

On Prosecutor's Office

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 21 December, 1995 № 2709. Expired by the Law of the Republic of Kazakhstan dated 30.06.2017 № 81-VI (effective ten calendar days after the date of its first official publication).

Unofficial translation

Footnote. Expired by the Law of the Republic of Kazakhstan dated 30.06.2017 № 81-VI (effective ten calendar days after the date of its first official publication).

Footnote. The form of act and title are amended;

the preamble is excluded;

throughout the whole text the word “Decree” is substituted respectively by the word “the Law”;

the numbers “I-XII” in chapters are substituted respectively by the numbers “1-12” by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

Chapter 1

General provisions

1. Prosecutor's office of the Republic of Kazakhstan

1. On behalf of the state, a prosecutor's office of the Republic of Kazakhstan shall carry out supreme supervision of precise and equal application of the Laws, decrees of the President of the Republic of Kazakhstan and other regulatory legal acts on the territory of the Republic, of loyalty of operational investigations, inquest and investigation, administrative and execution proceedings.

2. Prosecutor's office shall make arrangements on detection and elimination of any violations of loyalty, appeal against the Laws and other legal acts, inconsistent with the Constitution and the Laws of the Republic of Kazakhstan, represent the interests of the state in court, as well as in cases, manner and within limits, established by the Law, carry out criminal prosecution.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Legal basis of activity of prosecutor's office

An organizing, procedures for activity of prosecutor's office of the Republic of Kazakhstan and powers of prosecutors shall be determined by the Constitution of the

Republic of Kazakhstan, this Law, legislative acts, international treaties, ratified by the Republic of Kazakhstan as well as by orders of the General Prosecutor of the Republic.

Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

3. Principles of organizing and activity of prosecution bodies

1. Prosecutor's office of the Republic of Kazakhstan shall be a unified centralized system of bodies and institutes with subordination of inferior prosecutors to superior prosecutors and General Prosecutor of the Republic.

2. Prosecutor's office of the Republic of Kazakhstan shall carry out its activity independently from other state bodies and officials, political parties and other non-governmental associations and shall be accountable to the President of the Republic of Kazakhstan only.

3. Interference in activity of prosecution bodies, in carrying out their powers, established by the legislation shall be prohibited.

4. Acts of prosecutor's supervision, delivered on the basis and in the manner, prescribed by the Law, shall be mandatory for all the bodies, organizations, officials and citizens.

5. Prosecution bodies shall act upon record to the extent to which this is not inconsistent with requirements of the legislation of the Republic of Kazakhstan on protection of rights and freedom of citizens, protection of state secrecy.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

4. Principal directions and content of activity of prosecution bodies

For the purpose of securing a dominion of the Constitution and the Laws of the Republic of Kazakhstan, protection of rights and freedom of a human and citizen, a prosecutor's office on behalf of the state shall:

1) carry out supreme supervision of precise and equal application of the Constitution, the Laws and decrees of the President of the Republic of Kazakhstan and other regulatory legal acts;

2) determine and make arrangements for elimination of violations of the Constitution, the Laws, decrees of the President of the Republic of Kazakhstan and other regulatory legal acts;

3) appeal against the Laws and other legal acts, inconsistent with the Constitution and the Laws of the Republic of Kazakhstan;

4) carry out supervision of compliance with the rights and freedom of a human and citizen, legal interests of legal entities and the state;

5) carry out supervision of loyalty of operational investigations;

6) carry out supervision of loyalty of inquest and investigation;

- 7) carry out supervision of loyalty of administrative proceeding;
- 8) carry out supervision of loyalty of executive proceeding;
- 9) participate in a rule-making activity of state bodies within its competence;
- 10) act for the state in court;
- 11) carry out criminal prosecution in the manner and within the limits, established by the Law;
- 12) establish state legal statistics in order to secure integrity, neutrality and sufficiency of statistical indicators, maintain special accountings, carry out supervision of application of the legislation in the sphere of legal statistics and special accountings;
- 13) coordinate activity on administration of loyalty, justice and struggle against criminality;
- 14) carry out supervision of application of the Laws in the sphere of international judicial cooperation;
- 15) carry out other functions, determined by this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

5. Activity of prosecution bodies on carrying out supreme supervision

1. Supreme supervision of precise and equal application of the Laws, decrees of the President of the Republic of Kazakhstan, other regulatory legal acts shall be carried out by conduct of verifications and (or) state analysis of the loyalty.

2. Verification on application of the legislation shall be conducted by a prosecutor within his (her) competence after the issuance of regulation on carrying out verification in connection with:

- 1) commission of the President of the Republic of Kazakhstan;
- 2) applications, complaints, notices and other data on breach of the legislation;
- 3) directness detection of signs of breach of the legislation;
- 3-1) semiannual composite plan of conducting planned verifications;
- 4) commission or request of superior prosecutor.

3. Prosecutor may also deliver verification into charge of the relevant competent body, which shall be obliged to notify a prosecutor on its results within the period, established by the Law or prosecutor.

4. Verification on application of the legislation shall be conducted within a month. Prosecutor, that instituted verification, may extend its proceeding with the consent of superior prosecutor.

5. All the actions of prosecutors and acts of prosecutor's supervision shall entail consequences, established by the Law, if they are made in the manner and forms, established by this Law and other regulatory legal acts.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

6. Legal guarantees of activity of prosecution bodies

1. Affection on a prosecutor in any form in order to prevent the carrying out his (her) powers or adopting of illegal decision, as well as non-fulfilling the regulations, breves, instructions, requirements of prosecutors, shall entail liability, established by the Law.

2. After demand of prosecutor's office, the relevant bodies and commissioned persons shall be obliged to:

1) provide required materials and data on a voluntary basis and in compliance with requirements for disclosure of information established by the legislative acts of the Republic of Kazakhstan, that is commercial, banking and other secrecy, protected by the Law;

2) select experts for participation in verification and giving conclusion;

3) make other required arrangements for carrying out supervisory activity of prosecutors and their safety provision.

3. Requirements (requests, commissions, instructions) of a prosecutor, issued by him (her) within his (her) competence shall be mandatory for fulfillment by state bodies, officials individuals and officials legal entities.

4. Claimed information shall be provided to prosecution bodies in the forms, manner, established by the legislation, as well as within the period, determined by a prosecutor.

5. Prosecutors shall have the right to unimpeded access in the premises of state bodies, organizations, independently from the forms of property, instant reception by their heads and other officials on the issues of verification, access to the documents and materials, familiarization with the court cases and their vindication from a court within their competence, with the exception of cases, when case papers are directly in the court procedure.

6. Officials and citizens shall be obliged to come for evidence after demand of a prosecutor in time established by him (her). Summon shall be executed by written notification-writ and handed against receipt. A notification may be also directed by telephoned telegram, telegram or using other communication facilities, securing its proper transfer.

7. Non-fulfillment of legal requirements of a prosecutor or non-attendance without justifiable reasons after demand of a prosecutor shall entail liability, provided by the Laws of the Republic of Kazakhstan.

In case of non-fulfilling the breves and regulations, a prosecutor within his (her) competence shall have the right to turn them to compulsory execution.

8. Prosecutor shall not be obliged to give any explanations on the merits of cases and materials, that are in his (her) proceeding, as well as present them to any persons for examination other than in the cases and in the manner, provided by the Law. No one shall have the right to disclose materials of verifications and cases without permission of a prosecutor, in whose proceeding they are, till their termination.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 02.07.1998 No. 266; dated 29.03.2000 No. 42; dated 09.08.2002 No. 346; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

7. Processing of references

1. Prosecution bodies shall make arrangements to eliminate violations of the rights and legal interests of a human and citizen, legal entities and the state, restore the violated rights in the manner, prescribed by the legislation, considering references on breaches of the legislation.

2. If a person is unable to carry out protection of his (her) rights, by virtue of physical, mental or other defects, a prosecutor shall be obliged to make required arrangements on its securing.

3. Prosecution bodies shall make arrangements for bringing officials to liability, failed to fulfill the obligations, assigned on them on protection of rights and freedom of a human and citizen, interests of legal entities and the state.

4. In prosecution bodies, the anonymous references shall not be considered, however a prosecutor shall not have the right to disclose information source in behalf of a citizen.

8. Appeal of prosecutor's actions and acts

1. Prosecutor's actions and acts may be appealed to superior prosecutor or in court. Appeal of prosecutor's requirements and acts shall not suspend their fulfillment.

2. A court or superior prosecutor may suspend their fulfillment before a judgement upon application (complaint) on prosecutor's actions or acts.

3. A superior prosecutor may annul or revoke acts of inferior prosecutor upon complaint of citizens and (or) legal entities or on its own initiative.

Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

8-1. Coordination of activity on administration of loyalty, justice and struggle against criminality

1. Coordination of activity of the Law enforcement and other state bodies on administration of loyalty, justice and struggle against criminality shall be carried out by prosecution bodies via attainment of cooperation of these authorities, mutual exchange

of information and coordination of their actions for realization of common objectives and goals. Mentioned activity shall be carried out by prosecution bodies within the frames of permanently acting coordination boards, that shall be established under the General prosecutor's office, prosecutor's offices of oblasts and prosecutor's offices equated to them.

2. Coordination boards shall carry out their activity in accordance with the Constitution, the Laws of the Republic of Kazakhstan, Statutes on Coordination board of the Republic of Kazakhstan on administration of loyalty, justice and struggle against criminality.

A statute on the Coordination board of the Republic of Kazakhstan on administration of loyalty, justice and struggle against criminality shall be confirmed by the President of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2

System of prosecution bodies and their organizing

9. System of prosecution bodies

A unified system of prosecution bodies of the Republic of Kazakhstan shall be established by the General prosecutor's office, prosecutor's offices of oblasts, prosecutor's offices of cities of republican significance and the capital of the Republic, inter-district, district, municipal and military and other specialized prosecutor's offices equated to them.

The branches, institutes may be established under a prosecutor's office of the Republic of Kazakhstan.

Prosecution bodies shall have their symbols, description of which shall be confirmed by the President of the Republic of Kazakhstan.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

10. General prosecutor of the Republic and his (her) deputies

1. The General prosecutor of the Republic:

1) shall be appointed to the post by the President of the Republic with the consent of the Senate of the Parliament for the period of five years;

2) shall be relieved from office by the President of the Republic;

3) shall be accountable to the President of the Republic;

4) may not be arrested, subject to detention, administrative non-punitive measure, administered in a judicial proceeding without the consent of the Senate, except for the

cases of arrest in flagrante delicto or commission of enormous offences, within the term of powers.

2. The first deputy and deputies of the General prosecutor of the Republic shall be appointed to the post and released from the office by the President of the Republic as advised by the General prosecutor.

3. Deputies of the General prosecutor of the Republic may be appointed by heads of the relevant departments of the General Prosecutor's office at the same time.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 02.07.1998 No. 266; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

11. Powers of the General Prosecutor of the Republic

The General Prosecutor of the Republic shall:

1) carry out supervision of application of the Laws and decrees of the President and other regulatory legal acts on the territory of the Republic, manage activity of inferior prosecutor's office;

2) appeal against the Laws and other legal acts, inconsistent with the Constitution and the Laws of the Republic;

3) be the chairman of the Coordination board of the Republic of Kazakhstan on administration of loyalty, justice and struggle against criminality;

4) make orders, instructions, regulations, provisions and specifications, that shall be subject to compulsory fulfillment by all the employees of authorities and institutions of the prosecutor's office of the Republic of Kazakhstan, that regulate the issues of organization and activity of the Prosecutor's office of the Republic of Kazakhstan and procedures for implementation of measures of financial and social security;

4-1) adopt the following legal acts within his (her) competence:

on the issues of application of the rules of the Criminal Procedural Code and legislation of the Republic of Kazakhstan on operational investigations, that shall be subject to compulsory fulfillment by inquiry and investigative agency, as well as by the bodies, carrying out operational investigations;

on the issues of legal statistics and special accountings, that shall be mandatory for all the subjects of legal statistics;

other regulatory legal acts in accordance with this Law and other legislative acts of the Republic of Kazakhstan;

4-2) adopt decision about coordination on regulatory legal acts, issued by the agencies, carrying out operational investigations, inquest and investigation;

5) establish, reorganize and abrogate the prosecutor's offices, institutes of prosecution bodies, determine their structure, rights and obligations of structural subdivisions, staff numbers and payroll budget in prosecution bodies within the limit of staff numbers, confirmed by the President of the Republic of Kazakhstan;

5-1) make submission to the President of the Republic on establishment, reorganization and abrogation of offices under the prosecutor's office of the Republic of Kazakhstan, appointment to the post and dismissal of their heads;

6) present a candidacy for conferment of high class ranks and military ranks;

7) appoint to the post and dismiss prosecutors of oblasts and prosecutors equated to them, with the consent of the President of the Republic of Kazakhstan;

7-1) appoint to the post and dismiss deputies of the heads of departments, deputies of prosecutors of oblasts and prosecutors equated to them, as well as prosecutors of districts, cities and prosecutors equated to them;

8) report to the President of the Republic of Kazakhstan about condition of loyalty and activity of prosecution bodies;

9) confer class ranks and military ranks to employees of prosecution bodies in established manner;

10) represent employees and workers of prosecution bodies for conferment of government awards and conferment of titles of the Republic of Kazakhstan, shall award official purses;

10-1) confer a title "Honorary worker of Prosecutor's office", confirm the Statute on procedure for conferment of this title;

11) determine the procedure for acquisition, storage, bearing and transportation of weapon and ammunition by employees of prosecution bodies;

11-1) submit proposals on consideration of plenary session of the Supreme Court on provision of interpretation on the issues of judicial practice;

12) carry out other powers, provided to him (her) by the Laws of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 10.10.2001 No. 247 (shall be enforced from 01.01.2001); dated 09.08.2002 No. 346; dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

12. General prosecutor's office

1. The General prosecutor's office of the Republic of Kazakhstan shall be headed by the General prosecutor of the Republic.

2. The General prosecutor of the Republic shall have the first deputy and deputies.

3. Structure of the General prosecutor's office and powers of its employees and workers shall be determined by the General Prosecutor.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346*

5. The General prosecutor's office shall:

1) secure coordination and consistency of actions of prosecution bodies of the Republic by principal directions of their activity;

2) analyze the practice of supervision of application of the Laws, condition of loyalty in the Republic;

3) develop recommendations on development of the prosecutor's supervision;

4) control operation of prosecution bodies of the Republic on supervision of application of the Laws;

5) cooperate with other republican Law enforcement agencies, carrying out the operational investigations, inquest and investigation, and coordinate their activity;

5-1) develop report system and assessment of activity with a priority of the issues of crime prevention, protection of constitutional Laws and freedom of citizens, public and state interests, confidence from the side of population, with determination of mechanisms of internal assessment, given by the representative bodies and public, with introduction of ranking assessment of corruption level, as well as determine different forms of cooperation with civil institutes;

6) organize and conduct personnel development;

7) participate in rule-making activity;

8) represent prosecution bodies in the sphere of international cooperation.

6. The General prosecutor's office of the Republic of Kazakhstan shall post the semiannual composite plan of conducting planned verifications on official website of General prosecutor's office of the Republic of Kazakhstan by 25 May and 25 December of current calendar year.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 02.07.1998 No. 266; dated 09.08.2002 No. 346; dated 17.07.2009 No. 188-IV (the order of enforcement See Article 2); dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

13. Prosecutors of oblasts

Prosecutors of oblasts and prosecutors equated to them shall:

1) manage activity of oblast, municipal, district and other prosecutor's offices equated to them on carrying out prosecutor's supervision;

2) make orders, regulations, instructions, mandatory for all the subordinate employees and workers.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

14. Prosecutor's offices of oblasts

1. Prosecutors of oblasts and prosecutors equated to them shall be headed by the relevant prosecutors, appointed with the consent of the President of the Republic, the General prosecutor of the Republic for the period of five years.

2. Prosecutors of oblasts and prosecutors equated to them shall have the first deputies and deputies, senior aiders and aiders. The prosecutors' deputies of oblasts may be appointed by the heads of the relevant managements of the prosecutor's offices of oblasts.

3. The prosecutor's offices of oblasts and prosecutor's offices equated to them shall contain managements and divisions. Heads of managements and divisions respectively shall be senior aiders and aiders of the prosecutors of oblasts. The posts of senior prosecutors and prosecutors shall be established in managements and divisions.

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

15. Municipal, district and other prosecutors and prosecutor's offices equated to them

1. Municipal, district prosecutors and prosecutors equated to them shall be headed by the relevant prosecutors, appointed by the General prosecutor of the Republic for the period of five years.

2. Municipal, district prosecutors and prosecutors equated to them shall:

1) manage activity of municipal, district and other prosecutor's offices equated to them on carrying out the prosecutor's supervision;

2) make orders, regulations, instructions, mandatory for all the subordinate employees and workers.

3. Municipal, district prosecutors and prosecutors equated to them shall have the deputies, senior aiders and aiders.

4. Divisions may be established in municipal, district prosecutor's offices as well as in the prosecutor's offices equated to them.

Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

16. Subordination of inferior prosecutors to superior prosecutors

1. The subordination of prosecutors shall include:

1) the obligatoriness of instructions of superior prosecutors on the issues of organizing the activity for inferior prosecutor's offices;

2) the liability of inferior prosecutors to superior prosecutors for fulfillment of employment duties;

3) the exercise of powers of inferior prosecutors by superior prosecutors in cases of necessity;

4) the cancelling, revocation or amendment of the acts of inferior prosecutors by superior prosecutors;

5) the permit of superior prosecutors for complaints on actions and acts of inferior prosecutors.

2. The General Prosecutor of the Republic may determine other forms of subordination of inferior prosecutors.

17. Boards in prosecution bodies

1. Boards shall be established in the General prosecutor's offices, departments, prosecutor's offices of oblasts and prosecutor's offices equated to them.

2. The issues on activity of prosecution bodies, as well as other issues linked with detected violations of the Laws, requiring examination by several judges with participation of officials, violating the Law at the discretion of the General Prosecutor, head of department, prosecutor of oblast or prosecutor equated to him (her) shall be considered on the sessions of boards.

3. Decisions of a board shall be adopted by majority of the total number of its members.

4. Decision of a board shall be realized by the orders of the relevant prosecutors and shall be mandatory for employees and workers of prosecution bodies. The acts of prosecutor's supervision shall be adopted relying on detected violations of the Laws.

5. Regulations of the board's procedure and status of board members shall be determined by the General Prosecutor of the Republic.

Footnote. Article 17 as amended by the Laws of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3

Legal acts of prosecutor's office

18. System of legal acts of prosecutor's office

1. The system of legal acts of the prosecutor's office shall contain:

1) acts of the prosecutor's supervision:

protest, regulation, breves, application, sanction, instruction, representation, reference, prevention, interpretation of the Law;

2) acts, regulating issues of organizing and activity of the prosecutor's office: orders, instructions, regulations, provisions, specifications.

1-1. Acts of the prosecutor's supervision, suspending an operation of regulatory legal acts shall be subject to publication.

2. The provisions and specifications of the prosecutor's office shall be confirmed by the orders of the relevant prosecutors.

Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

19. Protest

1. Prosecutor shall bring a protest on the regulatory and other legal acts, decisions and actions of state bodies and officials that are inconsistent with the Laws and acts of the President of the Republic.

2. Protest shall be brought to body or official, that adopted illegal act, decision, or to superior body or superior official. The illegal actions of body or official shall be appealed in the same procedure.

3. Protest of a prosecutor shall be subject to consideration by the relevant body or official within ten calendar days.

Prosecutor shall have the right to establish other term of consideration of the protest, provided by necessity of preparation and adoption of decision on it, but not less than ten calendar days.

The terms of consideration of the protest shall be determined by the Laws of the Republic of Kazakhstan.

Body or official shall be obliged to notify a prosecutor about the date of the protest's consideration.

4. In the protest, a prosecutor shall request the cancelling of illegal act or its bringing to conformity with the Constitution and the Laws, as well as termination of illegal actions of official and restoration of violated right.

5. Prosecutor shall have the right to suspend the execution of appealed act or action before adoption of decision on the protest. The protestation of the Laws shall not suspend their actions.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

20. Regulation

1. Prosecutor shall issue a regulation on initiation of criminal case, disciplinary proceedings, proceeding on administrative infraction, depending on a character of the Law violation.

2. Prosecutor shall issue a regulation on proceeding of verification on application of the Law, on execution of seizure, survey, arrestment, on cancelling or revoke of prohibitive and restrictive measures, on suspension of the action of illegal act on compulsory execution of the prosecutor's requirements, on attachment (detention), as well as in other cases, provided by the Law.

3. The prosecutor's regulation shall be subject to mandatory performance by an authorized body or official within the period, established by the Law, and in the

absence of them, within the period, established by a prosecutor. Prosecutor shall be informed on the results of performance of regulation without delay. Non-performance of the prosecutor's regulation within established periods shall entail liability, provided by the Laws of the Republic of Kazakhstan.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

21. Sanction

1. Prosecutor shall give the written sanction (consents) to:

1) *is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 65-IV (the order of enforcement See Article 2);*

2) search and (or) seizure in cases, provided by the criminal procedure legislation;

3) dismissal of an accused person from the office, placement of suspected person or accused person to the health care institution for performance of assessments;

4) conduct of operational investigations and investigative actions, concerning the secrecy of correspondences, telephone conversations, telegraphic communications and postal matters, protected by the Constitution and the Law, as well as the right of inviolability of a dwelling;

5) arrest of foreigners or stateless persons for deportation;

5-1) non-public wiretapping and conversation recording using video and audio technologies or other special technical equipment, as well as wiretapping and conversation recording, carried on from the phones and other intercommunication systems;

5-2) access of the state bodies and their officials (with the exception of officials of the National Bank of the Republic of Kazakhstan) to the documents, containing bank secrecy;

5-3) *is excluded by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 2620IV (shall be enforced from 21.10.2010);*

5-4) declaration of international search in respect of a person, committed a crime on the territory of the Republic of Kazakhstan and fleeing from investigation;

6) in other cases, directly provided by the Law.

2. Sanction for commission of mentioned actions or refusal of its giving shall be formed by a prosecutor in the form of resolution on regulation of official or in other written form after study of materials, on the basis of which the sanction shall be asked, within twenty four hours.

3. Prosecutor shall give the consent on action of departmental regulatory legal acts on the issues of operational investigations, that may entail restriction of rights of freedom of a human and citizen.

Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 10.07.2003 No. 483 (shall be enforced from 01.01.2004);

dated 10.12.2008 No. 101-IV (shall be enforced from 01.01.2009); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

22. Instruction

1. Prosecutor shall give instructions:

- 1) to inquiry and investigative agencies in connection with initiation and investigation of criminal cases;
- 2) to the bodies, carrying out the operational investigations;
- 3) in other cases, established by the legislation.

2. Instruction of the General Prosecutor of the Republic of normative character on the issues of operational investigations, investigation and inquest shall be subject to compulsory fulfillment by all the investigative and inquiry agencies, bodies, carrying out the operational investigations.

23. Application

1. Prosecutor shall have the right to file an application to institute proceedings in the court for restoration of violated rights and protection of state interests, individuals and legal entities.

2. In cases of rejection of the acts of prosecutor's supervision or their failure to examine within established period by the Law, a prosecutor shall have the right to file an application in the court on invalidation of the actions and acts of bodies and officials, as well as on elimination of the Law violations. Prosecutor shall have the right to suspend the action of appealed act by his (her) regulation until proceeding of the application by court.

3. In connection with rejection or dismissal without prejudice of the acts of the prosecutor's supervision, an application shall be examined by court in the manner, prescribed by the Law.

4. Application of a prosecutor shall not be imposed by official fees and other charges.

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

24. Breves

1. A written breve on elimination of the Law violation shall be introduced by a prosecutor and directed to the body or official, committed the Law violation, or to the body or official, authorized to correct committed violation. Breves shall be introduced in case, if the Law violation is obvious, may inflict essential harm to the rights and freedom of a human and citizen, as well as to the interests of legal entities, society and

state, protected by the Law and will not be immediately corrected. Breve may not be carried out on the regulatory legal acts.

2. Breves shall include instructions of provisions of the Constitution, the Laws and acts of the President of the Republic, that are violated, character of infraction and concrete suggestions on elimination of violation.

3. Breve shall be subject to compulsory fulfillment within the period, established by a prosecutor. Prosecutor shall be immediately informed about fulfillment of breves. The non-fulfillment of prosecutor's breves shall entail liability, provided by the Laws of the Republic of Kazakhstan.

4. Breve may be appealed to superior prosecutor or to the court. Appeal of a breve shall not suspend its fulfillment.

5. Superior prosecutor or court may suspend the fulfillment of a breve until deciding on complaint.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

25. Submission

1. Prosecutor shall make submissions within his (her) competence:

- 1) on elimination of violations of loyalty;
- 2) on elimination of reasons and conditions, contributing the commitment of criminal acts and other infractions;
- 3) on the issues of deprivation of immunity of persons, having this right in accordance with the Constitution of the Republic of Kazakhstan;
- 4) in other cases, established by the Law.

2. Submission shall be subject to consideration by official or body with mandatory adoption of measures on elimination of violations of loyalty, as well as the reasons and conditions, supporting them, within the periods, established by a prosecutor, but not later than thirty calendar days.

Prosecutor shall have the right to participate in consideration of submission. Prosecutor shall be informed about time and place of consideration of submission by a state body or official not later than three calendar days till the day of consideration of submission.

The results on consideration of submission and adopted measures shall be reported to the prosecutor's office within three business days from the date of consideration of submission.

Footnote. Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

25-1. Prevention

For the purpose of prevention of infractions, public safety provision, protection of rights and freedom of a human and citizen or in existence of data on imminent unlawful acts, a prosecutor shall declare prevention to individuals and legal entities in written on inadmissibility of the Law violation and notify them on liability, established by the Law.

Footnote. The Law shall be supplemented by Article 25-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

25-2. Reference

Prosecution bodies shall have the right to act with a reference to officials, state bodies, legal entities and individuals for the purpose of administration of loyalty, prevention of infractions, as well as public safety provision, protection of rights and freedom of a human and citizen.

By this, a reference shall extend with the use of mass media or other public methods.

Footnote. The Law is supplemented by Article 25-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

26. Interpretation of Law

1. In existence of reasonable grounds to suppose, that ignorance or misapprehension of the Laws by individuals or legal entities may entail violation of the Laws or rights and freedom of a citizen or unlimited range of persons, a prosecutor shall interpret the content of the Law.

2. In cases of non-conformity of the project of legal act to the Law, a prosecutor shall interpret requirement of the Law to body or official, adopting the act.

Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

26-1. Measures of compulsory performance of the prosecutor's legal acts

1. In case of non-fulfillment of regulations and breves of a prosecutor in a voluntary basis, he (she) shall have the right to issue regulation on compulsory performance of requirements of a prosecutor, with the exception of providing the involuntary deprivation of property, and direct it for performance to authorized state bodies.

2. Upon receiving the relevant regulation of a prosecutor, authorized state bodies shall be immediately obliged to make arrangements for its performance.

3. In case of refusal of officials, citizens from the presence for evidence to prosecution bodies, a prosecutor shall have the right to issue regulation on attachment (

detention) of this person to prosecution bodies that shall be performed by the Law enforcement agencies within twenty four hours.

Footnote. Is supplemented by Article 26-1 by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

27. Publication of acts of prosecutor's supervision

For transparency of activity, prosecution bodies may publish acts of the prosecutor's supervision on illegal actions and decision of bodies and officials, violating constitutional and other rights of a human and citizen, protected by the Law, interests of legal entities and the state in mass media.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

Chapter 4

Supervision of compliance with rights and freedom of a human and citizen, interests of legal entities and the state

28. Objectives of supervision

1. Objectives of supervision shall be:

- 1) ensuring the rights and freedom of a human and citizen, compliance of legal acts and actions of bodies, organizations, officials and citizens with the legislation;
- 2) adoption of measures for detection and elimination of any violations of loyalty, reasons and conditions, supporting these violations, restoration of violated rights.

2. Prosecutor's office shall not substitute the other state bodies and interfere in activity of organizations and privacy of citizens.

29. Powers of a prosecutor

1. In carrying out of supervision, a prosecutor shall have the right to:

- 1) summon citizens and officials and receive evidence on the issues of conducted verification from them;
- 2) enter the territory and premises of state bodies without encumbrance upon presentation of service certificate, as well as organizations of any form of ownership;
- 2-1) receive a data on operations and accounts of individuals and legal entities on the issue of conducted verification in compliance of requirements to confidentiality of data, that is commercial, bank and other secrecy, protected by the Law;
- 2-2) claim the carrying out of operational investigations with notifying of their results, for the purpose of detection of concealed crimes;
- 3) receive required documents, materials, statistic information and other data on condition of loyalty and made arrangements on its securing from the heads and other officials;
- 4) attract the experts for participation in verification and giving of opinions;

5) claim procedure of verifications of received materials, references in the prosecutor's office and oblige to notify about their results in accordance with its competence;

6) attract employees of other Law enforcement agencies in carrying out of verifications for safety provision and supervision activity;

6-1) appoint assessments;

7) carry out the other verification activity, provided by the Laws of the Republic of Kazakhstan.

2. In the process of carrying out of supervision, as well as according to results of verification, a prosecutor shall:

1) introduce the protest;

2) give the breves on elimination of violations of loyalty;

3) issue regulation on initiation of criminal case, disciplinary proceeding or procedure on administrative infraction, on compulsory performance of the prosecutor's requirements, on attachment (detention), make arrangements for compensation of material damage;

4) suspend the action of illegal act, with the exception of the Laws, in case of violation of rights and legal interests of a human and citizen, legal entities and the state ;

5) cancel or revoke the measures of prohibitive and restrictive measures, imposed by the state bodies and their officials;

6) go to court for protection of rights and interests of the state, individuals and legal entities, protected by the Law;

7) introduce submission on elimination of violations of loyalty to body or official;

8) previsa on inadmissibility of the Law violations;

9) introduce other acts of the prosecutor's supervision, provided by this Law.

Footnote. Article 29 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 19.03.2010 No. 258-IV; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 5

Intermediation of interests of the state in court

30. Competence of prosecutor in judicial examination

1. Prosecutor shall carry out his (her) powers in accordance with this Law, as well as Criminal Procedure Code, civil procedure and other legislation of the Republic, representing the interests of the state in court in the course of criminal, civil or other proceeding, in appellate, cassational and supervisory procedure.

2. In case of dissent with decision, adjudgement and other regulation of court (judge) on case on a motive of its non-conformity with the Law or inconsistency, a prosecutor shall have the right to lodge a protest to superior court for the purpose of retrial and cancellation or change of the legal act.

Footnote. Article 30 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

31. Protestation of not enforced regulations of court

1. Prosecutor shall have the right to appeal against inconsistent with the Law or unjustified decision, adjudgement and other regulation of the court (judge) that are not enforced, independent from his (her) participation in judicial examination of a case.

32. Protestation of enforced regulations of court

1. Prosecutor shall have the right to demand the cases from the court, within his (her) competence, on which decisions, adjudgement and other regulations of court were enforced.

2. In case of non-conformity with the Law or inconsistency of enforced decision, adjudgement and other regulations of the court, a prosecutor shall bring a protest in the exercise of supervisory powers. If protestation is beyond his (her) competence, the relevant prosecutor shall refer with submission on bringing the protest to superior prosecutor.

3. Powers of prosecutor on protestation and suspension of fulfillment of enforced decisions, adjudgement and other regulations of the court shall be determined by the legislation.

33. Protestation of regulatory regulation of the Supreme Court of the Republic

The General prosecutor of the Republic shall introduce a protest on a plenary session of the Supreme Court of the Republic on the grounds of non-conformity with the Constitution and the Laws of the regulatory regulation of the Supreme Court of the Republic.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

Chapter 6

Supervision of the loyalty of operational investigations

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

34. Content and subject of supervision

Subject of supervision shall be compliance of rights and freedom of a human and citizen in the course of carrying out the operational investigations, as well as loyalty of

acts and actions of bodies and officials, authorized to carry out the operational investigations.

35. Prosecutor's powers on administration of loyalty of operational investigations

In the course of carrying out the supervision of operational investigations, a prosecutor shall:

1) receive the closed cases and cases in proceedings of operational investigations, materials, documents and other required data about the course of operational investigations, except for a data about personality of citizens, cooperating or cooperated on private basis with bodies, carrying out operational investigations;

2) conduct verification of loyalty of carrying out operational investigations including the communication networks;

3) administer complaints and applications on the actions and decisions of bodies' officials, carrying out operational investigations;

4) appeal the regulatory legal acts, regulating the organizing and tactics of conducting operational investigations, issued by bodies, carrying out operational investigations, that are inconsistent with the Laws and acts of the President of the Republic;

5) terminate operational investigations by his (her) regulation in case of detection of violation of the Law, rights of a human and citizen in carrying out of operational investigations;

6) issue regulations on initiation of a criminal case, disciplinary proceedings in respect of employees, committed unlawful acts in conduct of operational investigations ;

7) issue other acts of the prosecutor's supervision, provided by this Law on elicited acts of violations in carrying out the supervision of loyalty of operational investigations ;

8) release illegally arrested persons;

9) demand conduct of verifications from the heads of bodies, carrying out operational investigations for the purpose of elimination of the Law violations in the bodies, subordinated to them, if it is necessary;

10) give a sanction on conduct of operational investigations in cases, established by the legislation.

Footnote. Article 35 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 07.12.2009 No. 221-IV (the order of enforcement See Article 2).

36. Prosecutors, carrying out supervision of loyalty of operational investigations

The supervision of loyalty of operational investigations shall be carried out by the General Prosecutor of the Republic and other prosecutors within a competence, established by the legislation.

Chapter 7

Supervision of loyalty of investigation and inquest

37. Content and subject of supervision

Prosecutor shall carry out the supervision of loyalty of acts and activity of bodies of inquest and investigation, compliance of procedure for resolution of applications and notices on committed criminal acts and conduct of investigation, established by the legislation.

Footnote. Article 37 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

38. Powers of prosecutor on administration of loyalty of inquest and investigation

1. In the course of carrying out the supervision of loyalty of inquest and investigation, a prosecutor shall:

1) receive the criminal matters, documents, materials and other data about committed criminal acts, course of operational investigations, inquest, investigation for verification from the investigative and inquiry agencies;

2) check compliance with loyalty in acceptance, registration, resolution of application and notices on committed or imminent criminal acts;

3) support or deny a motion of the prosecuting agency on sanctioning the arrest and detention in custody or house imprisonment of accused, suspected person;

4) open criminal cases, give written instructions on a settlement of crime investigations if it is necessary;

5) annul illegal regulations of crime investigators and persons, conducting inquest;

6) raise a question on liability of guilty persons, if in the course of inquest or investigations the violations of rights of trial participants and other citizens, illegal methods of investigations were committed;

7) return a criminal case for additional investigation or terminate it in full measure or in respect of certain persons, in cases of incomplete of investigation and inquest, as well as determination of committed violations of loyalty in the course of investigation and inquest;

8) direct the criminal case, received from the inquiry or investigative agencies for consideration on the merits;

9) demand conduct of verifications from heads of investigative subdivisions and inquiry agencies for the purposes of elimination of the Law violations, securing a full crime detection in the agencies, subordinated to them;

10) investigate complaints on actions and decisions of a person, carrying out inquest, crime investigator, head of the inquiry and investigative agencies;

11) check the maintenance of order and conditions of detention of persons in a custody, in respect of which the arrest was chosen as the measure of restraint;

11-1) sanction a declaration of international search in respect of a person, committed a criminal act on the territory of the Republic of Kazakhstan and fleeing from investigation;

12) fulfill the other powers, established by the Law.

2. Instructions of a prosecutor shall be given in written form and mandatory for a person, carrying out inquest and investigation within his (her) competence.

Footnote. Article 38 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 05.07.2008 No. 65-IV (the order of enforcement See Article 2).

39. Sanctioning of arrest

Footnote. Article 39 is excluded by the Law of the Republic of Kazakhstan dated 05.07.2008 No. 65-IV (the order of enforcement See Article 2).

Chapter 8

Supervision of loyalty of administrative proceedings

40. Goals of supervision

Footnote. Title is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Prosecutor's office shall carry out supervision of loyalty of administrative proceedings for the purposes of:

1) securing the precise and equal legislative execution on administrative infractions , as well as in consideration of cases and determination of corrective actions for committed administrative infraction;

2) restoration of violated rights and legal interests of a human and citizen, officials and organizations in legislative execution on administrative infractions;

3) securing the right on appeal of any act, linked with the legal proceedings on administrative infractions for citizens;

4) adoption of measures against guilty persons in violation of loyalty in legislative execution on administrative infractions.

41. Powers of prosecutor on administration of loyalty of administrative proceedings

In the course of carrying out of supervision of loyalty of administrative proceedings , a prosecutor shall have the right to:

1) demand a data, documents and cases on administrative infractions from authorized officials and bodies;

2) consider complaints on actions and decisions of officials and bodies, the competence of which includes consideration of cases on administrative infractions and imposition of penalty;

3) check loyalty of administrative detention and arrest of citizens, as well as relevancy of other compensatory remedies for administrative infractions;

4) take participation in consideration of case on administrative infraction, make a motion, give conclusions on the issues, arising during consideration of case;

5) check the fulfillment of regulations on imposition of administrative penalties;

6) make arrangements on bringing officials to liability, committed violation of rights and freedom of citizens, legal interests of legal entities and the state;

7) initiate proceedings on the cases on administrative infractions;

8) commit the other actions, provided by the Law.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

42. Acts of prosecutor on administration of loyalty of administrative proceedings

Based on the results of verifications, a prosecutor shall have the right to:

1) introduce a protest on regulation on the case on administrative infraction in court, other authorized body or official;

2) give written instructions on proceedings of additional verification to authorized officials and bodies (except court);

3) claim conduct of verification from authorized bodies in their subsidiary or lower organizations;

4) terminate proceedings on administrative infractions in the cases, established by the Law;

5) suspend the fulfillment of regulation on administrative infraction;

6) issue regulation on discharge of a person, illegally subjected of administrative detention;

7) issue regulation or requirement on revoke of any prohibitive and restrictive measures, imposed by officials of authorized state bodies in connection with fulfillment of own obligations, in cases of violation of rights and legal interests of individuals, legal entities and the state;

8) issue regulation on initiation of proceedings on a case of administrative infraction.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 09.08.2002 No. 346.

Chapter 9

Supervision of loyalty of execution proceedings

43. Content and subject of supervision

Prosecutor shall carry out the supervision of:

1) loyalty of persons, being in the places of deprivation of freedom, in fulfillment of punishment and other enforcement measures, prescribed by court;

2) compliance of order and conditions of keeping convicted persons in the mentioned authorities, established by the legislation, protection of their rights and freedom;

3) loyalty of fulfilling the punishment, not linked with deprivation of freedom;

4) loyalty of fulfilling the judicial acts on civil, criminal and administrative cases.

Footnote. Article 43 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

44. Powers of prosecutor on administration of loyalty of executive proceedings

In the carrying out of supervision of loyalty of executive proceedings, within the competence of a prosecutor, he (she) shall have the right to:

1) claim precise and equal application of the Constitution, the Laws and international treaties of the Republic of Kazakhstan on the rights of a human, humane treatment with arrested and convicted persons;

2) demand and check executive proceedings on the cases of protection of rights and interests of a citizen, state, as well as on the prosecutor's suits and applications;

3) visit the places of deprivation of freedom and other authorities, fulfilling the punishment and other enforcement measures, prescribed by the court at any time, for the purposes of control;

4) interrogate the detained, arrested, convicted persons and persons, subject to enforcement measures;

5) demand documents, on the basis of which these persons are detained, arrested, endure the punishment, as well as subject to other enforcement measures;

6) immediately discharge each of person, illegally being in the places of deprivation of freedom or authorities, fulfilling enforcement measures by his (her) regulation;

7) rescind disciplinary sanctions, imposed on persons, enduring the punishment in the places of deprivation of freedom by reason of the Law violation by his (her) regulation from the inmate discipline unit, premises of cell type and isolation ward;

8) sanction the acts of the administration of authorities, fulfilling the punishment in the cases, established by the Law;

8-1) *is excluded by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).*

Footnote. Article 44 as amended by the Laws of the Republic of Kazakhstan dated 29.03.2000 No. 42; dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

Chapter 10

Criminal prosecution

45. Limits of criminal prosecution

Prosecutor's office shall carry out a criminal prosecution in accordance with the Constitution in the manner and within limits, prescribed by this Law and criminal procedure legislation.

46. Powers on criminal prosecution

In the course of carrying out the criminal prosecution, a prosecutor:

- 1) shall have the right to participate in view of place of occurrence, call for expert examinations, as well as carry out the other actions, required for solution of an issue on initiation of a criminal case;
- 2) shall initiate a criminal case or deny in its initiation;
- 3) shall transfer the criminal cases, initiated by the prosecutor's office to the relevant body for proceedings of inquest or preliminary investigation;
- 3-1) shall manage the investigation team, adopt the criminal case for proceedings and conduct preliminary investigation;
- 4) shall sanction the actions of officials, carrying out operational investigations, inquest and investigations in the cases, provided by the Law;
- 5) shall participate in proceedings of the certain investigative actions;
- 6) introduce submission for receiving the consent on bringing a person, having the right of inviolability to the criminal liability;
- 7) direct the case to the court.

Footnote. Article 46 as amended by the Laws of the Republic of Kazakhstan dated 09.08.2002 No. 346; dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

47. Referral of case to court

1. Studying the criminal case, received with conclusion to indict, a prosecutor or his (her) deputy shall be obliged to check the compliance of requirements of the legislation and completeness of grounds for bringing an accused person to the court by the inquiry and investigative agencies.

2. In existence of reasonable grounds for consideration of the criminal case in court, a prosecutor or his (her) deputy shall direct the case to the court.

3. In the course of referral of case to court, a prosecutor shall have the right to:

- 1) terminate the case by proceedings or terminate the criminal prosecution in respect of a person;
- 2) exclude certain criminal charges from the conclusion to indict, as well as enforce the Law on misdemeanor;
- 3) impose, change or revoke a preventive measure;

- 4) return the criminal case for proceedings of additional investigation.

Chapter 10-1. Cooperation with competent authorities of foreign states

Footnote. The Law is supplemented by the chapter 10-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

47-1. Supervision of application of the Laws in carrying out the international judicial cooperation

1. The General prosecutor of the Republic and (or) prosecutors, authorized by him (her) shall carry out supervision of application of international treaties, ratified by the Republic of Kazakhstan, Constitution and the Laws of the Republic of Kazakhstan on the issues of first-aid treatment.

2. On behalf of the state, within limits and in the manner, prescribed by the international treaties and the legislation of the Republic of Kazakhstan, the General prosecutor of the Republic or prosecutors authorized by him (her) shall come to decision:

- on surrender of persons;
- on carrying out the criminal prosecution;
- on transfer of persons, convicted to deprivation of freedom, for the following enduring the punishment;
- on directing and fulfilling commissions and motions on proceedings of procedural actions on the criminal cases.

3. Prosecution bodies shall carry out the other powers, provided by international treaties, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

47-2. Powers of the prosecutor's office on international judicial cooperation

Within international judicial cooperation, the General prosecutor of the Republic and (or) prosecutors authorized by him (her) shall have the right to:

- 1) participate in development of the projects of international treaties of the Republic of Kazakhstan, as well as suggestions on changing and supplements of current agreements;
- 2) conclude and sign the agreements on legal assistance, cooperation and interaction with prosecution bodies of foreign states in the manner, prescribed by the legislation of the Republic of Kazakhstan;
- 3) carry out cooperation with the relevant authorities of other states and international organizations within the competence of prosecution bodies;
- 4) participate in activity of international organizations of prosecutors;

5) participate in development of projects of international programs of joint measures on struggle against the criminality on the territory of cooperating states, their fulfillment;

6) provide legal assistance on the issues of surrender, criminal prosecution, conduct of investigative actions, transfer of convicted persons, fulfillment of other actions, directed on prevention, detection and suppression of the criminal acts, search for criminals, execution of punishments, at request of competent authorities of foreign states with participation of other Law enforcement agencies of the Republic of Kazakhstan;

7) direct the commissions, motions, requests of the Law enforcement agencies of the Republic of Kazakhstan to the competent authorities of foreign states on providing the legal assistance on the issues of surrender, criminal investigation, conduct of investigative actions, transfer of convicted persons, fulfillment of other actions, directed on prevention, detection and suppression of the criminal acts, search for criminals, execution of punishments in the manner, prescribed by the legislation of the Republic of Kazakhstan;

8) represent the interests of the Republic of Kazakhstan in courts of foreign states and international courts in considering the criminal cases, concerning the interest of the Republic of Kazakhstan;

9) carry out the other powers, provided by international treaties, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Chapter 10-2. Other directions of activity of prosecution bodies

Footnote. The Law is supplemented by the chapter 10-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

47-3. Supervision of loyalty in the sphere of state legal statistics and special accountings

Supervision of loyalty in the sphere of state legal statistics and special accountings shall be carried out by authorized prosecutors in accordance with the legislation of the Republic of Kazakhstan on legal statistics and special accountings.

47-4. Professional training, retraining and raising of qualification of employees of prosecution bodies

For the purpose of efficient carrying out of supervisory activity, prosecution bodies have the unified system of training, retraining and raising of qualification, that shall be conducted by all the levels of prosecution bodies.

Professional training, retraining and raising of qualification of employees of prosecution bodies shall be conducted in the manner, prescribed by the General prosecutor of the Republic.

Chapter 11

Service in prosecution bodies

Footnote. Title of the chapter 11 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

48. Prosecutors, employees of prosecution bodies

1. A prosecutor – an official, carrying out the supervision of precise and equal application of the Laws, decrees of the President of the Republic of Kazakhstan, other regulatory legal acts, of loyalty of operational investigations, inquest, investigation, administrative and executive proceedings, representation of interests of the state in the court, as well as criminal prosecution in the cases, matter and within limits, prescribed by the Law, within his (her) competence.

Prosecutors shall be:

the General Prosecutor of the Republic, his (her) first deputy and deputies, superior aiders and aiders, aiders on special commissions, heads of departments, managements and divisions of prosecution bodies and their deputies, all inferior prosecutors, their deputies, superior aiders and aiders, prosecutors on the branch of supervision, superior prosecutors and prosecutors of managements and divisions of prosecution bodies, as well as military, authorized and special prosecutors.

Special prosecutor's offices shall be regarded as military, environment-oriented, transport prosecutor's offices, as well as prosecutor's offices of the special objects.

2. Officials of prosecution bodies, carrying out the goals and functions of prosecution bodies shall be given by class or military rankings.

The list of officials of the bodies, departments and authorities of the prosecutor's office that shall be given by class or military rankings, as well as the relevant limiting class or military rankings, shall be confirmed by the President of the Republic of Kazakhstan.

3. Employees obligated for military service shall be registered in prosecution bodies.

Footnote. Article 48 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-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 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

49. Class rankings, military rankings and uniform of employees of prosecution bodies

Footnote. Article 49 is excluded by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

50. Legal protection of employees of prosecution bodies

1. Any verification of notice about the fact of administrative infraction, committed by a prosecutor shall be carried out with participation of representatives of prosecution bodies.

2. In the course of fulfilling the employment duties, the administrative detention, personal search, search of his (her) items of property and transport, used by him (her) shall not be allowed, with the exception of cases, when this is provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 50 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

51. Handling the fire weapon and use of special features

Footnote. Article 51 is excluded by the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official).

52. Legal regulation of labour

Labour relations:

1) of employees of prosecution bodies shall be regulated by the Labour Code of the Republic of Kazakhstan with special aspects, provided by the Law of the Republic of Kazakhstan “On Law enforcement service”;

2) of employees of prosecution bodies shall be regulated by the Labour Code of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on state service.

Footnote. Article 52 is in the wording of the Law of the Republic of Kazakhstan dated 10.10.2001 No. 247 (shall be enforced from 01.01.2001); as amended by the Laws of the Republic of Kazakhstan dated 15.05.2007 No. 253; dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

53. Material and social service of employees of prosecution bodies

1. Payment for labour of employees of prosecution bodies shall be established on the basis of unified system of payment for labour of employees of the bodies of the Republic of Kazakhstan, maintaining on account of state budget, confirmed by the President of the Republic of Kazakhstan.

2. Retirement insurance, payment of the state social benefits on disablement and on occasion on loss of a breadwinner of the employees of prosecution bodies shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 53 is in the wording of the Law of the Republic of Kazakhstan dated 06.01.2011 No. 379-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

54. (is excluded by the Law of the Republic of Kazakhstan dated 10.10.2001 No. 247 (shall be enforced from 01.01.2001)).

55. Length of special service

1. Service (work) in prosecution bodies shall be a special type of the state service. Besides the service (work), the length of special service (work) in prosecution bodies, shall include the period of service (work):

1) in Armed Forces, Internal affairs bodies, National Security Committees and other Law enforcement agencies;

2) in judicial agencies;

3) being at state service;

4) of scientific and pedagogic works on a discipline of case-Law;

5) on elective posts in the representative state bodies.

Footnote. Article 55 is in the wording of the Law of the Republic of Kazakhstan dated 10.10.2001 No. 247 (shall be enforced from 01.01.2001).

Chapter 12

Other questions of organizing the activity of prosecutor's office

56. Financing of prosecution bodies

Financing of prosecution bodies of the Republic of Kazakhstan shall be carried out on account of budget funds.

Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005).

57. Seal and identity document

1. The duly issued identity cards shall be issued to the General Prosecutor of the Republic, his (her) deputies by the President of the Republic.

2. The General Prosecutor of the Republic, chairman of committee, prosecutors of oblasts and prosecutors equated to them shall issue the duly issued identity cards to subordinate employees.

3. The General prosecutor's office of the Republic and subordinated prosecutor's offices shall have the seals with a depiction of the State arms of the Republic of Kazakhstan and its name in Kazakh and Russian languages, relevant accounts in banking institutions of the Republic of Kazakhstan.

Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 374-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

58. The order of enforcement of this Law

This Law enters into force from the date of publication.

59. Measures on implementation of this Law

1. The General prosecutor's office of the Republic of Kazakhstan shall develop and subject to consideration of the President of the Republic of Kazakhstan:

1) the Provision on procedure for a service in prosecution bodies of the Republic of Kazakhstan;

2) oath text of employees of prosecution bodies.

2. The Law of the Republic of Kazakhstan dated 17 January, 1992 "On prosecutor's office of the Republic of Kazakhstan" (The Bulletin of the Supreme Soviet of the Republic of Kazakhstan, 1992, No. 5, article 104; 1993, No. 8, article 179; 1994, No. 9-10, article 148, article 158; 1995, No. 3-4, article 34) shall be deemed to have lost force.

The President
of the Republic of Kazakhstan