

## On Jurors

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 16 January 2006 No. 121.

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This Law regulates the social relations related to the participation of jurors in criminal proceedings, defines the legal status, guarantees of independence, legal, economic and organisational bases of maintenance of jurors' activity.

### **Article 1. The basic definitions used in this Law**

The following definitions shall be used in this Law:

1) a juror - a citizen of the Republic of Kazakhstan convened to participate in the consideration of a criminal case by a court according to the procedure provided by law, and who took an oath;

2) candidate for jurors - a citizen of the Republic of Kazakhstan, included in the unified list of candidates for jurors for subsequent participation in the juror selection procedure in accordance with the Criminal Procedure Code of the Republic of Kazakhstan;

3) as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023);

4) as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023);

5) a unified list of candidates for jurors - a list of candidates for jurors from the region (city of republican significance, capital), containing the number of citizens determined by the chairman of the relevant regional and equivalent court;

6) as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII shall enter into force from 01.07.2023);

7) as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII shall enter into force from 01.07.2023);

8) random sample - selection of citizens from a unified list of candidates for jurors using technologies to ensure the randomness of such selection;

9) a number of citizens required to ensure proper operation of the regional and equivalent court - an anticipated number of citizens defined on the basis of the average annual number of cases to be considered by courts with participation of jurors.

Footnote. Article 1 as amended by the Law of the RK dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

### **Article 2. The legislation of the Republic of Kazakhstan on jurors**

1. The legislation of the Republic of Kazakhstan on jurors is based on the Constitution of the Republic of Kazakhstan and consists of the Constitutional Law of the Republic of Kazakhstan On the Judicial System and Status of Judges of the Republic of Kazakhstan, the Criminal Procedure Code, this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

### **Article 3. The status of a juror**

1. A legal status of jurors shall be determined by this Law.

2. A juror shall be empowered to participate in the administration of justice in the criminal case according to the procedure provided for by the Criminal Procedure Code of the Republic of Kazakhstan.

3. Jurors of the Republic of Kazakhstan shall have equal status.

### **Article 4. Unified list of candidates for jurors**

1. In order to ensure the participation of citizens of the Republic of Kazakhstan in the process of selecting jurors, a unified list of candidates for jurors shall be formed at the request of the court in electronic form through the information and analytical system of the authorized body in the field of informatization and objects of informatization of "electronic government" in accordance with the legislation of the Republic of Kazakhstan on informatization.

2. State bodies shall be obliged to submit information to the information and analytical system of the authorized body in the field of informatization to form a unified list of candidates for jurors in accordance with the Laws of the Republic of Kazakhstan.

3. A unified list of candidates for jurors shall be formed in alphabetical order. The list shall indicate the surname, first name, patronymic (if it is indicated in the identity document), year of birth (at the age of twenty-five years - an additional day and month) and registration at the place of residence of the candidate for juror.

**Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).**

### **Article 5. Number of citizens included in the unified list of candidates for jurors**

The unified list of candidates for jurors shall include citizens of the Republic of Kazakhstan registered at the place of residence in the relevant administrative-territorial unit and meeting the requirements of Article 10 of this Law, in the amount determined by the chairman of the relevant regional and equivalent court.

**Footnote. Article 5 in the wording of the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).**

### **Article 6. The procedure for compiling primary lists of candidates for jurors**

**Footnote. Article 6 as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).**

### **Article 7. The procedure for compiling a reserve list of candidates for jurors**

Footnote. Article 7 as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

#### **Article 8. The procedure for compiling a unified list of candidates for jurors**

Footnote. Article 8 as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

#### **Article 9. An additional list of candidates for jurors**

Footnote. Article 9 as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

#### **Article 10. Requirements to candidates for jurors**

1. The following persons shall not be included in lists of candidates for jurors:

1) who has not reached the age of twenty- five years by time of the compilation of jurors lists;

2) having outstanding conviction or conviction that is not expunged;

3) recognized by court as incapable or partially capable;

4) judges, prosecutors, investigators, advocates, civil servants and military personnel, as well as employees of law enforcement bodies;

5) registered with health organizations for mental, behavioral disorders (diseases), including those related to the use of psychoactive substances.

2. Any restrictions on inclusion of citizens in lists of candidates for jurors on grounds of origin, social, official and property status, sex, race, nationality, language, religion, beliefs, place of residence or any other circumstances shall not be allowed.

3. The following persons shall be excluded from lists of candidates for jurors according to their written application request:

1) a person who do not speak language of a proceeding in a criminal case;

2) a person who are not able due to his physical or mental disabilities to serve as juror;

3) persons over the age of sixty five years;

4) clergy.

Footnote. Article 10 as amended by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

#### **Article 11. Rights and obligations of citizens**

1. Citizens of the Republic of Kazakhstan who meet corresponding requirements to candidates for jurors shall be ensured to participate in criminal proceedings according to the procedure provided for by the Criminal Procedure Code of the Republic of Kazakhstan and this law.

2. excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

3. excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

4. excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

5. Citizens who have received notice regarding time and place of court session commencement, shall appear in a court to participate in the procedure for jurors selection. Citizen's absence without valid excuse shall entail liability under the law of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Law of the RK dated 14.07.2022 № 141-VII ( shall enter into force from 01.07.2023).

**Article 12. Appeals against decisions of local executive bodies on non-inclusion, illegal inclusion or exclusion from a list of candidates for jurors**

Footnote. Article 12 as excluded by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force from 01.07.2023).

**Article 13. Rights, obligations of a juror and actions restrictions related to consideration of a case**

1. A juror shall be entitled to:

1) participate in a study of evidence examined in a court in order to be able to independently under his intimate conviction to evaluate circumstances of a case and to give answers to questions that will be put before a jury;

2) ask questions of participants to proceeding through a chair;

3) participate in examination of material evidences, documents, in procedure of viewing area and facilities, in all other actions of judicial examination;

4) apply to a chair for interpretation of the legislation provisions, as well as a content of documents read during court session and regarding other incomprehensible to him matters related to a case;

5) make written notes during a court session.

2. A juror shall:

1) keep order in a court session and obey lawful instructions of a chair;

2) appear in time specified by a court for serving as a juror, as well as for continuation of a court trial if court session suspension has been announced or the hearing of a case has been postponed;

3) notify a chair in advance regarding the reasons for default in appearance in case of impossibility to appear in a court.

3. A juror shall not be entitled:

1) to disappear from a courtroom during hearing of a case;

2) to communicate with persons who are not members of a court without permission of a chair during hearing of a case;

3) to collect information during a proceeding outside a court session;

4) to disclose information about circumstances that became known to him in connection with his participation in a closed court session, as well as to violate a secrecy of deliberations room.

4. Failure to comply with obligations of a juror, as well as failure to comply with restrictions provided for in this Article shall entail liability under the law of the Republic of Kazakhstan, as well as a possibility of removal by a chair of a juror from further participation in consideration of a case.

#### **Article 14. Juror's oath**

1. Person selected according to the procedure provided for by the Criminal Procedure Code of the Republic of Kazakhstan for participation as a juror in criminal proceeding shall take an oath as follows:

“Upon commencing obligations of a juror, I solemnly swear to perform my obligations honestly and impartially, to take into account all evidence, arguments, circumstances of a case examined by a court, to decide a case based on my intimate conviction and conscience as befits a free citizen and an honest person”.

2. A juror confirms his oath by pronouncing the phrase “I swear”.

#### **Article 15. The procedure and deadlines for performance of a juror's obligations by a citizen**

1. A clerk of the court shall call in a court a required number of candidates for jurors to participate in proceeding in accordance with instructions of a presiding judge of a court who deals with a criminal case with participation of jury.

2. Citizens shall be summoned for a performance of obligations of jurors no more than once per calendar year for duration of a criminal proceeding.

3. Persons summoned to court, but not selected for a jury, may be engaged to participate as jurors in another court session.

#### **Article 16. Remuneration of a juror. Payment for the expenses of candidates for jurors and jurors. Guarantees for jurors in labour relations**

1. A juror by an authorized state body providing material, technical and other support for the activities of a regional and equivalent court shall be paid at the end of the consideration of a specific case, and if the consideration of the case is delayed, monthly at the expense of budgetary funds remuneration in the amount of half of the official salary of a district court judge and an equivalent court (with experience of up to a year), but not less than the average earnings of the juror at the place of his main work in proportion to the time (number of working days) of presence in court.

2. Travel expenses shall be reimbursed to a candidate for jurors (a juror) according to procedure and in amounts established by the legislation of the Republic of Kazakhstan in relation to government agencies workers financed out of the republican budget funds.

3. A period of performance of a juror's obligations in a court shall be taken into account when calculating labour experience.

4. When performing the obligations of a juror he shall be retained his main place of work. A dismissal of a juror or his transfer to a lower paid job during a performance of his obligations in a court upon initiative of an employer shall not be allowed.

**Footnote.** Article 16 as amended by the Law of the RK dated 27.12.2019 № 292-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication, with the exception of the provisions on the inclusion of criminal offenses by the court with the participation of jurors, which shall enter into force on January 1, 2023).

#### **Article 17. Guarantees of a juror's independence**

1. The guarantees of independence of judges established by laws shall apply to a juror during a period of performance of his obligation in a court.

2. An independence of a juror when performing his obligations in a court shall be ensured by:

- 1) a procedure for administration of justice provided for by law;
- 2) a prohibition under threat of liability against anyone's interference with activity of a jury in relation to participation in administration of justice.

3. A juror, members of his family and their property shall be protected by the state. A body conducting a criminal proceeding shall take necessary measures to ensure a safety of a juror, his family members, safekeeping of their property, if a juror performing his obligations in a court files a corresponding application, as well as in cases when other evidences of threats to safety of these persons or a safekeeping of their property have been found.

#### **Article 18. Liability of persons impeding a juror when performing his obligations**

Persons who impede a juror to perform obligations shall incur liability provided for by the laws of the Republic of Kazakhstan.

#### **Article 19. The order of the entry into force of this Law**

This Law shall enter into force from 1 January 2007.

*The President  
of the Republic of Kazakhstan*