



On approval of the Rules for the use of arms and military equipment against intruder aircraft, infringing the airspace of the Republic of Kazakhstan

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated February 22, 2018 No. 73.

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In accordance with paragraph 4 of article 28 of the Law of the Republic of Kazakhstan dated July 15, 2010 “On Use of Air Space of the Republic of Kazakhstan and Aviation Activity” the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Rules for the use of arms and military equipment against intruder aircraft, infringing the airspace of the Republic of Kazakhstan.

2. This decree shall be put into effect upon expiry of ten calendar days after the date of its first official publication.

*Prime Minister
of the Republic of Kazakhstan*

B. Sagintayev

Approved
by Decree no.73 of
the Government of the
Republic of Kazakhstan
dated February 22,2018

Rules for the use of arms and military equipment against intruder aircraft, infringing the airspace of the Republic of Kazakhstan

1. These Rules for the use of arms and military equipment against intruder aircraft, infringing the airspace of the Republic of Kazakhstan (hereinafter referred to as the Rules) regulate the procedure for the use of arms and military in peacetime against intruder aircrafts, infringing the airspace of the Republic of Kazakhstan (hereinafter referred to as the intruder aircraft), in the cases of creating a threat to the security of the Republic of Kazakhstan, life and security of people on its territory, its strategic and defense facilities.

2. The intruder aircrafts shall include the planes and helicopters, as well as pilotless vehicles (means), remotely (automatically) guided and unguided missiles, aerostats, balloons, sounding balloons and other aerial vehicles, violating the procedure of the use of the airspace of the Republic of Kazakhstan (hereinafter - the procedure of the use of the airspace), stipulated by paragraph 1 of article 27 of the Law of the Republic of Kazakhstan dated July 15, 2010 “On Use of Air Space of the Republic of Kazakhstan and Aviation Activity” (hereinafter - the Law).

3. The use of arms and military equipment against intruder aircraft shall be made by the Armed Forces of the Republic of Kazakhstan (hereinafter - the Armed Forces), the State

Security Service of the Republic of Kazakhstan (hereinafter - the State Security Service), the National Security agencies of the Republic of Kazakhstan (hereinafter - the National Security agencies) and the Internal Affairs agencies of the Republic of Kazakhstan (hereinafter - the Internal Affairs agencies), in the cases of creating a threat to the security of the Republic of Kazakhstan, life and security of people on its territory, its strategic and defense facilities.

The Armed Forces shall use arms and military equipment against intruder aircrafts during combat duty, over the territory of defense facilities, military units, under the protection of weapons and military equipment within the boundaries marked on the ground with forbidden signs or fences, as well as when participating in security activities, or over the territory of protected sites.

The National Security agencies shall use arms and military equipment against intruder aircrafts within their reach when guarding the State border of the Republic of Kazakhstan to take measures to stop illegal crossing of the State border of the Republic of Kazakhstan, defense facilities, military units, weapons and military equipment within the boundaries marked on the ground with forbidden signs or fencing, as well as when participating in security events or over the territory of protected facilities.

The Internal Affairs agencies shall use arms and military equipment against pilotless aircrafts (means) or other remotely managed guided and unguided aircrafts (means) without a crew and passengers over the territory of the defense facilities, military units, in the protection of weapons and military equipment within the boundaries marked on the ground with forbidden signs or fencing, over the territory of facilities that are subject to state protection, as well as when participating in security measures or over the territory of protected facilities.

The State Security Service shall use arms and military equipment against pilotless aircrafts (means) or other remotely managed guided and unguided aircrafts (means) without a crew and passengers in the area of security measures or over the territory of the protected facilities.

In the cases stipulated by subparagraph 1), 3), 4), 6), 7) of paragraph 1 of article 27 of the Law, the arms and the military equipment shall be used to defeat the pilotless aircrafts or other remotely managed guided and unguided aircrafts (means) without a crew and passengers when creating by them a threat to the security of the Republic of Kazakhstan, life and security of people on its territory, its strategic and defense facilities.

4. Decision on the use of arms and military equipment to defeat the intruder aircraft in the Armed Forces shall be made by the Minister of Defense of the Republic of Kazakhstan, the first deputy of the Minister of Defense – the Chief of the General Staff of the Armed Forces of the Republic of Kazakhstan and (or) by officials, authorized by the Minister of Defense of the Republic of Kazakhstan.

Decision on the use of weapons and military equipment for destruction in relation to unmanned aerial vehicles or other remotely (automatically) controlled and unguided aircraft (means) without crew and passengers carrying out uncoordinated flights in the border space or

on the sea section in the zone of the territorial sea of the Republic of Kazakhstan, shall be accepted by the head of the border department or a person temporarily replacing it (the head of the office, a post, the commander of the military or boundary ship (boat), the commander of the plane or helicopter, the senior of a border duty, the sentry of boundary office, the person on duty on boundary office, department), it shall be also immediately reported in higher control center.

Decision on the use of arms and military equipment to defeat in respect of the pilotless aircrafts (means) or other remotely managed guided and unguided aircrafts (means) without a crew and passengers, violating the procedure of the use of the airspace of the Republic of Kazakhstan in the area of conducting security measures or over the territory of the protected facilities shall be made by the senior official of the State Security Service, located in the zone of security measures.

The decision on the use of weapons and military equipment to hit unmanned aerial vehicles (facilities) or other remotely (automatically) controlled and unmanned aerial vehicles (facilities) without a crew and passengers, carrying out uncoordinated flights in urban conditions over the territory of facilities subject to state protection, and posing a clear threat to people's life and safety, also in the protection of weapons and military equipment and over the territory of defense facilities, military units within the boundaries marked out on the ground with prohibitory signs or fences, shall be taken by authorized officials of the Armed Forces, national security and internal affairs bodies determined by their top leaders.

Footnote. Paragraph 4 as amended with the resolution of the Government of the RK dated 29.04.2020 № 259 (shall be enforced upon expiry of ten calendar days from the day of its first official publication); dated 06.10.2021 No. 714 (shall be enforced ten calendar days after the date of its first official publication).

5. When commissioning by the intruder aircraft of actions, stipulated by paragraph 2 of these Rules, the crews of the intercepting aerial vessels for termination of the violation of the order of the use of the airspace before the use of arms to defeat shall warn thereof the crew of the intruder aircraft by sending the established signals. In the event if the crew of the intruder aircraft fails to perform the requirements on termination of violation of the order of the use of the airspace, the crew of the intercepting aerial vessel shall perform the warning shots.

The decision on performance of the warning shots shall be made by: the first deputy of the Minister of Defense - the Chief of the General Staff of the Armed Forces of the Republic of Kazakhstan, the Commander-in-Chief of the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan (the Chief of the Main Staff of the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan), the operational duty officer of the Main Command Point of the Air Defense Forces of the Armed Forces of the Republic of Kazakhstan and (or) officials authorized by the Minister of Defense of the Republic of Kazakhstan.

6. If reliable information is available that passengers and other persons who are not involved in violating the order for using airspace are on the intruder aircraft, the Armed

Forces and National Security agencies shall refrain from using arms and military equipment against civil aircraft in flight.

7. In the event that there is a reliable information about the use of an aerial vessel with passengers or who are not involved in violating the order for using airspace, for committing of an act of terrorism, as well as the seizure of an aircraft, and at the same time all the necessary measures to stop the violation of the use of airspace, and the further flight of this aircraft poses a real danger of death or a man-made disaster, were exhausted due to the circumstances, the Armed Forces shall use arms and military equipment to prevent the flight of a specified aircraft by destroying it

The use of arms and military equipment shall be terminated in the event that the intruder aircraft of follows the commands of the air traffic management (service) agencies or crews of the intercepting aerial vessels.

The Armed Forces shall use arms and military equipment against the intruder aircraft to defeat without warning in the cases, stipulated by paragraph 2 of article 73 of the Law of the Republic of Kazakhstan dated January 16, 2013 “On State Border of the Republic of Kazakhstan”.

8. In case when due to unfavorable meteorological or other conditions it is impossible to establish the state affiliation and the type of the intruder aircraft, the intercepting airplanes (helicopters), radiolocation means shall perform the tracking of the intruder aircraft, and all measures for its identification within the territory of the Republic of Kazakhstan shall be taken.

In case of existence of the mentioned circumstances, the arms and the military equipment shall not be used for the defeat, if the further flight of this intruder aircraft does not create a threat to the security of the Republic of Kazakhstan, life and security of people and strategic facilities on its territory.

9. In the event of impracticability of using the arms and military equipment to defeat the intruder aircraft by the crew of the incepting aerial vessel, destruction of the intruder aircraft shall be made by the forces and means of the air defense or other forces and means of the Armed Forces, in the zone of destruction of which is an intruder aircraft, by decision of the officials of the Ministry of Defense of the Republic of Kazakhstan, specified in paragraph 4 of these Rules.

10. The operational procedure of the officials of the Armed Forces, the Internal Affairs, National Security agencies and State Security Service on using the arms and military equipment against intruder aircrafts of the airspace of the Republic of Kazakhstan shall be determined by their first heads.

11. Information about detection of an intruder aircraft, actions of the forces on the duty and the intruder aircraft, as well as about the use of arms and military equipment against it by subdivisions of the State Security Service, the National Security and the Internal Affairs agencies shall be immediately passed to the interacting command posts of the Air Defense

Forces of the Air Defense Forces of the Armed Forces and the Central Command Center of the General Staff of the Armed Forces via all available communication channels.

The National Security agencies and the Prosecutor's offices of the Republic of Kazakhstan shall be informed within twenty-four hours about every case of using the arms and the military equipment entailing death of people or other serious consequences.

The Ministry of Foreign Affairs of the Republic of Kazakhstan shall be informed within twenty-four hours about foreign intruder aircrafts and intruder aircrafts of unidentified state affiliation.