

## **On Approval of the Rules of Internal Investigation in Internal Affairs Bodies of the Republic of Kazakhstan**

### *Unofficial translation*

Order No. 776 of the Minister of Internal Affairs of the Republic of Kazakhstan dated November 16, 2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on November 17, 2020 under No. 21648

### *Unofficial translation*

In obedience to paragraph 7-2 of Article 53 of the Labour Code of the Republic of Kazakhstan of November 23, 2015, **I HEREBY ORDER:**

1. That the attached Rules of Internal Investigation in Internal Affairs Bodies of the Republic of Kazakhstan shall be approved.

2. That in accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Personnel Policy Department of the Ministry of Internal Affairs of the Republic of Kazakhstan shall:

1) ensure the state registration hereof with the Ministry of Justice of the Republic of Kazakhstan;

2) place this order on the website of the Ministry of Internal Affairs of the Republic of Kazakhstan;

3) within ten working days after the state registration hereof, submit to the Legal Department of the Ministry of Internal Affairs of the Republic of Kazakhstan the information on the implementation of the measures provided for in sub-paragraphs 1) and 2) of this paragraph.

3. That the supervision of execution hereof shall be entrusted to the supervising Deputy Minister of Internal Affairs of the Republic of Kazakhstan.

4. That this order shall be put into effect ten calendar days after the day of its first official publication.

*Minister of Internal Affairs  
of the Republic of Kazakhstan*

*Y. Turgumbayev*

Approved by order  
of the Minister of Internal Affairs  
of the Republic of Kazakhstan  
No. 776 dated November 16, 2020

## **Rules of Internal Investigation in Internal Affairs Bodies of the Republic of Kazakhstan**

### **Chapter 1. General provisions**

1. These Rules of Internal Investigation in Internal Affairs Bodies of the Republic of Kazakhstan (hereinafter - the Rules) have been developed in obedience to paragraph 7-2 of Article 53 of the Labour Code of the Republic of Kazakhstan and determine the procedure for internal investigation in internal affairs bodies of the Republic of Kazakhstan (hereinafter - IAB).

## **Chapter 2. Procedures for conducting an internal investigation**

2. Internal investigation shall be appointed by order of the Minister of Internal Affairs of the Republic of Kazakhstan or his/her deputy, authorized head of department of the Ministry of Internal Affairs of the Republic of Kazakhstan (hereinafter - MIA), territorial body under the jurisdiction of MIA and its department, state institution under the jurisdiction of MIA and its department (hereinafter - the employer) and shall be conducted in relation to an employee, civil servant of the IAB (hereinafter - the employee) who has committed culpable actions and/or omissions, served money or goods, or used his/her official position for his/her own benefit or for the benefit of a third party against the interests of the employer in return for receiving material or other benefits for himself/herself or other persons, if such actions or omissions give rise to loss of confidence in the employee on the part of the employer.

3) The grounds for internal investigations shall be:

1) appeals by natural and legal persons concerning the commission of acts or omissions by an employee, as well as the unlawful use of his or her official powers;

2) results of audits;

3) publications in the mass media;

4) reports of law enforcement agency, special state body, court;

5) facts of offences and incidents.

4. Internal investigation shall be carried out by the service which competence includes consideration of the issue that is one of the grounds of paragraph 3 hereof.

Where the matter is complex and significant, an internal investigation shall be conducted upon the order of the employer by a specially established commission.

5. The internal investigation shall be completed no later than one month from the date of the decision to conduct it. The specified period shall not include the time when the employee subject to the internal investigation is on leave, business trip or medical treatment, as well as the time of his absence from work for other valid reasons.

6. The records of the internal investigation shall contain information recorded in writing and in the form of photo, audio, video materials, if available.

7. A written explanation shall be requested from the employee in respect of whom the internal investigation is carried out. Where an employee refuses to provide a written

explanation, an act shall be drawn up in an arbitrary form specifying the place, date and time of drawing up the act, job position, surname, name and patronymic (if any) of the official drawing up the act.

8. When conducting an internal investigation, steps shall be taken to objectively and comprehensively establish:

1) the fact of guilty actions or omissions by the employee and unlawful use of his official position;

2) causes and conditions contributing to the employee's culpable acts or omissions and unlawful use of his or her official position;

3) the nature and extent of the damage caused by the employee's culpable actions or omissions and unlawful use of his or her official position, if these actions or omissions give rise to a loss of confidence on the part of the employer.

9. The results of an internal investigation shall be documented in an act which shall include:

1) justifications confirming/not confirming that the employee has committed culpable acts or omissions as well as unlawful use of his or her official position;

2) conclusions and proposals.

10. An internal investigation report shall be drawn up in one copy, signed by the person who carried it out and approved by the employer within three calendar days after the end of the internal investigation.

11. A copy of the internal investigation act shall be attached to the personnel file of the employee in respect of whom the internal investigation is carried out.

12. The internal investigation report, if it establishes that there are reasons to believe that an employee who services money or goods or uses his or her official position for his or her own benefit or for the benefit of a third party against the interests of the employer in return for receiving material or other benefits for himself or herself or for other persons, if such actions or inaction would cause the employer to lose confidence in the employee, shall terminate the contract of employment pursuant to paragraph 1 of this Article, if he or she has been found guilty of misconduct or omissions in the service of money or goods or of using his or her official position to the detriment of the employer.