1. As occasions to criminal case excitation serve:

1) statements of citizens;

2) an appearance from the guilty;

3) the message of the official of a state structure or the person who are carrying out administrative functions in the organization;

4) the message in mass media;

5) direct detection of data on a crime officials and bodies, competent to excite criminal case.

2. The basis to criminal case excitation is presence of the sufficient data specifying in signs of a crime, in the absence of the circumstances excluding manufacture on criminal case.

Article 178. Statements of citizens

1. Statements of citizens for a crime can be oral or written. The written statement should be signed the person from whom it proceeds.

2. The oral statement about a crime, made by manufacture of investigatory action or during proceeding, is entered accordingly in the minutes investigatory action or judicial session. In other cases the separate report is made. The report should contain data on the applicant, a place of its residence or work, and also the documents proving its identity. The report is signed by the applicant and the official which has accepted the statement.

3. The applicant is warned about the criminal liability for obviously false denunciation under article 351 of the Criminal code of Republic Kazakhstan, about what in the report the mark which makes sure the signature of the applicant becomes.

4. Anonymous statements can be the cause of criminal case excitation only after their preliminary check in case they contain the sufficient data specified regarding second article 177 of the present Code.

Article 179. An appearance from the guilty

1. An appearance with guilty - the voluntary statement of the person for the crime made by it when concerning this person the suspicion is not put forward yet or is not brought accusation in fulfilment of the given crime.
2. The specified statement can be made both in written, and in the oral form and should be transferred the applicant to the body conducting criminal trial. The oral statement is entered in the minutes in which the made statement is in detail stated. The report subscribes pled guilty and the official who has accepted the statement.

3. In case at an appearance with guilty in the statement accomplices of a crime are specified, the applicant is warned about the criminal liability for obviously false denunciation.

**Article 180. Messages of the official state structure or the person, carrying out administrative functions in the organizations**

Messages of the official of a state structure or the person who are carrying out administrative functions in the organization, about a crime should be made in writing. Documents and other materials with which the made message on a crime proves to be true are applied on it.

**Article 181. The message in mass media**

1. The message in mass media can be the cause of criminal case excitation when it is published in the newspaper or magazine or is extended by radio or TV.

2. The persons who are carrying out administrative functions in mass media which has published or has extended the message on a crime, on request of the person, competent to excite criminal case, are obliged to transfer documents at their disposal and other materials confirming the made message, and also to name the person who has presented these data, except for cases when this person has presented them with a preservation condition as fiduciary an information source.

**Article 182. Direct detection of data about crime officials and bodies, empowered to excite criminal case.**

Detection of data on a crime is the cause of criminal case excitation in cases, when:

1) at execution of the official duties the employee of body of inquiry, the inspector, the public prosecutor become eyewitnesses of a crime or find out traces or crime consequences is direct after its fulfilment;

2) the body of inquiry and the investigator is received by data on a crime at realisation of the functions or by inquiry manufacture on the case of other crime;

3) the inspector receives data on a crime at investigation on criminal case about other crime;

4) the public prosecutor receives data on a crime at realisation of supervision of execution of laws.

**Article 183. Compulsion of acceptance and consideration statements and messages on a crime**

1. The body of criminal prosecution is obliged to accept, register and consider the statement or the message
on any perfect or preparing crime. To the applicant the document on registration of the accepted statement or the message on a crime with instructions of the person who have accepted the statement or the message, time of its registration and time when the decision under the statement or the message should be accepted stands out.

2. Unreasonable refusal in reception of the statement or the message on a crime can be appealed against to the public prosecutor or in court in an order established by the present Code.

3. The statement or the message on a crime, arrived in court, except for cases of excitation of affairs of private charge, goes to the public prosecutor on what the applicant is notified.

4. Court, having found out crime signs at trial of criminal, civil or administrative business, it is obliged by the private decision to bring it to the notice the public prosecutor.

**Article 184. Terms of consideration of statements and messages about crimes**

The decision under the statement or the message on a crime should be accepted not later than three days from the date of its receipt. In necessary cases for reception of additional data, andстребования documents or other materials, carrying out of survey of a scene, examination this term can be prolonged the chief of body of inquiry, the chief of investigatory department about ten days, and in exceptional cases - about one month on what within three days the public prosecutor should be notified.

Footnote. Changes are made to article 184 - Law PK from May, 5th, 2000 N 47.

**Article 185. The decisions accepted as a result of considerations of the statement or the message about crime**

1. In each case of reception of the statement or the message on a crime or direct detection of a crime the investigator, inquiry body, the chief of investigatory department, the inspector or the public prosecutor accept one of following decisions:

   1) about criminal case excitation;

   2) about refusal in criminal case excitation;

   3) about transfer of the statement, the message on jurisdiction, and on affairs of private charge - on jurisdiction.

2. On the accepted decision it is informed the applicant and simultaneously the right to the decision appeal is explained to it.

3. In case of a direction of the statement or the message on jurisdiction or jurisdiction inquiry body, the chief of investigatory department, the inspector, the public prosecutor are obliged to take measures to prevention or crime suppression, and is equal to fastening of vestiges of the crime.
Article 186. An order of excitation of criminal case

1. In the presence of an occasion and the basis, specified in article 177 of the present Code, the investigator, inquiry body, the chief of investigatory department, the inspector, the public prosecutor take out the decision about criminal case excitation.

2. In the decision are specified: time and a place of its removal by whom it is made, an occasion and the bases to business excitation concerning whom or on what fact it is raised, article of the criminal law to which signs it is raised, and also the further direction of business. The decision copy about excitation of criminal case within twenty four hours goes to the public prosecutor. On the accepted decision it is informed the applicant and the person in which relation action, with an explanation to it of the rights and duties in connection with the beginning of criminal prosecution is brought.

3. If the person who has suffered from commission of crime is known, simultaneously with excitation of criminal case it admits to victims and if together with the message on a crime the civil suit is declared, the person admits also the civil claimant.

Footnote. Changes are made to article 186 - Law PK from July, 11th, 2001 N 238.

Article 187. Refusal in criminal case excitation

1. In the absence of the bases to excitation of criminal case the body of criminal prosecution takes out the decision about refusal in criminal case excitation.

2. The decision copy about refusal in excitation of criminal case within twenty four hours goes to the public prosecutor and the applicant. Thus the rights and an order of the appeal of the decision should be explained the applicant.

3. The decision of the inspector, the investigator about refusal in criminal case excitation can be appealed against according to the chief of investigatory department, the chief of body of inquiry, and also the public prosecutor or in court in an order established by the present Code. The court decision about refusal in acceptance of the statement for private charge can be appealed against in superior court.

4. If from the arrived statement (message) infringements of political, labour, housing, family and other rights of citizens, and also infringement of legitimate interests of the organisations protected as civil legal proceedings simultaneously with refusal in excitation of criminal case the rights and an order of a reference to the court for restoration of the broken rights and interests as civil legal proceedings should be explained interested persons are seen.

Article 188. Transfer of the message or the statement about crime on jurisdiction and jurisdiction

1. The official or body, empowered to excite criminal case, have the right to transfer the statement or the message on a crime on jurisdiction without criminal case excitation only in cases, when:
1) the crime is made outside of the given area and verifying actions are necessary for the decision of a question on criminal case excitation in a place of commission of crime;

2) for the decision of a question on criminal case excitation are necessary verifying actions which can be spent only body, to jurisdiction which it is carried.

2. The public prosecutor should be notified on transfer of statements and messages on jurisdiction without excitation of criminal case within twenty four hours.

3. On jurisdiction without criminal case excitation complaints of victims about the crimes pursued as private charge are subject to transfer only.

4. By transfer of the message or the statement for a crime on jurisdiction or jurisdiction subjects and the documents which have been found out at survey of a scene, district or a premise or presented by the organisations, officials or citizens, are transferred in an order provided by a part of fifth article 223 of the present Code.

Footnote. Changes are made to article 188 - Law РК from December, 9th, 2004 N 10.

**Article 189. Actions of body of criminal prosecution after criminal case excitation:**

1) the public prosecutor directs business to the inspector or body of inquiry for preliminary investigation or inquiry manufacture;

2) the inspector starts preliminary investigation manufacture;

3) the inquiry body on affairs on which preliminary investigation manufacture is obligatory, after performance of urgent investigatory actions directs business for preliminary investigation manufacture; on affairs about the crimes specified in article 285 of the present Code, makes inquiry.

**Article 190. Supervision of the public prosecutor of legality of excitation of criminal case**

Carrying out supervision of legality of excitation of criminal case, the public prosecutor has the right:

1) to cancel the decision of the investigator, body of inquiry or the inspector about excitation of criminal case and to refuse excitation of criminal case or to direct materials for manufacture of additional check;

2) to cancel the decision of the investigator, body of inquiry or the inspector about refusal in excitation of criminal case and to excite criminal case;

3) to cancel the decision of the investigator, body of inquiry or the inspector about excitation of criminal case and to stop criminal case if on it investigatory actions are already made.
Chapter 24. The general conditions of production of preliminary investigation

Article 191. Compulsion of preliminary investigation

1. Preliminary investigation is obligatory on all criminal cases, except for affairs about the crimes specified regarding first article 33 and article 285 of the present Code.

2. Preliminary investigation manufacture is obligatory on all criminal cases about the crimes made by minors or persons which owing to the physical or mental lacks cannot carry out the right to protection.

3. Preliminary investigation on criminal cases is made by inspectors of Committee of national safety, law-enforcement bodies and financial police.

4. Transfer of criminal cases on jurisdiction from one body to another is made according to the present Code.

Footnote. Changes are made to article 191 - Law PK from December, 21st, 2002 N 363.

1. On criminal cases about the crimes provided by articles 156-163, 165-174, 233, 233-1, 233-2, 233-3, 236, 238-240, 243, 244, 247-249, 255 (parts of the second, to the third and the fourth concerning plunder or extortion of weapons of mass destruction, and it is equal materials or the equipment which can be used at creation of weapons of mass destruction), 306, 318, 330 (a part of the second), 331 (a part of the second), 367 (parts of the third and the fifth), 368 (a part of the third), 369 (a part of the third), 372 (parts of the fifth and the sixth), 373 (a part of the third), 374 (a part of the third), 375, 376, 381 (a part of the third), 382 (a part of the second), 383-386 Criminal codes of Republic Kazakhstan, preliminary investigation are made by inspectors of Committee of national safety.


2. On criminal cases about the crimes provided by articles 96-103, 107 (a part of the second), 113, 114, 116 (parts of the third and the fourth), 117 (parts of the third and the fourth), 120-122, 125, 126 (parts of the second and the third), 127, 128 (parts of the second, the third and the fourth), 131, 132 (parts of the second and the third), 133, 138, 141 (a part of the second), 142 (a part of the second), 143, 145 (a part of the third), 146-153, 155, 175 (parts of the second and the third), 178 (parts of the second and the third), 179, 181 (parts of the second and the third), 183 (parts of the second and the third), 185 (parts of the second, the third and the fourth), 186 (a part of the second), 187 (parts of the second and the third), 229, 230 (a part of the second), 234, 237, 241, 242, 245, 246, 251 (parts of the second and the third), 252 (parts of the second and the third), 254 (a part of the second), 255 (parts of the first, the third and the fourth), 256 (a part of the second), 257 (parts of the second and the third), 259 (a part of the second), 260, 261 (parts of the second and the third), 263 (parts of the third and the fourth), 264 (a part of the second), 267-269, 271 (a part of the second), 275 (a part of the second), 275-1 (a part of the second), 277-286, 287 (a part of the second), 288 (a part of the second), 289, 292 (a part of the second), 294, 295, 298 (parts of the third and the fourth), 299 (parts of the second and the third), 300 (parts of the second and the third), 301, 302 (a part of the second), 303-305, 319, 320 (a part of the second), 321, 322, 327 (a part of the third), 335-338, 340, 358 (a part of the second), 361, 367 (a part of the fourth), 368 (a part of the second), 369 (a part of the second), 370 (a part of the third), 373 (a part of the second), 374 (a part of the second), 377 (a part of the second), 382 (a part of the first), 390
(parts of the second and the third), 391 (parts of the second and the third), 392, 393 Criminal codes of Republic Kazakhstan, preliminary investigation are made by inspectors of law-enforcement bodies.


3. On criminal cases about the crimes provided by articles 176 (point) of a part third), 189, 190 (a part of the second), 191-197, 199-205, 207, 209 (parts of the second and the third), 213, 214 (a part of the second), 215-220, 221 (a part of the second), 222 (a part of the second), 223 (a part of the second), 224, 225, 226 (a part of the second), 231, 232, 307 (a part of the first), 308 (a part of the first), 310, 311 (parts of the first and the second), 312-315 Criminal codes of Republic Kazakhstan, preliminary investigation are made by inspectors of bodies of financial police. On affairs about the crimes provided by articles 183 (parts of the second and the third), 229, the Republic Kazakhstan Criminal code, preliminary investigation can be made by inspectors of bodies of financial police if their investigation is directly connected with investigation of crimes, women under investigation to inspectors of bodies of financial police, and criminal case cannot be allocated in separate manufacture.


4. On criminal cases about the crimes provided by articles 176 (a part of the second, points), parts of the third), 177 (parts of the second and the third), 180, 182 (parts of the second and the third), 184, 184-1, 206, 228, 235, 309, 316, 339 (parts of the second and the third), 341, 343-357, 363-365 Criminal codes of Republic Kazakhstan, preliminary investigation it is made by law-enforcement body or the financial police, excited criminal case.

4-1. On criminal cases about the crimes provided by articles 164, 250 (parts of the second and the third), 259 (parts of the third and the fourth), 337-1, 347-1, 381 (a part of the second) the Republic Kazakhstan Criminal code, preliminary investigation is made by law-enforcement body or the national safety, excited criminal case.

4-2. On criminal cases about the crimes provided by articles 307 (parts of the second, the third and the fourth), 308 (parts of the second, the third and the fourth), 311 (parts of the third and the fourth) the Republic Kazakhstan Criminal code, preliminary investigation is made by body of national safety or financial police excited criminal case.

4-3. On criminal cases about the crimes provided by articles 227, 380 Criminal codes of Republic Kazakhstan, preliminary investigation are made by law-enforcement bodies, national safety or the financial police, excited criminal case.

5. (It is excluded - N 27 from 31.12.2004)

6. Having established that the given case to it not reasonable, the inspector is obliged to make urgent investigatory actions then to submit the case the public prosecutor for a direction on jurisdiction.

7. At connection in one proceedings on charge of one or several persons in fulfilment of crimes, women under investigation to different bodies of preliminary investigation, jurisdiction it is defined by the public prosecutor.
Footnote. Changes are made to article 192 - Laws PK from May, 5th, 2000 N 47; from March, 16th, 2001 N 163; from February, 19th, 2002 N 295; from December, 21st, 2002 N 363; from September, 25th, 2003 N 484; from December, 9th, 2004 N 10; from December, 31st, 2004 N 27; from July, 8th, 2005 N 67 (the introduction order in action see item 2); from November, 22nd, 2005 N 90 (the introduction order in action see Law item 2); from March, 2nd, 2006 N 131.

Article 193. The Point of production of the preliminary consequences

1. Preliminary investigation is made in that area (area) where the crime is committed.

2. With a view of speed and completeness preliminary investigation can be made in a place of detection of a crime, and also on the location of the suspect accused or the majority of witnesses.

3. In case of need manufactures of investigatory actions in other area (area) the inspector has the right to make them personally or to charge manufacture of these actions to the inspector or body of inquiry of this area (area). The inspector can charge manufacture of search actions or operatively-search actions to inquiry body in a place of preliminary investigation or in a place of their manufacture. The commission of the inspector is subject to performance in time not later than ten days.

Article 194. The beginning of manufacture preliminary consequences

1. Preliminary investigation is made only after decision removal about criminal case excitation.

2. The inspector is obliged to start immediately a consequence on raised by it or to the business transferred to it. About business acceptance to the manufacture the inspector takes out the decision. If criminal case is raised by the inspector and it is accepted it to the manufacture the uniform decision about excitation of criminal case and its acceptance to the manufacture is made. Specified above decisions the inspector not later than twenty four hours directs copies to the public prosecutor.

Article 195. The preliminary investigation termination

Preliminary investigation comes to an end with drawing up of the bill of particulars or the decision about a criminal case direction in court for application of forced measures of medical character or the decision about the criminal case termination.

Article 196. Preliminary investigation term

1. Preliminary investigation on criminal cases should be finished not later than in two-month term from the date of criminal case excitation.

2. In time preliminary investigation time from the date of excitation of business and about day of a direction to the public prosecutor of business with the bill of particulars or the decision about transfer of business to court for consideration of a question on application of forced measures of medical character or about day of removal of the decision about phase-out on business joins.
3. In time preliminary investigation time during which preliminary investigation has been suspended on the bases provided by the present Code, time of acquaintance of accused and its defender with criminal case materials, and also time of a finding of the criminal case which has been obtained on demand under the complaint accused, in court and Office of Public Prosecutor does not join.

4. The term of preliminary investigation established by a part of first present article, can be prolonged on reasonable decision of the inspector in view of:

Complexities of business by the public prosecutor regional and equal to it - about three months;

Special complexity of business - the prosecutor of the region and the public prosecutor equal to it and their assistants - about six months.

5. The further prolongation of term of preliminary investigation is supposed only in exceptional cases taking into account complexity of business and can be carried out the General Public prosecutor of Republic Kazakhstan, its assistants, the Main military public prosecutor.

6. About prolongation of term of preliminary investigation the inspector is obliged to present the decision to the public prosecutor of area, area and the public prosecutors equal to them not later than five days, to the General Public prosecutor, its assistants, the Main military public prosecutor - not later than ten days before the consequence expiry of the term.

7. At returning of business for manufacture of an additional consequence, and also at renewal of the suspended or stopped business the additional consequence can be made in time no more than one month from the moment of business receipt to the inspector. The further prolongation of term is made in accordance with general practice in an order provided by present article.

8. Manufacture terms on business on which the person who has made act forbidden by the criminal law is not established, are limited by bringing to criminal liability limitation periods.

**Article 197. Powers of the public prosecutor in a course preliminary investigation**

1. Carrying out criminal prosecution and supervision of legality at investigation of criminal cases, the public prosecutor:

1) have the right to participate in scene survey to appoint examinations, and also to carry out other actions necessary for the decision of a question on excitation of criminal case;

2) raises criminal case or refuses its excitation, gives written instructions on manufacture of investigatory actions, and also on familiarising with criminal case of materials of operatively-search activity;

3) transfers the criminal cases raised by it for preliminary investigation manufacture;

4) in the cases provided by the law authorises actions of the officials who are carrying out preliminary investigation;
5) participates by manufacture of separate investigatory actions;

6) brings representation for reception of the consent to bringing to criminal liability of the person possessing immunity from criminal prosecution;

7) betrays accused to court, directing to court the criminal case which has arrived from bodies of preliminary investigation, for consideration in essence;

8) receives for check from bodies of criminal prosecution criminal cases, documents, materials and other data on perfect crimes, a course of operatively-search activity, inquiry and a consequence;

9) checks legality observance at reception, registration, the permission of statements and messages on the perfect or preparing crimes;

10) cancels illegal decisions of the investigator and the inspector, and also chiefs of body of inquiry and investigatory department;

11) in cases of incompleteness of a consequence and inquiry, and also an establishment of the admitted infringements of legality during the investigation and inquiries returns criminal case on additional investigation or stops it in full volume or concerning concrete persons;

12) withdraws criminal case from body of inquiry and transfers to preliminary investigation body; in exceptional cases with a view of maintenance of completeness and objectivity of investigation under the written petition of body of preliminary investigation or under own initiative submits the case from one body of preliminary investigation to another, irrespective of established by the present Code jurisdiction;

13) considers complaints to actions and decisions of the investigator and the inspector, heads of bodies of inquiry and a consequence;

14) at detection of infringement of legality by manufacture of preliminary investigation, inquiry discharges the inspector, the investigator of the further investigation of criminal case;

15) in cases and an order, established by the present Code, prolongs terms of preliminary investigation and the arrest applied as a preventive punishment;

16) checks observance of the order established by the legislation and conditions of holding in custody of persons in which relation the preventive punishment selects arrest;

17) carries out other powers provided by the law.

2. Instructions of the public prosecutor to the inspector, the chief of investigatory department, inquiry body, the chief of body of inquiry and the investigator, the data in an order provided by the present Code, are obligatory, but can be appealed against to the higher public prosecutor. The appeal of the received
instructions to the higher public prosecutor does not stop their execution.

Footnote. Changes are made to article 197 - Law PK from March, 16th, 2001 N 163.

**Article 198. Preliminary investigation manufacture group of inspectors**

1. Preliminary investigation on criminal case, in case of its complexity or great volume, can be entrusted to group of inspectors (investigation team) about what it is underlined in the decision about excitation of criminal case or the separate decision is taken out. The chief of investigatory department has the right to accept the decision on it. In the decision all inspectors to whom investigation manufacture is entrusted, among them the inspector - the head of group should be specified. The suspect accused, the victim, the civil claimant, the civil respondent and their representatives should be acquainted with the decision about a legal investigation group of inspectors, and it explains the right to tap of the head of an investigation team, and also any inspector from group structure.

2. Inspectors of the several bodies which are carrying out preliminary investigation can enter into an investigation team. The decision on creation of such group can be accepted both under instructions of the public prosecutor, and at the initiative of chiefs of investigatory departments of these bodies. The decision is made out by the joint decision of chiefs of the investigatory departments, taken out with observance of the requirements specified regarding first present article.

3. The general public prosecutor of Republic Kazakhstan in exceptional cases, at an establishment of the facts of incompleteness and bias of investigation, complexity and the importance of business, can form an investigation team from among inspectors of the several bodies which are carrying out preliminary investigation, having appointed thus the public prosecutor the head of this group, having issued the given decision the decision. Supervision of legality of the consequence which are carried out by such investigation team, is assigned to the General public prosecutor of Republic Kazakhstan.

Footnote. Changes are made to article 198 - Law PK from March, 16th, 2001 N 163.

**Article 199. Powers of the head of an investigation team**

1. The head of an investigation team accepts criminal case to the manufacture, will organise investigation team work, supervises over actions of other inspectors.

2. Decisions on connection and allocation of affairs, the criminal case termination in whole or its part, stay or manufacture renewal on business, and also about excitation of petitions for prolongation of a term of investigation, application as a preventive punishment of arrest, house arrest and their prolongation are accepted only by the head of an investigation team.

3. The bill of particulars or the decision about a business direction in court for consideration of a question on application of forced measures of medical character are made and subscribe the head of an investigation team.

4. The head of an investigation team has the right to participate in the investigatory actions spent by other inspectors, personally to spend investigatory actions.
Article 200. Activity of bodies of inquiry on affairs, on which manufacture of the preliminary consequences it is obligatory

1. In the presence of crime signs on which preliminary investigation manufacture is obligatory, the inquiry body has the right to excite criminal case and to make urgent investigatory actions on an establishment and fastening of vestiges of the crime: survey, a search, dredging, survey, detention and interrogation of suspects, interrogation of victims and witnesses. The inquiry body immediately notifies the public prosecutor on the found out crime and excitation of criminal case.

2. On performance of urgent investigatory actions, but not later than five days from the date of business excitation, the inquiry body is obliged to submit the case the inspector, in writing having notified on it the public prosecutor within twenty four hours.

3. After transfer has put to the inspector inquiry body can make on it investigatory actions and operatively-search actions only on the instructions of the inspector. In case of transfer to the inspector of business on which it was not presented possible to find out the person who has committed a crime, the inquiry body is obliged to take search measures for an establishment of the person who have committed a crime, with the notice of the inspector on results.

Article 201. The general rules of manufacture of the investigatory actions

1. The inspector, getting to take part in investigatory actions of the persons provided by the law, makes sure of their person, explains them the rights and duties, and also an order of manufacture of investigatory action.

2. Manufacture of investigatory action is not supposed at night, except for cases, being urgent.

3. By manufacture of investigatory actions means can be applied and be used scientifically well-founded ways of detection, fixing and withdrawal of vestiges of the crime and material evidences.

4. By manufacture of investigatory actions application of violence, threats and other illegal measures is inadmissible, and creation of danger to a life and health of persons participating in them is equal.

5. The inspector has the right to get to take part in investigatory actions of the worker of body of inquiry.

Article 202. The decisions which are taken out in a course preliminary investigation

In the course of preliminary investigation at acceptance according to the present Code of any remedial decision the inspector takes out the decision in which the place and time of its drawing up, a surname and a post of the inspector, a being and the bases of the made decision, article of the present Code on which basis the decision is taken out are specified. The decision subscribes the inspector.
Article 203. The report of investigatory action

1. The report of investigatory action is made during manufacture of investigatory action or is direct after its termination.

2. The report can be handwritten, made in the typewritten or computer way. To maintenance of completeness of the report can be applied short handing, filming, sound and videorecording. The stenograph, materials sound and videorecordings are stored at business.

3. In the report are specified: a place and date of manufacture of investigatory action; time of its beginning and the termination to within a minute; a post and a surname of the inspector; a surname, a name, a patronymic of each person participating in investigatory action, and in necessary cases and its address. In the report remedial actions in that order in what they took place, the essential circumstances revealed by their manufacture to business, and also the statement of the persons participating in manufacture of investigatory action are stated.

4. If by manufacture of investigatory action photographing, filming were applied, sound and videorecording or moulds and prints of traces have been made, drawings, schemes, plans in the report the scientific and technical means applied by its manufacture, conditions and an order of their use, objects to which these means have been applied, and the received results should be specified also were made. In the report should be, besides, it is noticed that before application of scientific and technical means the persons participating in manufacture of investigatory action have been notified on it.

5. The report is shown for acquaintance to all persons participating in manufacture of investigatory action. It explains the right to do the remarks which are subject to entering into the report. All remarks entered in the minutes, additions, corrections should be stipulated and certified signatures of these persons.

6. The report subscribes the inspector interrogated by the person, the translator, the expert, the understood and all other persons participating in manufacture of investigatory action. In default from signing or impossibility of signing of the report of investigatory action, the certificate of the given fact is made according to parts of eighth and tenth article 126 of the present Code.

7. Photographic negatives and pictures, films, slides, soundtracks, videorecording cartridges, drawings, plans, schemes, moulds and the prints of traces executed by manufacture of investigatory action are applied on the report.

8. If during manufacture of investigatory action by results of research of the expert it had been made the official document, this document is applied on the report, on what in the report corresponding entry is made.

9. In the presence of the bases to believe that it is necessary to provide safety of the victim, its representative, the witness and their relatives, the inspector has the right in the report of investigatory action in which the specified persons participate, not to cite the data about their person. In this case the inspector is obliged to take out the decision in which the reasons of the made decision on preservation as fiduciary the data about the person are stated, the pseudonym is underlined and the sample of the signature which it will use in reports of investigatory actions with its participation is resulted. The decision is located in the sealed up envelope which is stored further in the body investigating criminal case and with which contents, except the inspector, can familiarise the public prosecutor and court.
Footnote. Changes are made to article 203 - Law PK from March, 16th, 2001 N 163.

**Article 204. Representation on elimination of circumstances, promoting commission of crime, and other infringements of the law**

1. Having established by manufacture on criminal case the circumstances promoting commission of crime, the inspector has the right to bring in corresponding state structures, the organisations or to the persons executing in them administrative functions, representation about acceptance of measures on elimination of these circumstances or other infringements of the law.

2. Representations are subject to consideration with the obligatory notice on the accepted measures in a month.

**Article 205. Inadmissibility of disclosure of the data of preliminary investigation and inquiry**

1. The preliminary investigation data is not subject to disclosure. They can be given publicity only with the permission of the inspector, the investigator, the public prosecutor in that volume in what they will recognise it possible if it does not contradict interests of investigation and is not connected with infringement of the rights and legitimate interests of other persons.

2. The inspector warns the defender, witnesses, the victim, the civil claimant, the civil respondent or their representatives, the expert, the expert, the translator, the understood and other persons who are present by manufacture of investigatory actions, about inadmissibility of disclosure without its permission of data available in business about what from the specified persons the subscription with the prevention of responsibility is selected.

**Chapter 25. Attraction as the accused**

**Article 206. Attraction as the accused**

1. In the presence of the sufficient proofs giving the grounds for a presentation of charge in commission of crime, the inspector takes out reasonable decision about attraction of the person as the accused.

2. The inspector informs a presentation of charge accused about a bottom and simultaneously explains it the right to invite the defender or to ask the inspector about maintenance of participation of the defender.

3. On affairs on which according to rules of the present Code participation of the defender at a charge presentation is obligatory, the inspector takes measures on maintenance of its appearance if the defender is not invited by accused, its lawful representative or other persons under its commission or from its consent.

**Article 207. The decision about attraction in quality of the accused**

1. In the decision about attraction as the accused should be specified:
1) time and a place of its drawing up; who makes the decision; a surname, a name and a patronymic of the person involved as accused, number, month, year and a place of its birth;

2) the description incriminated accused crimes with instructions of time, a place of its fulfilment, and also other circumstances which are subject of substantiation according to article 117 of the present Code;

3) the criminal law (article, a part, point), providing responsibility for the given crime.

2. At charge in several crimes in the decision about attraction as the accused should be specified, what concrete actions are made accused, on each of articles (a part, to point) the criminal law.

3. The decision should contain the decision on attraction of the person as accused on investigated business.

4. The decision copy about attraction as accused within twenty four hours after its removal goes to the public prosecutor.

Article 208. Compulsion of an appearance of the accused

1. Accused, at large, it is caused on interrogation by the written notice-summons. The notice can be transferred also the telephone message or the telegramme.

2. In the summons should be specified, who is caused as accused, where and to whom, day and hour of an appearance, and also an absence consequence.

3. The summons is handed over accused on receipt, and in case of its time absence for transfer to the accused is handed over to a full age member of a family or transferred in the housing-operational organisation or administration on a residence or in administration in a place of work which are obliged to transfer the summons to the accused caused on interrogation. Accused can be caused with use and other communication facility. In cases of a finding accused out of limits of Republic Kazakhstan and its evasion from an appearance in investigation agencies bodies the preliminary investigation body has the right to publish the notice in republican mass media, and also in popular telecommunication networks, and in a case when its site is known, in mass media on a site accused.

4. Accused, at large, is obliged to be on a call of the inspector in the appointed term.

5. Good reasons of absence of the inspector accused on a call admit:

1) the illness depriving accused possibility to be;

2) death of near relations;

3) acts of nature;
4) non receipt of the summons (notice);

5) other circumstances depriving accused possibility to be in appointed term.

6. On the absence reasons in the appointed term accused is obliged to notify the inspector.

7. In absence cases without valid excuse accused can be delivered a drive.

8. Accused, in custody, it is caused through jail administration.

Footnote. Changes are made to article 208 - Law PK from March, 16th, 2001 N 163.

**Article 209. A charge presentation**

1. Charge is shown in the presence of the defender if participation of the defender necessarily under the law or on it petitioned accused, and not later than three days from the moment of decision removal for attraction of the person as the accused. In case of absence of accused or its defender charge can be shown and after three days.

2. Accused, delivered by a drive, charge is shown in day of a drive. Thus the inspector should take measures to maintenance of participation of the defender at a charge presentation when participation of the defender necessarily under the law.

3. The inspector, having made sure of the person accused and in the commission of the defender to conduct protection, declares to accused and its defender the decision attraction as accused.

4. The inspector is obliged to explain accused essence of the brought accusations.

5. Performance of the actions specified in parts of third and fourth present article, makes sure signatures accused, the defender and the inspector on the decision about attraction as accused with instructions of date and hour of a presentation of charge.

6. In default accused from the signature the inspector and the defender if he participated at a charge presentation, certify on the decision about attraction as accused that the decision text accused is declared.

7. Accused the decision copy about its attraction as the accused is handed over.

8. In case of a finding accused out of limits of Republic Kazakhstan and its evasion from an appearance in bodies of preliminary investigation the inspector, and in case of an appearance of the defender - and the defender certify on the decision about attraction as accused that charge cannot be declared accused in connection with its finding out of limits of Republic Kazakhstan and evasion from an appearance in preliminary investigation bodies.
If the site of preliminary investigation accused to body is known, the decision copy about attraction as accused goes to it with use of a communication facility, including by mail. In case of need the preliminary investigation body has the right to organise the publication of the message on attraction as accused of republican mass media, in mass media on a site accused, and also in popular telecommunication networks.

Footnote. Changes are made to article 209 - Law PK from March, 16th, 2001 N 163.

**Article 210. Change and charge addition. The termination of criminal prosecution in charge parts**

1. If by preliminary investigation manufacture there will be bases for change of the brought accusations or for its addition, the inspector is obliged with observance of requirements of article 207 of the present Code to make the new decision about attraction as accused and to show its accused of an order established by articles 208-209 of the present Code.

2. If during preliminary investigation the brought accusation in any part has not found acknowledgement, the inspector the decision stops criminal prosecution in this part on what notifies accused and other participants of process with delivery of a copy of the made decision.

**Chapter 26. Interrogation and a confrontation**

**Article 211. A call order on interrogation**

1. The witness who has suffered, and also the at large suspect, accused are caused on interrogation by the summons which is handed over on receipt to them, and in case of their absence - to somebody from full age members of a family, neighbours, representatives of a local executive office or through administration of their place of work or study. Interrogated can be caused and with use of other communication facility.

2. In the summons it is underlined, who and in what quality is caused, to whom and to what address, time of an appearance for interrogation (day, hour), and also absence consequences without valid excuse.

3. The call of the person who have not reached majority, is made through his parents or other lawful representatives.

4. Suspected and accused, held in custody, are caused on interrogation through administration of a place of holding in custody.

**Article 212. A place and interrogation time**

1. Interrogation is made in a place of carrying out of preliminary investigation. The inspector has the right, if recognises it necessary, to make interrogation in the location of the interrogated.

2. Interrogation is made in the afternoon, except cases, being urgent.

3. Interrogation cannot proceed continuously more than four hours. Interrogation continuation is supposed
after a break not less than at one o'clock for rest and food acceptance, and the general duration of interrogation during the day should not exceed eight hours. In case of medical indications, duration of interrogation is established on the basis of the written conclusion of the doctor.

Article 213. The general rules of manufacture of interrogation

1. Before interrogation the inspector should make sure about the person of the interrogated. If there are doubts, whether knows interrogated by language on which manufacture on business is conducted, is found out, in what language he wishes to give evidences.

2. To the person caused on interrogation, it is informed as whom, on what criminal case it will be interrogated, the rights and the duties provided by the present Code about what the mark in the report becomes are explained.

3. Interrogation begins with offer to tell about circumstances of business known to the interrogated person. If the interrogated speaks about circumstances, obviously irrelevant, to it should be specified in it.

4. Upon termination of the free story the questions directed on specification and addition of indications can be asked to the interrogated. To set leading questions it is forbidden.

5. If indications are connected with figures or other data which are difficult for keeping in the memory, interrogated have the right to use documents and records which under the petition or with the consent of the interrogated person can be attached to the report.

6. During interrogation the inspector can show interrogated material evidences and documents, and upon termination of the free story to announce the indications which are available in materials of criminal case, to reproduce sound and videorecording or filming materials.

7. Interrogation of the mute or deaf witness who has suffered, the suspect, accused is carried out with participation of the person which understands its signs and is able to express with it signs. Participation of this person in interrogation is reflected in the report.

8. At presence at interrogated mental or other heavy disease, its interrogation is carried out with the permission of the doctor and at its presence.

9. In cases when there is a necessity for specification or addition before the given indications on circumstances of investigated cases, repeated (additional) interrogations can be made.

Article 214. Interrogation of the witness and the victim

1. The witnesses who have suffered, caused on one business, are interrogated separately from other witnesses and victims. The inspector takes measures to that the witnesses who have suffered, caused on one business, could not communicate among themselves prior to the beginning of interrogation.

2. Before interrogation the inspector finds out the relation of the witness who has suffered to accused or the
suspect, explains them procedural rights and duties, warns about the criminal liability for refusal of evidence. Thus the inspector is obliged to explain that the witness, suffered has the right to refuse the evidence, crimes convicting of fulfilment him, the spouse (spouse), near relations, and the cleric also - against trusted in it (it) on a confession. The witness who has suffered, not taken advantage of this right, are warned about the criminal liability for a summer residence obviously false testimonies.

3. In the rest interrogation of the witness and the victim is made by rules of article 213 of the present Code.

**Article 215. Features of interrogation of the minor of the witness or the victim**

1. For participation in interrogation of the witness or the victim about fourteen years are elderly, and at the discretion of the inspector and for participation in interrogation of the witness or the victim at the age from fourteen till eighteen years the teacher is caused. At interrogation of the minor witness or the victim its lawful representatives have the right to be present.

2. Witnesses and victims are elderly till sixteen years are not warned about responsibility for refusal of evidence and for a summer residence obviously false testimonies. At an explanation it is underlined such witnesses and victims of procedural rights and duties necessity to speak to them only the truth. The minor to the witness and the victim explains the right of refusal of the evidence, convicting of their commission of crime or near relations.

3. To the persons present at interrogation specified regarding first present article, the right to do subject to entering in the report of the remark on infringement of the rights and legitimate interests interrogated is explained, and also with the permission of the inspector to ask questions to the interrogated. The inspector has the right to take away a question, but should enter it in the minutes and specify the tap reason.

**Article 216. Interrogation of the suspect**

1. Interrogation of the suspect is made within twenty four hours from the moment of its detention as article 134 of the present Code or the announcement to it of the decision about preventive punishment application.

2. If the suspect has been detained or detained, he has the right to state the indications with the assistance of the defender. At impossibility immediately to provide participation of the defender the inspector is obliged to provide its participation not later than twenty four hours after detention of the suspect or its capture under guards.

3. Before the beginning of interrogation the inspector informs the suspect a suspicion being, and also explains it the rights, including the right to refuse evidence.

4. Interrogation begins with offer suspected to give evidences concerning suspicion and all other circumstances which, in its opinion, can matter for business.

5. In the rest interrogation of the suspect is made by the rules provided by the present Code for interrogation accused.

Footnote. Changes are made to article 216 - Law PK from March, 16th, 2001 N 163.
Article 217. Interrogation of the accused

1. Accused the inspector is obliged to spend interrogation not later than twenty four hours after a charge presentation, and in case of evasion accused from an appearance or the announcement of its search immediately after its drive or detention.

2. Before the beginning of interrogation the inspector explains accused its right to refuse evidence and informs that told by the accused can be used against it. In default accused from evidence, about it the mark in the report of its interrogation becomes.

3. Accused, caused on the same business, are interrogated separately, and the inspector takes measures that they could not communicate among themselves.

4. Participation of the defender necessarily in the cases provided by article 71 of the present Code.

5. In the beginning of interrogation the inspector, having explained accused essence of the accusations brought to its, finds out, whether recognises he itself(himself) guilty in full or in part or denies the fault in the charge shown to it. In case the accused does not give the answer, it is considered that he of guilty did not recognise.

6. Having found out the relation accused to the shown charge, the inspector suggests it to give evidences concerning the brought accusations and other circumstances which can matter for business.

7. In the rest interrogation of the accused is spent by rules of article 213 of the present Code.

Article 218. The interrogation report

1. The course and results of interrogation are reflected in the report made with observance of requirements of article 203 of the present Code. Indications register from the first person and whenever possible literally. Questions and answers to them register in that sequence which took place at interrogation. In the report should find reflexion and those questions of persons participating in interrogation which have been taken away by the inspector or which has refused to answer interrogated, with instructions of motives of tap or refusal.

2. In the report of the first interrogation the data about the person interrogated is specified, including: a surname, a name, a patronymic, time and the birthplace, citizenship, a nationality, formation; marital status, a work place, an occupation or a post, a residence, together with other data which will appear necessary based on the circumstances of a matter. In the report of the suspect, accused presence or absence of a former previous conviction is underlined. In reports of the subsequent interrogations about the person interrogated if they have not changed, it is possible to limit the data to instructions of its surname, a name and a patronymic.

3. The presentation of material evidences and documents, announcement of reports and reproduction sound and videorecordings, filmings of investigatory actions, and also given in this connection interrogated indications are subject to obligatory reflexion in the report.
4. Interrogated during investigatory action schemes can be made, drawings, drawings, diagrammes which join the report, on what in it the mark becomes.

5. After the free story interrogated have the right to state the indications with own hand. After an autographic statement of indications and their signing interrogated the inspector can ask supplementing and specifying questions.

6. Upon termination of interrogation the report is shown for perusal interrogated or disclosed under its request. Requirements interrogated to make to the addition and specification report are subject to obligatory execution.

7. The fact of acquaintance with indications and correctness of their record make sure interrogated by the signature in the end of the report. Interrogated each page of the report subscribes also. In default interrogated to sign the report, the inspector finds out causes of a failure, enters them in the minutes and assures the report the signature.

8. If interrogated owing to a physical defect or other reasons it is deprived possibility personally to sign the report, under its request the report is signed by the defender, the representative or other person to whom the interrogated trusts about what the mark in the report becomes.

9. If the translator he also signs each page and the report as a whole participated in interrogation. It transfer of autographic indications of the interrogated subscribes also.

10. In the report all persons who have taken part in interrogation are specified. Each of them should sign the report.

**Article 219. Application sound and videorecordings at interrogation**

1. Under the decision of the inspector, and also at the desire of accused, the suspect, the witness or the victim at interrogation can be applied sound and videorecording.

2. The inspector makes the decision about sound and videorecordings and notifies on it interrogated prior to the beginning of interrogation.

3. Sound and videorecording should reflect all course of interrogation and to contain completely indications of interrogated persons. Sound and videorecording of a part of interrogation, and also repetition specially for record of the indications given during the same interrogation, are not supposed.

4. Upon termination of interrogation sound and videorecording completely is reproduced to the interrogated. Additions to sound and the videorecordings of indications made interrogated, also are brought on a soundtrack and the visible record. Sound and videorecording comes to an end with the statement interrogated, certifying its correctness.

5. The indications received during interrogation with application sound and videorecordings, are entered in the minutes interrogation. The interrogation report should contain also: a mark about application sound both videorecording and the notice on it interrogated; data on means, conditions sound both videorecording and
the facts of its stay, the reason and duration of a stop; the statement interrogated concerning application sound and videorecordings; a mark about reproduction sound and videorecordings interrogated; the certificate of correctness of the report and sound both videorecordings interrogated and the inspector. The soundtrack and the visible record are stored at business and upon termination of preliminary investigation are sealed up.

6. In case of reproduction sound and videorecordings of indications by manufacture of other investigatory action, the inspector is obliged to specify about it in the report of corresponding investigatory action.

Article 220. The Confrontation

1. The inspector spends a confrontation between two earlier interrogated persons if in their indications there are essential contradictions, for finding-out of the reasons of these contradictions.

2. On a confrontation in the cases provided by the present Code, there can be a defender, the teacher, the doctor, the translator and the lawful representative of the interrogated.

3. In the confrontation beginning it is specified, whether know persons between whom the confrontation is spent, each other and in what relations they consist among themselves. The witness and the victim are warned about the criminal liability for refusal of evidence, evasion from evidence and a summer residence obviously false testimonies, and also it explains the right not to testify against itself, the spouse (spouse) and the near relations, and clerics also - against trusted in them on a confession.

4. The persons caused on a confrontation serially are offered to give the evidence about those circumstances of business for which finding-out the confrontation is made. After that the inspector asks questions. The persons caused on a confrontation, with the permission of the inspector can ask questions each other.

5. At carrying out of a confrontation the inspector has the right to show the filed material evidences and documents.

6. Announcement of indications which were given by participants of a confrontation on the previous interrogations, is authorised after a summer residence them of indications on a confrontation and their entering in the report.

7. The course and results of a confrontation are reflected in the report made by rules, provided by article 203 of the present Code.

8. The inspector acquaints participants of a confrontation with the report maintenance. The interrogated persons have the right to demand entering of amendments and additions into the report. The confrontation report subscribes the inspector and the interrogated persons. Each interrogated person signs the indications and each page of the report.

Chapter 27. Survey, exhumation and survey

Article 221. Survey
1. For the purpose of revealing of vestiges of the crime, other material objects, and also an establishment of the circumstances important for business, the inspector, and at its absence the investigator or the senior from employees of body of inquiry where the statement or the message on a crime has arrived, examines district, premises, subjects, documents, live persons, corpses, animal. Instructions of the person who is carrying out survey, are obligatory for all participants of this investigatory action.

2. In cases when the decision on criminal case excitation is impossible without survey carrying out, it can be made before criminal case excitation.

**Article 222. The general rules of manufacture of survey**

1. Survey, as a rule, is made urgently when in it there was a necessity.

2. The inspector, having received the statement or the message on the perfect crime which investigation demands survey, is obliged to arrive immediately to a place of event and to examine.

3. In case of impossibility of timely arrival of the inspector, the investigator or the senior from employees of body of inquiry where the statement or the message has arrived is obliged to make survey.

4. Employees of bodies of inquiry are obliged to assist by manufacture of survey and on the instructions of the inspector to carry out necessary actions for scene protection, revealing of eyewitnesses, detection and detention of the persons who have committed a crime, evacuations of victims, to transportation of victims, suppression proceeding and to the prevention of repeated crimes and liquidation of other consequences of incident.

5. Survey is made with participation of the understood. In exceptional cases (in remote district, in the absence of appropriate intermedia or when owing to other objective reasons there is no possibility for attraction of citizens as understood, and also in cases if survey carrying out is connected with danger to a life and health of people) survey can be made without participation understood, but with application thus, as a rule, means of fixing of its course and results.

6. If necessary survey is spent with participation of the suspect accused, the victim, the witness, and also the expert.

7. Survey of the found out traces and other material objects is carried out on a point of production of investigatory action. If for survey long time or survey for a detection place is required is considerably complicated, objects should be withdrawn, packed, sealed up and without damages are delivered in another, convenient for survey, a place.

8. All found out and withdrawn at survey should be shown understood, other participants of survey about what the mark in the report becomes.

9. Those objects which can concern business are subject to withdrawal only. The withdrawn objects are packed, sealed up and assured by signatures of the inspector and understood.
10. The persons participating in survey, have the right to pay attention of the inspector to everything that, in their opinion, can promote finding-out of circumstances of business.

11. In necessary cases at survey measurements are made, plans and schemes of examined objects, and also photographing and imprinting are made by other means about what the mark in the report which the specified materials join becomes.

12. Premises survey is made only with the consent of full age persons living in it or from the sanction of the public prosecutor. If persons living in it are minor either obviously suffering mental or other heavy diseases or object to survey, the inspector takes out the decision about compulsory survey which should be authorised the public prosecutor. In default in a summer residence of the sanction survey is not made by the public prosecutor.

13. If the premises are a scene and its survey does not suffer delay premises survey can be made under the decision of the inspector, but with the subsequent notice of the public prosecutor in daily term about the made survey for check of its legality. Having received the specified notice, the public prosecutor checks legality of the made survey and takes out the decision about its legality or illegality. In case the decision on illegality of the made survey is accepted, the given action cannot be admitted as the proof on business.

14. At premises survey presence of the full age person living in it should be provided. In case of impossibility of its presence representatives of a local executive office are invited.

15. Survey in premises and in territory of the organisations is made in the presence of representatives of their administration.

16. Survey in the premises occupied with diplomatic representatives, and it is equal in premises in which members of diplomatic representatives and their family live, it can be made only under the request or with the consent of the head of diplomatic representatives or the person, its replacing, and at its presence. The consent of the diplomatic representative is asked through the Republic Kazakhstan Ministry for Foreign Affairs. By survey manufacture necessarily presence of the public prosecutor and the representative of the Ministry for Foreign Affairs of Republic Kazakhstan.

17. If for any reasons at the first survey object details have not been investigated, their additional survey can be made.

18. Repeated survey of the same object can be spent:

1) when conditions of initial survey were adverse for effective perception of object;

2) when after initial survey new data can be received;

3) in case initial survey is spent poor.

**Article 223. Survey and storage of the material proofs**
1. The subjects which have been found out at survey of a scene, district or the premises withdrawn by manufacture of a search, dredging, investigatory experiment either other investigatory actions or presented on request of the inspector the organisations and citizens, are subject to survey by rules of article 222 of the present Code. After survey the specified subjects can be recognised according to rules of article 121 of the present Code material evidences.

2. About a recognition of a subject a material evidence and its familiarising with business the inspector takes out the decision. In the same decision the question about оставлении a material evidence should be dealt with at business or its delivery on storage to the owner either other persons or the organisations.

3. If subjects owing to their bulkiness or other reasons cannot be stored at criminal case, they should be embodied means photographic or video shootings, are whenever possible sealed up and to be stored in a place specified by the inspector. The sample of a material evidence can be attached to business. About the material evidence location in business there should be a corresponding inquiry.

4. The material evidences which are exposed to fast damage if cannot be returned the owner, surrender in the corresponding organisations for use to destination or for realisation with entering of the received sums on the deposit of the body conducting criminal trial. The material evidences, which storage demands considerable material inputs if cannot be returned the owner, from its consent are realised in an order established by the legislation, with entering of the received sums on the deposit of the body conducting criminal trial. In the presence of the bases the used or realised material evidences are compensated to the owner by subjects of the same sort and quality or their cost is paid to the last.

5. By transfer has put body of inquiry to the inspector or from one body of inquiry to other body of inquiry, or from one inspector to another, and it is equal at a direction has put to the public prosecutor and in court material evidences are forwarded according to the established order, except for the cases provided by parts of third and fourth present article. Material evidences are transferred in the packed and sealed up kind with the appendix to them to the inventory containing instructions on signs individualising them.

6. At the criminal case termination in a stage of investigation the question on material evidences dares by rules of a part of third article 121 of the present Code.

Footnote. Changes are made to article 223 - Laws РК from May, 5th, 2000 N 47; from July, 11th, 2001 N 238.

**Article 224. Survey of a corpse of the person**

1. External examination of a corpse of the person on a place of its detection is made with observance of the general rules of survey and with obligatory participation of the doctor-expert in the field of forensic medicine, and at impossibility of its participation - other doctor. For survey of a corpse other experts can be involved also.

2. In case of additional or repeated survey of a corpse participation of the doctor-expert in the field of forensic medicine necessarily.

3. The neolearnt corpse is subject to obligatory photographing and fingerprinting.
4. External examination of a corpse does not replace and does not exclude the subsequent carrying out of a forensic medical examination.

5. Statements of citizens for an identification died, made in the course of survey of a corpse, are entered in the minutes the given investigatory action with the subsequent interrogation of the applicant as the witness that does not exclude the further presentation of a corpse for an identification to other persons.

**Article 225. Exhumation**

1. Extraction of a corpse of the person from a place burial places (exhumation) is made, if it is required:

   1) to examine a corpse, including additional or repeated;

   2) to show for an identification;

   3) to make examination.

2. Exhumation is spent on reasonable decision of the inspector authorised by the public prosecutor.

3. The decision about exhumation is obligatory for administration of a place of a burial place and relatives died.

4. Exhumation is made with obligatory participation of the expert in the field of forensic medicine.

5. The identification and survey of a corpse, reception of samples can be made for expert research on an exhumation place. In this case the data received from carrying out of investigatory actions, and their sequence are brought in the general report of exhumation of a corpse.

6. If the investigatory actions specified regarding fifth present article, were spent in other place, about it the separate report is made.

7. After exhumation the corpse can be delivered in medical institution for carrying out of other researches.

8. The burial place of a corpse after exhumation and the subsequent remedial actions is made by administration of a place of a burial place in the presence of the person or body under which decision the corpse was exhumed.

9. Inquiry bodies are obliged to assist the inspector in exhumation carrying out.

**Article 226. Survey**

1. For detection on a body of the person of special signs, vestiges of the crime, signs of a tresspass to health,
revealings of a drunken state or other properties and the signs important for business if examination manufacture for this purpose is not required, survey of the suspect accused, the victim and the witness can be made.

2. About carrying out of survey the inspector takes out the decision, obligatory for the suspect accused. Compulsory survey of the victim, the witness is made from the sanction of the public prosecutor.

3. Survey is made by the inspector with participation of the doctor or other expert, and at impossibility of their participation - in the presence of understood. When this investigatory action is accompanied by an exposure освидетельствуемого persons, survey is made in the presence of understood the same floor.

4. The inspector is not present at survey of the person of other floor if survey is accompanied by an exposure of a body of the person. In this case survey is made by the expert in the field of forensic medicine or the doctor in the presence of the understood.

**Article 227. The report of survey, exhumations**

1. About manufacture of survey, survey, exhumation the inspector makes the report with observance of requirements of article 203 of the present Code.

2. In the report all actions of the inspector are described, and all found out at survey, survey is equal, to exhumation in that sequence in what the specified investigatory actions, and in that kind in what found out it was observed at the moment of survey, survey, exhumation were made. In the report all objects withdrawn at survey, survey, exhumation are listed and described.

3. In the report, besides, should be specified: during what time, at what weather and what illumination it was examined, survey, exhumation; what means have been applied also what results are received; who has been involved in manufacture of the specified investigatory actions and in what this participation was expressed; what objects are sealed up also by what press; where are directed after survey a corpse or the subjects important for business.

**Chapter 28. An identification**

**Article 228. A presentation for an identification**

1. For the purpose of identification or distinction with earlier observed person or object the inspector can show for an identification the person or a subject to the witness who has suffered, suspected or accused. For an identification can be shown and a corpse.

2. Identifying preliminary are interrogated about circumstances at which they observed the corresponding person or a subject, about signs and features on which they can make an identification.

**Article 229. An order of a presentation for an identification**

1. The person who is subject to an identification, is shown identifying together with other persons of the
same floor who do not have sharp differences in appearance and clothes. Total number of the persons shown for an identification, should be not less than three. This rule does not extend on an identification of a corpse.

2. Participation in investigatory action of other persons among which settles down identified, is possible only at their voluntary consent and a condition that identifying with them obviously is not familiar.

3. As a rule, the corpse is shown in a singular. On affairs about accidents and to another matters with considerable number of victims, the presentation can be made for an identification of a corpse in total number of victims. In necessary cases, under instructions of the inspector, before display of a corpse identifying the expert makes making-up ("toilet") of a corpse. The instructions of the inspector on maintenance of safety of a corpse in a place of its finding are obligatory for execution in time necessary for carrying out of a presentation for an identification.

4. If the witness or the victim is identifying, it before an identification is warned about the criminal liability for refusal of evidence, for a summer residence obviously false testimonies, the right not to testify against itself, the spouse (spouse) and the near relations, and to the cleric also - against trusted in it on a confession is explained to it.

5. Before the beginning of carrying out of an identification the inspector suggests identified to take any place between other persons that is marked in the report.

6. At impossibility of a presentation of the person the identification can be made on its photograph shown simultaneously with photographs of other persons, whenever possible similar on appearance with identified, in number of not less than three, and also on sound and videorecordings.

7. The subject is shown in group of homogeneous subjects in number of not less than three. At a subject identification for which it is impossible or to pick up inconveniently similar objects, the identification is made on a unique shown copy.

8. Identifying it is offered to specify the person or a subject about which it has given evidences. Leading questions are not supposed.

9. If the identifying has specified in one of the persons shown to it or one of subjects, it is offered to explain, on what signs or features it has learnt the given person or a subject.

10. The presentation is made for an identification in the presence of the understood.

11. With a view of safety identifying, and also at an identification on features of a voice, speech, gait, the presentation of the person can be made for an identification in the conditions excluding visual supervision identified identifying. In these conditions the understood are in the location of the identifying. Identifying and understood possibility of sufficient visual supervision of the persons shown for an identification should be provided.

12. The repeated identification of the person by the same identifying on the same signs cannot be made.

13. About a presentation for an identification the report with observance of requirements of article 203 of the
present Code is made. In the report conditions are specified, the course, results of an identification and whenever possible are literally stated explanations identifying. If the presentation of the person for an identification was spent in the conditions excluding visual supervision identified identifying, it also it is marked in the report.

Chapter 29. A search and dredging

Article 230. A search

1. The search is made for the purpose of detection and withdrawal of subjects or the documents important for business.

2. The basis for search manufacture is presence sufficient given to believe that the specified subjects or documents can be in a certain premise or other place, or at the concrete person.

3. The search can be made and for detection of searched persons and corpses.

Article 231. Dredging

Dredging is made for the purpose of withdrawal of certain subjects and the documents important for business and if it is precisely known, where and at whom they are.

Article 232. An order of manufacture of a search and dredging

1. The search and dredging are made by the inspector on reasonable decision. The decision about search manufacture, and also about the seizure of documents, containing state or others secret protected by the law, should be authorised the public prosecutor or its assistant.

2. Dredging in premises against the will of persons living in it is made by rules of parts of twelfth and thirteenth article 222 of the present Code.

3. In exceptional cases, when there is a real fear that the object searched and subject to withdrawal can because of delay with its detection be lost, damaged or used in criminal intents or the searched person can disappear, the search can be made without the sanction of the public prosecutor, but with the subsequent direction to it within twenty four hours of the message on the made search. Having received the specified notice, the public prosecutor checks legality of the made search and takes out the decision about its legality or illegality. In case the decision on illegality of the made search is accepted, the given action cannot be admitted as the proof on business.

4. The search and dredging are made with participation understood, and in necessary cases - with participation of the expert and the translator.

5. The search or dredging in premises, premises of the organisations is made in the presence of the persons specified in parts of fourteenth and fifteenth article 222 of the present Code.
6. The search and dredging in the premises occupied with diplomatic representatives, and also in premises in which members of diplomatic representatives and their family live, are made with observance of the requirements established by a part of sixteenth article 222 of the present Code.

7. Prior to the beginning of manufacture of a search or dredging the inspector is obliged to show the decision about their manufacture.

8. Starting a search, the inspector suggests to give out subjects voluntary subject to withdrawal and the documents, able to matter for business. If they are given out voluntary and there are no bases to be afraid of concealment of subjects subject to withdrawal and documents, the inspector has the right not to make the further searches.

9. By search manufacture closed premises and storehouses if the owner refuses to open them voluntary can be opened. Thus damages of locks of doors not caused by necessity and other subjects should not be supposed.

10. By manufacture of dredging the inspector suggests to give out subjects and the documents which are subject to withdrawal, and in default in it makes dredging compulsorily.

11. The inspector is obliged to take measures to that have not been announced revealed at a search and dredging of circumstance of a private life of the person occupying the given premise, or other persons.

12. The inspector has the right to forbid the persons who are in a premise or a place where the search or dredging is made, and to the persons coming to this premise or a place, to leave it, and also to communicate with each other or other persons before the search or dredging termination.

13. By manufacture of a search and dredging the inspector should be limited to withdrawal of subjects and the documents, able to concern business. Subjects and the documents forbidden to the reference, are subject to withdrawal, irrespective of their relation to business.

14. Withdrawn subjects and documents are shown to understood and other present persons, packed and sealed up on a search or dredging place, and make sure signatures of understood and other persons present thus.

15. In necessary cases by search manufacture photographing, filming and videorecording are made.

Article 233. A personal search

1. In the presence of the bases provided by article 230, and with observance of requirements of article 232 of the present Code, the inspector has the right to make a personal search with a view of detection and withdrawal of subjects and the documents which are on a body searched, in its clothes and available at it things.

2. The personal search is made only by the same-gender person with searched and with participation
understood and experts of the same floor.

3. The personal search can be made without removal of the special decision and without the sanction of the public prosecutor, if:

1) there are enough bases to believe that the person who is in a premise or other place in whom the search is made, hides at itself documents or the subjects, able to matter for business;

2) it is made at detention of the person or its conclusion under guards. In this case the personal search can be made in absence of the understood.

Article 234. The search or dredging report

1. The person making a search or dredging, makes the report with observance of the requirements provided by article 203 of the present Code.

2. In the report should be specified, in what place and under what circumstances subjects or documents have been found out, they are given out voluntary or withdrawn compulsorily. All withdrawn subjects should be listed in the report with exact instructions of quantity, a measure, weight, individual signs and, whenever possible, cost.

3. If by search or dredging manufacture attempts to destroy or hide subjects or the documents which are subject to withdrawal have been undertaken, it should be reflected in the report with instructions of the accepted measures.

4. The copy of the report of a search or dredging is handed over on receipt to the person at whom they have been made, or to a full age member of his family, and at their absence - to the representative of the housing-operational organisation or a local executive office. If the search or dredging were made in the organisation the report copy is handed over on receipt to its representatives.

Chapter 30. Arrest imposing on the correspondence.

Article 235. Arrest imposing on mail-cable. Interception of messages. Listening and record of negotiations. Departures, their survey and dredging

1. In the presence of the sufficient bases to believe that letters, telegrammes, radiogramms, parcels post, parcels and other mail -cable departures can contain data, documents and the subjects important for business, arrest can be put them.

2. About arrest of mail -cable departures the inspector takes out the decision which is authorised by the public prosecutor. In the decision should be specified: the name of establishment of communication to which the duty on detention of mail -cable departures is assigned, the surname, a name, a patronymic of the persons, which mail -cable departures are subject to detention, their address, a kind of mail-cable departures which it is seized, term on which it is imposed.
3. The decision about arrest imposing on the mail - cable correspondence goes to the head of corresponding establishment of communication who is obliged to detain mail-cable departures and immediately to notify on it the inspector.

4. Survey, dredging and copying from the detained mail - cable departures are made by the inspector in establishment of communication with participation of the understood. In necessary cases for participation in manufacture of survey and dredging of mail - cable departures the inspector has the right to cause the corresponding expert, and also the translator. In each case of survey of mail - cable departures the report in which it is underlined is made by whom and what mail - cable departures have been subjected survey, are copied and sent the addressee or detained for the term defined by the inspector.

5. Arrest on mail - cable departures is cancelled by the inspector or the public prosecutor when necessity for this measure, but for any case not later than the investigation termination disappears.

Article 236. Interception of messages

1. Interception of the messages transferred on technical, including computer, to communication channels, and removal from computer systems of the information concerning investigated business, are made on the basis of the decision of the inspector authorised by the public prosecutor.

2. The decision of the inspector authorised by the public prosecutor, goes for execution to the body which is carrying out operatively-search activity.

3. Messages and the computer information, received as a result of interception, are fixed by the expert on the corresponding carrier and transferred to the inspector.

Article 237. Listening and record of negotiations

1. Private listening and record of conversations with use of video - audio equipment or other special means, and also listening and record of the negotiations conducted from phones and other intercoms, the suspect accused and other persons which can have data on a crime, on affairs about heavy and especially grave crimes can be made on the basis of the decision of the inspector authorised by the public prosecutor, in the presence of the sufficient bases to believe that as a result of listening the data important for business will be received.

2. In the presence of threat of fulfilment of violence, extortion and other criminal acts concerning the victim, the witness or members of their families under the decision of the inspector authorised by the public prosecutor, from their permission private listening and record of conversations with use of video - audio equipment or other special means, and also listening and record of the negotiations conducted from their phones or other intercoms can be made.

3. Recognising as necessary listening of negotiations, conversations and their record, the inspector takes out reasonable decision in which are specified: criminal case and the bases on which the given investigatory action should be made, a surname, a name, a patronymic of persons, whose negotiations are subject to listening and record and during what time; body to which is entrusted with the technical realisation of listening and record of negotiations, conversations. The specified decision is represented to the public prosecutor and, in case of a summer residence to them to the sanction, goes the inspector to corresponding body for execution.
4. In cases, being urgent, listening and record of negotiations, conversations are made under the decision of the inspector without the sanction of the public prosecutor with the subsequent direction to it within twenty four hours of the message on listening, record of negotiations, conversations. Having received the specified notice, the public prosecutor checks legality of the given investigatory action and takes out the decision about its legality or illegality. In case the decision on illegality of the made listening is accepted, records of negotiations, the conversations, the given action cannot be admitted as the proof on business.

5. Listening and record of negotiations, conversations can be established for the term of no more than six months. They are cancelled by the decision of the inspector when necessity for these measures, but for any case not later than the investigation termination disappears.

6. The inspector during all established by it in the term decision has the right to obtain on demand at any time from the body which is carrying out technical listening, a soundtrack for its survey and listening. The soundtrack is transferred to the inspector in the sealed up kind with the covering letter in which should be specified the listening basis, time of the beginning and the termination of record of negotiations, the conversations, necessary technical characteristics of the used means and quality of record.

7. Survey and soundtrack listening are made by the inspector with participation understood and if necessary - the expert about what the report in which the part of a soundtrack of negotiations should be literally reproduced, the conversations is made, concerning business, and the characteristic is given quality of sounding of speech of the speaking. Participants of listening and record of negotiations, conversations are warned about responsibility for disclosure become by it known data. The soundtrack is applied on the report, thus its part which is not concerning business, after the introduction of a sentence into validity or the criminal case termination is destroyed.

Footnote. Changes are made to article 237 - Law PK from July, 11th, 2001 N 238.

Chapter 31. Check and specification of indications on a place. Investigatory experiment

Article 238. Check and specification of indications on a place

1. Check and specification of indications of the victim, the witness suspected, accused on a place connected with investigated event, are made on purpose:

- Revelations of reliability of indications by their comparison to conditions of an event of event;

- Route and place specifications where checked actions were made;

- Establishments of the new fact sheet.

2. Check and specification of indications on a place consist that earlier interrogated person reproduces on a place conditions and circumstances of investigated event; finds and specifies subjects, documents, the traces important for business; shows certain actions; shows, what role in investigated event was played by those or other subjects; pays attention to changes in conditions of a place of event; concretises and specifies the former indications. Any extraneous intervention in these actions and leading questions are inadmissible.
3. Check and specification of indications on a place are made in the presence of understood, with participation in necessary cases of the expert.

4. Simultaneous check and specification of indications on a place of several persons are not supposed.

5. Check and specification of indications begin with the offer interrogated voluntary to specify a route and a place where its indications will be checked. After a statement of indications and demonstration of actions to the person which indications are checked, questions can be asked. This person, and also other participants of process have the right to demand their additional interrogation in connection with spent investigatory action.

6. Found out during check and specification of indications on a place subjects and documents which can have evidentiary value on business, are withdrawn, packed and sealed up; the fact of their withdrawal is reflected in the report.

7. In necessary cases at check and specification of indications on a place measurements, photographing are made, audio and videorecording, filming, are made plans and schemes. Use at check and specification of indications on a place of means audio and videorecordings is made by the rules stated in article 219 of the present Code.

8. About manufacture of check and specification of indications on a place the report with observance of requirements of article 203 of the present Code is made. In the report, a course and results of check and specification of indications conditions are in detail reflected in a place.

**Article 239. Investigatory experiment**

1. Investigatory experiment is made for the purpose of check and specification of the data important for business, by reproduction of certain actions, conditions, circumstances of investigated event and carrying out of experiences. By experiment manufacture possibility of perception of any facts, fulfilment of certain actions, approaches of any event can be checked up, in particular, and also the sequence of an event of event and the mechanism of formation of traces are revealed.

2. Investigatory experiment is made with obligatory participation of the understood. If necessary the suspect accused, the victim, the witness, the expert, the expert and the persons making skilled actions can be involved in participation in investigatory experiment from their consent. Its purposes and a carrying out order are explained to participants of experiment.

3. Carrying out of investigatory experiment is supposed, if danger to a life and health of persons participating in it is thus excluded, their honour and advantage are not humiliated, the material damage is not caused to them.

4. Investigatory experiment is made in the conditions most approached to in what there were reproduced events or actions.

5. In necessary cases by manufacture of investigatory experiment are made photographing, audio and videorecording, filming, are applied other scientific and technical means, plans, schemes, drawings are made.
6. About carrying out of investigatory experiment the report with observance of requirements of article 203 of the present Code is made. In the report conditions are in detail stated, the course and results of investigatory experiment and is underlined: for what purpose, when, where and in what conditions experiment was made; in what reproduction of conditions and circumstance of event was particularly expressed; what actions, in what sequence by whom and how many time was made; what are received results.

Chapter 32. Judicial examination

Article 240. Examination appointment

Examination is appointed in cases when the circumstances important for business, can be received as a result of research of materials of the business spent by the expert on the basis of special scientific knowledge. Presence of such knowledge at other persons participating in criminal legal proceedings, does not release the person conducting criminal trial, from necessity for corresponding cases to appoint examination.

Article 241. Obligatory appointment of examination

Appointment and examination manufacture necessarily if on business it is necessary to establish:

1) causes of death, character and severity level of the caused harm to health;

2) age of the suspect accused, the victim when it matters for business, and documents on age are absent or raise the doubts;

3) a mental or physical condition of the suspect accused when there is a doubt concerning their responsibility or ability independently to protect the rights and legitimate interests in criminal trial;

3-1) a mental condition accused of commission of crime for which fulfilment by the Republic Kazakhstan Criminal code punishment in the form of the death penalty is provided;

4) a mental or physical condition of the victim, the witness in cases when there is a doubt in their ability correctly to perceive the circumstances important for business, and to give about their evidences;

5) other circumstances of business which cannot be authentically established other proofs.

Footnote. Changes are made to article 241 - Law PK from May, 5th, 2000 N 47.

Article 242. An order of appointment of examination

1. Recognising as necessary examination appointment, the inspector takes out about it the decision in which should be specified: the bases of appointment of examination; the objects directed for examination, where
and when, under what circumstances they are found out and withdrawn; other materials given in the order of
the expert; data containing in business on which conclusions of the expert can be based; the questions put
before the expert; the name of body of judicial examination or a surname of the person to which examination
is charged. The decision of the inspector about examination appointment necessarily for execution by bodies
or persons to which it is addressed and is included into their competence.

2. In cases when decision-making on criminal case excitation is impossible without examination
manufacture, it can be appointed before criminal case excitation.

3. Presence in business of certificates of audits, checks, the conclusions of departmental inspections, and also
the official documents made by results of researches, spent by experts during remedial actions, does not
exclude possibility of appointment of judicial examination on the same questions.

4. Examination can be appointed at the initiative of the participants of process protecting the or represented
rights and interests. The participant of process protecting the or represented rights and interests, in written
form represents to the inspector questions on which, in its opinion, the expert's statement should be given,
specifies objects of research, and also names the person (persons) who can be invited as the expert. Thus the
inspector has not the right to refuse examination appointment, except for cases when the questions presented
on its permission, do not concern criminal case or do not enter into the competence of the expert.

5. The participant of process under which initiative examination is appointed, can present subjects,
documents as objects of expert research. The inspector has the reasonable right to exclude the decision them
from among those.

6. Having considered the presented questions, the inspector rejects those from them which do not concern
criminal case or the competence of the expert, finds out, whether there are no bases for tap of the expert then
takes out the decision about appointment of examination with observance of the requirements specified
regarding first present article.

7. The reimbursement, connected with examination manufacture, and also a payment of the expert are made
by rules of chapter 21 of the present Code.

8. The inspector who has appointed examination, provides доставление to the expert of the suspect accused,
the victim, the witness if presence of the specified persons at examination carrying out is recognised
necessary.

**Article 243. Persons to whom it can be entrusted. Manufacture of judicial examination**

1. Manufacture of judicial examination can be entrusted:

1) to employees of bodies of judicial examination;

2) to the persons who are carrying out judicial-expert activity on the basis of the licence;

3) in a single order to other persons according to law requirements.
2. Examination manufacture can be entrusted to the person from among offered by participants of process.

3. The requirement of the inspector about a call of the person to which examination manufacture is entrusted, is obligatory for the head of the organisation where the specified person works.

Footnote. Changes are made to article 243 - Laws PK from May, 5th, 2000 N 47; from November, 6th, 2001 N 251.

**Article 244. The rights of suspected, accused, the victim at appointment and manufacture.**

Examinations

1. At appointment of examination and its manufacture the victim suspected, accused have the right:

   1) before examination carrying out to get acquainted with the decision about its appointment and to receive an explanation of the rights belonging to them about what the report is made;

   2) to declare tap to the expert or the petition for discharge from manufacture of examination of body of judicial examination;

   3) to petition for appointment as experts of the persons specified by them or employees of concrete bodies of judicial examination, and also about carrying out of examination by the commission of experts;

   4) to petition for statement before the expert of additional questions or specification of the put;

   5) with the permission of the inspector to be present by examination manufacture to offer explanations to the expert;

   6) to get acquainted with expert's statement or message on impossibility to draw conclusion after its receipt to inspector, to represent the remarks, to declare petitions for interrogation of the expert, appointment of additional or repeated examination, and also carrying out of new examinations.

2. The listed rights the witness subjected to examination, and the person in which relation manufacture on application of forced measures of medical character if it allows its mental condition is conducted possess also.

3. If examination has been spent to a recognition of the person by suspect or attraction as accused, the inspector is obliged to acquaint him with the decision about examination appointment, with the expert's statement and to explain it its rights and the duties listed regarding first present article.

4. Examination of victims and witnesses is made only from their written approval. If these persons have not reached majority or are recognised by court by incapacitated, the written approval to examination carrying
out is given by their lawful representatives. The specified rule does not extend on examination carrying out in the cases provided by article 241 of the present Code.

5. In case of satisfaction of the petition declared by persons, specified in parts of first and second present article, the inspector, accordingly, changes or supplements the decision about examination appointment. In default from satisfaction of petitions, it takes out the decision which appears on receipt to the person who has declared the petition.

Article 247. A premise in medical institution for examination manufactures

1. If at appointment or carrying out of medicolegal or judicial-psychiatric examination there is a necessity for stationary supervision the suspect accused, the victim, the witness can be placed in medical institution about what it is underlined in the decision about examination appointment. The victim, the witness can be placed in medical institution only from its written approval, except for the cases provided by article 241 of the present Code.

2. The direction in medical institution for manufacture of medicolegal and judicial-psychiatric examination suspected or accused, not held in custody, and also the victim and the witness is made in an order provided by a part of second article 14 of the present Code.

3. At a premise suspected of medical institution for carrying out of stationary judicial-psychiatric examination term during which accusation should be brought to it, interrupts before reception of the conclusion of the commission of experts about a mental condition of the suspect.

Article 248. Objects of examination

1. Objects of examination material evidences, documents, a body and a condition of mentality of the person, corpses, animal, samples for expert research, and also the examinations of data containing in materials of criminal case concerning a subject can be.

2. Reliability and an admissibility of objects of expert research guarantees the body which has appointed examination.

3. Objects of expert research if their dimensions and properties it allow, are transferred to the expert in the packed and sealed up kind. In other cases the person who has appointed examination, should provide delivery of the expert to the location of objects of research, an unimpeded access to them and the conditions necessary for carrying out of research.

4. The reference with objects of expert research is carried out according to rules of withdrawal, familiarising with business, storages and destructions of the material evidences, provided by the present Code.

Article 251. The expert's statement maintenance

1. After manufacture of necessary researches, taking into account its results the expert (experts) on its own behalf makes the written conclusion, certifies its signature and the personal press, directs to the body which has appointed examination. In case of carrying out of examination by body of judicial examination the
signature of the expert (experts) is assured by the press of the specified body.

2. In the expert's statement should be specified: when, where whom (a surname, a name, a patronymic, formation, a speciality, the work experience on a speciality, the scientific degree and an academic status, a post), on what basis is made examination; a mark certified by the signature of the expert that he is warned about the criminal liability for a summer residence of obviously false conclusion; the questions put before the expert; who was present by manufacture of examination and what gave explanatories; the expert used what materials of criminal case; what objects have been subjected research; what researches are made, what methods are applied and in what measure they are reliable; well-founded answers to the put questions. If by manufacture of examination the expert establishes the circumstances important for business in which occasion questions have not been put it, he has the right to specify them in the conclusion.

3. The conclusion should contain an impossibility substantiation to answer all or some of the put questions if the circumstances specified in article 252 of the present Code, are revealed during research.

4. The objects which have remained after research should be enclosed to the conclusion, including samples, and also phototables, schemes, schedules, tables and other materials confirming conclusions of the expert. The appendix to the conclusion subscribes the expert (experts).

Article 252. The message on impossibility to draw the conclusion

If the expert before research carrying out is convinced that the questions put before it fall outside the limits its special knowledge, or the materials presented to it are unsuitable or insufficient for a summer residence of the conclusion and cannot be filled, or the condition of a science and expert practice does not allow to answer the put questions, it makes reasonable message on impossibility to draw the conclusion and directs to its body or the person who has appointed examination.

Article 253. Interrogation of the expert

1. If the expert's statement is insufficiently clear, has blanks for which completion it is not required carrying out of additional researches, or it is necessary to specify the methods applied by the expert and terms, the inspector has the right to interrogate the expert on the specified circumstances. The expert can state the answers with own hand. The report of interrogation of the expert is made with observance of the rules stated in article 203 of the present Code.

2. Interrogation of the expert before representation of the conclusion is not supposed by it.

Article 254. A presentation to suspected, accused to the victim and the witness of the expert’s statement

1. The expert's statement or its message on impossibility to draw the conclusion, and also the report of interrogation of the expert before the preliminary investigation termination are shown to the suspect accused, the victim, and also the witness subjected to examination who have the right to offer the explanations and to declare objections on examination conclusions. In case of satisfaction or a deviation of such petition, the inspector takes out the corresponding decision which on receipt appears to the person who has declared the petition.
2. About acquaintance of the persons specified regarding first present article, with the expert's statement and
the report of its interrogation the report in which the statements made by them or objections are reflected is
made.

3. Rules of present article are applied and in cases when examination has been made before attraction of the
person as accused either recognitions its suspect or the victim.

**Article 255. Additional and repeated examinations**

1. Additional examination is appointed at insufficient clearness or completeness of the conclusion, and also
occurrence of necessity of the decision of the additional questions connected with the previous research.

2. Manufacture of additional examination can be entrusted to the same or other expert.

3. Repeated examination is appointed for research of the same objects and the decision of the same questions
in cases when the previous expert's statement is not enough обоснованно or its correctness raises the doubts,
or a legal procedure of appointment and examination manufacture have been essentially broken.

4. In the decision about appointment of repeated examination motives of disagreement with results of the
previous examination should be resulted.

5. Manufacture of repeated examination is entrusted to the commission of experts. The experts making the
previous examination, can be present by manufacture of repeated examination and give the explanatory
commissions, however they do not participate in expert research and drawing up of the conclusion.

6. At the commission of manufacture of additional and repeated examinations the conclusions of the previous
examinations should be presented the expert (experts).

7. Additional and repeated examinations are appointed and spent with observance of requirements of articles
240, 242-252 present Codes.

Footnote. Changes are made to article 255 - Law PK from May, 5th, 2000 N 47.

**Article 257. Persons and the bodies, having the right to receive samples for expert research**

1. The inspector personally, and if necessary with participation of the doctor, other expert, has the right to
receive samples for expert research if it is not interfaced to an exposure of the person of an opposite sex at
which samples undertake, and does not demand special professional skills. In other cases samples for expert
research can be received on the instructions of the inspector the doctor or the expert.

2. In cases when reception of samples for expert research is a part of expert research, it can be made the
expert.

**Article 258. Persons at whom reception is supposed samples for expert research**
1. Samples for expert research can be received at the suspect accused, the victim, and also at the person in which relation manufacture on application of forced measures of medical character is conducted.

2. In the presence of the sufficient data that traces on a scene or on material evidences could be left by other person, samples for expert research can be received at this person, but not differently, as after its interrogation as the witness (victim) about circumstances at which the specified traces could be formed.

**Article 259. An order of reception of samples for the expert researches by the inspector**

1. The inspector causes to itself the person or arrives to a place where it is, acquaints it on receipt with the decision about reception of samples for expert research, explains to it and other persons participating in specified investigatory action, their rights and a duty.

2. The inspector personally or with participation of the expert makes necessary actions, receives samples for expert research, packs them and seals up.

3. In corresponding cases withdrawal of samples for expert research is carried out by manufacture of dredging, a search, exhumation or simultaneously with their manufacture.

**Article 260. Reception of samples for the expert researches by the doctor or other expert**

1. The inspector directs the person at whom samples for expert research, and also the decision with the corresponding commission should be received to the doctor or other expert. In the decision the rights and duties of all participants of the given investigatory action should be specified. The question on taps to the doctor, other expert is solved by the inspector who has taken out the decision.

2. The doctor or other expert on the instructions of the inspector makes necessary actions and receives samples for expert research. Samples are packed and sealed up, then together with the official document made by the doctor or other expert, go to the inspector.

**Article 261. Reception of samples for the expert researches by the expert**

1. In the course of research by the expert experimental samples on what to them it is informed in the conclusion can be made.

2. The inspector has the right to be present at manufacturing of such samples that is reflected in the report made by it.

3. After carrying out of research the expert applies samples on the conclusion in the packed and sealed up kind.

**Article 262. Protection of the rights of the person at reception of samples for expert research**
Methods and scientific and technical means of reception of samples for expert research should be safe for a life and health of the person. Application of difficult medical procedures or the methods causing strong painful sensations, is supposed only from the written approval to it of the person at whom samples and if it has not reached majority should be received or that suffers mental disease and with the consent of its lawful representatives.

Article 263. Compulsion of execution of the decision about reception of samples for the expert researches

1. At the suspect, accused samples for expert research can be received compulsorily.

2. At the victim and the witness samples for expert research can be received only from their consent, except for cases when the suspect accused for check of indications insists on the given action, exposing in a crime, and also if necessary to receive it samples for diagnostics of venereal and other infectious diseases if such diagnostics matters for business.

3. Compulsory reception of samples for expert research at the victim, the witness in the cases specified regarding second present article, is supposed only from the sanction of the public prosecutor or on a judgement.

Article 264. The report of reception of samples for the expert researches

1. The inspector, having received samples for expert research, makes the report in which all actions undertaken for reception of samples, in that sequence in which they were made, research thus research both other methods and procedures, and also samples are described.

2. If samples for expert research are received on the instructions of the inspector by the doctor or other expert it makes about it the official document which subscribes all participants of the specified action and is transferred to the inspector for familiarising with criminal case in an order established by a part of eighth article 203 of the present Code.

3. The received samples are applied on the report for expert research in the packed and sealed up kind.

Chapter 34. Stay and preliminary investigation renewal

Article 265. An order of stay preliminary consequences

1. The inspector has the right to suspend preliminary investigation on the bases specified regarding first article 50 of the present Code.

2. About stay of preliminary investigation the inspector takes out reasonable decision which copy within twenty four hours goes to the public prosecutor.

3. Before stay of preliminary investigation the inspector is obliged to execute all investigatory actions which manufacture is possible for lack of accused, to take all measures to its detection, and is equal to an
establishment of the person who have committed a crime.

**Article 266. Actions of the inspector after stay preliminary investigation**

1. Having suspended preliminary investigation, the inspector is obliged to notify in writing on it the victim, its representative, the civil claimant, the civil respondent or their representatives and simultaneously to explain them that the decision about preliminary investigation stay can be appealed against to the public prosecutor. In case of preliminary investigation stay on the bases provided by points 4, 6, 7 parts of first article 50 of the present Code, are notified on it also accused and its defender.

2. After stay of preliminary investigation the inspector:

1) in a case provided by point 1 of a part of first article 50 of the present Code, accepts as directly, and through bodies of inquiry of a measure to an establishment of the person who are subject to attraction as the accused;

2) in a case provided by point 2 of a part of first article 50 of the present Code, establishes the site accused and if it has disappeared, takes measures to its search.

3. Carrying out of investigatory actions on the business suspended by manufacture, is not supposed.

**Article 267. Search of the accused**

1. At uncertainty of the location accused the inspector has the right to charge manufacture of search to inquiry bodies. About this commission it is underlined in the decision about stay of preliminary investigation or the separate decision is taken out.

2. Search of the accused can be declared as during preliminary investigation manufacture, and simultaneously with its stay.

3. In the presence of the bases specified in article 139 of the present Code, concerning searched accused, on a case of its detection, the preventive punishment can be selected. In the cases provided by article 150 of the present Code, from the sanction of the public prosecutor the preventive punishment in the form of arrest can be applied.

**Article 267-1. The announcement of the international search**

1. In the presence of the bases for the announcement of the international search the body of criminal prosecution takes out the separate decision about the announcement of the international search accused, authorised by the public prosecutor.

2. The right to approve the announcement of the international search of the person committed a crime in territory of Republic Kazakhstan and absconding, belongs to the General public prosecutor and its assistants. «*»
Article 268. Renewal of the suspended preliminary investigation

1. The suspended preliminary investigation renews reasonable decision of body of criminal prosecution after:

1) the bases for stay have disappeared;

2) there was a necessity of manufacture of investigatory actions which can be carried out without participation accused.

2. Preliminary investigation renews also reasonable decision of body of criminal prosecution in connection with cancellation by the public prosecutor or the judge of the decision about business stay.

3. On preliminary investigation renewal it is informed accused and to the defender, and also the victim, its representative, the civil claimant, the civil respondent, their representatives.

Footnote. Changes are made to article 268 - Law PK from May, 5th, 2000 N 47.

Chapter 35. Removal of action during preliminary investigation

Article 269. The bases and an order of removal of action in a course preliminary investigation

1. The inspector, the public prosecutor have the right to stop criminal case on the bases and is perfectly in order, provided by articles 37 and 38 present Codes.

2. At an absence of proof of participation suspected or accused of commission of crime if all possibilities for collecting of additional proofs are settled, criminal case stops on the basis of points 1 or 2 parts of first article 37 of the present Code. In this case the inspector, the public prosecutor should take all measures provided by the law on rehabilitation of the person and compensation of the material harm caused to it as a result of false arrest or arrest.

3. If on business it is involved a little suspected, accused, and the basis to the termination concerns not all suspects accused criminal prosecution stops concerning the separate suspects accused.

4. About the criminal case termination it is taken out reasonable decision.

5. In the decision prologue time and a place of its drawing up, a surname and a post of the inspector are specified.

6. In an opisatelnno-motivation part of the decision the circumstances which have become the cause and the
basis to excitation of affairs, and results of its investigation with instructions of the data on the persons suspected or accused on business in commission of crime, its essence, criminally-legal qualification and an applied preventive punishment are stated.

7. In resolute decision on removal of action is stated to a decision part referring to article (a part, point) the present Code, formed the basis for removal of action, and also instructions on preventive punishment cancellation, on arrest cancellation on property, about cancellation of time discharge from a post, arrest on the correspondence, listening and record of negotiations, about destiny of material evidences.

8. In cases when under the law removal of action is supposed only under the consent accused or the victim, about presence of such consent should be specified in the decision.

9. At removal of action on the bases provided by points 1, 2, parts of the first and a part of third article 37 of the present Code, inclusion in the decision of the formulations calling into question innocence of the person in which relation business is stopped is not supposed.

10. The decision copy about the criminal case termination goes to the public prosecutor.

Article 270. Actions of the inspector after the termination criminal case

1. The inspector in writing notifies the suspect accused on the termination and the bases of removal of action, their defenders, the victim and its representative, the civil claimant, the civil respondent and their representatives, and also the person or the organisation under which statements has put has been raised.

2. To the persons specified regarding first present article, the right of acquaintance with materials of business and an order of the appeal of the decision about its termination are explained. Under the request which has arrived from these persons, it hands over a decision copy about removal of action.

3. Acquaintance with business materials is made with observance of requirements of article 275 of the present Code.

Article 271. The decision appeal about the termination criminal case

1. The decision of the inspector about the criminal case termination can be appealed against to the suspects accused, their defenders, the victim and its representative, the civil claimant, the civil respondent or their representatives, and also the person or the representative of a state structure or the organisation under which statements action, to the public prosecutor who is carrying out supervision of a consequence has been brought.

2. In cases when removal of action is made with the consent of the public prosecutor, the decision will be appealed against to the higher public prosecutor.

3. Refusal of the public prosecutor in satisfaction of the complaint submitted in connection with the termination of criminal case, can be appealed against in court by rules of article 109 of the present Code.
Article 272. Renewal of the stopped criminal case

1. Manufacture on the stopped business renews in cases:

1) cancellations of the decision of the inspector about the criminal case termination;

2) satisfactions court as article 109 of the present Code of the complaint to the unreasonable termination of criminal case.

2. Manufacture renewal on the stopped business can take place only in the event that have not expired limitation periods of attraction of the person to the criminal liability.

3. The suspect accused, their defenders, the victim and its representative, the civil respondent or their representatives, and also the person are in writing notified on manufacture renewal on business or the organisation under which statement has put has been raised.

Chapter 36. Drawing up of the bill of particulars and a criminal case direction in court

Article 273. The announcement of the termination of the investigatory actions on the business directed to the public prosecutor with the bill of particulars

1. Recognising that all investigatory actions on business are executed, and the collected proofs are sufficient for drawing up of the bill of particulars, the inspector is obliged to notify on it accused, to explain it the right to acquaintance with all materials of business as personally, and by means of the defender, and equally to declare petitions for addition of preliminary investigation or acceptance on business of other decisions. About the announcement accused about the termination of investigatory actions and an explanation of the rights the report with observance of requirements of article 203 of the present Code is made. In default accused from acquaintance with criminal case materials about it the mark in the report with instructions of motives becomes. If the accused is out of limits of Republic Kazakhstan and evades from an appearance in preliminary investigation bodies, but a site accused it is known to the body of preliminary investigation accused by mail the notice in writing of the termination of a consequence with an explanation of its rights about what the inspector the mark in the report on the announcement accused about the termination of investigatory actions and an explanation of the rights becomes goes.

2. The termination of a consequence and about the right to get acquainted with materials of business and to declare petitions the inspector is obliged to notify the defender accused if he participates in business, and also the victim and its representative, the civil claimant, the civil respondent and their representatives.

3. If the defender accused or the representative of the victim, the civil claimant, the civil respondent on good reasons cannot be for acquaintance with business in due time, the inspector postpones acquaintance for the term of no more than five days. In case of absence of the defender or the representative during this term, the inspector takes measures for an appearance of other defender or the representative.

Footnote. Changes are made to article 273 - Law PK from March, 16th, 2001 N 163.
CHAPTER 55. FUNDAMENTAL PROVISIONS CONCERNING THE INTERACTION OF THE AUTHORITIES LEADING THE CRIMINAL PROCEDURE WITH THE COMPETENT INSTITUTIONS AND OFFICIAL PERSONS OF FOREIGN STATES IN CRIMINAL CASES

Article 521. The Procedural and Other Acts Which Are Carried Out In the Procedure of Rendering Legal Assistance

1. In order to render legal assistance to bodies of investigation and courts of the foreign states with which the Republic of Kazakhstan concluded an international agreement on legal assistance, or on the principle of reciprocity, procedural acts may be carried out as provided by this Code, as well as other acts specified in other laws and international treaties of the Republic of Kazakhstan.

2. In the event that provisions of the international treaty ratified by the Republic of Kazakhstan contradict this Code, the provisions of the international treaty shall apply.

3. Expenditures connected with rendering of legal assistance shall be incurred by the requesting institution in the territory of its state, unless it is otherwise specified by the international treaty of the Republic of Kazakhstan.

Article 522. The Validity of Procedural Documents

The procedural documents compiled in the territory the state indicated in the first part of Article 521 of this Code in accordance with the legislation current in its territory and certified with the state seal shall be accepted as procedural documents without any restriction, unless it is otherwise provided for by the international treaty of the Republic of Kazakhstan.

Article 523. The Procedure for Interaction in Issues of Rendering Legal Assistance

1. The instruction for the performance of an investigative act shall be directed through the Procurator General of the Republic of Kazakhstan, and in the case of a court act - through the Minister of Justice of the Republic of Kazakhstan, or accordingly their deputies, or through authorised officials who in appropriate cases shall resort to mediatorship of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

2. When formulating the instruction one shall use the language of the foreign state to which it is directed, unless it is otherwise specified in the international treaty of the Republic of Kazakhstan.

3. The court, procurator, investigator, inquest officer shall compile the instruction for rendering of legal assistance associated with performance of procedural and other acts in the territory of the other state in writing, on appropriate official paper, sign and certify it with the state seal of the body that carries out the criminal procedure.

4. The instruction on rendering of legal assistance pursuant to a motivated petition of the appropriate procurator, court shall be passed accordingly to the Procurator General, Minister of Justice of the Republic of Kazakhstan or authorised procurator.

5. The Procurator General of the Republic of Kazakhstan, Minister of Justice shall decide the issue of passing the instruction for rendering of legal assistance to the competent institution of the other state.
6. The procedure for rendering legal assistance in issues of extradition and criminal prosecution shall be determined by Articles 527, 529 of this Code.

**Article 524. The Contents of the Request Concerning the Performance of Procedural Acts**

1. A request concerning the performance of investigative and court-related acts must be compiled in writing, signed by the official person who is sending the requests, certified with the state seal of the institution and contain the following:
   1) the name of the authority from which the requests originate;
   2) the name and address of the authority to which the request is directed;
   3) the name of the case and nature of the request;
   4) information concerning the persons for whom the request is being made, their citizenship, type of business, place of residence or abode, in the case of legal entities - their business name and address;
   5) presentation of the circumstances to be clarified, as well as the list of the documents so requested, material evidence and other evidence;
   6) information on actual circumstances of the committed crime and its qualification, where needed - information on the size of the damage caused by the act;
   7) other information needed for the implementation of the request.

2. The contents of the claims of extradition and institution of a criminal prosecution shall be determined by Articles 529, 530 of this Code.

**Article 525. The Procedure for the Implementation of a Request for the Performance of Procedural Acts**

1. The court, procurator, investigator, inquest authority shall implement the instructions passed to them in accordance with the established procedure from the relevant institutions and officials of foreign states concerning the performance of investigative or judicial acts in accordance with the general rules of this Code.

2. Procedural rules of the foreign state may be used when performing a request, if that is provided for by the international treaty of the Republic of Kazakhstan with that state.

3. When implementing a request one shall use the state language of the Republic of Kazakhstan or the Russian language.

4. With a permit from the official indicated in the first part of Article 523 of this Code, in the cases provided for by the international treaty, a representative of the competent institution of the other state may be present during the implementation of a request.

5. If a request may not be implemented, the received documents shall be returned accordingly through the General Procurator Office of the Republic of Kazakhstan or Ministry of Justice of the Republic of Kazakhstan to the foreign institution from which the request originated with indication of the reasons that impeded its implementation. A request shall be returned in any case if its implementation may cause harm to the sovereignty or security, or contradicts the legislation of the
Article 526. The Summon and Interrogation of the Witness, Victim, Civil Plaintiff, Civil Defendant, Their Representatives, the Expert

1. The witness, victim, civil plaintiff, civil defendant, their representatives, expert if they are citizens of a foreign state may be summoned with their consent for the performance of investigative or judicial acts in the territory of the Republic of Kazakhstan by appropriate official person who is handling the criminal case.

2. A request to a person to appear shall be directed in accordance with the procedure specified in the second part of Article 523 of this Code.

3. The performance of investigative and judicial acts with the participation of a witness, victim other participants of the process indicated in the first part of this Article, shall be carried out in accordance with the rules of this Code with the following exceptions: bringing by force, fine as well as holding responsible in accordance with the criminal procedure for refusal or evasion of testimony and for deliberate perjury or deliberately false conclusion shall not be allowed. They may not be held responsible in the territory of the Republic of Kazakhstan through the criminal and administrative procedure, imprisoned and subjected to punishment for the acts committed prior to the crossing of the state frontier. Also, such persons may not be held responsible, imprisoned or subjected to punishment in connection with their witness testimony or conclusions as experts in connection with the criminal case which is subject-matter of the trial.

4. If the subpoenaed person indicated in the first part of this Article has been held responsible through the criminal procedure or sentenced for another crime in the territory of the requested state, he, irrespective of his citizenship, may be extradited for a time.

5. The persons indicated in the first part of this Article shall lose the guarantees specified in the fourth part of this Article, if they fail to leave the territory of the Republic of Kazakhstan, although they have such opportunity, prior to expiry of fifteen days from the day when the body leading the criminal procedure communicates to them that their further presence is not required. That period shall not include the time during which those persons could not leave the territory of the Republic of Kazakhstan for no fault of theirs.

Article 527. The Direction of Materials of a Case for Continuation of Criminal Prosecution

In the event of commission of a crime in the territory of the Republic of Kazakhstan by a foreigner who exited the boundaries of the Republic of Kazakhstan, the body that is carrying out the criminal proceedings shall pass a motivated resolution on suspension of proceedings in the case, in accordance with the procedure specified by Articles 50, 265 and 304 of this Code, as well as a resolution on transfer of criminal cases in accordance with their subordination with regard to the investigation authority and the court, in accordance with the procedure specified in Articles 192, 306 of this Code. The materials of the case shall be directed to the Procurator General of the Republic of Kazakhstan or authorised procurator with a petition to carry out criminal prosecution for deciding the issue of directing the case to the other state in
Article 528. The Performance of Requests on Continuation of Criminal Prosecution or On Institution of a Criminal Case

1. A petition of appropriate institution of a foreign state on the transfer for further investigation of a criminal case against a citizen of the Republic of Kazakhstan who committed a crime in the territory of the foreign states and returned to the Republic of Kazakhstan, shall be considered by the General Procurator of the Republic of Kazakhstan or the authorised procurator. The preliminary investigation and court investigation in such cases shall be carried out in accordance with the procedure specified by this Code.

2. If the investigation continues in the Republic of Kazakhstan, the evidence obtained in the course of investigation of the case in the territory of a foreign state by the body or official person appropriately authorised for that, within the bounds of their authority and in accordance with the established proforma, shall have legal validity equal to other evidence collected on the case.

3. In the case of commission in the territory of a foreign state of a crime by a citizen of the Republic of Kazakhstan who then returned to the Republic of Kazakhstan prior to the institution of a criminal prosecution against him, the criminal case may be instituted and investigated by the bodies of preliminary investigation of the Republic of Kazakhstan on the basis of the materials of that case as presented by the institution of the foreign state to the General Procurator Office of the Republic of Kazakhstan.

4. The body leading the criminal proceedings shall be obliged to notify the Procurator General of the Republic of Kazakhstan or authorised procurator on the final decision taken on the case, and to send a copy of that decision.

Article 529. Direction of A Claim For Extradition of a Person For Holding Responsible Through the Criminal Procedure or Execution of Sentence

1. In the event and in accordance with the procedure specified by the legislation of the Republic of Kazakhstan and international treaties, the Procurator General of the Republic of Kazakhstan or the authorised procurator shall address the competent authority of the foreign state with the claim to extradite the person who is a citizen of the Republic of Kazakhstan that committed a crime, if against that person an accusatory sentence or resolution on holding him as accused has been adopted.

2. In the case and in accordance with the procedure specified in international treaties and legislation of the Republic of Kazakhstan, the body leading the criminal procedure shall petition for the extradition of the person who committed a crime in the territory of the Republic of Kazakhstan and left its territory, to the Procurator General of the Republic of Kazakhstan or authorised procurator with attachment to it of appropriate documents.

3. The claim of extradition must contain the following:
   1) the name of the authority who is handling the criminal case;
2) surname, name, patronymic of the convict (accused), year of birth, citizenship, description of appearances, photographs;

3) presentation of actual circumstances of the committed crime with presentation of the text of the law providing the liability for that crime, with obligatory indication of the sanction;

4) information on place and time of passing the sentence which entered into legal force, or resolution on holding as accused with attachment of certified copies of appropriate documents.

4. The following must be attached to the petition for extradition: copy resolution on bringing charges, copy resolution on imprisonment, documents to confirm the citizenship of the person to be extradited, the conclusion of the relevant procurator on legality and motivation of the petition for extradition.

Article 530. The Limits of the Criminal Liability of the Extradited Person

1. A person extradited by a foreign state may not be held responsible through the criminal procedure, subjected to punishment, as well as extradited to a third state for another crime not connected with the extradition, without approval of the state that has extradited him.

2. The rule of the first part of this Article shall not apply to the cases of commission of crime by a person after his extradition.

Article 531. The Execution of a Claim for Extradition of a Citizen of a Foreign State

1. The claim for extradition of a citizen of a foreign state, who is accused of commission of a crime or sentenced in the territory of a foreign states, shall be considered by the Procurator General of the Republic of Kazakhstan or by the authorised procurator whose instructions are the basis for the execution of the extradition. When there are claims of several states for extradition of a person, the decision on to which state the person is to be extradited shall be taken by the Procurator General of the Republic of Kazakhstan.

2. The terms and the procedure for extradition shall be determined by this Code and international treaty of the Republic of Kazakhstan with the foreign state.

3. In the event that the citizen of a foreign state for whose extradition a request was received, is enduring punishment for another crime in the territory of the Republic of Kazakhstan, the extradition may be postponed until the end of enduring punishment or release from punishment for any other legitimate reason. In the event that a citizen of a foreign state is held responsible through the criminal procedure, his extradition may be postponed until the sentence have been resolved, punishment have been endured or the person has been released from criminal liability of punishment for any reason. If postponement of extradition may entail the expiration of the statute of limitations for the criminal prosecution or cause harm to the investigation of a crime, the person whose extradition is required in accordance with the petition, may be extradited for a time as determined by the agreement of the parties.

4. The person who has been extradited for a period of time, must be returned after the commission of procedural acts on the criminal case, for which he was extradited, but not later than three months
after the day of transfer of the person. Upon mutual agreement that time may be extended, but for not more than the period of the punishment for which the person was sentenced or for which in accordance with the law the person may be sentenced for a crime committed in the territory of the Republic of Kazakhstan.

5. The administration of the place of custody after the receipt of instructions on extradition from the General Procurator of the Republic of Kazakhstan or authorised procurator shall be obliged to organise the transit and handing over of the extradited person to the relevant body of that state to which he has been extradited, and to notify the Procurator General of the Republic of Kazakhstan of authorised procurator appropriately.

Article 532. The Denial of Extradition
1. Extradition shall not be allowed in the following cases:
1) if the Republic of Kazakhstan grants political asylum to the person;
2) if the act that served as the basis for the extradition claim is not recognised as crime in the Republic of Kazakhstan;
3) if a sentence which entered into legal force for the same crime has already been issued against that person, or proceedings on the case have been terminated;
4) if pursuant to the legislation of the Republic of Kazakhstan the criminal case may not be instituted nor sentence may be executed because the statute of limitations expired or for any other legitimate reason.

2. Extradition may be denied if the crime in connection with which the extradition claim was filed, was committed in the territory of the Republic of Kazakhstan or beyond its boundaries, but aimed against the interests of the Republic of Kazakhstan.

Article 533. The Continuation of the Criminal Prosecution of Sateless Persons, Citizens of a Third Country and Their Extradition
1. The procedure for directing materials for continuation of criminal prosecution and implementation of requests on continuation of criminal prosecution or on institution of a criminal case against sateless persons, citizens of a third country shall be determined by the rules of Article 527, 528 of this Code.

2. The procedure for extradition of sateless persons, citizens of a third country shall be determined by the rules of Articles 529, 530, 531, 532 of this Code.

Article 534. The Extradition Arrest (Detention and Imprisonment for Extradition)
1. In the case of receiving from a competent institution of a foreign state of appropriately formulated claim and provided there are legitimate reasons for the extradition of a person, that person may be detained and the suppression measure in the form of the extradition arrest may be applied to him. Pursuant to the petition of the requesting state the person may be arrested prior to receipt of the extradition claim. The petition must contain the reference to the resolution on imprisonment or to the
sentence that entered into legal force and an indication that the extradition claim will be presented additionally. A petition for imprisonment prior to the filing of the extradition claim may be transmitted by mail, telegraph, telex or fax. After examining the presented materials and if sufficient reasons exist to believe that the detained person is the person for whom the search was announced, and if there are no reasons presented in Article 532 of this Code, the procurator shall pass a resolution on extradition arrest of which the arrested person shall be notified under receipt of his signature. The procurator shall immediately direct the notice of the extradition arrest performed by him to the General Procurator of the Republic of Kazakhstan or authorised procurator and indicate the state of which the arrested person is a citizen and the name of the body that announced the search.

2. A person may be detained for up to three days even without the petition provided for in the first part of this Article, if there are reasons provided for by the law to suspect that that person committed the crime in the territory of the other state, that entails extradition.

3. The institution of the foreign state which directed or may direct an extradition claim, petition for arrest, with the proposal of the time and place for the extradition, shall be immediately notified of imprisonment of the person.

4. If within thirty days extradition have not taken place, the person in custody shall be subject to release pursuant to the resolution of the procurator. A person detained in accordance with the second part of this Article must be released if the claim of his extradition has not been received within the period specified by the legislation of the Republic of Kazakhstan for detention. A repeated imprisonment shall be allowed only after considering a new extradition claim in accordance with the first part of this Article.

5. The extradition arrest of a person detained in accordance with Article 531 of this Code shall be carried out by the procurator for a period up to one month.

6. If no extradition petition is received during that period from a competent institution of the state that announced search, but there is the petition for imprisonment and the guarantee of subsequent direction of the extradition petition, the period of the extradition arrest pursuant to the petition of the procurator who carried out the arrest may be extended by the procurator of the province or a procurator who is equated to that, for up to two months, of which the General Procurator of the Republic of Kazakhstan or authorised procurator shall be notified.

7. In exceptional cases, when there are conditions indicated in the second part of this Article, the period of the extradition arrest pursuant to the petition of the province procurator or a procurator equated to that, may be extended by the General Procurator of the Republic of Kazakhstan or authorised procurator up to three months.

8. The administration of the place of imprisonment not later than seven days prior to the expiry of the period in custody of the arrested person shall be obliged to notify the procurator who carried out the extradition arrest, accordingly.

9. Release of the arrested person for extradition shall be carried out on the basis of the resolution of the procurator who carried out the extradition arrest, in particular upon expiry of the periods indicated in
this Article, if no extradition took place within that period, of which the Procurator General of the Republic of Kazakhstan of the authorised procurator shall be notified immediately.

Article 535. The Transit Transportation
1. The petition of a foreign state authority for transit transportation through the territory of the Republic of Kazakhstan of a person extradited to that authority by a third state, shall be considered in accordance with the same procedure as the extradition claim.
2. The method of transit transportation shall be determined by the Procurator General of the Republic of Kazakhstan in coordination with appropriate departments.

Article 536. The Transfer of Objects
1. When a person is extradited to a foreign state authority, the objects which are tools of the crime shall be handed over as well as the objects which have traces of crime or obtained in a criminal manner. Those objects shall be handed over pursuant to the request even in the event that the extradition of the person due to his death or for other reasons may not take place.
2. The objects indicated in the first part of this Article may be detained for a period of time if they are needed for the proceedings on another criminal case.
3. In order to ensure the legitimate rights of third parties, the transfer of the objects indicated in the first part of this Article shall be carried out only if there are guarantees of the foreign state authority of return of the objects upon the end of proceedings on the case.

CHAPTER 56. EXTRADITION OF A PERSON SENTENCED TO DEPRIVATION OF FREEDOM FOR ENDURING PUNISHMENT IN THE COUNTRY OF WHICH HE IS A CITIZEN

Article 537. The Reasons for Handing Over a Person Sentenced to Deprivation of Freedom for Enduring Punishment in the State Of Which He Is A Citizen
The international treaty of the Republic of Kazakhstan with the relevant foreign state or a written agreement on the terms of reciprocity of the Procurator General of the Republic of Kazakhstan with the competent authorities and official persons of the foreign state shall be the basis for handing over a person sentenced by a court of the Republic of Kazakhstan to deprivation of freedom, for endurance of punishment in the state of which he is a citizen, and equally for handing over a citizen of the Republic of Kazakhstan sentenced by a foreign state court to deprivation of freedom for endurance of punishment in the Republic of Kazakhstan.

Article 538. The Terms and Procedure for Handing Over a Convict for Endurance of Punishment in the State Of Which He Is A Citizen
1. The handing over of a person sentenced in the Republic of Kazakhstan for enduring punishment in the state of which he is a citizen, shall be allowed prior to his endurance of punishment in the form
of deprivation of freedom pursuant to the petition of the convict, legitimate representative or closerelatives of the convict, as well as pursuant to the request of the competent authority of the relevant state with the consent of the convict.

2. The handing over of the persons indicated in the first part of this Article may be carried out only after the entry of the sentence into legal force pursuant to the decision of the Procurator General of the Republic of Kazakhstan or his deputy, who shall inform the court that passed the sentence on the hand-over that has taken place.

**Article 539. The Denial of Hand-Over of A Person Sentenced to Deprivation of Freedom to A Foreign States for Endurance of Punishment**

Handing over of a person sentenced to deprivation of freedom by a court of the Republic of Kazakhstan for endurance of punishment in the state of which he is a citizen may be denied in the following cases:

1) if none of the acts for which the person has been sentenced is recognised as a crime pursuant to the legislation of the state of which the convict is a citizen;
2) if the punishment may not be executed in the foreign state due to expiry of the statute of limitations or for another reason provided for by the legislation of that state;
3) if no guarantee has been received from the convict nor foreign state that the sentence will be executed with regard to the civil claim;
4) if no consensus has been reached on the hand-over of the convict on the terms provided for by the international treaty;
5) if the convict has permanent place of residence in the Republic of Kazakhstan.

**Article 540. The Consideration of a Petition for Acceptance of A Citizen of the Republic of Kazakhstan for Endurance of Punishment**

1. A citizen of the Republic of Kazakhstan sentenced to deprivation of freedom by a court of a foreign state, his legitimate representative or close relatives as well as the competent authorities of the foreign state with the consent of the convict may petition to the Procurator General of the Republic of Kazakhstan with a petition for the convict enduring punishment in the Republic of Kazakhstan.

2. In the case of satisfaction of the petition the Procurator General of the Republic of Kazakhstan shall submit a resolution on the execution of the foreign state court sentence to the province court or a court equated to the province court in the place of permanent place of residence of the convict prior to the departure from the Republic of Kazakhstan. And if the convict has not permanent place of residence, the proposal shall be submitted to the Supreme Court of the Republic of Kazakhstan.

**Article 541. The Procedure for the Settlement by the Court of the Issues Associated With the Execution of a Foreign State Court Sentence**

1. The presentation of the Procurator General of the Republic of Kazakhstan shall be considered by the judge in the court session in the absence of the convict in accordance with the procedure and within the period established by this Code for the settlement of the issues associated with the execution of
the sentence.

2. The following must be indicated in the resolution of the judge on execution of a foreign state court sentence:

1) the name of the foreign state court sentence, time and place of resolution of the sentence;
2) the information on the last place of residence of the convict in the Republic of Kazakhstan, place of work, and type of occupation prior to the conviction;
3) qualification of the crime for the commission of which the citizen is recognised as guilty and on the basis of what criminal law he was sentenced;
4) the criminal law of the Republic of Kazakhstan that provides the liability for the crime committed by the convict;
5) the type and term of punishment (the principle and additional), the date of beginning and end of the punishment that must be endured by the convict in the Republic of Kazakhstan; the type of the criminal penal institution, procedure for compensation of losses pursuant to the claim.

3. If the maximum period of deprivation of freedom pursuant to the law of the Republic of Kazakhstan for a given crime is less than that prescribed pursuant to the sentence of a foreign state court, the judge shall determine the maximum period of deprivation of freedom for the commission of a given act as provided for by the Criminal Code of the Republic of Kazakhstan. If deprivation of freedom has not been provided for as punishment, the judge shall determine punishment within the limits of that established by the Criminal Code of the Republic of Kazakhstan for a given crime and which is most consistent with that prescribed by the foreign state court sentence.

4. If a sentence pertains to two or several acts not all of which are recognised as crimes in the Republic of Kazakhstan, the judge shall determine what part of the punishment prescribed pursuant to the foreign state court sentence, shall apply to the act which is recognised as crime.

5. The resolution of the judge shall enter into force from the time when it has been passed and it shall be directed to the Office of the Procurator General of the Republic of Kazakhstan for ensuring its execution.

6. In the case of abolition or alteration of a foreign state court sentence, or application of an act of amnesty or pardon issued by the foreign state for the person who is enduring punishment in the Republic of Kazakhstan, the issues associated with the execution of the revised sentence, as well as of application of the amnesty or pardon shall be resolved in accordance with the rules of this Article.