



## **On approval of Rules of passing polygraph testing by candidates for judges**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated April 7, 2016 No. 191.

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In accordance with paragraph 4 of Article 15 of the Law of the Republic of Kazakhstan dated December 4, 2015 “On the Supreme Judicial Council of the Republic of Kazakhstan”, the Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Rules for passing polygraph testing by candidates for judges.
2. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

*Prime Minister  
of the Republic of Kazakhstan*

*K. MASSIMOV*

Approved by  
Order No. 191  
of the Government  
of the Republic of Kazakhstan  
dated April 7, 2016

## **Rules of passing polygraph testing by candidates for judges**

1. These Rules of passing polygraph testing by candidates for judges (hereinafter -the Rules) are developed in accordance with paragraph 4 of Article 15 of the Law of the Republic of Kazakhstan dated December 4, 2015 “On the Supreme Judicial Council of the Republic of Kazakhstan” (hereinafter - the Law) and define the procedure of passing a polygraph test by persons who successfully passed the qualification test for a judge.

2. Basic concepts and terms used in these Rules:

1) polygraph - a technical device intended for recording during a person’s poll the dynamics of physiological reactions (breath, cardiovascular activity, skin and galvanic reaction, physical activity, facial expressions and other things) in response to verbal and visual stimuli displayed in analog and / or digital form;

2) polygraph examination - a survey procedure consisting in registration by means of special medical sensors of individual physiological reactions of a person during psychophysiological survey;

3) polygraphologist- a person who has undergone corresponding training and holds a document (certificate, diploma, license) confirming his right to conduct a polygraph testing.

3. Polygraph testing (hereinafter -testing) shall be taken by persons who successfully passed the qualification test for a judge position.

4. The main purpose of testing shall be obtaining additional information and checking accuracy of the information communicated by the candidates for judges (hereinafter - examined persons).

5. The examined persons undergo survey at the National Security Committee of the Republic of Kazakhstan on referral of the Supreme Judicial Council of the Republic of Kazakhstan (hereinafter - the Council) in accordance with Appendix 1 to these Rules.

6. The main tasks of the testing are indicated in paragraph 2 of Article 15 of the Law.

7. The examination is carried out by a polygraphologist using a polygraph and consists of a number of successive stages:

- 1) pre-test conversation with the examined person;
- 2) testing of the examined person;
- 3) pronouncement of the conclusion.

8. The testing shall be conducted in the state or Russian language at the request of the person under examination and shall exclude the tested person feeling humiliated or insulted.

If necessary, an interpreter is provided.

9. Before conducting the test, the polygraphologist shall first examine the available materials, if necessary study the medical documents submitted by the examined person on the health condition of the examined person and consult with relevant specialists of medical institutions.

10. Pre-test interview with the examined person shall include:

- 1) explanation of the rights of the examined person, and also the tasks of the examination;
- 2) acquaintance with the polygraph and its operation;
- 3) discussion and adjustment of questions;
- 4) identification and fixing of evasiveness in responses, nervousness, inadequacy of behavior and speech.

11. When passing the test, the examined person shall fill out a declaration on polygraph examination (hereinafter - the declaration), consisting of two parts according to the form of Appendix 2 to these Rules. The first part of the declaration is completed before testing, the second part of the declaration - after testing.

The examined persons, who are in poor health at the time of testing, shall inform the polygraphologist before the testing start and indicate it in the declaration. In this case, testing of such persons shall be carried out at another time during this day or on another day, while the transfer due to poor health shall be allowed no more than two times within ten calendar days.

Besides, the examined person shall not be admitted to testing in the following cases:

- 1) a sharp exacerbation of the disease associated with a violation of the cardiovascular or respiratory activity (the examined person shall be provided with corresponding medical conclusion);

2) when the examined person is in a state of alcohol or drug intoxication or in the presence of residual intoxication effect;

3) in the evidence of pregnancy.

12. During the testing, its audio and video recording shall be made, of which the examined person is notified.

13. The uninterrupted testing of the examined person shall not last more than 120 minutes. To reduce the load during the testing, the examined person shall be given a rest of up to 15 minutes.

At the same time, workload on one polygraphologist should not be more than two people a day for examination.

14. The examined person shall be tested in the premises specially fitted out for this purpose.

The main requirements for the premises shall be:

1) an area of at least 10 square meters, the ceiling height of at least 2.5 meters;

2) neutral and soft colors of the walls and ceiling, providing an appropriate sound insulation level;

3) constant temperature in the room from +20 to +25 ° C.

15. Upon the testing results, conclusion shall be drawn with findings on accuracy of the answers of the examined person to the questions asked.

In the conclusion, additional information can be set out that maximally reveals the essence of the conducted examination.

16. The information obtained during the examination is advisory in nature.

17. The conclusion on the passed polygraph testing shall be drawn by the polygraphologist according to the form of Appendix 3 to these Rules within three working days, after which it shall be directed to the Council office.

The conclusion on passing the polygraph testing shall be valid for four years from the date of its passing.

18. Research materials relate to documents for official use.

19. Examination materials (conclusions on the examination results, printouts of psychophysiological reactions in the form of polygrams on a printer, audio and video materials, questionnaires and other documents) shall be stored in the office of the Council for five years.

Appendix 1  
to Rules of passing  
polygraph testing  
by candidates for judges

## **Referral to polygraph testing**

GA "Office of Supreme Judicial Council of the Republic of Kazakhstan"
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Back of Referral No Polygraph testing is assigned to _____	(name of the body that issued the referral)
(full name of examined person)	Referral No Polygraph testing is assigned to _____
(indicate ground for testing) Head of the department	(full name of examined person)
(indicate position, full name) " _ " _____ 20__ .	(indicate ground for testing) Photo C / S Head of the department
	(indicate position, full name) " _ " _____ 20__ r.

Appendix 2  
to Rules of passing  
polygraph testing  
by candidates for judges  
Form

**Declaration on polygraph examination**

**Part 1 (filled before testing)**

1. Full name of examined person

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Complaints:

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Mood:

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Emotional state:

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General well-being at the time of testing:

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Presence of medical documents on existing diseases, associated with cardiovascular or respiratory disorders:

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2. During the conversation with polygraphologist I was notified that:

1) during the conversation and polygraph testing audio and video recording is made;

2) uninterrupted testing lasts 120 minutes and in case of need, up to 15 minutes rest can be given.

3. I was also explained the rights and tasks of the testing, operation of the polygraph, subject of testing questions.

Signature of examined person

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4. I confirm that I am not in a state of alcoholic or narcotic intoxication.

Signature of examined person

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5. I do not need services of interpreter during examination.

Signature of examined person

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Date and time " \_\_ " \_\_\_\_\_ 20\_\_.

" \_\_ "hours" \_\_ " minutes

## Part 2 (filled after testing)

I, \_\_\_\_\_,

(full name of examined person)

after polygraph testing, conducted

" \_\_ " \_\_\_\_\_ 20\_\_ . from \_\_\_\_\_ hrs. \_\_\_\_\_ min. \_\_\_\_\_ to \_\_\_\_\_ hrs. \_\_\_\_\_ min..

(start time) (end time)

In connection with

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(indicate the ground for testing)

confirm the following:

1) during the testing I was asked questions the subjects of which was explained in advance;

2) during the testing I did not express a wish to interrupt the examination procedure;

3) the examination procedure and content of the questions did not humiliate or offend my human dignity;

4) no threats, violence or other unlawful methods of influence were used against me;

5) my state of mental and physical health was not disturbed.

Special opinion:

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(signature, full name.)

"\_\_" \_\_\_\_\_ 20\_\_ .

Appendix 3

to Rules of passing

polygraph testing

by candidates for judges

Form

## Conclusion

### on polygraph testing results

On referral of

(position, full name of the initiator)

of "\_\_" \_\_\_\_\_ 20\_\_ polygraph testing was conducted in relation to

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(full name, birth year of examined person)

Testing was conducted

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(place of testing)

from \_\_\_\_\_ to "\_\_" \_\_\_\_\_ 20\_\_ by polygraphologist

(start time) (end time)

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(full name)

Testing was conducted on polygraph

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(brand, serial number)

Ground for testing:

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Finding out questions asked:

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(content of the questions)

Received polygram readings were based on

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(name of the methodology)

During the testing, in responses of the examined person physiological reactions were registered to the following questions:

1. \_\_\_\_\_

2. \_\_\_\_\_

During the interview the examined person also revealed that

\_\_\_\_\_  
\_\_\_\_\_

(indicate information received from examined person on any wrongdoings

Examination results lead to the following conclusions:

\_\_\_\_\_  
\_\_\_\_\_

Polygraphologist: \_\_\_\_\_

(signature, full name)

" " \_\_\_\_\_ 20\_\_