

## **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 in accordance with generally recognized principles and standards of international law in specially designated places of settlement of citizens of the state that committed aggression against the Republic of Kazakhstan;

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) an immediate external threat to security - a threat to the inviolability of the State border of the Republic of Kazakhstan and the use of force against the Republic of Kazakhstan, as well as reconnaissance, terrorist, sabotage and other activities aimed at damaging the national security of Kazakhstan by special services and organizations of foreign states, as well as individuals;

8) bodies of military administration – strategic, operational strategic, operational territorial, operational tactic, tactic and local bodies of military administration;

9) the council of defense of the region, a city of republican significance, the capital - a military administration body created for the period of martial law and exercising leadership within the administrative-territorial unit of state bodies, organizations and special formations in the interests of state defense.

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); dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 16.11.2020 № 375-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

## **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) operation of material values of the state material 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 and 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 organization and conduct of peaceful meetings and 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); dated 25.05.2020 № 334-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of 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) ensuring the safety of protected persons and protected objects, the protection of state and military facilities, objects that ensure the life of the population, the functioning of transport and communications, as well as posing an increased danger to life, health of people and the environment;

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

5) suppression of the activities of illegal armed groups, terrorists, as well as public and religious associations, foreign and international organizations, in respect of which special state and law enforcement agencies, military authorities have reliable information that their activities shall be aimed at undermining the defense and security of the Republic of Kazakhstan.

1-1. The State Security Service of the Republic of Kazakhstan in the periods of mobilization and martial law shall be entitled to use the necessary forces and means of other public bodies of the Republic of Kazakhstan to ensure the safety of protected persons, protection and defence of protected facilities under the Defence Plan of the Republic of Kazakhstan.

From the commencement of security measures until their completion, the head of the national operational headquarters responsible for implementing security measures or an official authorised by him/her shall direct all military personnel, employees and experts of the state bodies of the Republic of Kazakhstan involved in the implementation of security measures.

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); dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication); No. 136-VII of 11.07.2022 (shall be brought into force sixty calendar days after the date of 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 and local executive bodies of the Republic of Kazakhstan during martial law**

**Footnote. Title of the Chapter 3 in the wording of the Law of the RK dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **Article 9. Powers of the President of the Republic of Kazakhstan during martial law**



1. President of the Republic of Kazakhstan during martial law shall:

- 1) form the Headquarters of the Supreme High Command of the Armed Forces of the Republic of Kazakhstan, carry out the general management of the organization for ensuring martial law;
- 2) approve the regulation on the Headquarters of the Supreme High Command of the Armed Forces of the Republic of Kazakhstan;
- 3) approve the regulation on defense councils of regions, cities of republican significance, the capital;
- 4) approve the regulation on the organization of activities of the Government of the Republic of Kazakhstan during martial law;
- 5) approve regulations on state bodies directly subordinate and accountable to it for the period of martial law;
- 6) ensure coordinated functioning and interaction of state bodies;
- 7) approve the procedure for the application of martial law measures, as well as the powers of state bodies to ensure these measures;
- 8) issue regulatory legal acts on issues of martial law;
- 9) in accordance with the laws of the Republic of Kazakhstan, adopt and introduce an emergency state budget and immediately inform the Parliament of the Republic of Kazakhstan about this;
- 10) establish the procedure for the use of the Armed Forces, other troops and military formations, state bodies to ensure martial law and determine their tasks in accordance with this Law;
- 11) establish prohibitions or restrictions on the organization and conduct of peaceful meetings and strikes;
- 12) determine the peculiarities of military service;
- 13) establish a special regime for the operation of transport, communications and energy, as well as objects that pose an increased danger to life, health of people and the environment;
- 14) form advisory bodies on defense and security issues;
- 15) upon the proposal 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;
- 16) exercise other powers in accordance with the Constitution and Laws of the Republic of Kazakhstan.

2. The provisions of paragraphs 1, subparagraphs 2), 3), 4), 5), 7), 8) and 10) of this Article can be implemented both during the period of martial law and before its introduction.

**Footnote. Article 9 in the wording of the Law of the RK dated 10.06.2020 № 344-VI ( shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

**Article 10. Competence of the Government of the Republic of Kazakhstan during martial law**

1. The Government of the Republic of Kazakhstan during the period of martial law shall:
  - 1) approve the regulations on ministries for the period of martial law;
  - 2) supervise the activities of central and local executive bodies, as well as organizations to ensure the regime of martial law;
  - 3) ensure the implementation of measures aimed at meeting the needs of the Armed Forces, other troops and military formations, state bodies, organizations, citizens and other persons;
  - 4) submit to the President of the Republic of Kazakhstan an emergency state budget and ensure its implementation;
  - 5) organize work to ensure martial law measures with material, technical, labor and other resources;
  - 6) submit for denunciation by the Parliament of the Republic of Kazakhstan international treaties with the state (group or coalition of states) that committed (committed) aggression, within the limits of its competence;
  - 7) supervise civil and territorial defense, establish tasks for local executive bodies to provide civil defense, territorial defense, as well as operational equipment of the territory in the interests of the defense of the Republic of Kazakhstan;
  - 8) organizes the transfer of state bodies included in the structure of the Government of the Republic of Kazakhstan and organizations to the structure and states of wartime;
  - 9) organize a warning system for central state and local executive bodies, organizations and the population;
  - 10) perform other functions assigned to it by the Constitution, this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

2. The provisions of paragraph 1, subparagraphs 1) and 3) of this Article can be implemented both during the period of martial law and before its introduction.

**Footnote. Article 10 in the wording of the Law of the RK dated 10.06.2020 № 344-VI ( shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **Article 10-1. Competence of local executive bodies of regions, cities of republican significance, capital**

1. Local executive bodies of regions, cities of republican significance, the capital during martial law shall:
  - 1) ensure the implementation of martial law measures by territorial subdivisions of central state bodies and organizations of the Republic of Kazakhstan in the territory of the corresponding administrative-territorial unit;
  - 2) create councils of defense of regions, cities of republican significance, the capital;
  - 3) exercise in the interests of local government other powers assigned to local executive bodies by the legislation of the Republic of Kazakhstan.

2. The Councils of defense of regions, cities of republican importance and the capital carry out activities in accordance with the regulations on defense councils of regions, cities of republican importance, the capital and shall be subordinate to the Headquarters of the Supreme High Command of the Armed Forces of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan.

3. The direct leadership of the regional defense council, the city of republican significance, the capital shall be entrusted to the corresponding akim.

**Footnote. Chapter 3 as added by Article 10-1 in accordance with the Law of the RK dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

#### **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 in order to ensure martial law and related to the temporary restriction of the rights and freedoms of citizens and other persons, as well as the rights of organizations, shall be applied only during the period for which martial law shall be introduced and be subject to cancellation in the manner established by the legislation of the Republic of Kazakhstan.

**Footnote. Article 16 as amended by the Law of the RK dated 10.06.2020 № 344-VI (shall enter into force upon expiry of ten calendar days after the day of its first official publication).**

## **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*