

## On Rehabilitation of Victims of Massive Political Repressions

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 14 April 1993.

#### Unofficial translation

Supreme Soviet of the Republic of Kazakhstan shall adopt the Law, being firmly resolved to restore justice in respect of the people being subject to massive political repressions for the purpose of rehabilitation of all the victims of the repressions, ensuring of maximum possible compensation at the present time for moral and material damage inflicted to them.

### Chapter I. GENERAL PROVISIONS

**Article 1. In the Article, political repressions shall be recognized as enforcement measures that were carried out under political motives by state bodies or civil servants representing them, in the form of deprivation of life or freedom, including placement in custody and compulsory treatment in psychiatric institutions, expulsion from the country and deprivation of citizenship, removal from residence places or district of inhabitation (exile or removal), direction to special location, engagement to forced labour with restriction of freedom (as well as in so-called “labour armies”, “working strings NKVD”), as well as other deprivation or restriction of rights and freedoms linked with false accusation in commission of a crime, or with pursuing as social dangerous persons based on of political convictions, class, social, national, religious or other affiliation in judicial, non-judicial or administrative manner.**

Rehabilitation in the Law shall be understood to mean recognition of a person as victim of political repressions or injured from political repressions, restoration of his (her) violated rights, compensation for inflicted moral or material damage in judicial or other manner established by the Law.

**Article 2. Force of the Law shall apply to any and all persons directly being subject to political repressions in the territory of former USSR and that are citizens of the Republic of Kazakhstan at the present time.**

Together with persons mentioned in a part one of this Article, victims of political repressions shall be recognized as persons permanently resided in the territory that is nowadays the territory of the Republic of Kazakhstan before applying repressions against them in cases of:

- a) application of repressions by soviet courts and other bodies beyond the boundaries of former USSR;
- b) convictions by military tribunals of active army during the Second World War (civilians and military servants);

c) application of repressions after calling for military service beyond the boundaries of Kazakhstan;

d) application of repressions under decisions of central union bodies:

Supreme Court of USSR and its judicial boards, OGPU boards of USSR, special council under NKVD-MGB-MIA USSR, Commissions of the Prosecutor's Office of USSR and NKVD USSR on investigative affairs and other bodies;

e) application of repressions for participation in events of 17-18 December 1986 in Kazakhstan, with the exception of persons convicted for commission of inflicted homicides and infringement on life of a policeman, people's guard in the events, in respect of which the procedure for review of criminal cases shall be remained.

Also victims of political repressions shall be recognized as persons being subject to forced illegal resettlement to Kazakhstan and from Kazakhstan on the basis of acts of supreme bodies of state power of USSR.

People affected by political repressions in this Law are children of victims of political repressions who, together with their parents or those in loco parentis, were in places of deprivation of liberty, in exile, were deported or lived in special settlements, as well as children of victims of political repressions, who at the time of repression were under eighteen and as a result of its use were left without the care of one parent or both of them.

**Footnote. Article 2 as amended by the Laws of the Republic of Kazakhstan dated 22 July 1997 № 169; dated 30 November 2000 № 108; dated 22 May 2007 No. 255 (shall be enforced from the date of its official publication); № 165-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication).**

**Article 3. All the persons that under political motives were subject to expulsion from the country, removal from the residence places or districts of inhabitation (exile or removal), direction to special location, engagement to forced labour with restriction of freedom, as well as other deprivations or restrictions of rights and freedoms in administrative manner, placed into psychiatric institutions for compulsory treatment under decisions of non-judicial bodies.**

In case of absence (due to their destruction) of documents confirming application of political repressions in the form of expulsion from country, removal from the places of residence or districts of inhabitation (exile or removal), direction to special location, the ground for recognition of a fact of applying repressions is establishment of factual residence of persons in the territory of Kazakhstan due to repression acts.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 22 July 1997 No. 169.**

**Article 4. All the persons convicted as follows shall be declared rehabilitated:**

a) counter-revolutionary propaganda and agitation;

b) violation of rules on separation of church from the state (with the exception of cases of conviction on accusation in compulsory collection of fees by religious groups, impediment in performance of religious ceremonies), in other words according to Articles 58-10, 122, 123,

125, 126 of the Criminal Code of RSFSR being in force until adoption of the Law of USSR dated 25 December 1958 “On Criminal Responsibility for State Crimes”;

c) Anti-Soviet agitation and propaganda;

d) violation of the Laws on separation of mosque and church from the state and school from mosque and church;

e) distribution of deliberately misleading fabrications discrediting social structure of USSR, in other words according to Articles 56, 130 (in the wording being in force before adoption of the Law of Kazakh SSR dated 26 June 1992), 170-1 of the Criminal Code of Kazakh SSR.

**Article 5. All the persons shall be subject to rehabilitation that on political motives were:**

a) convicted for state and other crimes;

b) convicted or subjected to punishments under decisions of non-judicial bodies for breakings from the places of deprivation of freedom, exile, removal and special locations served a sentence in there due to political repressions, or places of engagement to the forced labour with restriction of freedom;

c) convicted or subjected to punishments under decisions of non-judicial bodies for participation in resistance movement at the places of deprivation of freedom of political prisoners;

d) subjected to criminal punishments under decisions of bodies of VCheKa, GPU, OGPU, UNKVD-NKVD, MGB, MIA, prosecutor’s offices and their boards, “special councils”, “dvojka”, “trojka” and other bodies, carrying out judicial functions.

**Article 6. Persons listed in Article 5 of the Law shall not be subject to rehabilitation reasonably convicted by courts, as well as subjected to criminal punishments under decisions of non-judicial bodies, in cases of which there are enough evidences of committing the following crimes:**

a) betrayal of Motherland in all the forms, except for escape or flight abroad; armed insurrection or invasion to the territory of Republic with counter-revolutionary purposes consisting of armed gangs and participation in homicides and other acts of violence committed by them; espionage activities, act of terrorism, diversion;

b) forced actions in respect of civil population and army prisoners, as well as aiding to occupants and betrayers of the Motherland in commission of such actions during the Second World War;

c) organization of armed gangs and participation in homicides and other acts of violence committed by them.

**Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 08.04.2010 No. 266-IV (the order of enforcement see Article 2).**

**Article 7. All the cases of persons mentioned in Article 5 of this Law, as well as cases for persons placed in psychiatric institutions under political motives for compulsory treatment**

**with court decisions unreversed for the date of entering of this Law into legal force, shall be subject to compulsory inspection.**

In case of existence of sufficient evidences in cases on commission of general crimes by these persons, the mentioned person shall be subject to rehabilitation inly in a part of served sentence under political motives.

## **Chapter II. PROCEDURE FOR REHABILITATION**

**Article 8. Application on rehabilitation shall be filed by repressed persons themselves, and equally by any persons or interested public associations at the place of location of body or civil servant that took decision on application of repressions in judicial proceeding – to the bodies of prosecutor’s office, in administrative or other procedure – to internal affairs bodies or bodies of national security.**

**Article 9. Term for taking decision on application of rehabilitation may not exceed three months from the date of receipt of the application by body to which it is subordinated.**

In exceptional cases linked with necessity of receiving additional information, documents, certificates, the term for taking decision may be prolonged by superior body of prosecutor’s office, internal affairs body or body of national security, but no more than up to six months with compulsory informing the applicant about the reasons and terms of delay.

**Article 10. Upon applications of repressed citizens or other persons or interested public associations, bodies of prosecutor’s office shall be obliged to inspect all the cases for persons being subject to rehabilitation with court decisions being unreversed before entering of this Law into legal force.**

For inspection of such cases, bodies of prosecutor’s office shall engage internal affairs bodies, bodies of national security and public health bodies, demand necessary documents from them and other details.

According to materials of inspection, bodies of prosecutor’s office shall draw up conclusion on the basis of which shall issue certificate to an applicant on rehabilitation.

In the absence of the grounds for rehabilitation, bodies of prosecutor’s office shall be obliged to inform an applicant in established term on refusal in issuance of certificate on rehabilitation and direct the case with conclusion to court in accordance with Article 13 of this Law.

Permanent work on rehabilitation of the victims of political repressions shall be imposed on bodies of prosecutor’s office independently from the applications coming in this regard.

Details on fully rehabilitated citizens upon request of applicants shall be transferred by bodies of prosecutor’s office in print for publication.

**Article 11. According to instructions of bodies of prosecutor’s office and in cases of petition of applicants on confirmation of data certifying on the right of a person to unconditional rehabilitation in accordance with Articles 3 and 4 of the Law, internal affairs bodies and bodies of national security shall be obliged to establish a fact of expulsion from the country,**

**removal from the residence places or districts of inhabitation (exile or removal), direction to special location, engagement to forced labour with restriction of freedom or other deprivations or restrictions in rights and freedoms of citizens.**

Upon establishment of mentioned facts, internal affairs bodies and bodies of national security shall direct materials on case to bodies of prosecutor's office and notify an applicant on this.

Upon non-establishment of facts listed in a part one of this Article, or in the absence of grounds for unconditional rehabilitation, internal affairs bodies and bodies of national security shall direct considered materials in established term to bodies of prosecutor's office with compulsory notification of the applicant.

**Article 12. Applicant shall have the right to appeal decisions of bodies of prosecutor's office on refusal in issuance of certificate on rehabilitation or on partial rehabilitation in court in the manner provided for appeal of illegal actions of state bodies and civil servants infringing the rights of citizens.**

**Article 13. Decisions on the issues of rehabilitation upon non-establishment of the grounds for this by bodies of prosecutor's office shall be taken:**

- to convicted persons – by courts that delivered the latest court decisions. Cases on which the verdicts, rulings and regulations were delivered by abolished courts and military tribunals shall be transferred for consideration of the courts to the court jurisdiction of which these cases relate according to current legislation. Territorial court jurisdiction of cases on rehabilitation shall be determined at the place of issuance of the latest court decision.

- to those subjected to non-judicial repressions (including forced stay in psychiatric institutions) in the absence of documents at them confirming unconditional rehabilitation in accordance with Articles 3 and 4 of this Law – by the relevant oblast, Almaty city courts on the served territory of which the non-judicial bodies were in force and decisions were adopted by civil servants.

Transfer of cases on rehabilitation on court jurisdiction shall be carried out in the manner established by criminal procedure legislation of the Republic of Kazakhstan.

**Article 14. Cases received by court with negative conclusion of bodies of prosecutor's office shall be considered according to the rules of reviewing court decisions in the manner of supervision on criminal cases.**

Court shall recognize a citizen as fully rehabilitated, reverse previous decision and terminate the case.

Court may recognize a citizen as rehabilitated in a part of separate component or episode of a crime, previously charged to him (her) and amend previously accomplished decision.

Court shall have the right to recognize a citizen as not subjected to rehabilitation.

Ruling (regulation) of court may be protested by a prosecutor or appealed by an applicant in superior court.

**Article 15. In case of full rehabilitation of a citizen, court shall issue certificate on rehabilitation to an applicant.**

In case of rehabilitation of a citizen in respect of separate component or episode of crime or his (her) recognition as not subjected to rehabilitation by court, the applicant shall be issued by a copy of court ruling (regulation).

**Article 16. Fully rehabilitated citizens or their representatives, and in case of their death 0 relatives shall have the right to familiarization with materials of terminated criminal or administrative cases, as well as to receipt of manuscripts, photos and other personal documents remained in these cases.**

Relatives of rehabilitated person shall have the right to familiarization with documents only of non-procedural nature.

Familiarization of other persons with mentioned materials shall be carried out in the manner established for familiarization with materials of state archives.

Use of details received in a result of familiarization with materials in prejudice of rights and legal interests of persons and their relatives being implicated in a case shall be terminated

Personal things targeted in the investigation if their location is established may be demanded by a rehabilitated person or his (her) relatives at law on the basis of this Law.

**Article 17. State bodies storing archival materials related to repression shall be obliged to send notifications to the state registration bodies of civil status acts for registration of a death certificate, as well as, if there is data, when applicants apply, inform them of the time, cause of death and place of burial of the rehabilitated one.**

**Footnote. Article 17 - as amended by the Law of the Republic of Kazakhstan dated 14.07.2022 № 141-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

### **Chapter III. CONSEQUENCES OF REHABILITATION**

**Article 18. Persons rehabilitated in accordance with this Law shall be issued a unified-sample certificate in accordance with the procedure determined by the authorized body in the field of social protection of the population upon presentation of a certificate of rehabilitation or a copy of a judicial act that has entered into force.**

Documents on rehabilitation issued by authorized bodies of the former USSR and union republics included to it shall be recognized as being in force in the territory of the Republic of Kazakhstan, if decisions on rehabilitation are not inconsistent with the legislation of the Republic of Kazakhstan.

**Footnote. Article 18 as amended by the Law of the RK dated 24.11.2021 № 75-VII (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).**

**Article 19. Persons subjected to repressions and rehabilitated in the manner established by this Law shall be restored in social politic and civil rights lost by them due to repressions, in awards, honorary, military and special ranks.**

Upon rehabilitation of a person only in a part of accusation presented, the restoration of the rights that were violated due to political accusations shall be carried out.

**Article 20. The right of rehabilitated persons in residing in the locations and inhabited localities where they resided before their repression shall be recognized. This right shall apply to their family members and relatives resided together with them for the date of application of repression. In the absence of documentary data, the fact of the forced resettlement linked with repressions of relatives may be established in a judicial proceeding.**

In cases if persons subjected to repressions lost the right to occupied housing unit due to repressions and are in need of improvement of housing conditions at the present time, as well as in cases provided by a part one of this Article, they shall have the right to extraordinary receipt of dwelling place.

The same categories of persons residing in rural settlement shall be provided by the right of receiving interest-free loan and extraordinary supply of construction materials for construction of dwelling place.

**Article 21. All the rehabilitated persons deprived or that lost the citizenship without their free expression of will, as well as their successions shall be subject to restoration in citizenship of the Republic of Kazakhstan in declarative (registration) manner on the basis of provisions of a part two of Article 16 of the Law of the Republic of Kazakhstan “On citizenship of the Republic of Kazakhstan” in accordance with the Law.**

**Article 22.** Persons subjected to groundless repressions in the form of detention, imprisonment, placement in psychiatric institutions, living in special settlements or forced labor in the conditions of limited freedom (also in the so-called “labor armies”, “NKVD labor columns”) and rehabilitated in accordance with this Law, as well as children held together with them in places of deprivation of liberty, children of victims of massive political repressions or children left without the care of one parent or both of them, social security authorities at their place of residence, on the basis of documents on rehabilitation and time spent in these places, shall pay cash compensation from the budget in the amount of three quarters of the monthly calculation index, established by the law on the republican budget effective as of the day of application to the social security authorities, for each month of stay in the indicated places, but not more than 100 times the monthly calculation index.

Payment of compensation shall be carried out as in a lump sum, and in another manner, upon condition that within the first three months from the date of petition of rehabilitated person to the bodies of social protection, no less than one thirds of total sum is paid, and payment of the rest of sum shall be made within no more than two years.

Accrued sums of compensation shall be subject to indexation in accordance with changes of amount of monthly calculation index.

Payment of compensation to successors shall not be made except for the cases when compensation is accrued, but not received by rehabilitated person by the reason of his (her) death.

Compensation to persons to which the force of Decree of the Presidium of the Supreme Soviet dated 18 May 1981 “On compensation of damage inflicted to a citizen by illegal actions of state and public organizations, as well as civil servants upon fulfillment of their official duties” is applied, shall be made with the deduction of sums paid on the basis of this Decree.

Rehabilitated citizens having the right to compensation according to the legislation of states – formed union republics of USSR shall be provided by the right of choosing the place of receiving the compensation.

Payment or recalculation of amounts of compensations to persons receiving it in the states – formed union republics of USSR shall not be made.

**Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 22 July 1997 №. 169. Force of Article 22 is suspended until 1 January 2003 with the exception of payments of pecuniary compensation to persons subjected to unreasonable repressions for participation in events of 17-18 December 1986 in Kazakhstan – by the Law of the Republic of Kazakhstan dated 7 April 1999 № 374. Amendments are introduced by the Law of the Republic of Kazakhstan dated 19 January 2001 № 145 (shall be enforced from 1 January 2001); № 165-VI as of 02.07.2018 (shall be enforced ten calendar days after its first official publication).**

**Article 23. Rights of persons rehabilitated in respect of separate component or episode of accusation, for receipt of compensation provided by Article 22 of the Law shall be established by the court that took decision on rehabilitation upon their statement of claim.**

**Footnote. Force of Article 23 is suspended until 1 January 2003 by the Law of the Republic of Kazakhstan dated 7 April 1999 No. 374.**

**Article 24. Victims of political repressions, as well as persons that injured from political repressions mentioned in Article 2 of this Law, rehabilitated in accordance with this Law, having disability or that are pensioners shall have the right to:**

count of time being detained in custody, service of sentence at the places of deprivation of freedom, exile, engagement to forced labour with restriction of freedom in special location and in compulsory treatment in psychiatric institutions in length of employment for receipt of pension – in a three-fold amount;

getting another working leave at a time convenient for them, as well as for additional leave without pay for up to two weeks a year;

gratuitous transfer of housing unit in ownership with preservation of privatization coupons;

primary installation of phones;

primary joining to horticultural societies and housing co-operatives;



priority arrangement in medical and social institutions (organizations) for the elderly and individuals with disabilities, living in them on full state support in accordance with the legislation of the Republic of Kazakhstan;

preferential provision by prosthetic and orthopaedic appliances;

gratuitous advice of attorneys for the defence on the issues linked with rehabilitation.

Special state benefit shall be paid to victims of political repressions, persons injured from political repressions having disability or being pensioners for paying expenses for maintenance of dwelling place, for public services (centralized heating, cold and hot water supply, canalization, electric supply, gas supply, rubbish disposal, lift maintenance), for use of phone, travel by all the types of urban passenger transport (except for taxi) and travel by railway, water, air, intercity transport once a year.

The basis for obtaining the above benefits shall be a unified certificate approved by an authorized body in the field of social protection of the population.

Rehabilitated persons subjected to political repressions in other states – former union republics of USSR, but permanently residing in the Republic of Kazakhstan and that are its citizens shall enjoy all the benefits provided by this Article.

**Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 17 December 1998 No. 323 (shall be enforced from 1 January 1999). Amendments are introduced by the Law of the Republic of Kazakhstan dated 7 April 1999 No. 374; dated 24.11.2021 № 75-VII (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

**Article 25. The benefits and compensations provided for by this Law are provided at the expense of the republican budget in accordance with the procedure established by the authorized body in the field of social protection of population.**

**Footnote. Article 25 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

**Article 26. Force of Articles 18-24 of this Law shall apply to the victims of political repressions rehabilitated before entering of this Law into force.**

#### **Chapter IV. FINAL PROVISIONS**

**Article 27. If international treaty ratified by the Republic of Kazakhstan established other rules than those provided by this Law, the rules of the international treaty shall be applied.**

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 29.04.2009 No. 154-IV (the order of enforcement see Article 2).**

**Article 28. Is excluded by the Law of the Republic of Kazakhstan dated 29.04.2009 No. 154-IV (the order of enforcement see Article 2).**

*The President  
of the Republic of Kazakhstan*

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