



On approval of the Rules for calculating the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court

Unofficial translation

Resolution of the Government of the Republic of Kazakhstan dated November 21, 2014 No. 1220

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Note of RCLI!

Shall be enforced from January 1, 2015

In accordance with Articles 177 and 178 of the Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014, the Government of the Republic of Kazakhstan HEREBY RESOLVES:

1. To approve the attached Rules for calculating the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court.

2. This resolution shall enter into force on January 1, 2015 and shall be subject to official publication.

*Prime-Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by the Resolution
of the Government of the
Republic of Kazakhstan
dated November 21, 2014 No. 1220

Rules

**for calculating the amounts spent in connection with the search
for a suspect, an accused, a defendant,
hidden from investigation or the court**

1. General provisions

1. These Rules for calculating the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court (hereinafter - the Rules) have been developed in accordance with subparagraph 9) of Article 177 and Article 178 of the Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014 year and shall determine the procedure for calculating the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court.

2. The procedural costs associated with the search for a suspect, an accused, a defendant, hidden from investigation or the court shall be subject to calculation, consisting of:

1) expenses for official business trips of officials of the criminal prosecution body when conducting search activities;

2) the cost of travel by rail, water, automobile and air transport of a suspect, an accused, a defendant, hidden from investigation or the court, from the place of detention to the place of bringing to criminal responsibility;

3) per diem expenses, if necessary, for the accommodation of a suspect, an accused, a defendant hidden from investigation or the court, on the way from the place of detention to the place of bringing to criminal responsibility.

2. The procedure for calculating the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court

3. Calculation of the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court shall be carried out by the criminal prosecution body in the following order:

1) in cases of departure of officials of the criminal prosecution body on business trips within the Republic of Kazakhstan:

for each day that an official of the criminal prosecution body is on a business trip, a daily allowance shall be sought in the amount of two monthly calculation indices;

for renting a dwelling according to the submitted supporting documents (fiscal check, cash receipt order, invoice, bill, consignment note, notice, and in the case of submission of documents for accommodation from an individual entrepreneur, documents confirming the right of a person to lease property (agreement lease, patent, certificate) and other supporting documents submitted by hotel service providers):

for the heads and deputy heads of criminal prosecution bodies, the amount of expenses for renting a dwelling per day should not exceed ten times the monthly calculation index in the cities of Astana, Almaty, Atyrau, Aktau and Baikonyr, seven times the monthly calculation index - in regional centres and cities of regional significance and five times the monthly calculation index - in district centres and cities of district significance;

for officials of the criminal prosecution body, the amount of expenses for renting a dwelling per day should not exceed seven times the monthly calculation index in the cities of Astana, Almaty, Atyrau, Aktau and Baikonyr, six times the monthly calculation index - in regional centres and cities of regional significance, four times the amount of monthly calculation index - in district centres and cities of district significance and twice the amount of monthly calculation index - in rural districts;

in the absence of supporting documents, the costs of renting dwelling for officials of the criminal prosecution body shall be calculated in the amount of 50 percent of the per diem allowance for business trips, except for cases when officials used the dwelling provided free of charge;

on the way to the place of business trip and back to the place of permanent work (except when the administration provides the seconded person with the appropriate means of transportation) on the basis of the presented travel documents when travelling:

by railroads - at the rate of a compartment coach (with the exception of coaches with double compartments with a lower arrangement of soft sofas, soft chairs for sitting with a device for regulating its position (SC), as well as the "Tourist" and "Business" classes of high-speed trains);

on waterways, highways and dirt roads - according to the fare existing in the given area;

in exceptional cases (when transiting in case of a business trip outside the Republic of Kazakhstan, absence of the named vehicles or urgency of the business trip) with the permission of the head of the state institution by rail - at the rate of coaches with double compartments with a lower arrangement of soft sofas, soft chairs for sitting with a device according to regulation of its position (SC), as well as the "Tourist" and "Business" classes of high-speed trains and air transport - at an economy class tariff;

the cost of booking travel tickets and a hotel room, as well as the use of beddings on trains when travelling to the place of business trip and back to the place of permanent work, if there are documents confirming these expenses;

in the absence of travel documents to the place of business trip and back to the place of permanent work, the expenses shall be calculated at the minimum cost of travel by transport (except for air transport);

for travel by road (except taxis) to the railway station, pier, airport, if they are located outside the settlement, with supporting documents;

transportation expenses with the permission of the first head of the criminal prosecution body or his/her deputy on a business trip on official vehicles to nearby district and regional centres;

2) in cases of departure of officials of the criminal prosecution body on business trips outside the Republic of Kazakhstan, procedural costs shall be calculated:

by railroads - in the amount of the cost of a compartment coach (with the exception of the "Tourist" and "Business" classes);

on waterways, highways and dirt roads - according to the fare existing in the given area;

other transportation expenses, expenses for renting a dwelling, per diem expenses for the employees shall be reimbursed in accordance with the norms established by the Resolution of the Government of the Republic of Kazakhstan dated February 6, 2008 No. 108 "On reimbursement of expenses for civil servants on business trips abroad at the expense of the republican and local budgets";

3) on the trip of a suspect, an accused and a defendant to the place of bringing to criminal responsibility, on the basis of travel documents when travelling:

by railroads - at the rate of a compartment coach (with the exception of coaches with double compartments with a lower arrangement of soft sofas, soft chairs for sitting with a

device for regulating its position (SC), as well as the "Tourist" and "Business" classes of high-speed trains);

on waterways, highways and dirt roads - according to the fare existing in the given area;

in exceptional cases (in case of transit if the wanted person is outside the Republic of Kazakhstan, there are no named vehicles or the urgency of delivery) with the permission of the head of the criminal prosecution body by rail - at the rate of coaches with double compartments with a lower arrangement of soft sofas, soft chairs for sitting with a device for regulating its position (SC), as well as the "Tourist" and "Business" classes of high-speed trains and air transport - at an economy class tariff;

for travel by road (except taxis) to the railway station, pier, airport, if they are located outside the settlement, with supporting documents.

For each day on the way of a suspect, an accused, a defendant from the place of detention to the place of bringing to criminal responsibility, daily allowances shall be collected in the amount of two monthly calculation indices.

4. Calculation of the amounts spent in connection with the search for a suspect, an accused, a defendant, hidden from investigation or the court shall be carried out within a month from the moment the person is detained or brought to the place of criminal prosecution

5. Documents confirming the amounts of procedural costs provided for by subparagraphs 1) - 3) of paragraph 2 of these Rules shall be attached to the materials of the criminal case of the body conducting the criminal process.