state of emergency," the Government of the Republic of Kazakhstan hereby **RESOLVED** as follows:

1. Approve the attached Rules for the application of additional measures and time restrictions in a state of emergency.

2 This resolution shall enter into force upon expiry of ten calendar days after the day of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

S. Akhmetov

Approved
by the resolution of the Government
of the Republic of Kazakhstan
dated January 28, 2014 № 35

Rules for application of additional measures and time restrictions in a state of emergency

Chapter 1. General provisions

Footnote. The heading of Chapter 1 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

1. These Rules for the application of additional measures and time restrictions in a state of emergency (hereinafter referred to as the Rules) shall have been developed in accordance with paragraph 1 of Article 16 of the Law of the Republic of Kazakhstan dated February 8, 2003 "On state of emergency" and shall determine the procedure for applying additional measures and time restrictions in the event of a state of emergency in case of social emergencies.

2. If a state of emergency is introduced in the area in the presence of circumstances provided for in Article 4, paragraph 2, subparagraph 1) of the Law of the Republic of Kazakhstan "On state of emergency," the following additional measures and time restrictions shall be provided:

1) the introduction of a curfew;

2) monitoring the media through requests for mandatory copies of printed publications and materials of radio and television programs;

3) suspension or termination in accordance with the procedure established by the legislation of the Republic of Kazakhstan of the activities of political parties and public associations that prevent the elimination of circumstances that served as the basis for the introduction of a state of emergency;

4) restriction or prohibition of the use of copying and multiplying equipment, radio and television equipment, audio and video recording equipment, as well as temporary removal of sound amplifying equipment;

5) establishment of a special procedure for the sale, purchase and distribution of food and essential items;

6) establishing restrictions on the implementation of certain types of financial and economic activities of individuals and legal entities, including the movement of goods, services and financial resources;

7) restriction or prohibition of the sale of weapons, ammunition, explosives, special means, poisonous substances, establishment of a special regime for the circulation of drugs, narcotic drugs, psychotropic substances, precursors, as well as ethyl alcohol, alcoholic beverages;

8) temporary seizure of weapons and ammunition, poisonous substances from individuals, and temporary seizure, along with weapons, ammunition, and poisonous substances, also of combat and training military equipment, explosives, and radioactive substances from legal entities, with the exception of those subordinate to state bodies, special state, and law enforcement agencies, the Ministry of Defense of the Republic of Kazakhstan.

Ensuring the implementation of additional measures and time restrictions shall be assigned to the commandant of the area.

Footnote. Paragraph 2 as amended by the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

3. The commandant's office of the area through the media notifies the population of the area where the state of emergency has been introduced about the need to implement the measures introduced and the time restrictions applied in a state of emergency in case of social emergencies.

4. The rules shall apply to the territory of the Republic of Kazakhstan, where a legal state of emergency shall have been introduced in case of social emergencies and shall be mandatory for all individuals and legal entities.

Chapter 2. The procedure for introducing curfew restrictions

Footnote. The heading of Chapter 2 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

5. When introducing a curfew, the commandant's office of the area through the media immediately informs the population about the introduction of a curfew, the prohibition of being on the streets and other public places or outside the home without specially issued passes and identity documents, as well as about the procedure and places for issuing passes to individuals and legal entities (for vehicles) during the period of the curfew.

6. The pass must contain information about the person (last name, first name, patronymic), date of issue, and period of validity of the pass. The pass shall be issued by the commandant's office of the area, certified by the signature of the commandant of the area and certified by the stamp seal of the department of internal affairs bodies, on the served territory of which a state of emergency shall have been introduced.

First of all, passes shall be issued for emergency rescue, emergency services, and legal entities serving vital facilities.

7. Control over compliance with the procedure established in connection with the introduction of the curfew shall be carried out by the internal affairs bodies (police) and the military police (military patrols).

Chapter 3 The procedure for exercising control over the mass media through requests for mandatory copies of printed publications and materials of radio and television broadcasts

Footnote. The heading of Chapter 3 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

8. In order to monitor the media of the commandant's office of the area, within 24 hours from the moment of taking additional measures and time restrictions, the owners of the media during the state of emergency shall be sent requests for the submission of mandatory copies of printed publications and materials of radio and television programs.

9. After receiving the request, the owner of the media, during the period of the state of emergency, provides the commandant's office with mandatory copies of printed publications and materials of radio and television programs the day before their release (broadcast), and if this condition cannot be fulfilled (formation of urgent news releases) immediately before the release (broadcast), to agree on their content. At the same time, the commandant of the area shall notify the population of the relevant area through the media about the need to implement the measures introduced and the time restrictions applied in a state of emergency.

10. When issuing (presenting in media) print media inconsistent with the commandant's office, radio and television shows, as well as the identification during the state of emergency of grounds for the suspension and/or cessation of the production of mass media or the distribution of mass media products, defined by Article 13 of the Law of the Republic of

Kazakhstan "On mass media," the commandant of the area shall send to the owner of the media an order on suspension for the period established by legislation and/or termination of the release of the media or distribution of the media products.

11. In case of failure to comply with the commandant's requirements, the commandant's office of the area sends the relevant materials to the court for suspension for the period established by legislation and/or termination of the release of mass media or distribution of mass media products.

12. In the framework of monitoring the media, since the beginning of the state of emergency, the commandant's office of the area, in cooperation with interested bodies, shall have been carrying out legal work with representatives of the media.

Chapter 4 The procedure for suspension or termination, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, of the activities of political parties and public associations that impede the elimination of circumstances that served as the basis for the introduction of a state of emergency

Footnote. The heading of Chapter 4 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

13. If in the territory where the state of emergency has been introduced, political parties or public associations that prevent the elimination of circumstances that served as the basis for the introduction of a state of emergency, the commandant of the area shall send an order to the owners of political parties or public associations to suspend their activities for the period established by legislation.

14. If the political party fails to comply with the order of the commandant of the area and further prevents the elimination of the circumstances that served as the basis for the introduction of a state of emergency, the commandant's office of the area, in accordance with Articles 13 or 14 of the Law of the Republic of Kazakhstan "On political parties," shall send materials to the judicial authorities for making an appropriate decision to suspend the activities of a political party for the period established by legislation or to terminate the activities of a political party by its liquidation.

15. If the public association does not comply with the order of the commandant of the area and further prevents the elimination of circumstances, which served as the basis for the introduction of a state of emergency, the commandant's office of the area in accordance with Articles 17 or 23 of the Law of the Republic of Kazakhstan "On public associations" shall send materials to the territorial bodies of the prosecutor's office, internal affairs for subsequent submission to the court in order to make an appropriate decision on the suspension of the activities of the public association for the period established by legislation or the termination of the activities of the public association by its liquidation.

Chapter 5 The procedure for restricting or prohibiting the use of copying and multiplying equipment, radio and television transmitting equipment, audio and video recording equipment, as well as the temporary withdrawal of sound-amplifying technical means

Footnote. The heading of Chapter 5 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

16. The Commandant's office of the locality when introducing a restriction or prohibition on the use of copying and multiplying equipment, radio and television transmitting equipment, audio and video recording equipment, as well as the temporary withdrawal of sound-amplifying technical means, shall immediately notify the population of the locality where the state of emergency has been introduced about the introduction of this measure, indicating the necessary actions for its implementation.

Footnote. Paragraph 16 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

17. When restrictions on the use of copying and multiplying equipment, radio and television transmission equipment, audio and video recording equipment have been introduced, the persons who have the specified equipment on the right of ownership shall continue their activities in the regime of accepted restrictions.

Footnote. Paragraph 17 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

18. If the facts of violation of the restriction or prohibition on the use of copying and multiplying equipment, radio and television transmission equipment, audio and video recording equipment are revealed, the persons who violated the prohibition shall be held liable in accordance with the current legislation.

Footnote. Paragraph 18 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

19. In case of temporary removal of sound-amplifying technical means, the commandant's office of the area within three calendar days determines the premises for temporary storage of the seized technical means, provides for the withdrawal of these technical means for temporary storage, their protection and safety, as well as return to the owners after the end of this measure.

Chapter 6 Establishment of a special procedure for the sale, purchase, and distribution of food and basic necessities

Footnote. The heading of Chapter 6 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

20. In order to establish a special procedure for the sale and purchase of food and basic necessities, the commandant's office of the area shall ensure the implementation of the following measures:

- 1) identify places for the sale and purchase of food and basic necessities;
- 2) in accordance with the requirements of the curfew, determine the mode of operation of organizations engaged in the trade in food and essential items.

21. In order to ensure a special procedure for the distribution of food and basic necessities, the commandant's office of the area shall:

- 1) determine the required amount of food and essential items and their assortment, find out the amount of deficit and ways to cover it, including from the state material reserve;
- 2) establish the possibility of providing victims with basic necessities from the reserves of the state material reserve;
- 3) determine the places and procedure for issuing food and basic necessities, organize the activities of mobile points and departments of supply services;
- 4) determine the state of the preserved food production facilities, basic necessities, the state of catering enterprises, in case of lack of capacity, use the capabilities of army kitchens and bakeries, determining their required number and delivery routes to the area where the state of emergency have been introduced.

22. If necessary, the commandant's office of the area makes a proposal to the commandant of the area on the need to conclude agreements with organizations located in other regions (outside the territory where the state of emergency has been introduced) on the supply of food and basic necessities.

Chapter 7. The procedure for establishing restrictions on the implementation of certain types of financial and economic activities of individuals and legal entities, including the movement of goods, services, and financial resources

Footnote. The heading of Chapter 7 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

23. When establishing restrictions on the implementation of certain types of financial and economic activities of individuals and legal entities, including the movement of goods, services and financial resources, the commandant's office of the area informs the population about the restrictive measures taken.

24. In accordance with the established restrictions, the commandant's office of the area engage local executive and other authorized bodies performing control functions to ensure the measures of the state of emergency.

Chapter 8 The procedure for restricting or prohibiting the sale of weapons, ammunition, explosives, special means, poisonous substances, establishing a special regime for the circulation of medicines, narcotic drugs, psychotropic substances, precursors, as well as ethyl alcohol, alcoholic products

Footnote. The heading of Chapter 8 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

25. With the introduction of restrictions on the sale of weapons, ammunition, explosives, special means and poisonous substances, the persons engaged in their sale continue their activities in the mode of accepted restrictions (within the permitted period of time, quantity, volume, weight, type of products).

26. When introducing a ban on the sale of weapons, ammunition, explosives, special means and poisonous substances, the owners or persons engaged in their sale, within three calendar days from the date of adoption of this measure, seal the remainder of unrealized products in special premises for their storage and pass under security alarm, informing the commandant's office of the area and the territorial internal affairs body.

27. If it is impossible to ensure the safety and safety of the storage of weapons, ammunition, explosives, special means and poisonous substances, the commandant's office of the area determines the premises for their temporary storage, their protection and safety, as well as the return to the owners after the end of this measure.

28. In the absence of the possibility of storing weapons, ammunition, explosives, special means and poisonous substances in the territory where the state of emergency have been introduced, the commandant's office of the area shall organize the export of these weapons, ammunition, explosives, special means and poisonous substances to the internal affairs body located outside the area where the state of emergency have been introduced.

29. The establishment of a special regime for the circulation of drugs, narcotic drugs, psychotropic substances, precursors, ethyl alcohol and alcoholic beverages shall provide for the activities of persons engaged in their circulation in the regime of accepted restrictions.

30. The commandant's office shall provide patrolling of the territory close to the places of sale of weapons, ammunition, explosives, special means and poisonous substances, drugs, narcotic drugs, psychotropic substances, precursors, as well as ethyl alcohol and alcoholic beverages, if necessary, provides their armed protection.

Chapter 9 The procedure for the temporary seizure of weapons and ammunition, poisonous substances from individuals, and temporary seizure, along with weapons, ammunition, and poisonous substances, also of combat and training military equipment, explosive and radioactive substances from legal entities, with the exception of those subordinate to state bodies, special state, and law enforcement agencies, the Ministry of Defense of the Republic of Kazakhstan

Footnote. The heading of Chapter 9 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

31. When temporarily removing weapons, ammunition and poisonous substances, the commandant's office of the area within three calendar days shall determine the premises for the temporary storage of seized equipment, shall provide for the seizure of these weapons, ammunition and poisonous substances for temporary storage, their protection and safety, as well as return to the owners after the end of this measure.

32. In case of temporary seizure of combat and training military equipment, explosive and radioactive substances from legal entities, with the exception of those subordinate to state bodies, special state, and law enforcement agencies, the Ministry of Defense of the Republic of Kazakhstan, the commandant's office of the locality within three calendar days shall determine the premises for the temporary storage of seized technical means appropriate in terms of safety requirements and size, ensure the seizure of these weapons, ammunition and poisonous substances for temporary storage, their protection and safety, as well as the return to the owners after the expiration of this measure

Footnote. Paragraph 32 is in the wording of the Resolution of the Government of the Republic of Kazakhstan dated 20.12.2022 No. 1040 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

33. The seizure of weapons and ammunition, military and training military equipment, poisonous, explosive and radioactive substances for safekeeping to the internal affairs bodies from the owners listed in paragraphs 31 and 32 of these Rules, their reception and transportation shall be carried out in accordance with the procedure established by law.

When storing weapons and ammunition, military and training equipment, poisonous, explosive and radioactive substances in other specially designated premises, armed security, accounting and safety are provided by the internal affairs bodies.