



On Foreign Intelligence

Unofficial translation

The Law of the Republic of Kazakhstan dated 22 May 2010 № 277-IV.

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This Law determines status, competence and organization of activities of Foreign Intelligence Entities of the Republic of Kazakhstan and participants of intelligence community of the Republic of Kazakhstan.

Footnote. Preamble as amended by the Law of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) intelligence information – the information received and (or) used for ensuring the national security of the Republic of Kazakhstan;

1-1) intelligence activity - overt and covert actions carried out by foreign intelligence subjects to solve intelligence tasks;

1-2) intelligence community of the Republic of Kazakhstan - a set of state bodies and organizations of the Republic of Kazakhstan designed to provide the country's leadership with intelligence information and analytical assessments, as well as participating, within the established competence, in activities that help strengthen the intelligence capabilities of foreign intelligence entities;

2) foreign intelligence of the Republic of Kazakhstan – system of public and private intelligence, organizational and management measures carried out in accordance with the legislation in the territory of the Republic of Kazakhstan and beyond its borders for ensuring the national security of the Republic of Kazakhstan;

2-1) the authorized body in the field of foreign intelligence (hereinafter referred to as the foreign intelligence body) - the National Security Committee of the Republic of Kazakhstan;

3) intelligence activity of subjects of foreign intelligence – the activity on acquisition, processing and use of intelligence information, as well as assistance for realization of measures carried out by the state in behalf of ensuring the national security of the Republic of Kazakhstan.

Footnote. Preamble as amended by the Law of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten

calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 2. Subjects of foreign intelligence

1. The subjects of foreign intelligence include:

1) a foreign intelligence body.

2) military intelligence bodies of the Ministry of Defense of the Republic of Kazakhstan within the powers provided for by subparagraph 3) of Article 6 of this Law.

2. Subjects of foreign intelligence within the powers established by the legislation of the Republic of Kazakhstan are to ensure the national security of the Republic of Kazakhstan by conducting intelligence activities.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 3. Legislation of the Republic of Kazakhstan on foreign intelligence

1. Legislation of the Republic of Kazakhstan on foreign intelligence is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 3-1. Goals of intelligence activities of foreign intelligence subjects

The goals of the intelligence activities of foreign intelligence subjects shall be to protect the national interests of the Republic of Kazakhstan from external threats by providing intelligence information to the country's leadership and government bodies, as well as creating conditions for promoting the national interests of the Republic of Kazakhstan.

Footnote. Chapter 1 is supplemented by Article 3-1 in accordance with the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 4. Tasks of intelligence activity

Tasks of intelligence activity of subjects of foreign intelligence are:

1) provision of intelligence information and analytical assessments required for adoption of decisions in a policy, financial economic, military politic, scientific technical, humanitarian

, environmental and other oblasts concerning the national interests of the Republic of Kazakhstan to the President of the Republic of Kazakhstan, Government and state bodies of the Republic of Kazakhstan;

2) participation in processing and implementing the state policy in the field of the national security of the Republic of Kazakhstan;

3) assistance to economic development and scientific technical progress of the country and military technical safety ensuring of the Republic of Kazakhstan;

4) acquisition of intelligence information and realization of measures oriented to inadmissibility of the real and potential harm to the national interests and security of the Republic of Kazakhstan from the side of special services and organizations of the foreign states, terroristic and extremist organizations, criminal communities (criminal organizations), as well as separate persons;

5) other tasks determined by the Laws and acts of the President of the Republic of Kazakhstan.

Article 5. Principles of activity of subjects of foreign intelligence

Activity of subjects of foreign intelligence shall be based on the following principles:

- 1) legality;
- 2) compliance with rights and freedoms of a human and citizen;
- 3) individual responsibility;
- 4) combination of public and private methods and means.

Chapter 2. ORGANIZATION OF ACTIVITY OF FOREIGN INTELLIGENCE EBTTITIES AND THE INTELLIGENCE COMMUNITY OF THE REPUBLIC OF KAZAKHSTAN

Footnote. Heading of Chapter 2 as amended by the Law of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Article 6. Scopes of activity of subjects of foreign intelligence

Intelligence activity within the powers shall be carried out by:

- 1) a foreign intelligence body:

in political, financial-economic, scientific-technical, humanitarian, military-political, environmental and other areas affecting the national interests of the Republic of Kazakhstan;

in the field of encrypted, classified, coded and other types of special communication using encryption and radio technical means and methods on the territory of the Republic of Kazakhstan and beyond;

in the field of ensuring the security of foreign institutions of the Republic of Kazakhstan, their personnel;

in the field of countering intelligence and other activities aimed at forced changing the constitutional system, harming the security of the Republic of Kazakhstan, the activities of special services and organizations of foreign states, criminal communities (criminal organizations) and individuals;

in the field of countering extremism and terrorist activities, as well as in the field of border policy and operational security of the State Border of the Republic of Kazakhstan, territorial waters and the continental shelf of the Republic of Kazakhstan;

2) is excluded by the Law of the Republic of Kazakhstan dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

3) military intelligence bodies of the Ministry of Defence of the Republic of Kazakhstan: in military, military politics, military economic and military technical scopes, in the scopes of counteraction to terroristic and extremist organizations, encrypted, secured and other types of the special communication with the use of radio technical means and methods and in other scopes concerning the interests of the military components of the national security of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012 № 562-IV (shall be enforced upon expiry of ten calendar days from the date of its first official publication); dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.04.2014 № 185-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 03.11.2014 № 244-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.12.2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated November 16, 2020 № 375-VI (shall be enforced upon expiry of ten calendar days after its first official publication); № 11-VII dated February 23, 2021 (see Article 2 for the order of enforcement).

Article 7. Powers of the President of the Republic of Kazakhstan in the field of foreign intelligence

The President of the Republic of Kazakhstan shall:

1) determine principal directions and priorities of intelligence activity of subjects of foreign intelligence of the Republic of Kazakhstan;

2) create, reorganize and abrogate the foreign intelligence body;

3) charge the Administration of the President and the Government of the Republic of Kazakhstan to consider the issues on coordination and interaction of subjects of foreign intelligence with other state bodies and improvement of intelligence activities;

4) appoint and dismiss the head of the foreign intelligence body;

5) approve a position, as well as structure and common staff numbers of the foreign intelligence body upon representation of its head;

6) appoint and dismiss deputies of the head of the foreign intelligence body upon representation of its head;

7) approve the list of positions of the foreign intelligence body, substituted by the persons of officer and senior personnel;

7-1) approve the list of positions of the foreign intelligence body that shall be awarded by special ranks;

7-2) determine the list of participants of intelligence community of the Republic of Kazakhstan;

8) control the activity of the foreign intelligence body, appoint inspecting bodies, determine their purposes, tasks and powers, establish forms of control and procedure for its carrying out;

9) request a report of the head of the foreign intelligence body in the manner and terms determined by it;

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

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Article 8. Competence of subjects of foreign intelligence

Competence of subjects of foreign intelligence shall include:

1) acquisition, collection, analysis, systemization and generalization of intelligence information, preparation of proposals, assessments and forecasts on its basis;

2) carrying out of intelligence activity in the territory of the Republic of Kazakhstan and beyond its borders;

3) establishment of a private cooperation with the persons that gave a consent to render confidential assistance on a gratuitous or paid basis;

4) realization of measures on an encryption of military servants and employees of subjects of foreign intelligence, organization of their activity, as well as with the use of other departmental subordination for these purposes;

5) realization of measures on encryption of the persons rendering confidential assistance to subjects of foreign intelligence, departmental subordination of the subdivisions, organizations, premises and transport vehicles of subjects of foreign intelligence;

6) receipt of information required for solving the tasks of intelligence activity from the state bodies and organizations independently from the ownership forms;

7) safety ensuring of subjects of foreign intelligence by protection of own forces, means and information from the illegal actions and threats;

8) safety ensuring in accordance with the legislation of the Republic of Kazakhstan;
9) carrying out of radio technical and radio electronic intelligence;
10) participation in safety ensuring of foreign establishments of the Republic of Kazakhstan and their personnel within the powers. Procedure for organization of safety ensuring of the foreign establishments of the Republic of Kazakhstan and their personnel shall be determined by joint regulatory legal act of subjects of foreign intelligence and the authorized body in the scope of foreign policy.

Organization and carrying out of physical protection of foreign establishments of the Republic of Kazakhstan shall be regulated by the Law of the Republic of Kazakhstan “On state border of the Republic of Kazakhstan”;

11) protection of the state secrets in foreign establishments of the Republic of Kazakhstan ;

12) use of own protected communication system;

13) use of information systems and electronic information resources of state bodies and organizations, regardless of the form of ownership in accordance with the laws of the Republic of Kazakhstan, as well as information systems of foreign states and international organizations on the basis of international treaties of the Republic of Kazakhstan;

14) carrying out of general and special operational-investigative measures;

15) performance of other powers determined by the Laws and acts of the President of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 13.02.2012 N. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.01.2013 № 71-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016).

Article 9. Competence of the foreign intelligence body

Competence of the foreign intelligence body, except for the provisions provided by Article 8 of this Law shall also include:

1) provision of intelligence information to the President, Parliament and Government of the Republic of Kazakhstan, state bodies and state organizations of the Republic of Kazakhstan;

2) assistance in implementing the policy of the administration of the state in politic, military politic, financial economic, scientific technical, humanitarian, environmental and other oblasts, concerning the national interests of the Republic of Kazakhstan;

3) making suggestions to the President and Government of the Republic of Kazakhstan on improvement of foreign intelligence;

4) coordination of intelligence activity of subjects of foreign intelligence;

4-1) ensuring the interaction of state authorities and organizations of the Republic of Kazakhstan within the activity of intelligence community of the Republic of Kazakhstan, provided by Article 12-1 of this Law;

5) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

6) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

7) development of a strategy and tactics of the carried out intelligence activity;

8) development and approval of regulatory legal acts on issues of intelligence activities;

9) interaction with other forces of ensuring the national security of the Republic of Kazakhstan, as well as with the state bodies and organizations of the Republic of Kazakhstan. Procedure for interaction of the body of foreign intelligence with the interested state bodies of the Republic of Kazakhstan shall be determined by joint regulatory legal acts, and with the organizations of the Republic of Kazakhstan shall be established by the agreement independently from the ownership forms;

9-1) implementation of intelligence activities in accordance with the legislation of the Republic of Kazakhstan;

10) establishment, support and development of contacts, conclusion of agreements on cooperation with the special services, law enforcement bodies, bodies of government and special communications of foreign states, international law enforcement organizations on the basis of international treaties of the Republic of Kazakhstan;

11) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

12) detention of persons that committed infractions on its subjects, with their following transfer to the law enforcement bodies;

13) organization and provision of protection of information constituting state secrets, implementation of information security, physical and engineering protection of their facilities;

14) equipage of foreign establishments of the Republic of Kazakhstan by special types of communication, development and carrying out of engineering technical protection, measures on prevention of a leakage of details through the technical channels that are the state secrets;

15) development, organization and conduct of measures on ensuring the mobilization readiness;

16) selection, conduct of special inspection of the citizens of the Republic of Kazakhstan for adoption of decisions on acceptance for service or work in the foreign intelligence body, issuance (reissuance) of access to information that is the state secrets for servants and employees enrolled in personnel, training, retraining and raising of qualification of the

personnel in educational organizations and scientific research institutions of the Republic of Kazakhstan, as well as in educational organizations of other states including special;

17) conducting scientific research in the field of intelligence activities;

18) organization of scientific methodological support, creation of expert groups in accordance with basic directions of own activity with involvement of scientific workers and specialists of different fields of knowledge working in other state bodies, organizations and institutions;

19) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

20) use of documents, other methods and means encrypting departmental subordination of the subdivisions, objects, premises, transport vehicles, servants and employees, persons rendering a confidential assistance;

20-1) production and execution of documents of other state bodies for using beyond the borders of the Republic of Kazakhstan for the purpose of encryption of an identity of servants and persons rendering confidential assistance to the foreign intelligence body, departmental subordination of the subdivisions, objects, premises and transport vehicles, as well as organizations independently from the ownership forms, the procedure for production and (or) execution of which shall be determined by the head of the foreign intelligence body.

20-2) taking necessary measures on ensuring of conspiracy upon carrying out intelligence and other operational-investigative activity, upon realization of materials reflecting the results of this activity, as well as inadmissibility of disclosing the information sources by administrative activity of the head of the foreign intelligence body or civil servant authorized by him (her) ensuring limitation of an access to materials of operational activity until their exposing in a public form in accordance with the legislation of the Republic of Kazakhstan;

21) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

22) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

23) carrying out of an access of individuals and legal entities after their examination and inspection to works on protection and service of own objects;

24) use of weapons, special means and physical force for protection of own objects and premises in accordance with the Laws of the Republic of Kazakhstan;

25) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

26) participation in decision of questions on conferment of nationality of the Republic of Kazakhstan and provision of political asylum;

27) excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication);

28) exercise of other powers determined by the Laws and acts of the President of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Laws of the republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.02.2012 № 562-IV (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 16.01.2013 № 71-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.04.2014 № 185-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 9-1. Competence of military intelligence agencies of the Ministry of Defense of the Republic of Kazakhstan

The competence of the military intelligence agencies of the Ministry of Defense of the Republic of Kazakhstan, in addition to the provisions provided for in Article 8 of this Law, includes the provisions of Article 9 of this Law, with the exception of subparagraphs 2) - 4), 7), 9-1), 10), 14), 16), 20-1), 20-2), and 26).

Footnote. Chapter 2 is supplemented by Article 9-1 in accordance with the Law of the Republic of Kazakhstan dated 16.02.2012 № 562-IV (shall be enforced upon expiry of ten calendar days after the date of its official publication); in the new wording of the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication).

Article 10. Common conditions of carrying out the intelligence activity

1. In the course of intelligence activity, the subjects of foreign intelligence shall use public and private methods and means in accordance with the regulatory legal acts of the Republic of Kazakhstan.

2. Methods and means of intelligence activity shall not inflict harm to life and health of people and inflict environmental harm.

3. Information about a private life, personal and family secret or that is commercial, banking or another secret protected by the Law that became known to the subjects of foreign intelligence in the process of carrying out the intelligence activity shall not be subject to divulgation, with the exception of cases provided by the Laws of the Republic of Kazakhstan.

Article 11. Storage of details on intelligence activity

For the purpose of ensuring the national security, the details in the field of intelligence activity of the foreign intelligence body shall be stored exceptionally in a special state archive of the foreign intelligence body.

Article 12. Interaction of subjects of foreign intelligence

1. Subjects of foreign intelligence upon resolution of tasks imposed on them shall interact between each other, with forces of ensuring the national security and state bodies.

2. Civil servants of state bodies, organizations independently from the ownership forms shall be obliged to render assistance to subjects of foreign intelligence within the competence in carrying out the intelligence activity.

If it is necessary to encrypt information about employees of a foreign intelligence agency in state information systems, the state bodies that own them shall take the necessary measures to process the relevant electronic information resources in the manner determined by the Government of the Republic of Kazakhstan.

3. Procedure for interaction of subjects of foreign intelligence between each other shall be established by their joint regulatory legal acts developed on the basis of the legislation of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 12-1. General conditions for organization of activities of intelligence community of the Republic of Kazakhstan

1. Ensuring the coherence of actions of state authorities and organizations of the Republic of Kazakhstan within the activity of intelligence community of the Republic of Kazakhstan shall be carried out by the Security Council of the Republic of Kazakhstan.

2. Participants of intelligence community of the Republic of Kazakhstan that not subjects of foreign intelligence shall be empowered to monitor, analyze, evaluate and predict external threats to national security, participate in the development of measures to neutralize them, and assist foreign intelligence entities.

3. Interaction of participants of intelligence community of the Republic of Kazakhstan shall be carried out according to:

organizational;

operational;
analytical;
methodical;
technical;

software and hardware and other directions, as well as through the mutual exchange of information and concerted actions to implement common tasks and goals.

4. To ensure effective interaction between state authorities and organizations of the Republic of Kazakhstan within the activity of intelligence community of the Republic of Kazakhstan, their authorized representatives shall be seconded and (or) sent to Foreign Intelligence Authority.

The procedure for secondment and (or) sending of authorized representatives of the state authority or organization of the Republic of Kazakhstan to the foreign intelligence authority, as well as implementation of their activities shall be determined by the first head of the Foreign Intelligence Authority and the first head of another member of the Intelligence Community of the Republic of Kazakhstan in a joint regulatory legal act.

5. The first heads of the members of Intelligence Community of the Republic of Kazakhstan for implementation of decisions adopted within the activity of Intelligence Community of the Republic of Kazakhstan may issue relevant legal acts.

Footnote. Chapter 2 is supplemented by Article 12-1 in accordance with the Law of the Republic of Kazakhstan dated 18.03.2019 № 237-VI (shall be enforced upon expiry of twenty one calendar days after its first official publication).

Article 13. Personnel of subjects of foreign intelligence

1. Personnel of the foreign intelligence body consists of servants and employees.

2. Servants of the foreign intelligence body are the representatives of state power and under state protection.

3. Servants and military servants of subjects of foreign intelligence arrested or taken as hostages upon fulfillment of obligations beyond the borders of the Republic of Kazakhstan, as well as interned to neutral countries shall preserve a status of servants and military servants. Heads of subjects of foreign intelligence and other authorized state bodies shall be obliged to take measures on protection of rights of mentioned servants and military servants in accordance with the rules of international law.

4. Servants and military servants of subjects of foreign intelligence may hold positions and place on detached service to the state bodies and organizations independently from the ownership forms for reaching the purposes of intelligence activity without revelation of their departmental subordination and with staying at military service, service in special state bodies

Civil servants of mentioned bodies and organizations shall bear responsibility provided by the Laws of the Republic of Kazakhstan for divulgence of details became known to them on subordination of servants and military servants to the subjects of foreign intelligence.

5. Employees and military servants of foreign intelligence entities shall be in personnel, the current reserve and stock. Employees and military servants of foreign intelligence entities shall have the right to carry and store weapons and special equipment in accordance with the Laws of the Republic of Kazakhstan.

The head of the Foreign Intelligence Authority for certain categories of employees shall count their working life to the length of service before enlistment in the Foreign Intelligence Authority.

The time taken to perform tasks by employees of the Foreign Intelligence Authority in special services of foreign states and other foreign organizations, criminal groups shall be set off in the length of service in preferential terms for admission pension payments, assignment a special rank and calculation official salary in the manner determined by the Government of the Republic of Kazakhstan.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (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 16.02.2012 № 562-IV (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 02.07.2018 № 165-VI (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14. Legal status of servants of the foreign intelligence body

Legal requirements of the servants of the foreign intelligence body shall be compulsory for execution by the citizens, civil servants and organizations. Non-execution of legal requirements of the servants of the foreign intelligence body, insult, resistance, threat of violence or infringement on their life, health, honor and dignity, property, other actions impeding performance of the obligations imposed on them, as well as infringement on life, health, honor, dignity and their family members, close relatives (parents, children, adopters, adoptees, full blood and half blood brothers and sisters, grandfathers, grandmothers, grandchildren) due to fulfillment of official duties and call of duty by the servants of the foreign intelligence body shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Harm inflicted to a property of a servant of the foreign intelligence body, as well as harm inflicted to health and property of family members and close relatives (parents, children, adopters, adoptees, full blood and half blood brothers and sisters, grandfathers, grandmothers, grandchildren) of a servant of the foreign intelligence body due to fulfillment of official

duties by him (her) shall be reimbursed in a full measure from the budget funds. Procedure for reimbursement of harm shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 15. Rights of servants of the foreign intelligence body

Servants of the foreign intelligence body shall be provided by the right of bearing, storage and use of weapons and special means. They also shall have the right to use physical force, including combat maneuvers. Procedure for using weapons, special means and physical force shall be determined by this Law.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Conditions and limits of using physical force, special means, weapons and military equipment

1. Servants of the foreign intelligence body shall be obliged to pass special training, periodical check of suitability for actions in conditions linked with using physical force, special means and weapons.

2. In cases of necessary defence and extreme necessity or upon detention of a person that committed a crime, the servant of the foreign intelligence body shall have the right to use any expedient means in the absence of necessary special means or weapons, as well as use another weapons that not in service on the grounds and in the manner established by this Law.

3. Servant of the foreign intelligence body shall not bear responsibility for moral, material and physical harm inflicted due to using physical force, special means, weapons and military equipment in the cases provided by Laws, if such defence conforms to the character and danger of infringement on protected persons, other citizens, protected objects or the servant of the foreign intelligence body himself (herself).

4. Use of physical force, special means, weapons and military equipment by servants of the foreign intelligence body with excess of powers shall entail responsibility established by the Law.

5. In a zone of conducting anti-terrorist operation, the servants of the foreign intelligence body participating in the anti-terrorist operation shall have the right to apply physical force, military and other equipment, weapons and special means in relation to terrorists, as well as service animals without preventions and limits provided by this Law and other Laws of the Republic of Kazakhstan.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16-1. Use of physical force by servants of the foreign intelligence body

1. Servants of the foreign intelligence body shall have the right to use physical force, as well as combat maneuvers for prevention of criminal and administrative infractions infringing on life, health, rights, freedoms, personal dignity, property and protected interests of the citizens and the state, detention of persons that committed socially-dangerous acts considering a character of infractions and particular situations, overcoming of countermeasures to legal requirements, if non-violent methods do not ensure performance of the obligations imposed on the foreign intelligence body.

2. Servant of the foreign intelligence body shall have the right to use physical force in all the cases when this Law permits use of special means or weapons.

Footnote. Chapter 2 is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (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 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 16-2. Use of special means by servants of the foreign intelligence body

1. Servants of the foreign intelligence body shall have the right to use special means available in the inventory in the following cases:

- 1) for holding off an attack on citizens and protected persons;
- 2) for holding off an attack on buildings, structures, premises, other objects and transport vehicles, protected by the foreign intelligence body, and equally for release of these objects and means in case of their seizure;
- 3) for detection and prevention of crimes;
- 4) for disarmament of persons illegally having weapons, ammunition, explosive, poisonous and radioactive substances;
- 5) for holding off an attack on servants of the foreign intelligence body, their family members or other persons involved for ensuring of protective measures;
- 6) for detention of offenders, persons that maintain resistance or impeding intentionally to servants of the foreign intelligence body or law enforcement bodies in carrying out of the official duties imposed on them;
- 7) during convoy and protection of the persons detained, kept in custody, as well as convicted, suspected and accused persons if there are reasonable grounds to suppose that they

mat commit escape or inflict harm to wider public or own health, as well as in respect of the persons impeding to servants of the foreign intelligence body in carrying out of official duties imposed on them by the Law;

8) for release of hostages, suppression of mass disorders, group actions encroaching on life, health, rights, freedoms, personal dignity and property of citizens, protected persons and objects;

9) for stopping a transport vehicle, the driver of which did not perform the requirement of a servant of the foreign intelligence body to stop, if it is impossible to prevent a real threat to protected persons by other methods;

10) in cases of necessary defence and emergency necessity.

2. Use of special means in relation to protected person, as well as in respect of women with visible signs of pregnancy, persons with obvious signs of disability and infants shall be prohibited, except for the cases of commission of attacks on servants of the foreign intelligence body, citizens and protected persons by them threatening to their life and health, group attack or maintenance of armed resistance.

3. List of special means used by the foreign intelligence body shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 16-2 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16-3. Use of weapons and use of military equipment by servants of the foreign intelligence body

1. Servants of the foreign intelligence body shall have the right to use weapons and military equipment as a last resort measure in the following cases:

1) for holding off an attack on citizens, protected persons, as well as persons the protection and defence of whom is charged on servants of the foreign intelligence body;

2) for holding off an attack on buildings, structures, premises, other objects and transport vehicles, protected by the foreign intelligence body;

3) for holding off an attack on servants of the foreign intelligence body, their family members, other persons involved by this body for ensuring of protective measures, as well as for prevention of efforts to seize weapons, transport vehicle, special and military equipment of the foreign intelligence body;

4) for protection of citizens from a criminal infringement, as well as for release of hostages, seized protected objects, structures and special cargos;

5) for detention of persons caught upon commission of a crime or immediately after its commission, maintaining armed resistance, as well as armed person that refuses to perform the legal requirement on surrender of available weapons, ammunition, explosive, poisonous and radioactive substances;

6) for neutralization and detention of persons, the external cumulative evidence and actions of whom testify on existence of a real threat to life and health of other citizens, protected persons and servants of the foreign intelligence body;

7) for suppression of escape of the persons suspected and accused in commission of crimes from the detention facilities or escape from a convoy of the persons detained on suspicion in commission of a crime, the persons in respect of whom the measure of restraint in the form of placement in custody is applied, the persons convicted to deprivation of freedom, as well as for prevention of effort of the forced release of mentioned persons;

8) for stopping a transport vehicle, if the driver creates a real danger to life and health of protected persons and refuses to stop upon requirement of a servant of the foreign intelligence body;

9) for protection from attack of animals;

10) for alarming or call for help;

11) in cases of necessary defence and emergency necessity.

2. Use of weapons in relation to protected persons, as well as in relation of women with visible signs of pregnancy, persons with obvious signs of disability and infants shall be prohibited, except for the cases of existence of a real threat to health and life of citizens, servants of the foreign intelligence body, as well as commission of armed attack by them, maintenance of armed resistance by them, group attack, seizure of hostages, objects, transport vehicles, as well as aerial vehicles.

3. In all the cases of use of weapons, the servants of the foreign intelligence body shall be obliged to take necessary measures for safety ensuring of surrounding citizens and rendering of emergency medical care to injured persons, report on use of weapons to an immediate superior.

4. Prosecutor shall be informed on each case of using weapons, special means, physical force that inflict death of people or other heavy consequences within twenty four hours.

5. List of types of weapons, military equipment and military ammunition package operationally available at the foreign intelligence body shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 16-3 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 17. Responsibility of servants of the foreign intelligence body

For non-fulfillment or improper fulfillment of official duties by servants of the foreign intelligence body and for illegal actions they shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Persons rendering confidential assistance to subjects of foreign intelligence

1. For reaching the purposes of intelligence activity, the subjects of foreign intelligence shall establish relationships of private assistance on a gratuitous or a paid basis with adult capable persons that give consent to render a confidential assistance to them. Procedure for interrelations with mentioned persons shall be established in accordance with the regulatory legal acts of subjects of foreign intelligence.

2. For the purpose of safety ensuring of the persons rendering (rendered) confidential assistance to subjects of foreign intelligence and their family members, the subjects of foreign intelligence shall realize the measures on their protection in accordance with the legislation of the Republic of Kazakhstan.

Protection of the persons rendering (rendered) confidential assistance to subjects of foreign intelligence may be carried out by other state bodies in the manner of interaction with subjects of foreign intelligence.

Chapter 3. FINAL AND TRANSITIONAL PROVISIONS Article 19. Financing, material technical support of the foreign intelligence body

Financing, material technical support of activity of the foreign intelligence body shall be carried out on account of budget funds.

Article 20. Departmental control of activity of subjects of foreign intelligence

Organization and carrying out of departmental control of the activity of subjects of foreign intelligence shall be imposed on heads of the relevant state bodies.

Article 21. Prosecutor's supervision of activity of subjects of foreign intelligence

The General Prosecutor of the Republic of Kazakhstan and the prosecutors authorized by him shall exercise the highest supervision of compliance with the law in the sphere of foreign intelligence on the territory of the Republic of Kazakhstan.

The list of authorized prosecutors shall be determined by order of the Prosecutor General of the Republic of Kazakhstan in agreement with the first head of the foreign intelligence entity.

Details about persons that rendering (rendered) confidential assistance to subjects of foreign intelligence of the Republic of Kazakhstan shall not be included to the subject of the prosecutor's supervision.

Footnote. Article 21 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 23.12.2023 № 51-VIII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication).

Article 22. Order of entering of this Law into force

This Law enters into force upon expiry of ten calendar days after its first official publication.

*The President
of the Republic of Kazakhstan*

N. Nazarbayev

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