

## **On the State Security Service of the Republic of Kazakhstan**

### *Unofficial translation*

The Law of the Republic of Kazakhstan dated 3 October, 1995 No. 2483.

#### **Unofficial translation**

Footnote. The title is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. The title as amended; throughout the text the words “Decree”, “by Decree”, “of Decree” are substituted by the words “the Law”, “by the Law”, “of the Law”; numeration of charters are substituted by Arabic numerals by the Law of the Republic of Kazakhstan dated 04.07.2002 No. 335;

“of military service”, “to the military service”, “the military service” are substituted by the words “of national service”, “to the national service”, “the military service” in accordance with the Law of the Republic of Kazakhstan dated 22.05.2007 No. 255 (shall be enforced from the date of its official publication);

“the military servants”, “the military servant”, “of military servant”, “by the military servants”, “of military servants”, “by the military servant” are respectively substituted by the words “employees”, “employee”, “of employee”, “by the employees”, “of employees”, “to the employees” by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

Footnote. Throughout the text of the Law the words “of the Security service of the President of the Republic of Kazakhstan”, “Security service of the President of the Republic of Kazakhstan”, “by the Security service of the President of the Republic of Kazakhstan”, “of the Security service of the President”, “to the Security service of the President of the Republic of Kazakhstan”, “the Security service of the President of the Republic of Kazakhstan”, “by the Security service of the President”, “the Security service of the President” and “to the Security service of the President” are respectively substituted by the words “State security services of the Republic of Kazakhstan”, “State security service of the Republic of Kazakhstan”, “by the State security service of the Republic of Kazakhstan”, “to the State security service of the Republic of Kazakhstan” and “the State security service of the Republic of Kazakhstan” by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).

This Law determines the status, powers and organization of activity of the State security service of the Republic of Kazakhstan on ensuring of security of protected persons, as well as control and supervision of its activity.

Footnote. Preamble is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2002 No. 335.

## **Chapter 1. General provisions Article 1. State security service of the Republic of Kazakhstan**

The state security Service of the Republic of Kazakhstan is a special state body that is directly subordinate and accountable to the President of the Republic of Kazakhstan, relating to the national security forces of the Republic of Kazakhstan and carrying out protective measures to ensure security of protected persons and objects within the limits of the competence, established by the legislation of the Republic of Kazakhstan.

The State Security Service of the Republic of Kazakhstan has its own symbols and honourable distinctions, flag, and banner, the description of which shall be approved by the President of the Republic of Kazakhstan.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (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 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 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 1-1. Security measures**

Protective measures - a set of legal, organizational and technical measures, operational search and counterintelligence measures aimed at ensuring security of protected persons and objects.

The head of republican operational staff on conducting of security measures shall be the chief of the State security service of the Republic of Kazakhstan.

The head of regional, city of republican significance, the capital of operational staff on conducting of security measures shall be determined by the chief of the State security service of the Republic of Kazakhstan from the amount of representatives of the state bodies, entering into the composition of republican operational staff on conducting of security measures or their territorial bodies.

The head of the republican operational headquarters for carrying out security measures or an official authorized by him/her, from the beginning of the security measures until their completion, shall supervise all military personnel, employees and specialists of state bodies of the Republic of Kazakhstan involved in their implementation.

By the decision of the chief of the State security service of the Republic of Kazakhstan, the security measures on ensuring of security of protected persons shall be conducted within the anti-terrorist operations in accordance with this Law and the Law of the Republic of Kazakhstan “On counteraction to the terrorism”.

Footnote. The Law is supplemented by Article 1-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2002 No. 335; is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 No. 63-V (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 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 11.07.2022 No. 136-VII (shall come into effect upon the expiration of sixty calendar days after the day of its first official publication).

## **Article 1-2. Protected persons**

1. Protected persons – persons, subjected to protection by the State security service of the Republic of Kazakhstan in accordance with the Constitution of the Republic of Kazakhstan, constitutional Laws of the Republic of Kazakhstan and this Law.

2. The protected persons shall be:

1) the President of the Republic of Kazakhstan;

2) the Chairman of the Senate of the Parliament of the Republic of Kazakhstan;

3) the Chairman of the Mazhilis of the Parliament of the Republic of Kazakhstan;

4) Prime-minister of the Republic of Kazakhstan;

5) wife (husband) of the President of the Republic and other family members living together with the President;

6) Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

7) Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication );

8) Ex-President of the Republic of Kazakhstan;

9) civil servants of the Republic of Kazakhstan, the list of which is approved by the President of the Republic of Kazakhstan;

10) heads of foreign states, parliaments, and governments during their stay on the territory of the Republic of Kazakhstan;

11) the heads of international organizations and other persons of foreign states in the period of their stay in the territory of the Republic of Kazakhstan, the security of which is ensured on the basis of instructions of the President of the Republic of Kazakhstan or by his order – the Head of Administration of the President of the Republic of Kazakhstan.

3. Civil servants, specified in subparagraphs 2), 3), 4) of paragraph 2 of this Article shall be protected on the equal terms.

4. Persons, specified in subparagraph 1)-9) of paragraph 2 of this Article shall have a right to recommend to the chief of the State security service of the Republic of Kazakhstan to

change the persons, protected them in the case of improper performance of their official obligations.

Footnote. The Law is supplemented by paragraph 1-2 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2002 No. 335; as amended by the Law of the republic of Kazakhstan dated 14.06.2010 No. 290-IV (the order of enforcement see Article 2); 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 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 1-3. Protected objects**

Protected objects - buildings, structures, and constructions intended for the stay of protected persons, other buildings, structures, and constructions protected by the State Security Service of the Republic of Kazakhstan, as well as the territory and water area adjacent to them.

The list of objects protected by the state security Service of the Republic of Kazakhstan is approved by the Head of the state security Service of the Republic of Kazakhstan in agreement with the Administration of the President of the Republic of Kazakhstan.

Footnote. The Law is supplemented by paragraph 1-3 – by the Law of the Republic of Kazakhstan dated 4 July, 2002 No. 335; as amended by the Law of the Republic of Kazakhstan dated 03.07.2017 № 86-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 1-4. Goals of the State Security Service of the Republic of Kazakhstan**

The goals of the State Security Service of the Republic of Kazakhstan shall be to ensure the security of the President of the Republic of Kazakhstan, other protected persons and objects, organize and coordinate issues of ensuring the safety of protected persons, and carry out security measures to ensure their safety.

Footnote. Chapter 1 is supplemented by Article 1-4 in accordance with the Law of the Republic of Kazakhstan dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 2. Tasks of the State security service of the Republic of Kazakhstan**

1. The tasks of the State security service of the Republic of Kazakhstan shall be:

1) ensuring the security of the President of the Republic of Kazakhstan and other protected persons;

2) detection, prevention and suppression of infractions, directed against the life, health, rights, freedoms, dignity of personality and property of protected persons;

3) protection of property, ensuring of public order and security on the protected objects and in other places of stay of protected persons;

4) carrying out counteraction to the terrorism within their powers;

5) forecasting and detection of threats to the protected persons and objects, carrying out a set of operational measures on their prevention and cancellation;

6) carrying out protection of standards of the State Flag of the Republic of Kazakhstan and the State Emblem of the Republic of Kazakhstan and participation in execution of ceremonial and protocol measures.

2. Other tasks of the State security service of the Republic of Kazakhstan may not be established by the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (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 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 291-VI dated December 26, 2019 (shall be enforced ten calendar days after the day of its first official publication); dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

### **Article 3. Principles of activity of the State security service of the Republic of Kazakhstan**

An activity of the State security service of the Republic of Kazakhstan shall be built in accordance with principles of legality, humanism, respect for human rights and professional ethics, undivided authority.

The State security service of the Republic of Kazakhstan shall solve their tasks in cooperation with other state bodies, civil servants, organizations and separate citizens.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 4. The legal basis of activity of the State security service of the Republic of Kazakhstan**

The legal basis of activity of the State security service of the Republic of Kazakhstan shall consist of the Constitution of the Republic of Kazakhstan, this Law, other regulatory legal acts of the Republic of Kazakhstan, as well as international treaties of the Republic of Kazakhstan.

### **Article 4-1. Organization of activity of the State security service of the Republic of Kazakhstan**

The management of the State security service of the Republic of Kazakhstan shall be carried out by the head of the State security service of the Republic of Kazakhstan, appointed

to the post, released from the service and (or) dismissed from service in the special state bodies by the President of the Republic of Kazakhstan.

Structure and staff number of the State security service of the Republic of Kazakhstan shall be approved by the President of the Republic of Kazakhstan by presentation of the chief of the State security service of the Republic of Kazakhstan.

**Footnote.** The Law is supplemented by Article 4-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2002 No. 335; as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 2. Organization of activity of the State security service of the Republic of Kazakhstan**

**Footnote.** Chapter 2 is excluded by the Law of the Republic of Kazakhstan dated 4 July, 2002 No. 335.

## **Chapter 3. Obligations and rights of the State security service of the Republic of Kazakhstan Article 8. Obligations of the State security service of the Republic of Kazakhstan**

The state security service of the Republic of Kazakhstan shall be obliged to:

1) prevent and suppress infractions, infringing upon the life, health, rights, freedom, personal dignity and property of protected persons; identify the circumstances, contributing to their possible commission, and to take measures to their elimination within their rights;

2) render assistance to the protected persons, suffered from infractions and accidents, as well as being in the helpless or other state, dangerous to their health and life. Participate in decision of organizational issues, related with medical service of protected persons within its competence;

3) receive applications, messages and other incoming information on prepared infractions and events, threatening to the personal security of protected persons or public security on the protected objects and in other places of their stay, timely take measures, provided by the legislation;

4) render assistance to the law-enforcement bodies in detection and search of persons, committed the criminal infractions against the life, health, rights, freedoms, personal dignity and property of protected persons;

6) ensure security of transportation of protected persons in all modes of transport, comply and control observation of established rules, regulations and standards, effective in the scope of traffic safety of vehicular and other transport vehicles, assigned for the transportation of protected persons;

7) take measures on saving or protected persons and rendering them the first medical assistance, as well as on protection of personal property of protected persons and other



property, subjected to protection and left without supervision upon accidents, disasters, fires, natural disasters and other emergency situations; participate in ensuring of legal regime of emergency or military situation in relation of protected persons in the case of its introduction to the territory of the Republic of Kazakhstan or in the separate areas, as well as in conducting of quarantine measures in relation of protected persons during epidemics and epizootics; in accordance with the Law;

8) organize the provision of communications to the President of the Republic of Kazakhstan and other protected persons, the security of presidential communications systems, as well as the implementation of a set of measures to prevent their information isolation;

The procedure for organizing interaction on the provision with presidential communications shall be determined by joint regulatory legal acts of the State Security Service of the Republic of Kazakhstan and state bodies.

The procedure for organizing interaction on the provision with presidential communications to the State Security Service of the Republic of Kazakhstan and other organizations shall be determined by agreements (contracts);

9) compensate the damage, caused in connection with the use of their means of communication, transport and premises for the official purposes to the citizens, enterprises, organizations and institutions in the established procedure;

10) Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan By Decree of the President of the Republic of Kazakhstan, having the force of Law, dated 08.12.1995 No. 2674; laws of the Republic of Kazakhstan dated 16.05.1997 No. 110; dated 04.07.2002 No. 335; dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 291-VI dated December 26, 2019 (shall be enforced ten calendar days after the day of its first official publication); dated 13.05.2020 No. 325-VI (shall be enforced six months after the day of its first official publication); dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 9. Rights of the State security service of the Republic of Kazakhstan**

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The State security service of the Republic of Kazakhstan for performance of obligations, imposed on it shall have a right to:

1) conduct personal inspection of citizens (except for the protected persons), inspection of their belongings, inspection of transport vehicles and things, transported in it, as well as with the use of technical means upon entrance (entry) on protected objects and on exit (departure)

from them. Prohibit carrying the items and substances on the protected objects. The list of items and substances, prohibited to carry on the protected objects shall be prohibited by the chief of the State security service of the Republic of Kazakhstan;

1-1) carry out photographing, audio recording, film and video shooting of facts and events upon conducting of security measures;

2) make proposals and (or) instructions on elimination of circumstances, contributing to commission of infractions, infringing on life, health, rights, freedom, personal dignity and property of protected persons;

2-1) carry out verification and access of individuals and legal entities to the works on protection and service of protected persons and objects;

2-2) apply measures and time constraints, provided by the Law of the Republic of Kazakhstan "On counteraction to the terrorism" upon participation in the antiterrorist operations and ensuring of legal regime of antiterrorist operations;

2-3) make an inquire within the powers, established by the Laws of the Republic of Kazakhstan;

2-4) to conduct operative-search and counter-intelligence activities in accordance with the laws of the Republic of Kazakhstan "On Operative-search activity" and "On Counter-intelligence activity" for security of protected persons and objects;

2-5) establish additional requirements for the organization of anti-terrorist protection of objects vulnerable to terrorists, intended for the stay of protected persons;

3) use the official premises of organizations, military formations, as well as dwelling and other premises of citizens, their transport vehicles, communication and other property on a contractual basis;

4) request and receive information, necessary for execution of imposed tasks, from the state bodies, organizations, irrespective of the forms of ownership, and military formations in the established procedure;

5) organize and carry out sanitary -hygienic, environmental, radiation, biological, chemical and antiepidemic control in the buildings, structures, constructions, intended for the visit by the protected persons and in the territories, adjacent to them, as well as on the protected objects;

5-1) organize and carry alert on ensuring of security of protected persons, protection and defence of protected objects, determine procedure of organization and conducting of protected measures, as well as in coordination with the state bodies composition of forces and means, involved to participation in the protective measures;

6) ensure their own security;

7) permit the storage, carrying of service weapon and special means to the employees of the State security service of the Republic of Kazakhstan, passed the special training;

8) detach the employees for organization and conducting of protective measures outside the Republic of Kazakhstan;



9) carry out preparation and raising of qualification of staff in the educational institutions and research institutions, being under the jurisdiction of the Ministry of Defence, Internal Affairs Ministry, National Security Committee of the Republic of Kazakhstan, as well as in the educational institutions of other states, as well as in the special, on a contractual basis;

9-1) carry out education, training and retraining of employees and military servants of the State security service, Armed Forces, other troops and military formations, law-enforcement and special state bodies of the Republic of Kazakhstan in the scope of ensuring of security, as well as in accordance with international treaties of special services of foreign states;

10) ensure operation and technical service of objects, being on the balance, organize sanitary and hygienic, environmental and antiepidemic control;

10-1) create separate subdivisions, not subjected to the record registration in the authorized body out of the location of the State security service;

11) encourage citizens for the merits in ensuring of security of protected persons, present them in the manner established by the legislation to the state awards of the Republic of Kazakhstan;

12) involve citizens of the Republic of Kazakhstan on the voluntary basis as freelance operational employees of the State security service of the Republic of Kazakhstan;

13) involve the forces and means of internal affairs bodies, special state bodies, as well as other state bodies of the Republic of Kazakhstan if necessary for participation in the protective measures. Procedure of involvement of the state bodies for participation in the protective measures shall be approved by the joint regulatory legal acts.

In the decision of issues of ensuring of security of protected persons, the state security service of the Republic of Kazakhstan shall be organizing and coordinating body.

**Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2002 No. 335; dated 08.04.2010 No. 266-IV (the order of enforcement see Article 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 No. 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication); dated 13.05.2020 No. 325-VI (shall be enforced six months after the day of its first official publication).**

**Chapter 4. Use of the physical force, special means, firearms and military equipment Article 10. Conditions and limits of the use of physical force, special means, firearms and military equipment**

**Footnote. The title of Article 10 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

Employees and military servants of the State security service of the Republic of Kazakhstan shall have a right to carry, store and use of weapons, special means, as well as physical force. They are obliged to pass the special training, periodic training for suitability to actions in the conditions related with the use of physical force, special means and weapons.

An employee and military servant of the State security service of the Republic of Kazakhstan shall not bear responsibility for the moral, material and physical harm, caused in connection with the use of physical force, special means, weapons and military equipment in the cases, provided by the Law, if protection corresponds to the nature and danger of infringement to the protected persons, protected objects or the employee (military servant) of the State security service of the Republic of Kazakhstan.

The use of physical force, special means and weapons by the employees and (or) military servants of the State security service of the Republic of Kazakhstan with excess of powers shall entail responsibility, established by the Law.

**Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2002 No. 335; dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 11. The use of physical force**

Employees and military servants of the State security service of the Republic of Kazakhstan shall have a right to use the physical force, as well as fighting methods of struggle for suppression of criminal and administrative infractions, infringing on life, health, rights, freedom, personal dignity and property of protected persons, detention of persons, committed them, overcoming counteraction to the legal requirements, if non-violent methods do not provide performance of obligations, imposed on the State security service of the Republic of Kazakhstan.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 12. The use of special means**

Employees and military servants of the State security service of the Republic of Kazakhstan shall have a right to use the special means, available in service in the following cases:

- 1) for reflection attack on protected persons;
- 2) for reflection attack to the buildings, structures, premises, other objects and transport vehicles, protected by the State security service of the Republic of Kazakhstan, as well as for release of these objects and means in the case of their capture;

3) for disarmament of persons, illegally have firearms or cold arms, ammunition, explosives, potent chemicals and poisonous substances;

4) for reflection attack on the employees, military servants of the State security service of the Republic of Kazakhstan, family members, or other persons, involved by the State security service of the Republic of Kazakhstan to ensuring of protective measures;

5) for detention offenders, persons, maintaining resistance or intentionally preventing to employees, military servants of the State security service of the Republic of Kazakhstan or employees of law-enforcement bodies to execute official obligations, imposed on them;

6) for release of the hostages, suppression of mass disorders, group actions, infringing on life, health, rights, freedom, personal dignity and property of protected persons and objects;

7) for the stop of transport vehicles, the driver of which does not comply with requirement of employee and (or) military servant of the State security service of the Republic of Kazakhstan to stop, if by other method it is impossible to prevent the real threat for the protected persons;

8) to prevent the violation of airspace by unmanned aerial vehicles in the zone of security measures or over the territory of protected objects.

Shall be prohibited to use the special means towards protected person, as well as in relation of women with visible signs of pregnancy, persons, with obvious signs of disability and minors, except for the cases of commission them an attack to the protected persons, threatening their lives and health, group attacks or armed resistance.

**Footnote.** Article 12 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2002 No. 335; dated 08.04.2010 No. 266-IV (the order of enforcement see Article 2); dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 No. 347-VI (shall be enforced ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

### **Article 13. Use of weapons and military equipment**

**Footnote.** The title of Article 13 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Employees, military servants of the State security service of the Republic of Kazakhstan shall have a right to use the weapons and military equipment as extreme measure in the following cases:

1) for reflection attack to the protected persons;

2) for reflection attack to the buildings, structures, premises, other objects and transport vehicles, protected by the State security service of the Republic of Kazakhstan;

3) for reflection attack on the employees, military servants of the State security service of the Republic of Kazakhstan, family members, or other persons, involved by this body to ensure protective measures;

4) for protection of citizens from criminal infringement, as well as release of hostages captured by the protected objects, structures and special cargoes;

5) for detention of persons, caught upon commission of criminal infraction, or directly after commission, maintaining armed resistance, as well as armed person, refusing to fulfill a legal requirement to surrender weapons;

6) to prevent the violation of airspace by unmanned aerial vehicles in the zone of security measures or over the territory of protected objects.

Employees of the State security service of the Republic of Kazakhstan shall have a right, in addition, to use the weapons in the following cases:

1) for the stop of transport vehicles, if the driver creates the real danger for life and health of protected persons and refuses on requirement of employee, military servant of the State security service of the Republic of Kazakhstan to stop;

2) for protection from animal attack;

3) for the alarm signal or call for help.

Shall be prohibited to use weapons towards protected persons, as well as in relation of women and minors, except for the cases of commission by them the armed attack, offering the armed resistance, taking of hostages, aircraft, as well as in the cases, when the use of weapons may create a threat for the life and health of other persons.

In all cases of the use of weapons the employees, military servants of the State security service of the Republic of Kazakhstan shall be obliged to take the necessary measures for ensuring of security of surrounding citizens and rendering of emergency medical care to the injured persons.

In every case of the use of physical force, special means, weapons and military equipment , which caused the death of people or other grave consequences, during twenty four hours the prosecutor is informed.

**Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 04.07.2002 No. 335; dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 No. 347-VI (shall be enforced ten calendar days after the day of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Chapter 5. Staff of the State security service of the**

### **Republic of Kazakhstan Article 14. Composition of the staff of the State security service of the Republic of Kazakhstan**

The staff of the State security service of the Republic of Kazakhstan shall consist of employees, military servants and workers.

The citizens of the Republic of Kazakhstan, capable on their moral and professional qualities, education and state of health to fulfil the obligations assigned to the State Security Service of the Republic of Kazakhstan shall be adopted for the service and work in the State security service of the Republic of Kazakhstan on a voluntary basis.

The limit of staff number of employees and military servants of the State security service of the Republic of Kazakhstan shall be approved by the President of the Republic of Kazakhstan by presentation of the chief of the State security service of the state protection of the Republic of Kazakhstan.

The number of workers of the State security service of the Republic of Kazakhstan shall be established by the chief of the State security service of the Republic of Kazakhstan within the means, allocated for these purposes.

**Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 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 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 15. Employees of the State security service of the Republic of Kazakhstan**

The employees of the State security service of the Republic of Kazakhstan shall be the persons in service in the State security service of the Republic of Kazakhstan.

The employees of the State security service of the Republic of Kazakhstan shall be in the staff or current reserve of the State security service of the Republic of Kazakhstan.

Procedure of enlistment of employees to the current reserve and their service shall be established by the chief of the State security service of the Republic of Kazakhstan.

For decision of issues of ensuring the security of protected persons, objects and transport vehicles, protected by the State security service of the Republic of Kazakhstan, in the state bodies and organizations, irrespective of the forms of ownership, with their consent, the employees of the State security service of the Republic of Kazakhstan may be attached in the established procedure for substitution of established posts with leaving them in the service of the special state bodies.

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

#### **Article 15-1. Military servants of the State security service of the Republic of Kazakhstan**

1. Military servants of the State security service of the Republic of Kazakhstan shall be the persons, doing military service in the units and subdivisions of the State security service of the Republic of Kazakhstan.

2. Is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 No. 51-VIII ( shall be enforced upon expiry of ten calendar days after the day of its first official publication ).

3. Military units and subdivisions of the State security service of the Republic of Kazakhstan shall be completed from the number of:

- 1) citizens, called up for military service in accordance with the current legislation;
- 2) employees of law-enforcement and special state bodies, military servants of the Armed Forces, other troops and military formations of the Republic of Kazakhstan on a voluntary basis under the contract;
- 3) military servants, called up from reserve.

Draft for military service in the State security service of the Republic of Kazakhstan shall be organized and ensured by the local executive bodies in accordance with the requirements on education level, work experience and physical training, presented to the military servants of the State security service of the Republic of Kazakhstan, established by the chief of the State security service of the Republic of Kazakhstan.

The selection of military servants to the State security service of the Republic of Kazakhstan for urgent service shall be priority.

4. Military servants of the State security service of the Republic of Kazakhstan shall be ensured by the military uniforms and other types of property according to the regulations, approved by the chief of the State security service in coordination with the central authorized body on budget planning.

Footnote. Chapter 5 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2015 No. 275-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 16. Employees of the State security service of the Republic of Kazakhstan**

Labour activity of employees of the State security service of the Republic of Kazakhstan shall be regulated by the Labour Code of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan on the state service.

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

#### **Article 17. Legal regulation of employees of the State security service of the Republic of Kazakhstan**



Footnote. The title of Article 17 is in the wording of the Law of the republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Employees, military servants of the State security service of the Republic of Kazakhstan upon performance of official obligations shall be representatives of authority and be under the state protection.

Employees, military servants of the State security service of the Republic of Kazakhstan in confirmation of his (her) personality and powers shall be issued the service certificate and medal of established sample.

No one except direct and immediate superiors shall have the right to interfere with the official activities of employees and military personnel of the State Security Service of the Republic of Kazakhstan. The legal requirements of employees and military personnel of the State Security Service of the Republic of Kazakhstan shall be mandatory for fulfillment by individuals and legal entities.

Failure to comply with the legal requirements of employees, military servants of the State security service of the Republic of Kazakhstan, impeding to the performance of their obligations, insult, resistance, threat or violence in relation of employees, military servants of the State security service of the Republic of Kazakhstan, infringement on life, health, honour and dignity, property, other actions, preventing to performance of obligations, imposed on them, as well as infringement on life, health, honour, dignity and property of the family members, close relatives in connection with performance of official obligations by the employees, military servants of the State security service of the Republic of Kazakhstan shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

Upon receipt of the order or instruction, is clearly contrary to the law, the employee, military servant of the State security service of the Republic of Kazakhstan shall be obliged to guided by the Law.

Employees and military personnel of the State Security Service of the Republic of Kazakhstan should not be members of political parties, trade unions, or support any political party.

Employees, military servants of the State security service of the Republic of Kazakhstan shall not have a right to hold other paid positions, carry out entrepreneurial activity, and be a member of governing body or supervisory council of commercial organization, except for the cases, when it is their official obligations in accordance with the legislation.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 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 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.12.2023 No. 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 18. Official obligations and rights of employees, military servants of the State security service of the Republic of Kazakhstan**

**Footnote. The title of Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

1. Employees, military servants of the State security service of the Republic of Kazakhstan shall be obliged to:

- 1) efficiently and accurately solve their tasks;
- 2) support the necessary level of professional and legal knowledge of physical, special and combat training.

2. Employees, military servants of the State security service of the Republic of Kazakhstan upon performance them the official obligations within the limits and manner provided by the current legislation shall have a right to:

- 1) require observance of the established procedure in the places of conducting of protective measures from citizens and civil servants;
- 2) reveal, prevent and suppress infractions;
- 3) if it is necessary check the documents of identification of the citizens and civil servants ;

4) detain, deliver the citizens to the internal affairs bodies, official premises of other law-enforcement or special state bodies in the case of commission them the infractions;

5) use the communication means, belonging to the organizations for the official purposes, and in the urgent cases to the citizens;

6) use the transport vehicles of organizations (except for the transport vehicles, belonging to the diplomatic, consular and other representations of foreign states and international organizations) for the official purposes for prevention of criminal infractions, prosecution and detention of persons, committed the criminal infraction or suspected in their commission, for delivery of persons, being in need of urgent medical care to the medical institutions, as well as for travel to the place of occurrence;

7) freely enter to the dwelling and other premises, belonging to the citizens, to the territory and premises of enterprises, institutions and organizations, irrespective of the forms of ownership (except for the diplomatic, consular and other representations of foreign states and international organizations), upon suppression of criminal and administrative infractions, creating a threat to the protected persons and objects, as well as upon prosecution of suspected in commission of such criminal and administrative infractions, if the delay may create a real threat to the protected persons and objects;

**8) is excluded by the Law of the Republic of Kazakhstan dated December 28, 2016 ( comes into force upon expiry of two months after the day of its first official publication);**

9) temporarily restrict or prohibit the movement of vehicles and pedestrians on streets and roads, prevent the citizens to the particular location and objects, oblige them to remain on the specific location or objects or leave these sites or objects for the purposes of ensuring the security of protected persons and objects.

The use of physical means, weapons and equipment by the employees, military servants of the State security service of the Republic of Kazakhstan shall be carried out in accordance with the Laws of the Republic of Kazakhstan.

Shall be prohibited to involve employees, military servants of the State security service of the Republic of Kazakhstan for performance of functions, not relating to their official obligations.

Footnote. Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 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 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after the day its first official publication).

**Article 19. The guarantee of personal security and legal protection of employees, military servants of the State security service of the Republic of Kazakhstan**

Footnote. The title of Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Upon performance of official obligations by the employee of the State security service of the Republic of Kazakhstan shall not be allowed his (her) administrative detention, as well as personal inspection, inspection of his (her) clothes, official vehicles used by him (her).

Damage caused to the health and property of an employee, a serviceman of the State Security Service of the Republic of Kazakhstan, as well as damage caused to the health and property of family members and close relatives of an employee, a serviceman of the State Security Service of the Republic of Kazakhstan in connection with the performance of their official duties, shall be reimbursed in full from budgetary funds with subsequent recovery of this amount from the person who caused damage. The procedure for compensation of damage is determined by the State Security Service of the Republic of Kazakhstan.

Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 No. 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 04.07.2014 No. 233-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).

## **Article 20. Responsibility of employees of the State security service of the Republic of Kazakhstan**

Footnote. Article 20 is excluded by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 6. Financing and material support of the State security service of the Republic of Kazakhstan Article 21. Financing of activity of the State security service of the Republic of Kazakhstan**

Footnote. Article 21 is excluded by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 22. Financing, material support of the State security service of the Republic of Kazakhstan**

Financing, material support of activity of the State security service of the Republic of Kazakhstan shall be carried out at the expense of the funds of republican budget in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 16.02.2012 No. 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Chapter 7. Final and transitional provisions Article 23. Control of activity of the State security service of the Republic of Kazakhstan**

Footnote. The title of Article in the new wording by the Law of the Republic of Kazakhstan dated 4 July, 2002 No. 335.

The activity of the State security service of the Republic of Kazakhstan shall control the President of the Republic of Kazakhstan, who assigns the inspection bodies, determines their purposes, tasks and powers, and establishes the forms of control and procedure of its implementation.

Information on the State security service of the Republic of Kazakhstan and its activity shall be presented to the President of the Republic of Kazakhstan.

## **Article 24. Supervision over observation of laws in activities of the state security Service of the Republic of Kazakhstan**

The highest supervision over compliance with the law in the activities of the State Security Service of the Republic of Kazakhstan in the areas of pre-trial investigation, operational search and counterintelligence activities, ensuring the security of protected

persons and objects, compliance with international obligations of the Republic of Kazakhstan shall be carried out by the Prosecutor General and prosecutors specially authorized by him/her.

Footnote. Article 24 in the new wording of 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); as amended by the Law of the Republic of Kazakhstan dated 05.11.2022 No. 157-VII (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 25. Procedure of implementation and entry of this Law into legal force**

Footnote. Article 25 is excluded by the Law of the Republic of Kazakhstan dated 4 July 2002 № 335.

*The President of the Republic of Kazakhstan*