

On Amnesty

Unofficial translation

Law of the Republic of Kazakhstan dated November 2, 2022 No. 152-VII ZRK

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On Amnesty

This Law has been adopted in pursuit of the principle of humanity.

Article 1. Persons to whom amnesty shall apply

This Law shall apply to persons who have committed in the territory of the Republic of Kazakhstan from January 4 to January 7, 2022 criminal offenses related to mass riots, or during their suppression, under the following articles of the Penal Code of the Republic of Kazakhstan dated July 3, 2014:

Article 102 (Murder committed upon use of excessive force in self-defense);

Article 103 (Murder committed in excess of measures necessary to detain the person who committed a crime);

Article 104 (Causing death by negligence);

parts one and two of Article 106 (Intentional infliction of grievous bodily harm);

Article 107 (Intentional infliction of average-gravity harm to health);

Article 112 (Infliction of grievous bodily harm upon use of excessive force in self-defense);

Article 113 (Infliction of grievous bodily harm during detention of a person who committed a crime);

Article 114 (Negligent infliction of harm to health);

Article 115 (Threat);

Article 119 (Leaving in danger);

Article 131 (Insult);

Article 132 (Involvement of a minor in the commission of criminal infraction);

Article 149 (Violation of inviolability of home);

Article 155 (Obstruction of organizing, holding of a peaceful assembly or participation in it);

Article 157 (Coercion to participate in a strike or to refuse to participate in a strike);

Article 187 (Petty stealing);

Article 188 (Theft);

Article 191 (Robbery);

Article 196 (Acquisition or sale of property knowingly obtained by criminal means);

Article 200 (Unlawful seizure of a car or other vehicle without intent of theft);

Article 202 (Deliberate destruction or damaging of another person's property);
Article 204 (Negligent destruction or damaging of another person's property);
Article 207 (Disablement of information system or telecommunications networks operation);
Article 252 (Abuse of power by employees of private security services);
Article 269-1 (Illegal entry into a protected facility);
part one of Article 272 (Mass disorders), if this act is committed by a minor;
parts two and three of Article 272 (Mass disorders);
Article 273 (Knowingly false report on an act of terrorism);
Article 274 (Dissemination of knowingly false information);
Article 287 (Illegal acquisition, transfer, sale, storage, trafficking or carrying of weapons, ammunition, explosive substances and explosive devices);
Article 288 (Illegal production of weapons);
Article 291 (Theft or extortion of weapons, ammunition, explosive substances and explosive devices);
Article 293 (Hooliganism);
Article 294 (Vandalism);
Article 345 (Violation of road traffic rules or vehicles operation by persons driving transport vehicles);
Article 350 (Intentional disablement of transport vehicles or means of communication);
Article 371 (Negligence);
Article 378 (Insult of a representative of authority);
Article 379 (Insubordination to a representative of authority);
Article 380 (Use of violence against a representative of authority);
Article 381 (Interference with the activities of the prosecutor and non-fulfillment of his lawful demands);
Article 384 (Illegal seizure of documents, theft, destruction, damage or concealment of documents, stamps, seals);
Article 389 (Arbitrariness);
Article 400 (Violation of procedure for organizing and holding peaceful assemblies);
Article 401 (Leading a prohibited strike, interfering with the work of an organization in war time or conditions of emergency situations);
Article 402 (Actions provoking continued participation in a strike recognized as illegal by court);
Article 414 (Knowingly unlawful detention, placement in custody, or keeping in custody);
Article 415 (Compulsion of evidence);
Article 432 (Concealment of a crime);
Article 433 (Concealment of criminal infraction);
Article 434 (Failure to report a crime);

Article 441 (Unwarranted leaving of a unit or place of service);

Article 453 (Habitual negligence in office).

Article 2. Persons to whom amnesty does not apply

This Law shall not apply to persons who:

- 1) committed terrorist crimes;
- 2) committed extremist crimes;
- 3) committed torture;
- 4) committed crimes against sexual inviolability of minors, with the exception of the case when such a crime was committed by a minor against a minor between fourteen and eighteen years of age;
- 5) committed high treason;
- 6) committed corruption crimes;
- 7) organized mass riots, with the exception of the case when this crime was committed by a minor;
- 8) who have been punished in case of repeated crimes or dangerous recidivism of crimes.

Article 3. Conditions, procedure for applying amnesty and measures for enforcement of this Law

1. Pending cases on criminal offenses, crimes of minor, medium gravity in relation to persons subject to amnesty shall be subject to termination by the body conducting the criminal process in respect of the criminal offenses specified in Article 1 of this Law, with exemption of these persons from criminal liability.

2. Convicted persons subject to amnesty shall be released from punishment (main and additional) or its further serving for committing criminal offenses, crimes of small, medium gravity, specified in Article 1 of this Law.

3. For persons subject to amnesty, the basic punishment imposed by the court for committing grave crimes specified in Article 1 of this Law shall be reduced by three quarters, for especially grave crimes - by half.

In this case, if on the day of this Law enactment the convicted person has no more than one year left to serve the sentence, the main sentence shall be reduced for his entire unserved term.

4. Persons subject to amnesty, who have served their sentences for crimes of minor or medium gravity specified in Article 1 of this Law, or who have been released from its further serving, shall have their convictions expunged.

5. Bodies conducting criminal proceedings, as well as institutions and bodies executing punishment, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall provide measures for this Law enforcement within six months from the date of its enactment.

6. The Government of the Republic of Kazakhstan and local executive bodies of oblasts, cities of republican status and the capital shall take measures to employ able-bodied persons

released from penal institutions, provide them with social and other assistance in accordance with the legislation of the Republic of Kazakhstan, also to accommodate those released from punishment under amnesty without a fixed place of residence in the centers for re-socialization of persons who found themselves in a difficult life situation.

Article 4. Enforcement of this Law

This Law shall be enforced from the date of its first official publication.

President

of the Republic of Kazakhstan

K. TOKAYEV

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