

Penal Execution Code of the Republic of Kazakhstan

Invalidated Unofficial translation

The Code of the Republic of Kazakhstan dated 13 December, 1997 № 208. Repealed by the Criminal Executive Code of the Republic of Kazakhstan from July 5, 2014 № 234-V.

Unofficial translation

Footnote. Retired by the Criminal Executive Code of the RK from 05.07.2014 № 234-V (order of enactment see Art. 177).

Footnote. See Articles 4-7 of the Law of the Republic of Kazakhstan dated 13 December, 1997 No. 209:

Article 4. Provisions of the Penal Execution Code of the Republic of Kazakhstan on punishments in the form of the involvement of public works, restraint and arrest shall be enforced by the Law of the Republic of Kazakhstan according to the creation of necessary conditions for execution of these types of punishments, but no later than 2003.

Article 5. Provisions of the Penal Execution Code of the Republic of Kazakhstan on the preferential conditions of maintaining convicted persons, serving sentences in correctional colonies of common and strict regimes, as well as in juvenile correctional facilities, shall be enforced by the Law of the Republic of Kazakhstan as the necessary conditions for this, but no later than 2000.

Article 6. Convicted persons, serving a sentence of imprisonment may be transferred into the strict conditions of detention for violation of established order of service of sentence, committed after enforcement of the Penal Execution Code of the Republic of Kazakhstan.

Article 7. Convicted persons, transferred by 1 January, 1998 to improved conditions of detention, the provisions stipulated by the Penal Execution Code of the Republic of Kazakhstan for convicted persons, being in easier conditions of service of sentence shall be applied.

In text the numbers "I - VIII" are substituted respectively by the numbers "1 - 8" after the word "Section" – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

Footnote. Throughout the whole text, the words "labour legislation", "legislation of the Republic of Kazakhstan on labour", "legislation on labour", "legislation on labour of the Republic of Kazakhstan" are substituted by the words "labour legislation of the

Republic of Kazakhstan" in accordance with the Law dated 15 May, 2007 No. 253.

Footnote. Throughout the whole text, the words “national service” is supplemented respectively by the words “military service”; words “military commissariat” are supplemented respectively by the words “local body of military administration” in accordance with the Law of the Republic of Kazakhstan dated 22 May 2007 No. 255 (shall be enforced from the date of its official publication).

General part

Section 1. Penal execution legislation of the Republic of Kazakhstan

Chapter 1. General provisions

Article 1. Penal execution legislation of the Republic of Kazakhstan

Penal execution legislation of the Republic of Kazakhstan consists of this Code and other Laws of the Republic of Kazakhstan, as well as regulatory legal acts that establish the order and conditions of execution and completion of sentence and other measures under criminal Law for convicted persons.

Article 2. Aims and objectives of penal execution legislation of the Republic of Kazakhstan

1. Objectives of penal execution legislation of the Republic of Kazakhstan shall be the restoration of social justice, correction of convicted persons, prevention of commission of further offenses as by convicted persons, and other persons as well.

2. The regulation of order and conditions of service of sentence, determination of means of correcting the convicted persons, protection of their rights, freedoms and legitimate interests, provision of assistance to them in their social adaptation shall be the objective of the penal execution legislation in accordance with mentioned aims.

Article 3. The force of penal execution legislation of the Republic of Kazakhstan in relation to convicted military servants

1. Penalty of convicted military servants shall be executed in accordance with this Code and other Laws and regulatory legal acts, as well as the rules of serving the criminal sentence by convicted military servants, approved by the Ministry of Defense of the Republic of Kazakhstan.

2. Convicted military servants shall serve their sentences and do military service in accordance with the legislation of the Republic of Kazakhstan. They shall be subject to restrictions, provided by regulatory legal acts, mentioned in paragraph 1 of this Article.

Article 4. Force of penal execution legislation of the Republic of Kazakhstan in space and time

1. Penal legislation of the Republic of Kazakhstan shall be applied to convicted persons, serving sentence in the territory of the Republic of Kazakhstan.

2. Execution of criminal penalties, as well as the use of means of correcting the convicted persons and provision of assistance to discharged convicted persons shall be

carried out in accordance with the legislation, in force at the time of execution of this type of penalty.

Article 5. Base of execution of penalty

The basis of the execution of penalty shall be the judgment or court resolution, became effective in law, as well as the act of amnesty or oblivion.

Article 6. Principles of penal execution legislation

Penal execution legislation shall be based on the principles of legality, equality before the Law, humanism, democracy and publicity, differentiation and individualization of executing the penalties, the connection of penalty with correctional treatment.

Article 7. Main means of correction

1. Correction of convicted person - is formation of his (her) law-abiding behavior, a positive attitude to personality, society, labour, norms, rules and traditions of the human community.

2. The principal means of correction of convicted persons are: established order of execution and service of sentence (regime), morale building activities, socially useful labour, receipt of primary, basic secondary, general secondary education, professional training and social influence.

3. The means of correction shall be applied in recognition of type of penalty, nature, social danger level, the form of guilt and motives of committed crime, personality and behavior of convicted person.

Footnote. Article 7, as amended by the Law of the Republic of Kazakhstan dated 27 July, 2007 No. 320 (the order of enforcement see Article 2).

Article 7-1. Probation in correctional system

Probation in correctional system - a set of measures of social and legal nature, produced and implemented by probation service of penal inspection individually for each conditionally convicted person during probation period and being under probation supervision for further correction of their behavior for the purpose of prevention from committing new crimes by them.

Footnote. Chapter 1 is supplemented by Article 7-1 in accordance with the Law of the Republic of Kazakhstan dated 15.02.2012 № 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Legal status of convicted persons

Article 8. Basis of legal status of convicted persons

1. The Republic of Kazakhstan shall respect and protect the rights, freedoms and legitimate interests of the convicted persons, shall provide necessary conditions for their correction, guarantees of social justice, social, legal and other protection of their identity upon execution of penalties.

2. Convicted persons shall have the rights and incur obligations of citizens of the Republic of Kazakhstan with restrictions, imposed by the Constitution, the Criminal Code, the Penal Execution Code of the Republic and other Laws proceeding from the order and conditions of executing the separate form of penalty.

3. Convicted foreigners and stateless persons shall have the rights and incur obligations in accordance with the Constitution, international treaties, legislation on legal status of foreigners and stateless persons, with restrictions, provided by the Constitution, the Criminal Code, the Penal Execution Code and other Laws of the Republic of Kazakhstan, proceeding from the order and conditions of executing the separate form of penalty.

Article 9. Main obligations of convicted persons

1. Convicted persons shall comply with requirements, arising from the sentence of court and other regulatory legal acts of legal restrictions, established by this Code.

2. Convicted persons shall perform the rules of conduct, established for them, legal requirements of administration of institutions and bodies, executing penalties.

3. Non-fulfillment of the obligations, assigned on convicted persons, as well as legal requirements of administration of institutions and bodies, executing penalties shall entail responsibility, established by the legislation of the Republic of Kazakhstan.

Article 10. Fundamental rights of convicted persons

1. Convicted persons shall have the right to receive information on procedure and conditions of serving sentence, appointed by court, their rights and obligations. Information shall be provided by institution or body, executing penalty.

2. Convicted persons shall have the right to make oral and written proposals, applications and complaints to the administration of institution or body, executing penalty, to superior managing authorities through institutions and bodies, executing penalties, to courts, prosecutor's offices, other state bodies, public associations, as well as to international organizations on protection of the rights and freedoms.

3. Convicted persons shall have the right to give explanations and carry on correspondence, as well as to apply with suggestions, provided in paragraph 2 of this Article, requests and complaints in native language or any other language which they may speak, and use the services of interpreter when it is necessary. Responses shall be given to convicted persons in the same language. If it is impossible to response in the same language it shall be given in official language of the Republic of Kazakhstan or officially used Russian language. Translation of response to the language of application shall be ensured by institution or body, executing penalty.

4. Convicted persons shall have the right to use legal assistance of lawyers, as well as other persons authorized to provide this assistance.

5. Convicted persons shall have the right to social security, pension in accordance with the legislation of the Republic of Kazakhstan.

6. Persons convicted to detention in the guardhouse or deprivation of freedom shall enjoy the right to material household and health service support, required for protection of their health.

7. Convicted persons, except those detained in places of deprivation of freedom under sentence of court, shall have the right to elect and to be elected in state bodies and local self-government bodies, as well as participate in national referendum.

8. Persons that completed their sentence shall have the right to receive assistance in employment and living conditions, other types of social assistance in accordance with the legislation of the Republic of Kazakhstan.

9. Persons, serving sentence shall have the right to courteous treatment from the side of staff. They shall not be subject to cruel or degrading treatment. Measures of compulsion to convicted persons may be applied not otherwise than on the basis of the Law.

10. Foreigners, convicted to deprivation of freedom shall have the right to communicate with diplomatic representatives and consular institutions of their states, and citizens of states that do not have diplomatic and consular institutions of the Republic of Kazakhstan - with diplomatic representatives of the state that took over the protection of their interests, or international organizations engaged in their protection.

11. The order of exercising the rights of convicted persons shall be established by this Code, the Laws of the Republic of Kazakhstan and other regulatory legal acts, international treaties, ratified by the Republic of Kazakhstan.

Footnote. Article 10, as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement See Art. 2); dated 18.01.2011 № 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

11. Right of convicted persons to private security

1. Upon occurrence of threat of committing the crime against convicted person from the side of convicted persons and other persons, he (she) shall have the right to apply to any official of institution, executing the penalty in the form of detention in the guardhouse, deprivation of freedom, with a request for transfer to a safe place where there is no such threat. In this case, the official shall take immediate measures on transferring the convicted person to a safe place.

2. Head of the institution shall decide on the transfer of the convicted person to a safe place, other measures, eliminating the possibility of committing the crime against convicted person, shall decide on the place of further serving his (her) their sentences.

Footnote. Article 11 as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement See Art. 2); dated 18.01.2011 No. 393-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).

12. Ensuring freedom of conscience of convicted persons

1. Convicted persons shall be guaranteed by freedom of conscience.
2. Persons serving a sentence in the form of deprivation of freedom, may invited ministers of churches of religious organizations, registered in the manner, established by the legislation of the Republic of Kazakhstan upon their request or request of their relatives in case of ritual necessity. Administration of institution shall create conditions for dispatch of religious rituals in the manner, determined by the authorized body in the scope of penal execution activity.
3. Ministers of religion shall be allowed to convicted persons, detained in isolation wards, one-man cells, cells of high-security penal colonies, punitive and disciplinary units, as well as premises of cell type with condition of their personal security.
4. Violently ill convicted persons, as well as persons convicted to death penalty shall be provided by possibility to commit all necessary religious ceremonies with involvement of ministers of religion at their request before execution of adjudgement.
5. Dispatch of religious ceremony shall be voluntarily. Is shall not violate internal order, as well as derogate from rights of other persons, serving sentence.

Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 08.01.2013 No. 63-V (shall be enforced upon expiry of ten calendar days after its first official publication).

13. The order of consideration of convicted persons

1. Suggestions, applications and complaints of convicted persons shall be considered by administration of institutions and bodies, executing penalties.
2. Suggestions, applications and complaints of convicted persons to detention in the guardhouse, deprivation of freedom, death penalty, addressed to the bodies, mentioned in paragraph 2 of Article 10 of this Code shall be referred through the administration of institutions and bodies, executing penalties. Persons, convicted to other types of penalties shall send suggestions, applications and complaints on an independent basis.
3. Suggestions, applications and complaints to detention in the guardhouse, deprivation of freedom, death penalty, addressed to the bodies, carrying out control and supervision of activity of institutions and bodies, executing penalties shall not be subject to censorship and shall be sent on for its intended purpose no later than one day (except weekends and holidays).
4. Suggestions, applications and complaints of convicted persons about decisions and actions of the administration of institutions and bodies, executing penalties shall not suspend the execution of these decisions and those actions.
5. Bodies and officials that are sent by suggestions, applications and complaints of convicted persons shall consider them within the terms, established by the legislation of the Republic of Kazakhstan and bring adopted decisions to the notice of convicted persons.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. Institutions and bodies executing penalties and control of their activities

14. Institutions and bodies, executing penalties

1. Penalty in the form of fine or confiscation of property shall be executed by court that rendered the judgment, as well as the court at the location of property and at the place of work of convicted person.

2. Execution of penalty in the form of deprivation of the right to occupy certain office or engage in certain activities shall be carried out by penal inspection at the place of residence of convicted person, correctional institutions. Requirements of court verdict on deprivation of the right to hold certain offices or engage in certain activities shall be performed by the administration of organization at the place of work of convicted person, as well as bodies, legally qualified to deprive the licensee's license to the right of engaging in certain types of activities in accordance with the legislation of the Republic of Kazakhstan.

3. The court's verdict with regard to deprivation of honour, military, special or other title, class rank, diplomatic rank and qualification class shall be executed by the official, awarded the title, class rank, diplomatic rank, qualification class.

4. Penalty in the form of community service, correctional work, restrictions of freedom shall be executed by penal inspections at the place of residence of convicted person.

5. Penalties in the form of death penalty shall be executed by institutions of correctional system.

5-1. Penalty in the form of deprivation of freedom shall be executed by institutions of correctional system, as well as by detention facilities in relation to convicted persons, abandoned or escorted to perform household activities.

6. *(Is excluded from 26 March, 2007 No. 240)*

7. Penalties of military servants shall be executed: detention in guardhouse - by command of the garrisons or in the relevant departments of garrison guardhouses; restrictions on military units, institutions, bodies and military in which the mentioned military servants (hereinafter - command of military units) do the service.

8. *(Is excluded - from 26 March, 2007 No. 240)*

9. Conditionally convicted persons shall be under probation supervision of probation service of penal inspection, providing social and legal assistance for the purpose of the following correction of their behavior and preventing the commission of new crimes by them. The control of conditionally convicted military servants shall be

carried out by command of military units. Footnote. Article 14, as amended by the Laws of the Republic of Kazakhstan dated 21 December, 2002 No. 363; dated 12 January, 2007 No. 222 (shall be enforced on the expiry of 6 months from the date of its publication); dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

15. Notification on place of serving the sentence

The administration of institution or body, executing penalty shall be obliged to notify one of close relatives or legal representatives on arrival of convicted person to the place of service of sentence within ten days at the discretion of convicted person.

16. Application of coercive medical actions to convicted persons

1. Coercive medical actions shall be applied by correctional institutions under court decision to persons, convicted to deprivation of freedom, persons with alcoholism, drug addiction or substance abuse, as well as persons suffering from mental diseases, without exclusion of insanity.

2. If during the service of sentence it is established that convicted person suffers from alcoholism, drug addiction or substance abuse, the administration of institute shall send the presentation on application of coercive medical actions to such convicted persons to the court.

3. Coercive medical actions shall be applied to persons, convicted to penalties, not linked with deprivation of freedom and suffering by diseases listed in paragraph 1 of this Article in accordance with Articles 88-95 of the Criminal Code of the Republic of Kazakhstan.

4. Mandatory treatment shall be applied to persons, convicted to deprivation of freedom and suffering from tuberculosis or not completed undergoing complete course of treatment of venereal disease, as well as convicted persons with AIDS, by an institution executing the mentioned types of penalties, under decision of medical commission.

Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement See Art. 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

17. Control of local executive bodies

1. Local executive bodies of the region (the city of republican significance, the capital) shall carry out the control of activities of correctional institutions located on their territory in accordance with this Code.

2. Local executive bodies of the districts (cities of regional subordination) shall carry out the control of activities of penal inspections located on their territories in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 17 in the wording of the Law of the Republic of Kazakhstan dated 20.12.2004 No. 13; as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement See Art. 2).

18. Judicial control

1. The court shall control the execution of penalties upon deciding the issues on conditional early relief from service of sentence, on substitution of unserved part of punishment by lenient sentence, on relief from punishment due to disease of convicted person, on deferral of service of sentence for pregnant women and women, having children, and single men, nurturing children at the age until fourteen year, except for persons convicted to deprivation of freedom for the term of more than five years for grave and especially grave crimes against a person, as well as on change of the type of correctional institution.

2. In cases, provided by the legislation of the Republic of Kazakhstan, the court shall consider complaints from convicted persons and other persons to the actions of administrations of institutions and bodies, executing penalties.

3. Institutions and bodies executing penalties shall notify the court that delivered judgement on the beginning and the place of serving of public works, corrective labour, restriction of liberty, detention in the guardhouse, deprivation of freedom and on execution of penalties in the form of a fine, deprivation of the right to hold certain offices or engage in certain activities, deprivation of special, military or honorary title, class rank, diplomatic rank, qualification class and state awards, restrictions on military service, confiscation of property, the death penalty.

Footnote. Article 18, as amended by the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2), dated 10.07.2009 No. 177-IV (the order of enforcement see paragraph 2); dated 18.01.2011 No. 393-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).

19. Institutional control

Institutional control from the side of higher managing authorities and their officials shall be carried out of the activities of the institutions and bodies, executing penalties. The procedure for institutional control shall be determined by regulatory legal acts.

19-1. Public control

1. Public control shall be carried out by public associations in order to assist persons, detained in correctional institutions and detention facilities, in the exercise of their rights and legitimate interests in part of the living conditions, health service

support, organization of labour, leisure and training, provided by the legislation of the Republic of Kazakhstan.

2. Regional (cities of republican significance, the capital) public monitoring commissions shall be formed for public control in the manner, determined by the Government of the Republic of Kazakhstan.

3. Public monitoring commission shall have the right to assist to the administration of correctional institutions and detention facilities in order to create conditions for ensuring the rights, freedoms and legitimate interests of persons detained in correctional institutions and detention facilities.

4. Public control and assistance to public monitoring commissions of the administration of correctional institutions and detention facilities shall be carried out on the basis of the principles of voluntariness, equality, self-government and legality.

5. Upon the exercise of public control, interference in the activities of correctional institutions and detention facilities shall not be allowed, as well as interference in operational-search, criminal-procedural activity and proceedings on administrative violations.

Footnote. Is supplemented by Article 19-1 – by the Law of the Republic of Kazakhstan dated 29 December, 2004 No. 25.

19-2. Powers of Public Monitoring Commission

1. Public monitoring commission, as well as members of the public monitoring commission shall have the right to:

1) free access, composed of no less than two members of public monitoring commission to correctional institutions and detention facilities in the manner, established by the Ministry of Internal Affairs of the Republic of Kazakhstan (hereinafter - the authorized body in the field of penal activities);

2) talk with convicted with the consent of such persons, as well as to receive applications and complaints on the matters of violation of their legitimate rights and interests;

3) to make application to the administration of the prison and the detention center, and (or) the prosecuting authorities on issues related to the rights and interests of persons held in prisons and detention facilities.

2. For the period of initiation of special conditions in correctional institutions and detention facilities the powers of public monitoring commission shall be suspended on visiting mentioned institutions.

3. Upon performance of the powers, members of the public monitoring commission shall be obliged to follow provisions of regulatory legal acts, ensuring the activities of correctional institutions and detention facilities, as well as comply with the legal

requirements of the administration of mentioned institutions. Carrying out of measures of public control shall not create impediments for carrying out of procedural actions. <*>

Footnote. Is supplemented by Article 19-2 in accordance with the Law dated 29.12.2004 No. 25; as amended by the Law of the Republic of Kazakhstan dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

20. Supervision in penitentiary proceeding

Supervision over observance of the lawfulness by the administration of institutions and bodies, executing penalties shall be carried out by the General Prosecutor of the Republic of Kazakhstan and subordinate prosecutors in accordance with the Laws of the Republic of Kazakhstan.

21. Visits to institutions of correctional system

1. The following persons shall have the right to visit institutions, executing penalties, detention facilities without special permission:

1) The President of the Republic of Kazakhstan, the Prime Minister of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan, as well as akims of regions, cities of republic significance and the capital of the Republic within their respective territories;

2) The General Prosecutor of the Republic of Kazakhstan and prosecutors subordinated to him (her);

3) employees of superior bodies of the correctional system;

4) The Commissioner for human rights.

2. Mass media representatives and other persons shall have the right to attend institutions executing penalties, detention facilities on special permission of administration of these institutions or superior bodies of the correctional system in the manner, established by the authorized body in the field of penal activity.

3. Production of cinema, photo and video facilities, ensuring the safety and protection of supposed criminals, accused and convicted persons shall be carried out with the permission of the administration of correctional institution, detention facility.

4. Production of cinema, photo and video of convicted persons, their interviews, as well as with the use of audio and video equipment shall be carried out with the consent of the convicted persons themselves.

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 29.12.2004 No. 25; dated 10.12.2009 No. 228-IV (the order of enforcement See Art. 2) ; dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3-1. National preventive mechanism

Footnote. Code is supplemented by Chapter 3-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

21-1. National preventive mechanism

1. National preventive mechanism shall act in the form of avoidance system of investigative tortures and other abusive, inhuman or degrading types of treatment and penalty, functioning by activity of participants of the national preventive mechanism.

2. Participants of national preventive mechanism shall visit institutions, executing penalties (correctional institutions, detention facilities, guardhouses of garrisons, departments of garrison guardhouses) and other organizations, determined by the Laws of the Republic of Kazakhstan for visiting by these participants (hereinafter – preventive visits).

3. Participants of the national preventive mechanism shall be a commissioner for human rights, as well as members of public monitoring commissions and public associations, selected by the Coordination Council, carrying out activity on protection of the rights, legal interests of citizens, attorneys, social workers, doctors.

4. Commissioner for human rights shall coordinate activity of participants of the national preventive mechanism, shall take measures for ensuring necessary potential and professional knowledge of participants of the national preventive mechanism in accordance with the legislation of the Republic of Kazakhstan.

5. Compensation of expenses of participants of the national preventive mechanism on preventive visits shall be carried out from the budgetary funds in the manner, determined by the Government of the Republic of Kazakhstan.

21-2. Coordination Council

1. The Coordination Council shall be established for the purpose of ensuring the effective coordination of activity of the national preventive mechanism under commissioner for human rights.

Members of Coordination Council except for commissioner for human rights shall be elected by commission, established by the commissioner for human rights from among citizens of the Republic of Kazakhstan.

2. Commissioner for human rights shall approve:

- provision on Coordination Council under commissioner for human rights;
- procedure for selection of participants of the national preventive mechanism;
- procedure for groups formation from among the participants of the national preventive mechanism for preventive visits;
- methodological recommendations on preventive visits;
- procedure for preparation of annually consolidated report, summarizing the results of preventive visits.

3. Coordination Council shall cooperate with sub-committee on prevention of investigative tortures and other abusive, inhuman or degrading types of treatment and penalty of the Committee of the Organization of United Nations against torture.

21-3. Requirement to participants of the national preventive mechanism

1. The following persons may not be participants of the national preventive mechanism:

- 1) having outstanding or unexpunged conviction in the manner, established by the Law;
- 2) supposed criminals or accused persons in commission of crime;
- 3) recognized incapable or partially capable by court;
- 4) judges, attorneys, state employees and military servants, as well as workers of law enforcement and special state bodies;
- 5) those, registered in psychiatrist and (or) narcologist.

2. Participants of the national preventive mechanism also may not be the persons, released from criminal responsibility on non-rehabilitating basis for commission of intended crime; dismissed from state or military service, from law enforcement and special state bodies, courts or excluded from the bar association on negative motives; deprived of license to engagement in advocacy.

21-4. Rights of participants of the national preventive mechanism

1. Participant of the national preventive mechanism shall have the right to:

- 1) receive information on number of persons, detained in institutions, subject to preventive visit, number of such institutions and their location;
- 2) have access to information, concerning the treatment with persons, detained in institutions, subject to preventive visit, as well as conditions of their detention;
- 3) carry out preventive visits in established manner, consisting of formed groups;
- 4) conduct talks with persons, detained in institutions, subject to preventive visits, and (or) their legal representatives without witnesses, as well as with any other person that may provide the relevant information in the opinion of participant of the national preventive mechanism;
- 5) freely choose and visit institutions, subject to preventive visit;
- 6) receive notices and complaints on applying the tortures and other abusive, inhuman or degrading types of treatment and penalty.

2. Participant of the national preventive mechanism shall be independent upon carrying out of legal activity.

21-5. Obligations of participants of the national preventive mechanism

1. Upon performing the powers, participants of the national preventive mechanism shall be obliged to comply with the legislation of the Republic of Kazakhstan.

2. Interference of participants of the national preventive mechanism to activity of institutions, subject to preventive visit shall not be allowed.

3. In existence of circumstances, raising doubts in fairness of participant of the national preventive mechanism, included to the group on preventive visit, he (she) shall be obliged to refuse from participation in preventive visit.

4. Participants of the national preventive mechanism shall be obliged to register received notices and complaints on application of tortures and other abusive, inhuman or degrading types of treatment and penalty in the manner, determined by commissioner for human rights.

Received notices and complaints shall be transferred to consideration of commissioner of human rights in the manner, provided by the legislation of the Republic of Kazakhstan.

Information on received and transferred notices and complaints shall be included to the report, based on the results of preventive visits.

5. Participants of the national preventive mechanism, violated the provision of this Code shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

21-6. Termination of powers of participant of the national preventive mechanism

Powers of participant of the national preventive mechanism shall be terminated upon:

- 1) violation of provisions of this Code;
- 2) written application on abdication of powers;
- 3) his (her) death or enforcement of court decision on declaring him (her) decedent;
- 4) leaving for permanent residence beyond the boundaries of the Republic of Kazakhstan;
- 6) enforcement of condemnatory court sentence;
- 7) occurrence of other cases, provided by the Laws of the Republic of Kazakhstan.

21-7. Types and periodicity of preventive visits

1. Preventive visits of participants of the national preventive mechanism shall be divided into:

1) periodical preventive visits, conducted on regular basis no less than once every four years;

2) intermediate preventive visits, conducted in the period between periodical preventive visits for the purpose of monitoring of implementation of recommendations in the view of results of previous periodical preventive visit, as well as prevention of prosecution of persons with whom the participants of the national preventive mechanism conducted talks, from the side of administration of institutions, subject to preventive visit;

3) special preventive visits, conducted on the basis of received notices on applying the tortures and other abusive, inhuman or degrading types of treatment and penalty.

2. Coordination Council shall determine terms and list of institutions, subject to preventive visits within allocated budgetary funds.

21-8. Order of preventive visits

1. Preventive visits shall be conducted in groups, formed by the Coordination Council from among participants of the national preventive mechanism, in accordance with the rules, approved by the Government of the Republic of Kazakhstan in coordination with a commissioner for human rights.

2. No one of participants of the national preventive mechanism may not be subject to any discrimination on the grounds of origin, social, official and property position, gender, race, nationality, language, confession, beliefs, place of residence or any other circumstances upon groups formation for preventive visits.

3. Security assurance of participants of the national preventive mechanism shall be imposed on administration of institutions, subject to preventive visit. In case of illegal actions of participants of the national preventive mechanism, a head of administration of institutions, subject to preventive visit shall inform a commissioner for human rights in written.

4. In the view of results of each preventive visit in the name of group, the written report shall be drawn up in the form, approved by the Coordination Council that shall be signed by all members of group, carrying out preventive visit. A member of group having a special opinion shall execute it in written and attach to report.

21-9. Annual consolidated report of participants of the national preventive mechanism

1. Coordination Council shall prepare annual consolidated report of participants of the national preventive mechanism in recognition of their reports, based on results of preventive visits.

2. Annual consolidated report of participants of the national preventive mechanism shall also include as follows:

recommendations to authorized state bodies on improvement of conditions of treating with persons, detained in institutions, subject to preventive visit, and prevention of tortures and other abusive, inhuman or degrading types of treatment and penalty;

suggestions on development of the legislation of the Republic of Kazakhstan.

Annual consolidated report of participants of the national preventive mechanism shall be attached by financial report on preventive visits for the previous year.

3. Annual consolidated report of participants of the national preventive mechanism shall be sent for consideration of authorized state bodies and shall be placed on web-site of a commissioner for human rights in the term of no later than one month from the date of its approval by the Coordination Council.

21-10. Confidentiality

1. Participants of the national preventive mechanism shall not have the right to disclose information on private life of a person, became known to him (her) in the course of preventive visits, without agreement of this person.

2. Disclosure of information on private life of a person, became known to him (her) in the course of preventive visits by participants of the national preventive mechanism without the agreement of this person shall entail responsibility, established by the Laws of the Republic of Kazakhstan.

21-11. Cooperation of authorized state bodies with participants of the national preventive mechanism

1. State bodies and their officials shall provide cooperation to participants of the national preventive mechanism in carrying out of legal activity by them.

No one state body or official shall not have the right to restrict the rights and freedoms of citizens for notification on the facts of applying tortures and other abusive, inhuman or degrading types of treatment and penalty to participants of the national preventive mechanism.

Officials, impeding legal activity of participants of the national preventive mechanism shall bear responsibility, established by the Laws of the Republic of Kazakhstan.

2. Authorized state bodies shall inform a commissioner for human rights on measures, assumed based on the results of consideration of received reports within three months from the date of receipt of annually consolidated report of participants of the national preventing mechanism in written.

3. On the basis of reports of participants of the national preventive mechanism, based on the results of preventive visits, a commissioner for human rights shall have the right to apply to authorized state bodies or officials with the application on initiation of disciplinary or administrative proceeding or criminal case in relation to an official, violating the rights and freedoms of a human and a citizen in the manner, established by the legislation of the Republic of Kazakhstan.

Special part

Section 2. Execution of penalties, not linked with isolated of convicted person from society

Chapter 4. Execution of penalty in the form of fine

22. The order of execution of the sentence to a fine

1. Convicted person shall be obliged to pay fine not later than one month after enforcement of the sentence.

2. In case if convicted person has no possibility to pay fine in lump-sum, the deferral or installment may be allowed within six months on the application of convicted person.

3. In case of non-payment of fine by convicted person on voluntarily basis, the execution of penalty shall be performed compulsorily on the basis of order of

enforcement issued by a court. Recovery of fine may be levied on the property of convicted person, as well as on his (her) share in the beneficially owned property, determined by court.

4. Upon recovery of the fine, the property that is not subject to confiscation in accordance with the list established by the application to this Code may not be forfeited

23. Evasion from payment of fine

Footnote. Title of Article 23 as amended by the Law of the Republic of Kazakhstan dated 15.01.2014 No. 164-V (shall be enforced upon expiry of ten calendar days after its first official publication).

1. Convicted person, not paid fine in the term, established by paragraph 1 of Article 22 of this Code and concealing his (her) incomes and property from compulsory recovery shall be recognized as evading from payment of fine.

2. In relation to convicted persons, evading from paying the fine, the enforcement agent shall send the recommendation on change of fine by other type of penalty to court in accordance with the part four of Article 40 of the Criminal Code of the Republic of Kazakhstan.

Footnote. Article 23, as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010); dated 15.01.2014 No. 164 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 5. Execution of penalty in the form of deprivation of the right to hold particular office or engage in particular activity

24. Organization of executing the penalty in the form of deprivation of the right to hold particular office or engage in particular activity

1. Organization of executing the penalty in the form of deprivation of the right to hold particular offices or engage in particular activity, imposed as the main, as well as additional to the main penalties in the form of fine, corrective labour, restriction of freedom or bringing to public works, as well as upon conditional sentence shall be carried out by penal inspection at the place of residence of convicted person in the manner, approved by authorized body in the scope of penal execution activity.

2. Organization of execution of penalty, imposed as additional to the main penalty in the form of deprivation of freedom shall be carried out by a body, executing the main penalty, and after serving the main penalty –by penal inspection at the place of residence of convicted person.

3. Penal inspection shall:

keep records of convicted persons;

control compliance of convicted persons with provided prohibition by court sentence to hold particular offices or engage in particular activities;

check the execution of court sentence by the administration of organization at the place of work of convicted person, as well as bodies, legally qualified to revoke the permission to engage in the relevant type of activity, prohibited for convicted person;

carry out initial search measures and make submission to court on declaration on the wanted list in relation to convicted persons, evading from service of sentence.

3-1. Convicted person, the location of whom is not established within more than three days shall be recognized as evading from service of sentence.

4. Administration of the institution (organization), where a person serves the main form of sentence, convicted to additional penalty as well in the form of deprivation of the right to hold particular offices or engage in particular activity, may not bring the convicted person to works, the performance of which is prohibited to him (her).

5. In case of call or an admission of convicted persons to military service or their entering into alternative special state service, the penal inspections shall send the copy of the court sentence to the local body of the military administration or at the place of service of convicted person for execution of this penalty upon service.

Footnote. Article 24, as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see paragraph 2); dated 10.07.2009 No. 177-IV (the order of enforcement see paragraph 2); dated 10.12.2009 № 228-IV (the order of enforcement see paragraph 2); dated 18.01.2011 № 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 № 547-IV (shall be enforced upon the expiry of ten calendar days after its first official publication).

25. Obligations of the administration organizations on execution of court sentence

1. Requirements of court sentence on deprivation of the right to hold particular offices shall be compulsory for the administration of public institutions and local self-government bodies. Requirements of court sentence on deprivation of the right to engage in certain activities shall be compulsory for the administration of the organization at the place of work of the convicted person.

2. Administration of the organization at the place of work of convicted person shall be obliged to:

release convicted person from office or the activity, the right to engage of which he (she) deprived; to send the notice on performance of requirements of court sentence to the penal inspection; provide documents, linked with execution of penalty upon request of penal inspection;

inform penal inspection in case of modification or termination of labour agreement with convicted person within three days.

Footnote. Article 25, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

26. Obligations of bodies legally qualified to revoke permission to engage in particular activity

1. Requirements of court sentence on deprivation of the right to engage in particular activity by convicted person shall be compulsory for bodies, legally qualified to revoke the permission to engage in the relevant types of activity.

2. Specified bodies shall be obliged to revoke the permission to engage in the activity that is prohibited to convicted person, to withdraw the relevant document, providing the right of a person to engage in specified activity, and to send the notice on this to the penal inspection not later than three days after receiving the copy of court sentence or notification of the penal inspection.

27. Calculation of terms of the execution of penalty in the form of deprivation of the right to hold particular office or engage in particular activity

1. The term of deprivation of the right to hold particular offices or engage in particular activity, set as main penalty or as additional penalty to a fine, restriction of freedom, bringing to community service or correctional labour, as well as upon conditional sentence, if in this case the performance of additional penalty is not deferred, shall be calculated from the date of enforcement of court sentence.

2. Upon imposition of penalty in the form of deprivation of the right to hold particular offices or engage in particular activity as additional penalty to deprivation of freedom, it shall be applied to all the term of serving the specified main types of sentence, but by this its term shall be calculated from the date of their serving.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see paragraph 2); dated 10.12.2009 No. 228-IV (the order of enforcement see paragraph 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

28. Obligations of convicted person to penalty in the form of deprivation of the right to hold particular office or engage in particular activities

Persons, convicted to penalty in the form of deprivation of the right to hold particular offices or engage in particular activities shall be obliged to fulfill requirements of the court sentence, present the documents at the request of the penal inspection linked with the execution of this sentence, report on the place of work and residence, and their modification, dismissal to the inspection, as well as appear in the inspection on call. In case of failure to appear by convicted person, he (she) may be subject to bringing.

Footnote. Article 28, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

29. Consequences of non-execution of court sentence on deprivation of the right to hold particular office or engage in certain activities

Representative of authority, state employees, employees of the local self-government, state institutes, business or other organizations being guilty in non-execution of the court sentence on deprivation of the right to hold particular offices or engage in certain activities, as well as convicted persons, violating the requirements of the court sentence shall bear responsibility in the manner, established by the legislation of the Republic of Kazakhstan.

Chapter 6. Execution of the penalty in the form of community service

30. Procedure for the execution of penalty in the form of community service

1. Penalty in the form of community service shall be performed by penal inspection at the place of residence of convicted person in the manner determined by the authorized body in the field of penal activities, on facilities, lists of which shall be presented on a quarterly basis to courts of local executive bodies of regional importance, akims of the district in the city of republican significance, the capital, city of district subordination, rural settlement, village, rural district in concurrence with the penal inspection.

2. Court sentence, determining a penalty in the form of community service shall be enforced no later than ten days from the date of receipt of appropriate court order with a copy of sentence (determinations, resolutions) in penal inspection.

3. Penal inspection shall:

- keep records of convicted persons;

- advise the procedure and conditions of serving the sentence to them;

- request the public works facilities in local executive bodies of districts (cities);

- control behavior of convicted persons;

- carry out initial measures of inquiry in relation to convicted persons, evading from serving the sentence and make submission on putting on the wanted list in court;

- keep total record of time in operation by them and control the timely receipt of financial funds for the executed works by convicted persons to the relevant budget.

Footnote. Article 30, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 26.03.2007 No. 240 (the order of enforcement see Article 2); dated 10.12.2009 No. 228-IV (the order of enforcement See Art. 2); dated 18.01.2012 No. 547-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 No. 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

31. Conditions of execution of penalty in the form of community service

1. Convicted persons shall:

comply with established order and conditions of serving the sentence, attitude to work from good faith;

work on designated facilities for them and to work off the term of community service established by the court;

advise the penal inspection on a change of the place of residence.

2. Granting of regular leave to convicted person on the main place of work shall not suspend the execution of public works.

3. Upon recognizing the convicted person as disabled person of the first or second group, the penal inspection shall submit representation on his (her) release from further serving the sentence to court, and in the case of pregnancy of convicted person - representation on deferral of serving the sentence to her.

32. Calculation of term of penalty in the form of community service

1. Length of penalty in the form of community service shall be calculated in hours, within which the convicted person performed community service.

2. Time of community service may not exceed four hours on weekends and in the days when a convicted person is not busy at work or study; in business days - two hours after the end of work or study, and with the agreement of a convicted person - four hours. Time of community service, in case if a convicted person does not have a permanent job or is not busy at study, may not exceed eight hours per day. Time of community service during the week, as a rule, may not be less than twelve hours. In existence of reasonable excuses, the penal inspection shall allow a convicted person to work for fewer hours during the week.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2).

33. Obligations of the administration of organizations at the place of serving the sentence by convicted persons in the form of community service

1. The administration of the organizations at the place of serving sentence by convicted persons in the form of community service shall be imposed by the control over the performance of particular work to them, notification of penal inspection on the number of worked hours or on the evasion of convicted persons from serving the sentence.

2. The use of persons convicted to a sentence in the form of community service by labour organization shall be carried out without compensation. The volume and value of performed works by convicted persons shall be accounted separately at the current rates in the organization, and accrued funds shall be transferred to the relevant budget.

Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 21 December, 2002 No. 363.

34. Malicious evasion from serving the sentence in the form of community service

A person, maliciously evaded from serving the sentence in the form of community service shall be recognized as convicted who:

didn't come to community service without reasonable excuses for more than twice a month;

violated labour discipline more than twice a month;

escaped in order to avoid penalty.

35. Responsibility of persons, serving sentence in the form of community service

1. Penal inspection shall prevent a convicted person on his (her) responsibility in accordance with the criminal legislation of the Republic of Kazakhstan for his (her) violation of the order and conditions of serving the sentence in the form of community service.

2. In relation to convicted persons, maliciously evading from serving the sentence in the form of community service, the penal inspection make a submission on replacement of community service by other types of penalty to the court in accordance with the second part of Article 42 of the Criminal Code of the Republic of Kazakhstan.

Chapter 7. Execution of penalty in the form of corrective labour

36. Procedure for execution of penalty in the form of corrective labour

1. Corrective labour shall be served on the main work place of a convicted.

Procedure for organization of activity of penal inspection on performance of corrective labour shall be determined by the authorized body in the field of penal activity.

2. Persons convicted to corrective labour shall be brought to serving sentence not later than fifteen days from the date of admission in penal inspection of the relevant court order with a copy of sentence (determination, resolution).

3. Penal inspection shall:

keep records of convicted persons;

explain the procedure and conditions of serving the sentence;

control of compliance with the conditions of serving sentence by convicted persons and execution of requirements of the court sentence by the administration organizations at the work place of convicted persons;

conduct educational work with convicted persons;

control the behavior of convicted persons, refer them to the employment centers for employment if necessary;

make decision on bringing of convicted persons that didn't come on call or to registration without reasonable excuses;

carry out initial measures of inquiry in relation to convicted persons, evading from serving the sentence and make submission on putting on the wanted list in court;

issue permit for dismissal at own will during the period of serving the sentences.

Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement See Art. 2); dated 10.12.2009 No. 228-IV (order of enforcement See Art. 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

37. Terms of serving the sentence in the form of corrective labour

1. Persons convicted to corrective labour shall be obliged to comply with the established order and conditions of serving the sentence, attitude to work from good faith and perform the obligations, assigned on them by the penal inspection, and to appear on call for registration twice a month.

2. From earnings of persons convicted to corrective labour, the deductions shall be carried out in the amount, established by court sentence.

3. During the term of serving the sentence, the dismissal of convicted persons without the written permission of the penal inspection at their own volition shall be prohibited. The permit may be issued after verifying the validity of reasons for dismissal. The refusal to issue a permit for the dismissal shall be motivated. Decision on refusal may be appealed in order established by the Law.

4. Convicted person shall be obliged to report on change of the place of work and residence within ten days to the penal inspection.

5. While serving the sentence, the annual leave, as well as additional leaves for ten days and more shall be provided by the administration of organization where the convicted person works, in concurrence with the penal inspection. Other types of leaves, provided by the labour legislation of the Republic of Kazakhstan shall be provided to convicted persons on the common basis.

38. Calculation of the term of penalty in the form of corrective labour

1. Term of corrective labour shall be calculated in years and months, during which the convicted person worked and the deductions were made from his (her) earnings. Number of days worked by convicted person shall be not less than the number of business days falling on every month of the term of penalty, fixed by the court. If convicted person did not work the specified number of days, and there are no grounds, established by this Code for counting the non-worked days to the term of penalty, the serving corrective labour shall continue until the full completion of appropriate number of business days by convicted person.

2. Beginning of serving the sentence shall be the date of receiving the copy of court sentence (resolution) by the administration of organization.

3. Time during which, a convicted person didn't work for reasonable excuses shall be counted to the term of serving the sentence. Time during which, the convicted person was officially recognized as unemployed shall be counted to this term.

4. When duration of the disease of convicted person is more than four months in a row, the penal inspection applies to the court with submission on his (her) release from serving the sentence.

5. Upon pregnancy of convicted person during serving the sentence, the penal inspection shall apply to the court with submission on ??deferral of her service of sentence from the date of pregnancy leave.

6. The term of serving the sentence to convicted persons, working in organizations where the summarized account of labour hours is applied, shall be calculated proceeding from duration of labour hours for accounting period, not exceeding established number of labour hours.

7. Term of serving the sentence shall not include: time during which a convicted person didn't work, with the exception of cases, provided by paragraph 3 of this Article; period of illness caused by alcohol, drugs or toxic substances or actions linked with it; term of serving administrative penalty in the form of arrest, as well as the arrest in the manner of measure of restraint in other criminal case during serving the sentence .

39. Obligation of the administration of organizations at the place of serving corrective labour by convicted persons

The administration of organizations at the place of serving corrective labour by convicted persons shall be imposed by:

accurate and timely production of deductions from earnings of convicted person and transfer of withheld amounts in established manner;

control of behavior of convicted persons in the production and promotion of the inspection to conduct educational work with convicted persons;

compliance with conditions of serving the sentence, provided by this Code;

notifying the penal inspection at its request on incentives and measures of penalties , applied to convicted persons, on his (her) evasion from serving the sentence, on size of withheld amounts and terms of their transfer, as well as advance notification on transfer to other offices and dismissal.

Footnote. Article 39 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2).

40. Procedure for making deductions from salary of persons convicted to corrective labour

1. Penal inspection, the convicted himself (herself) or administration of organization, where he works shall have the right to make an application on reduction of the size of deductions from his (her) salary in case of deterioration of his (her) financial situation. Decision on reduction of the size of deductions shall be issued in recognition of all income of convicted person.

2. Deductions shall be made from all types of salary on the main work place, regardless from existence of claims to convicted person upon executive documents for each worked month in the payment of earnings.

3. Upon making deductions from salary of convicted persons, its monetary and nature part shall be considered. Withheld monetary amounts shall be transferred to the state budget every month.

4. Deductions shall not be made from benefits, received in the manner of social insurance and social security, from lump sum payments.

5. Temporary disability benefits of persons convicted to corrective labour shall be calculated from salary, excluding deductions imposed by court sentence.

6. In case of remission or change of the court sentence with termination of the case, amount withheld from salary of convicted person shall be refunded to him (her) in full measure.

7. Penal inspection shall carry out control of the accuracy and timeliness of deductions from salary of convicted persons and transfer of money withheld to the state income.

41. Incentives applied to persons, serving a sentence of corrective labour

Convicted persons, actively participated in educative activities and taking measures on compensation of damage, caused to health and property of injured person, material damage to the state, and are not in need of full serving the sentence assigned by the court, may be released on parole in the manner, provided by this Code.

Footnote. Article 41 of the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

42. Responsibility for violation of order and conditions of serving the sentence in the form of corrective labour and for malicious evasion from service of sentence

1. Violation of the order and conditions of serving the sentence in the form of corrective labour shall be:

failure to appear in the penal inspection without reasonable excuses after a written warning;

violation of obligations, established by this Code after written warning;

truancy or coming to work drunk or under the influence of drug or substance intoxication.

2. For violation of order and conditions of serving the sentence in the form of corrective labour, the penalty in the form of a written warning on substitution of corrective labour by another type of penalty may be applied to convicted persons.

3. A person evading maliciously from serving the sentence in the form of corrective labour shall be recognized as the person, admitted repeated violation of the order and conditions of serving the sentence in the form of corrective labour, after the notifying of a written warning for any of violations to him (her) from among those,

mentioned in paragraph 1 of this Article, as well as the person, escaped from the place of residence, the location of whom is unknown.

4. The penal inspection shall refer submission on substitution of corrective labour by another type of penalty to the court in accordance with the fourth part of Article 43 of the Criminal Code of the Republic of Kazakhstan in relation to convicted persons, evading maliciously from serving the sentence in the form of corrective labour.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2). Chapter 8. Procedure and conditions of the penalty in the form of restriction of freedom

Footnote. Chapter 8 is in the wording of the Law of the Republic of Kazakhstan dated 21 December, 2002 No. 363.

43. Place of serving the sentence in the form of restriction of freedom

1. Persons convicted to restriction of freedom shall serve their sentence at the place of residence under conditions of carrying out supervision of them by penal inspections.

2. Local executive bodies of districts (cities) shall be obliged to promote penal inspections in employment and living conditions of persons convicted to restriction of freedom. <*>

Footnote. Article 43 amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

44. Referral of persons convicted to restriction of freedom to the place of serving the sentence

1. Convicted persons for whom the unserved portion of deprivation of freedom is substituted by penalty in the form of restriction of freedom shall be released from custody and shall come to the place of serving the sentence on an independent basis at the expense of the state. Administration of correctional institution shall present the breve to convicted person on leave to the place of serving the sentence with specification of the route and time of arrival to the penal inspection for registration.

2. Upon failure to come of convicted person to the place of serving the sentence in established term, the penal inspection shall conduct initial measures of inquiry and, in case if the place of arrival of the convicted person is not established, the court shall make submission on putting on the wanted list.

3. *Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2).*

Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2).

45. Calculation of the term of penalty in the form of restriction of freedom

1. The term of penalty in the form of restriction of freedom shall be calculated from the date of receiving the sentence to execution by the penal inspection.

2. Time of voluntary absence of a convicted person at work or in at the place of residence for more than one day shall not be counted to the term of penalty.

46. Procedure for service of sentence in the form of restriction of freedom

1. Persons serving the sentence in the form of restriction of freedom shall be under the supervision and shall:

fulfill the requirements of the penal inspection arising from the order and conditions of serving the sentence, approved by the regulatory legal acts of the authorized body in the field of penal activities;

not change place of work, study and residence without permission of the penal inspection;

be at the place of residence out of study and work;

come to the penal inspection for registration and participation in conducting educational activities within the terms, established by the penal inspection;

notify the penal inspection on change of work or study schedule within twenty-four hours;

have an identity document.

2. Convicted persons, serving sentence in the form of restriction of freedom shall be allowed to study in higher and secondary specialized educational institutions, situated within the area at the place of serving the sentence. Convicted person may study in higher and secondary specialized educational institutions with the agreement of the penal inspection, located in the other place.

Footnote. Article 46 as amended by the Laws of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); dated 18.01.2012 No . 547-IV (shall be enforced upon expiry of ten calendar days after its official publication.)

47. Employment conditions of persons, serving the sentence in the form of restriction of freedom

1. Labor of convicted persons to restriction of freedom shall be regulated by labour legislation of the Republic of Kazakhstan, with the exception of rules, established by this Code.

2. Transfer of convicted persons to another work, as well as to another location shall be carried out in concurrence with the penal inspection.

Footnote. Article 47 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

48. Educational activities for persons serving the sentence in the form of restriction of freedom

1. The penal inspection shall conduct educational work with persons serving the sentence in the form of restriction of freedom.

2. Active participation of convicted persons in conducted activities of educational nature shall be encouraged and considered upon determining the degree of correction.

Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

49. Incentives applied to persons serving the sentence in the form of restriction of freedom

1. The following incentives may be applied to convicted persons by the penal inspection for execution of established order of serving the sentence in good faith:

gratitude;

the early remission of previously imposed sanction;

permission to spend the weekends and holidays beyond the place of residence;

permission for a holiday with leaving the place of residence.

2. Convicted persons involved actively in educational activities and taking measures on compensation of damage, incurred to health, property of injured person, material damage to the state, and that are not in need of the full service of sentence, assigned by the court may be released on parole by the court in the manner, provided by this Code, as well as the unserved portion of their sentence may be substituted by lenient penalty.

Footnote. Article 49 as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2) dated 10.12.2009 No. 228 -IV (the order of enforcement see Article 2).

50. Measures of penalties applied to persons serving the sentence in the form of restriction of freedom

1. The following measures of penalties may be applied to convicted persons, violating the order of serving the sentence by the penal inspection:

admonition;

prohibition of leaving beyond the place of residence on weekends and holidays for the term of up to one month;

warning on the possibility to substitute the restriction of freedom by deprivation of freedom.

2. Penal inspection shall represent materials in court for solution of questions about substitution of restriction of freedom by deprivation of freedom in relation to persons, evading maliciously from serving the sentence.

Footnote. Article 50 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

51. The order of applying the incentives and measures of penalties to persons serving the sentence in the form of restriction of freedom

1. Incentives and measures of recovery shall be imposed in written form.

2. Upon application of measures of penalties, the circumstances of committing the infraction, personality of convicted person and his (her) behavior before offence shall be considered. Imposed penalty shall conform to the nature and gravity of committed offense by convicted person. Penalty shall be imposed not later than ten days from the date of discovering the offense, and if the check was conducted in connection with offence – from the date of its completion, but not later than one month from the date of commission of the offence. The penalty shall be executed within twenty-four hours, and in exceptional cases - not later than one month from the date of its imposition.

3. A head of the penal inspection or person, replacing him (her) shall enjoy the right of application of incentives and measures of penalties in full, provided by this Code enjoys the full.

52. Malicious evasion from serving the sentence in the form of restriction of freedom and the violation of order and conditions of serving the sentence in the form of restriction of freedom

1. Violation of the order and conditions of serving the sentence shall be: violation of established schedule of arrival at the place of residence, work or study, evasion from performance of obligations imposed on him (her) by the court, intended damage (waste) of electronic follower arrangements, as well as the commission of administrative infraction, encroaching on public order and morality, the right of minors, on personality, and in the sphere of family relations, for which the convicted was imposed administrative penalty, upon condition, that each following violation is committed after the imposition of penalty for the previous one.

2. Malicious evasion from serving the sentence in the form of restriction of freedom shall be: the repeated commission of violations during the year, mentioned in paragraph 1 of this Article, as well as delayed return from leave or place of rest on weekends and holidays without reasonable excuses, refuse from fulfillment of legal requirements, as well as insult or threat of using violence against members of the penal inspection, as well as unauthorized leave from place of residence, work or study.

3. The penal inspection shall conduct initial measures of inquiry in relation to convicted persons, willfully left the place of residence, work or study and shall make submission to court on putting on the wanted list.

Footnote. Article 52 of the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 18.01.2012 No. 547-IV (shall be enforced from 07.01.2012).

53. Supervision of convicted persons and preventive measures of violations of the order of serving the sentence in the form of restriction of freedom

1. Supervision of serving the sentence in the form of restriction of freedom shall be carried out by the penal inspection and shall be ensured by supervision and control of convicted persons at the place of their residence and work, as well as in spare time from work. The penal inspection shall have the right to use electronic follower arrangements, the forms of which shall be determined by the Government of the Republic of Kazakhstan for ensuring the proper control and receipt of information on the location area of convicted persons. The order of their application and organization of activity of the penal inspection on carrying out of supervision shall be determined by the authorized body in the field of penal activity.

2. Upon resolution of the issue on substitution of penalty of convicted person in the form of restriction of freedom by deprivation of freedom, he (she) may be detained by the internal affairs body, with sanctions of the court for the term of up to ten days in order to prevent evasions from serving the sentence and the transfer of materials to the court.

3. Convicted person, evading from the serving the sentence maliciously may be detained by the internal affairs body, with sanctions of the court for the term of up to ten days for establishment of the reasons of evasion. If it is necessary, the internal affairs body shall refer detained person to the place of serving the sentence in the manner, established for persons convicted to deprivation of freedom, and in existence of information on malicious evasion from serving the sentence, the penal inspection shall transfer materials to the court at the place of detention of convicted person for resolution of issue on substitution of the unserved term of restriction of freedom by deprivation of freedom to convicted person.

4. Penal inspection shall draw up the relevant act in case of damage (waste) of electronic follower arrangements by convicted person.

5. In case of intended damage (waste) of electronic follower arrangements, convicted persons shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 53 of the Law of the Republic of Kazakhstan dated 18.01.2012 No. 547-IV (the order of enforcement See Art. 2).

Chapter 9. Execution of additional penalties

56. Execution of court sentence on deprivation of special, military or honor title, class rank, diplomatic rank, qualification class and state awards

1. The court that delivered the sentence on deprivation of special, military or honorary title, class rank, diplomatic rank, qualification class of convicted person, shall send a copy to the official that assigned the rank, class rank, diplomatic rank, qualification class to convicted person after enforcement of the sentence.

2. Official shall make a record to the relevant documents on deprivation of honor, military and special or other title, class rank, diplomatic rank, qualification class of a convicted person in established order, as well as shall take measures on deprivation of his (her) rights and benefits, provided to persons having the relevant title, rank, grade and class.

3. Copy of the court sentence in relation to military servant in reserve shall be sent to the local military body at the place of his (her) military registration.

4. Within one month from the date of receiving the copy of sentence, the official shall report on its execution to the court, delivered the sentence.

5. Upon adoption of decision on deprivation of convicted person of honorary, military, special or other title, class rank, diplomatic rank, qualification class or state awards by the President of the Republic of Kazakhstan in accordance with the part two of Article 50 of the Criminal Code of the Republic of Kazakhstan, the relevant state body shall apply measures, mentioned in paragraph 2 of this Article. Seizure of state awards together with documents shall be performed by the penal inspection at their location in the manner, determined by the authorized body in the field of penal activity.

Footnote. Article 56 as amended by the Laws of the Republic of Kazakhstan dated 09.12.2004 No. 10, dated 26.03.2007 No. 240 (the order of enforcement see Art. 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

57. The order of execution of court sentence on the confiscation of property

1. The court, delivered the sentence on confiscation of property of the convicted person, after its enforcement, shall send the order of enforcement, copy of the description of property and copy of the sentence for the execution to the enforcement agent, on which the authorized state body shall inform. In the absence of the description of property of convicted person in the case, a certificate that description of property was not performed shall be referred.

2. Execution of penalty in the form of confiscation of property shall be performed by the state enforcement agent at the location of the property.

Footnote. Article 57 as amended by the Laws of the Republic of Kazakhstan dated 23.06.2000 No. 57; dated 24.12.2001 No. 276 (shall be enforced from 01.01.2002); dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

58. Property subject to confiscation

1. Property of convicted person, as well as his (her) share in general or joint property, money and securities, contributions of convicted persons in banks and other investments in active assets of any forms of ownership shall be subject to confiscation on court sentence.. Also, the property that is the subject of criminal actions, instruments or means of committing the crime, items taken out of circulation shall be subject to confiscation.

For commission of corruption crimes, the property obtained by illegal means or purchased with funds, obtained by illegal means, transferred by a convicted person to the ownership of other persons shall be subject to confiscation, besides the property of convicted person, in the manner, established by the legislation.

2. The property of convicted person, listed in the list of assets that shall not be subject to confiscation according to the court sentence, shall not be subject to confiscation.

3. Disputes on belonging of the property that is subject to confiscation according to the court sentence shall be settled in the manner of civil procedure.

Footnote. Article 58, as amended by the Law of the Republic of Kazakhstan dated 21 July, 2007 No. 308.

59. Actions of the state enforcement agent on the execution of court sentence on confiscation of property

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

1. State enforcement agent shall check existence of property immediately upon receipt of the order of enforcement mentioned in the inventory, shall reveal another property subject to confiscation, and shall include it to inventory. If the inventory is not performed, the enforcement agent shall take measures to identify the property of convicted person that is subject to confiscation, and shall draw up the inventory of this property upon its identifying in accordance with the Laws of the Republic of Kazakhstan.

2. Description shall contain complete and accurate name of each item, its distinctive features, including color, size, extent of wear and individual characteristics. Described items shall be sealed, placed under seal and transferred to storage, as shall be noted in the description.

3. State enforcement agent shall take necessary measures to preserve the property that shall be subject to confiscation and subject to inventory.

4. *Is excluded by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced on 21.10.2010).*

5. The share of convicted person in common and joint property shall be determined by the presentation of the state enforcement agent in civil proceedings.

Footnote. Article 59 as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

60. Transfer of confiscated property to authorized state body

1. Transfer of confiscated property of convicted person to the authorized state body after meeting all the requirements submitted to him (her) in accordance with the Laws

of the Republic of Kazakhstan. The state shall be responsible in respect of demands, subject to fulfillment at the expense of confiscated property within the funds, received from its sale or further use.

2. Procedure for transfer of the confiscated property to the authorized state body shall be determined by the Government of the Republic of Kazakhstan.

Footnote. Article 60 - as amended by the Law of the Republic of Kazakhstan dated 23 June, 2000 No. 57; dated 24 December, 2001 No. 276 (shall be enforced from 1 January, 2002); dated 22 June, 2006 No. 147.

61. Obligations of third parties in respect of the property, subject to confiscation

1. Organizations and citizens who would have the property that is subject to confiscation on court sentence shall be subject to report on this to the court or to the authorized state body.

2. For suppression, waste or stealing shall be brought to responsibility in accordance with the Law.

Footnote. Article 61 as amended by Law of the Republic of Kazakhstan dated 23.06.2000 N 57; dated 24.12.2001 No. 276 (shall be enforced from 01.01.2002).

62. Confiscation of property identified after execution of sentence

In cases when after the execution of the sentence in a part of confiscation of all the property, but before expiry of limitation period of fulfilling the condemnatory judgement, established by the Law, the unseized property of convicted person, acquired to them before delivery of court sentence or after delivery of court sentence, but for the means that are subject to confiscation, the court that delivered the sentence, or the court at the place of execution of sentence shall issue the resolution on appealing to execution of confiscation of identified property according to submission of the state enforcement agent, if it may be confiscated according to the Law.

Footnote. Article 62 as amended by the Law of the Republic of Kazakhstan dated 02.04.2010 No. 262-IV (shall be enforced from 21.10.2010).

Section 3. Execution of penalty in the form of arrest

Footnote. Section 3 is excluded by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Section 4. Execution of penalty in the form of deprivation of freedom

Chapter 11. General provisions of execution of the penalty in the form of deprivation of freedom

68. Places of the execution of penalty in the form of deprivation of freedom

1. Persons, convicted to deprivation of freedom shall serve the sentences in correctional institutions of the Republic of Kazakhstan in the territory of region, where they lived before conviction, with the exception of cases, provided by paragraphs 2 and 3 of this Article.

2. In the absence of the relevant correctional institution at the place of residence before conviction, as well as in connection with health condition of convicted persons or for their security assurance, they shall be directed to the relevant correctional institution of other region for serving the sentence upon instruction of the authorized body of the correctional system.

3. For the maintaining the legal order in the correctional institution, convicted persons shall be directed to serve their sentence in the relevant institution of the correctional system of the other region upon instruction of the authorized body of correctional system, upon ensuring their isolated detention in locked premises or shall be transferred in locked premises of isolated area at the place of serving the sentence, provided by Article 69 of this Code.

Conditions, established by this Code for the penal colony of the type, assigned by the court shall be applied to convicted persons directed to other institutions or transferred at the place of serving the sentence in accordance with paragraph 3 of this Article.

4. Persons convicted upon special dangerous recidivism of crimes, convicted to life imprisonment, convicted to serving the sentence in prison, persons for which the penalty in the form of death penalty is substituted by deprivation of freedom in the manner of act of oblivion, convicted women, convicted minors shall be directed to serve their sentence at the location area of the correctional institutions.

5. Persons, convicted to deprivation of freedom, serving their sentence in correctional institutions of the Republic of Kazakhstan may be directed for the further service of sentence to the states, the citizens (nationals) of which they are in the manner, established by international treaties, ratified by the Republic of Kazakhstan.

Footnote. Article 68 of the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

69. Types of correctional institutions

1. Correctional institutions shall be penal colonies, juvenile correctional facilities, prisons. Detention facilities shall fulfill functions of correctional institutions in respect of convicted persons, left for performance of works on economic service (Article 72 of the Code), as well as aimed for ensuring the legal order in correctional institution and transferred in accordance with Article 68 of this Code.

2. Penal colonies shall be designed for serving the sentence in the form of deprivation of freedom by convicted persons that reached the age of majority. They shall be divided into penal settlements, colonies of standard, strict and special regimes.

Isolated areas with different types of regimes may be established in one penal colony, in which the convicted persons reside in locked premises.

3. Persons convicted in the form of deprivation of freedom for crimes committed due to negligence and persons, convicted for the first time for commission intentional crime to deprivation of freedom for the term up to one year, as well as convicted persons, transferred from penal colonies of standard and strict regimes on the basis and in the manner, established by paragraph 2 of Article 73 of this Code shall serve sentences in colony-settlements.

4. Persons convicted for the first time to deprivation of freedom for the term more than one year for commission of intentional crimes of minor or moderate gravity and serious crimes, as well as persons to which the community service, correctional labour or restriction of freedom are substituted by deprivation of freedom for the term up to six months shall serve sentence in the penal colonies of standard regime.

5. The men, convicted to deprivation of freedom for the first time for commission of especially grave crimes, as well as upon recidivism, if convicted person served deprivation of freedom previously, and women upon especially dangerous recidivism of crimes shall serve sentence in the penal colonies of strict regime.

6. Men convicted to life imprisonment upon especially dangerous recidivism, as well as convicted persons, to which the penalty in the form of death penalty is substituted by deprivation of freedom in the manner of act of oblivion shall serve the sentence in penal colonies of special regime.

7. Convicted persons, listed in paragraphs 1 and 4 of Article 16 of this Code shall serve the sentence in correctional institutions, carrying out compulsory and obligate treatment.

8. Persons, convicted for more than five years for commission of especially grave crimes, upon specially dangerous recidivism of crimes, as well as malicious violators of the established order of serving the sentence transferred from penal colonies and (or) directed in accordance with paragraph 3 of Article 68 of this Code shall serve the sentence in prisons, as well as persons, in respect of whom the sentence on death penalty entered into force before the standstill period or during the validity of moratorium on the execution of death penalty shall be retained in custody.

9. Minors, convicted to deprivation of freedom, as well as convicted persons left in juvenile correctional facilities before their attainment of the age of twenty years shall serve the sentence in juvenile correctional facilities.

Note. The lockable premise in Articles of this Code shall be the camera, closed premise by locks, intended for detention of persons, convicted to deprivation for up to six persons, stay in which is not linked with recovery measures.

Footnote. Article 69 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 10.03.2004 No. 529; dated 26.03.2007 No. 240 (the order of enforcement See Art. 2); dated 10.12.2009 No. 228-IV (the order of enforcement see Art. 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

70. Direction of convicted persons to deprivation of freedom for serving the sentence

1. Persons, convicted to deprivation of freedom shall be directed for serving the sentence no later than ten days from the date of receiving the notice on enforcement of court sentence by the administration of the detention facility. During this term, the convicted person shall have the right to short meetings with relatives or other persons. The procedure for directing the convicted persons to correctional institutions shall be determined by the authorized body in the field of penal activity.

2. The administration of the detention facility shall notify one of relatives or legal representative at the choice of convicted person about where he (she) is directed to serve the sentence.

Footnote. Article 70 as amended by the laws of the Republic of Kazakhstan dated 29.12.2004 No. 25; dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

71. Transfer of persons convicted to deprivation of freedom

1. Persons, convicted to deprivation of freedom shall be directed to the place of penalty and transfer from one place of serving the sentence to another under guard.

2. Transfer of convicted persons under guard shall be carried out with compliance of the rules of detention: men separately from women, minors - from adults; persons convicted to death penalty - from other categories of convicted persons; convicted persons under investigation, passing through one criminal case - separately, TBC patients or persons that didn't undergo full course of treatment from venereal disease, mentally disabled persons - separately against each other and separately from the healthy persons, if necessary, by doctor's opinion - accompanied by medical staff.

3. Necessary living and hygienic and sanitary conditions shall be ensured upon transfer of convicted persons under guard.

4. Upon transfer of convicted persons, they shall be provided by seasonable clothes, shoes, as well as by food according to established standards for convicted persons for the whole period of investigation by the institution (body- sender).

5. Transfer of convicted persons shall be carried out at the expense of the state.

6. The order of transferring the convicted persons shall be determined by the regulatory legal acts of the authorized body in the field of penal activity.

7. Upon direction to the place of serving the sentence or transfer of convicted person from one place of serving the sentence to another, money that are on his (her) separate account shall be transferred to the separate account of convicted person in the institution to which he (she) is directed or transferred.

Footnote. Article 71 as amended by the Laws of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Art. 2); dated 10.12.2009 No. 228-IV (the order of enforcement see Art. 2) dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

72. Leaving of persons convicted to deprivation of freedom in detention facility or prison

1. In exceptional cases, persons, convicted to deprivation of freedom for the first time for the term of not more than five years, for whom the service of sentence is imposed in penal colony of standard regime, may be kept in detention facility or prison for performance of works on household activities with their agreement.

2. Leaving of convicted persons for performance of works on household activities shall be carried out with resolution of the head of detention facility or prison in existence of written agreement of convicted person.

3. Convicted persons kept in detention facility or prison for performing the works on household activities shall be detained disconnectedly from other persons on conditions, provided by this Code for penal colonies of standard regime.

4. In case of necessity of performing the investigative actions on the case of crimes, committed by other person, the person convicted to deprivation of freedom with serving the sentence in penal colony or juvenile correctional facility may be kept in detention facility or prison for the period, established by criminal procedure legislation of the Republic of Kazakhstan.

5. In case of necessity of participation in judicial proceeding on the case of crime, committed by other person, the convicted person may be left in the detention facility or prison for the term of considering the case in court.

6. In case if convicted person is subject to criminal responsibility on another case, and in respect of him (her) the measure of restraint is elected in the form of arrest, the terms of his (her) detention in detention facility shall be determined in accordance with the criminal procedure legislation of the Republic of Kazakhstan.

7. Convicted person may be transferred from correctional institution to the detention facility or prison on the grounds, mentioned in paragraphs 4, 5 and 6 of this Article, as well as for ensuring of legal order in correctional institution and in the manner of Article 68 of this Code.

8. Convicted persons transferred to detention facilities for ensuring of legal order in correctional institution and in the manner of Article 68 of this Code shall be detained disconnectedly from persons, being in custody and kept in the detention facility for performing the works on household activities, in locked cells on the conditions, provided in this Code for correctional institutions.

Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

73. Change of the type of correctional institution

1. The type of correctional institution may be changed, depending on behavior and relation to labour of the persons, convicted to deprivation of freedom.

2. Positively characterized convicted persons may be transferred for the further serving the sentence:

from prison to penal colony – on serving of no less than the half of the term, assigned by a court sentence in prison by convicted persons;

from penal colonies of standard and strict regime to the colony-settlement - on serving of no less than one-fourth of the term of sentence for the crimes of little and average gravity no less than one-third of the term of sentence - for serious crimes by convicted persons, being in simplified conditions of detention, and the previously released on parole from serving the deprivation of freedom and committed new crimes during unserved part of sentence - no less than two-thirds of the term of sentence.

3. The following persons shall not be transferred to colony-settlement:

persons convicted upon special dangerous recidivism of crimes;

persons convicted commission of serious crimes;

persons convicted to life imprisonment, as well as convicted persons for which life imprisonment is substituted by deprivation of freedom for particular term in the manner of act of oblivion;

convicted persons for whom the death penalty is supplemented by deprivation of freedom in the manner of act of oblivion;

convicted persons, not undergoing compulsory treatment, as well as required in special treatment in medical institutions of closed type;

convicted persons that didn't give written consent for transferring in the colony-settlement.

4. Convicted persons being malicious violators of the established order of serving the sentence may be transferred:

from penal settlement to penal colony, the form of which was previously determined by the court;

from penal settlement to which they were directed to penal colony by the court sentence;

from penal colonies of standard, strict and special regimes to prison for to the term no more than three years with serving the unserved term of sentence in the penal colony of such regime, from where they were directed to prison.

5. Change of the type of correctional institution shall be carried out by the court on the basis of representation of a head of correctional institution. <*>

Footnote. Article 73 as amended by the Laws of the Republic of Kazakhstan dated 21.12.2002 No. 363 dated 26.03.2007 No. 240 (the order of enforcement see Article 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

74. Acceptance of convicted persons in correctional institutions

1. Acceptance of convicted persons in correctional institutions shall be carried out in the manner, established by the Rules of internal order of correctional institutions.

2. Convicted persons, arrived in correctional institutions shall be placed in the quarantine section for the term of fifteen days. Convicted persons shall be in normal conditions of serving the sentence during the stay in the quarantine section.

75. Separate detention of the persons convicted to deprivation of freedom in correctional institutions

1. Separate detention of the men and women, minors and adults, convicted to deprivation of freedom shall be established in correctional institutions.

2. Persons, convicted for the first time to deprivation of freedom shall be detained separately from convicted prisoners, previously serving deprivation of freedom, with the exception of persons mentioned in paragraph 5 of this Article. Women convicted to the deprivation of freedom for the first time and women, previously served this sentence may be detained separately in one correctional institution. Persons convicted upon special dangerous recidivism of crimes; persons convicted to life imprisonment; convicted persons to whom a life imprisonment is substituted by deprivation of freedom for particular term in the manner of act of oblivion; convicted persons, to whom the death penalty is substituted by deprivation of freedom in the manner of act of oblivion.

3. Convicted persons - former employees of courts and law enforcement bodies shall be detained in separate correctional institutions. Other convicted persons may be directed to these institutions.

4. Set out in this Article, the separation of prisoners do not apply to correctional institutions, carry out forced and compulsory treatment, as well as correctional facilities, for which there are orphanages. Convicted persons sent to these institutions are in the conditions provided by law for the colony of the species, which is assigned by the court.

5. Prisoners with different infectious diseases are held separately and apart from healthy inmates. Convicted men housed together regardless of the regime established

by the court in health care facilities (hospitals, special psychiatric and tuberculosis hospitals). Medical conditions defined in tuberculosis hospitals and correctional institutions on the rights of medical segregation of prisoners.

Footnote. Article 75, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 N 240 (the order of enforcement see Article 2).

76. Serving persons sentenced to imprisonment on the whole sentence in a correctional institution

1. Sentenced to imprisonment shall serve their entire sentence, usually in a correctional facility, prison or juvenile correctional facility.

2. Transfer of the convicted for further punishment from one colony to another of the same species may be in the event of illness or to ensure its safety, reorganization or liquidation of an institution with operational needs, with the consent of the convicted, as well as other exceptional circumstances that prevent the further presence of the convicted in this prison.

Chapter 12. Control in correctional institutions and services

77. The main requirements of the control in correctional institutions

1. Treatment in prison - is the statutory law and the relevant normative legal acts of the order of execution and punishment, provides security and isolation of prisoners: direct supervision of, performance of their duties, the implementation of their rights and legitimate interests, the security of prisoners and staff; The separation of different categories of prisoners, different conditions, depending on the content of the correctional institution designated by the court, changing the conditions of imprisonment.

2. Regime creates conditions for the use of other means of correction.

3. Internal regulations obtain in correctional institutions, approved by the authorized body in the sphere of penal activity.

4. Convicted persons dress in a standard form in prisons, defined by regulatory legal acts.

5. Convicted persons, their belongings and clothes, as well as premises prison was raided and searched. Personal searches are conducted by persons of the same sex with the prisoners. Search of private premises if there are convicted persons is permitted in cases of urgency.

6. Prison authorities may carry out the inspection of persons, their belongings, vehicles which are in institutions and in adjacent areas that are running regime requirements and also to confiscate prohibited items and documents, a list of which is established by the legislation of the Republic of Kazakhstan and the internal regulations of correctional institutions.

6-1. The border area adjacent to the correctional institution, established by local executive bodies of the region, the city of republican status, capital in consultation with his administration.

Mode of land use in the area adjacent to the correctional institution shall be established by the local executive bodies of the region, the city of republican status, capital in consultation with his administration.

7. Procedure for the work of the correctional system to supervise the inmates in correctional facilities and inspections of production is determined by the authorized body in the field of penal action.

8. List of goods and items that prisoners are allowed to carry, set the internal regulations of correctional institutions. Keeping of money, securities and valuables by prisoners, as well as items not listed in the list are not allowed.

9. Discovered money, securities and other assets for prisoners, as well as money, securities and other assets found on the territory of the prison, ownership of which is not possible to establish, shall be withdrawn in accordance with the regulations of the prison administration and prison by a court to be treatment in the state. Other things prohibited by the laws and documents seized from convicted and found on the territory of an institution shall be deposited either by the court destroyed.

10. Acquired storage by convicted persons in the established order of the securities is provided by the administration of the institution.

Footnote. Article 77, as amended by the Law of the Republic of Kazakhstan dated 16.07.2001 N 244 (shall be enforced from 01.01.2002), dated 20.12.2004 N 13, dated 10.12.2009 № 228-IV (the order of enforcement See Art. 2), dated 09.11.2011 № 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication), dated 15.02.2012 № 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

78. Equipment of supervision and control

1. Prison authorities may use the audio-visual (CCTV), electronic and other equipment to prevent escapes and other crimes, violations of the order of punishment, the necessary information about the behavior of prisoners.

2. Prison authorities shall notify the convicted persons on the application of equipment of supervision and control, while performing the function of protection, violation of which may result in danger to life and health of convicted persons.

3. The engineered features list of supervision, control and security established by the Government of the Republic of Kazakhstan, the use thereof is determined by the authorized body in the sphere of criminal law enforcement.

Footnote. Article 78 as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 № 228-IV (the order of enforcement See Art. 2) dated 18.01.2012 №

547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

79. Operational investigations in correctional institutions

1. The operational investigations is carried out in accordance with the legislation of the Republic of Kazakhstan in the prisons, which objectives are:

maintaining order and conditions of Corrections, security prisoners, prison staff and other persons;

identification, disclosure, suppression and prevention of planned and committed in prison crimes and violations of the established order of a sentence;

search in the prescribed manner of convicted persons who escaped from prison, and convicted, deviating from serving prison;

assistance in identifying and solving crimes committed by convicted persons before arriving in prison.

2. Operational investigations is carried out by field service in Correctional institutions.

80. Control of special provisions in correctional institutions

1. Control of special provisions shall act in cases of natural disasters, in the areas where the introduction of the prison state of emergency, martial law or a special, group disobedience prisoners, as well as the riots in the prison.

2. During the control of special provisions in the prison can be suspended the exercise of certain rights of the convicted under this Code, introduced a stronger version of the safety and supervision, a special procedure for admission to the objects changed schedule, restricted the activities of industrial, municipal, cultural, educational, health and other services.

3. Control of special provisions introduced for a period of up to thirty days to address the authorized body in the field of penal actions agreed with the Attorney General of the Republic of Kazakhstan. How to enter the control of special provisions established by the authorized body in the sphere of criminal law enforcement. In exceptional cases, the duration of the regime of special conditions may be extended by an additional thirty days in the manner specified in this article.

Footnote. Article 80, as amended by the laws of the Republic of Kazakhstan dated 16.07.2001 N 244 (shall be enforced from 01.01.2002), dated 10.12.2009 № 228-IV (the order of enforcement See Art. 2), dated 18.01.2012 № 547 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

81. Security measures and the grounds of their application

1. To convicted, if they resist prison staff, malicious disobedience to lawful demands, show riot involved in the riots, hostage-taking, or commit other similar actions, attack the citizens, and in the escape or arrest escaped from correctional facilities in order to prevent these illegal actions, as well as prevent those persons

causing injury to others or themselves to use physical force, special means and weapons.

2. The procedure set forth in paragraph 1 of this article the security measures established by the legislation of the Republic of Kazakhstan.

3. If necessary, protection from violence convicted persons, for which the received data is a real threat to life and allowed detention of such persons in separate cells on the same basis for up to one month.

Chapter 13. Service terms in correctional institutions

82. Service terms of convicted persons by way of restraint

1. Convicted persons shall seat in a standard, strict, benign and exemption conditions of imprisonment within one standard regime penal colony or in a colony with a strict regime, as well as in a juvenile correctional facility.

2. Convicted persons shall seat in a standard, strict, benign conditions of imprisonment in the colony of particular treatment.

3. Standard and strict regimes are established for convicted persons in prisons.

4. Transfer of convicted persons from one setting to the other on the grounds specified in Articles 116, 118, 120, 123, 126 of this Code is carried out by decision of the Commission of an institution in which the local executive organs of the region (city of republican status, capital) may participate in. Commission correctional institution decides the question of transfer of convicted persons in prison, with the general form of the strict regime and with the general strict. Transfer of convicted persons from one setting to another in young offenders is carried out in accordance with Article 128 of this Code.

5. The convicted has a right to dispute the decision according to the procedure provided for by the legislation in case of disagreement with the transfer of the convicted person in the stringent conditions of service in correctional institution, or the high security in the prison.

Footnote. Article 82, as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 N 13, dated 26 March, 2007 N 240 (the order of enforcement see Article 2).

Article 83. Acquisition of food and necessities by persons sentenced to imprisonment.

1. Sentenced to imprisonment can buy food and other necessities by wire transfer with no limit on money earned while serving their sentences, and also due to receive pensions and benefits.

2. The total amount of money allowed to be convicted of spending than they earned while serving their sentences, is defined in Articles 117, 119, 121, 127, 129 of this Code, except those referred to in paragraph 4 of this Article.

3. The convicted persons could buy food and other necessities for the unspent amount in the coming months in the case of permissible amount of money spent this month.

4. Pregnant women, women who have children with them, and disabled groups I and II and convicted in the medical prison can buy food and other essential items with funds from their personal accounts, without restriction.

5. *(Is excluded from 26 March, 2007 N 240)*

6. The list of food, necessities and the number of prohibited sale of convicted persons set internal regulations Corrections.

Footnote. Article 83, as amended by the Laws of the Republic of Kazakhstan dated 21 December, 2002 N 363 on 26 March, 2007 N 240 (the order of enforcement see Article 2).

84. Meetings with convicted persons

1. Convicted persons have meetings: short - lasting from two to four hours and long - in the prison of between one to three days. Long meetings with living outside prison - for five days may be granted to convicted persons in the cases specified in this Code. In this case, the head of the prison shall determine the procedure and place of the meeting.

2. Short sighted meetings with relatives or other persons are carried out in the presence of the prison administration. Extended meetings are provided with the right to live together with their husband (wife), close relatives (parents, children, adoptive parents, adopted children, brothers, sisters, grandparents, grandchildren), in exceptional cases, with the permission of the prison - with other persons.

3. Convicted on request allowed to replace short-long visit, and in young offenders long visit with living outside institutions - short-term yield for the colony. Replacement procedure established by the authorized body in the sphere of criminal law enforcement.

4. For legal assistance to convicted persons on their application interviews with lawyers without restriction as to the number, duration, and in conditions that ensure their confidentiality.

Footnote. Article 84, as amended by the laws of the Republic of Kazakhstan dated 16.07.2001 N 244 (shall be enforced from 01.01.2002), dated 26.03.2007 N 240 (the order of enforcement see item 2)dated 11.12.2009 № 230-IV (shall be enforced from 01.01.2010) dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

85. Getting by convicted persons of parcels and packages

1. Sentenced to imprisonment in correctional institutions are allowed to receive parcels and packages in the amount specified in Articles 117, 119, 121, 123 and 129 of this Code. The maximum weight of a parcel or parcels defined by postal regulations. Weight of a transfer shall not exceed the weight of a parcel.

2. Unwell, disabled groups I and II, convicted pregnant women and convicted women whose children are in orphanages prison may receive additional parcels in the number and range of certain medical opinion.

3. Medicines and medical products derived convicted according to medical evidence, are not included in the number of parcels and packages defined by paragraph 1 of this Article. They are sent to prison medical unit for treatment of these prisoners.

4. Parcels and packages are subject to inspection.

5. The procedure for obtaining condemned parcels and packages defined by the authorized body in the sphere of criminal law enforcement.

6. Convicted persons could send parcels and packages with permission from the prison.

Footnote. Article 85, as amended by the laws of the Republic of Kazakhstan dated 16.07.2001 N 244 (shall be enforced from 1 January, 2002), dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

86. Correspondence of convicted persons, sending and receiving money transfers

1. Convicted persons are allowed to send and receive their own expense letters and telegrams unlimited number.

2. Sending and receiving the correspondence by the convicted is censored in the manner, determined by the authorized body in the field of penal action.

3. Contained in correspondence between prison inmates who are not relatives, may be permitted by the prison administration.

4. Convicted persons are entitled to receive payments, as well as send money to spouse (wife), close relatives, and with permission - to other persons.

Footnote. Article 86, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 N 240 (the order of enforcement see article 2), dated 18.01.2012 № 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

87. Telephone calls of convicted persons

1. Convicted person has the right to make phone calls for up to fifteen minutes each . Telephone calls are paid from personal funds of convicted or their spouse (conjoint), a close relative.

2. *(Article 2 is excluded - N 363 dated 21.12.2002)*

3. Convicted persons who are in severe conditions of detention, as well as serving a measure of punishment in the penal, disciplinary confinement, cell-type rooms and

solitary confinement, a telephone conversation may be permitted only in exceptional personal circumstances.

4. Telephone conversations between convicted persons are prohibited in correctional institutions.

5. Telephone calls are monitored by the staff of correctional institutions. The procedure for the work of the correctional system to monitor telephone conversations of convicted persons is determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 87, as amended by Law of the Republic of Kazakhstan dated 21.12.2002 N 363 dated 26.03.2007 N 240 (the order of enforcement see item 2) dated 10.12.2009 № 228-IV (the order of enforcement See Art. 2).

88. Acquisition and possession of literature and writing materials by persons sentenced to prison

1. Convicted persons are allowed to receive parcels, parcels stationery, purchase books through the trade network, to subscribe to newspapers and magazines with funds from their personal accounts and without limitation.

2. The acquisition, subscription, storage and distribution of publications advocating violent change of the constitutional order, violation of the integrity of the Republic, undermining the security of the state, war, social, racial, national, religious, class and tribal superiority, and the cult of violence and cruelty, publications pornographic nature are prohibited to convicted persons.

3. Books purchased through the distribution network are not included in the number of parcels and packages, which have the right to get convicted.

4. Convicted person is allowed to carry no more than ten books and magazines.

5. References in excess are referred to in paragraph 4 of this Article, shall be sentenced to custody or with his consent to the user library prison.

89. Convicted promenades

1. Convicted persons serving imprisonment in locked rooms, punishment cells, disciplinary confinement, cell-type rooms, shared and single cells have the right to go out, if they do not work in the open air, the duration of which is established by Articles 114, 117, 119, 121, 123 and 127 of this Code.

2. Convicted promenades held in the afternoon on a specially equipped territory of the institution. The walk can be canceled in case of violation of the Rules of Procedure of convicted prisons.

90. Watching of movies and TV shows, listening to radio by sentenced to prison

1. Sentenced to imprisonment, except for serving time in prison as well as convicted persons transferred to the punishment cells, cell-type rooms and solitary cells, watch movies at least once a week.

2. Convicted but transferred to the punishment cells, cell-type rooms and solitary confinement, are allowed television viewing in the free hours than the time allotted regulations for night stay.

3. Convicted and sentenced the group may acquire television sets and radios at their own expense through the trading network or get them from relatives and other persons.

4. Convicted persons may listen to the radio in the free hours, except for the time allotted regulations for night stay. Residential, educational work room, rest rooms, office space, cameras punishment cells, the cell-type rooms, are equipped with radio receiving individual cells at the expense of the institution.

91. Movement without an escort or close support of persons sentenced to imprisonment

1. Positively characterized convicted persons serving imprisonment in correctional and penal colonies, and left for household activities in detention centers and prisons, can be allowed to move without an escort or close support outside protected areas, if it is required by the nature of their work.

2. Movement without an escort or close support is not allowed to outside protected areas for convicted persons of crimes by a particularly dangerous recidivist; for convicted persons, which death penalty was substituted for deprivation of liberty by free pardon; for sentenced to life imprisonment; for convicted persons of this prison seating less than six months; for convicted persons with withdrawn or outstanding penalties; for convicted persons of serious crimes; for convicted persons-foreigners and persons without citizenship; for convicted persons of strict conditions of detention, convicted persons for premeditated crimes committed while serving their sentences, prisoners who were completing treatment from alcoholism, substance abuse, drug addiction, tuberculosis or venereal disease.

Footnote. Article 91, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 N 240 (the order of enforcement see Article 2).

92. The procedure of granting to prison the right of freedom of movement without an escort or close support

1. The right to travel without escort or close support outside the prison is permitted to convict with a reasoned order of the correctional institution.

2. Convicted persons enjoying the right to travel without an escort or close support should be placed in separate homes. They may be allowed to live in the hostel outside the prison, but the in the borders established by the administration of the detention facility in coordination with the local administration area (city of republican status, capital).

3. The convicted persons are allowed to travel without escort or close support outside of an institution governed by the Rules of Procedure of Corrections.

4. The moving without an escort or close support is canceled by the decision of the correctional institution in the case of rule violation by a convicted person or changing of nature of the work

Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 N 13.

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Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 N 13.

93. Departures of convicted person to imprisonment beyond correctional institutions

1. Convicted persons held in correctional juvenile correctional facilities, as well as convicted persons left in the detention facilities and prisons according to the established procedure for operations on household service may be allowed to departure beyond the correctional facility, short-term - for the term not more than seven days, not including the time needed for the round trip (no more than five days), due to exceptional personal circumstances (death or serious illness of the close relative, threatening the patient's life; the disaster caused significant damage to the convicted person or to his (her) family), as well as a preliminary decision of issues of labor and living conditions after release; long - for the time of annual paid holidays, and persons, not working in accordance with the Law - for the term equal to the holidays.

2. Short-term departure beyond the correctional institution for placement of children with relatives or in a children's home for the term up to seven days may be granted for convicted women, having children in orphanages of correctional facilities, not counting the time necessary for the round trip,, one short-term departure per year for the convicted women, with minor children with disabilities outside the penal colony for the meeting with them at the same time.

3. Departure on the grounds, specified in paragraphs 1 and 2 of this Article shall not be presented to the convicted persons, committed crimes upon extremely dangerous recidivist; to the persons, to whom the sentence in the form of death penalty is substituted by the imprisonment in accordance with a clemency; convicted persons to life imprisonment; recognized deranged; not excluding capacity, as well as not completed treatment from alcoholism, toxicomania, drug addiction, drug addiction, tuberculosis, venereal disease.

4. Convicted persons, deranged, not excluding capacity, convicted persons being disabled persons of groups I and II and helpless in a permanent attention on health status as well as departure beyond the correctional institution by the convicted minors shall be allowed accompanied by the relative or other accompanying person.

5. Statement of the convicted person on short-term departure due to exceptional personal circumstances shall be considered not later than in the daily term. Permission for short-term departure shall be given by the commander of correctional institution in recognition of personality and behavior of the convicted person.

6. Residence time of the convicted person out of bounds of the correctional institution shall be included in the term of service of sentence.

7. Expenses of the convicted person to departure beyond the places of detention shall be paid to them from the funds available in his (her) personal account, or by the other persons. For the time of being of the convicted person beyond the correctional institution, earning is not charged to him (her).

8. In case of incurrance of unforeseen circumstances that hinder the return departure of the convicted person, term of return to the correctional institution may be extended up to five days with a compulsory immediate notice on made decision of the administration of correctional institution in the established procedure, on motivated resolutions of the chief of the bodies of internal affairs at the place of residence of the convicted person..

9. The procedure of granting a short-term departures beyond places of detention shall be determined by the Rules of internal regulations of the correctional institutions.

10. Upon evasion of the convicted person from the return to the correctional institution within the established term, he (she) shall subject to arrest by the body of internal affairs at the place of his stay by the sanction of a prosecutor for the term no more than thirty days to decide an issue on the direction him (her) to the place of service of sentence under guard or criminal prosecution.

11. Departure of the convicted persons to the territory of another State in the procedures and in the cases provided by agreements with the relevant States shall be allowed.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

94. State social insurance, social, pension insurance, convicted to imprisonment

1. Convicted persons to imprisonment, engage in labour, shall subject to the compulsory social insurance, and women shall be provided with maternity allowance and maternity leave on the common grounds.

2. Convicted persons to imprisonment shall have a right to the social and pension insurance in accordance with the legislation of the Republic of Kazakhstan.

3. Social and pension insurance shall be carried out in accordance with the legislation of the Republic of Kazakhstan to the persons, to whom the pension is assigned before imprisonment, as well as lost of capacity to work during service of sentence.

4. The deductions shall be made from the pensions and benefits of the convicted persons. Grounds, types and procedure of deductions from pensions and benefits, as well as the minimum percentage of pensions and benefits, credited to the account of the convicted person, independent from all of the deductions shall be established by Article 103 of this Code.

5. The effect of voluntary medical insurance shall be suspended until the end of the term of the stay in the correctional institutions in relation of convicted persons, served the imprisonment in the correctional institutions.

95. Material and domestic support of the convicted persons to imprisonment

1. Regulation of dwelling place with a view to one convicted person in the penal colonies may not be less than two square meters in the prisons - two and a half square meters in the colonies, intended to detention of women - three square meters, in the juvenile correctional facilities - three and a half square meters, correctional institutions, carrying out the compulsory treatment - three square meters.

2. An individual sleeping accommodations and bedding shall be provided to the convicted persons. They shall be provided with clothes, underwear and shoes in recognition of the season by gender and climatic conditions.

3. Nutritional standards and material and domestic insurance of the convicted persons shall be established by the Government of the Republic of Kazakhstan. Convicted persons shall be provided with food, clothing and other essential items at the expense of government. At the expense of enterprises, engaging to the labour of the convicted persons, may not be organized the extra supplemental feeding..

4. *(is excluded - from 26 March, 2007 No. 240)*

5. The improved housing and domestic conditions shall be created for the pregnant women, nursing mothers, minors, as well as ill persons and disabled of groups I and II as well as enhanced standards of food shall be established.

6. *(is excluded - from 26 March, 2007 No. 240)*

7. Convicted persons may additionally acquire the shoes and clothes, allowable to the use in the correctional institutions, as well as sport clothes, shall pay additional

medical and preventive and other services, determined by the regulatory legal acts, representing additionally at their wishes, get the necessary dietetic food on medical authority from the funds, being in the personal accounts by extra established Articles 83, 117, 119, 121, 127, 129 of this Code of amount of money allowed to be spending on food and other essentials.

Footnote. Article 95 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

96. Peculiarities of material and domestic insurance of convicted pregnant women, convicted nursing mothers and convicted women, having children

1. Convicted women, having children may be organized orphanages in the correctional institutions, in which they shall serve a sentence. Conditions necessary for standard living and development of children shall be provided in orphanage of the correctional institutions. Convicted women may place in orphanages of the correctional institutions their children at the age of three years, shall communicate with them in their free time without restriction. They may be permitted joint residence with their children.

2. Their children may be transfer to relatives or by the decision of the bodies of guardianship or other persons or upon reaching the age of three shall be directed to the appropriate children's institutions with the agreement of the convicted women.

3. The administration of correctional institution may extend the time of residence of the child in the orphanage up to the date of termination of the sentence of the mother, if the child, detaining in the orphanage, reached the age of three, and no more than three years remained before expiration of the term of serving the sentence by mother.

4. Convicted pregnant women and nursing mothers may receive additional food parcels and transmissions in the amount and range, determined by medical report. Convicted pregnant women, convicted women shall have a right for specialized care in aborning and postpartum period.

97. Medical and sanitary providing of the convicted persons to imprisonment

1. Holding of sanitary and anti-epidemic (preventive) activities and medical care to convicted persons shall be organized and provided according to the legislation of the Republic of Kazakhstan.

2. Treatment-and-prophylactic establishments (the hospitals, special psychiatric and anti-tubercular hospitals; medical units, first-aid posts) shall be organized in the correctional system for medical service of the convicted persons and for the detention and out-patient treatment of the convicted persons, consumptives, - correctional institutions on the medical rights. Compulsory treatment of the convicted persons, patients with alcoholism, drug addiction and toxicomania, maybe carried out by the medical unit of correctional institution.

3.The administration of correctional institution shall bear responsibility for implementation of the established sanitary and hygienic and anti-epidemic requirements providing health protection of the convicted persons.

4.Convicted persons shall be obliged to perform the rules of personal and general hygiene, the sanitation requirements.

5.The procedure of rendering of medical care to the convicted persons,organization and carrying out of sanitary inspection, use of treatment-and-prophylactic and sanitary-and-prophylactic institutions of the health authorities and engage for these purposes their medical personnel shall be determined by the authorized body in the scope of penal activity and authorized body in the field of health authorities.

6.In case of death of the foreigner, served a sentence in the institutions of correctional system, the administration of institution shall immediately inform on that in the written form to the prosecutor, supervising for application of the Laws in the places of detention, as well as in the embassy and other representation of the state, of which the citizen shall be the dead.

Footnote. Article 97 as amended by the Laws of the Republic of Kazakhstan dated 5 May, 2000 No. 47; dated 16 July, 2001 No. 244 (shall be enforced from 1 January, 2002); dated 21 December, 2002 No. 363; dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

98. Legal liability of convicted persons to imprisonment

1.Convicted persons shall bear a legal liability in accordance with the procedure established by law in case of causing in a term of service of sentence of material damage to the state, correctional institution or legal entities and individuals.

2.Convicted person shall be obliged to indemnify caused to the state, correctional institution, the additional expenses connected with suppression of his (her) escape, as well as his (her) treatment in case of intended infliction of harm to the health.

3. Incorrectly withheld amounts for the caused material damage shall subject to return to the convicted person with crediting on his (her) personal account.

Chapter 14. Labour, professional education and professional training of convicted persons to imprisonment

99. Labour of convicted persons to imprisonment

1. All convicted persons to imprisonment shall be obliged to work in places and at the works determined by administration of the correctional institution. Convicted persons shall be involved to work at the enterprises of correctional institutions, in the state organizations or organizations of other forms of ownership upon condition of ensuring their appropriate protection and isolation. Convicted persons may be engaged in individual labor activity.

2. Convicted persons shall be prohibited to terminate work in order of permission of the labor conflicts. Refusal of work or termination of work shall be malicious violation of the established procedure of service of sentence and may entail application of recovery measures and a legal liability.

3. The administration of correctional institutions shall connect convicted persons to a job in recognition of sex, age, working capacity and whenever possible by specialty.

4. Convicted men and women, as well as disabled persons of I and II groups shall be involved to the work in accordance with the labor legislation of the Republic of Kazakhstan.

5. The labour of convicted persons, serving a sentence in prison, shall be organized only in the prison territory.

6. The production activity with involvement of the convicted persons shall be organized with observance of requirements of isolation and protection and shall not prevent to performance of the main objective of correctional institutions- to correction of convicted persons.

7. The list of works and posts on which the use of convicted persons is prohibited, shall be established by internal Regulations of correctional institutions.

8. The use of labour of freelance technical and engineering employees and qualified workers within up to 15 percent from number of working convicted persons shall be allowed in the organizations of correctional institutions.

100. Labour conditions of convicted persons to imprisonment

1. The week duration of working hours may not exceed the norm, established by the labor legislation of the Republic of Kazakhstan for the persons serving a sentence in the correctional institutions. Time of beginning and completion of work (change) shall be determined by the shift schedules established by administration. Convicted persons shall be discharged from work in days off and holidays in accordance with the labor legislation of the Republic of Kazakhstan.

2. If it is necessary of involvement of the convicted persons to work in days off and holidays, the rest in other days during a month shall be granted to them.

3. The summarized record of working time, except of juvenile correctional facilities shall be allowed in recognition of nature of performed works by convicted persons. The average duration of working time for the record period shall not exceed duration of daily work established by the Law.

4. Duration of the working day of convicted persons, serving a sentence in juvenile correctional facilities, granting weekly days of rest to them, as well as privileges to the persons, successfully training on the job in the comprehensive school, shall be established according to the labour legislation of the Republic of Kazakhstan.

5. Time of involvement of convicted persons to the paid labour shall be counted to them in the labour experience. The record of worked time shall be assigned to the

administration of the institution, executing a penalty, and shall be registered according to the results of calendar year. The corresponding period of time shall be excluded on presentation of administration of the institution, executing a penalty from its general labour experience by the court decision upon systematic evasion of convicted person from performance of the established tasks.

6. Convicted persons shall have a right to the payable annual leave with duration of twenty four calendar days. Leaves shall be granted with departure or without departure beyond of correctional institution according to Article 93 of this Code.

7. Additional payable annual leaves are granted to the convicted persons:

1) involved on a hard work, works with harmful (especially harmful) and (or) dangerous working conditions with duration of at least six calendar days;

2) disabled persons of the first and second groups with duration of at least fifteen calendar days.

8. Labour of the convicted persons shall be organized with observance of rules of labor protection, safety regulations and the production sanitation, established by the labor legislation of the Republic of Kazakhstan.

Footnote. Article 100 as amended by the Law of the Republic of Kazakhstan dated. 10.12.2009 No. 228-IV (the order of enforcement see Article 2).

101. Payment for labour of convicted persons to imprisonment

1. Convicted persons shall have a right to the payment for labour according to the legislation of the Republic of Kazakhstan.

2. The monthly salary of the convicted persons, worked the standard working time of working hours completely defined in full on this period and executed their labor duties (work time standard), may not be below the established minimum earnings.

3. The payment for labour at the part-time working day or part-time working week shall be effected in proportion to time worked or depending on development.

102. Involvement of convicted persons to imprisonment to the works without payment for labour

1. Convicted persons shall be involved without payment for labour only to the works on improvement of correctional institutions and territories adjoining to them, as well as on improvement of cultural and community conditions. Refusal of the specified works shall entail application of the measures of recovery provided by Article 111 of this Code.

2. The convicted persons are involved to these works, as a rule, in order of precedence in the nonworking time, and their duration shall not exceed two hours per week. The duration of work may be increased at the request of the convicted persons.

Footnote. Article 102 as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

103. Income retentions of the convicted persons to imprisonment

Deduction of an amount from the salary, pension, grants and other incomes of the convicted person according to the enforcement orders or other executive documents shall be made according to the procedure provided by the legislation of the Republic of Kazakhstan.

Not less than fifty percent charged to them the salary, pensions or other incomes shall be enlisted on personal account of convicted person after deduction in the correctional institutions.

Footnote. Article 103 is in the wording of the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

104. Professional education and professional training of convicted persons to imprisonment

1. Technical and professional education or professional training of convicted persons, not having a profession (specialty) on which the convicted person may work in this institution or after release shall be carried out in the correctional institutions.

2. Disabled persons of I and II groups, the men over 60 years and women over 55 years, indicated willingness to work, may be involved to the professional training.

3. The relation of convicted persons to professional education and professional training shall be considered at determining of extent of their correction.

4. The organization of professional education and professional training of the convicted persons shall be carried out according to the procedure, established by the authorized body in the scope of penal activity in coordination with authorized body in the field of education.

Footnote. Article 104 as amended by the Laws of the Republic of Kazakhstan dated 16.07.2001 No. 244 (shall be enforced from 1 January, 2002); dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 15. Educational influence on convicted persons to imprisonment

105. Educational work with convicted persons to imprisonment

1. Educational work with convicted persons to imprisonment shall be directed on their correction, formation of the aspirations to occupation of socially useful activity at the convicted persons, a conscientious attitude to work, observance of requirements of the Laws and others accepted rules of conduct in the society, improvement and further knowledge development of convicted persons, their educational and cultural levels.

2. Participation of the convicted persons in held educational measures shall be considered at determining of extent of their correction, as well as upon application of measures of encouragement and recovery.

3. Educational measures may be provided by plan of the day of correctional institution, which participation is obligatory for the convicted persons.

4. Educational work with the convicted persons shall be differentially executed I recognition of type of correctional institution, term of the penalty, conditions of the content, individual peculiarities of their personality and circumstances of the crimes committed by them, according to the procedure established by the authorized body in the scope of penal activity.

Footnote. Article 105 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

106. Main directions, forms and methods of educational work with convicted persons to imprisonment.

1. Moral, legal, labour, physical training, as well as other types of correction promoting achievement of the purpose of the convicted persons shall be carried out in the correctional institutions.

2. Educational work with the convicted persons shall be organized in individual, group and mass forms on the basis of psychology-pedagogical methods according to the procedure established by the authorized body in the scope of penal activity.

Footnote. Article 106 as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

107. Self-regulatory organizations of the convicted persons to imprisonment

1. The self-regulatory organizations of the convicted persons are created on a voluntary basis in order of development of elements of self-government of the convicted persons in correctional institutions which shall work under control of administration of correctional institutions.

2. Participation of convicted persons in the works of self-regulatory organizations shall be considered upon determining of extent of correction.

3. The main tasks of self-regulatory organizations shall be encouragement of useful initiative to society and influencing on correction of convicted persons; participation in the solution of issues of the organization of labour, life and leisure; assistance of administration in support of discipline and procedure, formation of healthy relationship among the convicted persons; rendering the social assistance to the convicted persons and their relatives.

4. Members of self-regulatory organizations of convicted persons shall not use fringe benefits and privileges. The self-government organizations and their members may not have powers of administration of correctional institution.

5. The procedure of formation and work of the self-regulatory organizations of the convicted persons shall be determined by the authorized body in the scope of penal activity.

6. Councils of collectives of institutions and groups shall be created in correctional institutions from the amount of positively approved convicted persons. Other self-regulatory organizations of convicted persons may be created in the correctional institutions if their activity shall not contradict the purposes, procedure and conditions of execution of the penalty.

7. The self-regulatory organizations shall not be created in prisons and among convicted persons, detaining in rooms of cell type.

Footnote. Article 107 as amended by the Laws of the Republic of Kazakhstan dated 16 July, 2001 No. 244 (shall be enforced from 1 January, 2002); dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); dated 18.01.2012 No.547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

108. Organization of receiving basic, compulsory, general secondary education by convicted

1. Obligatory getting of basic, basic secondary, general secondary education by the convicted persons, who haven't reached the age of 30 years, shall be organized in the correctional institutions.

2. The convicted persons over thirty years and disabled persons of I and II groups shall get the basic, basic secondary, general secondary education at their will.

3. Learners shall be released from work for examination in accordance with the labor legislation of the Republic of Kazakhstan.

4. Aspiration of convicted persons to get the basic, basic secondary, general secondary education shall be encouraged and considered at determining of extent of their correction.

5. The convicted persons, serving life imprisonment, shall not involve in getting of basic, basic secondary, general secondary education. Conditions for the self-education, not contradicting to the procedure and conditions of serving of penalty shall not be created to them.

6. Pedagogical staff of schools shall render assistance to the administration of correctional institution in educational work.

7. Organization of getting of basic, basic secondary, general secondary education by the convicted persons shall be carried out according to the procedure established by the authorized body in the scope of penal activity in coordination with authorized body in the field of education.

Footnote. Article 108 as amended by the Laws of the Republic of Kazakhstan dated 16.07.2001 No. 244 (shall be enforced from 01.01.2002); dated 27.07.2007 No. 320 (

the order of enforcement see Article 2); dated 18.01.2012 No. 547-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

109. The incentives applied to the convicted persons to imprisonment

1. The convicted persons shall be applied the following incentives for good behavior, a conscientious attitude to work, training, active participation in work of the self-regulatory organizations and in the educational actions:

expression of gratitude;

awarding with a gift;

awarding;

permission to receive an additional parcels or transmissions;

granting of additional short-term or long meeting;

permission of an additional expenditure of money in the amount up to one monthly calculation index on purchase of food and essentials in holidays, except of pregnant women, the women having children, as well as disabled persons of I and II groups and convicted persons, detaining in medical correctional institutions;

early removal of earlier imposed penalty.

2. The encouragement measure in the form of permission to carrying out outside of penal settlement the days off and holidays may be applied to the convicted persons, serving a sentence in penal settlements, except of specified in paragraph 1 of this Article of measures of encouragement.

3. The measures provided by paragraph 2 of Article 73, by paragraph 4 of Article 82 of this Code as well as may be applied for positively characterized convicted persons.

4. Convicted persons, not being in need in full serving of sentence appointed by court, may be released on parole by court from serving of punishment appointed by court, as well as shall be presented to change of unexpired part of punishment with more lenient type of punishment for right obedient behavior, a conscientious attitude to work (training), active participation in work of the amateur organizations and in educational actions Taking measures to compensation of the damage caused to health and property of the victim, material damage to the state

5. The plea for mercy can be raised concerning positively being characterized convicted persons.

Footnote. Article 109 as amended by the Law of RK dated March 26, 2007 N 240 (the order of enforcement see article 2).

110. Order of incentives application to convicted persons

1. Encouragement in the form of gratitude is applied orally or in writing form, other encouragement - only in writing.

2. Receiving in addition to four parcels or transfers can be authorized and provided in addition to four short-term or long appointments as encouragement to convicted persons within a year.

3. Early removal of earlier imposed penalty is allowed not earlier than three months from the date of departure of the collecting specified in point 1 of article 111 of the present Code.

Early removal of earlier imposed penalty isn't allowed concerning convicted persons, recognized malicious violators of an established order of serving of punishment.

Footnote. Article 110 as amended by the Law of RK dated March 26, 2007 N 240 (the order of enforcement see article 2).

111. Corrective actions applied to convicted persons

1. The following corrective actions shall be applied for violation of an established order of serving of punishment to the convicted:

prevention or reprimand;

disciplinary penalty in the amount up to two monthly settlement indicators;

placement of convicted persons, containing in corrective colonies or prisons, in a penal insulator for a period of up to fifteen days;

transfer of the condemned men - malicious violators of an established order of serving of the punishment, containing in corrective colonies general and strict modes, to rooms of chamber type, and in colonies of a particular treatment - in solitary confinements for a period of up to six months;

transfer of the condemned women - malicious violators of an established order of serving of punishment to rooms of chamber type for a period of up to three months.

2. Collecting in the form of cancellation of the right of accommodation out of a hostel and exit prohibition out of hostel limits in free time from work for a period of up to thirty days shall be applied to convicted persons, leaving imprisonment in colonies settlements.

3. The measures provided by point 4 of article 73 and point 4 of article 82 of the present Code shall be also applied to convicted persons, being malicious violators of an established order of serving of punishment.

Footnote. Article 111 as amended by the Law of RK dated May 5, 2000 N 47.

112. Gross violation of an established order of service by convicted persons

1. Gross violations of an established order of service by convicted persons are unreasonable refusal by convicted from work without compensation; alcohol intake, drugs, other stupefying substances; disorderly conduct; threat to representatives of administration of correctional institution either their insult or disobedience by it, including interfaced to deliberate causing any damage to itself; production, storage or transfer (receiving) the subjects which haven't been allowed for use in correctional

institutions; participation in gaming; evasion from the obligatory treatment appointed by court; violation of the rules of the internal schedule of curative and preventive health care institution; organization of strikes or other group in subordinations, and equally active participation in them; commission of obscene actions of sexual character ; the organization or active participation in groups of the convicted persons, specified violations directed on commission in present article.

2. Other repeated violation of an established order of service for which convicted within six months was subjected to collecting in the form of a settlement in a penalty, a disciplinary insulator, the room of chamber type or a solitary confinement can be recognized as gross violation.

3. A Convicted, made specified in points 1 and 2 of the present article of violation, admits the gross violator of an established order of service on condition of appointment to it the following disciplinary measures provided by point 1 of article 111 and article 132 of the present Code: the placement of convicted persons in a penal insulator, a disciplinary insulator or transfer of the condemned men to rooms of chamber type or to solitary confinements, transfer of the condemned women to rooms of chamber type.

4. The convicted shall admit the gross violator of an established order of service by the resolution of the chief of correctional institution at the same time with imposing of collecting.

Footnote. Article 112 as amended by laws of RK dd. 21.12.2002 N 363; dd. 26.03.2007 N 240 (the order of enforcement see Art. 2); dd. 10.12.2009 No. 228-IV (the order of enforcement see Art. 2).

113. Procedure for the application of corrective actions for convicts

1. The circumstances of the violation, the person and the past behavior of the convict regard in the application of corrective actions to convict. Imposed punishment should match the gravity and nature of the offense. Penalty is imposed not later than ten days after the discovery of the offense, and if the enquiry was made, - from the date of its consummation, but not later than three months from the date of commission of the offense. Sanction is executed, as a rule, immediately and only in exceptional cases - not later than one month from the date of its imposition. Several penalties prohibited to impose for one violation.

2. Sanctions in the form of a warning or admonition imposed orally or in writing form, other sanctions - just in writing form. Sanction is imposed by the decision of the correctional institution or its replacement.

3. Sanction in the form of a disciplinary penalty is imposed only for violations of the established order of punishment, listed in paragraph 1 of Article 112 of this Code. Resolution is declared on receipt to convict. Recovery of penalty shall be transferred to the national budget.

4. Transfer of the convict in the cell-type rooms and solitary cells produced with the term of the content in them. Placement in a punishment cell, disciplinary facilities or transfer of convicts in cell-type premises or solitary cells made after the medical examination for the possibility of their detention in a punishment cell, disciplinary confinement, cell-type room or solitary confinement.

5. All corrective actions can be used to convicts, transferred to cell-type rooms, except the transfer in cell-type rooms.

6. Women with babies in the child's home colony, women exempted from work due to pregnancy and childbirth shall not translate in isolation cell and cell-type rooms.

7. The convict would not be subjected to the new collection if within six months from the date of serving disciplinary, it is considered to have sanctions and a repeat infringer established order of punishment - failed to appear thereof.

Footnote. Article 113, as amended by the Laws of RK dated December 21, 2002 N 363 dated March 26, 2007 N 240 (the order of enforcement see Article 2).

114. Confinement conditions of convicts in inmate discipline units, in cell-type facilities and single cells

1. Convicted, being placed in solitary confinement, prohibited visits, phone calls, purchasing food, parcels, packages and postal packets. They are entitled to a daily walk for one hour.

2. Convicts translated in cell-type rooms, or a single cell in order foreclosure, can:

Spend on food and other essentials money earned while serving a prison, in the amount of four MCI monthly;

receive, within six months of one parcel or transfer and one parcel;

have daily walk for half an hour;

receive the necessary medical care;

have a period of six months one short visit with permission from the prison.

3. Convicted persons placed in an isolation cell, transferred to cell-type rooms or solitary confinement, work separately from other inmates.

4. A period of the convict stay in hospitals is included in the duration of his recovery in the event of a transfer of convicts from punishment cells, the cell-type room or single cells in medical institutions of the correctional system, as well as health care facilities health authorities.

Footnote. Article 114, as amended by the Law of RK dated March 26, 2007 N 240 (the order of enforcement see Article 2).

115. Officer of correctional institutions, applying incentives and penalties to convicts

1. Chief officers or person, their representatives exercise a right of application referred to in Articles 109 and 111 of this Code of incentives and penalties of the correctional institution.

2. Head of sections shall have the right to apply the following incentives:

- To express gratitude;
 - To allow to receive one additional parcel or transfer in a year;
 - To allow an extra spending of money to buy food and other essentials;
 - To remove in advance the early withdrawal penalty of the section head.
3. The section heads have a right to impose the following sanctions:
warning or admonition.

Chapter 16. Features of the execution of a punishment in the different types of correctional institutions.

116. Correctional colonies of general regime

1. Convicted, who arrived in this correctional institution, and convicts transferred from strict and benign conditions serve in the correctional colonies of general regime under normal conditions.
2. Convicted could be transferred to the benign conditions if there is no penalty for violation of the established order of sentence and conscientious attitude to work after having served at least six months of the sentence in normal.
3. Convicted proved their patch and have served half of their sentence and at least three months under easier conditions, can be translated into favorable terms.
4. Violators of the established order of service sentenced in usual, benign conditions and in conditions of exemption can be translated to strict conditions. Convicts serving a sentence in benign and conditions of exemption - violators of the order of punishment shall be translated to the usual conditions.
5. Persons convicted for premeditated crimes committed in prison also serve in strict conditions in the initial period.
6. Translation from the strict conditions to usual conditions of sentence made no earlier than six months in the absence of penalties for violation of the established order of punishment.
7. Re-translation from strict conditions of sentence to usual or benign conditions makes in the order defined in paragraphs 2, 3 and 6 of this Article.
8. Convicted transferred from another penal colony, serving time in the same conditions that were identified before they transfer.

Footnote. Section 116, as amended by the Laws of RK dated December 21, 2002 N 363 dated March 26, 2007 N 240 (the order of enforcement see Article 2).

117. Conditions of serving the sentence in a correctional colony of general regime

1. Convicted persons serving sentence in usual conditions in the correctional colony of general regime shall live in the communities or in lockable premises. They shall be allowed to:

monthly spend on foods and essentials of funds having in their personal accounts in the amount of up to four monthly calculation index;

have four short and four long meetings during the year;
receive six parcels or transmissions and six packages during a year.

2. Convicted persons serving sentence in benign conditions, live in the communities or in lockable premises. They shall be allowed to:

monthly spend on foods and essentials of funds having in their personal accounts in the amount of up to eight monthly calculation index;

have six short and four long meetings during the year;

receive twelve parcels or transmissions and twelve packages during a year.

3. Convicted persons serving sentence in benign conditions, in order to successfully adaptation to life outside prison, shall be allowed to live in special communities outside the penal colony under supervision by resolution of a governor of the penal colony. They may freely move within the borders of the territory adjacent to the correctional institution, shall not be limited in the rights to meetings with relatives.

4. Convicted persons serving sentence under strict conditions shall live in lockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, earned in the period of imprisonment;

two short and two long meetings during the year;

receive three parcels or transmissions and three packages during a year.

have daily walk duration of one and a half hours.

Footnote. Article 117, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

118. Correctional colonies of strict regime

1. Convicted persons, arrived in this correctional institution, as well as convicted persons transferred from strict and benign conditions shall serve sentences under usual conditions in the correctional colonies of strict regime.

2. Convicted persons may be transferred to the benign conditions in the absence of recoveries for violation of the established order of service of sentence and conscientious attitude to work, having served not less than nine months of term of sentence in the usual conditions.

3. Convicted persons proved their rehabilitation and served two thirds of assigned term of sentence and at least three months under benign conditions can be transferred in the conditions of exemption.

4. Convicted persons – malicious breakers serving sentence in usual, benign and conditions of exemption of established order of service of sentence may be transferred in stringent conditions. convicted personsConvicted persons – vBreakers convicted personserving a sentence in benign and conditions of exemption of established order of service of sentence shall be transferred to the usual conditions.

5. Persons convicted for intentional crimes, committed in place of deprivation of freedom shall be detained in stringent conditions in the initial period.

6. Transfer from stringent conditions of detention to the usual shall be made not earlier than nine months in the absence of penalties for violation of the established order of service of sentence.

7. Retransfer from stringent conditions of service of sentence from usual to benign and conditions of exemption shall be made according to the procedure determined by paragraphs 2, 3 and 6 of this Article.

8. Convicted persons transferred from another correctional colonies of strict regime , shall serve a sentence in the same conditions that shall be defined before the transfer.

Footnote. Article 118 as amended by the Law of the Republic of Kazakhstan dated 21 December, 2002 No. 363.

119. Conditions of service of sentence in correctional colonies of strict regime

1. Convicted persons serving sentences in usual conditions in a correctional colonies of strict regime, shall reside in the communities or in lockable premiseslockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to three monthly calculation index;

have three short and three long meetings during the year;

receive four parcels or transmissions and four packages during a year.

2. Convicted persons serving sentence in benign conditions, shall reside in the communities or in lockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to seven monthly calculation index;

have four short and four long meetings during the year;

receive six parcels or transmissions and six packages during a year.

3. Convicted persons serving sentences in conditions of exemption shall be allowed to reside in special communities outside the penal colony under supervision by resolution of a governor of the penal colony. They may freely move within the borders of the territory adjacent to the correctional institution, shall not be limited in the rights to meetings with relatives.

4. Convicted persons serving sentences under stringent conditions, shall reside in lockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, earned in the period of imprisonment;

have two short and one long meetings during the year;

receive two parcels or transmissions and two packages during a year.

have daily walk duration of one and a half hours.

Footnote. Article 119, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

120. Correctional colonies of a special regime

1. Convicted persons arrived in this correctional institution, as well as convicted persons transferred from the stringent and conditions of exemption shall serve a sentence under usual conditions in the correctional colonies of a special regime.

2. Convicted persons may be transferred to the conditions of exemption in the absence of penalties for violation of the established order of punishment, conscientious attitude to work having served at least one year of term of sentence in the usual conditions.

3. Convicted persons – malicious breakers serving sentence in usual, benign and conditions of exemption of established order of service of sentence may be transferred in stringent conditions. Convicted persons – violators convicted persons serving a sentence in benign and conditions of exemption of established order of service of sentence shall be transferred to the usual conditions. 4. Persons convicted for intentional crimes, committed in place of deprivation of freedom and convicted persons for especially grave crime shall be detained in stringent conditions in the initial period.

5. Transfer from the stringent to usual conditions shall be made no earlier than one year in the absence of penalties for violation of the established order of service of sentence.

6. Retransfer from stringent conditions of service of sentence from usual to benign and conditions of exemption shall be made according to the procedure determined by paragraphs 2 and 5 of this Article.

7. Convicted persons transferred from another correctional colonies of strict regime, shall serve a sentence in the same conditions that shall be determined before the transfer.

Footnote. aArticle 120 as amended by the Law of Republic of Kazakhstan dated 21 December, 2002 No. 363.

121. Conditions of sentence in the correctional colonies of a special regime

1. Convicted persons serving sentence in usual conditions in the correctional colonies of special regime, shall reside in communities or in lockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to two monthly calculation index;

have two short and one long meetings during the year;

receive three parcels or transmissions and three packages during a year.

2. Convicted persons serving sentence in benign conditions of detention, shall reside in communities or in lockable premises. They shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to five monthly calculation index;

have three short and three long meetings during the year;

receive four parcels or transmissions and four packages during a year.

3. Convicted persons serving sentence in stringent conditions of detention, shall reside in premises of cell-type. They shall be allowed to:

monthly spend on foods and essentials only the funds, earned in the period of imprisonment;

have two short meetings during a year;

receive one parcel or transmission and one package during a year.

have daily walk duration of one and a half hours.

Footnote. Article 121, as amended by the Law of the Republic of Kazakhstan Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

122. Correctional colonies of a special regime for convicted persons serving life imprisonment

Convicted persons shall serve sentence separately from other convicted persons in correctional colonies of special regime to life imprisonment, as well as convicted persons, whom the death penalty according to the procedure of oblivion is substituted by life imprisonment.

123. Conditions of service of imprisonment in correctional colonies of special regime for convicted persons serving life imprisonment

1. Convicted persons to life imprisonment shall be placed in cells, generally, no more than two people.. They may be detained in separate cells at the request of convicted persons and other necessary cases on resolution of the governor of penal colony upon incurrance of personal threat. The labor of specified convicted persons shall be organized in recognition of requirements of detention of convicted persons in prisons.

2. Convicted persons shall have a right to daily walk with duration for half an hour. The time walking can be extended to two hours upon good behavior of the convicted person and present ability.

3. All the convicted persons shall be placed in the stringent conditions of service of sentence on arrival it the correctional colony of special regime. Transfer from the stringent conditions of service a sentence to the usual conditions of service a sentence shall be made on service not less than ten years under stringent conditions of service of sentence on the grounds mentioned in paragraph 5 of Article 120 of this Code.

4. Convicted persons may be transferred to the benign conditions on the grounds, mentioned in paragraph 2 of Article 120 of this Code on service not less than ten years in usual conditions of service a sentence.

5. Convicted persons adjudged as malicious breakers of the established order of service of sentence and serving sentence in usual and benign conditions shall be transferred to the stringent conditions of service of sentence. Retransfer to the usual or benign conditions of service of sentence shall be made according to the procedure provided by paragraphs 3 and 4 of this Article.

6. The order of service of sentence of convicted persons in the usual, benign and stringent conditions in terms of expenditure on food and essentials, number and types of visits, the number of parcels, transmissions and packages, shall be determined by Article 121 of this Code.

124. Penal settlements

1. Person, convicted for crimes carelessly committed and first convicted persons for commission of an intentional crime to imprisonment for the term of up to one year shall serve a sentence in the penal settlements; convicted persons transferred from the colonies of general and stringent regime according to the procedure, provided by Article 73 of this Code shall serve a sentence in the penal settlements for positively characterized convicted persons.

2. Convicted persons shall serve a sentence in the same conditions in both types of penal settlement.

3. Convicted men and convicted women may be detained in one penal settlement. Convicted persons, committed crimes of complicity, usually shall serve a sentence separately.

Footnote. Article 124 as amended by the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2), dated 09.11.2011 No. 490 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

125. Conditions of serving of imprisonment in the penal settlements

1. Convicted persons in the penal settlements shall:

detain without prison guard, but under the administration supervision of the penal settlement; use a right to move freely within the territory of the penal settlement except of the time allotted by the internal regulations of the correctional institution, for sleeping; may move without supervision within the boundaries of the territory adjacent to the correctional institution with administration permission of penal settlement, if it is necessary by the nature of their executed work or in view of education, may wear civilian clothing, may have money and valuables, use the money without restrictions, receive parcels, transmissions and packages; may have meetings without limitation of its number reside, usually in their own dedicated communities. To the convicted persons, not violating the established order of service of sentence and having a family, by order of the governor of the penal settlement may be allowed to reside with their families in rented or own residential area on the territory adjacent to the correctional

institution or within the locality where the penal settlement is located. Specified convicted persons shall be obliged to be for the registration of the penal settlement to four times in a month. Periodicity of registration shall be established by the resolution of a governor of the penal settlement. Housing units, in which the convicted persons are reside, may be visited by the administration representative of the penal settlement at any time;

have a standard document proving the identity of the convicted person. Identity card, passports and other personal documents shall be stored in their personal affairs.

2. Convicted persons shall be prohibited to bring on the territory of the penal settlement, use and store the items and materials, the list of which is established by the Internal Regulations of correctional institutions.

3. The labor of convicted persons shall be governed by labor legislation of the Republic of Kazakhstan, except for the conclusion and termination of the employment contract and the transfer to another job. Conclusion, termination of the employment contract and the transfer of the convicted person to another job shall be carried out by the employer with the administration permission of the penal settlement.

3-1. The administration of the penal settlement shall connect of convicted persons to a job on the enterprises of correction institution. In the absence of such possibility the convicted person may be connected to a job in the organizations located outside the penal settlement but within the relevant region (city of republican significance, capital) , where the penal settlement is located, with administration permission, based on contracts between the administration of penal settlement and the employer Upon condition of providing their appropriate supervision. Convicted persons may be practiced with self-employment.

The administration of the penal settlement shall be obliged to withdraw the convicted person from the workplace in the following cases:

- on the written instructions of the superior bodies of the correctional system;
- upon his (her) release;
- upon introduction of extraordinary or military situation;
- violation of convicted person the established order of service of sentence;
- non-performance of contractual obligations by the employer.

4. Convicted persons shall be allowed to study in the institutions of higher and post-secondary education, located within the territory of relevant region (city of republican significance, capital), where the penal settlement is located.

Footnote. Article 125, as amended by the Laws of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2), of 15 May, 2007 No. 253 dated 27 July, 2007 No. 320 (the order of enforcement see Article 2).

126. Prisons

1. Convicted persons to imprisonment shall be detained in the prisons for the term more than five years with served the part of the term of punishment in the prison, as well as the convicted persons transferred to the prison for the term up to three years for violation of established order of service of sentence in the penal colonies of general, stringent and special regimes, as well as the persons, in relation of which the sentence entered into force before the moratorium or during the moratorium on the death penalty . Prisons may also detain the convicted persons mentioned in Article 72 of this Code.

2. General and stringent regimes shall be established in the prisons.

3. Convicted persons, entered in this correction institution and convicted persons, transferred from general regime shall be detained in strict regime.

4. Convicted pregnant women and convicted women, having young children with them, as well as convicted persons who are disabled of group I or II may not be detained on a strict regime.

5. The convicted persons may be transferred to the general regime on serving at least one year of term of punishment in a strict regime.

6. Convicted persons serving sentence in the general regime, recognized as malicious breakers of the established order of service of sentence, shall be transferred to a strict regime. Retransfer to the general regime can be made in accordance with paragraph 5 of this Article.

Footnote. Article 126 as amended by the Law of Republic of Kazakhstan dated 10 March, 2004 No. 529.

127. Conditions of serving imprisonment in prisons

1. Convicted persons to imprisonment shall be detained in prisons in locked prison dorms. Convicted persons may be detained in separate cells in necessary cases under motivated resolutions of a governor of prison and with the consent of the prosecutor.

2. Placement of convicted persons in the cells shall be made in compliance with the requirements of Article 75 of this Code. Persons in relation of whom a sentence on death penalty entered into force before the moratorium or during the moratorium execution of death penalty, shall be detained in separate cells in isolation from other convicted persons. In addition, convicted persons being in the usual and strict regimes shall be detained separately. Convicted persons transferred from one prison to another shall be detained independently from other convicted person and separately;; convicted persons left in prison for execution of works on household service.

3. Walks of convicted persons, detained in prisons, shall be taken per cell in the daytime on a specially equipped in the open air on the prison territory. The walk of convicted person may be prematurely terminated in the case of violation of the established rules of internal order..

4. Convicted persons serving a sentence in a general regime shall be permitted to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to three monthly calculation index;

have two short and two long meetings during the year;

receive two parcels or transmissions and two packages during a year.

have daily walk with duration of one and a half hours.

5. Convicted persons serving sentences in a strict regime shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to one monthly calculation index;

have two short meetings during the year;

receive one parcel or transmissions and one package during a year.

have daily walk with duration of one and a half hours.

Footnote. Article 127, as amended by the Laws of Republic of Kazakhstan dated 10 March, 2004 No. 529; dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

Chapter 17. Peculiarities of service of sentence in the form of imprisonment by minors

128. The order of service of sentence in juvenile correctional facilities

1. Usual, benign, exemption and stringent conditions shall be established in juvenile correction facilities.

2. Convicted persons arriving in juvenile correctional facilities as well as convicted persons transferred from the stringent, benign or exemption conditions of service of sentence shall serve a sentence in usual regime in the juvenile correctional facilities.

3. Convicted persons may be transferred from the usual to the benign conditions in the absence of penalties for violation of the established order of service of sentence and conscientious attitude to work and education:

males, first serving a sentence in the form of imprisonment, as well as all categories of convicted female - on serving not less than three months of their sentence under usual conditions;

males, previously served a sentence in the form of imprisonment, - on serving not less than six months under usual conditions.

4. Convicted persons serving sentences in benign conditions, recognized as malicious breakers of the established order of service of sentence, may be transferred to the usual conditions. Retransfer to benign conditions shall be made according to the procedure determined by paragraph 3 of this Article.

5. Convicted persons serving a sentence in benign conditions shall be transferred to the conditions of exemption for preparing to the conditional early release.

6. Convicted persons serving a sentence in the conditions of exemption, recognized as malicious breakers of the established order of service of sentence, may be

transferred to benign or usual conditions. Retransfer in the conditions of exemption shall be made ??no earlier than six months after returning to benign conditions.

7. Convicted persons, recognized as malicious breakers of the established order of service of sentence, may be transferred from the usual and benign conditions to the stringent conditions for the term of three to six months.

8. Convicted persons shall serve a sentence in stringent conditions for intentional crime places of deprivation of freedom during the first six months, after which in the absence of penalties for violation of the established order of service of sentence they shall be transferred to the usual conditions.

9. Transfer of the convicted persons from one conditions of service of sentence to other shall be made by the governor of colony on presentation of educational and training body of the colony, except of the transfer from usual to benign conditions, which shall be made by the body of educators group.

129. Conditions of service in the juvenile correctional facilities

1. Convicted persons serving a sentence in usual conditions shall reside in the communities or in lockable premises. They shall be allowed to:

- monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to seven monthly calculation index;

- have eight short four long meetings during the year;

- receive ten parcel or transmissions and ten package during a year.

2. Convicted persons serving a sentence in benign conditions, shall reside in the communities or in lockable premises. They shall be allowed to:

- monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to twelve monthly calculation index;

- have fifteen short six long meetings during the year. On administration permission of juvenile correctional facility the long meetings may hold outside the colony;

- receive fourteen parcels or transmissions and fourteen packages during a year.

3. Convicted persons serving a sentence in conditions of exemption shall reside in better housing units, generally, outside the colony without prison guard, but under supervision. They shall be allowed to:

- spend on foods and essentials only the funds, having in their personal accounts without restriction;

- use money;

- receive parcels, transmissions and packages without restriction;

- have short meetings without restriction, as well as six long meetings throughout the year with residence out of colony;

- use civilian-pattern clothing and footwear.

4. Convicted persons convicted persons serving a sentence in stringent conditions shall reside in isolated housing units, locked in their free time of study or work. They shall be allowed to:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to four monthly calculation index;

have six short two long meetings during the year;

receive six parcels or transmissions and six packages during a year.

Footnote. Article 129, as amended by Law of Republic of Kazakhstan dated. 26.03.2007 No. 240 (the order of enforcement see Article 2), dated 09.11.2011 No. 490 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

130. Incentives applied to the convicted persons sentenced to imprisonment in juvenile correctional facilities

The following incentives shall be applied, along with the provided by Article 109 of this Code for good behavior, good attitudes to education and work, active participation in the work of self-regulatory organizations and educational events:

the right to visit cultural and entertaining, sporting events outside the correctional colony accompanied by members of the colony;

granting the right to exit the colony with their parents or other close relatives;

early release from discipline isolation ward.

131. Peculiarities of application of incentives to convicted persons to imprisonment in the juvenile correctional facility

1. Convicted persons, to whom shall be granted a right to visit cultural and sport events outside the correctional colony accompanied by members of the colony in order of incentive or to leave the colony with their parents or other close relatives, shall be granted they owned clothing of civilian pattern.

2. Visits of cultural and entertainment, sports and other events held at night in order of incentive, shall not be allowed.

3. The duration of exit outside the colony shall be established by the governor of the colony, but may not be more than eight hours.

132. Measures of recovery applicable to convicted persons to imprisonment in juvenile correctional facilities

The following measures of recovery may be used along with the provided by Article 111 of this Code for violation of the established order of service of sentence:

deprivation of the right to watch movies during the month;

placement in a disciplinary isolation ward for the term of up to seven days with their studies.

133. Procedure of application of measures of recovery to convicted persons to imprisonment in juvenile correctional facilities

1. Convicted persons placed in disciplinary isolation ward shall be prohibited for long meetings, telephone calls, to buy food and other essential items, receive parcels, transmissions and packages, use of table games and smoking. They shall have a right to use a daily walk with duration of two hours.

2. To the convicted persons placed in disciplinary isolation wards may be applied all measures of recovery, except of placement in a disciplinary isolation ward.

3. Early release of the convicted person from disciplinary isolation ward shall be allowed by person, imposed this recovery, in accordance with incentive, as well as on medical indications.

134. Civil servants of the juvenile correctional facility, applying incentives and measures of recovery to the convicted persons

1. A governor of juvenile correctional facility or his (her) deputy shall be used a right of applying incentives and recovery in full.

2. A governor of units shall have the right to apply the following incentives:
expression of gratitude;

permission to spend additional money to buy food and essentials;
early remission, previously imposed by the governor of unit.

3. Educators of units shall have the right to apply the following incentives:
expression of gratitude;

early remission, previously imposed by the governor of unit.

4. Governors of units shall have the right to apply the following measures of recovery:

warning or admonition;

deprivation of the right to watch movies during the month.

5. Educators of sections shall have the right to impose the following measures of recovery:

warning or admonition.

Footnote. Article 134, as amended by the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2).

135. Abandonment of convicted persons who have reached age of majority in juvenile correctional facilities

1. Convicted persons to imprisonment, who reached age of 18 years, usually, shall stay in a juvenile correctional facility, but not more than up to the age of 20 years.

2. Conditions of service of sentence, food standards and material and welfare support for minor convicted persons shall be distributed to the convicted persons, reached the age of 18 and left in the juvenile correctional facility.. Conditions of employment of persons, reached the age of 18 years, shall be established in accordance with the labor legislation of the Republic of Kazakhstan.

3. Abandonment of the convicted persons, reached the age of 18 years, in the juvenile correctional facility shall be carried out on presentation of the governor of colony by the court.

136. Transfer of convicted persons to imprisonment from juvenile correctional facilities to the penal colony

1. Negatively characterized convicted persons, reached the age of 18 years, may be transferred from juvenile correctional facility for further service of sentence to the penal colony of general regime.

2. The decision on transfer of convicted person, reached the age of 18 years, to the penal colony, shall be applied in accordance with the criminal procedure legislation of the Republic of Kazakhstan by the court.

3. All convicted persons, reached the age of 20, shall be transferred for further service of sentence from juvenile correctional facility to the penal colony of general regime under resolution of the governor of juvenile correctional facility.

137. Organization of educational and training process

1. Unified educational and training process focused on shaping of behavior of convicted persons, conscientious attitude to work and study, professional training, increasing the educational and cultural level shall be organized in order of rehabilitation of convicted persons to imprisonment and prepare them for individual life.

2. Educational work shall be carried out in recognition of individual peculiarities of personality of each convicted person and oriented to successful adaptation to liveliness out of prison.

3. Getting the primary, basic, secondary, general secondary education and professional training by convicted persons shall be carried out on the basis of the evening school and educational enterprise of the colony.

Footnote. Article 137, as amended by the Law of the Republic of Kazakhstan dated 27 July, 2007 No. 320 (the order of enforcement see Article 2).

138. Participation of public associations in the work of juvenile correctional facilities

1. A board of guardians consist of representatives of state enterprises, institutions, organizations, public associations and citizens shall be created for rendering of assistance to the administration of the colony in the organization of educational and training process and upgrading of facilities of institution, resolution of issues of social protection of convicted persons, labor and consumer device of released in the juvenile correctional facility. Organization and activity of board of guardians shall be regulated by the Government of the Republic of Kazakhstan.

2. Parent committees consist of parents and other close relatives of convicted persons can be created in order to improvement of the effectiveness of educational impact on convicted persons and rendering of assistance of administration of colony

upon units in the juvenile correctional facility. Activity of parent committees shall be regulated by the provision confirmed by the governor of juvenile correctional facility.

Section 5. Execution of penalties in terms of restrictions on military service, detention in guardhouse in relation of convicted military servants

Footnote. Title of Section 5 as amended by Laws of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 18. Execution of penalties in terms of restrictions on military service

139. Procedure and conditions of execution of penalties in terms of restriction on military service

1. An order, in which is explained, on what ground and during which term the convicted military servant is not represented to promotion at work and promotion, which term is not counted to him (her) in term of qualifying time for promotion shall be made in accordance with court sentence by the commander of military unit not later than three days after receipt of received copies of judgment and instructions from court on its execution. In addition, allotments in the relevant budget from remuneration of convicted military servant in the period of service him (her) restrictions on military service shall be specified in which amount it is produced, according to court sentence. The order shall be announced on the military unit and brought to the information of military convicted person and shall be applied to execution.

2. A commander of military service shall inform a court, delivered a verdict on receipt of a verdict, on issuance of relevant order and on acceptance on its execution. A copy of the order shall be sent to the court.

140. Allotments from remuneration of the military convicted person

The amount of allotments from remuneration of the convicted military servant, established by the court sentence shall be counted from the official salary, allowances for military rank, monthly and other allowances and additional cash payments.

141. Transfer of the military convicted person on service

1. A servicemen, convicted to the restriction on military service may not be promoted in place according to the procedure of execution of penalty during the term determined by the court sentence.

2. If in recognition of the nature of the committed crime and other circumstances, the convicted military servant may not be left in the post linked with the management

of subordinates, he, by the decision of a commander of a military unit shall be transferred to another post, both within the military unit, and in connection with the transfer to the other side or area, as notified by the court that rendered the verdict.

142. Educational work with convicted military servants

Educational work in recognition of the nature and level of social danger of committed crime, persons of the convicted military servant, as well as their behavior and attitude to the military service shall be conducted with convicted military servants by the commander of military unit.

Article 143. Termination of execution of the penalty in the form of restriction on military service

Commander of military unit shall make a order on termination of execution of the penalty in the form of restriction on military service with specification of the date of termination not later than three days before expiration of a term of restriction on military service of established by the court sentence and pronounced by the order on military service. A copy of the order shall be sent to the court, delivered a verdict.

144. Release from penalty in the form of restrictions on military service, or its replacement of the convicted military servant who is dismissed from military service

Convicted military servant may be dismissed from military service on the grounds, provided by the legislation of the Republic of Kazakhstan before expiration of a term of penalty of established by the court sentence. In this case, the commander of the military shall direct the production in a court on change of remaining of unserved portion of criminal sentence by gentle type of penalty or release from penalty.

Chapter 19. Execution of detention of in the guardhouse in relation to the convicted military servants

Footnote. Title of Chapter 19, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expire of ten calendar days after its first official publication).

145. Places of service of detention in the guardhouse by the military servants

Footnote. Title, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expire of ten calendar days after its first official publication).

Military servants, convicted to detention in guardhouse, shall service a sentence in the guardhouse. Officers, military servants of non-commissioned, petty officers and soldiers shall be kept separately and severally from the military servants contained in the guardhouse for other grounds.

Footnote. Article 145 as amended by the Law of the Republic of Kazakhstan dated 22.05.2007 No. 255 (shall be enforced from the date of its official publication), dated

18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

146. Procedure for direction of convicted persons to the guardhouse

Military servants, convicted to detention in the guardhouse, shall be directed to the guardhouse to serve a sentence in three days after receiving a court order on the execution of the sentence according to the procedure, determined by military regulations.

Footnote. Article 146, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

147. Procedure and conditions of detention of convicted persons in the guardhouse

1. Convicted persons to the detention in the guardhouse shall serve a sentence in conditions of lockdown in locked prison dorms. Men and women shall be placed separately. Procedure of organization of activity on execution of a sentence in the form of detention in the guardhouse shall be determined by the military regulations. Movement of convicted persons to the sentence in the form of detention in the guardhouse unescorted prohibited.

2. Convicted persons to the sentence of detention in the guardhouse shall be allowed:

monthly spend on foods and essentials only the funds, having in their personal accounts in the amount of up to three monthly calculation index;

receive parcels, transmissions, package containing the essentials and seasonable clothes;

have an appointment with lawyer;

have daily walk with duration of one and a half hours.

Military training of convicted persons shall be organized and conducted by the special program developed by the authorized state body, where the military servant shall serve the military service. For training creates the necessary training and material base.

3. The telephone conversation with her husband (wife), close relatives may be allowed to the convicted persons to detention in the guardhouse in exceptional personal circumstances..

Footnote. Article 147 is in the wording of the Law of the Republic of Kazakhstan dated 18.01.2011 No 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

148. Incentives and penalties, applied to the convicted persons

1. Incentives in the form of gratitude or early withdrawal of a previously imposed recovery shall be applied to the convicted persons for good behavior.

2. Recoveries in the form of a admonition or transfer to the separate cell for the term up to ten days may be applied for violation of order of service of sentence..

3. Post commander shall be used a right of applying the incentives and recoveries.

Footnote. Article 148, as amended by the Law of the Republic of Kazakhstan dated 22 May, 2007 No. 255 (shall be enforced from the date of its official publication.)

149. Peculiarities of the legal status of convicted military servants

1. Time of serving a sentence in the form of detention in the guardhouse to the general term of military service and years of service for assignment the next military rank shall be not calculated.

2. While serving a sentence a convicted person may not be presented to the award of the next military rank, appointed to the higher post, transferred to the new place of employment and dismissed from military service, except of the cases of recognition as unfit for service for health reasons.

3. Military servants, convicted to detention in the guardhouse, during service a sentence the money allowance shall not be paid.

Footnote. Article 149, as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 20. Procedure and conditions of execution of the penalty in the form of detention in disciplinary military unit

Footnote. Chapter 20 is excluded by the Law of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2).

Section 6. Execution of a sentence in the form of death penalty

Chapter 21. The procedure and conditions of execution of the penalty in the form of death penalty

165. General provisions

1. Conditions of detention of person, convicted to the death penalty, shall provide his (her) increased security and isolation in the separate cell.

2. Execution of the sentence shall be suspended before making decision by the President of the Republic of Kazakhstan upon application of the convicted person with clemency application.

3. Upon refusal from application with clemency application of the convicted person , the relevant act with participation of prosecutor shall be made by the administration of detention facility.

4. A sentence, entered into force, the conclusion of the Prosecutor General of the Republic of Kazakhstan on the absence of the grounds for lodging of the protest on a sentence in a court of supervision, the Chief justice on the absence of grounds for

consideration of the case in a court of supervision, as well as notification on refusal of a clemency application or act on refusal of convicted person from application with clemency application shall be the basis for execution of the penalty in the form of death penalty.

5. A sentence of death penalty shall be executed no earlier than upon expire of one year from the date of its entry into force, as well as not earlier than upon expire of one year after the lifting of the moratorium on execution of the death penalty.

Footnote. Article 165 as amended by the Law of the Republic of Kazakhstan dated 21 December, 2002 No. 363; dated 10 March, 2004 No. 529.

166. The legal status of a person convicted to the death penalty

1. Convicted person shall have a right to apply with clemency application during a year after the entry of the sentence into force In the case of introduction of the moratorium on execution of the death penalty by the President of the Republic of Kazakhstan, the convicted person shall have a right to apply with the clemency application during a year independent from whether he is requested of it before introduction of moratorium or during the action or not.

2. He shall have a right:

in the provided by the law procedure to formalize the necessary civil and marriage and family relations;

receive legal assistance and have a meeting with lawyer in private without restriction of its duration and number of conditions, ensuring its confidentiality;

to receive the necessary medical care;

receive and send the letters without restriction;

to have monthly one short meeting with his wife, close relatives;

to have meetings with clergy;

to have daily walk with duration of thirty minutes;

monthly spend on foods and essentials money in the amount, provided for convicted persons, detained in the prison in a stringent condition;

3. Convicted persons to the death penalty, in relation of which the sentence is entered into force, but the question on clemency is not decided or the application on which on clemency is satisfied, until sending it to correctional institution for further service of a sentence shall be detained in the conditions, provided by Article 123 of this Code.

4. Convicted persons to the death penalty, in relation of which the clemency application is refused until sending it to the relevant institutions for execution of a sentence shall be detained in the conditions, provided by paragraph 5 of Article 127 of this Code.

Footnote. Article 166, as amended by the Law of the Republic of Kazakhstan dated 16.03.2001 No. 163, dated 10.03.2004 No. 529; dated 11.12.2009 No. 230-IV (shall be enforced from 01.01.2010).

167. The order of death penalty execution

1. The death penalty shall be executed non-publicly by shooting. The death penalty execution in the relation of several persons shall be performed separately in relation of each and in the absence of others.

2. A prosecutor, representative of the institution, where the death penalty is performed, and a doctor shall present upon execution of death penalty.

3. The death of the convicted person shall be certified by doctor. A protocol on execution of the court sentence shall be drawn up and signed by the persons, specified in paragraph 2 of this Article.

4. Administration of the institution, performed the sentence, shall be obliged to notify the court, pronounced a sentence of execution of the death penalty, as well as a spouse or one of close relatives of the convicted person. On the place of disposal of the dead shall be reported upon expire of two years from the date of disposal.

5. The administration shall send a letter in the established standard form to the civil registry office and shall inform the relatives on the place where they may get a death certificate.

Footnote. Article 167, as amended by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2).

Section 7. Release from serving the sentence. Assistance to the convicted persons, released from service of sentence and control over them

Chapter 22. Release from service of sentence

168. Grounds of release from service of sentence

The grounds releaseof release from service of sentence shall be:

- serving of the term of sentence, imposed by the sentence;
- remission of a sentence with pronouncing of sentence of acquittal or termination of proceedings on the case;
- conventional pre-schedule release from serving the sentence;
- the change of unserved part of penalty by lenient type of penalty;
- clemency or amnesty;
- disability or illness of the convicted person, provided by the list, confirmed by the authorized body in the scope of penal activity in coordination with the authorized body in the field of health care;
- other grounds, provided by the Law.

Footnote. Article 168, as amended by the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2); dated 18.01.2012 No. 547

-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

169. The order of presentation to the early release from service of sentence

1. *Is excluded by the Law of the Republic of Kazakhstan dated 10.12.2009 No. 228 -IV (the order of enforcement see Article 2).*

1-1. The body, executing the sentence, shall be obliged to notify the convicted person in a written form within five days on the right of submission of clemency to the court for consideration of a conditional release from service of sentence or change of the unserved part of the sentence by a lenient type of penalty upon service of part of the term of sentence, established by the Law by the convicted person.

2. A relevant application shall be introduced according to the procedure, determined release by the legislation of the Republic of Kazakhstan, in the relation of convicted person, presented to clemency by the institution or body, executed a sentence

3. The data, characterized his (her) personality, behavior, attitude to work and learning while service of sentence shall be attached to the application of the convicted person on the conventional pre-schedule release from serving the penalty, change of the unserved part of the sentence with a lenient sentence and on clemency by the body, executing the sentence.

4. The order of amnesty shall be determined by the body, issued the act on amnesty

5. The presentation on ??release from service of sentence due to mental disorder shall be introduced to the court by the commander of the institution or body,, executing the sentence. The medical commission's conclusion and personal record of the convicted person shall be submitted at the same time with the presentation.

6. The presentation on ??release from service of sentence due to a serious illness shall be introduced to the court by the commander of institution or body,executing the sentence. The conclusion of the medical or medical-social expert commissions and a personal record of the convicted person shall be submitted to the court at the same time with the presentation. The data, characterized the convicted person's behavior during the service of sentence shall be detained in the presentation.

7. Institution or the body, executing a sentence shall be introduced the presentation to the court on early release from service of sentence in case of recognition of the convicted person as a disabled of I or II group of persons, to the penalty in the form of community service, correctional labor or restriction of liberty.

8. The commander of institution or body, serving a sentence shall introduce the presentation to the court on deferral of her service of sentence from the date of presentation of maternity leave in case of pregnancy of a woman, convicted to a sentence in the form of community service, corrective labor or liberty restriction.

9. The body, executing the sentence, during ten days after submission with the petition by the convicted person on the earlier release from service of the sentence or on change of unserved part of the sentence by the lenient type of sentence shall be sent it to the court with attachment of the materials, specified in the third part of this Article , and a personal record of the convicted person, as well as shall inform the prosecutor in a written form, supervising for application of the Laws in detention places.

10. *(Paragraph 10 is excluded by the Law of the Republic of Kazakhstan dated 5 May, 2000 No. 47).*

11. In case of the refuse of the court in the conditional early release, change of the unserved part of the sentence by the lenient, the re-submission of the petition on any of these grounds may take place no earlier than six months from the date of rendering the provision on refusal.

12. The convicted persons on parole, as well as sentenced to the penalty in the form of liberty restriction may be re-submitted to the conditional early release from service of sentence or change of the unserved part of penalty by the lenient one no earlier than upon expire of one year from the date of the introduction of court's decision on remission of conditional early release, if they shall be directed in the correctional institutions in the cases, provided by the Law.

Footnote. Article 169 as amended by the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 26.03.2007 No. 240 (the order of enforcement See Article 2); dated 10.12.2009 No. 228-IV (the order of enforcement See Article 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

170. Peculiarities of presentation of convicted persons, serving life imprisonment to the conditional early release

1. Conditional early release from further serving life imprisonment shall be applied only in the absence of gross violations at the convicted persons of the established procedure of service of sentence during the previous three years.

2. The convicted persons, who committed another grave or especially grave crime in the period of serving a life imprisonment, shall not be not submitted to conditional early release.

3. In the case of the court refuse to conditional early release of the convicted person , re-submission of presentation for parole may take place not earlier than upon expiry of three years from the date of rendering the court's decision on refusal.

171. Deferral of execution of penalty in relation of pregnant women and women, having the minor children, and men, bringing up the minor children alone

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The court may grant a deferral of service of a sentence correspondingly for up to five years, but no more than reaching of the child the age of fourteen, to the pregnant women and women with minor children, and men, bringing up the minor children alone, serving a sentence in a penal colony.

2. Deferral of service of the sentence shall not be applied to the persons, convicted for more than five years for grave and especially grave crimes in personam.

3. Correctional institution's administration shall send a presentation on application of deferral of service of a sentence to the convicted person or his (her) appropriate petition to the court. The characteristics of the convicted person, compliance audit report of housing – living conditions of the relatives, who agreed to accept the convicted person and the child, to provide them the housing and create the necessary living conditions for living, composed by the penal inspection, the medical report on pregnancy or the official document on presence of a child, as well as a personal record of the convicted person shall be attached to them.

4. Administration of correctional institution, received a court decision on deferral of execution of sentence in relation of convicted person, shall release him (her).. A recognizance to appear in the penal inspection on the place of his residence within three days from the date of arrival shall be taken from the convicted person.

5. The convicted person shall come to the place of residence by himself (herself) at the expense of the state.

6. A copy of decision of the court on deferral of execution of sentence with specification of the date of release shall be sent to the penal inspection on the date of release on place of residence of the convicted person.

7. A penal inspection shall be obliged to keep a file on him (her), request his (her) personal record from the correctional institution at the place of release and supervise for his (her) behavior after presence of convicted person during three days.

Footnote. Article 171 as amended by the Law of the Republic of Kazakhstan dated 05.05.2000 No. 47; dated 21.12.2002 No. 363; dated 10.12.2009 No. 228-IV (the order of enforcement See Article 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

172. The consequences of non-observance of conditions of deferral of a penalty execution

Footnote. The title as amended by the Laws of the Republic of Kazakhstan dated 10.12.2009 No. 228-IV (the order of enforcement, See Article 2); dated 09.11.2011 No . 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

1. A penal inspection shall circulate in the established procedure in case if convicted person, specified in Article 171 of this Code, within two weeks term from the date of release.

2. If the convicted person, to whom the deferral of execution of a penalty is applied, committed violation of public order, if in the relation of period of deferral of the measures of administrative recovery or disciplinary or social influence are applied to him (her), or if the person is deviated from bringing up a child or taking care about him, the penal inspection shall render a caution in a written form.

3. In case if the convicted person abandoned child, or disappeared, or continue to shrink from bringing up a child, or violate the public order after two written warnings, imposed by the penal inspection, such inspection shall introduce the presentation to the court at the place of his (her) residence on cancellation of deferral of execution of penalty of the convicted person for service of sentence, imposed by a court sentence. A copy of the court decision on deferral of execution of sentence shall be attached to the presentation.

4. Upon expiry of the term of deferral of execution of penalty, or in the case of death of a child, or in case of abortion, the penal inspection at the place of residence of the convicted person shall sent a presentation on release of the convicted person from service of sentence of remaining part of penalty to the court or change of release the unserved part of the penalty by a lenient one, or on sending him (her) to correctional institution in recognition of his (her) behavior.

Footnote. Article 172, as amended by the Law of the Republic of Kazakhstan dated 21.12.2002 No. 363; dated 10.12.2009 No. 228-IV (the order enforcement See Article 2); dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

173. Termination of service a sentence and the order of release

1. Service of a sentence in the form of deprivation of the right to occupy certain posts or perform certain activities, community service, correctional labor, liberty restriction, detention in the guardhouse, imprisonment, as well as restrictions on military service shall be terminated in the last day of the term of sentence in recognition of the changes that may be introduced to the terms of the sentence in accordance of the Law.

2. Convicted persons to the, detention in the guardhouse and imprisonment shall be released in the first half of the last day of the term of sentence. If the term of sentence is terminated in the weekend or holiday, the convicted person shall be released from service of sentence in the day before a weekend or a holiday. When calculation of periods for sentence in months, it shall expiry on the corresponding date of the last month, and if this month shall not have a corresponding number – on the last day of the month.

3. The relevant clothes and valuables, belonging to the convicted person, keeping in his personal account and personal documents, as well as a document on serving

sentence or on release from sentence shall be given to the convicted person upon release.

4. The passport and identity card of the person, released from the penalty in the form of detention in the guardhouse or imprisonment, his (her) employment book and pension certificate, as well as other personal documents, stored in the personal record of the convicted person, shall be issued to him on hand upon release. In case of absence of a passport, identity card, employment book and a pension card in the personal record of the convicted person, the administration of the institution, executing the sentence, shall take measures to receive the documents with due advance.

5. Early release from service of sentence shall be conducted on the date of receipt of the relevant documents, and if the documents are received in the end of work day - in the morning of the next day.

6. The penal inspection shall be obliged to offer to the administration of an enterprise, institution or organization, where the convicted person shall serve the sentence, terminate deductions from his (her) salary on the date of termination of the term of penalty in the form of correctional labor, and upon release from the penalty - on the other grounds, no later than the next working day after receipt of the relevant documents. The document on service of sentence shall be issued to the convicted person.

7. The right to reissuance of property, labor, housing and other forfeit rights shall be explained by the head of the body, executing a sentence to the person, released from service of sentence due to remission of a sentence in connection with termination of criminal case on rehabilitating grounds, rendition of sentence of acquittal. The remission on behalf of the state shall be made to the convicted person.

Footnote. Article 173 as amended by the Law of the Republic of Kazakhstan of the Republic of Kazakhstan dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2); dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2); dated 1.18.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

174. Release of the convicted military servants from service of sentence

1. The convicted military servants, serving restriction on military service, detention in the guardhouse, shall be released from further service of sentence in case of illness, making them unfit for military service. The unserved part of the penalty may be changed by the lenient type of sentence.

2. The convicted military servants, serving a sentence during a military service, in case of appearance of other grounds for dismissal from military service, provided by the legislation of the Republic of Kazakhstan, may be early released from the penalty by the court in the established order with the change of the unserved part of the sentence by the lenient one or without it.

Footnote. Article 174 as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No. 177-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

175. The legal status of the persons, served the sentence

The persons, served a sentence, shall incur the obligations and enjoy the rights, established for the citizens of the Republic of Kazakhstan with the restrictions, provided for the persons, having criminal records. Such restrictions may be provided only by the Law.

Chapter 23. The assistance to the convicted persons, released from service of sentence and control over them

176. Responsibilities of the administration of institutions, executing a sentence on assistance in the labor and consumer device of released convicted persons

1. No later than six months upon expiry of the term of imprisonment, the administration of institution, executing the sentence, shall notify the local executive bodies of the city of republican significance, the capital, districts (cities of regional significance) on chosen the place of residence by the convicted person, of his (her) forthcoming release, the presence of housing, his employability and professions.

2. An intensive educational work shall be conducted with the convicted person in order to prepare him (her) for release, his rights and obligations are also explained.

3. Invalids of I and II groups, as well as men over 60 years and women over 55 years shall be directed by social protection bodies to the disabled persons and old people's homes at their own request and on representation of the institution, executing the sentence.

Footnote. Article 176 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 10.12.2009 No. 228-IV (the order of enforcement see Article 2); dated 18.01.2011 No. 393-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

177. Rendering of assistance to the convicted persons, released from service of sentence

1. The persons, released from service the sentence in the form of detention in the guardhouse or imprisonment, shall be provided with free pass to their place of residence or work, as well as with food or money for the travel, according to the procedure established by the Government of the Republic of Kazakhstan.

2. The persons released from place of detention in the absence of necessary seasonable clothing, shoes and money to purchase them, shall be provided with clothes

and shoes at the expense of the state. They may be given a nonrecurring money allowance in the amount, established by the Government of the Republic of Kazakhstan.

3. Provision of meals, clothing, footwear, issuance of nonrecurring money allowance as well as travel expenses of persons, released from penalty shall be performed by the institution, executing a penalty.

4. The administration of institution, executing the sentence, shall inform the relatives of the convicted persons or other persons on release from penalty in the form of liberty restriction or imprisonment of disabled of I and II groups, pregnant women and women with minors, as well as the juveniles.

5. The persons, released from correctional institutions, being in need in a regular attendance on health status, as well as the minors at the age of up to sixteen shall be directed to the place of residence accompanied with the relatives or other persons, arrived for them, or with the officers of the correctional institution.

Footnote. Article 177 as amended by the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2); dated 18.01.2011 No. 393 -IV (shall be enforced upon expiry of ten calendar days after its first official publication).

178. Rendering assistance in the labor and consumer device, in providing of other types of social assistance to the persons, released from service of sentence

Akimat of district (city of regional significance), the city of republican significance, the capital city shall render assistance in the labor and consumer device, in providing of other types of social assistance to the persons, released from service of sentence.

Footnote. Article 178 is in the wording of the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

178-1. Control over behavior of a person, released on parole

1. Control over behavior of the person, released on parole from service a sentence, shall be carried out by the bodies of internal affairs at the place of residence of the released person according to the procedure, determined by the Ministry of Internal Affairs of the Republic of Kazakhstan, and in the relation to the military servants – by the command of military units and institutions according to the procedure, determined by the Ministry of Defense of the Republic of Kazakhstan (hereafter - the authorized bodies).

Bodies of internal affairs shall have a right to use electronic monitoring means, the types of which are determined by the Government of the Republic of Kazakhstan for ensuring of reasonable control and receiving information on location of the person, released on parole. The order of their application and organization of activity of the bodies of internal affairs on supervisory action shall be determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

2. Bodies, specified in paragraph 1 of this Article, shall conduct the personal record of the persons, released on parole, during the unserved part of the penalty, shall control execution of assigned duties on them.

3. In case of evasion of convict on parole from control, the authorized body shall conduct initial measures on establishment of his (her) location and the reasons of evasions.

4. Malicious evasion from carrying out of duties by the person, released on parole shall be nonfulfillment by him (her) without justifiable reason more than two fold of one of the duties, mentioned in Article 178-2 of this Code.

5. If during remaining of the unserved part of the penalty the person, to whom release on parole is applied, shall be repeatedly committed an administrative offense or an offense for which the administrative arrest is imposed to him (her), or maliciously avoided from performing the duties, the authorized body shall introduce the presentation to the court on cancellation of release on parole and execution of the unserved part of the penalty.

Footnote. Article 178-1 in accordance with the Law of the Republic of Kazakhstan, dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 18.01.2011 No.393-IV (shall be enforced from 01.07. 2012).

178-2. Duties of the persons released on parole from service a sentence

1. The persons, released on parole from service a sentence shall be obliged to:

1) register in the bodies of internal affairs according to the place of residence in the established procedure;

2) not leave the place of residence at the time, determined by the bodies of internal affairs;

3) not change the permanent place of residence, work and study without the written notification of the bodies of internal affairs;

4) not visit the places, determined by bodies of internal affairs, in their free time from work and study;

5) not go to other areas without written permission by the bodies of internal affairs;

6) take measures on compensation the damage, caused to health, property of the victim or financial damage to the state;

7) at the request of the bodies of internal affairs to furnish explanations and other documents necessary for carrying out of control for behavior of convict on parole;

8) be to the bodies of internal affairs at their call. Upon absence without valid excuses the convict on parole may be subject to detention;;

9) represent an asset and income declaration, being a taxable item and being as in the territory of the Republic of Kazakhstan, as beyond its boundaries to the tax authority for the place of residence, according to the procedure, established by the tax

legislation of the Republic of Kazakhstan. Specified declaration shall be represented before expiration of the remaining unserved part of the penalty.

In such a case a certificate of the tax authority on receipt of the declaration shall be represented by the specified persons to the bodies of internal affairs.

2. The court may impose execution and other duties, contributing to his (her) correction to the person, released on parole:

- 1) to undergo a course of treatment from alcoholism, drug addiction, toxicomania;
- 2) to undergo a course of venereal treatment
- 3) to provide financial support of family.

3. Obligations of military servants, released on parole from service a sentence, shall be established by the Laws of the Republic of Kazakhstan on military service.

Footnote. The Code is supplemented by Article 178-2 in accordance with the Law of the Republic of Kazakhstan dated 26.03.2007 No. 240 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 10.12.2008 No . 101-IV (shall be enforced from 01.01.2009).

179. Administrative supervision of the persons, released from the places of detention

Administrative supervision shall be established over the persons, released from the places of detention, served a sentence for the crime, completed upon extremely dangerous of recidivism, and equally for the crime containing extremism elements, for grave and especially grave crimes or judging two or more times to imprisonment for premeditated crimes, if, during service of sentence their behavior is certified that they stubbornly refuse to become better and remain dangerous to society.

Footnote. Article 179 as amended by the Law of the Republic of Kazakhstan, dated 8 July, 2005 No. 67 (the order of enforcement see Article 2).

180. Preparation of materials to the persons in relation of whom is necessary to establish the administrative supervision of the bodies of internal affairs

1. An administrative correctional institution shall determine the persons in relation of whom is necessary to establish the administrative supervision of the bodies of internal affairs not later than one month before the expiration of a sentence.

2. The commander of the correctional institution shall direct a presentation to the court on establishment of an administrative supervision in relation of persons, released from the places of detention, mentioned in Article 179 of this Code.

3. Before release of the persons from the places of detention, in relation of whom the administrative supervision is established, the administration of correctional institution shall direct the regulated judge's ruling on administrative supervision with notification of the arrival time of the convicted person to the body of internal affairs at the chosen place of residence.

180-1. Release of the persons, afflicted with infectious form of tuberculosis, dangerous for the society from institution of correctional system

1. Release of the persons, afflicted with infectious form of tuberculosis, dangerous for the society from institution of correctional system, who refused from voluntary medical treatment in written form, shall subject to compulsory treatment after release in accordance with the legislation of the Republic of Kazakhstan.

2. Administration of institution of correctional system shall send a presentation on appointment of compulsory medical treatment in accordance with the legislation of the Republic of Kazakhstan to the court on location of office not later than one month before the termination of the sentence in relation of the persons, mentioned in paragraph 1 of this Article,.

3. Notifications on release of the persons, afflicted with infectious form of tuberculosis from the institution of correctional system, in relation of whom the compulsory medical treatment is established by the court decision, shall be sent to the specialized antituberculous medical and preventive organization and the bodies of internal affairs on location of the institution.

Footnote. The Code is supplemented by Article 180-1 in accordance with the Law of the Republic of Kazakhstan dated 26 March, 2007 No. 240 (the order of enforcement see Article 2); as amended by the Law of the Republic of Kazakhstan dated 09.11.2011 No. 490-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Section 8. Control over the persons on probation

Chapter 24. Carrying out of control over the behavior of probationers

181. The procedure of carrying out of control for behavior of military servants on probation

1. Control over the behavior of military servants on probation shall be carried out by the command of their military units during probation period.

2. Probationers shall be obliged to report to the command of the military units on their behavior, perform the duties, imposed by the court, and register twice a month. A probationer may be subject to detention upon absence without valid excuses.

Footnote. Article 181 is in the wording of the Law of the Republic of Kazakhstan dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

182. The procedure for carrying out of probationary control of the behavior of probationers and rendering of social and legal assistance to them

1. Probationary control - activity of probation service of the penal inspection on carrying out of control for execution of duties and their behavior with rendering assistance, imposed by the court to the probationers in receiving of social and legal assistance during the probation period. 2. The probation service of the penal inspection, upon registering a probationer, being under the probationary control shall:

1) conduct a study of the convicted person's personality with establishment of health status, level of his (her) education and employability, availability of the place of residence, as well as shall clarify other information necessary for defining the volume of social and legal assistance;

2) explain the order of providing social and legal assistance, carrying out and termination in relation of his (her) probationary control, as well as shall establish the days of appearance for registration in the probation service of the penal inspection;

3) clarify the procedure of execution of duties, imposed by the court, bringing to responsibility for its nonfulfillment, as well as violation of the procedure of probationary control.

The organization of activity of probationary service of penal inspection shall be carried out according to the procedure determined by the authorized body in the scope of penal activity.

3. Individual program for rendering of social and legal assistance shall be made according to the results of the study of the personality and life situation of the probationer by the probation service of penal inspection. an

4. The main directions of social and legal assistance shall be the rendering of assistance in getting education, learning of trade, employment, medical treatment, as well as providing of legal assistance.

5. The assistance to the service of probation of penal inspection shall be rendered by the local executive bodies, non-governmental and other organizations upon carrying out it social and legal assistance to the probationers in accordance with the individual drawn up program.

6. The procedure of social and legal assistance to the probationers shall be determined by the Government of the Republic of Kazakhstan.

7. A penal inspection shall carry out the measures in full, provided by Article 24-29 of this Code upon assignment to the probationer as an additional penalty of deprivation of the right to occupy the certain posts or engage in certain activities..

8. The probationers shall be obliged to report to the probation service of penal inspection of their behavior, shall perform the duties, imposed by the court, come twice , and under intensive probation control - four times a month for registration, as well as on-call to the probation service of penal inspection. A probationer may be subject to detention upon absence without valid excuses.

9. The probation service of penal inspection shall have a right to use the electronic monitoring means, the types of which shall be determined by the Government of the Republic of Kazakhstan for ensure a proper probation control and receipt of information on location of the convicted persons. The procedure of their appliance by the probation service of penal inspection shall be determined by the authorized body in the scope of penal activity upon execution of probationary control.

10. The probation service of the penal inspection shall conduct the initial measures to establish his (her) location and the causes of evasions in case of evasion of the probationer from the probation control,.

Footnote. Article 182 as amended by the Law of the Republic of Kazakhstan dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

183. Calculation of the probation term and the term of probationary control

1. The probation term and the term of probationary control shall be calculated from the date of entry of the sentence in a legal force.

2. The probationary control for conducting of probationer upon expiry of the probation term shall be terminated and it is removed from the register of the probation service of the penal inspection.

3. A copy of the sentence, and, if necessary, other documents, required for carrying out of control for probationer's behavior at the place of service shall be sent to the local military department in case of drafting of the convicted person to the operable military service. The command of the military units shall be obliged to inform to the probation service of penal inspection on registration of the probationer, on completing on termination on service - on his departure from the military unit within ten days.

4. Running of the probationary period shall be suspended from the date of issuance of the provision on putting on the wanted list of the probationer by the court and shall be reproduced by the court decision.

Footnote. Article 183 is in the wording of the Law of the Republic of Kazakhstan dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

184. Responsibility of the probationers

1. A presentation to the court a presentation on prolongation of the probationary period and establishment of intensive probation control, but not more than one year, as well as the prevention on possibility of probation revocation shall be issued in a written form shall be introduced to the court in case of commitment of the administrative offense by the probationer, trench on the public order and morals, the rights of minors, to the personality, and in the scope of family and domestic relations, for which an administrative penalty is imposed on it, intended damage (waste) of electronic monitoring means by the convicted persons, non-appearance for registration without a reasonable excuse, nonfulfillment of duties imposed on the convicted person by the court, change of the place of residence without permission of the probation service, the penal inspection..

2. A presentation on prolongation of the probationary period and establishment of intensive probation control up to one year shall be sent to the court in existence of reasonable grounds by the probation service of penal inspection.

3. A presentation on probation revocation and execution of imposed penalty by the sentence shall be sent to the court in case of the repeated commission of violations during probation period by the probationer, specified in paragraph 1 of this Article, insubordination to the legal requirement, and equally offences or threats of committing violations in relation of members of the body, carrying out of control for the behavior of the probationer, or if the probationer is escaped from the control.

4. Escaping from probationary control shall be the probationers, location of whom is not established during more than fifteen days from the date of the nonappearance for registration in the probation service of the penal inspection.

5. The relevant act shall be made by the probation service of penal inspection in case of damaging (waste) of electronic monitoring means by the probationer.

Upon intended damaging of electronic monitoring means, the convicted persons shall bear pecuniary responsibility in accordance with the procedure established by Law.

Footnote. Article 184 is in the wording of the Law of the Republic of Kazakhstan dated 15.02.2012 No. 556-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

The President of
the Republic of Kazakhstan

Application

THE LIST

of property, not subject to forfeiture upon the sentence

The following types of property and items, belonging to the convicted person on the private property right or being a share in the common property, necessary to the convicted person and persons, being in his (her) maintenance, shall not subject to forfeiture:

1. A dwelling, an apartment or separate parts of them, if the convicted person and his family shall reside there permanently.

2. The land plots, not subject to confiscation, as well as the land plots, required for private farm holding, on which the house and household outbuildings shall be situated..

3. At the persons, the basic occupation of which shall be the agriculture, - household outbuildings and livestock in the amount necessary need satisfaction of his (her) family, as well as livestock feed.

4. The seeds, necessary for regular sowing of agriculture.

5. Household furnishings, utensils, clothes:

a) clothes, shoes, linens, bedding, kitchen and dining utensils residing in use. Other valuable and fur clothing, dining sets, things, made of precious metals, as well as those, having artistic value may be seized;

b) furniture, baseline minimum for the convicted person and his family;

c) all children's accessories.

6. Food in the amount, necessary for the convicted person and his family until the new crop, if the main occupation of the convicted person shall be agriculture, and in other cases - food and money the total amount of which is established by the Government of the Republic of Kazakhstan.

7. Fuel for cooking and heating of the family's residential accommodation.

8. Inventory (as well as manuals and books), necessary for professional training of the convicted person, except for the cases when the convicted person shall be deprived of right by the sentence to engage the relevant activity or when the inventory shall be used by him (her) to commit a crime.

9. Vehicles specially designed for the disabled persons.

10. International, state and other prizes, of which the convicted person is were awarded.