

On military police bodies

Unofficial translation

The Law of the Republic of Kazakhstan dated March 14, 2023 No. 205-VII.

Chapter 1. GENERAL PROVISIONS

Article 1. Appointment of military police bodies

The military police bodies are designed to ensure law and order in the Armed Forces of the Republic of Kazakhstan, other troops and military formations (hereinafter referred to as the Armed Forces, other troops and military formations) within the competence established by the legislation of the Republic of Kazakhstan.

Article 2. Status of military police bodies

1. The military police bodies of the Armed Forces are a military unit that is part of the special forces of the Armed Forces.

The military police bodies of the National Security Committee of the Republic of Kazakhstan (hereinafter referred to as the military police bodies of the National Security Committee) are a military formation within the National Security Committee.

The military police bodies of the National Guard of the Republic of Kazakhstan (hereinafter referred to as the military police bodies of the National Guard) are a structural unit of the National Guard.

2. Minister of Defense of the Republic of Kazakhstan (hereinafter – the Minister of Defense), Minister of Internal Affairs of the Republic of Kazakhstan (hereinafter – the Minister of Internal Affairs), Chairman of the National Security Committee of the Republic of Kazakhstan (hereinafter – Chairman of the National Security Committee), respectively, manage the activities of the military police of the Armed Forces, the military police of the National Guard, the military police of the National Security Committee in accordance with the legislation of the Republic of Kazakhstan, approve their structure and staffing, adopt regulatory legal acts and decisions on organizational and staff measures.

Article 3. The legal basis for activities of the military police bodies

1. The legal basis for the activities of military police bodies is the Constitution of the Republic of Kazakhstan, this Law, international treaties ratified by the Republic of Kazakhstan, 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 4. Principles of activity of military police bodies

The activities of the military police bodies are carried out on the principles of:

- 1) legality;
- 2) the obligation to protect human and civil rights and freedoms, the interests of society and the state from unlawful encroachments;
- 3) unity of command and subordination;
- 4) independence from the activities of political parties and other public associations.

Chapter 2. TASKS, COMPETENCE AND POWERS OF THE MILITARY POLICE BODIES

Article 5. Tasks of the military police bodies

1. The following tasks are assigned to the military police bodies:
 - 1) ensuring law and order in the Armed Forces, other troops and military formations within the competence established by the legislation of the Republic of Kazakhstan;
 - 2) prevention, caution, detection, suppression, consideration and investigation of offenses within the competence established by the legislation of the Republic of Kazakhstan;
 - 3) execution of punishment in the form of arrest, administrative arrest, as well as other measures of temporary isolation of military personnel from society.
2. The military police bodies of the Armed Forces are also entrusted with the performance of special tasks to ensure the combat activities of the Armed Forces.
3. The military police bodies of the National Security Committee are also entrusted with the tasks of:
 - 1) protection of objects of the national security bodies of the Republic of Kazakhstan (hereinafter – the national security bodies);
 - 2) coordination of the activities of national security bodies in cases of administrative offenses.
4. Other tasks are assigned to the military police bodies by the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 6. Competence of military police bodies

1. Military police bodies within the assigned tasks:
 - 1) implement a set of measures aimed at preserving and strengthening the rule of law by identifying, studying the causes and conditions that contribute to the commission of offenses;
 - 2) implement a set of measures to ensure law and order in garrisons, military camps, military units (institutions);
 - 3) ensure the safety of road traffic of vehicles of national security bodies, the Armed Forces, the National Guard;
 - 4) carry out the prevention of corruption and the detection of corruption offenses among military personnel and civilian personnel (employees);
 - 5) carry out proceedings on cases of administrative offenses;
 - 6) carry out pre-trial investigation in cases of criminal offenses;
 - 7) carry out a search for military personnel;

8) organize the activities of guardhouses and premises for temporarily detained persons, carry out the maintenance of military personnel in them, as well as their escort outside the guardhouse.

2. The military police bodies of the Armed Forces also:

1) participate in the coordination of the activities of the Armed Forces on the organization of the daily duty service, internal and garrison services, anti-sabotage security, anti-terrorist security, ensuring the security of military service, as well as the operation of technical means of protection of military units (institutions);

2) guard the object – the building of the Ministry of Defense of the Republic of Kazakhstan (hereinafter – the Ministry of Defense) with the adjacent territory and facilities, including with the use of weapons, special means, security systems and other technical means of protection, as well as provide access control at the specified object in the manner and within the limits determined by the Minister of Defense.

3. The military police bodies of the National Security Committee also:

1) in the manner and within the limits determined by the Chairman of the National Security Committee, coordinate the activities of national security bodies in cases of administrative offenses;

2) protect the facilities of the national security bodies, including with the use of weapons, special means, security systems and other technical means, as well as provide access and intra-facility regimes at these facilities in the manner and within the limits determined by the Chairman of the National Security Committee;

3) coordinate the provision of physical and technical security of objects of national security bodies.

4. Military police bodies exercise other powers provided for by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 7. Powers of the military police bodies

1. Military police bodies are obliged:

1) to protect the rights and freedoms of military personnel and other individuals from unlawful encroachments;

2) to take part in the legal education of military personnel and implement measures to prevent offenses;

3) to assist the command of military units (institutions) in ensuring military discipline among military personnel;

4) to carry out patrol and post service (patrolling);

5) when committing offenses by military personnel and individuals on the territory of military units (institutions) and military camps, to take measures to ensure the termination of the offense;

- 6) to analyze information about criminal and administrative offenses committed by military personnel, as well as incidents in garrisons, military units (institutions);
- 7) to identify, suppress administrative offenses, establish the reasons and conditions that contributed to their commission, carry out proceedings on cases of administrative offenses in accordance with the procedure determined by the legislation of the Republic of Kazakhstan on administrative offenses;
- 8) to identify, suppress and disclose criminal offenses, establish the circumstances that contributed to their commission, as well as carry out pre-trial investigation in accordance with the procedure established by the criminal procedure legislation of the Republic of Kazakhstan ;
- 9) to search for military personnel who voluntarily left a military unit (institution) or a place of service, hiding from the bodies conducting criminal proceedings, and in other cases provided for by the legislation of the Republic of Kazakhstan;
- 10) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, detain military personnel and individuals committing criminal and administrative offenses, as well as accused or defendants hiding from the bodies conducting criminal proceedings, as well as military personnel violating military discipline;
- 11) to carry out the instructions of the bodies conducting criminal proceedings in accordance with the procedure established by the law of the Republic of Kazakhstan;
- 12) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to participate in ensuring the state of emergency or martial law, anti-terrorist operation, territorial defense measures and emergency response;
- 13) to ensure law and order and security during mass events with the participation of troops;
- 14) to provide assistance to individuals who have suffered from unlawful encroachments, accidents and incidents, as well as those who are in a helpless or other condition dangerous to their health and life;
- 15) to monitor compliance with traffic rules by drivers of vehicles of national security bodies, the Armed Forces, the National Guard, as well as the rules of their operation;
- 16) to carry out state registration of motor vehicles and trailers to them of the Armed Forces, other troops and military formations, with the exception of Special Forces of the State Security Service of the Republic of Kazakhstan, with the issuance of relevant documents and state registration plates;
- 17) to carry out mandatory technical inspection of motor vehicles and trailers to them registered with the military police bodies;
- 18) to carry out urgent actions at the scene of a traffic accident involving vehicles of national security bodies, the Armed Forces, the National Guard, take measures to rescue people and provide them with emergency medical care, assist in the evacuation of damaged vehicles, as well as the protection of military property;

19) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to maintain and protect military personnel in guardhouses and in premises for temporarily detained;

20) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to ensure the protection and escort (escort) of military personnel held in the guardhouse (except for military personnel subjected to administrative arrest) outside the guardhouse;

21) to submit materials on disciplinary offenses committed by military personnel for consideration by the relevant commanders (chiefs) of military units (institutions) in accordance with the disciplinary statute of the Armed Forces, other troops and military formations;

22) to develop measures to improve its activities;

23) to perform other duties provided for by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Military police bodies have the right to:

1) require military personnel and civilian personnel (employees) during the performance of their official duties or being in the locations of military units (institutions) to observe public order, stop illegal actions and actions that hinder the implementation of the tasks and functions of military police bodies, as well as compliance by military personnel with the rules of wearing military uniforms;

2) in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan, to check:

military personnel's documents certifying their identity, as well as other documents determining their affiliation to military service and the legality of staying outside the place of military service;

documents of individuals located on the territory of military units (institutions), closed and isolated military camps and other military facilities, certifying their identity, as well as other documents confirming the legality of their stay in these places;

3) to send military personnel and civilian personnel (employees) for medical examination in accordance with the procedure and cases established by the legislation of the Republic of Kazakhstan to determine the fact of the use of psychoactive substances and the state of intoxication;

4) to make recommendations on the elimination of circumstances, causes and conditions that contributed to the commission of criminal, administrative offenses and other violations of the law, respectively;

5) in urgent cases, use means of communication for official purposes, regardless of their location and affiliation (except for means of communication of representative offices of foreign states and international organizations with diplomatic immunity), as well as in the

absence of other opportunities to use military transport to travel to the scene of the incident, deliver military personnel and other persons in need of emergency medical care, to medical organizations, if delay can create a real threat to their life or health;

6) when carrying out measures to search for and detain military personnel who voluntarily left a military unit (institution) or a place of service with weapons, in coordination with the internal affairs bodies of the Republic of Kazakhstan, establish checkpoints;

7) in circumstances threatening the life and health of people, in coordination with the authorized body for road safety, to restrict or prohibit the movement of vehicles and pedestrians on certain sections of streets, highways and other territories;

8) in coordination with the authorized body for ensuring road safety, to organize and provide escort for convoys of vehicles of national security bodies, the Armed Forces, other troops and military formations and regulate traffic on roads and streets during the passage of these convoys;

9) to check with national security bodies, military units (institutions) of the Armed Forces, the National Guard, the execution of control and preventive measures to ensure road safety;

10) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, to stop, inspect, and also detain vehicles, prohibit their operation until the reasons that served as the basis for such a ban are eliminated, as well as in the presence of malfunctions and conditions, the list of which is approved by the Ministry of Internal Affairs of the Republic of Kazakhstan; prohibit the operation of vehicles that have hidden, fake, altered numbers of components and assemblies or forged or fake state registration plates, as well as if the marking of vehicles does not match the data specified in the registration documents; remove from driving vehicles persons in respect of whom there are sufficient grounds to believe that they are intoxicated, and send them for a medical examination for a state of intoxication, at that the powers of:

the military police bodies of the Armed Forces apply to vehicles of the Armed Forces and persons driving them;

the military police bodies of the National Security Committee – on vehicles of national security bodies and persons driving them;

the military police bodies of the National Guard – on vehicles of the National Guard and persons driving them;

11) to check in military units (institutions) compliance by military personnel and civilian personnel (employees) with the requirements of the legislation of the Republic of Kazakhstan on combating corruption;

12) at objects protected by military police bodies:

to check the identity documents of individuals, the things they have with them, at their entrance (entry) to the objects and exit (exit) from them;

to require compliance with the access and in-object modes;

to use technical means to detect and seize documents, things, objects, products and substances restricted to entry (import), removal (export);

13) to carry out at the entrance (entrance) to the places of mass events with the participation of troops, the inspection of persons, their belongings, vehicles and transported goods, including with the use of technical means and service dogs;

14) to use technical means in the performance of official duties to record the facts of the commission of offenses, as well as the actions of military personnel of the military police bodies;

15) to exercise other rights provided for by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The military police bodies of the Armed Forces also have the right:

1) to exercise internal control over the organization of the daily duty service, internal and garrison services, anti-sabotage security, anti-terrorist protection, operation of technical means of protection of military units (institutions) of the Armed Forces;

2) to exercise internal control over the organization of measures to ensure the security of military service in military units (institutions) of the Armed Forces;

3) to carry out canine activities.

Article 8. Interdepartmental interaction of military police bodies, as well as interaction with state bodies and organizations

1. Military police bodies carry out their activities in cooperation with each other, with law enforcement and other state bodies within the limits established by the legislation of the Republic of Kazakhstan, and inform each other on issues related to their competence, as well as interact with organizations.

The procedure for organizing and implementing interdepartmental interaction of military police bodies, as well as their interaction with law enforcement, other state bodies and their subordinate organizations is determined by joint regulatory legal acts of the relevant state bodies.

2. During the period of security measures at facilities protected by military police bodies, the State Security Service of the Republic of Kazakhstan is the organizing and coordinating body in addressing issues of ensuring the safety of protected persons.

When conducting security measures in the cities of Astana and Almaty, military police bodies coordinate the passage of columns of military vehicles with the State Security Service of the Republic of Kazakhstan, and in other administrative-territorial units – with national security bodies.

3. The command of military units (institutions), military administration bodies and military personnel are obliged to assist the military police bodies in solving the tasks assigned to them.

Article 9. Competence of authorized bodies

1. The Ministry of Defense develops and approves:

1) the rules for organizing the activities of the military police bodies of the Armed Forces of the Republic of Kazakhstan to ensure road safety of vehicles of the Armed Forces of the Republic of Kazakhstan;

2) the rules for organizing and providing support for convoys of military vehicles and special purpose vehicles, regulating traffic on highways and streets during the passage of these convoys;

3) the internal regulations and detention of suspects and accused persons in the guardhouse of the military police bodies of the Armed Forces of the Republic of Kazakhstan;

4) the rules of serving administrative arrest by military personnel in the guardhouse of the military police bodies of the Armed Forces of the Republic of Kazakhstan;

5) the internal regulations and detention of convicts in the guardhouse of the military police bodies of the Armed Forces of the Republic of Kazakhstan;

6) the rules for protection and escort (escort) of military personnel held in the guardhouse of the military police bodies of the Armed Forces of the Republic of Kazakhstan (except for military personnel subjected to administrative arrest) outside the guardhouse;

7) the rules for organizing the activities of premises for temporarily detained persons on duty at the military police body of the Armed Forces of the Republic of Kazakhstan and standard internal regulations in them;

8) the rules of organization of the patrol and post service of the military police bodies of the Armed Forces of the Republic of Kazakhstan;

9) the rules for the implementation of security measures by the military police bodies of the Armed Forces of the Republic of Kazakhstan;

10) the rules of service ethics of military personnel of the military police bodies of the Armed Forces of the Republic of Kazakhstan;

11) the rules of organization of service of troops in the Armed Forces of the Republic of Kazakhstan;

12) the rules for organizing the search for servicemen of the Armed Forces of the Republic of Kazakhstan who are hiding from the bodies conducting criminal proceedings, as well as those who voluntarily left a military unit (institution) or place of service.

2. The National Security Committee develops and approves:

1) the rules of serving administrative arrest by military personnel in the guardhouse of the military police bodies of the National Security Committee of the Republic of Kazakhstan;

2) the rules of organization and conduct of patrolling by military police bodies of the National Security Committee of the Republic of Kazakhstan;

3) the rules for organizing and ensuring the escort of convoys of vehicles of national security bodies and special purpose vehicles, traffic regulation on highways and streets during the passage of these convoys.

3. The Ministry of Internal Affairs of the Republic of Kazakhstan develops and approves:

- 1) the list of special vehicles of the military police bodies of the National Guard of the Republic of Kazakhstan;
- 2) the rules of state registration of motor vehicles and trailers to them of the National Guard of the Republic of Kazakhstan;
- 3) the rules for conducting mandatory technical inspection of motor vehicles and trailers to them registered with the military police bodies of the National Guard of the Republic of Kazakhstan.

Chapter 3. THE USE OF PHYSICAL FORCE, SPECIAL MEANS AND WEAPONS BY MILITARY PERSONNEL OF THE MILITARY POLICE BODIES

Article 10. Conditions and limits of the use of physical force, special means and weapons

1. Military personnel of military police bodies have the right to carry, store and use weapons, special means, as well as to use the physical force.

2. Military personnel of military police bodies are required to undergo special training, as well as periodic verification of their suitability for actions involving the use of physical force, special means, weapons.

3. When using physical force, special means, weapons, a serviceman of the military police is obliged:

1) to warn of the intention to use them, while giving sufficient time to fulfill their requirements to persons against whom it is intended to use physical force, special means or weapons, except in cases where delay in the use of physical force, special means, weapons creates a danger to the life and health of individuals, may entail other grave consequences or when, in the current situation, such a warning is inappropriate or impossible, as well as the cases provided for by the laws of the Republic of Kazakhstan;

2) to take measures to provide first aid to individuals who have received bodily injuries as a result of their use;

3) to immediately report to the immediate supervisor about each fact of their use.

4. The military prosecutor shall be immediately informed about each case of the use of physical force, special means, weapons by the military personnel of the military police bodies, which resulted in the death of people or other grave consequences.

5. Military personnel of military police bodies shall not be liable for moral, property and physical harm caused in connection with the use of physical force, special means, weapons, if their actions correspond to the nature and degree of danger of encroachment on military personnel, other individuals, protected objects or the serviceman of military police bodies.

The use of physical force, special means and weapons by military personnel of military police bodies with excess of authority entails liability established by the laws of the Republic of Kazakhstan.

Article 11. The use of physical force, special means

1. Military personnel of military police bodies have the right to use physical force, including combat fighting techniques, as well as special means and service dogs in cases of:

1) protection of military personnel, other persons and self-defense from attacks and other actions that endanger their life and health;

2) suppression of mass riots in military camps, military units (institutions), as well as group violations of public order and military discipline by military personnel;

3) repelling an attack, suppressing an attempt to attack military camps, as well as objects and vehicles protected by military police bodies, preventing unauthorized entry of persons, motor vehicles and other equipment into such objects, as well as for the release of these objects and means in the event of their capture;

4) detentions of persons caught in the commission of criminal offenses, resisting or intentionally obstructing military personnel of military police bodies in the exercise of the duties assigned to them by this Law;

5) escorting and guarding (escorting) detainees, detained military personnel, as well as convicted, suspects and accused, if there are sufficient grounds to believe that they can escape, harm others or themselves;

6) identification, prevention and suppression of criminal offenses, as well as the search for military personnel.

The military personnel of the military police bodies of the National Security Committee and the National Guard also have the right to use physical force, including combat fighting techniques, as well as special means in other cases provided for by the laws of the Republic of Kazakhstan.

2. The list of special means of the military police bodies of the Armed Forces and the National Security Committee shall be determined respectively by the Minister of Defense and the Chairman of the National Security Committee.

3. It is prohibited to use combat fighting techniques, special means and service dogs against women, persons with obvious signs of disability and minors, except in cases when they commit an attack that threatens the life and health of others, a group attack or armed resistance.

Article 12. Use of weapons

Military personnel of the military police bodies have the right to use weapons as a last resort in cases provided for by the laws of the Republic of Kazakhstan.

Chapter 4. PERSONNEL, LEGAL STATUS, SOCIAL SECURITY AND RESPONSIBILITY OF MILITARY PERSONNEL OF THE MILITARY POLICE BODIES

Article 13. Personnel of the military police bodies

1. Military police bodies are staffed with military personnel in accordance with the legislation of the Republic of Kazakhstan.

The military police bodies of the Armed Forces are also staffed with civilian personnel (employees).

2. A special check is carried out in accordance with the legislation of the Republic of Kazakhstan in respect of a person entering military service in the military police bodies before being appointed to a position.

Citizens entering military service in the military police bodies for the first time are required to undergo special initial training and internship (probationary employment period). The procedure and conditions for their internship (probation employment period) are determined respectively by the Minister of Defense, the Minister of Internal Affairs, the Chairman of the National Security Committee.

3. Persons may not be admitted to military service in military police bodies in cases provided for by the Law of the Republic of Kazakhstan "On military service and the status of military personnel" and other laws of the Republic of Kazakhstan regulating the activities of state bodies, the structure of which includes military police bodies.

4. Military personnel transferred from other troops and military formations, special state and law enforcement agencies, as well as transferred from structural units of the Armed Forces to the military police bodies of the Armed Forces, undergo mandatory retraining in military educational institutions or training centers of the Ministry of Defense, with the exception of persons who previously served in the military police bodies.

5. Military personnel of the military police bodies of the Armed Forces have the right to undergo retraining and advanced training in military educational institutions and training centers of the Ministry of Defense.

6. Labor relations of civilian personnel (employees) of the military police bodies of the Armed Forces are regulated by the labor legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan in the field of public service.

Article 14. Legal status and social security of military personnel of the military police bodies

1. Military personnel of the military police bodies, when performing their duties, are under the protection of the state and are representatives of the authorities.

2. The requirements of military personnel of military police bodies provided for by the legislation of the Republic of Kazakhstan (hereinafter – legal requirements) are mandatory for all citizens and officials.

3. Failure to comply with the legal requirements of military personnel of the military police bodies, insult, resistance, threat of violence or encroachment on their life, health, honor and dignity, property, other actions that hinder the performance of their duties, entail liability established by the laws of the Republic of Kazakhstan.

4. Service certificates and badges are issued to military personnel of the military police bodies in order to fulfill the legally prescribed tasks in confirmation of their identity and authority. The procedure for issuing, using and describing the service certificate and badge are determined by the head of the authorized body.

The service certificate confirms the right to carry and store weapons, special means, and other powers granted to military personnel of the military police bodies in accordance with the laws of the Republic of Kazakhstan.

Service certificates and badges are not issued to conscripts of the military police bodies of the Armed Forces, their belonging to the military police bodies is confirmed by uniforms and insignia of the established pattern.

5. Military personnel of military police bodies are subject to social guarantees, benefits, medical, pension and other types of security provided for by the Law of the Republic of Kazakhstan "On military service and the status of military personnel" and other laws of the Republic of Kazakhstan regulating the activities of state bodies, the structure of which includes military police bodies.

Article 15. Responsibility of military personnel of the military police bodies

1. Military personnel of military police bodies shall be liable for committing offenses established by the laws of the Republic of Kazakhstan.

The military personnel of the military police bodies are brought to disciplinary responsibility in accordance with the procedure established by the general military regulations of the Armed Forces, other troops and military formations.

2. Actions (inaction) of military personnel of military police bodies may be appealed to higher officials, to the court in accordance with the procedure established by the laws of the Republic of Kazakhstan.

Chapter 5. FINAL PROVISIONS

Article 16. Financial and logistical support of the military police bodies

Financial and logistical support of military police bodies is carried out at the expense of budgetary funds allocated respectively to the Ministry of Defense, National Security bodies and the National Guard.

The separate structural divisions of the military police bodies of the National Security Committee are provided with office premises, means of communication, motor vehicles, fuel and lubricants, weapons, housing and other material and technical means necessary for service and life, at the expense of the national security bodies and their units in places of deployment.

Article 17. Supervision over compliance with the rule of law in the activities of the military police bodies

Supreme supervision over the observance of legality in the activities of military police bodies is carried out by the Prosecutor General of the Republic of Kazakhstan and subordinate military prosecutors.

Article 18. Procedure for enactment of this Law

1. This Law shall enter into force upon the expiration of ten calendar days after the date of its first official publication.

2. To recognize as invalid the Law of the Republic of Kazakhstan dated February 21, 2005 "On military police bodies".

President of the Republic of Kazakhstan

K.TOKAYEV

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