

On state protection of persons, participating in criminal procedure

Unofficial translation

The Law of the Republic of Kazakhstan dated 5 July, 2000 No 72.

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This Law establishes a system of measures of state protection of life, health, property, legal rights and interests of persons participating in the criminal procedure, their family members and close relatives, ensuring of their security in order to prevent unlawful interference in the criminal process.

Chapter 1. General Provisions

Article 1. Legislation of the Republic of Kazakhstan on state protection of persons participating in criminal proceedings

1. The legislation of the Republic of Kazakhstan on state protection of persons participating in criminal proceeding is based on the Constitution of the Republic of Kazakhstan and consists of the Criminal Code of the Restate of Kazakhstan, the Criminal Procedure Code of the Republic of Kazakhstan, the Criminal Executive Code of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

3. The bodies specified in Article 2 of this Law, in coordination with the Prosecutor General of the Republic of Kazakhstan, shall, within the limits of their competence and on the basis of this Law, adopt normative legal acts regulating the procedure for implementing security measures.

Footnote. Article 1 of the Law of the Republic of Kazakhstan dated 04.07.2014 № 233-V (shall be enforced dated 01.01.2015).

Article 1-1. Effectuation principles of the state protection of persons, participating in the criminal procedure

The state protection of persons, participating in the criminal procedure shall be carried out in accordance with the principles of the legality, respect for the rights and freedoms of man and citizen, the priority of the rights and legitimate interests of the individual of protected person, the mutual responsibility of protected persons and bodies, ensuring the state protection.

Footnote. The Law is supplemented by Article 1-1 in accordance with the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 -IV.

Article 1-2. Ensuring state protection for persons involved in criminal proceedings

The protection by the state of persons involved in criminal proceedings, members of their families and close relatives shall be ensured by the competent public authorities through the implementation of the security, legal and social protection measures prescribed herein (hereinafter state protection measures) applied when there is a threat of violence or another act prohibited by criminal law against them.

Footnote. The Law is supplemented by Article 1-2 in accordance with the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 –IV; as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall come into force sixty calendar days after the date of its first official publication).

Article 2: Security authorities

1. Security of protected persons shall be ensured by:

- 1) the authority deciding on the application of security measures;
- 2) the body implementing the security measures.

2. The national security, internal affairs, military administration, anti-corruption service and economic investigation service shall be responsible for the implementation of security measures.

Some security measures shall be implemented in cooperation with other authorized public authorities, local executive bodies and organisations.

The procedure for cooperation between public authorities in implementing security measures for protected persons shall be determined by joint regulations approved by the first heads of public authorities in consultation with the Procurator-General of the Republic of Kazakhstan.

3. If the court orders the safety of persons taking part in court proceedings under the Code of Criminal Procedure, security measures shall be implemented by the authority conducting the pre-trial investigation or other criminal prosecution authority designated by the judge, as well as by the institutions and bodies enforcing sentences and bailiffs.

Footnote. Article 2 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall be enacted sixty calendar days after the date of its first official publication)..

Article 3. Persons subject to the state protection

To the state protection in accordance with the Criminal Procedure Code of the Republic of Kazakhstan and this Law shall be subject:

- 1) judges;
- 2) members of the jury;
- 3) prosecutors;
- 4) investigators;
- 5) interrogating officers;
- 6) persons carrying out operational-search and counter-intelligence activities;
- 6-1) citizens assisting the bodies carrying out operational-search and counter-intelligence activities;

- 6-2) private prosecutors;
- 6-3) persons contributing to the prevention or detection of crime;
- 7) defenders;
- 8) experts;
- 9) specialists;
- 10) secretaries of judicial sessions, bailiffs, enforcement agents;
- 11) injured persons;
- 12) witnesses, witnesses having the right to protection;
- 13) alleged criminals;
- 14) accused, convicted, and the person against whom the criminal prosecution is dismissed or rendered a judgment of acquittal by the court;
- 15) translators;
- 16) attesting witnesses;
- 17) the legal representatives, representatives;
- 18) civil plaintiffs, civil defendants;
- 19) family members, close relatives of the persons, listed in subparagraphs 1) -18) of this Article.

Persons, listed in this Article, in respect of which, a decision on application of the state protection measures is adopted in established order shall be referred hereinafter to as "protected persons".

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 –IV; № 233-V of 04.07.2014 (shall be enforced dated 01.01.2015); No. 36-VI of 28.12.2016 (shall be enforced upon the expiration upon two months after the date of its first official publication); No. 188-VII of 03.01.2023 (shall enter into force sixty calendar days after the date of its first official publication).

Article 4. Creation of a right on the state protection

1. Should there be sufficient evidence of a threat of violence or another act prohibited by criminal law against persons subject to state protection, the authorities that ensure the safety of protected persons shall, within the limits of their competence, take the state protection measures stipulated herein.

2. In proceedings provided for by the laws of the Republic of Kazakhstan, the decision on the application of security measures in respect of citizens assisting the bodies carrying out operational-search and counter-intelligence activities, along with the body conducting criminal proceedings, in the manner prescribed by this Law, shall be taken by the bodies carrying out operational-search and counter-intelligence activities.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 07.04.2009 № 149 –IV; the Law of the Republic of Kazakhstan No. 36-VI dated 28.12.2016 (shall be enforced upon the expiration of two months after the day of its first official

publication); No. 188-VII of 03.01.2023 (shall be put into force sixty calendar days after the date of its first official publication).

Article 5. Types of the state protection

In accordance with this Law and other legislative acts of the Republic of Kazakhstan the protected persons shall be ensured by:

- 1) use of the authorized state bodies of security measures to protect the life and health of protected persons, as well as the preservation of their property;
- 2) application of remedies, including providing for criminal liability for infringement of their lives, health and property;
- 3) implementation of social protection measures providing for the implementation of this Law, established the right to financial compensation in the case of their death, the infliction of bodily harm or other injury, destruction, or damage to their property.

Article 6. Monitoring the observance of legality in the implementation of state protection measures

The highest supervision over the observance of legality in the implementation of measures of state protection shall be vested in the Prosecutor General of the Republic of Kazakhstan and his subordinate prosecutors.

Footnote. Article 6 of the Law of the Republic of Kazakhstan of 11.07.2017 № 91-VI (shall be enforced upon the expiration of ten calendar days after the day of its first official publication).

Article 7: Types of security measures

1. To ensure the personal and property security of protected persons during the investigation, preliminary enquiry or trial, the authority conducting the criminal proceedings may, having regard to the particular circumstances, impose the following security measures:

- 1) officially warning a person who is under a threat of violence or other acts prohibited by criminal law that they may be criminally liable;
- 2) restricting access to data on the protected person;
- 3) in the manner prescribed by the Code of Criminal Procedure of the Republic of Kazakhstan, application to an accused (suspect) of a preventive measure precluding the use (arranging application) of violence against persons involved in criminal proceedings or the commission (arranging the commission) of other criminal acts;
- 4) removal of certain persons from the courtroom;
- 5) holding a closed hearing;
- 6) examination of the witness by the court:
 - not disclosing his/her identity using a pseudonym;
 - in conditions that preclude his/her recognition;
 - without being visually observed by other participants in the trial;
 - with a prohibition on video, audio or other means of recording the interrogation if necessary;

7) prohibition of approaching under the procedure laid down in the Code of Criminal Procedure of the Republic of Kazakhstan;

8) ensuring the personal security of the protected person.

2. Based on an order from the authority conducting the criminal proceedings to ensure the personal safety of the person being protected, the security authorities shall select and apply several or one of the following personal security measures at the same time:

1) personal protection, protection of the home and other property;

2) provision of means of personal protection, self-defence, communication, technical means and weapons;

3) temporary placement in a safe house;

4) ensuring the confidentiality of data on protected persons;

5) relocation to another place of residence, change of work (service) or place of study, assistance in finding employment;

6) replacement of documents;

7) change of appearance.

Relocation, change of identity and change in appearance shall be exceptional security measures and shall be applied in cases where the safety of the protected person cannot be ensured by the use of other security measures.

3. To ensure the implementation of the security measures envisaged in this Article, surveillance activities may be undertaken under the Law of the Republic of Kazakhstan “On Surveillance Activities”.

Footnote. Article 7 as reworded by Law No. 188-VII of 03.01.2023 (shall take effect upon expiration of sixty calendar days after its first official publication).

Article 8: Official warning to a person who is under a threat of violence or other acts prohibited by criminal law that he/she may be held criminally responsible

Should there be sufficient evidence of a threat of violence or another act prohibited by criminal law against protected persons, excluding cases under Article 115 of the Criminal Code of the Republic of Kazakhstan, the authority in charge of criminal proceedings shall issue an official warning to the person who has threatened violence or other acts prohibited by criminal law that he/she may be held criminally liable. The warning issued by the authority in charge of the criminal proceedings shall be communicated to the person against receipt.

Footnote. Article 8 as reworded by Law No. 188-VII of 03.01.2023 (shall become effective sixty calendar days after the date of its first official publication).

Article 9. Access limitation to the information about protected person

Access limitation to the information about protected person is a seizure of information about personal data from the case file and the keeping them separately from the main proceedings, as well as the use of this pseudonym.

Article 10. Imposition in respect of an accused person (suspect) of a preventive measure precluding the use (arranging for the use) of violence against participants in criminal proceedings or the commission (arranging for the commission) of other criminal acts

Footnote. The title of Article 10 as amended by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (effective sixty calendar days after the date of its first official publication).

Should threats be made by the accused (suspect), the authority conducting the criminal proceedings may, under the Code of Criminal Procedure of the Republic of Kazakhstan, impose on the latter a preventive measure precluding the use (organisation of the use) of violence or the commission (arrangement of the commission) of other criminal acts, whereby it shall issue a reasoned decision. A copy of the ruling shall be given to the person against whom it is made.

The protected person shall be notified about the adopted decision.

The protected person is subject to the immediate notification in the case of change of the preventive measure or jumping bail of the accused (alleged person).

Footnote. Article 10 as amended by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall come into force sixty calendar days after the date of its first official publication).

Article 11. Removal of individual persons from the courtroom

The presiding has a right to remove individual persons from the courtroom in the cases expressly provided by the Criminal Procedure Code of the Republic of Kazakhstan.

Article 12. Conducting of a closed session

The presiding in the court proceedings shall conduct a closed session to ensure the security of protected persons. A closed session shall be allowed under the reasoned decree.

Article 13-1. Restraining order

Under the Code of Criminal Procedure, a restraining order shall be imposed to ensure the security of protected persons.

Footnote. The Law as supplemented by Article 13-1 under Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall be brought into force sixty calendar days after the date of its first official publication).

Article 14. Personal protection, protection of home and other property

With the consent of the protected person, the security authorities shall provide personal protection, protection of the home and other property of the protected person. If required, fire and security alarms and technical surveillance equipment shall be installed with the consent of the protected person and the telephone numbers and registration plates of the vehicles used may be changed.

Footnote. Article 14 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall take effect upon expiration of sixty calendar days after its first official publication).

Article 15. Provision of means of personal protection, self-defence, communication, technical means and weapons

The security authorities may issue to protected persons means of personal protection, self-defence, communication, and technical means for recording unlawful encroachments against them and alerting them to danger.

Persons listed in subparagraphs 1), 3), 4), 5) and 6) of part one of Article 3 hereof may also be issued weapons, including service one, combat or self-defence weapons. Protected persons shall keep, bear and use weapons given to them under the laws of the Republic of Kazakhstan.

The procedure for issuing, types of personal protective equipment, self-defence, communication, hazard communication and technical means shall be established by the Government of the Republic of Kazakhstan.

Footnote. Article 15 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall be put into effect sixty calendar days after the date of its first official publication).

Article 16. Temporary placement in a safe place

In case of need the protected person of full age may be with their consent, and minors with the consent of their parents or other legal representatives, shall be held in places where they would be provided with security.

Stay in a given place shall be agreed between the protected persons and the body, ensuring protection.

Article 17. Ensuring the confidentiality of data on protected persons

Upon decision of the security authority, disclosure of the identity, domicile or other information concerning the protected person from address bureaus, passport services, road traffic safety authorities, automatic telephone inquiry services and other information and inquiry services, regardless of departmental affiliation, may be prohibited for a period determined by the authority, unless such information is duly ascertained in connection with proceedings in another criminal case.

Footnote. Article 17 of the Law of the Republic of Kazakhstan dated 17.04.2014 № 195-V (shall be enforced upon the expiration of six months after the day of its first official publication); as amended by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall become effective sixty calendar days after the date of its first official publication).

Article 18. Resettlement to another residence, change of workplace (service) or study, assistance in employment

With the consent of the protected person or upon their application they can be transferred to another temporary or permanent work (service) or a place of study, resettled to another temporary or permanent residence.

State bodies and state organizations within their jurisdiction are obliged to support the assistance in employment and place for study of protected persons.

Footnote. Article 18, as amended by the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 -IV.

Article 19. Replacement of documents

According to the application of protected persons or with their consent they can receive identity documents and other documents with the changed of their personal data.

New personal data is selected for compulsory consultation with the protected person or themselves, for minors - with the consent of their parents or other legal representatives.

Article 20. Change in appearance

In exceptional cases where the security of the protected person cannot be achieved by other measures, at his request or with his consent, for a minor –with the written consent of parents or other legal representatives may change his appearance.

Footnote. Article 20, as amended by the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 -IV.

Chapter 3. The grounds and procedure for application of security measures. Rights and obligations of the protected persons and bodies, ensuring security.

Article 21. Application and implementation of security measures

The security measures required by Article 7 hereof shall be implemented:

1) under sub-paragraphs 1), 2), 3) and 7) of paragraph 1 - by the authorities in charge of the criminal case;

2) under sub-paragraphs 4), 5) and 6) of paragraph 1 - by the courts;

3) under sub-paragraphs 1), 2), 3) and 4) of part one of paragraph 2 - by the authorities in charge of security measures;

4) under sub-paragraph 5) of part one of paragraph 2 - by bodies implementing security measures in cooperation with local executive authorities;

5) under sub-paragraph 6) of part one of paragraph 2 - by bodies engaged in security measures in cooperation with the competent public authorities;

6) under sub-paragraph 7) of part one of paragraph 2 - by bodies responsible for security measures in conjunction with the competent health authority and health-care organisations.

Security measures in relation to judges of military courts, prosecutors, servicemen of military police bodies, military investigative bodies, as well as members of their families and close relatives, may also be carried out by the command of the corresponding military unit or the head of the corresponding military institution.

Authorised public authorities, local executive bodies and organisations shall, within the limits of their competence, be obliged to render assistance to the authorities deciding on the application of security measures and implementing security measures in the implementation of the norms hereof.

When a criminal case is transferred for further investigation to another prosecuting authority, the authority that takes over the case shall implement security measures for the protected person.

Footnote. Article 21 as reworded by Law No. 188-VII of 03.01.2023 (shall enter into force sixty calendar days after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 14.03.2023 No. 206-VII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 21-1. Ensuring the safety of servicemen of the armed forces, other troops and military formations, employees of special state and law enforcement bodies, and citizens in reserve during their military training

1. The safety of members of the armed forces, other troops and military formations, and employees of special state and law enforcement agencies, as well as citizens in reserve, during their military training, being protected persons, shall be ensured by applying the security measures laid down in Article 7 hereof, with due regard for the particularities of military service in the armed forces, other troops and military formations, and service in special state and law enforcement agencies.

2. A protected person from among the military, special state and law enforcement agencies may also be subject to transfer (secondment), given the requirements of the legislation of the Republic of Kazakhstan regulating the activities of the relevant state agencies:

1) a serviceman to another military unit of the armed forces, other troops or military formations of another public authority where military service is envisaged under the laws of the Republic of Kazakhstan;

2) a serviceman performing compulsory military service, from whom there may be a threat of violence or another act prohibited by criminal law against the protected person, to another military unit of the armed forces, other troops or military formations;

3) an official of a special public authority to a new duty station within the authority where he/she is serving, or to another special public authority under the laws of the Republic of Kazakhstan;

4) a law enforcement official to a new place of duty within the authority where he/she is serving, or to another law enforcement body or military unit of the armed forces or other troops or military formations, under the laws the Republic of Kazakhstan.

3. In the case of a transfer, a member of the armed forces, a staff member shall be appointed to an equal or higher position, ensuring that he/she is employed in his/her main or single occupation.

4. A protected person shall be transferred (seconded) with his/her written consent.

Footnote. Article 21-2 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall come into effect upon expiration of sixty calendar days after its first official publication).

Article 21-2. Ensuring the security of a protected person in detention or in a place where a sentence is being served

The security of a protected person being held in custody or held in a place of detention or imprisonment shall be guaranteed through the application to that person of the security measures specified in sub-paragraphs 3) and 4) of part one of paragraph 2 of Article 7 hereof or other measures established in the Penal Enforcement Code of the Republic of Kazakhstan.

To ensure the security of the person referred to in part one of this Article, the following may also be applied:

- 1) transfer of a protected person or a person threatened with violence or another act prohibited by criminal law against a protected person from one place of detention or serving a sentence to another place of detention or serving a sentence;
- 2) separation of the protected person and the person threatening the protected person with violence or another act prohibited by criminal law.

Footnote. Article 21-2 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall be enacted upon expiration of sixty calendar days after its first official publication).

Article 22. Grounds for application of security measures

The authority in charge of criminal proceedings shall take security measures based on an oral (written) statement of the person subject to public protection or on its own initiative if there is sufficient evidence of a threat of violence or another act prohibited by criminal law against the protected person.

Footnote. Article 22 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall be put into effect sixty calendar days after the date of its first official publication).

Article 23. Procedures for the application of security measures

1. Upon receipt from a person subject to state protection of an oral (written) statement threatening violence or another act prohibited by criminal law, or upon receipt of sufficient data demonstrating the reality of the threat, the authority in charge of criminal proceedings shall verify the statement or data received, and decide whether to apply security measures or to refuse to do so within twenty-four hours of its receipt under the laws of the Republic of Kazakhstan.

The person subject to state protection shall immediately be notified of the decision and served with a copy of the decision.

In urgent cases, the decision to apply security measures shall be taken immediately.

2. A refusal to apply security measures or a decision to revoke security measures may be appealed to a court or the prosecutor's office. The complaint shall be considered without delay

3. Should the application of security measures be refused or the judge or prosecutor decide to revoke the security measures, the complaint shall be reviewed immediately by a higher court or prosecutor.

4. The authority responsible for security measures, upon receipt of the ruling on the personal security of the protected person, shall choose the necessary personal security measures prescribed herein, determine the time limits and methods of their application, and issue a ruling to that effect.

5. The authority in charge of implementing the security measures shall inform the authority deciding on the application of the security measures of the selected personal security measures, modifications, additions and results thereof.

6. In applying the personal security measures referred to in paragraph 2 of Article 7 hereof, the authority responsible for security measures shall conclude with the protected person a written contract on the conditions of application of security measures, the mutual obligations and responsibilities of the parties in accordance with this Law, in accordance with the procedure determined by the authority responsible for security measures. Security measures taken must not prejudice the right to pensions, housing, employment and other rights of protected persons and others.

7. The authority responsible for security measures shall ensure psychological support for the protected person, aimed at preventing breaches of internal stability, creating comfortable social and psychological conditions due to the application of security measures and minimising the socially harmful consequences of participation in criminal proceedings.

Notwithstanding the implementation of security measures, the authority in charge of criminal proceedings, other than the court, must, if there is reason to do so, undertake a pre-trial investigation into a threat of violence or another act prohibited by criminal law against a person involved in criminal proceedings.

8. Security measures for minors or persons who, because of their physical or mental condition, are unable to exercise their rights and interests themselves shall be applied with the involvement of their lawful representatives. Lawful representatives shall be entitled to the same rights as the natural persons they represent, within the limits laid down herein.

Footnote. Article 23 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall come into force upon expiration of sixty calendar days after its first official publication).

Article 24. Binding nature of decisions on the application of security measures

1. The decisions of the security authorities, adopted under their jurisdiction, shall be binding on the officials of the executive authorities, institutions and organisations with regard to which they are addressed.

2. Officials and other employees of public authorities, organisations, the armed forces, other troops and military formations must render assistance to the authorities ensuring state protection in performing the tasks entrusted to them hereunder, and may not prevent said

authorities and their representatives from performing activities within the scope of their competence.

Footnote. Article 24 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall become effective sixty calendar days after the date of its first official publication).

Article 25. Rights of persons under protection

Persons under protection shall have the right to:

- 1) be aware of the security measures applicable to them, their family members and close relatives;
- 2) apply to the security authorities for the application or non-application to them of the specific security measures listed in Article 7 hereof, or for their complete elimination;
- 3) appeal against the decisions and actions (or inaction) of security officials to a higher authority, a prosecutor's office or a court;
- 4) submit a request for the application of the additional security measures foreseen herein, or for their repeal.

Footnote. Article 25 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall take effect upon expiration of sixty calendar days after its first official publication).

Article 26. Responsibilities of persons under protection

Persons under protection must:

- 1) meet the conditions for the application of security measures to them and the lawful requirements of the security authority;
- 2) immediately inform the security authority of every threat or act of unlawful conduct against them;
- 3) safeguard the property issued to them for security purposes and, in the event of sale, transfer to another person or wilful damage to the property issued to them for security purposes, bear the liability established by the laws of the Republic of Kazakhstan;
- 4) not divulge details of the security measures taken in relation to them;
- 5) if required, be trained in the use of personal protective equipment, self-defence, communication, technical equipment and weapons.

Footnote. Article 26 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall take effect sixty calendar days after the date of its first official publication).

Article 26-1. The rights and obligations of the bodies, ensuring the security

1. Bodies taking decisions on the application of the security measures, have a right to:

- 1) request from and obtain from public authorities and natural or legal persons, regardless of their organisational or legal status, information needed on reports or data concerning threats of violence or other acts prohibited by criminal law against persons subject to public defence;

2) carry out legal proceedings or give necessary instructions to the bodies, carrying out security measures.

2. Bodies, implementing security measures, have a right to:

1) choose the required personal security measures for the person being protected, determine how and when they are to be applied, and modify and supplement the personal security measures applied, if necessary;

2) request from state bodies, individuals and legal entities regardless of ownership and receive from them necessary information to ensure the safety of protected persons against whom was rendered decision on the application of security measures;

3) require the compliance of application conditions of security measures from the protected person; comply with legal orders relating to the application of the measures;

4) apply to the bodies, taking decision on application of security measures, with the motion to apply security measures or their cancellation;

5) conduct special investigative activities according to the procedure provided for by the law;

6) in the cases envisaged herein, revoke the personal security measures of protected persons.

3. The bodies, ensuring security of the protected persons shall:

1) react immediately on each case, became known to them, which requires application of security measures;

2) carry out all necessary security measures in relation of the protected person;

3) promptly inform the protected person about the security threat, application, modification or revocation of their application in respect of security measures, provided by this Law, as well as the adoption of the decisions by the legislation of the Republic of Kazakhstan, related with the ensuring of security;

4) clarify to the protected person his rights and obligations by reference to the decision on the application (failure to use) of the security measures.

Footnote. The Law is supplemented by the Article 26-1 in accordance with the Law of the Republic of Kazakhstan dated 07.04.2009 No 149 –IV; No. 188-VII of 03.01.2023 (shall be enacted upon the expiry of sixty calendar days from the date of its first official publication).

Article 27. Abolition of security measures

1. Security measures shall be abolished if the threat of violence or another act prohibited by criminal law against the person being protected is removed, if the protected person refuses to enter into the contract mentioned in paragraph 6 of Article 23 hereof, or if the protected person fails to fulfil the terms of the contract or if further application of security measures is impossible due to other grounds considered objective by the authority deciding on the application of security measures.

2. Security measures shall be revoked by a reasoned ruling of the person in charge of the pre-trial investigation, the prosecutor, the court, an authorised official of the authority

responsible for security measures, or a court sentence under the procedure laid down in the Code of Criminal Procedure of the Republic of Kazakhstan and this Law.

3. A written request by the persons under protection to have the security measures lifted or a request by the authority responsible for implementing the security measures to have them lifted shall be considered within a period of no more than three days. A ruling shall be issued concerning the decision, forwarded to the authority responsible for security measures on the day it is issued, and delivered to the person against whom the ruling is made.

4. Once the authority in charge of the criminal proceedings terminates criminal proceedings or a ruling is handed down and the issue of the continuation of security measures is resolved, authorised officials of the security authorities may, in cases where grounds for revoking personal security measures subsequently arise, revoke personal security measures by decision and subsequently notify the public prosecutor. An application by the person under protection for cancellation of personal security measures to the security authorities shall be considered within three days from the date of receipt. A ruling shall be made on the outcome of its examination, a copy thereof shall be handed to the applicant, and the prosecutor shall be notified thereafter.

5. A ruling to revoke security measures may be appealed against under the procedure stipulated in the Code of Criminal Procedure and in Article 23 hereof.

Footnote. Article 27 as reworded by Law of the Republic of Kazakhstan No. 188-VII of 03.01.2023 (shall come into force sixty calendar days after the date of its first official publication).

Article 28. Responsibility for violation of the requirements of this Law

Officials of the bodies, ensuring security, guilty of non-acceptance or improper implementation of security measures concerning protected persons or officials of the executive bodies, institutions, which address were directed decisions of the bodies, providing security, in case of their non-implementation shall bring responsibility in accordance with the laws the Republic of Kazakhstan.

In the case of disclosure of information about conducting security measures by persons to whom the information was entrusted or became known in relation with their official duties, they are subject to criminal liability according to the law.

Chapter 4. Funding and endowment of state protection measures. Measures of social protection

Article 29. Financing, equipment and material support for state protection measures

1. Funding, equipment and material support for the state protection measures envisaged hereunder shall be provided from budgetary resources as established by the heads of the public authorities responsible for security measures, in agreement with the central authorised body for budget execution.

2. Expenses related to the application of security measures cannot be borne by the person being protected.

Allowances and reimbursement of expenses associated with a change of residence or employment, as well as a change in appearance, shall be paid from budgetary funds under the laws of the Republic of Kazakhstan by the authority providing security.

Footnote. Article 29 - as amended by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (effective after sixty calendar days after the date of its first official publication).

Article 30. Social protection in the case of infliction of harm to life, health and property of the protected persons

Persons being protected, other than persons whose social security is regulated by the legislation of the Republic of Kazakhstan, shall be ensured social guarantees at the expense of budgetary funds in case of damage to life, health and property related to their participation in criminal proceedings, with subsequent recovery of these funds from the person responsible for causing damage to the protected person, in cases and in the manner prescribed by the laws of the Republic of Kazakhstan.

The procedure and conditions for payment of social protection shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 30 as amended by the Law of the Republic of Kazakhstan dated 03.01.2023 No. 188-VII (effective after sixty calendar days after the date of its first official publication).

Article 31. The order of enforcement of this Law

This Law shall be enforced from 01.01.2001.

The President of the Republic of Kazakhstan