

## **On National Security agencies of the Republic of Kazakhstan**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated 21 December 1995 № 2710.

#### **Unofficial translation**

Footnote. Throughout the whole text the words “combat equipment”, “combat and other equipment” shall be replaced with the words “military equipment”, “military and other equipment” in accordance with Law of the Republic of Kazakhstan № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication).

Footnote. The title and preamble are in the wording of the Law of the Republic of Kazakhstan dated 21 March 2002 № 309.

Throughout the text after the words “Chapter” numbers “I-V” are substituted with the numbers “1-5” in accordance with the Law of the Republic of Kazakhstan dated 20 December 2004 № 13 (shall be enforced from 1 January 2005).

This Law shall determine the status, authority and organization of the activity of national security agencies of the Republic of Kazakhstan.

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

#### **Article 1. National security bodies of the Republic of Kazakhstan**

The national security bodies of the Republic of Kazakhstan (hereinafter – the national security bodies) shall be special state bodies directly subordinate and accountable to the President of the Republic of Kazakhstan, which are an integral part of the security system of the Republic of Kazakhstan, the goals of which shall be:

1) ensuring the security of the individual and society, protection of the constitutional system, state sovereignty, territorial integrity, economic, scientific-technical and defense potential of the country;

2) carrying out and coordinating intelligence activities in order to provide the President of the Republic of Kazakhstan, the Chairman of the Security Council of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and other state bodies and organizations with intelligence information for decision-making, as well as assistance in the implementation of the policy of the state leadership in political, financial-economic, military-political, scientific-technical, humanitarian, environmental and other areas affecting the national interests of Kazakhstan.

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

## **Article 1-1. Basic definitions, used in this Law**

In this Law shall be used the following basic definitions:

1) conspiracy - concealment of forces, means, actions, plans and intentions of counterintelligence, intelligence through operational encryption and closing access to sources of classified information, the establishment of a special order of supervision;

2) is excluded by the Law of the Republic of Kazakhstan dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication);

3) counteraction to technical intelligence - activity in the field of information security aimed at preventing leakage of information constituting state secrets through technical channels, deliberate exposure to them by technical means, including software and hardware and software.

4) the official representative of the national security agencies in the foreign missions of the Republic of Kazakhstan, his/her assistants - employees, military personnel who are full-time staff members of the national security agencies sent to the foreign missions of the Republic of Kazakhstan to perform the tasks of ensuring the national security.

Footnote. Chapter 1 is supplemented with the article 1-1 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 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 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication) № 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication); dated December 27, 2019 № 291-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 2. Tasks of national security structure**

1. The tasks of national security structure shall be:

1) participation in development and realization of governmental policy in the field of providing security for individuals, society and the state;

2) extraction of intelligence information in the interests of the Republic of Kazakhstan in accordance with the Law of the Republic of Kazakhstan "On external intelligence service";

3) carrying out counter-intelligence activities;

3-1) coordination and implementation of activities on counteraction to technical intelligence in relation to information, constituting state secrets;

4) detection, prevention and suppression of terrorism and other activities directed towards the violent change of the constitutional system, violation of the integrity and undermining the security of the Republic of Kazakhstan;

4-1) to coordinate activities in the field of counteraction to terrorism and extremism in the Republic of Kazakhstan;

5) detection, suppression, disclosure and investigation of criminal offenses attributed by the law to the jurisdiction of national security agencies;

6) ensuring the President of the Republic of Kazakhstan, governmental bodies, Armed Forces, other troops and military formations of the Republic of Kazakhstan with governmental bond in peace and war time;

7) organization of encryption work in the authorized governmental bodies, military administration bodies, national security and internal affairs of the Republic of Kazakhstan;

8) ensuring of protection and guarding of the State border of the Republic of Kazakhstan;

9) ensure the physical protection of diplomatic missions of the Republic of Kazakhstan.

2. Other tasks can be entrusted to the national security structure by this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 16.05.1997 № 110; dated 21.03.2002 № 309; dated 27.05.2010 № 279-IV (the order of the entry into force see article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 № 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.01.2013 № 71-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 №227-V (shall be enforced from 01.01.2015); dated 28.12.2016 No 36-VI (shall be enforced upon expiry of two months after its first official publication); dated 28.12.2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 3. Legal basis of activity of national security structure**

Legal basis of activity of national security structure shall consist of:

1) The Constitution and laws of the Republic of Kazakhstan;

2) this Law;

3) other regulatory legal acts of the Republic of Kazakhstan in the part not contradicting and not regulated by this Law;

4) international treaties and other obligations of the Republic of Kazakhstan;

5) regulatory resolutions of the Constitutional Court of the Republic of Kazakhstan and the Supreme Court of the Republic of Kazakhstan;

6) the regulations on the Committee of national security approved by the President of the Republic of Kazakhstan.

**Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 05.11.2022 № 157-VII (shall be enforced from 01.01.2023).**

### **Article 4. Basic principles of the activity of national security structure**

The activity of the bodies of national security shall be based on the principles of legality, privacy, security, unity of command, equality of all before the law, respect and observance of the rights and freedoms of man and citizen, regardless of political parties and other public associations.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 5. Observance of the rights and freedoms of man and citizen in the activity of national security structure**

1. The state shall guarantee the rights and freedoms of man and citizen upon execution by the national security structures of their activities.

2. The rights and freedoms of man and citizen can be limited exceptionally in cases and in accordance with the procedure provided for by the Law.

3. Within the limits established by the legislation, the national security structures shall be obliged to provide to each citizen a possibility to familiarize with touching his rights and interests documents, and decisions.

4. Actions (inaction) of the national security bodies, their employees, military personnel, and workers may be appealed to the higher national security bodies, the prosecutor's office, and the court in the manner prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 21.03.2002 № 309; dated 10.01.2011 № 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); by the constitutional law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021).

#### **Article 6. Interaction and cooperation of the national security structures with governmental bodies and organizations of the Republic, special services of foreign states**

1. The national security structures shall carry out their activities in interaction with governmental bodies and organizations of the Republic of Kazakhstan. Officials of governmental bodies, organizations, commanders of military units and parts shall be obliged to provide assistance to national security structures in solving of tasks entrusted to them.

2. Cooperation of the national security structures with special services and the governmental communication of the foreign states, international law enforcement agencies shall carry out on the basis of international treaties of the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 16.05.1997 № 110; dated 21.03.2002 № 309.

## **Chapter 2. System and organization of the activity of national security structures Article 7. System of the activity of national security structures**

Unified system of bodies of national security of the Republic of Kazakhstan shall be made up from the national security Committee of the Republic of Kazakhstan (hereinafter - Committee of national security), its agencies, territorial and other bodies of national security, special purpose units, educational institutions, scientific-research institutions and other subordinate organizations.

The national security Committee, its departments, territorial and other bodies of national security can create out of their location other separate structural subdivisions that shall not be subjected to registration in the authorized body.

Other isolated structural divisions shall carry out some functions of the national security structures, specified in part two of this article.

**Footnote. Article 7 is in the wording of the constitutional law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 8. Committee of national security**

1. Committee of national security shall:

1) be formed, abolished and reorganized by the President of the Republic and shall not be included in the system of Central Executive bodies of the Republic;

2) supervise the departments of the Committee of national security, territorial and other bodies of national security, as well as subordinate organizations;

2-1) organize the planning of ensuring the national security structures of the property, its maintenance, preservation, registration and withdrawal;

3) directly implement the main directions of the activity of national security agencies;

3-1) develop and approve regulatory legal acts on the organization of activities of national security bodies and the implementation of tasks assigned to them;

**4) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

5) be a legal entity, shall have a valid and conditional names, its symbols and insignia.

2. The status and authority of the national security Committee shall be determined by the Regulations on the Committee of national security.

2-1. Symbols, distinctions and departmental awards of the national security structures shall be approved by the President of the Republic of Kazakhstan on recommendation of the Chairman of the Committee of national security of the Republic of Kazakhstan.

**Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 16.05.1997 № 110; dated 09.12.1998 № 307; dated 21.03.2002 № 3009; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 13.02.2012 № 553-IV (shall be enforced upon**

expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 No 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 8-1. Department of national security Committee**

1. Department of Committee of national security shall be created for realization of tasks, imposed on bodies of national security in certain areas of their activities.

2. Department of Committee of national security shall be:

1) Formed, abolished and reorganized by the President of the Republic of Kazakhstan on recommendation of the Chairman of the Committee of national security of the Republic of Kazakhstan;

2) headed by the Directors that are appointed and dismissed by the President of the Republic of Kazakhstan on recommendation of the Chairman of the Committee of national security of the Republic of Kazakhstan;

3) legal entities, shall have a valid and conditional names.

Footnote. Chapter 2 shall be added by the article 8-1 in correspondence to the Law of the Republic of Kazakhstan dated 16.05.1997 № 110; is in the wording of the Law of the Republic of Kazakhstan dated 21.03.2002 № 309; as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 9. Territorial bodies of the national security Committee**

1. Territorial agencies of the National Security Committee in the regions, cities of republican significance and the capital and their subordinate town and district administrations (departments, offices) are set up to enable the national security agencies to implement the tasks assigned to them in a relevant territory.

2. Territorial agencies of the National Security Committee in the regions, cities of republican significance and the capital are legal entities having real and code names, seals and stamps, accounts, fixed assets, socio-cultural and medical facilities.

3. In operational-official activity of the territorial bodies of the national security Committee shall be independent from the local representative and executive bodies and their official persons.

Footnote. Article 9 as amended by the Law of the Republic of Kazakhstan 09.12.1998 № 307; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); № 210-VI as of 28.12.2018 (shall be enforced ten calendar days after its first official publication).

#### **Article 10. Military counterintelligence authorities**



Military counterintelligence authorities shall:

1) be created for the implementation of entrusted to the national security tasks in the Armed Forces, other troops and military formations of the Republic of Kazakhstan;

1-1) be a military unit;

2) have a valid and conditional names, seals and stamps;

3) in the operative-service activity be independent from the command of the Armed Forces, other troops and military formations of the Republic of Kazakhstan.

**Footnote.** Article 10 as amended by the Law of the Republic of Kazakhstan dated 21.03.2002 № 309; dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 10-1. Troops of the national security Committee**

**Footnote.** Article 10-1 is excluded by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 10-2. The military police of the national security Committee**

The military police of the national security Committee shall be intended to perform entrusted to them tasks in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Chapter 2 is supplemented with the article 10-2 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 11. Subdivisions of special purpose**

Subdivisions of special purpose shall be created to suppress acts of terrorism and other especially dangerous criminal attacks on the personality, society and state.

Subdivisions of special purpose shall be involved in the operational-military and other measures, conducted by the bodies of national security, in accordance with the procedure provided for by the Chairman of the Committee of national security.

**Footnote.** Article 11 as amended by the Laws of the Republic of Kazakhstan dated 08.04.2010 № 266-IV (the order of the entry into force see article 2); dated 08.01.2013 № 63-V (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 3. Authority of National security structures Article 12. Obligations of the national security structures**

National security structures within the limits of their powers shall be obliged to:

1) inform the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan about the threats to the security of the country;

2) carry out intelligence activities in the interest of the Republic of Kazakhstan in accordance with Law of the Republic of Kazakhstan "On external intelligence service";

3) carry out counter-intelligence activity;

4) detect, prevent and suppress terrorism and other activities directed towards the violent change of the constitutional system, violation of the integrity and undermining the security of the Republic of Kazakhstan;

5) detect, prevent, uncover and investigate criminal offenses attributed by the law, to the jurisdiction of national security agencies;

6) assist to governmental bodies in the prevention and suppression of activity on the territory of the Republic of Kazakhstan of illegal paramilitary groups, political parties and trade unions of other states, religious parties as well as financing political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations;

7) develop and implement measures for counterintelligence protection of information, constituting state secrets in governmental bodies, military formations, units and organizations and control their activities in this area. To carry out a special inspection of the citizens of the Republic of Kazakhstan processed (reissued) for access to the information constituting a state and professional secrecy;

8) participate in the development and implementation of measures on ensuring the security of objects of the defense complex, nuclear energy, transport and communications, life support of regions and other strategic objects the list of that is determined by the Government of the Republic of Kazakhstan;

8-1) participate in the implementation of tasks of territorial defense of the Republic of Kazakhstan in accordance with the Law of the Republic of Kazakhstan "On the Territorial Defense of the Republic of Kazakhstan";

9) is excluded by the Law of the Republic of Kazakhstan dated 27.05.2010 № 279-IV (the order of the entry into force see article 2);

9-1) participate in ensuring the safety of diplomatic missions of the Republic of Kazakhstan and their personnel;

10) participate in accordance with the legislation of the Republic of Kazakhstan in solution of matters, concerning admission to the citizenship of the Republic of Kazakhstan and withdrawal from the citizenship of the Republic of Kazakhstan, of leaving abroad of citizens of the Republic of Kazakhstan, entry to the territory of the Republic of Kazakhstan and departure abroad of foreign citizens and persons without citizenship, as well as regime of their sojourn on the territory of the Republic;



11) take in cooperation with other competent bodies measures to ensure the security of missions of foreign states and international organizations on the territory of the Republic of Kazakhstan;

12) participate at the direction of President of the Republic of Kazakhstan jointly with other governmental bodies in ensuring the security of heads of state, foreign governments and heads of international organizations during their stay in the Republic of Kazakhstan, as well as carried out on the territory of the country of important socio-political events;

12-1) participate in ensuring the security of the President of the Republic of Kazakhstan;

13) ensure security and protection of the State Border of the Republic of Kazakhstan;

13-1) carry out the procedure for confirming identity using dactyloscopic information in relation to persons who have passed fingerprint registration when crossing the State Border of the Republic of Kazakhstan;

13-2) carry out fingerprint registration of foreigners and stateless persons subject to deportation from the Republic of Kazakhstan or subject to international readmission agreements ratified by the Republic of Kazakhstan;

14) engage in an information-analytical work in order to implement imposed on national security structures problems;

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

15) detect radio transmitting radio-electronic means, work that poses a threat to the security of the Republic of Kazakhstan;

16) organize encryption and decryption work, exploit, develop governmental communication, encrypted and secret communications, as well as special purpose telecommunication networks used in the interests of national security agencies, ensure their security;

16-1) organize and carry out combat duty in national security agencies in the manner determined by the Chairman of the National Security Committee;

16-2) organize and perform military service in national security agencies in the manner determined by the Chairman of the National Security Committee;

17) implement measures on ensuring its own security, including prevention of technical penetration for details of the national security structures constituting state secrets;

17-1) take necessary measures on ensuring security upon conducting reconnaissance, counterintelligence, and other operational-search activity, upon implementation of materials, reflecting the results of this activity, as well as preventing the disclosure of information sources through administrative activities of the Chairman of National Security Committee or authorized official, that provide restriction of access to the materials of operative-service activity before their investments in a vowel form;

17-2) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

18) ensure mobilization readiness of the national security structures;

19) provide training for national security structures, their retraining and improvement of professional skill;

19-1) carry out work aimed at the patriotic, moral, and spiritual education of personnel and prevention of offenses in national security agencies, in the manner determined by the Chairman of the National Security Committee;

20) conduct a mandatory special check of citizens of the Republic of Kazakhstan entering the civil service for the first time or re-entering the civil service after its termination, as well as those applying for the position of a judge, an employee of the National Bank of the Republic of Kazakhstan and its departments, an employee of the authorized body for regulation, control, and supervision of the financial market and financial organizations, an aviation inspector of an authorized organization in the field of civil aviation, carrying out control and supervisory functions in the field of aviation security, in cases, limits and procedures established by the legislation of the Republic of Kazakhstan;

20-1) conduct obligatory special check of foreigners employed by the state bodies of the Republic of Kazakhstan, within the limits and in the order established by the legislation of the Republic of Kazakhstan.

National security agencies shall have the right not to explain the reason, which served as the basis for refusal to admit a foreigner to work in state bodies of the Republic of Kazakhstan;

20-2) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

21) fulfill the written demand of the Prosecutor, associated with the exercise of supervision functions;

22) upon the financial monitoring authority's request provide information from its own information systems in accordance with the legislation of the Republic of Kazakhstan on combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction;

22-1) carry out measures to protect and promote the national interests of the Republic of Kazakhstan;

23) exercise other functions provided for by this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Law of the Republic of Kazakhstan dated 16.05.1997 № 110; dated 09.12.1998 № 307; dated 21.03.2002 № 309; dated 09.08.2002 № 346; dated 28.08.2009 № 192-IV (shall be enforced from 08.03.2010); dated 27.05.2010 №

279-IV (the order of the entry into force see article 2); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 № 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.01.2013 № 71-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.06.2014 № 206-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03. 07. 2014 № 227-V (shall be enforced from 01.01.2015); dated 23. 11.2015 № 417-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.11.2015 № 419-V (shall be enforced from 01.01.2016); dated 22. 12. 2016 № 28-VI (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 its first official publication); dated 13.06.2017 № 69-VI (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 its first official publication) ; dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); № 325-VI dated 13.05.2020 (shall come into effect six months after the day of its first official publication); dated 16.11.2020 № 375-VI (shall come into effect ten calendar days after the day of its first official publication); dated March 14, 2023 № 206-VII (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 30.06.2025 № 202-VIII (shall come into effect upon expiry of sixty calendar days after the date of its first official publication); dated 19.09.2025, № 219-VIII ( effective sixty calendar days after the date of its first official publication).

### **Article 13. Rights of national security structures**

National security structures for execution of tasks entrusted to them shall be entitled to:

1) carry out counter-intelligence measures, general and special operational investigations, forensic studies, involve citizens of the Republic of Kazakhstan on a voluntary basis as a freelance operational staff in accordance with the procedure provided for by the Chairman of National Security Committee;

1-1) carry out operational-military measures to stop illegal activity in accordance with develop specific methodologies and to use special means in accordance with the list approved by the Government of the Republic of Kazakhstan;

1-2) carry out radio electronic and radio technical reconnaissance in accordance with the rules approved by National Security Committee of the Republic of Kazakhstan;

2) carry out penetration into special services of foreign states and other foreign organizations, criminal groups, whose goals and actions are aimed at undermining state

security, violating the integrity of the Republic of Kazakhstan, and forcibly changing the constitutional system;

3) solve independently or jointly with the competent state bodies the matters on closing the entry and expulsion from the Republic of Kazakhstan of foreigners and stateless persons, who threaten or damage the security of society and the state by their actions;

4) upon revealing, suppression, disclosure and investigation of criminal offenses attributed by the law to the jurisdiction of national security agencies, give binding instructions to other bodies within the limits provided for by criminal procedure legislation;

5) call in to the national security structures the citizens on materials, that are in the production, to receive explanations, certificates, documents, and to take copies of them; to subject the drive to the persons evading appear on summons;

6) in accordance with the legislation, check citizens' documents proving their identity in case of reasonable suspicion of committing criminal offenses. To carry out the arrest of persons suspected of committing criminal offenses, to check documents, to carry out personal examination of the arrested and their vehicles, as well as the seizure of items and documents in their possession;

6-1) upon participating in anti-terrorist operations and the legal regime of an antiterrorist operation to apply measures and temporary restrictions under the Law of the Republic of Kazakhstan "On counteraction to terrorism";

7) carry out administrative detention of persons that have committed offences related to attempts of penetration and penetration on specially protected areas especially- classified and other objects illegally staying in the border zone. To check the documents, proving their identity, to receive explanations, to realize their personal examination, inspection and seizure of things and documents;

8) use means of communication, means of transport, belonging to organizations, military formations and units to prevent criminal offenses, to prosecute and detain persons who committed or are suspected of committing offenses, to deliver detainees to their place of detention, and to travel to the scene and delivery of people in urgent need of medical care to medical institutions. At the demand of the owners, the national security agencies shall compensate the actual damage caused as a result of this, in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan;

9) freely enter the territory and premises of organizations, military formations and units, residential and other premises belonging to the citizens, to their land plots in order to suppress criminal offenses, prosecution of persons suspected of having committed them, if the delay can threaten the life and health of citizens, damage the security of the country. On cases of forced entry into residential and other premises belonging to the citizens, the national security agencies shall notify the Prosecutor within twenty-four hours;

10) have temporary detention facilities, investigatory isolators for keeping the persons in accordance with the procedure established by the legislation of the Republic of Kazakhstan,

in relation to whom detention in custody was chosen as a measure of restraint, or the detained on suspicion of committing criminal offenses by national security agencies. In some cases, upon agreement with national security agencies, the detained and subjected to detention by law enforcement agencies and courts, as well as the convicted;

11) exercise control, provide methodological and practical assistance on the issues of ensuring the security of state secrets, commercial, banking and other secrets protected by the law, security of special purpose telecommunication networks and encryption work in the authorized state bodies, military administration bodies, national security and internal affairs of the Republic of Kazakhstan ;

12) submit representations to the state bodies, military formations, units and organizations compulsory for execution on elimination of reasons and conditions facilitating the implementation of threats to the security of the Republic of Kazakhstan, committing criminal offenses, the investigation of which is referred to the jurisdiction of national security agencies by the legislation of the Republic of Kazakhstan.

12-1) declare in official written form to individuals and legal entities official warnings about the inadmissibility of an act (action or inaction) creating conditions for committing criminal offenses, the investigation of which shall be referred to the jurisdiction of national security agencies by the legislation of the Republic of Kazakhstan;

13) stop the use on the territory of the Republic of Kazakhstan transmitting radio-electronic means, used with infringement of the established rules or legislation of the Republic of Kazakhstan on protection of state secrets;

14) receive free of charge and in compliance with the requirements, established by the legislative acts of the Republic of Kazakhstan, to the disclosure of information constituting commercial, banking and other secrets protected by law, information from governmental agencies, military formations, units and organizations necessary to perform tasks assigned to national security agencies, including electronic information resources, which are provided from information systems of state bodies and organizations, in accordance with the procedure established by the joint normative legal acts with the specified public authorities, and with organizations by agreements;

15) inform the local representative and executive bodies on issues within the competence of the national security structures;

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

17) in order to encrypt the identity of employees and servicemen of the national security structures, departments, their divisions, premises and means of transport or the identity of the citizens, assisting the national security structures on a confidential basis, to use, manufacture

and (or) to draw up documents of other governmental bodies, as well as organizations, the procedure of use, manufacture and (or) official registration of that is determined by the by the Chairman of the Committee of national security.

In case of necessity of use of by the national security structures for the purposes provided for by this subparagraph, documents of the governmental bodies that require registration in the governmental bodies, including the issued by them documents, at the request of the national security structures, the relevant governmental bodies on a gratuitous basis shall produce and (or) formalize them for national security structures in accordance with the procedure determined by combined regulatory legal acts;

17-1) direct to other governmental bodies and organizations, obligatory requests for execution on provision to the national security agencies documents and certificate of employment, samples of their filling;

17-2) for the purpose of encrypting the identity of employees and military men of other foreign intelligence entities and special state agencies, departmental belonging of their units, premises and vehicles, as well as the identity of confidential assistants, to manufacture and (or) draw up for other subjects of foreign intelligence and special state bodies documents of other state bodies, as well as organizations, the procedure for manufacturing and (or) processing of them shall be determined by joint regulatory legal acts.

In case of necessity to use the documents of state bodies requiring registration with state bodies, including those issued by them, by other subjects of foreign intelligence and special state agencies for the purposes of this subparagraph, upon the application of national security agencies, the relevant state bodies on a gratuitous basis produce and (or) draw up them in the manner determined by joint regulatory legal acts;

18) establish in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan the organization and departments necessary for the performance of duties entrusted to the national safety structures, and ensuring the activity of specified bodies;

19) develop, create, acquire and use means of special communication, armament and equipment, including special technical and other means, while the development, production and adoption of state cryptographic means and their special protection (from technical reconnaissance means) established by the legislation of the Republic of Kazakhstan. To conclude agreements, contracts with state bodies and organizations of the Republic of Kazakhstan, special services and organizations of foreign states for this purpose;

20) conduct scientific research on the problems of ensuring the security of the Republic of Kazakhstan, develop and create information systems and systems of special types of communication;

20-1) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

20-2) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII



(shall be enforced upon expiry of ten calendar days after the day of its first official publication);

20-3) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

20-4) create, accredit, terminate the activities of a special certification center;

20-5) is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication);

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

21-1) use video cameras and other types of electronic equipment of governmental bodies and other organizations in the manner determined by joint regulatory legal acts or agreements;

21-2) carry out interdepartmental coordination on the issues of functioning a single Internet access gateway and a single e-mail gateway for "e-government";

21-3) develop a single gateway to the Internet access and a single electronic mail gateway for "e-government";

21-4) exercise state control over the application of the security certificate by telecom operators;

21-5) exercise state control over the procedure for connecting networks of telecom operators to Internet traffic exchange points and passing Internet traffic;

21-6) determine the procedure for connecting networks of telecom operators to Internet traffic exchange points and passing Internet traffic;

21-7) determine the procedure for issuing and applying a safety certificate;

21-8) determine the certifying information security center;

22) is excluded;

23) exercise other functions provided for by this Law, other laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 16.11.1999 № 476; dated 29.03.2000 № 42; dated 21.03.2002 № 309; dated 08.04.2010 № 266-IV (the order of the entry into force see article 2); dated 5.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 23.04.2012 № 14-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 08.01.2013 № 63-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 N. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.04.2014 № 185-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03. -7. 2014 № 227-V (shall be enforced from

01.01.2015); dated 04.07.2014 № 233-V (shall be enforced from 01.01.2015); dated 03.11.2014 № 244-V (shall be enforced from 02.01.2015); dated 24.11.2015 № 419-V (shall be enforced from 01. 01.2016); dated 22.12. 2016 № 28-VI (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 its first official publication); dated 10.02.2017 № 45-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.04.2017 № 58-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 28.12. 2017 № 128-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.06.2020 № 347-VI (shall come into effect ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 13-1. Official caution**

The decision to declare an official caution in written form (hereinafter referred to as a caution) shall be made by the authorized head of national security agency of the Republic of Kazakhstan after verification and confirmation of the information obtained on the act of (an action or inaction) by an individual or legal entity, creating conditions for committing of criminal offenses.

The right to sign a caution belongs to the Chairman of National Security Committee of the Republic of Kazakhstan or his deputies, the directors of the departments of the Committee for National Security of the Republic of Kazakhstan, the heads of territorial bodies of the Committee for National Security of the Republic of Kazakhstan.

The warning should be addressed to a specific individual or to the head (official) of the legal entity with an indication (reduction) of the act (action or inaction), creating conditions for committing criminal offenses, the investigation of which is attributed by the legislation of the Republic of Kazakhstan to the jurisdiction of national security agencies, the inadmissibility of this act (action or inaction) and responsibility, for which a physical or legal entity is cautioned.

The warning explains to an individual or legal entity his/her right to appeal the warning in the manner prescribed by the laws of the Republic of Kazakhstan.

A copy of the caution shall be sent to the Prosecutor within twenty-four hours after its announcement.

Footnote. Chapter 3 is supplemented by Article 13-1 in accordance with the Law of the Republic of Kazakhstan dated 03.11.2014 № 244-V (shall be enforced from 02.01.2015); dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021); dated 23.12.2023 № 51 -VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Article 14. Right of military personnel of the national security structures to use of weapons, special means and physical force**

Footnote. Article 14 is excluded by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

## **Article 15. Realization of provided rights**

Footnote. Article 15 is excluded by the Law of the Republic of Kazakhstan dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

## **Chapter 3-1. USE OF PHYSICAL FORCE, SPECIAL MEANS, WEAPONS AND MILITARY EQUIPMENT BY EMPLOYEES AND MILITARY PERSONNEL OF THE NATIONAL SECURITY AGENCIES**

Footnote. The Law is supplemented with Chapter 3-1 in accordance with the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15-1. Conditions and limits of use of physical force, special means, weapons and military equipment

1. Employees and military personnel of the national security agencies have the right to bear, keep and use weapons, military equipment and special means, and also use physical force.

2. They shall be obliged to pass special training, periodic test for suitability to actions in conditions, connected with the use of physical force, special means and weapons.

3. In cases of necessary defense and extreme necessity or when detaining a person, who committed a criminal offense, an officer or a serviceman of national security agencies, in the absence of the necessary special means or weapons, may use any improvised means, as well as on the grounds and in the manner established by this Law, use other weapons that are not armed.

4. An employee and a military service person of the national security agencies are not liable for moral, material and physical damage caused in connection with the use of physical force, special means, weapons and military equipment in cases provided for by law if the protection is proportionate to the nature and danger of encroachment on protected persons, other citizens, protected objects or the employee or military service person of the national security agencies himself/herself.

5. The use of physical force, special means, weapons and military equipment by employees and military personnel of the national security agencies in excess of their authority entails responsibility established by the law.

6. In an anti-terror operation zone, employees and military personnel of the national security agencies involved in the anti-terror operation have the right to use physical force, military and other equipment, weapons and special means, including service animals, against terrorists, without warning or limitations provided for this Law and other Laws of the Republic of Kazakhstan.

**Footnote. Article 15-1 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).**

#### **Article 15-2. Application of physical force**

1. Employees and servicemen of national security agencies shall have the right to use physical force, including combat methods of struggle, to suppress criminal and administrative offenses that encroach on life, health, rights, freedom, personal dignity, property and protected interests of citizens and the state, detention persons who committed socially dangerous acts, taking into account the nature of offenses and specific situations, overcoming counter-measures to legitimate demands, if non-violent means do not ensure the fulfillment of duties assigned to national security agencies.

2. Employee and a serviceman of the national security structures shall be entitled to apply physical force in all cases when the use of special means or weapons permitted by this Law.

**Footnote. Article 15-2 as amended by the Law of the Republic of Kazakhstan dated 03. 07 . 2014 № 227-V (shall be enforced from 01.01.2015).**

#### **Article 15-3. Application of special means**

1. Staff and servicemen of the national security structures shall be entitled to apply special means existing in-service, in the following cases:

- 1) to repulse attack on citizens and protected persons;
- 2) to repulse attack on buildings, constructions, premises, other objects and vehicles that are protected by national security structures, as well as for the release of specified objects and means in case of their seizure;
- 3) for identifying and suppressing criminal offenses;
- 4) to disarm the persons, unlawfully possessing arms, ammunition, explosives, poisonous and radioactive substances;
- 5) to repulse attack on employees or military personnel of the national security structures, members of their families or other persons involved in providing security measures;

6) for detention of offenders, persons that resists or deliberately impeding military personnel or officers of national security structures or law enforcement bodies in the implementation of entrusted to them official duties;

7) upon escorting and guarding of delayed, misdemeanant prisoners as well as convicts, suspects and accused, if there are reasonable grounds to believe that they can escape or to cause harm to the people or their own health, as well as in respect of persons, preventing the personnel or servicemen of the national security structures in the implementation of obligation assigned to them by the Law.

8) for the release of hostages, prevent riots, group actions that infringe upon the life, health, rights, freedoms, dignity and property of citizens, protected persons and objects;

9) to stop the vehicle the driver of which does not fulfill the requirement of the employee or the serviceman of the national security structures to stop, if by other ways it is impossible to prevent a real threat to protected persons;

10) in cases of necessary defense and extreme necessity;

11) to prevent the violation of airspace by unmanned aerial vehicles over the territory of objects of the national security bodies of the Republic of Kazakhstan.

2. Use of special means in the direction of the protected person, as well as concerning women with visible signs of pregnancy, persons with obvious signs of disability and small children shall be prohibited, unless they commit an attack on employees or military personnel of the national security structures, citizens and the protected persons, threatening their life and health, group attacks or rendering armed resistance.

3. The list of special means, used by the national security structures shall be approved by the Government of the Republic of Kazakhstan.

**Footnote. Article 15-3 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 25.06.2020 № 347-VI (shall come into effect ten calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).**

#### Article 15-4. Use of weapons and military equipment

1. Employees and military personnel of the national security agencies have the right to use weapons and military equipment as a last resort measure in the following cases:

1) to repulse attack on citizens, protected persons, and also persons, protection and conservation of that is delegated to the personnel or servicemen of the national security structures;

2) to repel an attack on buildings, constructions, premises and other objects and vehicles that are protected by national security structures;

3) to repulse attacks on employees or military personnel of the national security agencies, their family members, other persons involved by this body in ensuring security measures, and

also to suppress attempts to seize weapons, vehicles, special and military equipment of the national security agencies;

4) for protecting citizens from criminal encroachments, and also the liberation of hostages, occupied guarded objects, constructions and special cargoes;

5) for detaining persons caught while committing a criminal offense or immediately after having committed it, providing armed resistance, as well as an armed person who refuses to comply with a legitimate demand for the surrender of weapons, ammunition, explosive, poisonous and radioactive substances that he has;

6) for neutralization and detention of persons, a set of external signs and actions that indicate the presence of a real threat to the life and health of other citizens, protected persons and employees or military personnel of the national security structures;

7) to stop escape from places of detention of the suspects and the accused in committing criminal offenses or escaping from convoy persons, detained on suspicion of committing a criminal offense, persons subject to a preventive measure in the form of imprisonment sentenced to deprivation freedom, as well as to prevent attempts at the forcible release of these persons;

8) to stop the vehicle if the driver creates real danger for life and health of the protected persons and refuses to stop at the request of the employee or the serviceman of the national security structures;

9) for protection from attack of animals;

10) to signaling the alarm or call for assistance;

11) in cases of necessary defence and extreme necessity;

12) to prevent the violation of airspace by unmanned aerial vehicles over the territory of objects of the national security bodies of the Republic of Kazakhstan.

2. Use of weapons towards protected persons, and also against women, persons with obvious signs of disability and minors shall be prohibited, except cases of presence of a real threat to life and health of citizens, employees or military personnel of the national security structures, as well as committing by them of an armed attack, rendering armed resistance, group attacks, hostage-taking, objects, transport vehicles, including aircraft.

3. In all cases of use of weapons by staff and servicemen of the national security structures shall be obliged to take the necessary measures to ensure the safety of surrounding people and provision of emergency medical assistance to victims and to report to a supervisor on weapons use.

4. On each case of use of weapons, special means and physical force resulting in death of people or other grave consequences, within twenty-four hours the Prosecutor shall be informed.

5. The list of weapons, military equipment and military ammunition kits, consisting on arms of the national security structures shall be approved by the Government of the Republic of Kazakhstan.



Footnote. Article 15-4 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 25.06.2020 № 347-VI (shall come into effect ten calendar days after the day of its first official publication); dated 29.12.2022 № 174-VII (shall be enforced upon expiry of sixty calendar days after the date of its first official publication).

#### **Chapter 4. Personnel of national security structures and their legal status Article 16. Membership of personnel of national security structures**

1. Membership of personnel of national security structures shall be the staff, soldiers and workers.

2. On service in national security structures shall be enlisted on a voluntary basis citizens of the Republic of Kazakhstan that have reached the age of 18, but not older than the age limit for titles established by laws with the necessary personal, moral and professional qualities, level of education, state of health and physical development.

3. The limit of staff set of the national security structures shall be approved by the President of the Republic of Kazakhstan on recommendation of the Chairman of the Committee of national security.

Staff set of employees, military personnel and workers of national security structures, as well as subordinated to Committee of governmental institutions shall be determined by the Chairperson of the Committee of national security within the limit of staff set of national security agencies, approved by the President of the Republic of Kazakhstan.

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

#### **Article 17. Staff and servicemen of national security structures**

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

2. Military counterintelligence authorities can be equipped with the soldiers, moved from the Armed Forces, other troops and military formations of the Republic of Kazakhstan.

3. For taking decision of tasks on ensuring the security of the state employees and military servicemen of the national security structures can be assigned to the governmental bodies and organizations with the consent of their managers in accordance with the procedure leaving the service in a special governmental bodies and active military personnel.

4. Employees shall be on a special account in national security structures.

Officers personnel and military personnel, passing military service under the contract in the capacity of soldiers, sailors, sergeants and master sergeants of national security structures shall consists from a staff, on current reserve or the reserve of national security structures.

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

6. Employees of national security agencies may be transferred to the category of military personnel of national security agencies.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 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 16.01.2013 № 71-V (shall be enforced upon expiry of ten calendar days after its first official publication); ); by the constitutional law of the Republic of Kazakhstan dated 03.07.2013 № 121-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.11.2015 № 398-V (shall be enforced upon expiry of ten calendar days after its official publication); dated 13.06.2017, № 69-VI (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.11.2020 № 375-VI (shall come into effect ten calendar days after the day of its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 18. Legal status of employees and military personnel of the national security structures**

1. Employees and servicemen of national security agencies shall be under the protection of the state and, when performing official duties shall be the representatives of state power.

2. Legal requirements of employees or military personnel of national security agencies are mandatory for fulfillment by individuals and legal entities. Failure to comply with the legal requirements of employees or military personnel of national security agencies, insult, resistance, threat of violence or an attack on their life, health, honor and dignity, property, other actions that impede the performance of their duties, as well as an attack on life, health, honor, the dignity and property of their family members, close relatives in connection with the performance of service obligations and official duty by employees or military personnel of national security bodies shall entail liability established by the laws of the Republic of Kazakhstan.

The damage caused to health and property of an employee or a serviceman of national security structures, as well as damage caused to health and property of family members and close relatives of an employee or a serviceman of national security structures in connection with the execution of his service duties shall be compensated in full amount from the state budget funds with subsequent collection of these sums from a person that caused damage. The procedure for compensation of damage shall be determined by the Government of the Republic of Kazakhstan.

3. Information on the employees and servicemen of the national security agencies, carrying out (carried out) assignments in special services of foreign states and other foreign organizations, criminal groups, constitute state secrets and can be made public only in cases provided for by the legislation of the Republic of Kazakhstan.

4. Employees and military personnel of national security agencies should not belong to political parties, trade unions, or support any political party.

5. Employees and servicemen of national security agencies for committing criminal and other offenses shall be liable in accordance with the laws of the Republic of Kazakhstan.

Procedures for the involvement of servicemen of national security structures to the responsibility for violations of military discipline shall be determined by military statutes.

Procedures for the involvement of employees of national security structures to the responsibility for disciplinary violations shall be established by the Law of the Republic of Kazakhstan "On special governmental bodies of the Republic of Kazakhstan".

6. The state shall guarantee social protection of employees and military personnel of national security structures.

Footnote. Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (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 03. 07. 2014 № 227-V (shall be enforced from 01.01.2015); dated 28.12.2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 19. Remuneration of labour, pension and other benefits of military personnel of national security structures**

Footnote. Article 19 is excluded by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 20. Measures of social protection of employees and servicemen of national security structures**

1. The time of fulfillment by the employee and servicemen of national security agencies of tasks in special services of foreign states and other foreign organizations, criminal groups, shall be subject to credit in length of service in preferential calculation for the purpose of granting pension payments for long service, awarding military or special ranks and calculating the official salary in the order , determined by the Government of the Republic of Kazakhstan.

2. In established by national security Committee procedure the Chairman of the Committee for separate categories of employees and servicemen of national security structures can count the years of service experience of their employment prior to admission to the service in special governmental bodies and military service.

3. Staff and servicemen of national security structures and members of their families shall have the medical and sanatorium maintenance in accordance with the procedure determined by the legislation of the Republic of Kazakhstan.

4. In case of death of an employee or a serviceman of national security structures upon performance of official duties or professional duty the family of a deceased shall be entitled to receive not later than one year from the day of his death for dwellings from the state housing fund under the conditions and in a procedure provided by the housing legislation of the Republic of Kazakhstan.

5. Official representatives of the national security bodies in foreign institutions of the Republic of Kazakhstan and their assistants sent to foreign institutions of the Republic of Kazakhstan shall be equated to the corresponding positions of employees of the diplomatic service of the Republic of Kazakhstan in matters of diplomatic privileges and immunities, remuneration and working conditions, as well as social and medical security, in including members of their families, provided for by the legislation of the Republic of Kazakhstan on the diplomatic service. Herewith, the official representatives of the national security bodies in the foreign institutions of the Republic of Kazakhstan and their assistants shall retain the salary for a special or military rank, allowances for special conditions of service and other allowances, as well as the rights, guarantees, benefits, compensations established by the legislation of the Republic of Kazakhstan for employees and military personnel of special state bodies.

The activities of official representatives of the national security agencies in foreign missions of the Republic of Kazakhstan and their assistants sent to foreign missions of the Republic of Kazakhstan are financed in the amount and manner established by the legislation of the Republic of Kazakhstan on the diplomatic service for equivalent positions using budgetary funds allocated for the National Security Committee.

The matching of positions of official representatives of national security agencies in foreign missions of the Republic of Kazakhstan and their assistants to those of employees of the diplomatic service of the Republic of Kazakhstan working at foreign missions of the Republic of Kazakhstan is carried out in accordance with a joint decision of the Chairman of the National Security Committee and the Minister of Foreign Affairs of the Republic of Kazakhstan.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 13.02.2012 № 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 28. 12. 2016 № 36-VI (shall be enforced upon expiry of two months after its first official publication)

;№ 237-VI as of 18.03.2019 (shall be enforced twenty-one calendar days after its first official publication); dated 27.12.2019 № 291-VI (shall come into effect ten calendar days after the day of its first official publication).

#### **Article 21. Employees of national security structures**

1. Working conditions of employees of national security structures shall be regulated by the Labour code of the Republic of Kazakhstan and the legislation Republic of Kazakhstan on governmental service.

2. Social protection of personnel of national security structures shall be provided in accordance with the legislation of the Republic of Kazakhstan.

**Footnote.** Article 21 is in the wording of the Law of the Republic of Kazakhstan dated 15.05.2007 № 253; as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 22. Training of personnel for national security structures**

1. Training, retraining and improvement of professional skill of the staff for national security structures shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. In order to ensure professional training by the decision of the President of the Republic of Kazakhstan shall be created relevant educational institutions.

**Footnote.** Article 22 as amended by the Law of the Republic of Kazakhstan dated 21.03.2002 № 309.

#### **Chapter 5. Final and transitional provisions Article 23. Ensuring of national security structures**

1. Financing, material and technical, and social support of the national security bodies is carried out at the expense of budgetary funds, as well as at the expense of funds received for the provision of medical care from the social health insurance fund in accordance with the legislation of the Republic of Kazakhstan.

2. Subdivisions of national security structures, involved in providing security for railway, water and air transport, as well as the defence and strategic objects, the list of that is determined by the Government of the Republic of Kazakhstan, shall be provided with equipped, including communication facilities, office buildings at the expense of relevant bodies and organizations that also shall bear expenses on their maintenance and exploitation, as well as annual official tickets for passage. Military counterintelligence authorities, also shall be provided with vehicles, fuel and lubricants, ammunition and other necessary for the

life of property, as well as housing and security of administrative buildings at the expense of budgetary funds allocated for these purposes by the Armed Forces, other troops and military formations of the Republic of Kazakhstan.

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

Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 22.12.1998 № 327 (shall be enforced from 01.01.1999); dated 21.03.2002 № 309; dated 20.12.2004 № 13 (shall be enforced from 01.01.2005); dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.11.2014 № 244-V ( shall be enforced upon expiry of 10 calendar days after its first official publication ); dated 30.06.2017 № 80-VI (shall be enforced from 01.01.2020); dated 23.12.2023 № 51-VIII (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

#### **Article 24. Control over activity of national security structures**

1. Control over activities of organs of national security structures shall be carried out by the President of the Republic of Kazakhstan.

2. Organization and implementation of institutional control shall be imposed on the Chairman of the Committee of national security of the Republic of Kazakhstan.

#### **Article 25. Supervision of compliance with the law in the activities of national security agencies**

The highest supervision over the compliance with the law of the inquiry, investigation, administrative proceedings and the operational-search activity of the bodies of national security shall be carried out by the General Prosecutor of the Republic of Kazakhstan and the prosecutors authorized by him.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 11.07.2017 № 91-VI (shall be enforced upon expiry of 10 calendar days after its first official publication).

**Article 26. (is excluded by the Law of the Republic of Kazakhstan dated 20.12.2004 № 13 (shall be enforced from 01.01.2005)). Article 27. The order of the entry into force of this Law**

This Law shall enter into force from 1 January 1996.

Suspend until January 1, 2024 the validity of subparagraphs 13-1) and 13-2) of Article 12 of this Law.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 29.06.2021 № 58-VII (shall come into effect from 01.01.2021); dated 30.12.2022 № 177-VII (shall be enforced from 01.01.2023).



## **Article 28. Measures for the implementation of this Law**

1. Declare invalid the Law of the Republic of Kazakhstan dated 20 June, 1992, "On national security structures of the Republic of Kazakhstan" (Gazette of the Supreme Council of the Republic of Kazakhstan, 1992, № 11-12, article 286; № 24, article 591; 1993, № 8, article 179).

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

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

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 № 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).**

The President  
of the Republic of Kazakhstan