

On state of emergency

Unofficial translation

The Law of the Republic of Kazakhstan dated 8 February, 2003 No. 387.

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This Law establishes the grounds, terms, order of introduction and effect of the state of emergency on the entire territory of the Republic of Kazakhstan or in particular areas, the legal regime of emergency situation of a social nature.

Footnote. The Preamble is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 1. General Provisions

Article 1. The basic definitions, used in this Law

The following basic definitions are used in this Law:

1) emergency situation of a social nature – emergency situation caused by the occurrence in a particular area of contradictions and conflicts in the sphere of social relations, that may result or have resulted in the loss of life, personal injury, significant property damage or violation of conditions of the population;

1-1) a crisis situation in the socio-economic sphere - a situation in which a threat to the economic security of the country arose and, in accordance with the Acts of the President of the Republic of Kazakhstan, the peculiarities of actions of tax, budget, customs, banking, labor, currency legislation of the Republic of Kazakhstan can be established,, legislation of the Republic of Kazakhstan in the field of competition protection, in the field of healthcare, public procurement, procurement of certain entities of the quasi-public sector, in the spheres of social protection of citizens, on state property, on issues of state control and supervision, the implementation of the country's international obligations;

1-2) crisis situation - a situation in which the use of temporary restrictions shall be required to restore violated human and civil rights and freedoms, the constitutional system of the Republic of Kazakhstan, security and law enforcement, and in exceptional cases the introduction of an emergency or state of emergency and the application of basic and additional measures provided for by this Law;

2) the commander of area - an official, appointed by the President of the Republic of Kazakhstan, leading the activities of the commandant's office of area where the state of

emergency, and carrying out the unified administration of the forces and means that ensure the state of emergency;

3) the commandant's office of area – a temporary special body, established by the President of the Republic of Kazakhstan in the areas where the state of emergency, to ensure the state of emergency;

4) curfew - the time of day during which the ban is set to be on the streets and other public places or outside the home without specially issued passes and identity documents;

5) a state of emergency - a temporary measure, applied only to ensure the safety of citizens and the protection of the constitutional order of the Republic of Kazakhstan and represents a special legal regime of state bodies, organizations, allowing the establishment of specific restrictions on the rights and freedoms of citizens, foreigners and stateless persons, as well as the rights of legal entities and imposing additional responsibilities on them;

6) border of the areas, where the state of emergency - the territory of one or more of the administrative-territorial units of the Republic of Kazakhstan;

7) The State Commission to ensure the state of emergency - a special body of state administration, created by an act of the President of the Republic of Kazakhstan for the period of emergency.

Footnote. Article 1 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (see Article 2 for the procedure for enactment).

Article 2. The legal basis of emergency

The legal basis of the state of emergency is the Constitution of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.

Article 2-1. Powers of the President of the Republic of Kazakhstan to ensure the regimes of state of emergency and social emergency

The President of the Republic of Kazakhstan in order to ensure the safety of citizens and protect the constitutional system of the Republic of Kazakhstan shall:

1) approve the rules governing the procedure for joint actions of central state and local executive bodies, law enforcement and special state bodies, the Armed Forces of the Republic of Kazakhstan, other troops and military formations during the localization and elimination of the crisis situation;

2) approve the regulation on the republican and regional operational headquarters;

3) exercise other powers in accordance with the Constitution and Laws of the Republic of Kazakhstan.

Footnote. Chapter 1 as added by Article 2-1 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 3. The purpose of the imposition of emergency

The purpose of imposition of the state of emergency is the elimination of the circumstances that led to its imposition, security, protection of the rights and freedoms of man and citizen, protection of the constitutional order of the Republic of Kazakhstan.

Chapter 1-1. Legal regime of the emergency of a social nature

Footnote. The Law is supplemented by the Chapter 1-1 in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 3-1. Legal regime of the emergency of a social nature

1. The legal regime of an emergency of a social nature shall be a special regime of emergency response and the functioning of state bodies that prevent and eliminate social emergencies, and shall allow the establishment of certain temporary restrictions on the rights and freedoms of individuals and legal entities with additional duties.

Circumstances of a social emergency may be the basis for the introduction of a state of emergency.

A legal regime of a social emergency shall be introduced in the event that a threat has arisen to democratic institutions, independence and territorial integrity, political stability of the Republic of Kazakhstan, the security of its citizens and its localization and elimination can be carried out by the forces and means of state bodies to prevent and eliminate a social emergency without introducing basic, additional measures and temporary restrictions applied during the introduction of a state of emergency.

2. The legal regime of an emergency of a social nature shall be introduced in certain places by the decision of the head of the state body for the prevention and elimination of a social emergency or regional (city of republican significance, capital) operational headquarters.

3. The working body of the system for emergency response and operation under the legal regime of the emergency of a social nature is the operational headquarters.

4. The state and local executive bodies with the threat or occurrence of the emergency of a social nature shall cooperate and provide the necessary assistance to the state body for the prevention and elimination of emergency situations of a social nature.

5. For the purposes of prevention and liquidation of the emergency of a social nature, the state body responsible for the prevention and elimination of the emergency of a social nature shall have the right to:

1) use transport (except for representatives of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature,

as well as the delivery of persons in need of emergency medical care in hospitals, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in the case of its occurrence, in the manner determined by the Government of the Republic of Kazakhstan;

2) excluded by the Law of the Republic of Kazakhstan dated March 18, 2019 No. 237-VI (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication);

3) take other measures, provided for by the legislation of the Republic of Kazakhstan.

5-1. For taking measures on prevention and liquidation of the emergency of a social nature and its consequences, the state body on prevention and liquidation of the emergency of a social nature shall have the right to use the material assets of the state material reserve. Release of material assets from the state material reserve in the order of disbanding for taking measures on prevention and elimination of the emergency of a social nature and its consequences shall be carried out by the decision of the state bodies for prevention and elimination of the emergency of a social nature in coordination with the authorized body in the field of state material reserve in the order, determined by the Government of the Republic of Kazakhstan.

Reimbursement of expenses for material assets of the state material reserve used to take measures on prevention and elimination of the emergency of a social nature and its consequences shall be carried out at the expense of the reserve of the Government of the Republic of Kazakhstan.

5-2. In cases of emergencies of a social nature or a state of emergency, the transportation of material assets of the state material reserve shall be carried out by transport organizations as a matter of priority.

Material assets, released from the state material reserve for taking measures on prevention and elimination of the emergency of a social nature and its consequences shall be accepted by transport organizations for transportation upon presentation of material assets without advance payment.

Reimbursement of costs for the transportation of material assets of the state material reserve shall be carried out at the expense of the reserve of the Government of the Republic of Kazakhstan.

6. The validity period of the legal regime of an emergency of a social nature should not exceed the deadlines for eliminating the circumstances that served as the basis for its introduction.

The legal regime of an emergency of a social nature shall be considered canceled in the event of a state of emergency in this area or throughout the Republic of Kazakhstan.

Footnote. Article 3-1 as amended by the Law of the Republic of Kazakhstan dated 18.03.2019 No. 237-VI (shall be enforced upon expiry of twenty one calendar days after the

day of its first official publication); dated 11.07.2022 № 136-VII (VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication)).

Article 3-2. Competence of state bodies for prevention and elimination of social emergencies

1. The national security bodies of the Republic of Kazakhstan shall identify, warn and suppress emergencies caused by the massive crossing of the State border of the Republic of Kazakhstan from the territories of neighboring states; attempts to forcibly change the constitutional order of the Republic of Kazakhstan; acts of terrorism; actions aimed at forcibly seizing power or forcibly retaining power in violation of the Constitution of the Republic of Kazakhstan; sabotage; armed rebellion.

At the same time, the state body for the elimination of social emergencies provided for in the first part of this paragraph shall be the local executive body.

2. The internal affairs bodies of the Republic of Kazakhstan shall warn and carry out the elimination of emergencies caused by riots; interethnic and interfaith conflicts; blockade or seizure of individual areas, especially important and strategic objects; organization and activities of illegal armed groups.

3. The Ministry of Defense of the Republic of Kazakhstan shall participate in the prevention and elimination of social emergencies caused by provocative actions by other states in order to impose an armed conflict, violations of the territorial integrity of the Republic of Kazakhstan.

4. Heads of state bodies for the prevention and elimination of social emergencies and their territorial bodies shall bear personal responsibility for the fulfillment of the tasks assigned to these state bodies.

Footnote. Article 3-2 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 3-3. Operational headquarters

1. In order to prevent and eliminate social emergencies, permanent republican and regional (regional, cities of republican significance, capitals) operational headquarters shall be created.

2. Operational headquarters shall consist of a leader, deputy leaders, including one first, and members of the headquarters.

The operational headquarters shall include heads or representatives of state bodies for the prevention and elimination of a social emergency as deputy heads of the operational headquarters, as well as representatives of other state bodies.

3. Decisions of the republican and regional operational headquarters shall be binding.

4. Operational headquarters shall carry out their activities in accordance with the legislation of the Republic of Kazakhstan.

5. Operational headquarters to combat terrorism shall be created in accordance with the Law of the Republic of Kazakhstan "On countering terrorism."

In the event of security measures to ensure the safety of protected persons and objects in an area where a social emergency has been introduced, operational headquarters for security measures shall operate in accordance with the Law of the Republic of Kazakhstan "On the state security service of the Republic of Kazakhstan."

By decision of the operational headquarters for conducting security measures, additional necessary forces and means of other state bodies may be involved in the interests of ensuring the safety of protected persons, protection and defense of protected facilities in accordance with the Law of the Republic of Kazakhstan "On the state security service of the Republic of Kazakhstan."

Footnote. Article 3-3 - as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 3-4. Priority actions in the emergencies of a social nature

1. Priority actions for the localization and liquidation of the emergencies of a social nature are organized in accordance with the previously approved plans of the state bodies with the involvement of complex forces and resources of the state bodies, and priority actions for the localization and liquidation of emergencies of a social nature, provided for in paragraph 1 of Article 3-2 of this Law, - in accordance with the previously agreed with the state bodies for the prevention (detection, suppression) of emergencies of a social nature and plans, approved by the local executive bodies.

2. When priority actions for the prevention of the emergencies of a social nature, by the decision of the head of the operational headquarters the following time limits may apply:

- 1) suspension of hazardous production facilities;
- 2) suspension of the provision of communication services to individuals and (or) legal entities and (or) restriction of the use of the network and means of communication in accordance with paragraph 1-2 of Article 41-1 of the Law of the Republic of Kazakhstan "On communications," with the exception of state bodies;
- 3) strengthening the protection of public order, facilities, subject to state protection, and facilities, providing the support of the population and the functioning of transport, as well as objects that have a particular material, historical, scientific, artistic or cultural value;
- 4) temporary resettlement of individuals, living in the area of emergency of a social nature ;
- 5) restriction or prohibition of the trade in arms, ammunition, explosives, potent chemicals and toxic substances, establishment of a special regime for trafficking of drugs, narcotics, psychotropic substances, their analogues and precursors, ethyl alcohol and alcoholic beverages.

3. The boundaries of the zones of emergency of a social nature are defined by the head of the operational headquarters.

Footnote. Article 3-4 as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

Article 3-5. Forces and means to ensure a regime of an emergency of social nature

1. To ensure a regime of an emergency of social nature, the forces and means of the internal affairs bodies, national security, the authorized body in the field of civil protection and other state bodies shall be used, with the exception of the State Security Service of the Republic of Kazakhstan.

2. If necessary, the Armed Forces of the Republic of Kazakhstan may be used on the basis of the decree of the President of the Republic of Kazakhstan to carry out the following tasks:

- 1) maintaining a special regime for entering and leaving the area;
- 2) protection of special-mode, regime and specially protected facilities, facilities that ensure the life of the population and the functioning of transport, facilities that pose an increased danger to the life and health of people, as well as to the environment;
- 3) disengagement of opposing parties participating in conflicts accompanied by violent actions using special means, weapons, as well as using military and other equipment;
- 4) participation in the suppression of the activities of illegal armed groups;
- 5) joint patrolling and localization of riots with the internal affairs bodies.

3. The tasks specified in sub-paragraphs 1) - 4) of paragraph 2 of this Article shall be carried out by the Armed Forces of the Republic of Kazakhstan jointly with the internal affairs and national security bodies. At the same time, military personnel of the Armed Forces of the Republic of Kazakhstan shall be subject to the provisions of the Law of the Republic of Kazakhstan "On the national guard of the Republic of Kazakhstan" in terms of the conditions, procedure and limits for the use of physical force, special means, service dogs, weapons, and the use of military equipment.

Footnote. Chapter 1-1 as added by Article 3-5 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 2. The conditions, grounds, and the order of introduction and cancellation of the state of emergency

Article 4. The conditions and grounds for introduction of the state of emergency

1. A state of emergency shall be introduced when democratic institutions, independence and territorial integrity, political stability of the Republic of Kazakhstan, the safety of its citizens shall be under serious and immediate threat, the normal functioning of the constitutional bodies of the state shall be disrupted and for their localization and liquidation it is necessary to introduce basic, additional measures and time restrictions.

2. The circumstances that are the grounds for the introduction of the state of emergency in compliance with the requirements of paragraph 1 of this Article shall include:

1) emergencies of a social nature, caused by a massive crossing of the State Border of the Republic of Kazakhstan from the territories of neighboring states; attempts to change the constitutional order of the Republic of Kazakhstan; acts of terrorism; actions, aimed at forcible seizing of power or forcible retention of power in violation of the Constitution of the Republic of Kazakhstan; riots, ethnic and religious conflicts; blockade or capture of individual localities, critical and strategic objects; preparation and activities of illegal armed groups; armed rebellion; diversion; provocative actions by other states to impose an armed conflict; violation of the territorial integrity of the Republic of Kazakhstan;

2) emergencies of natural and technogenic character, caused by natural disasters (earthquakes, mudslides, avalanches, floods, etc.), an environmental health threat, wildfires, epidemics and epizootics, the defeat of crop and forest with pests and diseases, industrial, transport and other accidents, fire (explosions), accidents with emissions (the threat of release) of highly toxic, radioactive and biologically hazardous substances, the sudden collapse of buildings and structures, dam failures, accidents at electric power and communication systems of life support, sewage treatment facilities and those that require early stabilization, law enforcement, creating the conditions for the necessary rescue and recovery work.

The grounds for the introduction of emergency can be a real threat of a natural disaster or large-scale accident (crash) on the basis of the representation of the authorized body in the field of civil protection.

Footnote. Article 4, as amended the Laws of the Republic of Kazakhstan dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2); dated 08.04.2010 No. 266-IV (the order of enforcement see Art. 2); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.04.2014 No.189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 5. The order of introduction of the state of emergency

1. The state of emergency throughout the territory of the Republic of Kazakhstan or in particular areas is introduced by the President of the Republic of Kazakhstan by the relevant decree after formal consultation with the Prime Minister and Chairpersons of the Chambers of the Parliament of the Republic of Kazakhstan with immediate informing of the Parliament of the Republic of Kazakhstan.

2. The state of emergency is introduced in case of impossibility to settle this situation by the use of other measures.

3. The Decree of the President of the Republic of Kazakhstan on the state of emergency shall be subject to immediate publication in official publications in accordance with the

legislation of the Republic of Kazakhstan and shall be communicated to the population by all means of mass media.

4. The Decree of the President of the Republic of Kazakhstan on the state of emergency shall be enforced within the terms, established by the President of the Republic of Kazakhstan

Article 6. The content of the Decree of the President of the Republic of Kazakhstan on the state of emergency

The Decree of the President of the Republic of Kazakhstan on the state of emergency shall include:

1) the circumstances, giving rise to the state of emergency, relevant to the requirements of this Law;

2) the rationale for the introduction of the state of emergency;

3) the boundaries of the area, where the state of emergency is introduced;

4) the strength and means to ensure the state of emergency;

5) a list of introduced measures and temporary restrictions on the rights and freedoms of individuals, the rights of legal entities, as well as additional duties, assigned to them in accordance with this Law;

6) the created special bodies for the state administration for the period of emergency and their powers;

7) the state bodies (officials), responsible for the implementation of measures applied under the state of emergency;

8) the time of introduction and validity of the state of emergency.

Article 7. Validity of the state of emergency

1. Validity of the state of emergency, introduced throughout the territory of the Republic of Kazakhstan, may not exceed 30 days, and introduced in the particular areas - 60 days.

2. At the end of the term for which the state of emergency is introduced, the state of emergency shall be deemed as terminated.

3. If the circumstances, giving rise to the state of emergency left uncorrected, the President of the Republic of Kazakhstan shall have the right to extend it within the period, specified in paragraph 1 of this Article, through the publication of the relevant act.

Article 8. Financing the measures to ensure the state of emergency

1. With the introduction of the state of emergency on the entire territory of the Republic of Kazakhstan or in particular areas, financing the measures to ensure the state of emergency shall be made from the reserve of the Government of the Republic of Kazakhstan and the reserves of the local executive bodies.

2. The emergency budget of the Republic of Kazakhstan may be introduced by the decision of the President of the Republic of Kazakhstan. In this case financing the measures to ensure the state of emergency shall be carried out at the expense of the emergency budget.

The Parliament of the Republic of Kazakhstan shall be immediately informed about the introduction of the emergency budget.

Article 9. Cancellation of the state of emergency

1. The President of the Republic of Kazakhstan shall have the right to cancel the state of emergency completely or partially before the expiration of the term for which it is introduced, if the circumstances that led to its introduction are eliminated.

2. The Decree of the President of the Republic of Kazakhstan on the complete or partial cancellation of the state of emergency shall be introduced within the terms, established by the President of the Republic of Kazakhstan.

Article 10. Special features of the legal regime of the state of emergency

The Parliament and Mazhilis of the Parliament cannot be dissolved during the state of emergency.

Footnote. Article 10 is in the wording of the Law of the Republic of Kazakhstan dated 29.04.2009 No. 154-IV (the order of enforcement see. Art. 2).

Chapter 3. Special bodies for the state administration, imposed for the period of emergency. Providing the state of emergency

Article 11. Special bodies for the state administration for the period of emergency

1. In order to immediately address the issues and activities to eliminate the circumstances that gave rise to the imposition of emergency, the President of the Republic of Kazakhstan may establish special bodies for the state administration to ensure the state of emergency, which include:

1) the State Commission to ensure the state of emergency under the President of the Republic of Kazakhstan;

2) commandant's office.

2. The State commission for the provision of a state of emergency (hereinafter referred to as the State commission) shall be created by an act of the President of the Republic of Kazakhstan when a state of emergency is introduced throughout the Republic of Kazakhstan or in its individual areas.

3. Activity of the commandant's office is based on model regulations, approved by the President of the Republic of Kazakhstan.

Footnote. Article 11, as amended by the Laws of the Republic of Kazakhstan dated 14.01.2006 No. 117 (shall be enforced from the day of its official publication); dated

26.05.2008 No. 34-IV (the order of enforcement see Art. 2); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); By the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 12. The main tasks and functions of the State Commission

1. The main tasks of the State Commission are:

- 1) the development of measures to eliminate the circumstances that gave rise to the state of emergency;
- 2) the organization of the operational activities for the management and maintenance of activity of the territory where the state of emergency is introduced;
- 3) the organization of placement of individuals, affected by the circumstances that gave rise to the introduction of the state of emergency in accommodations for temporary residence, providing the necessary assistance;
- 4) the coordination of central and local executive bodies, organizations, commandant's office where the state of emergency is introduced, to address the circumstances that gave rise to the state of emergency;
- 5) monitoring the implementation of the measures, undertaken during the period of emergency.

2. The State Commission to perform main tasks, shall perform the following functions:

- 1) develops proposals for the coordination of the central and local executive bodies, organizations, commandant's offices where the state of emergency is introduced, to eliminate the circumstances that gave rise to the state of emergency;
- 2) hears officials of the central and local executive bodies and commandants of the area where the state of emergency is introduced, on the implementation of the tasks, assigned to the State Commission;
- 3) requests and receives from the central and local executive bodies, organizations, the documents and data, necessary to carry out the activities of the State Commission;
- 4) monitors the implementation by the central and local executive bodies, organizations, commandant's offices, where the state of emergency is introduced, the measures to eliminate the circumstances that gave rise to the state of emergency;
- 5) attracts specialists of the central and local executive bodies and organizations to perform analytical, expert and other services, required to address the issues of elimination of the circumstances giving rise to the state of emergency;
- 6) reviews the effectiveness of the introduction of additional measures and temporary restrictions, referred to in Articles 15 and 16 of this Law. At full or partial liquidation of the

circumstances giving rise to the state of emergency, it shall make appropriate proposals to the President of the Republic of Kazakhstan on the full or partial cancellation of additional measures, temporary restrictions or the state of emergency;

7) appeals to the President of the Republic of Kazakhstan with proposals on the need to use the Armed Forces of the Republic of Kazakhstan in the area where the state of emergency was introduced, additional measures and time restrictions provided for by this Law, shall ensure their implementation;

8) coordinate the activities of local executive bodies, organizations, territorial bodies of internal affairs, territorial units of the authorized body in the field of civil protection, military formations located (deployed) in the area where the state of emergency was introduced, and additional state bodies involved to ensure the state of emergency.

Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 14 January, 2006 No. 117 (shall be enforced from the day of its official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 12-1. Organization of work of the State Commission

1. The State Commission shall be formed from the representatives of the central and local executive bodies and commandants of the area, where the state of emergency is introduced. The personal composition of the State Commission shall be approved by the President of the Republic of Kazakhstan and depends on the circumstances that gave rise to the introduction of the state of emergency. The State Commission consists of a Chairman, members and secretary. The Chairman of the State Commission shall be accountable to the President of the Republic of Kazakhstan.

For members of the State Commission and the experts, involved to ensure its work, the jobs and wages in the main place of work shall be saved.

1-1. When a state of emergency is introduced on grounds in accordance with paragraph 2 of Article 3-2 of this Law, the Minister of Internal Affairs of the Republic of Kazakhstan shall be appointed the chairman of the State commission.

The President of the Republic of Kazakhstan, based on the analysis of the development of the situation, shall have the right, at his discretion, to appoint a representative of any state body as the chairman of the State commission.

2. Meetings of the State Commission shall be convened by its Chairman as needed, and the decisions are recorded in protocols. Members of the State Commission shall attend the meetings without the right of replacement.

Decision on each issue on the agenda of the meeting shall be taken by open vote and shall be accepted, if they receive a majority of votes of the total number of members of the State Commission. In the case of an equality of votes a decision, voted for by the Chairman is considered to be taken. Decisions, taken by the State Commission in accordance with its

competence shall be binding upon the central and local executive bodies and the commandant's offices, where the state of emergency is introduced, individuals and legal entities.

3. On issues within the competence of the President of the Republic of Kazakhstan, the State commission shall submit for consideration by the President of the Republic of Kazakhstan relevant proposals, draft decrees and orders. On issues within the competence of the Government of the Republic of Kazakhstan, the State commission shall submit to the Government of the Republic of Kazakhstan relevant proposals, draft resolutions of the Government and orders of the Prime Minister of the Republic of Kazakhstan.

Footnote. Chapter is supplemented by Article 12-1 – by the Law of the Republic of Kazakhstan dated 14 January, 2006 No. 117 (shall be enforced from the day of its official publication); as amended by the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 13. Powers of the commandant of the area where the state of emergency

1. Commandant's office where the state of emergency is introduced operates to ensure the state of emergency, in cooperation with local executive bodies.

Commandant's office is formed from the commandant, appointed by the President of the Republic of Kazakhstan and the staff of commandant's office, the composition of which is determined on the basis of the circumstances that gave rise to the introduction of emergency.

Commandant reports to the President of the Republic of Kazakhstan, and in the creation of the State Commission – to the President of the Republic of Kazakhstan and the Chairman of the State Commission.

As the commandant of the area is appointed the representative of:

the Committee of National Security of the Republic of Kazakhstan in mass crossing of the State Border of the Republic of Kazakhstan from the territories of neighboring states; when attempting to change the constitutional order of the Republic of Kazakhstan; acts of terrorism; in actions, aimed at forcible seizing of power or forcible retention of power in violation of the Constitution of the Republic of Kazakhstan; armed rebellion; sabotage;

the Ministry of Internal Affairs of the Republic of Kazakhstan during mass disturbances; inter-ethnic and inter-confessional conflicts; blockade or seizure of certain localities, particularly important and strategic facilities by extremist groups; and the preparation and activities of illegal armed groups;

The Ministry of Internal Affairs of the Republic of Kazakhstan during mass riots; interethnic and interfaith conflicts; the blockade or seizure of certain areas, especially important and strategic objects by extremist groups; training and activities of illegal armed groups; emergency situations of natural and man-made character;

the Ministry of Emergency Situations of the Republic of Kazakhstan in natural and man-made emergencies.

The President of the Republic of Kazakhstan, based on the analysis of the development of the situation in the area where the state of emergency was introduced, shall have the right, at his discretion, to appoint a representative of any state body as the commandant of the area.

2. Commandant of the area, where the state of emergency is introduced, shall:

1) issue within its competence the orders and instructions on ensuring the state of emergency, that are binding on the relevant territory to the individuals and legal entities, officials, the bodies of local administration and local self-government, as well as the heads (commanders) of the bodies for Internal Affairs, the territorial subdivisions of the authorized body in the field of civil protection, military units, located (deployed) in areas, where the state of emergency is introduced, and additionally employed to ensure the state of emergency;

2) impose restrictions for individuals to leave for a fixed period a certain place, expel violators of public order that are not residents of the area, at their expense to the place of permanent residence or outside the areas where the state of emergency is introduced and take measures to ensure the rule of law and order in areas where the state of emergency is introduced;

3) in cases of lack of places in special institutions, providing temporary isolation from society, define the additional places of detention of persons, violated a state of emergency;

4) suspend the heads of organizations from work for the period of the state of emergency in connection with the improper performance of their duties, orders and orders of the commandant with information about this to the State commission;

5) appeal to the President of the Republic of Kazakhstan with proposals on the need to apply in the area where the state of emergency was introduced, the Armed Forces of the Republic of Kazakhstan, additional measures and time restrictions provided for by this Law, and shall ensure the implementation of these measures;

6) submit proposals to the Government of the Republic of Kazakhstan on the additional funding of measures, ensuring the state of emergency;

7) notify through the media the population of the relevant area on the need to implement the measures imposed and the temporary restrictions, applicable in emergency situations;

8) have the right to participate in all meetings of the local representative and executive bodies and make proposals on matters within its competence;

9) perform accreditation of journalists at the commandant's office, where the state of emergency is introduced;

9-1) coordinate the activities of local executive bodies, organizations, territorial bodies of internal affairs of the Republic of Kazakhstan, territorial units of the authorized body in the field of civil protection, military formations located (deployed) in the area where the state of emergency was introduced, and additional state bodies involved to ensure the state of emergency;

10) exercise other powers in accordance with the legislation of the Republic of Kazakhstan.

3. The employment relationship of employees of the commandant's office is governed by the legislation of the Republic of Kazakhstan.

4. Establishment of the commandant's office, where the state of emergency is introduced, shall not suspend the activities of the local representative and executive bodies, operating in the said territory.

5. In order to ensure the state of emergency on the territory, where the state of emergency is introduced, the commandant of the area by an order may suspend for the period of regime the action of the regulatory legal acts of the local executive and representative bodies, the central state bodies, preventing the elimination of the circumstances which are the ground for the state of emergency.

Footnote. Article 13 is in the wording of the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); as, amended by the Law of the Republic of Kazakhstan dated 11.04.2014 No. 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.03.2019 No. 237-VI (shall be enforced upon expiry of twenty one calendar days after the day of its first official publication); No. 58-VII of 29.06.2021 (shall come into force ten calendar days after the date of its first official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 14. Forces and means to ensure the state of emergency

1. In order to ensure the state of emergency the forces and means of internal affairs, national security, the authorized body in the field of civil protection and other state bodies are used.

2. If necessary, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, on the basis of the Decree of the President of the Republic of Kazakhstan, the Armed Forces of the Republic of Kazakhstan can be used to ensure the state of emergency to carry out the following tasks:

1) maintain the special regime of entry to the place, where the state of emergency is introduced, and exit from it;

2) protection of highly sensitive, sensitive and specially protected objects, the objects, providing the life support of the population and the functioning of the transport, the objects that represent an increased risk to human life and health, as well as for the environment;

3) separation of the warring parties, involved in the conflict, accompanied by violent acts with the use of special tools, weapons, as well as the use of military and other equipment;

4) participation in suppression of the activities of illegal armed groups;

5) participation in liquidation of emergency situations of natural and technogenic character and life-saving;

6) joint patrolling and localization of riots with the internal affairs bodies.

3. The border service of the National Security Committee of the Republic of Kazakhstan shall be involved to ensure a state of emergency only in order to protect the State border of the Republic of Kazakhstan, including international airports.

4. The tasks, referred to in subparagraphs 1)-4) of paragraph 2 of this Article, the Armed Forces of the Republic of Kazakhstan shall perform together with the bodies of internal affairs and national security. In this case, the Armed Forces of the Republic of Kazakhstan are subject to the provisions of the Law of the Republic of Kazakhstan “On the Internal Troops of the Ministry of Internal Affairs of the Republic of Kazakhstan” in respect of the conditions, procedures and limits for the use of physical force, special means, dogs, weapons, the use of military equipment.

Footnote. Article 14, as amended by the Laws of the Republic of Kazakhstan dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2); dated 11.04.2014 No. 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); 10.01.2015 No. 275-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 14-1. Management of communication networks in emergency situations

1. In a state of emergency, state bodies under the list determined by the Government of the Republic of Kazakhstan shall have the right to priority use, as well as suspension of the activities of networks and means of communication, with the exception of presidential and government communications, as well as networks and means of communication of emergency services, in accordance with paragraph 1-2 of Article 41-1 of the Law of the Republic of Kazakhstan "On communications."

2. Procedure for the provision of networks and means of communication, and reimbursement of costs, incurred by the operator while using of its networks and means of communication, shall be determined by the Government of the Republic of Kazakhstan.

3. The owners of networks and means of communication shall give the absolute priority to all reports, concerning the safety of life at sea, land, air, space, carrying out the urgent measures in the field of defense, security and law enforcement in the Republic of Kazakhstan, as well as reports of emergencies.

Footnote. The Law is supplemented by Article 14-1, in accordance with the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 11.04.2014 No. 189-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 14-2. Features of ensuring the safety of protected individuals and objects

1. In the area where the state of emergency was introduced, if it is necessary to carry out security measures to ensure the safety of protected individuals and objects in accordance with the Law of the Republic of Kazakhstan "On the state security service of the Republic of Kazakhstan," shall operate the operational headquarters for conducting security measures.

2. By decision of the operational headquarters for conducting security measures, additional necessary forces and means of other state bodies may be involved in the interests of ensuring the safety of protected individuals, protection and defense of protected facilities in accordance with the Law of the Republic of Kazakhstan "On the state security service of the Republic of Kazakhstan."

Footnote. Chapter 3 as added by Article 14-2 in accordance with the Law of the Republic of Kazakhstan dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 4. Measures and temporary restrictions applicable in a state of emergency and the resulting socio-economic crisis

Chapter 4. Measures and temporary restrictions applicable in a state of emergency and the resulting socio-economic crisis

Footnote. The title of Chapter 4 as reworded by Law of the Republic of Kazakhstan No. 330-VI of 16.05.2020 (shall be enacted ten calendar days after the date of its first official publication).

Article 15. The main measures and temporary restrictions, applied in the state of emergency

1. When a state of emergency is declared, the following basic measures and temporary restrictions shall be envisaged for the duration of the state of emergency:

1) strengthening the protection of public order, the protection of critical public and strategic objects, as well as objects that ensure the livelihoods of the population and the functioning of the transport;

2) limitations on the freedom of movement, including vehicles, in areas where the state of emergency is introduced;

3) verification of identity documents of individuals, searches of individuals and their belongings, vehicles;

4) restrictions on entry to the area where the state of emergency is introduced, or to the territory of the Republic of Kazakhstan, as well as leaving them;

5) prohibiting or restricting the organisation and conduct of peaceful assemblies, entertainment, sports and other public events, and family rituals relating to births, weddings and deaths;

6) prohibition of strikes;

6-1) suspension or termination of the activities of legal entities, with the exception of those subordinate to the Armed Forces of the Republic of Kazakhstan, law enforcement and special state bodies, as well as other state bodies involved in measures to eliminate the circumstances that served as the basis for the introduction of a state of emergency;

7) suspension of the activities of legal entities, where the explosives, radioactive, as well as chemically and biologically hazardous substances are used;

8) evacuation of material and cultural values in the safe areas, if there is a real threat to their destruction, stealing or damage due to force majeure;

9) prohibition of elections and referendums for the period of the state of emergency in areas where it is imposed;

10) suspension of the activities of networks and means of communication, with the exception of presidential and government communications.

2. To ensure the country's economic security during a state of emergency and the resulting socio-economic crisis, the acts of the President of the Republic of Kazakhstan may establish the specifics of tax, budget, customs, banking, labour, anti-monopoly legislation, legislation on public health and the healthcare system, public procurement, procurement by certain quasi-public sector entities, foreign exchange regulation, social protection of citizens, state property, protection of competition, state control and supervision, implementation of international obligations of the country.

Footnote. Article 15, as amended by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); by Laws of the Republic of Kazakhstan No. 330-VI of 16.05.2020 (shall be enacted ten calendar days after its first official publication); No. 334-VI of 25.05.2020 (shall come into force ten calendar days after its first official publication); No. 48-VII of 08.06.2021 (shall take effect on 01.01.2022); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication); dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication);

Article 16. Additional measures and temporary restrictions, applied in the state of emergency

1. When introduction of the state of emergency under the circumstances, referred to in subparagraph 1) of paragraph 2 of Article 4 of this Law, in the area, where the state of emergency is introduced, the following additional measures and temporary restrictions are provided:

1) the imposition of curfews;

1-1) the conduct of measures of territorial defense;

2) control of the media by queries of mandatory copies of publications and materials of radio and television programs;

3) suspension or termination in accordance with legislation of the Republic of Kazakhstan the activities of political parties and public associations, which prevent the elimination of the circumstances giving rise to the state of emergency;

4) restriction or prohibition the use of copying equipment, radio and television broadcasting equipment, audio and video recording equipment, as well as the temporary withdrawal of sound-amplifying means;

5) establishment of a special order of sale, purchase and distribution of food and other basic necessities;

6) limitations on the exercise of certain types of financial-economic activity of individuals and legal entities, including the movement of goods, services and financial resources;

7) restriction or prohibition the sale of firearms, ammunition, explosives, special funds, toxic substances, establishment of a special regime for turnover of medicines, narcotic drugs, psychotropic substances and precursors, as well as ethyl alcohol, alcoholic beverages; 8) temporary withdrawal from individuals of weapons and ammunition, toxic substances, and temporary withdrawal from legal entities, along with weapons, ammunition and toxic substances, as well as combat and training military equipment, explosives and radioactive substances;

8) temporary seizure of weapons and ammunition, poisonous substances from individuals, and 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, temporary seizure, along with weapons, ammunition and poisonous substances, as well as military and training equipment, explosives and radioactive substances.

Additional measures and temporary restrictions, applied in the state of emergency shall be exercised in accordance with the procedure established by the Government of the Republic of Kazakhstan.

2. When introduction of the state of emergency under the circumstances referred to in subparagraph 2) of paragraph 2 of Article 4 of this Law, in the area, where the state of emergency is introduced, the following additional measures and temporary restrictions are provided:

1) temporary resettlement of residents to safe areas, ensuring their temporary accommodation;

1-2) carrying out measures to strengthen the protection of the State border of the Republic of Kazakhstan and checkpoints across the State border of the Republic of Kazakhstan;

2) quarantine, sanitary and anti-epidemic and anti-epizootic measures;

3) use of the state material reserves in accordance with the legislation of the Republic of Kazakhstan, raising funds of legal entities, changes in their work and a shift towards the production of the necessary in emergency situations products;

4) in cases, related to the need for security and rescue and other emergency operations, involving the working-age population and vehicles of individuals to carry out these works with the mandatory compliance with the labour legislation of the Republic of Kazakhstan.

3. When introduction of the state of emergency under the circumstances referred to in subparagraph 2) of paragraph 2 of Article 4 of this Law, in the area, where the state of emergency is introduced, in exceptional cases, in the absence or insufficiency of the state reserve of logistical, food, medical and other resources, created to provide guaranteed protection of population, environment and business facilities from emergency situations of natural and technogenic character, the requisition of property during emergency situations of natural and technogenic character shall be carried out in the manner prescribed by the Law of the Republic of Kazakhstan “on State Property”.

Footnote. Article 16, as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 No. 253; dated 01.03.2011 No. 414-IV (shall be enforced from the day of its first official publication); by the Constitutional Law of the Republic of Kazakhstan dated 03.07.2013 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 No. 69-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Chapter 5. Guarantees of the rights and responsibilities of individuals and legal entities, as well as officials in the state of emergency

Article 17. The scope of measures and temporary restrictions in the state of emergency

1. Measures to be applied in the emergency situations and the restriction of the rights and freedoms of individuals, as well as the rights of legal entities, imposition of the additional duties to them must be carried out within the limits, which are caused by circumstances that give raise to the introduction of the state of emergency.

2. Measures and restrictions, applied in the state of emergency must not contradict the international treaties on human rights, ratified by the Republic of Kazakhstan.

Article 18. Guarantees of the rights of individuals and legal entities during the state of emergency

1. Individuals that have suffered as a result of the circumstances that give rise to the imposition of emergency, shall be provided accommodations, compensated the material damage, provided the necessary assistance in the manner and within the limits, established by the Government of the Republic of Kazakhstan.

2. For individuals and legal entities, the property and resources of which are used for the needs of the elimination of the circumstances giving rise to the state of emergency, the

equivalent compensation for material damage shall be made in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 18, as amended by the Law of the Republic of Kazakhstan dated 26.05.2008 No. 34-IV (the order of enforcement see Art. 2).

Article 19. Conditions and limits on the use of physical force, special means, dogs, weapons, and the use of military equipment

Conditions and limits on the use of physical force, special means, dogs, weapons, the use of military equipment by employees and military personnel, providing the state of emergency, established by the legislation of the Republic of Kazakhstan, cannot be changed in the state of emergency.

Article 20. Procedure for the detention of individuals who violate the curfew rules

1. Individuals who violated the curfew rules shall be detained by employees of the internal affairs bodies (by the police) or patrols from among the employees and military personnel of state bodies involved in ensuring the state of emergency until the end of the curfew, and not having with them documents certifying their identity, until their identity is established, but not more than 48 hours by decision of the head of the internal affairs body or his deputy. Detained persons and items and vehicles with them can be searched.

2. The decision of the head of the internal affairs agency or his/her deputy on detention may be appealed against to a higher-ranking official, a prosecutor or a court in the order prescribed by the laws of the Republic of Kazakhstan.

3. In the case of quarantine as a result of a threat of the spread of infectious diseases in humans and animals in the areas, where the state of emergency is introduced, the individuals who violate the state of emergency, and do not live in this area and subject in other cases to mandatory expulsion beyond, shall be detained by common basis before the expiration of the period to monitor them, established by the health authorities.

4. The order of detention shall be determined by the legislation of the Republic of Kazakhstan on Administrative Offences.

Footnote. Article 20 as amended by Law of the RK No. 351-VI of 29.06.2020 (shall go into effect on 01.07.2021); dated 11.07.2022 № 136-VII (shall enter into force upon expiry of sixty calendar days after the day of its first official publication).

Article 21. Legal consequences of the state of emergency ending

1. Regulatory legal acts adopted with a view to ensuring a state of emergency and relating to temporary restrictions on the rights and freedoms of natural persons, as well as the rights of legal entities, shall apply only for the duration of the state of emergency and shall cease to

have effect simultaneously with the termination of the state of emergency without special notification, with the exception of acts adopted in line with paragraph of Article 15 of this Law.

The provisions of legal acts adopted in conformity with paragraph 2 of Article 15 of this Law shall remain in force until the end of the state of emergency, unless a different period of validity is specified in the acts themselves by agreement with the President of the Republic of Kazakhstan or on his instructions with the Administration of the President of the Republic of Kazakhstan.

2. Termination of the state of emergency shall entail the termination of administrative proceedings for breaches of the state of emergency.

Footnote. Article 21 as reworded by Law of the Republic of Kazakhstan No. 330-VI of 16.05.2020 (shall be enforced ten calendar days after the day of its first official publication).

Article 22. Liability of legal entities and individuals, as well as officials for violation of the state of emergency

1. Individuals and legal entities, as well as officials for violation of the state of emergency shall be liable in accordance with the laws of the Republic of Kazakhstan.

2. Abuse by the employees and military personnel of the bodies, involved in ensuring the state of emergency, the physical force, special means, dogs, weapons and misuse of military equipment, as well as the excess of official authority by officials shall be punishable under the laws of the Republic of Kazakhstan.

Article 23. The administration of justice in areas of the state of emergency

Justice in areas of the state of emergency shall be exercised by the courts in accordance with the legislative acts of the Republic of Kazakhstan.

Chapter 6. Final provisions

Article 24. International humanitarian aid

International humanitarian aid in areas of the state of emergency shall be distributed in the manner, determined by the Government of the Republic of Kazakhstan.

Article 25. Procedure for the enforcement of this Law

1. This Law shall enter into force from the day of its official publication.

2. The following shall be deemed to have lost force:

The Law of the Republic of Kazakhstan dated 15, October 1993 “On legal regime of the state of emergency” (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No. 17, Art. 408; Bulletin of the Parliament of the Republic of Kazakhstan, 1999, No. 4, Art. 101);

Resolution of the Supreme Council of the Republic of Kazakhstan dated 15 October, 1993
“On the procedure for the entry into force of the Law of the Republic of Kazakhstan “On
legal regime of the state of emergency” (Bulletin of the Supreme Council of the Republic of
Kazakhstan, 1993, No. 17, Art. 409).

*The President
of the Republic of Kazakhstan*

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