



On Military Situation

Unofficial translation

The Law of the Republic of Kazakhstan dated 5 March 2003 No. 391.

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The Law regulates legal relations of citizens of the Republic of Kazakhstan, foreign persons and stateless persons residing in the territory of the Republic of Kazakhstan (hereinafter – citizens and other persons), as well as state bodies, bodies of military administration and organizations independently from the forms of ownership (hereinafter – organizations) during the period of military situation.

Force of the Law shall be restricted by the period of military situation.

Chapter 1. General provisions

Article 1. Basic definitions used in the Law

The following basic definitions are used in the Law:

1) aggression – application of armed power by foreign state (group or coalition of states) against sovereignty, territorial inviolability or political independence of the Republic of Kazakhstan or other impact on it in the manner being inconsistent with the Charter of the United Nations Organization.

Act of aggression is any of the following actions independently from declaring war:

invasion, attack of armed powers of foreign state in the territory of the Republic of Kazakhstan, any annexion of the territory of the Republic of Kazakhstan or its part with applying of armed power;

bombing attack of the territory of the Republic of Kazakhstan or applying of any type of weapon by foreign state against the Republic of Kazakhstan;

blockade of ports or coasts of the Republic of Kazakhstan by armed powers of foreign state;

attack of armed power of foreign state to Armed Forces, other forces and military formations of the Republic of Kazakhstan, ship of merchant shipping or civil aviation of the Republic of Kazakhstan;

applying of armed powers of foreign state being in the territory of the Republic of Kazakhstan according to the international treaty in violation of conditions provided in the international treaty, or other continuance of their stay in the territory of the Republic of Kazakhstan no termination of the force of the international treaty;

action of a state, allowing that its territory which was provided by it at disposal of other state was used by this state for commission of the act of aggression against the Republic of Kazakhstan;

smuggling of armed gangs, groups, irregular forces or mercenaries that carry out the acts of applying of armed power against the Republic of Kazakhstan, having such a serious character that it is equal to above listed acts;

other actions of foreign states oriented against sovereignty, territorial inviolability or political independence of the Republic of Kazakhstan, as well as the acts determined by the United Nations Security Council as representing the aggression according to provisions of the Charter of United Nations Organization;

2) annexion - forced accession, seizure of the territory of the Republic of Kazakhstan or its part by foreign state;

3) military censorship - preliminary coordination of messages and materials via mass media with bodies of military administration and state bodies, civil servants upon their request or on other grounds for the purpose of restriction or imposition of a prohibition on distribution of messages and materials or their separate parts, as well as carrying out of control of correspondence, telephone and radio communication for the purpose of non-admission of publishing and disclosing details containing state secrets;

4) military situation - special legal regime providing a set of political, economic, administrative, military and other measures oriented to creation of conditions for prevention or holding off an aggression against the Republic of Kazakhstan or directness external threat of its safety and imposed by the President of the Republic of Kazakhstan on the whole territory of the Republic of Kazakhstan or in its separate localities;

5) internment - detention and placement of citizens of a state committed aggression in specially designed settlement places that appeared in the territory of the Republic of Kazakhstan in war time;

6) curfew - a measures imposed during military situation with specification of terms and time of its force for the purpose of safety ensuring of public order and safety, suppression of intelligence, subversive and other hostile activity prohibiting the population without specially issued passes and documents certifying identity to be outside dwelling places and travel between inhabited localities in established time of a day;

7) directness external threat of safety - a threat of inviolability of state border and applying of force in respect of the Republic of Kazakhstan, as well as intelligence, terrorist, subversive and other hostile activity of special services and organizations of foreign states,

as well as separate persons oriented to infliction of damage to national security of Kazakhstan ;

8) bodies of military administration – strategic, operational strategic, operational territorial, operational tactic, tactic and local bodies of military administration. <*>

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 8 July 2005 No. 70 (the order of enforcement see Article 2).

Article 2. Aim of imposition of military situation

Aim of imposition of military situation is creation of conditions for prevention or holding off aggression against the Republic of Kazakhstan.

Article 3. Legal grounds of military situation

Legal grounds of military situation in the Republic of Kazakhstan are the Constitution of the Republic of Kazakhstan, this Law, other regulatory legal acts and international treaties ratified by the Republic of Kazakhstan.

Article 4. Imposition of military situation

1. The ground for imposition of military situation in the whole territory of the Republic of Kazakhstan or in its particular areas is the cases of aggression against the Republic of Kazakhstan or directness external threat of its safety.

2. Military situation in the whole territory of the Republic of Kazakhstan or in its particular areas shall be imposed by the decree of the President of the Republic of Kazakhstan.

3. Upon imposition of military situation by the President of the Republic of Kazakhstan, the partial or general shall be declared, if it was not declared earlier.

4. In decree of the President of the Republic of Kazakhstan on imposition of military situation, it shall be determined:

circumstances served as the ground for imposition of military situation;

list of imposed measures and temporary restrictions of rights and freedoms of citizens and other persons;

borders of the territory in which the military situation is imposed;

efforts and means engaged for establishment and maintenance of military situation;

time from which the military situation remains in force.

5. Whole text of a decree of the President of the Republic of Kazakhstan on imposition of military situation shall be subject to immediate radio and television broadcast, as well as official publication.

6. The President of the Republic of Kazakhstan shall immediately inform the Parliament of the Republic of Kazakhstan on imposition of military situation and declaring partial or general mobilization.

7. Procedure for preparation of the state for holding off aggression shall be determined by the President of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan.

Article 5. Period of military situation

1. Period of military situation shall begin from the time of imposition of military situation and be finished from the time of cancellation of military situation.

2. Restriction of rights and freedoms of citizens and other persons, with the exception of rights and freedoms provided by Articles listed in paragraph 3 of Article 39 of the Constitution of the Republic of Kazakhstan, the activity of organizations, as well as assignment of additional obligations on them determined by this Law shall be provided during the validity period of military situation.

3. In the areas in which the military situation is imposed, the powers of bodies of military administration shall be extended, the functions of bodies of state power and management in the field of defence and ensuring of public order shall be transferred to them in accordance with the legislation of the Republic of Kazakhstan.

4. Armed Forces, other forces and military formations, special state bodies of the Republic of Kazakhstan during the validity period of military provision shall be applied for holding off an aggression in accordance with the legislation of the Republic of Kazakhstan.

5. Measures of civil and territorial defence during the validity period of military situation shall be carried out in accordance with the legislation of the Republic of Kazakhstan

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. Ensuring of military situation regime

Article 6. Measures of military situation

1. In a territory where the military situation is imposed, the following measures may be taken:

- 1) transfer of state bodies and other organizations, as well as economic of the Republic on functioning in conditions of military situation;
- 2) conduct of mobilization of Armed Forces, other forces and military formations, special state bodies of the Republic of Kazakhstan;
- 3) creation of special formations for performance of tasks in behalf of Armed Forces, ensuring of uninterrupted work of economic and life-sustaining activity of population;
- 4) carrying out of measures of civil and territorial defence;
- 5) release and use of material values stocks of the state reserve;
- 6) strengthening of protection of public order, as well as state and military objects, objects ensuring life-sustaining activity of population, functioning of transport and communications, objects representing heightened danger for life, health of people ad environment, according to the lists determined upon republican objects by the Government of the Republic of Kazakhstan, upon public-service objects - by local executive bodies;
- 7) establishment of special operation regime of transport, communications and energy industry, as well as objects representing heightened danger for life, health of people and environment;
- 8) evacuation of population, objects of economic, social and cultural significance, as well as temporary movement of citizens and other persons from districts being dangerous for residing to other districts with compulsory provision of residential and non-residential premises to them for temporary or permanent residence and accommodation;
- 9) requisition of property from individuals and legal entities being necessary for the needs of defence in the manner and in conditions established by the legislative acts of the Republic of Kazakhstan with compensation of the costs of condemned property to them by the state;
- 10) establishment and ensuring of special regime of entry into the territory where the military situation is imposed, and departure from it, as well as restriction of freedom of movement;
- 11) engagement of organizations, citizens and other persons in performance of works of defence character, liquidation of consequences of applying weapon by enemy, restoration of damaged, destructed objects, life-supporting infrastructure of population, as well as in participation in a fire fighting, control of epidemics, epizootics;
- 12) establishment of prohibitions and restrictions on selecting the place of stay and place of residence in a locality where the military situation is imposed;

13) prohibition or restriction of holding meetings, rallies, demonstrations, marches, picketing, strikes;

14) establishment of curfew and provision of the right to bodies of military administration and state bodies for carrying out verification of documents of citizens and other persons, conduct their personal inspection, inspection of things, dwelling place and transport, as well as carry out detention of citizens, other persons and transport vehicles on the grounds provided by the legislation of the Republic of Kazakhstan;

15) establishment of prohibition on sale of weapon, ammunition, explosive and poisonous substances, establishment of special regime of turnover of medicinal products and medical drugs containing narcotic and other superpotent substances, alcoholic products;

16) *(is excluded - No. 70 dated 08.07.2005);*

17) establishment of control of work of printing houses, processing centres and automation systems, means of mass information, their use for the needs of defence, as well as restriction of their activity;

18) imposition of military censorship;

19) internment;

20) prohibition or restriction of leaving of citizens of the Republic of Kazakhstan abroad;

21) imposition of additional measures in state bodies and organizations oriented to strengthening of secrecy order;

22) other measures required for ensuring of military situation in accordance with the legislative acts of the Republic of Kazakhstan.

2. During the period of military situation for the purpose of ensuring of conditions for production of products, carrying out of works and services required for satisfying necessities of the state in behalf of defence, as well as needs of population, the measures linked with the following temporary restrictions may be taken:

carrying out of economic and financial activity; free movement of goods, money and rendering of services; search, receipt, transfer, production and distribution of information; procedure and conditions of applying procedures of bankruptcy; regime of labour activity, as well as special aspects of functioning of financial, tax, customs and bank system may be established as in the whole territory of the Republic of Kazakhstan so in its separate localities in the manner provided by the legislation of the Republic of Kazakhstan.

3. Necessary regulatory legal acts regulating carrying out of the measures of military situation mentioned in paragraphs 1 and 2 of this Article may be adopted as in the validity period of military situation, so before its imposition.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No. 70 (the order of enforcement see Article 2); dated 13.02.2012 No. 553-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. The use of the Armed Forces, recruitment of other troops and military formations, as well as state bodies to ensure the martial law regime

Footnote. The title of Article 7 in the new wording of the Law of the Republic of Kazakhstan dated 10.01.2015 № 275-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

1. When the martial law regime is ensured by the decision of the President of the Republic of Kazakhstan, the Armed Forces, other troops and military formations are involved, as well as state bodies in accordance with the laws of the Republic of Kazakhstan to perform the following main tasks:

1) maintenance of special regime of entry into the territory where the military situation is imposed, and departure from this territory, as well as restriction of freedom of movement on it;

2) participation in rescuing and evacuation of population, in accident rescuing and other urgent works, in carrying out of sanitary antiepidemic, antiepzootic and other measures;

3) protection of state and military objects, objects ensuring life-sustaining activity of population, functioning of transport and communications, as well as representing heightened danger for life, health of people and environment;

4) protection of public order and safety, participation in carrying out of measures on ensuring of measures of military situation;

5) suppression of activity of illegal military formations, terrorists, as well as public and religious associations, foreign and international organizations in respect of which law enforcement bodies and bodies of military administration have truthful details that their activity is oriented to damage of defence and security of the Republic of Kazakhstan.

2. Activity of state bodies, the Armed Forces, other troops and military formations used to ensure martial law measures is carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 10.01.2015 № 275-V (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 8. Applying weapons, military equipment, special means, as well as physical force upon ensuring of military situation regime

1. Upon performance of official duties, military servants and employees of state bodies engaged for ensuring of military situation regime shall be granted by the right of bearing, keeping, applying weapons, military equipment, special means, as well as applying physical force.

Mentioned persons shall not bear responsibility for infliction of harm due to applying physical force, special means, weapons and military equipment, if the inflicted harm conforms to nature and level of imminent danger.

2. Military servants and employees of state bodies engaged for ensuring of military situation regime shall have the right to apply physical force, special equipment, weapons or military equipment:

1) for holding off an attack to state and military facilities, citizens and other persons ;

2) for suppression of resistance linked with danger for life and health of military servants and employees of state bodies, as well as citizens and other persons;

3) for detention of persons having weapons, ammunition, explosive, chemical or poisonous substances in cases if they:

are caught during commission of crime;

do not perform legal requirements of military servants or employees of state bodies;

impede military servants and employees of state bodies in carrying out of official duties assigned on them;

4) for suppression of attempts of illegal entry into secured facilities and at the places of disposition of forces;

5) for release of hostages, captured secured facilities, constructions, transport vehicles and cargos, as well as for suppression of mass disorders and group violations of public order;

6) for stopping transport vehicle, a driver of which didn't perform legal requirements;

7) for sounding a warning or calling for help;

8) in other cases in accordance with the legislative acts of the Republic of Kazakhstan.

3. Applying physical force, special means, weapons and military equipment with excess of powers shall entail responsibility in accordance with the legislation of the Republic of Kazakhstan.

Chapter 3. Powers of the President, Government of the Republic of Kazakhstan during the period of military situation

Article 9. Powers of the President of the Republic of Kazakhstan

During the period of military situation, the President of the Republic of Kazakhstan shall:

- 1) carry out general management of organization of ensuring military situation;
- 2) ensure coordinated functioning and interaction of state bodies;
- 3) approve the procedure for applying measures of military situation in the territory where it is imposed, as well as powers of state bodies on ensuring of these measures;
- 4) issue regulatory legal acts on the issues of military situation;
- 5) accept and impose emergency state budget in accordance with the legislative acts of the Republic of Kazakhstan and inform this immediately to the Parliament of the Republic of Kazakhstan;
- 6) establish the procedure for the use of the Armed Forces, other troops and military formations, state bodies to ensure martial law regime and determine their tasks in accordance with this Law;
- 7) establish prohibitions or restrictions on holding meetings, rallies, demonstrations, marches, picketing, strikes;
- 8) determine special aspects of performing military service;
- 9) *(is excluded - No. 70 dated 08.07.2005);*
- 10) establish special operation regime of transport, communications and energy power, as well as objects representing heightened danger for life, health of people and environment;
- 11) form consultative advisory bodies on the issues of defence and security;
- 12) upon the recommendation of the Prime Minister of the Republic of Kazakhstan, determine the structure of the Government of the Republic of Kazakhstan for the period of martial law regime;

13) *(is excluded - No. 70 dated 08.07.2005);*

14) carry out other powers in accordance with the Constitution and Laws of the Republic of Kazakhstan.

Regulatory legal acts mentioned in subparagraphs 3), 4), 6) of this Article may be adopted as during the validity period of military situation, so before its imposition.

Footnote. Article 9 as amended by the Laws of the Republic of Kazakhstan dated 8 July 2005 No. 70 (the order of enforcement see Article 2); dated 22 May 2007 No. 255 (shall be enforced from the date of its official publication); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011); dated 10.01.2015 № 275-V (shall be enforced upon expiry of ten calendar days after the day its first official publication); dated 11.07.2017 № 91-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 10. Powers of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan during the period of military situation:

1) direct the activity of central and local executive bodies, as well as organizations on ensuring of military situation regime;

2) ensure performance of measures oriented to satisfying the needs of Armed Forces, other forces and military formations, state bodies, organizations, citizens and other persons;

3) *(is excluded - No. 70 dated 08.07.2005);*

4) represent emergency state budget and ensure its fulfillment to the President of the Republic of Kazakhstan;

5) organize work on ensuring of measures of military situation by material technical, labour and other resources;

6) *(is excluded - No. 70 dated 08.07.2005);*

7) represent international treaties with the state (group or coalition of states) committed aggression for denunciation by the Parliament of the Republic of Kazakhstan within the competence;

8) direct civil and territorial defence;

9) *(is excluded - No. 70 dated 08.07.2005);*

10) perform other functions imposed on it by the Constitution, Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 08.07.2005 No. 70 (the order of enforcement see Article 2); dated 05.07.2011 No. 452-IV (shall be enforced from 13.10.2011).

Chapter 4. Activity of ships and bodies of prosecutor's office during the period of military situation

Article 11. Activity of ships and bodies of prosecutor's office in the territory where the military situation is imposed

1. Courts established by the Constitution and constitutional law of the Republic of Kazakhstan shall operate in the territory where the military situation is imposed.

2. Activity of bodies of prosecutor's office in the territory where the military situation is imposed shall be carried out in accordance with the Constitution and Laws of the Republic of Kazakhstan.

Chapter 5. Obligations of citizens and other persons, organizations during the period of military situation

Article 12. Obligations of citizens and other persons during the period of military situation

1. Citizens and other persons shall be obliged to perform requirements of the Constitution of the Republic of Kazakhstan, this Law, other regulatory legal acts and international treaties ratified by the Republic of Kazakhstan on the issues of military situation.

2. Citizens and other persons being in the territory, where the military situation is imposed shall be obliged to:

1) perform requirements of state bodies ensuring military situation, their civil servants and provide them assistance;

2) be upon calling in bodies of military administration and state bodies according to the place of residence;

3) perform requirements of state bodies and their civil servants established by the legislation of the Republic of Kazakhstan;

4) participate in works of defence character, liquidation of consequences of applying weapons by enemy, restoration of damaged, destructed objects, life-supporting infrastructure of population, as well as in a fire fighting, control of epidemics, epizootics in the manner established by the Government of the Republic of Kazakhstan;

5) provide property required for needs of defence being in their ownership in accordance with the legislative acts of the Republic of Kazakhstan;

6) fulfill other obligations assigned on them by the legislation of the Republic of Kazakhstan.

Footnote. Article 12 as amended – by the Law of the Republic of Kazakhstan dated 8 July 2005 No. 70 (the order of enforcement see Article 2).

Article 13. Obligations of organizations during the period of military situation

1. Organizations being in the territory where the military situation is imposed shall be obliged to perform legal requirements of state bodies ensuring military situation, their civil servants and provide them assistance.

2. During the period of military situation organizations shall be obliged to:

1) provide property being in their ownership required for the needs of defence in accordance with the legislative acts of the Republic of Kazakhstan;

2) perform tasks (orders) of the state for the purpose of ensuring defence and security of the Republic of Kazakhstan on the basis of agreements as a matter of priority;

3) fulfill other obligations assigned on them by the legislation of the Republic of Kazakhstan.

Footnote. Article 13 as amended – by the Law of the Republic of Kazakhstan dated 8 July 2005 No. 70 (the order of enforcement see Article 2).

Article 14. Responsibility for violation of the legislation of the Republic of Kazakhstan on military situation

Individuals and legal entities shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan in case of their violation of the legislation on military situation.

Chapter 6. Final provisions

Article 15. Performance of international obligations

In case of imposition of military situation in the territory of the Republic of Kazakhstan or in its separate localities, the President of the Republic of Kazakhstan shall take measures in accordance with obligations of the Republic arising from the international treaties of the Republic of Kazakhstan.

Article 16. Repeal of military situation

1. Military situation in the territory of the Republic of Kazakhstan or in its separate localities shall be repealed by the decree of the President of the Republic of Kazakhstan after termination of actions served as the ground for its imposition.

2. Regulatory legal acts adopted for the purpose of ensuring of military situation and linked with temporary restriction of rights and freedoms of citizens, as well as rights of

organizations shall be applied only within the term on which the military situation is imposed and shall be subject to repeal in the manner established by the legislation of the Republic of Kazakhstan.

Article 17. Order of enforcement of the Law

The Law enters into force from the date of its official publication.

The President of the Republic of Kazakhstan
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