

"On Approval of the Rules for Encouragement of Persons Who Reported the Fact of Corruption Offense or otherwise assisting in counteracting corruption" (as amended as of 04.04.2015).

Status of the document: valid. Date: 01.01.2016.

**Decree of the Government of the Republic of Kazakhstan dated
December 30, 2015 № 1131**

**On approval of the Rules for encouragement of persons,
reported about a fact of corruption offence or otherwise providing
assistance in combating corruption**

In accordance with paragraph 3 of article 24 of the Law of the Republic of Kazakhstan dated November 18, 2015 "On Combating Corruption" the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Rules for encouragement of persons, reported about a fact of corruption offence or otherwise providing assistance in combating corruption.

2. The decree of the Government of the Republic of Kazakhstan dated August 23, 2012 №1077 "On approval of the Rules for encouragement of persons, reported about a fact of corruption offence or otherwise providing assistance in combating corruption" (Collected Acts of the President and the Government of the Republic of Kazakhstan, 2012, № 67, art. 955) shall be declared to be no longer in force.

3. This decree shall be put into effect from January 1, 2016 and shall be subject to official publication.

**Prime Minister
of the Republic of Kazakhstan**

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Approved
by decree №1131
of the Government
of the Republic of Kazakhstan
dated December 30, 2015

Rules

for encouragement of persons who reported a fact of corruption offence or otherwise assist in combating corruption

Chapter 1. General Provisions

1. These Rules for encouragement of persons who reported a fact of corruption offense or otherwise assist in combating corruption (hereinafter - the Rules) have been developed in accordance with paragraph 3 of Article 24 of the Law of the Republic of Kazakhstan dated November 18, 2015 On Combating Corruption and define the procedure for encouraging persons who have reported a fact of corruption offense or otherwise assist in combating corruption.

2. For persons who reported a fact of corruption offense or otherwise assist in combating corruption, incentives shall be established in the form of a lump-sum cash reward.

For corruption offenses, in which the amount of bribe or damage caused or the cost of provided benefits or rendered services does not exceed one thousand monthly calculation indices (hereinafter - MCI) or no damage was made, a lump-sum cash reward shall be established in the following amounts:

- 1) in administrative cases on corruption offenses - 30 MCI;
- 2) in criminal cases on minor corruption offences - 40 MCI;
- 3) in criminal cases on medium-gravity corruption offences - 50 MCI;
- 4) in criminal cases on grave corruption offences - 70 MCI;
- 5) in criminal cases on especially grave corruption offences - 100 MCI.

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For corruption offenses, in which the amount of a bribe or damage caused or the cost of provided benefits or rendered services exceeds one thousand MCI, the lump-sum cash reward shall be ten percent of the amount of bribe or caused damage, or provided benefits, or rendered services, but no more than four thousand MCI.

In the cases referred to in paragraph 15 of these Rules, encouragements may be established in the form of awarding a certificate of appreciation or a letter of commendation.

When determining the amount of the incentive, the monthly calculation index shall be applied, which is valid on the date of enforcement of the acts specified in paragraph 5 of these Rules.

3. Encouragements shall be funded at the republican budget expense.

Chapter 2. Conditions, grounds and the procedure for encouragement

4. Assistance in combating corruption shall include:

- 1) reporting the fact of committing a corruption offense;
- 2) provision of information on the whereabouts of the wanted person who has committed the corruption offense;
- 3) other assistance that was subsequently relevant for the detection, suppression, disclosure and investigation of the corruption offense.

5. Encouragement shall be made if the information provided by the person was true to fact, or if other assistance in combating corruption provided by the person influenced the detection, suppression, disclosure and investigation of the corruption offense and in relation to the guilty person:

- 1) a court order on imposing administrative penalty has entered into force;
- 2) the guilty verdict has entered into force;
- 3) the prosecutor approved the resolution of the criminal prosecution body to terminate the criminal case, the court order to terminate the criminal case on the basis of paragraphs 3), 4), 9), 10), 11) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan entered into force.

6. If, on the basis of information from a person who reported the fact of a corruption offense or otherwise assists in combating corruption, several crimes have been detected:

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1) of varying degrees of severity, the lump sum reward shall be paid out for the most severe of them in the amount established by paragraph 2 of these Rules;

2) of the same degree of severity, the lump sum reward shall be paid out once.

7. The authorized anti-corruption body (hereinafter -the authorized body) and the bodies specified in paragraph 2 of Article 22 of the Law of the Republic of Kazakhstan dated November 18, 2015 On Combating Corruption (hereinafter -anti-corruption bodies), shall explain to the persons who reported the fact of a corruption offense or otherwise assisted in combating corruption, who are eligible for encouragement, the procedure of applying for encouragement.

8. Upon the arising right to encouragement, a person who reported the fact of a corruption offense or otherwise provided assistance in combating corruption to the authorized body or the bodies fighting corruption, shall apply to the body to which the assistance was provided for encouragement and attach to the application the documents specified in subparagraph 5) of paragraph 9 of these Rules.

9. The anti-corruption body, within fifteen working days from the date of the request of the person specified in paragraph 8 of these Rules, shall send the following documents to the authorized body:

1) the petition of the anti-corruption body;

2) a copy of the application registered in the crime record book, the uniform register of prejudicial inquiries, as well as information on the person's reporting the fact of a corruption offense or other documents confirming the person's assistance in detecting, suppressing, disclosing and investigating a corruption offense;

3) on administrative cases:

a copy of the protocol on an administrative offense or a resolution to initiate proceedings on an administrative offense;

a copy of the enforced court ruling on imposing an administrative penalty;

4) on criminal cases:

a copy of the enforced guilty verdict, or the ruling to terminate the criminal case on the basis of paragraphs 3), 4), 9), 10), 11) and 12) of part one of Article 35 or part one of Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan;

5) a copy of the identity document and bank details of the personal or other account of the person for the payment of a lump-sum cash reward.

10. The authorized body, within five working days from the date of receipt of the documents referred to in paragraphs 8 or 9 of these Rules, shall verify the completeness

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and compliance of the submitted documents with the requirements established by these Rules and other regulatory legal acts of the Republic of Kazakhstan.

In the events of presented incomplete package of documents, inconsistency of the person who reported the fact of a corruption offense or otherwise assisted in combating corruption, and (or) of submitted materials, objects, data and information necessary for the reward, with the requirements established by these Rules and by other regulatory legal acts of the Republic of Kazakhstan, the authorized body, within the time indicated in this paragraph, shall give a motivated refusal to further examine the application or petition of the anti-corruption body.

If the reasons for the refusal to examine the documents specified in paragraphs 8 or 9 of these Rules are eliminated, the applicant or the anti-corruption body shall re-apply as prescribed by these Rules.

11. The necessary materials and documents provided in accordance with paragraphs 8 or 9 of these Rules shall be brought up at the meeting of the commission for the examination of materials for encouragement of persons who reported the fact of a corruption offense or otherwise assisted in combating corruption (hereinafter -the Commission), formed by the authorized body, no later than ten working days from the date of receipt of the application for encouragement or the petition of the anti-corruption body.

12. The Commission shall make a decision on rewarding the person who has reported the fact of a corruption offense or otherwise assisted in combating corruption, or decline the reward if the submitted documents and (or) data (information) contained therein are found to be unreliable, no later than fifteen working days from the date of receipt of the application for encouragement or the petition of the anti-corruption body.

13. The head of the authorized body or its territorial unit, within one working day after the Commission makes a decision to reward a person who reported the fact of a corruption offense or otherwise assisted in combating corruption, shall issue an order on encouragement, which shall be the ground for paying the person lump sum remuneration.

14. The lump sum monetary remuneration shall be paid within ten working days after making changes to the individual financing plans for the obligations and payments of the authorized body by money transfer to the personal or other account of the person.

15. In the event of refusal from the lump sum money reward, the person who reported the fact of a corruption offense or otherwise assisted in combating corruption, shall submit an application to the body that was assisted.

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In the event that the anti-corruption body transferred the materials for encouragement to the authorized body, the application referred to in part one of this paragraph shall be submitted to the authorized body.

In this case, the structural units of the authorized body or its territorial units may petition, accordingly, to the head of the authorized body or its territorial unit about awarding the person with a certificate of appreciation or a letter of commendation.