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CRIMINAL CODE OF THE KYRGYZ REPUBLIC

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THE KYRGYZ REPUBLIC

CRIMINAL CODE

(Version of the Kyrgyz Republic laws of September 21, 1998, No. 124; December 9, 1999, No. 141; July 23, 2001, No. 77; November 19, 2001, No. 92; March 12, 2002, No. 36; June 22, 2002, No. 109; July 8, 2002, No. 115; October 16, 2002, No. 141; February 17, 2003, No. 36; June 11, 2003, No. 98; June 11, 2003, No. 99; June 11, 2003, No. 100; August 9, 2003, No. 193; August 5, 2003, No. 192; November 14, 2003, No. 221; November 15, 2003, No. 223; February 15, 2004, No. 13; March 7, 2004, No. 17; March 23, 2004, No. 46; July 26, 2004, No. 99; July 27, 2004, No. 101; December 15, 2004, No. 191; August 5, 2005, No. 122; January 5, 2006, No. 1; February 6, 2006, No. 35; February 13, 2006, No. 56; February 13, 2006, No. 57)

Adopted by the Legislative Assembly of the Kyrgyz Republic Parliament (Jogorku Kenesh) on September 18, 1997

GENERAL PART

SECTION I. CRIMINAL LAW

Chapter 1. OBJECTIVES AND PRINCIPLES OF THE KYRGYZ REPUBLIC CRIMINAL CODE

Article 1. Criminal Laws of the Kyrgyz Republic

(1) Criminal laws of the Kyrgyz Republic includes this Code based on the Kyrgyz Republic Constitution and provisions contained in international agreements and other acts ratified by the Kyrgyz Republic Jogorku Kenesh.

(2) New laws envisaging criminal responsibility are subject to incorporation into this Code.

Article 2. Goals and Objectives of the Kyrgyz Republic Criminal Code

(1) Goals of the Kyrgyz Republic Criminal Code include crime prevention, protecting individuals, rights and freedoms of individuals and entities, property, natural environment, public order and security, Kyrgyz Republic constitutional system from criminal trespass.

(2) Objectives of the Kyrgyz Republic Criminal Code include identification of criminal responsibility principles, grounds of criminal responsibility, characteristics of the general concept of crime, scope of socially dangerous acts, and punishments applied to persons committing crimes.

Article 3. Principles of the Kyrgyz Republic Criminal Law

(1) The Criminal Code is based on principles of law, personal guilty liability, justice, democracy, humanism, as well as equality before the law and inevitability of responsibility for crimes committed.

(2) No person shall be returned guilty of committing a crime until the guilt is recognized by an effective court verdict.

(3) No person shall be held responsible twice for the same crime.

#### Article 4. Grounds of Criminal Responsibility

Grounds of criminal responsibility are commitment of a socially dangerous act with attributes of corpus delicti as provided by the criminal law.

### CHAPTER 2. CRIMINAL LAW BOUNDS

#### Article 5. Application of the Criminal Law to Persons Committing Crimes within the Kyrgyz Republic

(1) Any person committing crime within the Kyrgyz Republic shall be held responsible hereunder.

(2) In case of a crime committed outside of the Kyrgyz Republic, responsibility shall take effect hereunder if such crime is accomplished or prevented within the Kyrgyz Republic.

(3) Should a crime be committed within the Kyrgyz Republic by a diplomatic representative of a foreign states or other person outside the competence of the Kyrgyz Republic courts according to current laws and international agreements, such matter shall be resolved diplomatically based on international law provisions.

#### Article 6. Application of the Criminal Law to Persons Committing Crimes outside of the Kyrgyz Republic

(1) The Kyrgyz Republic nationals as well the Kyrgyz Republic stateless residents committing crimes outside the Kyrgyz Republic shall be held responsible hereunder unless sentenced by foreign state court.

(2) The Kyrgyz Republic nationals committing crimes in another country shall not be extradited to that country.

(3) Foreign citizens and stateless persons committing crimes outside the Kyrgyz Republic and staying within its area may be extradited to foreign state to be held responsible or serve sentence in accordance with international agreement.

#### Article 7. The Criminal Law Force in Time

(1) Criminality and penalty of an act shall be determined by law effective at the time such act was committed.

(2) The law that eliminates penalty of an act or mitigates sentence is retroactive, i.e. applied to persons who committed the crime before the effective date of such law, including those serving or having served sentence but having prior conviction.

(3) The law that determines penalty of act, aggravates sentence or otherwise deteriorates the state of the person shall not have retroactive effect.

### SECTION II. CRIME

#### CHAPTER 3. NOTION AND TYPES OF CRIME

## Article 8. Notion of Crime

(1) Crime is an act (action or omission) recognized as socially dangerous, guilt and punishable as provided by criminal law.

(2) Action or omission representing no social danger due its insignificance, however formally having attributes of an act provided in the Special Part hereof, shall not be considered a crime.

## Article 9. Crime Classification

(1) Crimes are subcategorized as those petty, less severe, grave, and particularly severe, based on their nature and degree of social danger.

(2) Crime gravity shall be determined by maximum term of a more severe sentence provided by the article sanction.

## Article 10. Petty Crimes

Petty crimes are intended crimes, sentenced by 2 years of imprisonment as maximum term, as well as those committed through carelessness and sentenced by 5 years of imprisonment as maximum term.

## Article 11. Less Severe Crime

Less severe crimes are intended crimes sentenced under law by imprisonment for a period not exceeding 5 years, as well as those committed through carelessness and sentenced by over 5 years of imprisonment.

## Article 12. Grave Crimes

Grave crimes are intended crimes to be sentenced under law by imprisonment for a period exceeding 5 years but less than 10 years.

## Article 13. Particularly Severe Crimes

Particularly severe crimes are intended crimes for which the law provides sentence of over 10 years of imprisonment or death penalty.

## Article 14. Recurrence of Crime

Recurrent crime is commission of two or more crimes envisaged by one article or a part of an article of the Special Part hereof, as well as commitment of two or more crimes envisaged by different articles if such is specifically stipulated in the Special Part hereof.

## Article 15. Cumulative Crime

(1) Cumulative crime is commission of two or more crimes envisaged by different articles or parts of article of the Criminal Code, for none of which the person was convicted. With all this, no offences shall be taken into account for which the person was exempted from criminal responsibility under conditions established by law.

(2) Cumulative crime is as well a single action/omission having attributes of corpus delicti envisaged by two or more article hereof.

(3) If a crime is envisaged by both general and special provisions and there is not cumulative, criminal responsibility shall take its effect under the special provision.

#### Article 16. Recidivism

(1) Criminal recidivism is the commission of an intended offence by a person with previous conviction for previously committed intended crime.

(2) Repeated commission of a crime shall be recognized dangerous in the following cases:

1) a person has committed an intended crime for which such person is sentenced by imprisonment - if such person had previously been three times sentenced by imprisonment for intended crimes.

2) a person has committed a severe offence - if such person had previously been twice convicted for a severe crime.

(3) Repeated commission of a crime shall be recognized particularly dangerous in the following cases:

1) a person has committed an intended crime for which such person is sentenced by imprisonment - if such person had previously been three or more times sentenced by imprisonment for severe crimes.

2) a person has committed a severe offence - if such person had previously been three times convicted for a severe crime and convicted twice for particularly severe crimes.

3) a person has committed a particularly severe offence - if such person had previously been convicted for a particularly severe crime.

(4) In recognition of repeated commission of crime, the following shall not be taken into account:

1) previous convictions for petty intended crimes;

2) previous convictions for crimes committed by a person under 18 years old;

3) previous convictions for crimes sentenced conditionally or for which the sentence execution was suspended if conditional conviction or execution suspension has not been cancelled and the person has not been sent to serve the sentence, as well as previous convictions recalled under procedures established by Article 76 hereof.

(5) Repeated commission of crime involves a severer punishment based on and limited by this Code.

Note: Previous conviction for a crime committed prior to January 1, 1998, by a person under 18 years old shall not be taken into account in recognition of a repeated commission of offence.

Previous conviction of a person in a foreign state for an act also recognized as a crime in the Kyrgyz Republic shall be taken into account in recognition of a repeated commission of offence.

(Version of the Kyrgyz Republic laws of March 12, 2002, No. 36; June 11, 2003, No. 99; February 13, 2006, No. 56)

#### CHAPTER 4. CRIMINALLY LIABLE PERSONS

##### Article 17. General Conditions of Criminal Liability

Criminal liability shall only be imposed on sane persons of the age established hereby that have committed crimes.

#### Article 18. Age of Criminal Liability

(1) Criminal liability shall be imposed on persons that have reached the age of 16 prior the commission of crime.

(2) Persons that have reached the age of 14 prior the commission of crime shall be criminally liable for killing (Article 97), intended doing of severe harm to health (Article 104), intended doing of less severe harm to health (Article 105), kidnapping (Article 123), human trafficking (Article 124), rape (Article 129), sexual violence (Article 130), theft (Article 164), abaction (Article 165), abbrochment (Article 167), brigandage (Article 168), major property stealage (Article 169), extortion (Article 170), misappropriation of an automobile or other motor vehicles (Article 172), intended destruction or damaging of property through arson or in any other generally dangerous way or with severe consequences (part two of Article 174), terrorism (Article 226), androlepsy (Article 227), hooliganism under aggravating circumstances (parts two and three of Article 234), vandalism (Article 235), stealing or extortion of firearms, ammunition or explosives (Article 245), illegal manufacturing, purchase, keeping, transport, forwarding for sale purposes or sale of drugs or psychotropics (Article 247), stealing or extortion of drugs or psychotropics (Article 248), putting carriers or communications out of commission (Article 283).

(Version of the Kyrgyz Republic laws of September 21, 1998, No. 124; July 8, 2002, No. 115; August 9, 2003, No. 193)

#### Article 19. Legal Insanity

(1) Criminal responsibility shall not be imposed on a person that was insane when committing a socially dangerous act, i.e. was unaware of one's actions, unable to manage oneself due to a mental disease, temporary mental disorder, imbecility or another mentally sick state.

(2) Court may assign medical coercive measures provided herein to apply to a person recognized insane.

#### Article 20. Criminal Responsibility of a Person with Mental Disorder not Excluding Sanity

(1) A sane person that could not fully realize actual nature and social danger of one's actions (omission) or was unable to manage oneself due to mental disorder, shall be recognized criminally liable.

(2) Mental disorder not excluding sanity shall be taken into account by court in assigning a punishment and may serve as a ground for assigning medical coercive actions.

#### Article 21. Criminal Responsibility of a Person Committing a Crime under Alcohol Intoxication

A person that has committed a crime under intoxication caused by consumption of alcohol, drugs or other narcotic substances shall be recognized as criminally liable.

## CHAPTER 5. GUILT

### Article 22. Types of Guilt

Only a person that has committed a socially dangerous act, whether deliberately or through carelessness, shall be recognized guilty.

### Article 23. Intended Crime

(1) An act committed with direct or indirect intent shall be recognized an intended crime.

(2) A crime shall be recognized committed with direct intent if the person realized social danger of one's action (omission), could foresee its socially dangerous implications and wished them to occur.

(3) A crime shall be recognized committed with indirect intent if the person realized social danger of one's action (omission), could foresee probability of socially dangerous consequences, did not wish them but wittingly admitted them.

### Article 24. Crime Committed through Carelessness

(1) An act committed through thoughtlessness or negligence shall be recognized as a crime committed through carelessness.

(2) A crime shall be recognized committed through thoughtlessness if the person could foresee probability of socially dangerous consequences of one's action (omission), but expected them to be prevented with no sufficient ground for that.

(3) A crime shall be recognized committed through negligence if the person could not foresee probability of socially dangerous consequences of one's action (omission) however must and was able to foresee them.

### Article 25. Innocent Infliction (Occasion)

An act shall be recognized committed innocently if the doer did not realize, must not and was unable to realize social danger of one's action (omission) or could not foresee its socially dangerous consequences, and, under circumstances of the case, must not and was unable to foresee them.

## CHAPTER 6. CRIME COMPLETED AND UNCOMPLETED

### Article 26. Liability for an Uncompleted Crime

(1) A crime shall be recognized completed if the act committed by the doer has all corpus delicti attributes envisaged herein.

(2) Preparation for crime and criminal attempt shall be recognized as an uncompleted crime.

(3) Criminal liability for an uncompleted crime shall take its effect under the article hereof providing liability for a completed crime with reference to Articles 27 or 28 hereof.

### Article 27. Preparation for Crime

(1) Preparation for crime shall include directly intended search or device of means or instruments, scheming of crime or another intended

arrangement of crime, if consequently such crime was not finished due to uncontrolled circumstances.

(2) Criminal liability shall only be imposed for preparation for severe or particularly severe crime.

#### Article 28. Criminal Attempt

Action or omission committed with direct intent, directly aimed at completion of crime, shall be recognized a criminal attempt if such crime was not finished due to circumstances out of doer's control.

#### Article 29. Voluntary Renunciation of Criminal Purpose

(1) Seizure of preparatory activities or action or omission aimed directly at commitment of a crime by doer shall be recognized voluntary renunciation of criminal purpose if the doer realized and had actual opportunity for finishing the crime.

(2) An act which criminal purpose was voluntarily renounced shall not lead to criminal liability. A person voluntarily renouncing to complete the crime shall only be criminally liable if actually completed act contains components of another crime.

(3) Voluntary renunciation by crime organizer, instigator or accomplice shall exclude criminal liability if such person have in good time undertaken all possible measures to prevent completion of crime and occurrence of socially dangerous consequences.

### CHAPTER 7. CRIMINAL COMPLICITY

#### Article 30. Criminal Complicity

(1) Criminal complicity is an intended joint involvement of two or more persons in commitment of an intended crime.

(2) Criminal participants, along with principal offenders, are crime organizers, instigators and accomplices.

(3) Principal offender is a person directly committing the crime or directly participating in its completion jointly with other persons as well as those committing crime through engagement of other persons not criminally liable by act of law.

(4) Organizer is a person that organized the crime or managing its execution, as well as person that formed or managed an organized group or criminal association.

(5) Instigator is a person that induced the crime.

(6) Accomplice is a person that assisted the crime through counseling, instructing, providing means or eliminating obstacles, or other person that in advance promised to conceal offender's traces, instruments or means of crime, crime traces or objects obtained illegally, and a person that in advance promised to obtain or dispose of such objects.

(7) Liability imposed on organizer, instigator and accomplice shall take its effect under the same article of the Special Part of the Criminal Code as applied to the principal offender, with reference to this article.

#### Article 31. Forms of Complicity

(1) Forms of criminal complicity include simple complicity, compound complicity, organized group, and criminal association.

(2) Simple complicity is commitment of a crime by two or more persons each executing actions provided in corpus delicti (joint participation). There may be two types of simple complicity:

1) crime committed by a group of persons with no previous concert;

2) crime committed by a group of persons under previous concert;

(3) Compound complicity is commitment of a crime by two or more persons with role allocation (organizer, instigator, principal offender and accomplice).

(4) An organized criminal group is a steady group of two or more persons previously organized to commit crimes.

(5) A criminal association is a steady, solid association of two or more persons or groups previously organized to systematically commit severe and particularly severe crimes.

#### Article 32. Excessive Act

Excessive act is execution of actions by doer that exceed the bounds of concert of participators and are not covered by their intent.

#### Article 33. Liability for Crimes Committed by an Organized Group

(1) A person that formed or managed an organized group shall be held responsible for all crimes committed by such group and covered by intent of such person.

(2) Other members of the organized group shall be held responsible for crimes committed by the organized group and covered by their intent regardless of criminal activities they accomplished as members of the group.

#### Article 34. Liability fro Crimes Committed by a Criminal Association

(1) Organizer and leader of criminal association shall be held responsible for crimes committed by such criminal association that were covered by intent of such persons and corresponded to criminal purpose of such association.

(2) Members of a criminal association, regardless of criminal duties in their relation to the association, shall be held responsible as accomplices for all crimes committed by the association if such were covered by their intent and included in scope of purposes of the criminal association.

#### Article 35. Harboring

(1) Harboring of an offender as well as of crime means, instruments and traces or objects obtained illegally, that was not promised in advance, shall only be subject to criminal liability in cases specifically envisaged hereby.

(2) Spouse or immediate relatives of the suspect, accused person or defendant shall not be liable for harboring that was not promised in advance.



## CHAPTER 8. CIRCUMSTANCES EXCLUDING CRIMINALITY OF ACT

### Article 36. Necessary Defense

(1) Infliction of harm to trespasser as a necessary defense, i.e. in protecting personality and rights of the defender or other persons, interests of society and the state shall not be recognized as crime unless with excess of bounds of necessary defense.

(2) Any person is entitled to necessary defense regardless of opportunity to avoid trespassing or request help from other persons or authorities.

(3) Excess of limits of necessary defense is a flagrant inconsistency between the defense and the nature and danger of trespassing. Infliction of harm to trespasser through carelessness shall not lead to criminal liability.

### Article 37. Extreme Necessity

(1) Infliction to legally protected interests under extreme necessity, i.e. aimed at elimination of threat to individuality and rights of this person and other persons, interests of society and the state, shall not be recognized a crime unless such threat could be eliminated by other means and if such infliction is less significant than that prevented.

(2) Excess of bounds of extreme necessity is infliction flagrantly inconsistent with the nature and danger of threat and circumstances under which the threat was eliminated when such interests were trespassed to extent equal to or more significant than the harm prevented. In such case, infliction through carelessness shall not lead to criminal liability.

### Article 38. Trespassing in Detention of Person that Committed a Crime

(1) Infliction of harm to a person in detention of such at the time or immediately after the crime committed by the detainee, with the purpose of passing the detainee to authorities, shall not be recognized a crime unless with flagrant inconsistency of detention measures with the nature and degree of social danger of detainee's acts and with detention circumstances.

(2) Excess of measures necessary for detention of a person that committed a socially dangerous act is a flagrant inconsistency of means and methods of detention with the danger of the act and the doer, as well with detention circumstances, resulted in intended harm to the detainee not caused by necessity of detention. In this case, infliction through carelessness shall not lead to criminal liability.

### Article 39. Execution of Order

(1) Infliction of harm in lawful execution of order by a person, as well as fulfillment of duties provided for by position of such person, shall not be recognized a crime.

(2) A person that committed a crime under knowingly criminal order shall be held criminally liable on common grounds.

(3) A person shall not be criminally liable for non-execution or violation of order or duties assigned to such person unlawfully. Liability shall only be applied if the act actually committed by such person contains components of another crime.

#### Article 40. Reasonable Risk

(1) Trespassing of legally protected interests under reasonable risk for socially useful purpose shall not be recognized a crime.

(2) Risk shall be recognized reasonable if the act committed corresponds with up-to-date scientific and technical expertise and experience, and the objective set could not be achieved by actions not connected with risk, and the person that admitted such risk undertook all possible steps to prevent trespassing of legally protected interests.

(3) Risk shall not be recognized reasonable if such was known to cause threat of loss of life, ecological catastrophe or other severe consequences.

### SECTION III. SENTENCE

#### CHAPTER 9. SENTENCE NOTION AND PURPOSE. TYPES OF SENTENCE

#### Article 41. Sentence Notion and Purpose

(1) Sentence is a coercive measure (retribution) applied on behalf of the state under court decision to a person found guilty of a crime, and consisting in deprivation or restraint of rights and freedom of the convicted person.

(2) Sentence is applied with the purpose of justice restoration, convicted person treatment, as well as prevention of commitment of new crimes both by convicted persons and by other persons.

(3) Sentence is neither aimed at physical cruelty nor at humiliating human dignity.

#### Article 42. Types of Sentence

(1) The primary types of sentences that may be applied to persons that have committed crimes include the following:

- 1) engagement in public work;
- 2) fine;
- 3) triple ayip (triple fine);
- 4) deprivation of the right to hold certain positions or be engaged in certain types of activities;
- 5) keeping in disciplinary military unit;
- 6) arrest;
- 7) imprisonment;
- 8) death penalty.

(2) In addition to primary types of sentence, the following measures may be applied to convicted persons:

- 1) deprivation of special or military rank;
- 2) seizure of property.

(3) Fine and deprivation of the right to hold certain positions or be engaged in certain types of activities may be applied as both main and additional sentence.

## Article 43. Public Works

(1) Public work consists in execution in time free from primary job or training of non-paid labor by the convicted person in favor society. The type of such labor shall be determined by bodies responsible for sentence execution.

(2) Public work shall be assigned for a period of 40 to 240 hours and fulfilled by convicted person in time free from primary job or training for not more than 4 hours a day or 8 hours a day by those unemployed.

(3) In case of convicted person's gross public work evasion, the judge, in response to appeal of the body that assigned the work, may substitute the sentence with fine, triple ayip, deprivation of the right to hold certain positions or be engaged in certain types of activities, or arrest as provided for by the law under which the person was found guilty.

The time worked by the convicted person shall be accounted for as an extenuation.

(4) Public works shall not be applied to:

- 1) military staff;
- 2) women aged under 55 and men aged under 60;
- 3) pregnant women;
- 4) women on child rearing leave;
- 5) disabled persons of groups I and II
- 6) minors.

Note: In applying the 3<sup>rd</sup> part of this Article, the term of deprivation of the right to hold certain positions or be engaged in certain types of activities, arrest, amount of fine, and triple ayip shall be determined by authorization of the law under which the person was found guilty.

Public works may also be substituted by arrest if the authorization of the law under which the person was found guilty provides imprisonment. In such case, the term of arrest shall be determined according to Article 48 hereof.

(Version of the Kyrgyz Republic laws of September 21, 1998, No. 124; March 12, 2002, No. 36)

## Article 44. Fine

(1) Fine is a money recovery imposed by court in cases and amounts provided for herein.

(2) The fine imposed on the guilty person depends on the nature and severity of the crime committed, ranging from 20 to 1,000 minimum monthly wages.

(3) As an additional penalty, fine may only be imposed in cases provided for by law.

(4) In case of recovery evasion, fine shall be substituted by arrest within the term provided for in Article 48 hereof.

## Article 45. Triple Ayip

(1) Triple ayip is a recovery imposed by court in amount of threefold damage caused, in cash or in-kind.

(2) Two parts of triple ayip shall be recovered in favor of complainant as a compensation of material and moral damage, and the third part in favor of the state. Such sentence shall be applied to persons convicted for intended crime for the first time.

Article 46. Deprivation of the Right to Hold Certain Positions or Be Engaged in Certain Types of Activities

(1) Deprivation of the right to hold certain position or be engaged in certain types of activities may be assigned by court for a period of 1 to 5 years as primary sentence and 1 to 3 years as an additional sentence.

(2) As an additional sentence, deprivation of the right to hold certain position or be engaged in certain types of activities may be assigned by court if this measure is not provided for by article of the Special Part hereof, and, depending on the nature of the crime committed, court will recognize impossible for the convicted person to retain the right to hold certain position or be engaged in certain types of activities.

(3) If such sentence is assigned in addition to imprisonment, keeping in a disciplinary military unit or arrest, the term of the sentence shall start after serving the primary sentence as determined by the verdict. If deprivation of the right to hold certain position or be engaged in certain types of activities is assigned as an addition to other sentences, as well as in case of conditional conviction, the term of the sentence shall start on the date of the verdict effect.

Article 47. Keeping in a Disciplinary Military Unit

Keeping in a disciplinary military unit shall be applied to fixed-period military staff for a term ranging from 6 months to 2 years in cases provided for herein, as well as if court, having taken into account circumstances of the case and personality of the convicted, finds it necessary to substitute imprisonment for less than 2 years with keeping in a disciplinary unit for the same term.

Article 48. Arrest

(1) Arrest consists in detention of a person under strict isolation.

(2) Arrest shall be assigned for a term of 1 to 6 months.

(3) Should arrest be applied to substitute public works in case of evasion from serving the sentence, arrest shall be assigned for a term of at least 1 month.

(4) Arrest shall not be applied to pregnant women, women with infants, minors under 16 by the date of sentencing.

(5) Military staff shall serve sentence in military detention.

Article 49. Imprisonment

(1) Imprisonment is coercive isolation of convicted person through placing such person in settlement or correctional facility of general, medium, high or particular security or in prison.

(2) Imprisonment shall be limited by a term ranging from 6 months to 20 years.

(3) In case of partial or full composing of imprisonment terms of sentences for cumulative crimes, the maximum imprisonment term shall not exceed 25 years, or 30 years under several verdicts.

(4) As a clemency, death penalty may be substituted by 30-year imprisonment term.

(5) Service of sentence shall be applied as follows to persons sentenced to imprisonment:

1) persons convicted for the first time for crimes committed through carelessness and sentenced to less than 5 years of imprisonment - in settlement;

2) persons convicted for the first time for petty or less severe intended crimes, as well as for crimes committed through carelessness, and sentenced to over 5 years of imprisonment - in general security correctional facilities;

3) persons sentenced to imprisonment for the first time for severe or particularly severe crimes - in medium security correctional facilities;

4) in case of repeated commission, if the convicted person had previously served imprisonment, as well as in case of dangerous recidivism - in high security correctional facilities;

5) in case of special dangerous recidivism or clemency in the form of death penalty substitution with imprisonment - in maximum security correctional facilities.

(6) For women sentenced to imprisonment, service of sentence is assigned as follows:

1) persons sentenced to less than 5 years of imprisonment for crimes committed through carelessness - in settlements;

2) persons convicted for particularly severe crimes as well as in case of special dangerous recidivism - in high security facilities;

3) other convicted persons - in general security facilities.

(7) For persons sentenced to imprisonment for particularly severe crimes as well as in case of special dangerous recidivism, a part (not exceeding 5 years) of the sentence term may be assigned to serve in prison.

(8) Persons sentenced to imprisonment aged under 18 by the date of verdict pronouncement shall be placed in educational general or medium security facilities.

(9) Should the assigned type of correctional facility have to be changed, it should be done by court based on grounds and under procedures established by the laws of the Kyrgyz Republic.

#### Article 50. Death Penalty

(1) Death penalty may only be inflicted as an exclusive punitive measure for particularly severe crimes implying encroachment on life.

(2) Death penalty shall not be applied to a woman or person that committed crime being underage.

(Version of the Kyrgyz Republic laws of September 21, 1998, No. 124)

#### Article 51. Deprivation of Special or Military Rank

In case of conviction for a severe or particularly severe crime, the convicted person with a special or military rank may be deprived of such rank by court decision.

#### Article 52. Property Seizure

(1) Property seizure consists in coercive, gratuitous attachment by the state of the convicted person's property that was used or planned to be used as the crime instrument or obtained as a result of crime, except for property subject to be returned under the procedures established by the Kyrgyz Republic laws. If only a part of property is subject to seizure, court shall name exactly which part it is or list objects to be seized.

(2) Property seizure may only be imposed by court for severe or particularly severe acquisitive crimes provided for in specific articles of the Special Part hereof.

(3) In property seizure, the state is not responsible for debts and liabilities of the convicted person if such occurred after measures taken by investigating bodies or court to save the property with no consent of such bodies.

(4) With regard to claims to be satisfied with the seized property, the state is only responsible within the bounds of the assets, and with regard to priority of allowance of claim, regulations established by the Kyrgyz Republic Civil Procedural Code shall be observed.

(Version of the Kyrgyz Republic law of November 19, 2001, No. 92)

### CHAPTER 10. IMPOSITION OF SENTENCE

#### Article 53. General Principles of Sentence Imposition

(1) Court imposes sentence within bounds set by an article of the Special Part hereof providing for liability for the committed crime, taking into account provisions of the General Part hereof. In imposing a sentence, court shall take into account the nature and degree of social danger of the crime, as well as impulse of the act, personality of the person found guilty, nature and amount of damage caused, and circumstances aggravating and mitigating the liability.

(2) Sentence imposed on the person that committed the crime shall be fair, necessary and sufficient to treat such person and prevent new crimes. Sentence in the form of imprisonment may only be imposed if its purpose cannot be achieved by another, milder sentence provided for by appropriate article of the Special Part hereof.

#### Article 54. Extenuating Circumstances

(1) Circumstances mitigating liability include:

1) giving oneself up, frank repentance, active assistance in investigating a crime;

2) voluntary reparation of damage caused or damage recovery;

3) crime commission due to concurrence of difficult domestic or other circumstances;

4) commission of crime under threat or coercion due to material, service or other dependence, as well as in fulfillment of an unlawful order;

5) commission of crime under strong excitement caused by violence, severe insult or other wrongful acts by the offence victim;

6) commission of crime under violation of relevance of necessary defense, extreme necessity, or detention of an offender;

7) commission of crime by a minor;

8) commission of crime by a pregnant woman.

(2) In sentencing, court may also recognize extenuating other circumstances not listed in this Article.

(3) An extenuation provided for in the Article of the Special Part hereof as an offence attribute shall not be taken into account anew in imposition of sentence.

(4) In case of giving oneself up or active assistance in investigating a crime and absence of aggravating circumstances, the term or amount of sentence shall not exceed three fourth of the severest sentence provided for in the appropriate article of the Special Part hereof.

#### Article 55. Aggravating Circumstances

(1) Circumstances aggravating liability include:

1) recurrence of crime commitment, recidivism, and commission of crimes as a business;

2) commission of crime in a group of people, under concert of a group, organized group or criminal association (criminal organization);

3) commission of crime for lucrative or another base motive;

4) offending a person in connection with such person's service or public duty or at the person's immediate relatives;

5) causing severe consequences through crime;

6) offending a helpless infant or elder person;

7) offending a woman knowingly pregnant;

8) offending a person that is under material, service or other dependence on the offender;

9) commission of crime using an infant or a person knowingly suffering from mental disease or dementia;

10) commission of crime with special cruelty or humiliation;

11) commission of crime using the context of public disaster, mass riot or state of emergency;

12) commission of crime by a generally dangerous method;

13) commission of crime using arms, ammunition, explosives, explosive device or its simulator, specially assembled technical means, poisoning and radioactive substances, medical products or other chemical and pharmacological products, as well as with physical or mental coercion;

14) commission of crime aimed to conceal another crime or mitigate that;

15) commission of crime with the purpose of exploitation, threading to person's life or health.

(2) Depending on the nature of crime, court has the right not to recognize aggravating any of the circumstances listed above in the first part.

(3) In imposition of sentence, court shall not recognize circumstances not mentioned in this article as those aggravating.

(4) Aggravating circumstances provided for by an article of the Special Part hereof as an offence attribute shall not be taken into account anew in sentence imposition.

(Version of the Kyrgyz Republic Law of August 9, 2003, No. 193)

#### Article 56. Imposition of a Sentence Milder than that Provided for by Law

(1) Court, based on exceptional circumstances significantly reducing the degree of social danger of the committed act, and taking into account the accused person's personality, recognizing it necessary to impose a sentence milder than that mildest provided for such crime by law or impose another sentence, may admit such commutation stating its motive. In this case, the term and amount of the sentence shall not be less than the lowest limit provided for such type of sentence by part 2 of Article 43, part 2 of Article 44, part 1 of Article 45, part 1 of Article 46, Article 47, part 2 of Article 48, part 2 of Article 49, and Articles 80 and 81 hereof.

(2) Based on the above grounds, court may not impose additional sentence which is obligatory according to an article of the Special Part hereof providing for liability for the committed crime.

(3) Both separate extenuating circumstances and a body of such circumstances may be recognized exceptional.

(Version of the Kyrgyz Republic Law of March 12, 2002, No. 36)

#### Article 57. Imposition of Sentence for a Criminal Attempt and for a Crime Committed in Complicity

(1) In imposing a sentence for preparation for crime and for a criminal attempt, court shall take into account the nature and degree of social danger of actions committed by the guilty person, as well as the completeness of the criminal intent and reasons why the crime was not finished.

(2) In imposing a sentence on crime participants, court shall take into account the nature and degree of participation of each of them in commission of the crime. Aggravating and extenuating circumstances related to a single participant shall only be considered by court in imposing a sentence on such participant.

#### Article 58. Imposition of Sentence for Recidivism

(1) In imposing a sentence for recidivism, dangerous recidivism and special dangerous recidivism, court shall consider number, nature, severity and consequences of crimes committed, as well as circumstances due to which correctional effect of the previous sentence was insufficient, and severity and consequences of newly committed crimes.

(2) In sentencing recidivism, the sentence shall at least be a half of maximum punishment provided for recidivism, two thirds of that for dangerous recidivism, and three fourth of that for special dangerous recidivism.

(3) Should there be exceptional circumstances provided for in Article 56 hereof, sentence for recidivism, dangerous recidivism or special dangerous recidivism shall be imposed with no consideration of limits provided for by part 2 of this Article.



## Article 59. Imposition of Sentence for Commission of Several Crimes

(1) In case of cumulative crime, court having imposed sentences for each crime shall finally determine a sentence by full or partial composition within the bounds provided for by Article 49 hereof.

(2) To the primary sentence, court may add additional sentences imposed for crimes of which the person was found guilty.

(3) Should the crimes included in the cumulative crime be sentenced by different punishments for which no substitution is provided for herein, such punishments shall be executed separately.

(4) The same regulation shall govern sentencing if following the pronouncement of the verdict the person is found guilty of another crime committed prior to the verdict on the first case. In this case, the sentence served for the first crime shall be included in the second sentence term.

(Version of the Kyrgyz Republic Law of September 21, 1998, No. 124)

## Article 60. Imposition of Sentence for Cumulative Verdict

(1) Should the convicted person commit a new crime after previous verdict pronouncement and prior to complete service of the sentence, court shall fully or partially add the non-served part of the previous sentence to the punishment imposed by the new verdict.

(2) If the final sentence under the cumulative verdict is milder than imprisonment, it shall not exceed the maximum term and amount provided for such sentence in the General Part hereof.

(3) Term of imprisonment as the final sentence under the cumulative verdict shall not exceed 30 years.

(4) Final sentence under the cumulative verdict shall be more than both the sentence under the previous verdict and the non-served part of the previous sentence.

(Version of the Kyrgyz Republic Laws of September 21, 1998, No. 124, and March 12, 2002, No. 36)

## Article 61. Regulations of Sentence Composition and Set-off

(1) In composing sentences for a cumulative crime and under a cumulative verdict, 1 day of imprisonment is equal to:

1) 1 day of arrest or confinement in a disciplinary unit;

2) 16 hours of public works.

(2) Court shall include the preliminary confinement term in the sentence term. In this case, 1 day of preliminary confinement shall be equal to:

1) 3 days of confinement in a settlement;

2) 2 days of confinement in a correctional facility of general, medium or high security or in a disciplinary unit;

3) 1 day of confinement in a particular treatment facility, prison or under arrest.

Note: Preliminary confinement is a custodial placement as a restraint applied until the court decision takes its effect.

(Version of the Kyrgyz Republic Laws of December 9, 1999, No. 141, and July 26, 2004, No. 99)

## Article 62. Sentence Term Calculation

- (1) Sentence term shall be calculated in days, months and years.
- (2) Public work terms shall be calculated in hours.

#### Article 63. Conditional Conviction

(1) If in imposing a sentence in the form of imprisonment or confinement in a disciplinary unit, based on nature and social danger of the committed crime and taking into account the offender's personality and other circumstances, court comes to conclusion on possible treatment of the convicted person without service of sentence but with control of such person's behavior, it may decide on conditional non-application of sentence to the convicted person. In this case, the verdict shall not be executed if the convicted person commits no crime during the probation period and fulfills all obligations imposed by court.

(2) Under conditional conviction, additional sentences may be imposed, except property seizure.

(3) Probation period shall be assigned ranging from 1 to 3 years.

(4) In case of conditional conviction, if there are any grounds, court may oblige the convicted person to recover the caused damage within a certain period, find employment or enter an educational institution, not to change residence without interior body's consent, report employment or education institution change to interior bodies, regularly visit the interior body for registration, not to leave permanent residence without notice to interior bodies, not to visit certain places, stay at permanent residence location after a certain time, undergo course of treatment of alcohol, drug or toxic addiction or venereal disease.

(5) Control of behavior of conditionally convicted persons is a responsibility of interior bodies or military unit/institution command in case of military staff conditional conviction.

(6) At request of the body responsible for control of the convicted person, court may fully or partially revoke or add previously imposed obligations during the probation period.

(7) Conditional conviction shall not be applied to persons convicted for special severe crimes as well as to foreign nationals and stateless persons being temporary residents of the Kyrgyz Republic.

(Version of the Kyrgyz Republic Law of March 12, 2002, No. 36)

#### Article 64. Conditional Conviction Revocation or Probation Period Extension

(1) Should the conditionally convicted person prove oneself successfully corrected prior to the probation period completion, court, at request of the body responsible for control of the convicted person, may decide on revocation of conditional conviction and cancellation the criminal record. In this case, conditional conviction may be revoked upon at least a half of the imposed probation period.

(2) Should the conditionally convicted person evade from fulfillment of obligations imposed by court or committed public disturbance for which such person was sentenced by administrative discipline, court, at request of the body mentioned in part 1 of this Article, may extend the probation period, but not more than by 1 year.

(3) Should the conditionally convicted person systematically or persistently evade from fulfillment of obligation imposed by court during

the probation period, court, at request of the body mentioned in part 1 of this Article, may decide on revocation of conditional conviction and execution of the sentence imposed under the court verdict.

(4) Should the conditionally convicted person commit another crime during the probation period, court shall impose a sentence in accordance with regulations provided for in Article 60 hereof. In this case, court shall revoke the conditional conviction and consider the sentence under the previous verdict unserved, except for the term of preliminary confinement.

(Version of the Kyrgyz Republic Law of March 12, 2002, No. 36)

#### SECTION IV. EXEMPTION FROM LIABILITY AND INDEMNITY

##### CHAPTER 11. CONDONATION

#### Article 65. Exemption from Liability Due to Situation Change or Loss of Social Danger by the Person

A person that committed a petty crime or a less severe crime for the first time may be exempted from criminal liability if it is recognized that due to situation change the act committed by such person has lost its socially dangerous nature or the person is no longer socially dangerous.

#### Article 66. Exemption from Criminal Liability after Reaching an Agreement with the Offence Victim

A person that committed a petty crime for the first time may be exempted from criminal liability if having reached an agreement with the offence victim.

#### Article 67. Prescription of the Bringing to Criminal Liability

(1) A person may be exempted from criminal liability if the following periods of time have passed:

- 1) 2 years after a petty crime;
- 2) 5 years after a less severe crime;
- 3) 10 years after a severe crime;

4) fifteen years after a special severe crime except for the case provided for in part 5 of this Article.

(2) Time limitation shall be calculated starting from the date of the crime to the date of the verdict pronouncement and shall not be interrupted by commencement of the criminal action.

(3) Running of the statute of limitations shall be interrupted if prior to expiry of such limitations the offender commits a new intended crime. In this case, the time limitation shall commence on the date of the new crime.

(4) Running of the statute of limitations shall be suspended if the offender escapes from investigation or absconds. In such cases, running of the statute of limitations shall be renewed from the moment of the person's detention or giving oneself up. In this case, time limitations provided for in part 1 of this Article shall be extended twofold but shall not exceed 15 years.

(5) The issue of prescription application to a person guilty of a crime to be sentenced by death penalty shall be solved by court. Should court consider it possible to apply prescription, death penalty shall not be applied, and imprisonment shall be imposed.

(6) Prescription shall not be applied to crimes against peace and security of humanity in cases specially provided for by the Kyrgyz Republic laws.

## CHAPTER 12. INDEMNITY

### Article 68. Indemnity Due to Loss of Social Danger by the Person

An offender may under the court decision be indemnified if such person is recognized no longer dangerous after the crime commitment due to irreproachable conduct and conscientious attitude to labor or learning.

### Article 69. Grant of Parole

(1) A person serving imprisonment or confinement in a disciplinary military unit may be given grant of parole if court recognizes that such person does not need complete service of the sentenced imposed by court for correction. In this case, the person may also be fully or partially indemnified from the additional sentence.

(2) Applying grant of parole, court may oblige the person with duties provided for in part 4 of Article 64 hereof that the person will be obliged to fulfill through the remanent term.

(3) Grant of parole may only be applied if the person has actually served:

1) at least a half term of the sentence imposed for a petty crime or for a less severe crime;

2) at least two thirds of the term of the sentence imposed for a severe crime;

3) at least three fourth of the term of the sentence imposed for a special severe crime.

(4) The term of sentence actually served by the person in confinement shall not be less than 6 months.

(5) Control of conduct of the person given grant of parole is a responsibility of interior bodies or military unit/institution command in case of military staff.

(6) If during the remanent:

1) the convicted person commits public disturbance resulted in imposition of administrative discipline, or persistently evades from duties obliged under the grant of parole, at request of the bodies stated in part 5 of this Article, court shall decide on revocation of the grant of parole and execution of the remanent;

2) the convicted person commits a crime through carelessness, the issue of the grant of parole revocation or continuation shall be solved by court;

3) the convicted person commits an intended crime, court shall impose a sentence according to regulations provided for in Article 60 hereof. Under the same regulations shall the court impose a sentence in case of a crime committed through carelessness if court has revoked the grant of parole.

- (7) Grant of parole shall not be applied:
- 1) in case of special dangerous recidivism;
  - 2) if death penalty is substituted by imprisonment as a clemency.

#### Article 70. Substitution of Remanent with a Milder Sentence

(1) Court may substitute the remanent of imprisonment served for a petty crime, less severe crime, severe crime or special severe crime with a milder sentence taking into account the offender's conduct in serving the sentence. In this case, such person may be fully or partially exempted from serving an additional sentence.

(2) The remanent may be substituted with a milder sentence after at least one third of the term is served actually by the convicted person.

(3) In substitution of the remanent, court may choose any milder sentence in accordance with punishment types stated in Article 42 hereof, within the bounds provided for herein for each type of punishment.

(Comments: In accordance with the Kyrgyz Republic Jogorku Kenesh Bulletin No. 7 of 1998, p. 229, there are no words "severe or special severe crime" in part 1 of Article 70 of the Kyrgyz Republic Criminal Code).

#### Article 71. Indemnity due to Serious Illness

(1) A person that after the verdict pronouncement was taken ill with a mental disease preventing such person from realizing or managing one's actions, as well as a person taken ill with another serious disease preventing from serving the sentence shall be indemnified based on opinion of medical board.

(2) Court may apply medical coercive measures to persons mentioned in part 1 of this Article.

(3) In case of recovery, sentence may be applied to such persons if such recovery takes place prior to completion of time limitation provided for in Article 67 hereof and calculated starting from the date of medical coercive measure application by court.

(4) Should military staff sentenced by confinement in a disciplinary military unit be recognized unfit for military service due to health condition, they shall be indemnified.

#### Article 72. Sentence Service Suspension for Pregnant Women and Women with Infants

(1) For sentenced pregnant women and those with children under 8 years, except those sentenced to imprisonment for special severe crimes, court may suspend service of sentence until the child is 8 years old.

(2) Should a convicted woman such as mentioned in part 1 of this article deny her child or continues to evade bringing her child up after a warning of the body responsible for control of the convicted woman whose sentence service was suspended, at request of such body, court may revoke the service suspension and send the convicted woman to the destination assigned under the court verdict.

(3) As the child reaches the age of 8, court shall exempt the convicted woman from the remanent or substitute that with a milder sentence or decide on sending her to an appropriate institution to service the remanent.

(4) Should the convicted woman commit a new crime during the suspension of her sentence service, court shall impose her with a sentence under regulations provided for in Article 60 hereof.

Note: Regulations of part 4 of this Article are applied to persons convicted prior to January 1, 1998, subject to Article 41-1 of the Kyrgyz Republic Criminal Code in version of December 29, 1960.

(In version of the Kyrgyz Republic Laws of March 12, 2002, No. 36, and July 27, 2004, No. 101)

#### Article 73. Indemnity Due to Expiration of the Time Limitation for the Conviction Execution

(1) Person shall be exempted from the primary and additional sentence if the conviction has not been executed within the following periods of time of its effect:

1) 2 years - for sentencing to imprisonment for a term not exceeding 2 years or a sentence not related to imprisonment;

2) 4 years - for sentencing to imprisonment for a term not exceeding 5 years;

3) 7 years - for sentencing to imprisonment for a term not exceeding 10 years;

4) 10 years - for sentencing to a punishment severer than 10 years of imprisonment.

(2) Running of the statute of limitations shall be interrupted if the convicted person evades the sentence service. In this case, running of the statute of limitations shall recommence from the moment such person gives oneself up for sentence service or from the moment of such person detention. In such case, time limitations provided for in part 1 of this Article shall be doubled but shall not exceed 15 years.

(3) The issue of prescription application to a person sentenced by death penalty shall be solved by court. Should court consider it impossible to apply prescription, death penalty shall be substituted with imprisonment.

(4) Prescription shall not be applied to crimes against peace and security of humanity, as well as to cases specially provided for by the Kyrgyz Republic laws.

### CHAPTER 13. AMNESTY. CLEMENCY. CRIMINAL RECORD

#### Article 74. Amnesty

(1) Jogorku Kenesh of the Kyrgyz Republic issues Deed of Amnesty with regard to individually unspecified circle of persons.

(2) By the Deed of Amnesty, offenders may be exempted from criminal liability. Persons convicted for crimes may be indemnified or their sentences may be reduced or substituted with milder ones, either may such persons be exempted from additional sentence.

#### Article 75. Clemency

(1) With regard to individually specified circle of persons, clemency may be granted by President of the Kyrgyz Republic.

(2) A person convicted for a crime may by the deed of clemency be exempted from further service of sentence or the imposed sentence may be substituted with a milder one.

(3) A person sentenced to death penalty is entitled to submit a clemency application after the effective date of the verdict.

(4) A person sentenced to imprisonment is entitled to submit a clemency application after serving at least a half term of the sentence.

#### Article 76. Criminal Record

(1) A person convicted for a crime is recognized convicted since the effective date of the court verdict until such conviction is cancelled. In accordance herewith, previous conviction shall be taken into account in case of recidivism and in sentence imposition.

(2) Person exempted from sentence under court verdict shall be recognized non-convicted.

(3) Conviction shall be cancelled as follows:

1) with regard to persons convicted conditionally - upon probation period expiration;

2) with regard to persons sentenced to punishment milder than imprisonment - in a year of sentence service;

3) with regard to persons sentenced to imprisonment for petty crimes - in 3 years of sentence service;

4) with regard to persons convicted for less severe crimes - in 5 years of sentence service;

5) with regard to persons sentenced to imprisonment for severe crimes - in 8 years of sentence service;

6) with regard to persons convicted for special severe crimes - in 10 years of sentence service.

(4) Should a convicted was legally granted a parole or the remanent substituted with a milder sentence, the term of conviction cancellation shall be calculated based on actually served term starting from the date of exemption from service of primary and additional sentences.

(5) Should the convicted person show irreproachable conduct after the sentence service, court may consider application for conviction cancellation prior to the cancellation period expiration.

(6) Conviction cancellation shall nullify legal effect related to such conviction.

(In version of the Kyrgyz Republic Law of July 27, 2004, No. 101)

### SECTION V. CRIMINAL LIABILITY OF JUVENILES

#### CHAPTER 14. PECULIARITIES OF CRIMINAL LIABILITY OF JUVENILES

##### Article 77. Criminal Liability of Juveniles

(1) Juveniles are persons under age of 18 by the time of the crime commission.

(2) Juvenile offenders may be imposed with sentence or coercive education measures.

##### Article 78. Types of Sentences Applied to Juveniles

Only the following sentences may be applied to juvenile offenders:

- 1) fine;
- 2) triple ayip;
- 3) arrest;
- 4) imprisonment;

(In version of the Kyrgyz Republic Law of September 21, 1998, No. 124)

#### Article 79. Imposition of Sentence for Juvenile Offenders

(1) In addition to circumstances provided for in Article 53 hereof, imposition of sentence to a juvenile offender shall be based on consideration of factors such as living conditions, education, mental development, other personal peculiarities, as well as influence of older persons.

(2) Minority status shall be taken into account as an extenuation in aggregate with other mitigating and aggravating circumstances.

#### Article 80. Imposing a Fine on a Juvenile

(1) Fine shall be applied to juveniles that have reached the age of 16. The fine amount shall range from 20 to 30 minimum monthly wages.

(3) Deleted

(In version of the Kyrgyz Republic Law of September 21, 1998, No. 124)

#### Article 81. Imposing an Arrest on a Juvenile

Arrest shall be applied to juveniles that have reached the age of 16 by the time of the crime commission, with term of 1 to 3 months.

(In version of the Kyrgyz Republic Law of September 21, 1998, No. 124)

#### Article 82. Sentencing a Juvenile to Imprisonment

(1) The term of imprisonment imposed on a juvenile offender shall not exceed:

- 1) 3 years - for a less severe crime;
- 2) 5 years - for a severe crime;
- 3) 15 years - for a special severe crime.

(2) In imposition of sentence for a cumulative crime or under a cumulative verdict, maximum term of imprisonment shall not exceed 15 years.

(3) A juvenile offender that have not reached the age of 18 by the verdict pronouncement shall serve imprisonment in a general or medium security educational colony.

(4) Service of sentence in educational facilities shall be imposed on:

1) male juveniles sentenced to imprisonment for the first time and to female juveniles - in a general security facility;

2) male juveniles that previously served imprisonment terms - in a medium security facility.

(5) Depending on the nature and social danger of the crime committed, as well as on the offender's personality and other circumstances of the case, court, stating the motives of the decision



taken, may sentence convicted male juveniles to serve the imprisonment term in general security educational facilities.

#### Article 83. Coercive Educational Measures

(1) A juvenile that has committed a petty or a less severe crime for the first time may be exempted from criminal liability if it is recognized possible to achieve the offender's correction through coercive educational measures.

(2) A juvenile offender may be imposed with the following coercive educational measures:

- 1) notice;
- 2) handing over to parents or their substitutes or juvenile commission;
- 3) leisure time limitation and setting special requirements to the juvenile's conduct.

(3) A juvenile may at one time be imposed with a number of coercive educational measures. Terms of coercive educational measure application as provided for in points 2 and 3 of part 2 of this Article shall be set by the body imposing such measures.

(4) In case of systematic non-fulfillment of coercive educational measure by the juvenile, at request of the juvenile commission, such measure shall be revoked, and the file forwarded for consideration of criminal liability for the juvenile.

(In version of the Kyrgyz Republic Law of September 21, 1998, No. 124)

#### Article 84. Substance of Coercive Educational Measures

(1) Prevention consists in explaining to the juvenile the damage of the act such person committed and implications of repeated crime as provided hereby.

(2) Handing over to parents or their substitutes or to the juvenile inspectorate or juvenile inspection of interior bodies means obliging them with applying educational measures to the juvenile and control of the juvenile's conduct.

(3) Leisure time limitation and special requirements to the juvenile's conduct may include prohibition to visit certain places, be engaged in certain leisure activities, including those related to driving of a mechanical vehicle, limitations on time spent outdoors after a certain moment, or leaving to other locations without consent of the juvenile commission. A juvenile may also be required to return to the educational institution or find employment with the assistance of the juvenile commission.

The above list is not exhaustive.

#### Article 85. Juvenile Indemnity

(1) A juvenile convicted for a petty crime or a less severe crime may be indemnified with application of coercive educational measures provided for in part 2 of Article 82 hereof.

(2) A juvenile convicted for a less severe crime may be indemnified by court if it the purpose of sentence is recognized possible to be achieved by placing the juvenile in a special educational or a medical

and educational institution for juveniles. In this case, the term of staying in such institution shall not exceed the maximum term of the sentence provided for hereby for the crime committed by the juvenile.

Article 86. Exempting a Juvenile from Liability or Indemnity with Application of Coercive Measures

(1) A juvenile that has committed a petty crime for the first time may be exempted from liability and the file forwarded to the juvenile commission for consideration if the juvenile's treatment is achievable without sentencing, taking into account the nature of the act committed, offender's personality and other circumstances.

(2) A juvenile that has committed a petty crime for the first time may be indemnified and exempted from a coercive measure by court if there are grounds provided for in part 1 of this Article.

(3) In case of juvenile's significant age underdevelopment preventing the juvenile from realizing in full the implications of the act committed, court may substitute sentence with coercive measures.

Article 87. Grant of Parole for Juveniles

(1) Persons sentenced to imprisonment for crimes committed under the age of 18 may be granted parole.

(2) Parole may only be applied to a convicted person if such person demonstrates excellent conduct and honest attitude to labor and learning.

(3) Parole shall be applied after actually serving of:

1) at least one third of the term imposed by court for a petty crime or a less severe crime;

2) at least a half term imposed by court for a severe crime;

3) at least two thirds of the term imposed by court for a special severe crime, or if the person had previously been sentenced to imprisonment for an intended crime.

(4) Should a person granted parole commit a new crime during the remanent period, court shall impose such person with sentence as provided for in Article 60 hereof.

Article 88. Exempting a Juvenile from Criminal Liability or Indemnity Due to the Time Limitations Expiration

In case of the time limitations expiration, persons that committed crimes being underage, shall be granted parole based on terms twice as less as those applied to adults offenders.

Article 89. Cancellation of Conviction of Persons Convicted When Being Juveniles

For persons that committed crimes before reaching the age of 18, the periods of conviction cancellation as provided for in Article 76 hereof shall be reduced and respectively be as follows:

1) 2 years after service of imprisonment - for petty crimes;

2) 3 years after service of sentence- for less severe crimes;

3) 5 years after service of sentence - for severe crimes;

4) 7 years after service of sentence - for special severe crimes.

SECTION VI. COERCIVE AND OTHER MEDICAL MEASURES

CHAPTER 15. COERCIVE AND OTHER MEDICAL MEASURES

Article 90. Coercive and Other Medical Measures

(1) Coercive medical measures may be imposed by court on mentally ill offenders in order to treat them and prevent from commission of new socially dangerous acts.

(2) Medical measures in combination with sentence may be imposed by court on convicted persons, suffering from alcohol, drug or toxic addiction, in order to treat them and place them in an environment conducive to sentence purpose achievement.

Article 91. Applying Coercive Medical Measures

Persons that committed socially dangerous acts being mentally insane or being sane but were taken ill with a mental disease prior to the verdict pronouncement or during service of sentence which made them unable to realize or manage one's actions, may be imposed by court with the following coercive medical measures to be carried out by medical institutions of public health authorities:

- 1) obligatory outpatient supervision and treatment with a psychiatrist (compulsory examination);
- 2) placement in a mental hospital under general supervision;
- 3) placement in a mental hospital under intensified supervision;
- 4) placement in a mental hospital under close supervision.

Article 92. Grounds for Imposing Coercive Medical Measures

(1) Obligatory outpatient supervision and treatment with a psychiatrist (compulsory examination) may be prescribed to mentally ill persons not showing signs of exacerbation, as well as to those that suffered a morbid mental disorder, for their active supervision and prevention of disease recurrence and commission of new socially dangerous acts.

(2) Compulsory treatment in a mental hospital under general supervision may be prescribed to a patient that needs to be kept in a hospital judging by the mental state and the nature of the socially dangerous act committed.

(3) Compulsory treatment in a mental hospital under intensified supervision may be prescribed to a mentally ill person that committed a socially dangerous act not connected with encroachment on people's lives and does not represent any threat to people, but needs to be kept in a hospital under intensified supervision.

(4) Compulsory treatment in a mental hospital under close supervision may be prescribed to a mentally ill person that, based on the mental state and the nature of the committed socially dangerous act represents a special threat to public and needs to be kept in a hospital under close supervision.

(5) Persons placed in mental hospitals under intensified or close supervision shall be kept in conditions preventing them from commission of new socially dangerous acts.

Article 93. Prolongation, Alteration or Discontinuance of Coercive  
Medical Measures

(1) Court may decide on prolongation, alteration or discontinuance of coercive medical measures based on conclusion drafted by the board of psychiatrists.

(2) Persons undergoing coercive medical measures under court decision shall at least once in 6 months undergo examination by the board of psychiatrists in order to decide on possible solicitation to court about discontinuance or alteration of coercive medical measures. Should there be no grounds to alter or discontinue coercive medical measures, the board of psychiatrists shall draft a conclusion on prolongation of such measures which shall at least once a year be submitted by the medical institution administration to court for consideration.

Article 94. Reckoning of the Coercive Medical Measures Term

A person that after commission of the crime or during service of sentence has been taken ill with a mental disorder preventing such person from realizing or managing one's actions, may be sentenced by court after recovery of the ability to realize and manage one's actions, unless the time limitation period expires or there are any other grounds for indemnity and exemption from criminal liability. Should such person be sentenced, the time of coercive medical measures application shall be included in the sentence term based on the rate of a day in the mental hospital equal to a day in prison.

Article 95. Applying Medical Measures to Persons Ill with Mental Disorder  
not Excluding Legal Sanity

Medical measures applied to persons with mental disorder not excluding legal sanity of persons sentenced to imprisonment shall include outpatient examination by psychiatrist, treatment in a mental hospital, as well as providing conditions for psychotherapeutic and psychocorrectional measures during the service of sentence. In-patient treatment shall be carried out as recommended by psychiatrist in case of adverse changes in the person's mental state. Persons sentenced to punishment not related to imprisonment or arrest shall be treated under general conditions.

Article 96. Applying Medical Measures to Persons Addicted to Alcohol,  
Drugs or Other Toxic Substances or those with Tuberculosis, Venereal  
Diseases or HIV

(1) Should a crime be committed by a person addicted to alcohol, drugs or other toxic substances or that with tuberculosis, venereal diseases or HIV, court may impose medical measures in combination with a sentence, subject to appropriate medical report.

(2) The above mentioned persons sentenced to punishment not related to imprisonment, shall be treated in medical institutions. Persons sentenced to imprisonment shall be treated in facilities of their sentence service and in medical institutions upon completion of sentence service, if necessary.

SPECIAL PART

SECTION VII. PERSONAL CRIMES

CHAPTER 16. CRIMES AGAINST LIFE AND HEALTH

Article 97. Killing

(1) Killing, intended depriving another person of life shall be sentenced by 8 to 15 years of imprisonment.

(2) Killing:

- 1) of 2 or more persons (mass killing);
- 2) of a woman knowingly pregnant;
- 3) of a person knowingly helpless or juvenile person;
- 4) of a person or person's family members in connection with service or public duty of such person;
- 5) in a manner threading lives of many people;
- 6) with special atrocity;
- 7) connected with rape or another form of violent satisfaction of sexual needs;
- 8) lucrative or hired or connected with robbery, extortion or brigandage;
- 9) due to interethnic, race or religious hostility;
- 10) for hooliganism;
- 11) connected with kidnapping or androlepsy;
- 12) with the purpose of using the victim's organs or tissues;
- 13) aimed to conceal or extenuate another crime;
- 14) committed by a group of persons;
- 15) committed under a group concert;
- 16) committed repeatedly;
- 17) committed by an organized group or a criminal association, - shall be sentenced by 12 to 25 years of imprisonment with or with no property seizure or by death penalty with or with no property seizure.

Article 98. Killing under Strong Excitement

(1) A killing committed under a sudden strong excitement (affective state), caused by wrongful violence or severe insult by the victim or other actions of the victim, as well as by psychologically traumatizing context resulted from systematic wrongful or immoral conduct of the victim, -

shall be sentenced by up to 3 years of imprisonment.

(2) A killing of 2 or more persons committed under a sudden strong excitement, -

shall be sentenced by 3 to 5 years of imprisonment.

Article 99. Killing Committed under Excess of Necessary Defense or Excess of Measures Required for an Offender Detention

Killing committed under excess of necessary defense or excess of measures required for an offender detention, -

shall be sentenced by up to 3 years of imprisonment.

Article 100. Killing of a Newborn Infant by the Mother

Killing of a newborn infant by the mother during or immediately after the delivery or killing of a newborn infant in a psychologically traumatizing context or under mental disorder not excluding legal sanity, -  
shall be sentenced by up to 3 years of imprisonment.

#### Article 101. Killing through Carelessness

- (1) Killing through carelessness -  
shall be sentenced by up to 3 years of imprisonment.
- (2) Killing through carelessness due to inappropriate fulfillment of one's duties, and killing of 2 or more persons through carelessness -  
shall be sentenced by 3 to 5 years of imprisonment with or with no revocation of the right to hold certain position or be engaged in certain activities for up to 3 years.

#### Article 102. Reducing to Suicide

- (1) Reducing a person to suicide or attempted suicide by threats, abuse or systematic humiliation -  
shall be sentenced by 2 to 5 years of imprisonment.
- (2) The same act towards a person materially or in other way dependent on the offender, -  
shall be sentenced by 3 to 7 years of imprisonment.

#### Article 103. Compassing to Suicide

Compassing to suicide, i.e. raising another person's determination to commit suicide by persuasion, deception or in any other way, that lead to such person's suicide or attempted suicide, -  
shall be sentenced by up to 5 years of imprisonment.

#### Article 104. Intended Physical Trespass

- (1) Intended physical trespass, dangerous to health or resulted in loss of sight, hearing loss, loss of an organ or a function of such organ, mental illness or other health disturbance connected with stable loss of earning capacity by at least one third or resulted in miscarriage or irrecoverable face disfigurement, -  
shall be sentenced by 5 to 8 years of imprisonment.
- (2) The same act:
  - 1) committed towards a woman knowingly pregnant;
  - 2) committed towards a person or person's family members in connection with service or public duty of such person;
  - 3) characterized by cruelty and torture;
  - 4) lucrative or hired;
  - 5) committed for hooliganism;
  - 6) committed towards a kidnapped person or a hostage;
  - 7) aimed to obtain victim's organs or tissues;
  - 8) aimed to extenuate another crime;
  - 9) committed by a group of persons;
  - 10) committed under a group concert, -  
shall be sentenced by 6 to 10 years of imprisonment.

(3) The same acts as provided in parts 1 and 2 of this Article, if committed:

- 1) towards 2 or more persons;
- 2) with special cruelty;
- 3) by an organized group;
- 4) repeatedly or by a person that previously committed a killing as provided by Article 97 hereof, -

shall be sentenced by 8 to 12 years of imprisonment.

(4) Acts provided for in parts 1, 2 and 3 of this Article and resulted in victim's death through carelessness, -

shall be sentenced by 8 to 15 years of imprisonment.

#### Article 105. Intended Infliction of a Less Severe Damage to Health

(1) Intended infliction of physical damage not dangerous to life and having no consequences provided for in Article 104 hereof but leading to a lasting health disorder or a stable loss of working ability by at least one third,

-

shall be sentenced by up to 6 months of arrest or up to 5 years of imprisonment.

(2) The same act committed:

- 1) towards 2 or more persons;
- 2) towards a person or person's family members in connection with service or public duty of such person;
- 3) with cruelty and humiliation of the victim, as well as towards a person knowingly helpless;
- 4) under a group concert;
- 5) organized by a group;
- 6) for hooliganism;

7) repeatedly or by a person previously found guilty of an intended infliction of severe damage to health as provided for in Article 97 hereof, -

shall be sentenced by 3 to 7 years of imprisonment.

#### Article 106. Intended Infliction of Severe or Less Severe Damage to Health under Strong Excitement

Intended infliction of severe or less severe damage to health under sudden strong excitement caused by violence or heavy insult by the victim as well as by a lasting psychologically traumatizing context resulted from systematic wrongful or immoral conduct of the victim, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages or up to 3 months of arrest or up to 3 years of imprisonment.

#### Article 107. Intended Infliction of Severe or Less Severe Damage to Health as a Result of Excess of Necessary Defense

Intended infliction of severe or less severe damage to health as a result of excess of necessary defense, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages or up to 3 months of arrest or up to 1 year of imprisonment.

Article 108. Intended Infliction of Severe or Less Severe Damage to Health as a Result of Excess of Measures Required for an Offender Detention

Intended infliction of severe or less severe damage to offender's health as a result of excess of measures required for the offender, - shall be sentenced by fine in amount of up to 50 minimum monthly wages or up to 3 months of arrest or up to 1 year of imprisonment.

Article 109. Infliction of Severe or Less Severe Damage to Health through Carelessness

(1) Infliction of severe damage to health through carelessness, - shall be sentenced by fine in amount of up to 30 minimum monthly wages or up to 3 months of arrest.

(2) Infliction of less severe damage to health through carelessness, - shall be sentenced by fine in amount of up to 25 minimum monthly wages or up to 2 months of arrest.

Article 110. Battery

Battery or other violent actions causing physical pain but not leading to consequences as provided for in Article 112 hereof, - shall be sentenced by fine in amount of up to 30 minimum monthly wages or up to 3 months of arrest.

Article 111. Torture

(1) Infliction of physical or emotional suffering by systematic beating or other violent actions unless with consequences provided for in Articles 104 and 105 hereof, -

shall be sentenced by up to 3 years of imprisonment.

(2) The same act committed:

- 1) towards 2 or more persons;
- 2) towards a person or person's family members in connection with service or public duty of such person;
- 3) towards a woman knowingly pregnant;
- 4) towards a knowingly juvenile person or a person knowingly helpless or materially or in other way dependent on the offender, as well as towards a kidnapped person or a hostage;

5) with torture;

6) by a group of offenders;

7) under a group concert;

8) organized by a group;

9) hired, -

shall be sentenced by 3 to 7 years of imprisonment.

Article 112. Intended Infliction of Light Damage to Health

(1) Intended infliction of harm leading to a short-time health disorder or insignificant steady loss of working ability, -

shall be sentenced by up to 6 months of arrest or up to 1 year of imprisonment.



(2) The same acts with no consequences mentioned in part 1 of this Article, -  
shall be sentenced by fine up to 30 minimum monthly wages or by up to 3 months of arrest.

#### Article 113. Threat of Killing

(1) Threat of killing with sufficient reasons to apprehend such killing, -  
shall be sentenced by up to 6 months of arrest or up to 2 years of imprisonment.

(2) The same act committed:

1) by an organized group member or in the interests of such group;  
2) towards a person or person's family members in connection with service or public duty of such person, -  
shall be sentenced by 3 to 5 years of imprisonment.

#### Article 114. Forcing to Remove Human Organs or Tissues for Transplantation

(1) Forcing a person to remove one's organs or tissues for transplantation purposes, violently or under threat of violence or by deception, -

shall be sentenced by up to 4 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(2) The same act committed towards a person depending on the offender materially or in other way, -

shall be sentenced by 2 to 5 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(In version of the Kyrgyz Republic Law of August 9, 2003, No. 193)

#### Article 115. Violation of the Transplantation Surgery Rules

(1) Violation of requirements and procedures of human organ and/or tissue removal or requirements and procedures of transplantation provided by law, leading to severe or less severe harm to recipient through carelessness, -

shall be sentenced by up to 3 years of imprisonment.

(2) The same act causing death of recipient through carelessness, -

shall be sentenced by up to 5 years of imprisonment.

#### Article 116. Unlawful Abortion

(1) Unlawful abortion executed by a person with a medical academic degree in the related field, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) Unlawful abortion executed by a person without a medical academic degree in the related field, -

shall be sentenced by a fine in amount of 150 to 200 minimum monthly wages.

(3) The act provided by part 2 of this Article committed more than once, -  
shall be sentenced by 4 to 6 months of arrest or up to 3 years of imprisonment.

(4) Acts provided for in parts 1, 2 and 3 of this Article, if resulted in death of the victim through carelessness or other severe consequences, -  
shall be sentenced by 2 to 5 years of imprisonment.

#### Article 117. Infecting with HIV

(1) Known endangering of a person with threat of HIV infection, -  
shall be sentenced with 3 to 6 months of arrest or up to 1 year of imprisonment.

(2) Infecting a person with HIV by a person knowing of being HIV-infected, -  
shall be sentenced by up to 5 years of imprisonment.

(3) The act provided by part 2 of this Article committed towards 2 or more persons or towards a juvenile, -  
shall be sentenced by up to 8 years of imprisonment.

(4) Infecting another person with HIV through inappropriate fulfillment of professional duties by a medical staff, -  
shall be sentenced by up to 5 years of imprisonment.

#### Article 118. Infecting with a Venereal Disease

(1) Infecting a person with a venereal disease by a person knowing of being, -  
shall be sentenced by fine in amount of 50 to 100 minimum monthly wages or up to 3 years of imprisonment.

(2) The act provided by part 1 of this Article committed by a person previously convicted for infecting people with venereal disease, as well as infecting 2 or more persons or a juvenile, -  
shall be sentenced by up to 5 years of imprisonment.

#### Article 119. Inappropriate Professional Duty Fulfillment by Medical Staff

1) Non-fulfillment or inappropriate fulfillment of professional duties by medical staff leading to a lasting health disorder connected with steady loss of working ability by at least one third, -  
shall be sentenced by revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years or by fine in amount of 20 to 50 minimum monthly wages.

(2) The same act causing death of the victim, -  
shall be sentenced by 3 to 7 years of imprisonment with revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

#### Article 120. Unlawfully Interrupted Patient Treatment

Medical staff unlawfully interrupting treatment of a patient in serious condition leading to severe consequences due to carelessness, -  
shall be sentenced by up to 3 years of imprisonment.

## Article 121. Leaving a Person in Danger

(1) Knowingly leaving a person in hazardous condition with no opportunity to take measures for self-preservation due to infancy, old age, sickness or helplessness, in the guilty person was able to help the victim and must take care of such person, as well as endangering such person, -

shall be sentenced by fine in amount of up to 25 minimum monthly wages or up to 3 months of arrest.

(2) The act provided by part 1 of this Article leading to severe consequences, -

shall be sentenced by up to 3 years of imprisonment.

## Article 122. Illegal Doctoring

(1) Illegal doctoring resulting in lasting health disorder or other severe consequences, -

shall be sentenced by fine in amount of 50 to 200 minimum monthly wages or up to 5 years of imprisonment.

(2) Illegal doctoring by a person with a special license however resulting in consequences provided by part 1 of this Article, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages or up to 3 years of imprisonment.

## CHAPTER 17. CRIMES AGAINST PERSONAL FREEDOM, HONOR AND DIGNITY

### Article 123. Kidnapping

(1) Kidnapping against the will of the kidnapped person, followed by displacement and consequent holding such person in a place other than the permanent residence, with no attributes of the offence provided by Article 227 hereof, committed through capture, deception or in another manner, using non-hazardous violence, -

shall be sentenced by 4 to 8 years of imprisonment.

(2) The same act committed:

- 1) under a preliminary group concert;
- 2) repeatedly;
- 3) with hazardous violence;
- 4) using arms or objects used as arms;
- 5) towards a knowingly juvenile person;
- 6) towards a knowingly pregnant woman;
- 7) towards 2 or more persons;
- 8) for acquisitive purposes, -

shall be sentenced by 5 to 7 years of imprisonment.

(3) Acts provided by parts 1 and 2 of this Article, if committed towards a juvenile with the purpose of gaining a ransom, or for another personal interest, or by an organized group, or leading to death of the victim or other severe consequences, -

shall be sentenced by 10 to 20 years of imprisonment.

Note: A person that voluntarily released a kidnapped person shall be exempted from criminal liability if no components of another crime are found in such person's actions.

Juvenile means a person under age of 14.

(In version of the Kyrgyz Republic Laws of July 8, 2002, No. 115; August 9, 2003, No. 193)

#### Article 124. Trafficking in Person

(1) Trafficking, including recruiting, transport, harboring, reception, transfer, purchase and sale of a person or another unlawful transaction with or without such person's consent, using force, blackmail, fraud, deception, kidnapping for the purpose of further exploitation or other interests, -

shall be sentenced by 5 to 10 years of imprisonment with or with no property seizure.

(2) The same act committed:

1) towards several persons;

2) towards a juvenile;

3) repeatedly;

4) under a preliminary group concert;

5) abuse of power or position;

6) towards a person materially or in other way dependent on the offender;

7) with illegal exporting a person abroad or illegal importing a person from abroad;

8) threading with or using non-hazardous violence;

9) using forged documents, as well as with seizure, concealment or destruction of the victim's identity documents, -

shall be sentenced by 8 to 15 years of imprisonment with property seizure.

(3) The same act committed:

1) with the purpose of removal of the person's organs or tissues for transplantation;

2) threading with or using hazardous violence;

3) towards a knowingly pregnant woman;

4) towards a juvenile;

5) using arms or objects used as arms;

6) in a manner threading many people's lives and health;

7) resulting in death of the person or other severe consequences through carelessness;

8) by an organized group, -

shall be sentenced by 15 to 20 years of imprisonment with property seizure.

Note: Exploitation means involvement of a person in criminal activities, forcing into prostitution or other sexual activities, forced labor or services, slavery, adoption for commercial purposes, or using in armed conflicts.

A person that became a trafficking victim shall be exempted from criminal liability for actions considered criminal offences if such person assists law-enforcement bodies in identifying and making criminally liable of trafficking organizers, executors and participants.

(In version of the Kyrgyz Republic Laws of August 9, 2003, No. 193; January 5, 2006, No. 1)

#### Article 125. Illegal confinement

(1) limiting the person's freedom of movement with violent confinement and with no attributes of malfeasance, - shall be sentenced by 3 to 6 months of arrest or up to 3 years of imprisonment.

(2) The same act if committed:

1) by a group of persons under preliminary concert;

2) repeatedly;

3) with hazardous violence;

4) using arms or other objects used as arms;

5) towards a knowingly juvenile person;

6) towards 2 or more persons;

7) towards a woman knowingly pregnant, -

shall be sentenced by 3 to 7 years of imprisonment.

(3) Acts provided by parts 1 and 2 of this Article, if committed by an organized group or leading to death of the victim or other severe consequences through carelessness, -

shall be sentenced by 7 to 10 years of imprisonment.

(In version of the Kyrgyz Republic Law of August 9, 2003, No. 193)

#### Article 126. Unlawful Placement of a Person in a Mental Hospital

(1) Unlawful placement of a person in a mental hospital -

shall be sentenced by up to 3 years of imprisonment.

(2) The same act if committed by a person using one's service post or leading to death of the victim or other severe consequences through carelessness, -

shall be sentenced by 3 to 7 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities.

#### Article 127. Libel

(1) Libel i.e. dissemination of a knowingly false information, damaging honor and dignity or undermining reputation of another person, - shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) Calumny contained in public presentation, in a publicly demonstrated work or libel in media, -

shall be sentenced by fine in amount of 100 to 1000 minimum monthly wages.

(3) Calumny connected with accusation of a severe or special severe crime, -

shall be sentenced by 3 to 6 months of arrest or up to 3 years of imprisonment.

#### Article 128. Outrage

(1) Outraging a person, i.e. intently humiliating person's honor and dignity expressed indecently, -

shall be sentenced by fine of 20 to 50 minimum monthly wages.

(2) Outraging a person in a public performance, publicly demonstrated work or media, -

shall be sentenced by fine of 50 to 100 minimum monthly wages.

CHAPTER 18. CRIMES AGAINST SEXUAL IMMUNITY AND INDIVIDUAL SEXUAL FREEDOM

Article 129. Rape

(1) Rape, i.e. sexual connection using or threatening with physical violence to the victim or the victim's family members, as well as using the victim's state of helplessness, -

shall be sentenced by 5 to 8 years of imprisonment.

(2) Rape:

1) committed repeatedly or by a person previously convicted for crimes provided by articles of this Chapter;

2) committed by a group of persons;

3) committed by a group of persons under a preliminary concert;

4) connected with threat of killing or physical harm, as well as that committed with special cruelty towards the victim or other persons;

5) resulting in infection of the victim with a venereal disease;

6) committed towards a juvenile person, -

shall be sentenced by 8 to 15 years of imprisonment.

(3) Rape:

1) resulting in death of the victim, infecting the victim with HIV or other severe consequences;

2) committed by an organized group;

3) committed towards a young child, -

shall be sentenced by 15 to 20 years of imprisonment.

(4) Rape of a young child leading to special severe consequences, - shall be sentenced by 20 to 25 years of imprisonment or by death penalty.

Note: In cases when the offender soundly believed the victim to be an adult person, criminal liability shall be applied under part 1 of this Article, unless there are attributes in the act as provided by points 1 to 5 of part 2 of this Article.

In cases when the offender soundly believed the young child victim to be a juvenile person, criminal liability shall be applied under point 6 of part 1 of this Article, unless there are attributes in the act as provided by points 1 and 2 of part 3 of this Article.

Other severe consequences provided for in point 1 of part 3 of this article shall include suicide or attempted suicide of the victim (adult or juvenile), victim's mental disorder, any serious harm inflicted by the offender to the victim's health (miscarriage, abdominal pregnancy as a result of the rape), including that dangerous to life at the moment of commission.

Special severe consequences provided for by part 4 of this Article shall include suicide or attempted suicide of the young child victim, victim's mental disorder, any serious harm inflicted by the offender to the young child victim's health (abdominal pregnancy, loss of possibility of issue, loss of possibility of sexual life as a result of rape), including that dangerous to life at the moment of commission, causing a young child victim's death through carelessness, infecting her with HIV.

A young child is a girl under 14.

(In version of the Kyrgyz Republic Law of March 12, 2002, No. 36)

Article 130. Sexually Violent Actions

(1) Pederasty, lesbianism or other sexual actions using or threatening with violence to the victim or other persons, as well as using the victim's helplessness, -

shall be sentenced by 3 to 8 years of imprisonment.

(2) The same acts:

1) committed repeatedly or by a person previously found guilty of sexually violent actions provided by articles of this Chapter;

2) committed by a group of persons;

3) committed by a group of persons under a preliminary concert;

4) connected with threat of killing or severe physical harm, as well as that committed with special cruelty towards the victim or other persons;

5) resulting in the victim's infection with a venereal disease;

6) committed towards a knowingly juvenile person, -

shall be sentenced by 8 to 15 years of imprisonment.

(3) Acts provided by parts 1 and 2 of this Article, if:

1) resulting in death of the victim through carelessness;

2) resulting through carelessness in severe harm to the victim's health, infection with HIV or other severe consequences;

3) committed towards a person knowingly under age of 14;

4) committed by an organized group, -

shall be sentenced by 15 to 20 years of imprisonment.

#### Article 131. Concussion to Sexual Actions

Concussing a person sexual connection, pederasty, lesbianism or other sexual actions by blackmailing, under threat of destruction, damage or seizure of property or using material or other dependence of the victim, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages or up to 2 years of imprisonment.

#### Article 132. Sexual Connection and Other Sexual Actions with a Person under Age of Sixteen

Sexual connection, pederasty or lesbianism committed by a person of the age of 18 or older towards a person knowingly under 16, -

shall be sentenced by up to 3 years of imprisonment.

#### Article 133. Lecherous Actions

Commission of lecherous actions without violence towards a person knowingly under 14, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages or up to 3 years of imprisonment.

### CHAPTER 19. CRIMES AGAINST CONSTITUTIONAL RIGHTS AND FREEDOMS OF A HUMAN BEING AND A CITIZEN

#### Article 134. Equality Infringement

(1) Either direct or indirect violation of rights and freedoms of human being and citizen based on gender, race, ethnic origin, language, social background, property status or official capacity, residence,

religious and other beliefs, membership in public associations, that infringed legitimate interests of a citizen, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages or up to 2 months of arrest.

(2) The same act committed with the use of official post, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages or up to 2 years of imprisonment.

#### Article 135. Infringement of Personal Privacy

(1) Unlawful collection with the purpose of dissemination of information on private life constituting another person's personal or family secret without such person's consent, or dissemination of such information through public presentation, in publicly demonstrated work or in media, inflicting damage to rights and legitimate interest of the victim, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages.

(2) The same acts committed by a person with the use of one's official position, -

shall be sentenced by fine in amount of 50 to 200 minimum monthly wages or 1 to 4 months of arrest.

#### Article 136. Violation of Privacy of Correspondence, Telephone Communication, Postal, Telegraph or Other Messages

(1) Violation of privacy of correspondence, telephone communication, postal, telegraph or other messages of citizens, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) The same act committed by a person with the use of one's official position or special technical means designed to obtain information secretly, -

shall be sentenced by fine in amount of 100 to 300 minimum monthly wages, or revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years, or up to 3 months of arrest.

(3) Unlawful manufacturing, sale or purchase with the purpose of sale of special technical means designed to obtain information secretly,

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or up to 3 years of imprisonment with revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

#### Article 137. Violation of Security of Residence

(1) Unauthorized entry of residence against the resident's will, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or up to 3 months of arrest.

(2) The same act committed using or threatening with physical violence, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or up to 3 years of imprisonment.

Note: Residence, in this Article and other Articles hereof, means residential houses, as well as residential premises in other buildings,



regardless of ownership type, registered as housing and designed for permanent or temporary residence.

(In version of the Kyrgyz Republic Law of July 26, 2004, No. 99)

#### Article 138. Denial of Information

Official's illegitimate denial to provide documents and materials collected under established procedures, directly concerning rights and freedoms of a citizen, or providing the citizen with knowingly incomplete or false information, if substantially damaging rights and legitimate interests of citizens, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years, or up to 3 months of arrest.

#### Article 139. Hindering Realization of Electoral Franchise or Election Committee Performance

(1) Preventing a citizen from realization of electoral franchise or the right to take part in referendum, as well as hindering election or referendum committee performance, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) The same acts:

1) connected with bribery, use or threat of violence;

2) committed by a person with the use of one's official position;

3) committed by a group of persons under a preliminary concert;

4) committed by an organized group, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or up to 6 months of arrest, or up to 5 years of imprisonment.

(3) Elector voting for another person or a group of persons in a referendum, presidential elections in the Kyrgyz Republic, elections of deputy of the Kyrgyz Republic Jogorku Kenesh or local councils, as well as heads of local administrations, with the purpose to influence referendum or elections results, as well as joint participation in such actions with the same purpose, -

shall be sentenced by fine in amount of 500 to 1000 minimum monthly wages, or up to 6 months of arrest, or 6 months to 3 years of imprisonment.

(In version of the Kyrgyz Republic Law of November 14, 2003, No. 221)

#### Article 140. Vote Bribery

Bribing votes by a candidate for the Kyrgyz Republic president, a candidate for a deputy of the Kyrgyz Republic Jogorku Kenesh or a local council and other elected state bodies, as well as by those relatives, authorized persons and representatives by providing or disseminating material items or assisting in obtaining of a post or other benefits, -

shall be sentenced by fine in amount of 500 to 1000 minimum monthly wages, or 2 to 5 years of imprisonment.

(In version of the Kyrgyz Republic Laws of November 14, 2003, No. 221; December 15, 2004, No. 191)

Article 141. Tampering of Electoral Documents, Referendum Documents or  
Incorrect Poll

(1) Tampering of electoral documents, referendum documents, knowingly incorrect poll or knowingly incorrect presentation of election results or referendum results, violation of voting secrecy or procedures, if all committed by a member of the election committee, stirring group or referendum committee, -

shall be sentenced by fine in amount of 500 to 700 minimum monthly wages, or up to 6 months of arrest, or 2 to 5 years of imprisonment.

(2) The same actions committed by chairman, deputy chairman of election or referendum committee, as well as under a preliminary concert, shall be sentenced by fine in amount of 700 to 1000 minimum monthly wages, or up to 6 months of arrest, or 3 to 7 years of imprisonment.

(In version of the Kyrgyz Republic Law of November 14, 2003, No. 221)

Article 142. Occupational Safety Regulations Violation

(1) Violation of safety precautions, industrial sanitary rules or other occupational safety regulations by a person responsible for observation of safety precautions resulting in a less severe damage to health, -

shall be sentenced by fine in amount of up to 30 minimum monthly wages, or up to 2 years of imprisonment.

(2) The same act resulting in severe consequences, - shall be sentenced by 2 to 5 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 143. Labor Law Violation

Knowingly unlawful dismissal of a person, as well as other significant Labor Law violation committed for personal interest, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 144. Unjustified Denial of Employment or Dismissal of a Pregnant Woman, as well as of a Woman with Children Aged under Three

Unjustified denial of employment or unjustified dismissal of a woman motivated by her pregnancy, unjustified denial of employment or unjustified dismissal of a woman with children aged under 3, and the salary cut, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages.

Article 145. Medical Secrecy Disclosure

(1) Disclosure of information of patient's illness or medical examination results by medical, pharmaceutical or other staff, with no professional or service necessity, -

shall be sentenced by fine in amount of up to 30 minimum monthly wages.

(2) The same act expressed in communication of information on a person's being HIV-infected, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or up to 2 years of imprisonment.

(3) Acts provided by parts 1 and 2 of this Article, if resulting in severe consequences through carelessness, -

shall be sentenced by up to 3 years of imprisonment.

#### Article 146. Preventing from Realization of the Right to Freedom of Conscience and Religion

Unlawful prevention of religious organization activities or religious exercise, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages, or up to 3 months of arrest.

#### Article 146-1. Impeding Activities of the Kyrgyz Republic Ombudsman

Impeding in any manner the realization of powers of the Kyrgyz Republic Ombudsman provided by the Kyrgyz Republic Law on Ombudsman of the Kyrgyz Republic, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages.

(In version of the Kyrgyz Republic Law of June 11, 2003, No. 100)

#### Article 147. Encroachment on People's Personality and Rights under the Pretext of Religious Exercise

(1) Organization or supervision of a group acting under the pretext of religious preaching and exercise connected with infliction of damage to people's health or other forms of encroachment on people's personality and rights, or inducing people to give up public activities or civil duties, as well as involvement of juveniles in such group, -

shall be sentenced by up to 5 years of imprisonment.

(2) Active participation in activities of a group stated in part 1 of this Article, as well as systematic propaganda aimed at commission of above state acts, -

shall be sentenced by up to 3 years of imprisonment.

Note: If acts committed by persons mentioned in part 2 of this Article and such persons themselves constitute no significant social danger, they may be sentenced to measures of social influence.

#### Article 148. Impeding the Conduction of an Assembly, Meeting, Demonstration, Procession, Picket or Preventing from Participation in such Events

Unlawful impeding of conduction of an assembly, meeting, demonstration, procession, picket or preventing from participation in such events, or forcing to take part in them, if such acts are committed by an official using one's official position, or using or threatening with violence, -

shall be sentenced by fine in amount of 300 to 500 minimum monthly wages, or up to 3 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities.

Article 149. Non-compliance with the Law on Universal Compulsory Education

An official's Gross non-compliance with the Law on Universal Compulsory Education, -  
shall be sentenced by fine in amount of up to 200 minimum monthly wages.

Article 150. Violation of Copyright, Allied Rights and Patent Holder Rights

(1) Release of other person's academic, literary, musical or art work, as well as computer software or database under one's own name or other misappropriation of authorship of such work, assumption of authorship and invention, as well as coercion into joint authorship, -  
shall be sentenced by fine in amount of up to 50 minimum monthly wages.

(2) Unlawful use of copyright or allied right subjects, as well as unlawful use of invention, utility model or pattern, computer software or database, disclosure of essence of invention, utility model or pattern prior to official publication of related information with no author's or applicant's consent, in case of significant damage caused by such acts, either intently or through carelessness, -  
shall be sentenced by triple ayip, or up to 3 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(3) Acts provided by parts 1 and 2 of this Article committed repeatedly, by group of persons under a preliminary concert or by an organized group, -  
shall be sentenced by triple ayip, or revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years, or 3 to 5 years of imprisonment with revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Note: Significant damage in part 2 of this Article means damage 500 times as much as minimum monthly wage established by the Kyrgyz Republic laws by the moment of the crime commission.

Article 151. Preventing Journalists from Legal Professional Activities

(1) Preventing journalists from legal professional activities by forcing them to disseminate or not to disseminate information, -  
shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) The same act committed by a person using one's official position, -  
shall be sentenced by up to 3 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 152. Misuse of Funds Intended for Payment of Salary, Pensions,  
Benefits and other Social Payments

(1) Misuse of funds intended for payment of salary, pensions,  
benefits and other social payments by officials of companies,  
institutions and organizations regardless of ownership type, -

shall be sentenced in amount of 100 to 500 minimum monthly wages.

(2) The same act committed repeatedly, -

shall be sentenced by up to 3 years of imprisonment.

CHAPTER 20. CRIMES AGAINST FAMILY AND JUVENILES

Article 153. Bigamy and Polygamy

Bigamy or polygamy, i.e. cohabitation with 2 or more women in  
common household, -

shall be sentenced by up to 2 years of imprisonment.

Article 154. Contraction of Common-law Marriage with a Person under Age  
of Consent

(1) Contraction of common-law marriage with a person under age of  
consent, -

shall be sentenced by up to 3 years of imprisonment.

2) Contraction of common-law marriage with a person under age of 16  
or coercion into such relationships, -

shall be sentenced by up to 5 years of imprisonment.

(3) Kidnapping of a person under age of 16 for further contraction  
of common-law marriage, -

shall be sentenced by 3 to 7 years of imprisonment.

Article 155. Coercion of a Woman into Marriage or Preventing from  
Marriage

Coercion of a woman into marriage, continuation of marriage  
cohabitation, or kidnapping for further marriage contraction against her  
will, as well as preventing a woman from contracting marriage, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly  
wages, or up to 5 years of imprisonment.

Article 156. Involvement of a Juvenile in Crime Commission

(1) Involving a juvenile in a crime commission by means of  
promises, deception, threats or in other manner, committed by a person  
over age of 18, -

shall be sentenced by up to 3 years of imprisonment.

(2) The same act committed by a parent, teacher or any other person  
legally obliged to take care of the juvenile, -

shall be sentenced by 4 to 7 years of imprisonment.

(3) The acts provided by parts 1 and 2 of this Article committed  
with the use or threat of violence, -

shall be sentenced by 5 to 8 years of imprisonment.

(4) The acts provided by parts 1, 2 and 3 of this Article connected with involvement of a juvenile in an organized criminal group or criminal society or in commission of a severe or special severe crime, - shall be sentenced by 8 to 10 years of imprisonment.

#### Article 157. Involvement of a Juvenile in Commission of Antisocial Actions

(1) Involvement of a juvenile in drunkenness, use of drugs and other toxic substances not prescribed medically, prostitution, vagrancy or beggary, sexual actions, as well as actions connected with production of materials or objects of pornographic character, committed by a person over 18, -

shall be sentenced by 3 to 6 months of arrest, or up to 3 years of imprisonment.

(2) The same acts, if:

1) committed repeatedly;

2) committed with the use or threat of physical violence, -

shall be sentenced by up to 5 years of imprisonment.

#### Article 158. Child Substitution

(1) Substitution of a child

shall be sentenced by up to 2 years of imprisonment.

(2) The same act committed for lucrative or other basic motives, -

shall be sentenced by up to 5 years of imprisonment.

#### Article 159. Child Trafficking -

Deleted by the Kyrgyz Republic Law of August 9, 2003, No. 193.

#### Article 160. Disclosure of Adoption Secrecy

Disclosure of adoption secrecy against the will of the foster parent, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or up to 2 months of arrest.

#### Article 161. Juvenile Care Duty Dereliction Dereliction

Juvenile care duty dereliction or inappropriate fulfillment by a parent or another person obliged with such duties, as well as by a teacher or another worker of a training, educational, medical or other institution, obliged to supervise the juvenile person, if such act is connected with the juvenile abuse, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or up to 2 years of imprisonment with or with no revocation of the right to hold certain positions or be engaged in certain activities.

#### Article 162. Parents Evading Child Maintenance

Parents grossly evading payment for maintenance of juveniles or adult but disabled children needing material support under court decision, -

shall be sentenced by fine in amount of up to 30 minimum monthly wages, or up to 6 months of arrest, or up to 2 years of imprisonment.

#### Article 163. Children Evading Parent Maintenance

Adult children grossly evading maintenance of disabled parents and those needing material support as prescribed by court, -  
shall be sentenced by fine in amount of up to 30 minimum monthly wages, or up to 6 months of arrest, or up to 2 years of imprisonment.

### SECTION VIII. CRIMES IN ECONOMY

#### CHAPTER 21. CRIMES AGAINST PROPERTY

#### Article 164. Theft

(1) Theft, i.e. secret stealage of somebody's property, -  
shall be sentenced by triple ayip, or fine in amount of up to 50 minimum monthly wages, or up to 3 months of arrest, or up to 2 years of imprisonment.

(2) Theft committed:

- 1) by a group of persons;
- 2) by a group of persons under a preliminary concert;
- 3) repeatedly;
- 4) in significant amount;
- 5) from clothes or baggage held by the victim (pocket-picking), -  
shall be sentenced by triple ayip, or 2 to 6 years of imprisonment with or with no property seizure.

(3) Theft committed:

- 1) by an organized group;
- 2) in large amount;
- 3) by a person two or more times previously convicted for stealage or extortion;
- 4) with unlawful entry of house, premises or another place of storage, -  
shall be sentenced by 5 to 10 years of imprisonment with property seizure.

Notes. 1. Stealage means unlawful free appropriation of somebody's property in favor of the offender or other persons, committed for lucrative purposes, with damage caused to the owner or another holder of such property.

2. Acts provided for in Articles of this Chapter shall be recognized committed in significant amount if the value of the property is 10 times more than minimum monthly wage established by the Kyrgyz Republic laws by the moment of the crime commission.

3. Acts provided for in Articles of this Chapter shall be recognized committed in large amount if the value of the property is 200 times more than minimum monthly wage established by the Kyrgyz Republic laws by the moment of the crime commission.

4. In Articles 164 to 168 and 170 to 173 hereof, crime is recognized committed repeatedly if such was preceded by one or more crimes provided for in these parts of this Article, as well as in Articles 169, 230, 240, 245, 248 hereof.

5. In Articles of this Chapter and in other Articles hereof, a person previously convicted for stealage or extortion shall be recognized that previously convicted for one or more crimes provided for in Articles 164 to 168, 170 to 171, 230, 240, 245, and 248 hereof.

#### Article 165. Abaction

(1) Abaction, i.e. secret stealage from somebody's livestock, - shall be sentenced by triple ayip, or fine in amount of up to 50 minimum monthly wages, or up to 3 months of arrest, or up to 3 years of imprisonment.

(2) Abaction committed:

1) with entry of a house, industrial facility, organization or institution facility, farm yard or cattle-pen;

2) by a group of persons;

3) repeatedly;

4) in significant amount, -

shall be sentenced by 3 to 7 years of imprisonment with or with no property seizure.

(3) The same act committed:

1) by an organized group;

2) in large amount;

3) by a person two or more times previously convicted for stealage or extortion, -

shall be sentenced by 6 to 11 years of imprisonment with property seizure.

#### Article 166. Fraud

(1) Fraud, i.e. appropriation of somebody's property or ownership rights through deception or abuse of confidence, -

shall be sentenced by triple ayip, or fine in amount of up to 25 minimum monthly wages, or up to 3 months of arrest.

(2) Fraud committed:

1) by a group of persons;

2) by a group of persons under a preliminary concert;

3) repeatedly;

4) in significant amount, -

shall be sentenced by triple ayip, or fine in amount of 25 to 100 minimum monthly wages, or up to 5 years of imprisonment with or with no property seizure.

(3) Fraud committed:

1) by a person previously convicted for stealage or extortion;

2) in large amount;

3) by an organized group;

4) using one's official position, -

shall be sentenced by 5 to 10 years of imprisonment with property seizure.

#### Article 167. Robbery

(1) Robbery, i.e. overt appropriation of somebody's property, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or 2 to 5 years of imprisonment.



(2) Robbery committed:  
1) by a group of persons;  
2) by a group of persons under a preliminary concert;  
3) repeatedly;  
4) with significant damage;  
5) connected with the use or threat of non-hazardous violence, -  
shall be sentenced by 7 to 12 years of imprisonment with or with no  
property seizure.

(3) Robbery committed:  
1) by a person previously convicted for stealage or extortion;  
2) in large amount;  
3) with entry of house, premises or another place of storage;  
4) by an organized group, -  
shall be sentenced by 7 to 12 years of imprisonment with property  
seizure.

#### Article 168. Brigandage

(1) Brigandage, i.e. commission of an attack with the purpose of  
somebody's property appropriation with the use or threat of hazardous  
violence, -  
shall be sentenced by 3 to 7 years of imprisonment with property  
seizure.

(2) Brigandage committed:  
1) by a group of persons;  
2) by a group of persons under a preliminary concert;  
3) repeatedly;  
4) with entry of house, premises or another place of storage;  
5) connected with the use of arms or objects used as arms, -  
shall be sentenced by 6 to 12 years of imprisonment with property  
seizure.

(3) Brigandage committed:  
1) by a person previously convicted for stealage, extortion or  
banditry;  
2) to appropriate property in large amount;  
3) with infliction of severe bodily harm to the victim;  
4) by an organized group, -  
shall be sentenced by 8 to 15 years of imprisonment with property  
seizure.

#### Article 169. Stealage of Property in Special Large Amount

Stealage of somebody's property in a special large amount,  
regardless of the method of commission (Articles 164-171), -  
shall be sentenced by 10 to 20 years of imprisonment with or with  
no property seizure.

Note: Acts provided for in Articles of this Chapter shall be  
recognized committed in special large amount if the value of the property  
is 1000 times more than minimum monthly wage established by the Kyrgyz  
Republic laws by the moment of the crime commission.

#### Article 170. Extortion

(1) Extortion, i.e. demand of conveyance of somebody's property or  
ownership or making of other proprietary actions under threat of violence

or destruction or damage to somebody's property, as well as under threat of dissemination of information defaming the victim or victim's family members, or other information that may substantially damage the rights or legitimate interests of the victim or the victim's family members, -

shall be sentenced by triple ayip, or up to 6 months of arrest, or 2 to 4 years of imprisonment with fine in amount of up to 50 minimum monthly wages.

(2) Extortion committed:

1) by a group of persons under a preliminary concert;

2) repeatedly;

3) with the use of violence, -

shall be sentenced by 4 to 7 years of imprisonment with property seizure.

(3) Extortion committed:

1) by a person previously convicted for stealage or extortion;

2) with the purpose to extort property in large amount;

3) with infliction of severe harm to the victim's health;

4) by an organized group, -

shall be sentenced by 7 to 15 years of imprisonment with property seizure.

#### Article 171. Misappropriation or Embezzlement of Entrusted Property

(1) Misappropriation or embezzlement of entrusted property, - shall be sentenced by triple ayip, or fine in amount of up to 50 minimum monthly wages, or up to 3 months of arrest.

(2) The same acts committed:

1) by a group of persons;

2) by a group of persons under a preliminary concert;

3) repeatedly, -

shall be sentenced by triple ayip, or fine in amount of 100 to 200 minimum monthly wages, or up to 5 years of imprisonment with or with no property seizure.

(3) The same acts committed:

1) by a person previously convicted for stealage or extortion;

2) in large amount;

3) with the use of one's official position, -

shall be sentenced by fine in amount of 500 to 1000 minimum monthly wages, or 5 to 10 years of imprisonment with property seizure and with or with no revocation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

#### Article 172. Misappropriation of Motorcar or Other Vehicle

(1) Misappropriation of a motorcar or other vehicle, - shall be sentenced by 5 to 10 years of imprisonment.

(2) The same acts committed:

1) by a group of persons;

2) by a group of persons under a preliminary concert;

3) repeatedly

4) with the use or threat of non-hazardous violence, -

shall be sentenced by 8 to 12 years of imprisonment with property seizure.

(3) Acts provided for in parts 1 and 2 of this Article committed by an organized group or with the use or threat of hazardous violence, - shall be sentenced by 10 to 15 years of imprisonment with property seizure.

#### Article 172-1. Unauthorized Land Occupation

(1) Unauthorized occupation of a land allotment regardless of ownership type, resulting in damage to or destruction of sow or harvest, and causing significant material damage, -

shall be sentenced by fine in amount of 20 minimum monthly wages, or triple ayip.

(2) The same act committed during unlawful mass occupation of land allotments resulting in damage to or destruction of sow or harvest, and causing large material damage, -

shall be sentenced by fine in amount of 20 to 1000 minimum monthly wages, or triple ayip, or up to 2 years of imprisonment.

(3) Organization or supervision of unlawful land allotment occupation causing large damage, -

shall be sentenced by up to 3 years of imprisonment.

Note: Significant damage in this Article means that 50 times exceeding the minimum monthly wage. Large damage means that 200 times exceeding the minimum monthly wage.

(In version of the Kyrgyz Republic Law of August 5, 2005, No. 122)

#### Article 173. Infliction of Property Damage through Deception or Confidence Misuse

(1) Infliction of property damage to the owner or another holder of property through deception or confidence misuse, unless with stealage attributes, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages, or up to 4 months of arrest, or up to 2 years of imprisonment.

(2) The same act committed by a group of persons under a preliminary concert or repeatedly, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or up to 3 years of imprisonment.

(3) Acts provided for in parts 1 and 2 of this Article:

1) committed by an organized group;

2) resulting in large damage;

3) committed by a person two or more times convicted previously for stealage, extortion or infliction of property damage through deception or confidence misuse, -

shall be sentenced by 2 to 5 years of imprisonment with fine in amount of up to 100 minimum monthly wages.

Note: In case of voluntary compensation of the damage caused to the owner, the offender shall be exempted from criminal liability, unless there are attributes mentioned in arts 2 and 3 of this Article.

#### Article 174. Intended Property Damage or Destruction

(1) Intended damage or destruction of somebody's property, causing significant damage, -

shall be sentenced by triple ayip, or fine in amount of 100 to 200 minimum monthly wages, or up to 3 months of arrest.

(2) The same act committed:

1) by arson;

2) by another generally dangerous method;

3) with severe consequences, -

shall be sentenced by 2 to 7 years of imprisonment.

#### Article 175. Intended Wrecking or Destruction of Historic or Cultural Monuments

Intended wrecking or destruction of state-protected historic or cultural monuments or natural objects, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or 150 to 240 hours of public works, or up to 3 years of imprisonment.

#### Article 176. Property Damage or Destruction through Carelessness

Large property damage or destruction through carelessness, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or 150 to 240 hours of public works.

#### Article 177. Purchase or Sale of Property Knowingly Obtained in a Crime

(1) Purchase or sale of property knowingly obtained in a crime that was not promised in advance, -

shall be sentenced by fine in amount of up to 25 minimum monthly wages, or up to 2 months of arrest.

(2) The same acts committed as a business or in large amount, -

shall be sentenced by up to 5 years of imprisonment with property seizure.

### CHAPTER 22. CRIMES IN THE ECONOMIC ACTIVITY AREA

#### Article 178. Impeding Legal Business Activities

(1) Illegitimate denial of an individual entrepreneur or commercial organization registration or evading such registration, illegitimate denial of issuance of a special permission (license) for certain activities or evading issuance of such, restriction of rights and legitimate interests of an individual entrepreneur or commercial organization with regard to their legal and organization type or ownership, as well as restriction of independence or another interference in activities of an individual entrepreneur or commercial organization, if committed by an official with the use of one's official position, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 150 to 240 hours of public works, or revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years with fine in amount of up to 50 minimum monthly wages.

(3) The same acts committed in violation of an effective court act, as well as with large damage, -

shall be sentenced by revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years with fine

in amount of 200 to 500 minimum monthly wages, or up to 6 months of arrest, or up to 2 years of imprisonment.

Note: In Articles 178, 184, 187, 189, 191, 194, 197, 216, 217, and 218 of this Chapter, large damage means that 500 times exceeding the minimum monthly wage established by the Kyrgyz Republic laws by the moment of the crime commission.

#### Article 179. Registration of Illegal Land Transactions

Registration of knowingly illegal land transactions, perversion of registry records of the State Land Cadastre, as well as intended understatement or overstatement of payment for land, if committed by an official with the use of one's official position, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or revocation of the right to hold certain positions or be engaged in certain activities for up to 5 years, or 40 to 150 hours of public works.

#### Article 180. Illegal Enterprise

(1) Carrying out of business activities without registration or special permission (license) in cases when such permission (license) is mandatory, or with violation of licensing requirements, if such act caused large damage to individuals, organizations or the state, or was connected with income in a large amount, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 180 to 240 hours of public works, or up to 3 years of imprisonment.

(2) The same act:

1) committed by an organized group;

2) connected with the deriving of a special large income;

3) committed by a person previously convicted for illegal enterprise or illegal banking activities, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or up to 5 years of imprisonment with property seizure.

Note: In Articles 180 and 181 hereof, large income means that 500 times exceeding the minimum monthly wage; special large income means that 1000 times exceeding the minimum monthly wage established by the Kyrgyz Republic laws by the moment of the crime commission.

#### Article 181. Illegal Banking Activities

(1) Carrying out of banking activities (banking operations) without registration or special permission (license) in cases when such permission (license) is mandatory, or with violation of licensing requirements, if such act caused large damage to individuals, organizations or the state, or was connected with income in a large amount, -

shall be sentenced by fine in amount of 500 to 800 minimum monthly wages, or up to 5 years of imprisonment with fine in amount of up to 50 minimum monthly wages.

(2) The same act:

1) committed by an organized group;

2) connected with the deriving of a special large income;

3) committed by a person previously convicted for illegal enterprise or illegal banking activities, -  
shall be sentenced by 3 to 7 years of imprisonment with property seizure.

#### Article 182. False Enterprise

False enterprise, i.e. establishing of a commercial organization with no intent to carry out business activities, with the purpose to obtain credits, become tax exempted, derive other valuable gain or to shelter prohibited activities, causing large damage to individuals, other commercial organizations or the state, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or up to 5 years of imprisonment with or with no property seizure.

#### Article 183. Legalization of Unlawfully Obtained Funds or other Property

(1) Commission of financial operations and other transactions with funds or other property knowingly obtained in an unlawful manner, as well as use of such property for business or other economic activities, -

shall be sentenced by fine in amount of 500 to 1000 minimum monthly wages, or up to 4 years of imprisonment with fine in amount of up to 100 minimum monthly wages.

(2) The same acts:

1) committed by a group of persons under a preliminary concert;

2) committed repeatedly;

3) committed by an official with the use of one's official position, -

shall be sentenced by 4 to 8 years of imprisonment with or with no property seizure.

(3) Acts provided for in parts 1 and 2 of this Article committed by an organized group or in large amount, -

shall be sentenced by 7 to 10 years of imprisonment with property seizure.

#### Article 184. Unlawful Credit

(1) Unlawful drawing up of a credit or credit preferences by an entrepreneur or organization manager by providing the bank with knowingly false information of economic status or financial position of the entrepreneur or organization, if such act caused a large damage, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or 4 to 6 months of arrest, or 2 to 5 years of imprisonment.

(2) Unlawful drawing up of a government purpose loan, resulting in a large damage, -

shall be sentenced by fine in amount of 500 to 1000 minimum monthly wages, or 3 to 7 years of imprisonment.

#### Article 185. Embezzlement of a Government Loan

(1) Embezzlement of a government loan, -

shall be sentenced by fine in amount of 300 to 500 minimum monthly wages, or up to 2 years of imprisonment.

(2) The same act, committed:

1) repeatedly;  
2) by a group of persons under a preliminary concert;  
shall be sentenced by 2 to 5 years of imprisonment with or with no property seizure.

#### Article 186. Evasion of Credit Repayment

An organization manager or individual evading payment for bills payable in large amount or security repayment after the effective date of the related court act, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or 180 to 240 hours of public works, or up to 6 months of arrest, or up to 2 years of imprisonment.

Note: Large amount of bills payable by an individual means that 500 times exceeding the minimum monthly wage; by an organization - 2,500 times exceeding the minimum monthly wage, as established by the Kyrgyz Republic laws by the moment of the crime commission.

#### Article 187. Violation of Accounting Regulations

An authorized person intently violating regulations of accounting and documenting, as provided by laws, or posting of knowingly false information of the organization's economic and financial activities, as well as extinguishment of financial and other documents, resulting in large damage, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or up to 2 years of imprisonment.

#### Article 188. Monopoly Behavior and Competition Constraint

(1) Monopoly behavior expressed in both overpricing or underpricing, as well as competition constraint by agreement or coordinated actions, aimed at market sharing, restriction of access to market, removal of other economic entities from the market, and setting and maintaining of unit prices, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages.

(2) The same acts, committed:

1) repeatedly;

2) by a group of persons under a preliminary concert;

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or 2 to 5 years of imprisonment with or with no property seizure.

(3) The same acts committed:

1) with the use or threat of violence;

2) with damage or destruction of somebody's property or threat of such damage or destruction;

3) with the use of one's official position;

4) by an organized group, -

shall be sentenced by 5 to 10 years of imprisonment with property seizure.

#### Article 189. Gross Violation of Public Sale, Auction and Tender Procedures

Gross violation of public sale, auction and tender procedures causing large damage to property owner, organizer of sale or auction, buyer or another economic entity, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or up to 2 years of imprisonment.

(In version of the Kyrgyz Republic Law of June 11, 2003, No. 98)

#### Article 190. Compelling Performance or Denial of Transaction

(1) Compelling performance or denial of transaction under threat of violence, damage or destruction of somebody's property, as well as dissemination of information capable of substantially damaging rights and legitimate interests of the victim or the victim's family members, unless with extortion attributes, -

shall be sentenced by 3 to 6 months of imprisonment, or up to 2 years of imprisonment with fine in amount of up to 50 minimum monthly wages.

(2) The same acts committed:

1) repeatedly;

2) with violence;

3) by an organized group, -

shall be sentenced by 3 to 7 years of imprisonment with or with no property seizure.

#### Article 191. Unlawful Use of a Trademark

(1) Unlawful use of other entity's trademark, service mark, firm-name, name of product origin, if committed repeatedly or with large damage, -

shall be sentenced by fine in amount of 200 to 400 minimum monthly wages, or 180 to 240 hours of public works, or up to 6 months of arrest.

(2) Unlawful use of a warning label with regard to a trademark, service mark or name of product origin not registered in the Kyrgyz Republic, if committed repeatedly or with large damage, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 120 to 180 hours of public works, or up to 4 months of arrest.

#### Article 192. Knowingly False Advertisement

(1) Advertiser using knowingly false information regarding goods, works or services, as well as regarding respective manufacturers or vendors, and advertisement of products subject to mandatory certification or licensing but not having appropriate compliance certificate or license, committed for lucrative purposes, -

shall be sentenced by fine in amount of up to 50 minimum monthly wages, or up to 100 hours of public works.

(2) The same acts:

1) committed with the use of media;

2) resulting in significant damage, -

shall be sentenced by triple ayyp, or fine in amount of 50 to 100 minimum monthly wages, or 100 to 200 hours of public works.

Note: Significant damage provided for in articles of this Chapter means that equivalent to 20 (for natural persons) and 50 (for legal



entities) minimum monthly wages as established by the Kyrgyz Republic laws by the moment of the crime commission.

(In version of the Kyrgyz Republic Law of August 9, 2003, No. 193)

#### Article 192-1. Violation of Alcohol and Tobacco Products and Gambling Industry Advertisement Regulations

(1) Repeated violation of alcohol and tobacco products and gambling industry advertisement regulations, -  
shall be sentenced by fine in amount of 20 to 30 minimum monthly wages, or up to 6 months of arrest.

(2) The same acts committed:

1) by officials;

2) media outlet editors, -

shall be sentenced by up to 3 years of imprisonment.

(In version of the Kyrgyz Republic Law of February 6, 2006, No. 35)

#### Article 193. Unlawful Obtaining of Information Constituting Commercial or Bank Secret

Collecting of information constituting commercial or bank secret by document theft, bribery and threats towards holders of commercial or bank secrets or their family members, wiretapping, unlawful entry of computer systems or networks, using special technical means or in any other illegal manner, with the purpose of such secret further disclosure or use, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or up to 6 months of arrest.

#### Article 194. Commercial or Bank Secret Disclosure

Unlawful disclosure or use of commercial or bank secrets without their holder's consent by a person to which such information is known due to professional or service duties, causing large damage to a commercial organization or an individual entrepreneur, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or up to 100 hours of public works.

Note: Criminal prosecution of acts provided by this Article shall be commenced at request of the aggrieved commercial organization or an individual entrepreneur.

#### Article 195. Violation of Regulations of the State Mark of Assay Production and Use

(1) Unauthorized production, sale or use, as well as forgery of the state mark of assay, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or up to 3 years of imprisonment.

(2) The same acts committed repeatedly or by an organized group, -  
shall be sentenced by up to 5 years of imprisonment.

#### Article 196. Metrological Regulations Violation

Issue of measuring instruments without their type approval or metrological certification, untested measuring instruments, as well as

manufacturing, fixing and testing of measuring instruments without appropriate permission, and violation of testing methods and rules, resulting in severe consequences, -

shall be sentenced by fine in amount of up to 100 minimum monthly wages, or up to 3 years of imprisonment.

#### Article 197. Abuse in Capital Issue (Emission)

Posting a knowingly false information in the emission prospect, as well as approval emission prospect containing knowingly false information or approval of knowingly inauthentic emission results, if such acts caused large damage, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages.

#### Article 198. Production, Custody or Sale of Counterfeit Banknotes or Securities

(1) Production with the purpose of sale or custody with the purpose of sale, as well as sale of counterfeit banknotes, coins, securities, foreign currencies or securities in a foreign currency, -

shall be sentenced by 5 to 8 years of imprisonment with property seizure.

(2) The same acts, committed:

1) in large amount;

2) by a group of persons under a preliminary concert, -

shall be sentenced by 10 to 15 years of imprisonment with property seizure.

(3) Acts provided for in part 1 of this Article committed by an organized group, -

shall be sentenced by 15 to 20 years of imprisonment with property seizure.

#### Article 199. Production, Custody or Sale of Counterfeit Excise Marks

Production of counterfeit excise marks with the purpose of sale, as well as custody with the purpose of sale or use of counterfeit excise marks in large amount or by a group of persons under a preliminary concert, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or 120 to 180 hours of public works, or up to 3 years of imprisonment with or with no property seizure.

Note: Acts provided for in this article shall be recognized committed in large amount if the amount of produced, stored, sold or used counterfeit excise marks exceeds 500.

#### Article 200. Production, Storage, Import and Sale of Products Subject to Mandatory Excise Taxation without Excise Marks

Production, storage, import and sale of products subject to mandatory excise taxation without excise marks, committed in large amount or by a person previously convicted for this crime or for tax evasion, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 180 to 240 hours of public works, or up to 5 years of imprisonment with property seizure.

Note: Acts provided for in this article shall be recognized committed in large amount if the products were subject to mandatory excise taxation in amount 1000 times exceeding minimum monthly wage.

(In version of the Kyrgyz Republic Law of March 12, 2002, No. 36)

#### Article 201. Unlicensed Production and Sale of Alcohol and Spirit-based Beverages

Unlicensed production or storage with the purpose of sale, as well as sale of alcohol or spirit-based beverages in large amount, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 180 to 240 hours of public works, or up to 5 years of imprisonment with or with no property seizure.

Note: Acts provided for in this article shall be recognized committed in large amount if alcohol produced and sold amounted to 20 and more liters, and such spirit-based beverages amounted to 50 and more liters.

(In version of the Kyrgyz Republic Laws of June 11, 2003, No. 98; February 15, 2004, No. 13)

#### Article 202. Production and Sale of Poor-quality Alcohol and Spirit-based Beverages

Production or storage with the purpose of sale, as well as sale of alcohol or spirit-based beverages incompliant with state quality standards, causing death or other severe consequences through carelessness, -

shall be sentenced by 3 to 8 years of imprisonment with or with no property seizure.

#### Article 202-1. Production and Sale or Storage with the Purpose of Sale of Homemade Spirit-based Beverages

Production, sale or storage with the purpose of sale of homemade spirit-based beverages (with over 9% of ethyl alcohol volume content) in large amount, production or storage with the purpose of sale of means of their production, as well as sale of the mentioned alcohol beverages or means of production, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or 120 to 180 hours of public works, or up to 2 years of imprisonment with or with no property seizure, with compulsory seizure of products and means of production.

Note: Acts provided for in this article shall be recognized committed in large amount if alcohol produced, sold and stored amounted to 50 and more liters.

(In version of the Kyrgyz Republic Law of February 15, 2004, No. 13)

#### Article 203. Manufacturing or Sale of Counterfeit Credit Cards or Accounting Forms or Other Payment Documents

Manufacturing with the purpose of sale or sale of counterfeit credit cards or accounting forms and other payment documents not registered as securities, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or 2 to 5 years of imprisonment.

The same acts committed repeatedly or by an organized group, -

shall be sentenced by 4 to 7 years of imprisonment with property seizure.

#### Article 204. Contraband

(1) Contraband, i.e. transference over the Kyrgyz Republic customs border of large volume of goods or other objects, except those listed in part 2 of this Article, committed unbeknown to or concealed from customs control or with deceptive use of documents or means of customs identity, or connected with non-declaring or unauthentic declaring, -

shall be sentenced by up to 5 years of imprisonment with property seizure.

(2) Transference over the Kyrgyz Republic customs border of drugs, psychotropic, drastic, poisonous, toxic, radioactive or explosive substances, weapons, explosive devices, firearms or ammunition, nuclear, chemical, biological and other weapons of mass destruction, materials, technologies, documentation and equipment that may be used for manufacturing of weapons of mass destruction and which are subject to special regulations of transference over the Kyrgyz Republic customs border, strategic raw materials and cultural values subject to special regulations of transference over the Kyrgyz Republic customs border, if such acts are committed unbeknown to or concealed from customs control or with deceptive use of documents or means of customs identity, or connected with non-declaring or unauthentic declaring, -

shall be sentenced by 3 to 7 years of imprisonment with property seizure.

(3) Acts provided for in parts 1 and 2 of this Article, committed:

1) repeatedly;

2) by an official using one's official position;

3) with violence towards the person responsible for customs control, -

shall be sentenced by 5 to 10 years of imprisonment with property seizure.

(4) Acts provided for in parts 1, 2 and 3 of this Article, committed by an organized group, -

shall be sentenced by 7 to 12 years of imprisonment with property seizure.

Note: Acts provided for in Articles 204 and 205 of this Chapter shall be recognized to be committed in large amount if the cost of goods transferred 1,000 times exceeds the minimum monthly wage established by the Kyrgyz Republic laws by the time of the crime commission.

#### Article 204-1. Organization of Illegal Migration

(1) Organization of illegal migration by providing means of transport or forged documents, house or another premises, as well as by providing other services for illegal entrance, departure or movement across the Kyrgyz Republic area, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages, or up to 3 years of imprisonment.

(2) The same act committed by a group of persons under a preliminary concert or using one's official powers, -

shall be sentenced by 3 to 5 years of imprisonment.

(In version of the Kyrgyz Republic Law of August 9, 2003, No. 193)

#### Article 204-2. Repeated Violation of Regulations of Industrial Intake and Use of Foreign Labor Force in the Kyrgyz Republic

(1) Employer repeatedly recruiting foreign citizens and stateless persons residing in the Kyrgyz Republic, without special permission of responsible authorities, -

shall be sentenced by fine in amount of 50 to 100 minimum monthly wages.

(2) Employer repeatedly violating regulations of foreign labor force in the Kyrgyz Republic, -

shall be sentenced by fine in amount of 100 to 200 minimum monthly wages, or 120 to 180 hours of public works, or up to 6 months of arrest, or up to 1 year of imprisonment.

Note: Acts provided for in this Article shall be recognized committed repeatedly if preceded by commission of 1 or more crimes mentioned in parts 1 and 2 of this Article.

(In version of the Kyrgyz Republic Law of August 9, 2001, No. 193)

#### Article 205. Failure to Return Material Stock from Abroad

Failure to return large amount of material stock belonging to the Kyrgyz Republic and exported under obligation of mandatory return from abroad, -

shall be sentenced by 5 to 8 years of imprisonment with property seizure.

#### Article 206. Failure to Return Objects of Art, Historic and Archeological Property of Peoples of the Kyrgyz Republic from Abroad

Failure to return to the Kyrgyz Republic at the stated time exported objects of art, historic and archeological property of peoples of the Kyrgyz Republic and other countries, if such return is mandatory, -

shall be sentenced by up to 5 years of imprisonment with property seizure.

#### Article 207. Failure to Return from Abroad Funds in Foreign Currency

An organization manager failing to return from abroad a large amount of public funds in foreign currency subject to mandatory transfer to accounts in an authorized bank of the Kyrgyz Republic, -

shall be sentenced by up to 3 years of imprisonment with property seizure.

Note: The act provided for in this Article shall be recognized committed in large amount if the amount of the non-returned funds in foreign currency 5,000 times exceeds the minimum monthly wage established by the Kyrgyz Republic laws by the time of the crime commission.

Article 208. Illegal Turnover of Precious Metals and Natural Stones

(1) Commission of a transaction connected with precious metals, natural precious stones, in violation of regulations established by the Kyrgyz Republic laws, as well as illegal custody, transport or forwarding of precious metals, natural precious stones in any form or state, except domestic items and scrap of such items, -

shall be sentenced by fine in amount of 200 to 500 minimum monthly wages, or up to 6 months of arrest, or up to 3 years of imprisonment.

(2) The same acts committed:

1) by a person previously convicted for illegal turnover of precious metals or natural precious stones;

2) in large amount;

3) by an organized group, -

shall be sentenced by 5 to 10 years of imprisonment with property seizure.

Note: The act provided for in this Article shall be recognized committed in large amount if the cost of precious metals or natural precious stones involved in illegal turnover 500 times exceeds the minimum monthly wage established by the Kyrgyz Republic laws by the time of the crime commission.

Article 209. Violation of Regulations of Handing over of Precious Metals and Precious Stones to the State

Evasion of mandatory handing over for refining or mandatory sale to the state of precious metals or natural precious stones quarried from entrails, as well as picked and found, if such is committed in a large amount, -

shall be sentenced by fine in amount of 500 to 1,000 minimum monthly wages, or 2 to 5 years of imprisonment.

Note: The act provided for in this Article shall be recognized committed in large amount if the cost of mentioned object neither handed nor sold to the state 500 times exceeds the minimum monthly wage established by the Kyrgyz Republic laws by the time of the crime commission.

## Article 210. Evasion of Customs Payments

(1) Evasion of customs payments by failure to submit documents to compute payments or destruction thereof, by showing in these documents data on income and expenses known to be false, and by concealing other objects of taxation on a large scale,

shall be punishable with a fine in the amount of two hundred to five hundred minimum monthly wages.

(2) The same deed committed:

1) several times;

2) using official position;

3) by a group of persons by prior conspiracy,

shall be punishable by a fine in the amount of three hundred to seven hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with confiscation of property or without such confiscation.

(3) Evasion of customs payments committed on a large scale or by an organized group shall be punishable by deprivation of liberty for a term of three to five years with confiscation of property.

Note: The evasion of customs payments on a large scale shall be regarded as committed on a large scale if the amount of non-paid customs payments exceeds three hundred the minimum monthly wage established by the legislation of the Kyrgyz Republic as of the date of committing a crime.

## Article 211. Evasion of Tax by a Citizen

Evasion of a citizen of tax by failure to submit an income declaration in cases when the submission of a declaration is obligatory or by showing in a declaration data on incomes and expenses known to be false, committed on a large scale,

shall be punishable by a fine in the amount of one hundred to three hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours or arrest for a term of up to three months, with the imposition of a fine in the amount up to one hundred minimum wages.

Note. The evasion of tax shall be regarded as committed on a large scale if the amount of non-paid tax exceeds one thousand the minimum monthly wage established by the legislation of the Kyrgyz Republic as of as date of committing a crime. (As amended by Law of the Kyrgyz Republic of July 23, 2001, # 77)

## Article 212. Evasion of Tax and Compulsory Insurance Premiums by a Private Entrepreneur

(1) The evasion of a private entrepreneurs of tax and compulsory insurance premiums of the state social insurance by failure to submit documents for computation of taxes and compulsory insurance premiums or destruction thereof, by showing in the documents data on incomes and expenses known to be false or by concealing other objects of taxation and social insurance on a large scale,

shall be punishable with a fine in the amount from three hundred to five hundred minimum monthly wages or by public works for a term from one

hundred eighty to two hundred forty hours, or by deprivation of liberty for a term of up to one year.

(2) The same deed committed on a large scale, shall be punishable by deprivation of liberty for a term from one to three years with confiscation of property or without such confiscation.

Note. The evasion of tax and compulsory insurance premiums shall be regarded as committed on a large scale if the amount of non-paid taxes and insurance premiums exceeds two thousand times the minimum monthly wage; the evasion of tax and compulsory insurance premiums shall be regarded as committed on especially large scale if the amount of non-paid taxes and premiums exceeds five thousand times the minimum monthly wage, established by the legislation of the Kyrgyz Republic as of the date of committing a crime.

(as amended by Laws of the Kyrgyz Republic of July 23, 2001, # 77, February 17, 2003, # 36)

#### Article 213. Evasion of Tax and Compulsory Insurance Premiums by Functionaries of Economic Entities

(1) The evasion of functionaries of economic entities of tax and compulsory insurance premiums by failure to submit documents for computation of taxes and compulsory insurance premiums, by showing in the accounting documents data on incomes and expenses known to be false or destruction thereof on a large scale,

shall be punishable by a fine in the amount of three hundred to five hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years, or by deprivation of liberty for a term of one to three years.

(2) The same act committed on especially large scale, shall be punishable by deprivation of liberty for a term of three to five years with confiscation of property.

Note. The evasion of tax and compulsory insurance premiums shall be regarded as committed on a large scale if the amount of non-paid taxes and insurance premiums exceeds five thousand times the minimum monthly wage; the evasion of tax and compulsory insurance premiums shall be regarded as committed on especially large scale if the amount of non-paid taxes and premiums exceeds ten thousand times the minimum monthly wage, established by the legislation of the Kyrgyz Republic as of the date of committing a crime.

(as amended by Laws of the Kyrgyz Republic of July 23, 2001, 3 77, February 17, 2003, # 36)

#### Article 214. Non-fulfillment of Legal Requirements of Tax Services, Social Fund Bodies and Counteraction Against Them

Failure to fulfill legal requirements of tax services and Social Fund bodies regarding submission of documents required for computation and payment of a tax, insurance premiums within the state social insurance and other compulsory payments, coercive actions with respect to a functionary of tax services and Social Fund bodies in connection with their discharge of official duties, and likewise removing seals and stamps imposed by tax services,

shall be punishable by a fine in the amount of one hundred to five hundred minimum monthly wages or by public works for a term of one



hundred eight to two hundred forty hours, or by deprivation of liberty for a term of up to one year.

(as amended by Law of the Kyrgyz Republic of February 17, 2003, # 36)

#### Article 215. Illegal Granting or Receipt of Financial Benefits

Illegal granting or receipt of tax, customs or any other financial benefits,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by public works for a term from one hundred eighty to two hundred forty hours, or by deprivation of liberty for a term of up to three years.

#### Article 216. Lawless Actions in Case of Bankruptcy

(1) Concealment of property or of property liabilities, of information about property, its size, and place of location, or of other information about property, transfer of property into another's possession, alienation or destruction of property, and also concealment, destruction, or falsification of accounting and other records reflecting economic activity, if these actions have been committed by the manager or the owner of a debtor organization or by an individual businessman in case of bankruptcy or in expectation of bankruptcy, and have caused sizable damage,

shall be punishable with a fine ranging from one hundred to two hundred minimal monthly wage or by public works for the term from one hundred and eighty to two hundred hours, or deprivation of liberty for a term of up to three years.

(2) Unlawful satisfaction of the property claims of particular creditors by the manager of a debtor organization or by an individual businessman who knows about his actual insolvency (bankruptcy), knowingly done to the detriment of other creditors, and also the acceptance of such satisfaction by a creditor who knows about the preference given to him in the insolvency to the detriment of other creditors, if these actions have caused large-scale damage,

shall be punishable with a fine ranging from twenty to one hundred minimal monthly wage or by public works for a term from one hundred and twenty to one hundred and eighty hours, or by deprivation of liberty for a term of up to two years (as amended by Law of the Kyrgyz Republic of June 22, 2002, # 109)

#### Article 217. Deliberate Bankruptcy

The intentional creation or increase of insolvency, committed by the manager or the owner of a commercial organization, or by an individual businessman, for the doer's benefit or for the benefit of other persons, which has caused large-scale damage or any other grave consequences,

shall be punishable with a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

#### Article 218. Fictitious Bankruptcy

Fictitious bankruptcy, that is the knowingly false declaration by the manager or owner of a commercial organization, or by an individual businessman, about the doer's, insolvency with the aim of deluding

creditors and receiving delays or time to make pay payments due to creditors, or a debt allowance, and likewise for defaults on debts, if this deed has caused large-scale damage,

shall be punishable with a fine in the amount of one hundred to three hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

#### Article 219. Deception of Customers

(1) False measurement, false weighting, cheating, and tricking customers regarding properties or the quality of goods (services), or any other deception of customers by organizations which sell goods or render services to people, and equally by private persons registered as individual businessmen in the sphere of trade (services), if these deeds have been committed on a large scale,

shall be punishable by triple ayip or with a fine in the amount of fifty minimum monthly wages, or by public works for a term of one hundred twenty to one hundred eighty hours.

(2) The same deeds committed:

1) on a large scale;

2) by a group of persons in a preliminary conspiracy

shall be punishable by triple ayip or deprivation of liberty for a term up to two years.

(3) The deeds set forth in points one and two of the present Article committed by an organized group or by a person earlier convicted of the same deeds,

shall be punishable by deprivation of liberty for a term of three to six years with confiscation of property or without any confiscation.

Note. The deeds stipulated in the present Article shall be deemed committed on a sizable scale, if the damage to customers exceeded one tenth of the minimum monthly wage; the deed shall be deemed committed on a large scale, if the damage to customers exceeded one minimum monthly wage established by the legislation of the Kyrgyz Republic as of the moment of committing a crime.

#### Article 220. Bribery of Participants and Organizers of Professional Sports and Entertainment Competitions

(1) Bribery of athletes, referees, coaches, team leaders, and other participants or organizers of professional sport competitions, and also organizers or jurymen of profit-making entertainment competitions, with the purpose of exerting influence on the results of these competitions or contests,

shall be punishable by a fine in the amount of three hundred to five hundred minimum monthly wages.

(2) The same act committed repeatedly or by an organized group,

shall be punishable by deprivation of liberty for a term of one to five years.

(3) Illegal receipt by athletes of money, securities, or any other services of material nature transferred to them for the purpose of exerting influence on the results of said competitions,

shall be punishable by a fine in the amount of five hundred to seven hundred minimum monthly wages.

(4) Illegal receipt of money or material values, or services of material nature by referees, coaches, team leaders, and other participants or organizers of professional sports competitions, and also by organizers or jurymen of profit-making entertainment competitions for the same purpose,

shall be punishable by deprivation of liberty for a term of two to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### CHAPTER 23. CRIMES AGAINST THE INTERESTS OF SERVICE IN NON-STATE ENTERPRISES AND ORGANIZATIONS

##### Article 221. Abuse of Authorities by Employees of Commercial or Other Organizations

(1) The use of authority by a person discharging managerial functions in a profit-making or any other organization in defiance of the lawful interests of this organization and for the purpose of deriving benefits and advantages for himself or for other persons or for the purpose of inflicting harm on other persons, if this deed has involved the infliction of substantial damage on the rights and lawful interests of individuals or organizations or on the legally-protected interests of the society or the State,

shall be punishable with a fine in the amount of fifty to one hundred minimum monthly wage or arrest for a term of up to six months, or by public works for a term of one hundred eighty to two hundred forty hours.

(2) The same deed, which has involved grave consequences shall be punishable with a fine in the amount of one hundred to five hundred minimum monthly wages or arrest for a term of up to six months, or by deprivation of liberty for a term of up to three years.

Note 1. A person who discharges on a permanent or temporary basis or on the basis of a special power the organizational and regulatory or administrative and economic duties in a commercial organization, regardless of its form of property, or in a non-commercial organization that is not a state agency, or a local self-government body, a governmental municipal institution, is regarded as a person discharging managerial functions in a commercial or any other organization.

2. If a deed stipulated by this Article or by other Articles of this Chapter has caused harm to the interests of an exclusively commercial organization that is not a governmental or municipal enterprise, then prosecution shall be instituted upon the application of this organization, or with its consent.

3. If a deed envisaged by this Article or by other Articles of this Chapter has caused harm to the interests of other organizations, or to the interests of individuals, society, or the State, then prosecution shall be instituted on general grounds.

##### Article 222. Abuse of Authority by Private Notaries and Auditors

(1) The use by a private notary or a private auditor of his authority, contrary to his duty and for the purpose of deriving benefits and advantages for himself or for other persons, or of inflicting harm on

other persons, if this deed has caused substantial damage to the rights and lawful interests of individuals or organizations or to the legally-protected interests of society and the State,

shall be punishable with a fine in the amount of one hundred to two hundreds minimum monthly wages with disqualification to hold specified offices or to engage in specified activities for a term of up to three years or by deprivation of liberty for a term of up to three years.

(2) The same deed committed repeatedly

shall be punishable by deprivation of liberty for a term of three to five years.

(as amended by Law of the Kyrgyz Republic of November 15, 2003, # 223)

#### Article 223. Exceeding Authority by Staff Members of Private Detective Services

(1) The exceeding of his authority by a manager or an officer of private detective service, if this deed has been committed with the use of violence or with the threat of its application,

shall be punishable by deprivation of liberty for a term of two to five years with disqualification to hold specified offices or to engage in specified activities for a term of up to three years.

(2) The same deed, which:

1) has been committed with application of weapon;

2) has involved grave consequences,

shall be punishable by deprivation of liberty for a term of five to eight years with disqualification to hold specified offices or to engage in specified activities for a term of up to three years.

#### Article 224. Commercial Bribery

(1) The illegal transfer of money, securities, or any other assets to a person who discharges the managerial functions in a commercial organization, and likewise the unlawful rendering of property-related services to him for the commission of actions (inaction) in the interests of the giver, in connection with the official position held by this person,

shall be punishable with a fine in the amount of two hundred to five hundred minimum monthly wages or arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

(2) The same deeds committed:

1) repeatedly;

2) by a group of persons in preliminary conspiracy;

3) by an organized group, -

shall be punishable with a fine in the amount of three hundred to eight hundred minimum monthly wages or arrest for a term of up to six months, or deprivation of liberty for a term of up to three years.

(3) The illegal receipt of money, securities, or any other assets by a person who discharges the managerial functions in a commercial organization, and likewise the illegal use of property-related services for the commission of actions (inaction) in the interests of the giver, in connection with the official position held by this person,

shall be punishable by a fine in the amount of five hundred to eight hundred minimum monthly wages or by disqualification to hold

specified offices or to engage in specified activities for a term of up to five years, or by deprivation of liberty for a term of up to four years.

(4) Acts provided for by the third part of the present Article, if they are:

- 1) committed by a group of persons in a preliminary conspiracy;
- 2) committed repeatedly;
- 3) attended by extortion;
- 4) committed by an organized group,

shall be punishable by a fine in the amount of eight hundred to one thousand minimum monthly wages or by disqualification to hold specified offices or to engage in specified activities for a term of up to five years, or by deprivation of liberty for a term of up to five years.

Note. A person who has committed acts stipulated in the first or second part of the present Article, shall be relieved from criminal responsibility, if he has been subject to extortion or if this person has voluntarily informed the body that has the right to institute proceedings in a criminal case about bribery.

#### Article 225. Illegal Receipt of Remuneration by an Employee

Knowingly illegal receipt of material remuneration or property gain on a large scale by an employee, who is not a functionary of a state body, an enterprise, institution, organization, public association, self-government body of citizens for taking or not taking certain action in the interest of a person, who is giving a briber, that the employee should or could take through his official position,

shall be punishable by a fine in the amount of fifty to two hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours.

Note. A deed stipulated by the present Article shall be deemed as committed on a large scale, if the value of the remuneration or property gain exceeds three times the minimum monthly wage established by the legislation of the Kyrgyz Republic at the time of committing a crime.

### SECTION IX. CRIMES AGAINST PUBLIC SECURITY AND ORDER

#### CHAPTER 24. CRIMES AGAINST PUBLIC SECURITY

##### Article 226. Terrorism

(1) Terrorism, that is, the perpetration of an explosion, arson, or any other action endangering the lives of people, causing sizable property damage, or entailing other socially dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies, and also the threat of committing said actions for the same ends,

shall be punishable by deprivation of liberty for a term of five to ten years.

(2) The same deeds committed:

- 1) by a group of persons in a preliminary conspiracy;
- 2) repeatedly;
- 3) with the use of firearms

shall be punishable by deprivation of liberty for a term of eight to fifteen years.

(3) Deeds stipulated in the first and second part of the present Article, if they have been committed by an organized group or have involved by negligence the death of a person, or any other grave consequences,

shall be punishable by deprivation of liberty for a term of fifteen to twenty years.

Note. A person who has taken part in the preparation of an act of terrorism shall be released from criminal responsibility if he facilitated the prevention of the act of terrorism by timely warning governmental bodies, or by any other method, unless the actions of this person contain a different corpus delicti.

#### Article 227. Hostage-Taking

(1) The capture or detention of a hostage, committed to compel the State, an international organization, legal entity or an individual to perform or to abstain from taking any action as a condition for the release of the hostage,

shall be punishable by deprivation of liberty for a term of five to ten years.

(2) The same deeds committed:

- 1) by a group of persons in a preliminary conspiracy;
- 2) repeatedly;
- 3) by an organized group;
- 4) with the use of violence posing a danger to human life or health, or with the threat of killing;
- 5) with the use of arms or other objects used as arms;
- 6) against one or more persons;
- 7) against an obvious minor;
- 8) against a woman in a state of pregnancy obvious to the convicted person;
- 9) out of mercenary motives or by hire,

shall be punishable by deprivation of liberty for a term of eight to fifteen years.

(3) Deeds provided for by the first or second part of the present Article, if they have been committed by a criminal community or have involved by negligence the death of a person, or inflicted substantial harm to his health, or any other grave consequencesДѢЯНИЯ,

shall be punishable by deprivation of liberty for a term of twelve to twenty years.

Note. A person who released a hostage voluntarily shall be relieved from criminal responsibility, unless his actions contain a different corpus delicti.

#### Article 228. Knowingly Making a False Communication About an Act of Terrorism

A knowingly false communication about an impending explosion, act of arson, or any other action creating a danger of killing people, inflicting sizable damage to property, or entailing other socially hazardous consequences,

shall be punishable by a fine in the amount of fifty to three hundred minimum monthly wages or by public works for a term of one hundred eighty to two hundred forty hours or arrest for a term of three to six months, or by deprivation of liberty for a term of up to three years.

Article 229. Organization of an Illegal Armed Formation, or Participation in It

(1) Creation of an armed formation (unit, squad, or any other group), and likewise operating of such a formation, shall be punishable by deprivation of liberty for a term of two to seven years.

(2) Participation in an armed formation, shall be punishable by arrest for a term of up to six months or by deprivation of liberty for a term of up to five years.

Note. A person who has ceased to take part in an illegal armed formation on his own free will, and has handed in his weapons, shall be released from criminal responsibility unless his actions contain a different corpus delicti.

Article 230. Banditry

(1) Creation of a stable armed group (band) with the aim of assaulting individuals or organizations, and also operation of such a group (band), shall be punishable by deprivation of liberty for a term of ten to fifteen years with confiscation of property.

(2) Participation in a stable armed group (band), or in its assaults, shall be punishable by deprivation of liberty for a term of eight to fifteen years with confiscation of property.

(3) Acts provided for by the first or second part of the present Article and committed by a person through his official position, shall be punishable by deprivation of liberty for a term of twelve to twenty years with confiscation of property.

Article 231. Organization of a Criminal Community (Criminal Organization)

(1) Creation of a criminal community (criminal organization) for committing grave or especially grave crimes, and likewise operation of such a community(organization) or its structural subdivisions, and also creation of an association of organizers, leaders, or other representatives of organized groups for formulating plans and conditions for the commission of grave or especially grave crimes, shall be punishable by deprivation of liberty for a term of ten to fifteen years with confiscation of property or without such confiscation.

(2) Participation in a criminal community (criminal organization) shall be punishable by deprivation of liberty for a term of eight to twelve years with confiscation of property.

(3) Acts provided for by the first or second part of this Article, and committed by a person through his official position,

shall be punishable by deprivation of liberty for a term from ten to twenty years with confiscation of property.

#### Article 232. Hijacking of an Aircraft, a Sea-going Ship, or a Railway Train

(1) Hijacking of an aircraft, a sea-going ship, a railway train, and likewise seizure of such a ship or train in order to hijack it, shall be punishable by deprivation of liberty for a term from four to eight years.

(2) The same acts committed:

- 1) by a group of persons in a preliminary conspiracy;
  - 2) repeatedly;
  - 3) with the use of violence threatening human life and health or with the threat of such violence;
  - 4) with the use of arms or objects to be used as arms
- shall be punishable by deprivation of liberty for a term of seven to twelve years.

(3) Deeds stipulated in the first or second part of this Article, if they have been committed by an organized group or have involved by negligence the death of a person, or any other grave consequences, shall be punishable by deprivation of liberty for a term from eight to fifteen years.

#### Article 233. Mass Riots

(1) Organization of mass riots attended by violence, pogroms, arson, the destruction of property, the use of firearms, explosives, or explosive devices, and also armed resistance to government representatives,

shall be punishable by deprivation of liberty for a term of eight to ten years.

(2) Participation in mass riots, as provided for by the first part of the present Article,

shall be punishable by deprivation of liberty for a term of three to eight years.

(3) Calls to active insubordination of the lawful requirements of the representatives of the authorities, and to mass riots, and likewise calls for violence against persons,

shall be punishable by deprivation of liberty for a term of two to five years.

#### Article 234. Hooliganism

(1) Hooliganism that is, deliberate acts, grossly violating the public order or norms of commonly accepted behavior, attended by violence or by the threat of its use, and likewise by the destruction or damage of other people's property,

shall be punishable by a fine in the amount of up to one hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours, or arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

(2) Hooliganism:

- 1) committed by a group of persons;



2) committed by a group of persons in a preliminary conspiracy;  
3) attended by humiliation of minor, elderly or a person in a feeble condition;

4) attended by deliberate destruction or damage of somebody else's property that inflicted substantial damage,  
shall be punishable by deprivation of liberty for a term of up to five years.

(3) Hooliganism, that is:

1) committed repeatedly;

2) committed with the use or threat of use of arms or objects used as arms;

3) connected with resistance to a representative of authority or to any other person who fulfills the duty of protecting the public order or who prevents violation of the public order,

shall be punishable by deprivation of liberty for a term of four to seven years.

#### Article 235. Vandalism

The defacement of buildings and other structures, grossly insulting the public morality, the infliction of damage to property in public transport or in other public places,  
shall be punishable with a fine in the amount of up to one hundred minimum wages or public works for a term of one hundred twenty to one hundred eighty hours or arrest for a term of up to six months.

#### Article 236. Violation of Safety Rules During Mining, Building, Highly Explosive and Other Activities

Violation of safety rules during mining, building or any other activities,  
if this has involved by negligence the infliction of grave injury or injury of average gravity to someone's health,

(1) Violation of safety rules during mining, building or highly explosive activities, if this has involved by negligence the infliction of grave injury or injury of average gravity to someone's health,

shall be punishable with a fine in the amount of up to one hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

(2) The same act, that has entailed by negligence the death of a person or any other grave consequences,

shall be punishable by deprivation of liberty for a term up to five years, with disqualification to hold specified offices or to engage in specified activities for a term up to three years.

#### Article 237. Violation of the Rules for Record-keeping, Storage, Carriage, and Use of Explosive Materials, Highly Inflammable Substances, and Pyrotechnical Articles

Violation of the rules for record-keeping, storage, carriage and use of explosive materials, highly inflammable substances, and pyrotechnical articles, and also illegal transportation of these substances and materials by post or as luggage, if these deeds have

involved, by negligence, grave consequences,

shall be punishable by deprivation of liberty for a term from three to five years.

#### Article 238. Violation of Fire Safety Rules

(1) Violation of fire safety rules, committed by a person charged with their observance, if this has involved by negligence the infliction of moderate injury or injury of average grave harm to human health,

shall be punishable with a fine in the amount of up to fifty minimum monthly wages or by public works for a term from one hundred twenty to one hundred eighty hours, or by deprivation of liberty for a term of up to two years.

(2) The same deed which has entailed by negligence the death of a person, or any other grave consequences,

shall be punishable by deprivation of liberty for a term from two to eight years.

#### Article 239. Illegal Treatment of Nuclear Materials or Radioactive Substances

(1) Illegal acquisition, storage, use, transfer, sale or destruction of nuclear materials or radioactive substances

shall be punishable by arrest for a term of up to six months or by deprivation of liberty for a term up to three years.

(2) The same acts, which have involved by negligence the death of a person or any other grave consequences,

shall be punishable by deprivation of liberty for a term from three to seven years.

#### Article 240. Stealing or extortion of Nuclear Materials or Radioactive Substances

(1) Stealing or extortion of nuclear materials or radioactive substances,

shall be punishable by a fine in the amount of seven hundred to one thousand minimum monthly wages or by deprivation of liberty for a term of up to five years.

(2) The same acts committed:

1) repeatedly;

2) by a group of persons in a preliminary conspiracy;

3) by a person through his official position;

4) with the use of violence with endangering human life or health, or with the threat of applying such violence,

shall be punishable by deprivation of liberty for a term from four to seven years with confiscation of property of without such confiscation.

(3) Stealing or extortion of radioactive materials committed with the use of violence endangering human life or health, or by an organized group or criminal community or by a person convicted two or more times for stealing or extortion,

shall be punishable by deprivation of liberty for a term from five to ten years with confiscation of property.

Article 241. Illegal Acquisition, Transfer, Sale, Storage, Transportation, or Bearing of Firearms, Ammunition, Explosives, and Explosive Devices

(1) Illegal acquisition, transfer, sale, storage, transportation, or bearing of firearms (except for smooth-bores), ammunition, explosives, or explosive devices,

shall be punishable with a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of up to six months or by deprivation of liberty for a term of up to three years.

(2) The same acts committed by a group of persons in a preliminary conspiracy, or repeatedly,

shall be punishable by deprivation of liberty for a term from two to six years.

(3) Acts stipulated by the first or second part of this Article, and committed by an organized group,

shall be punishable by deprivation of liberty for a term from three to eight years.

(4) Illegal acquisition, sale, or bearing of gas arms, cold steel weapons, including missile weapons,

shall be punishable by a fine in the amount of up to one hundred minimum monthly wages or by public works for a term from one hundred eighty to two hundred forty hours, or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

Note. A person who has on his own free will handed in the objects referred to in this Article shall be relieved from criminal responsibility, unless his actions contain a different corpus delicti.

(as amended by Law of the Kyrgyz Republic of March 12, 2002, # 36)

Article 242. Illegal Manufacture or Repair of Weapons

(1) Illegal manufacture or repair of firearms, and likewise illegal manufacture of ammunition, explosives, or self-made explosive devices,

shall be punishable by deprivation of liberty for a term of up to three years.

(2) The same acts committed:

1) by a group of persons in a preliminary conspiracy;

2) repeatedly;

3) by an organized group

shall be punishable by deprivation of liberty for a term from two to five years.

(3) Illegal manufacture of gas arms, cold steel weapons, including missile weapons,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term from four to six months.

Note. A person who has of his own free will handed in the objects referred to in this Article shall be released from criminal responsibility, unless his actions contain a different corpus delicti.

Article 243. Careless Keeping of Arms

Careless keeping of firearms, creating the possibility of their use by another person, if this entails grave consequences, shall be punishable by arrest for a term of up to six months or by deprivation of liberty for a term of up to one year.

Article 244. Improper Discharge of the Duties of Protecting Arms, Ammunition, Explosives, and Explosive Devices

Improper discharge of his duties by a person entrusted with the protection of firearms, ammunition, or explosives, if this has entailed their stealing or destruction or the onset of other grave consequences, shall be punishable by arrest for a term from three to six months or by deprivation of liberty for a term of up to two years.

Article 245. Stealing or Extortion of Arms, Ammunition, Explosives,

(1) Stealing or extortion of arms, ammunition, or explosives, shall be punishable by deprivation of liberty for a term from three to seven years.

(2) Acts provided for in the first part of this Article, if they have been committed:

1) by a person, who was entrusted with firearms, ammunition or explosives, in connection with his office position or under his protection;

2) repeatedly or by a person who was convicted of stealing or extortion;

3) by a group of persons in a preliminary conspiracy;

4) by an organized group,

shall be punishable by deprivation of liberty for a term from seven to twelve years with confiscation of property.

(3) Acts provided for in the first and second part of the present Article, if they were committed with the use of violence posing danger to human life or health, or by criminal community,

shall be punishable by deprivation of liberty for a term from eight to fifteen years with confiscation of property.

CHAPTER 25. CRIMES AGAINST HUMAN HEALTH AND PUBLIC MORALITY

Article 246. Illegal Making, Acquisition, Storage, Transportation, or Sending of Narcotic Drugs or Psychotropic Substances Without the Purpose of Sale

(1) Illegal making, acquisition, storage, transportation or sending of narcotic drugs or psychotropic substances without the purpose of sale, shall be punishable by a fine in the amount of up to fifty minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) The same deeds committed repeatedly by a person who was earlier convicted for any crime related to the drugs,

shall be punishable by deprivation of liberty for a term from three to eight years.

(3) The deeds enumerated in the first or second parts of the present Article, if their objects have been narcotic drugs in a large quantity, shall be punishable by deprivation of liberty for a term from eight to fifteen years with confiscation of property or without such confiscation.

Note. A person who has handed in narcotic drugs or psychotropic substances on his own free will shall be released from criminal responsibility for acquisition, storage, transportation or sending of narcotic drugs or substances.

Large quantity of narcotic drugs and psychotropic substances within the meaning of the present Article, as well as in other articles of the present Code shall be defined by a List of Narcotic Drugs, Psychotropic and Large scale of narcotic drugs, psychotropic and strong substances with indication of their small, large and especially large quantities revealed in illegal trafficking or storage, approved by the appropriate authorized body pursuant to the Law of the Kyrgyz Republic "On Narcotic Drugs, Psychotropic Substances and Precursors".

(as amended by Law of the Kyrgyz Republic of July 26, 2004, # 99)

Article 247. Illegal Making, Acquisition, Storage, Transportation, Sending of Narcotic Drugs, Psychotropic Substances or Precursors For the Purpose of Sale or Sale Thereof

(1) Illegal making, acquisition, storage, transportation, sending of narcotic drugs, psychotropic substances or precursors, as well as illegal sale thereof,

shall be punishable by deprivation of liberty for a term from five to ten years with confiscation of property.

(2) The same deeds committed by a group of persons in a preliminary conspiracy or by person who has earlier committed any crime connected with the narcotic drugs, psychotropic substances or precursors, and likewise if narcotic drugs, psychotropic substances or precursors in large quantity have been the objects of the above actions,

shall be punishable by deprivation of liberty for a term of ten to fifteen years with confiscation of property.

(3) The deeds envisaged in the first and second parts of the present Article, if committed by an organized group,

shall be punishable by deprivation of liberty for a term from fifteen to twenty years with confiscation of property.

(as amended by Law of the Kyrgyz Republic of March 12, 2002, # 36).

Article 248. Stealing or Possession of Narcotic Drugs or Psychotropic Substances

(1) Illegal possession of narcotic drugs or psychotropic substances committed by stealing or extortion,

shall be punishable by deprivation of liberty for a term of three to seven years with confiscation of property or without such confiscation.

(2) The same act committed:

1) repeatedly or by a person who was previously convicted for stealing or extortion;

2) by a group of persons in a preliminary conspiracy;

3) by a person who has been entrusted narcotic drugs or psychotropic substances in connection with his official position or under his supervision,

shall be punishable by deprivation of liberty for a term of six to ten years with confiscation of property.

(3) The act envisaged in the first part of the present Article, if committed by an organized group,

shall be punishable by deprivation of liberty for a term of seven to twelve years with confiscation of property.

(4) The acts stipulated by the first, second and third parts of the present Article, committed by a criminal group,

shall be punishable by deprivation of liberty for a term of twelve to twenty years with confiscation of property.

#### Article 249. Inducement to Use Narcotic Drugs or Psychotropic Substances

(1) Inducement to use narcotic drugs or psychotropic substances, shall be punishable by deprivation of liberty for a term from three to five years.

(2) The same deed committed:

1) repeatedly;

2) by a group of persons in a preliminary conspiracy;

3) in respect to an obvious minor, or in respect of two and more persons;

4) with the use of violence or with the threat of its use,

shall be punishable by deprivation of liberty for a term from five to seven years.

(3) The deeds stipulated by the first and second parts of the present Article, if they have been committed by an organized group or have involved by negligence the death of the victim or any other grave consequences,

shall be punishable by deprivation of liberty for a term from seven to twelve years.

#### Article 250. Sowing or Cultivation of Plants Containing Narcotic Substances

(1) Sowing or cultivation of illicit plants containing narcotic substances,

shall be punishable by a fine in the amount of one hundred to three hundred minimum monthly wages or by deprivation of liberty for a term from two to five minimum monthly wages with confiscation of property or without such confiscation.

(2) The same deeds committed repeatedly, by a group of persons in a preliminary conspiracy or by a person who has committed earlier a crime connected with the narcotic drugs,

shall be punishable by deprivation of liberty for a term from three to eight years with confiscation of property.

#### Article 251. Violation of the Rules for the Production and Legal Turnover of Narcotic Drugs, Psychotropic Substances or Precursors

(1) Violation of the rules for the production and legal turnover of narcotic drugs, psychotropic substances or precursors if this deed entailed their loss or any other grave consequences,

shall be punishable by a fine in the amount from one hundred to two hundred minimum monthly wages for a term of up to three years.

(2) The same deed committed repeatedly or by a person who was earlier convicted for committing any crimes connected with narcotic drugs, psychotropic substances or precursors,

shall be punishable by deprivation of liberty for a term from three to seven years.

#### Article 252. Organization or Maintenance of Dens for Consuming Narcotic or Psychotropic Substances

(1) Organization or maintenance of dens for consuming narcotic or psychotropic substances or provision of the dens for the same purposes, shall be punishable by deprivation of liberty for a term of three to five years with confiscation of property or without such confiscation.

(2) The same deeds, committed:

1) repeatedly;

2) by a group of persons in a preliminary conspiracy,

shall be punishable by deprivation of liberty for a term from five to seven years with confiscation of property.

#### Article 253. Illegal Issue or Forgery of Prescriptions or Other Documents Entitling Persons to Obtain Narcotic or Psychotropic Substances

Illegal issue or forgery of prescriptions or any other documents that entitle a person to obtain narcotic or psychotropic substances, shall be punishable by deprivation of liberty for a term of up to two years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

#### Article 254. Illegal Traffic in Potent and Toxic Substances for the Purpose of Sale

(1) Illegal making, processing, acquisition, storage, transportation, or sending for the purpose of sale, and likewise illegal marketing of potent or toxic substances, which are not narcotic drugs or psychotropic substances, or illegal manufacture of equipment for making or processing such substances,

shall be punishable by deprivation of liberty for a term of up to three years with confiscation of property or without such confiscation.

(2) The same deeds committed by a group of persons in a preliminary conspiracy or repeatedly,

shall be punishable by deprivation of liberty for a term from two to five years with confiscation of property.

(3) The deeds stipulated in the first or second part of the present Article, if committed by an organized group or on a large scale,

shall be punishable by deprivation of liberty for a term from four to eight years with confiscation of property.

(4) Violation of the rules for production, acquisition, storage, record-keeping, issue, transportation, or sending of potent or toxic

substances, if this has entailed through negligence their theft or the infliction of any substantial harm,

shall be punishable by a fine in the amount from two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to two years with disqualification to hold specified office or to engage in specified activity for a term of up to three years or without such disqualification.

Article 255. Illegal Production and Sale of Medicine, Medical Goods and Equipment, Products of Medical and Prophylactic Nutrition and Food Supplements

(1) Illegal production and sale of medicine, diagnostic, prophylactic goods, medical cosmetics, medical equipment and good supplements, if this activities resulted through negligence in infliction of damage to human health,

shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours, or by arrest for a term of up to six months or by deprivation of liberty for a term of up to two years.

(2) The same acts that caused through negligence the death of a victim,

shall be punishable by deprivation of liberty for a term of three to five years.

Article 256. Violation of Sanitary and Epidemiological Rules

(1) Violation of sanitary and epidemiological rules which has resulted in, by negligence, mass diseases or poisoning of people,

shall be punishable with a fine in the amount of up to one hundred minimum monthly wage or by deprivation of liberty for a term of up to two years.

(2) The same deed if entailed grave consequences,

shall be punishable by deprivation of liberty for a term from two to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

Article 257. Concealment or Distortion of Information About Circumstances Endangering Human Life or Health

(1) Concealment or distortion of information about developments, facts, or phenomena endangering human life or health, or the environment, committed by a person who is duty-bound to supply the population with such information,

shall be punishable by a fine in the amount of five hundred to seven hundred minimum monthly wages or by deprivation of liberty for a term of up to two years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The same acts, if they are committed by a person holding a post in the government, and likewise by the head of a local self-government body, if such acts have inflicted harm to man's health or have resulted other grave consequences,

shall be punishable by a fine in the amount of seven hundred to one thousand minimum monthly wages or by deprivation of liberty for a term of



up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

Article 258. Production, Storage, Carriage or Sale of Goods and Products, Fulfillment of Works or Rendering of Services Which Do Not Meet Safety Standards

(1) Production or sale of goods, fulfillment of works or rendering of services which do not meet standards of safety to lives or health of consumers as well as wrongful issue or use of an official document which certifies compliance of the said goods, works or services to safety standards, if these acts, by negligence, inflicted harm to a man's health,

shall be punishable by a fine in the amount of five hundred to seven hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

(2) The same acts, if they:

1) have been committed in respect of goods, works, or services intended for children under six years of age;

2) have entailed by negligence serious damage to health of two or over persons;

3) have entailed by negligence death of a person,

shall be punishable by a fine in the amount of seven hundred to one thousand minimum monthly wages or by deprivation of liberty for a term of up to five years.

(3) Deeds stipulated by the first or second parts of the present Article, which have entailed by negligence the death of two or over persons,

shall be punishable by deprivation of liberty for a term of four to ten years.

Article 259. Organization of an Association Infringing upon the Liberties and Rights of Individuals

(1) Creation of a religious or public association whose activity is fraught with violence against individuals or with the infliction of injury to their health, or with inducement of individuals to refuse to discharge their civil duties or to commit other unlawful deeds, and likewise operation of such an association,

shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) Participation in the activity of said association, and also promotion of deeds provided for by the first part of the present Article,

shall be punishable by a fine in the amount of one hundred to three hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

Article 260. Involvement in Prostitution

(1) Involvement in prostitution by means of applying violence or the threat of its use, blackmail, destroying or damaging property, or by means of fraud,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) The same deed committed by an organized group, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term from three to five years.

#### Article 261. Organization or Maintenance of Hangouts for Prostitution Organization

Organization or maintenance of hangouts for prostitution, shall be punishable by a fine in the amount of one hundred to three hundred minimum monthly wages or by deprivation of liberty for a term from two to five years with confiscation of property.

#### Article 262. Illegal Distribution of Pornographic Materials or Objects

Illegal making for the purpose of sale, dissemination or advertising, of pornographic works, printing, pictures, or any other pornographic objects, and likewise illegal trade in these objects or storage for the purpose of sale,

shall be punishable by a fine in the amount of two hundred to three hundred minimum monthly wages or by deprivation of liberty for a term of up to two years with confiscation of property or without such confiscation.

#### Article 263. Outrages upon Bodies of the Deceased and Their Burial Places

(1) Outrages upon the bodies of the deceased, or destruction, damage to, or desecration of burial places, gravestones, and likewise stealing of objects from or on the grave,

shall be punishable by public works for a term from one hundred eighty to two hundred hours or by deprivation of liberty for a term of up to three years.

(2) The same acts committed:

1) by a group of persons;

2) repeatedly,

shall be punishable by deprivation of liberty for a term of three to five years.

#### Article 264. Cruelty to Animals

Cruelty to animals that has involved their death or injury

shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by public works for a term of one hundred twenty or one hundred fifty hours, or by arrest for a term of up to six months.

### CHAPTER 26. ENVIRONMENTAL CRIMES

#### Article 265. Violation of the Rules for Environmental Protection During the Performance of Works

Violation of the rules for environmental protection during the designing, placement, building, commissioning, or operation of industrial, agricultural, scientific, or other facilities by persons responsible for the observance of these rules, if this has involved a substantial change in the radioactive background, the infliction of injury to human health, mass-scale injury to animals, or any other grave consequences,

shall be punishable by deprivation of liberty for a term from three to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 266. Violation of the Rules for Managing Environmentally Hazardous Substances and Waste

(1) Production, dumping or utilization of radioactive, bacteriological, chemical substances and wastes with the violation of the established rules, if these acts have created a threat of infliction of substantial harm on human health or the environment,

shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

(2) The same acts, which have involved the pollution, poisoning, or contamination of the environment, the infliction of harm on human health or mass-scale injury to animals, and likewise acts committed in a zone of ecological distress or in a zone of ecological emergency,

shall be punishable by deprivation of liberty for a term from three to five years.

(3) Deeds provided for by the first or second part of the present Article, and entailing by negligence the death of a man or mass disease infliction of people,

shall be punishable by deprivation of liberty for a term of five to eight years.

#### Article 267. Violation of Safety Rules in Dealing with Microbiological or Other Biological Agents or Toxins

(1) Violation of safety rules in dealing with microbiological or any other biological or agents or toxins, if this has involved the infliction of injury to human health, the spread of epidemics or epizootic, or any other grave consequences,

shall be punishable by deprivation of liberty for a term of up to three years.

(2) The same act that has entailed by negligence the death of a person,

shall be punishable by deprivation of liberty for a term of two to five years.

#### Article 268. Violation of Rules Established for Struggle with Diseases or Plant Pests

Violation of rules established for struggle with diseases or plant pests that has entailed grave consequences, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by

deprivation of liberty for a term of up to two years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

Article 269. Violation of Veterinary Rules

Violation of veterinary rules which has entailed spread of epizootic, mass murrain or any other grave consequences, shall be punishable by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

Article 270. Extermination or Damage of Forests and Other Objects of Nature

(1) Extermination or damage of forests or other objects of nature, as a result of careless handling of fire or any other sources of increased danger, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

(2) Extermination or damage of forests, peatbogs or other objects of nature by means of arson or any other commonly dangerous method, shall be punishable by deprivation of liberty for a term of up to three years.

Article 271. Pollution of the Marine Environment

(1) Pollution or clogging up of water reservoirs (surface or subsoil waters) by sewage, manufacturing, domestic and other types of wastes and refuse which has entailed the infliction of harm to human health or other grave consequences, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The same deed which has entailed, through negligence, the death of a person, shall be punishable by deprivation of liberty for a term of two to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

Article 272. Pollution of the Atmosphere

(1) Violation of the rules for release of pollutants into the atmosphere, or violation of the operations of installations, structures, and other facilities, if these acts have resulted in pollution or any other change of the natural properties of the air, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years or by arrest for a term of up to three months.

(2) The same deeds which have entailed infliction of harm of human health, shall be punishable by a fine in the amount of two hundred to

five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(3) The deeds stipulated by the first or second part of the present Article, which have caused through negligence the death of one or over persons, shall be punishable by deprivation of liberty for a term of two to seven years.

#### Article 273. Deterioration of Land

(1) Poisoning, polluting, or causing any other deterioration of land through harmful products of economic and any other activity, due to the violation of the rules for dealing with fertilizers, plant growth stimulators, chemical weed-killers, any other dangerous chemical or biological substances during their storage, use, or transportation, which has entailed the infliction of harm to human health or the environment, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty to hold specified offices or to engage in specified activity for a term of up to five years.

(2) spoilage or destruction of fertile layer of the soil due to non-fulfillment of rules for land re-cultivation if this entailed their withdrawal from the agricultural circulation in the emergency ecological zone or in the area of ecological distress, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(3) The deeds stipulated by the first or second part of the present Article which have caused through negligence the death of one or over persons, shall be punishable by deprivation of liberty for a term of two to seven years.

#### Article 274. Non-Application of Measures Aimed at Liquidation of Consequences of Environmental Violations

Evasion of conduction or improper conduction of decontaminating or other reclamation activities in the localities suffering from environmental that entailed grave consequences, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 275. Violation of the Rules for the Protection and Use of Subsoil

Violation of the rules for the protection and use of subsoil during the designing, site developing, building, commissioning, and operating of mining enterprises or underground structures not related to the extraction of minerals, and likewise unauthorized building on areas of mineral deposits, if these acts have involved the infliction of considerable damage, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years.

#### Article 276. Illegal Fishing and Hunting of Aquatic Animals

(1) Illegal catching of fish and aquatic animals, if these acts have been committed:

1) with the infliction of large damage;

2) with the use of a self-propelled transport craft, explosives, chemicals, electric current, or any other methods of mass extermination of said aquatic animals or;

3) in their spawning places or migration routes,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or arrest for a term of up to six months or by deprivation of liberty for a term of up to two years.

(2) The same deed committed by a person through his official offices, in the territory of the state preserve, game reserve or in the area of ecological distress or ecological emergency situation, or by a group of persons in a preliminary conspiracy,

shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 277. Violation of the Rules for Protecting Fish Reserves

Operation of water intake facilities and pumping mechanisms, bridge and dam building, blasting and other works in violation of the rules for protecting fish reserves, if these acts have involved mass destruction of fish or any other aquatic animals, the destruction of feed reserves, or any other grave consequences,

shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years.

#### Article 278. Illegal Hunting

(1) Illegal hunting, if this deed has been committed:

1) with infliction of large-scale damage;

2) with the use of a mechanical transport vehicle or an aircraft, explosives, gases, or any other methods of mass-scale extermination of birds and beasts;

3) in respect of birds and beasts, the shooting of which is fully prohibited;

4) in the territory of a preserve, game reserve, or in a zone of ecological distress or ecological emergency,

shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or arrest for a term of up to six months, or deprivation of liberty for a term of up to two years.

(2) The same deed, committed by a person through his official position, or by a group of persons in a preliminary conspiracy or by an organized group,

shall be punishable by a fine in the amount of five hundred to seven hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to

engage in specified activity for a term of up to three years of without such disqualification.

#### Article 279. Illegal Felling of Trees and Shrubs

(1) Illegal felling of, and also damage to, trees and shrubs, to the point of the cessation of their growth in forests or in specially protected or green areas not included into the state forest fund, and likewise illegal felling of or damage to specially protected trees and shrubs to the point of the cessation of their growth in any places, if these acts have been committed on a large scale,

shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages.

(2) Illegal felling, and likewise damage to trees and shrubs to the point of the cessation of their growth in forests, if these deeds:

1) have inflicted damage on a sizable scale;

2) have been committed repeatedly;

3) have been committed by a person through his official position, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to three months.

Note: In Articles 276, 277, 278, 279 damage which exceeds by 20 times the minimum wage, established by the legislation of the Kyrgyz Republic at the time of committing a crime, and which is calculated at fixed rates, shall be deemed to be inflicted on a sizable scale; while damage that exceeds the statutory minimum wage by 100 times shall be deemed to be inflicted on a large scale.

#### CHAPTER 27. CRIMES AGAINST TRAFFIC SAFETY AND THE OPERATION OF TRANSPORT VEHICLES

#### Article 280. Violation of the Rules for Traffic Safety and Operation of the Railway, Air, or Water Transportation Systems

(1) Violation of the rules for traffic safety and operation of railway, air, sea, or river transport by a person, who by virtue of the work he performs or the post he holds is duty-bound to observe these rules, if this deed has involved, by negligence, the infliction of grave injury or injury of average gravity to human health, or the infliction of a large-scale damage,

shall be punishable by arrest for a term of up to six months or by deprivation of property for a term of up to two years with disqualification to hold specified office or to engage in specified activity for a term of up to three years or without such disqualification.

(2) The same deed, which has involved by negligence the death of a person, shall be punishable by deprivation of property for a term of up to five years.

(3) A deed, provided by the first part of the present Article, and entailing by negligence the death of several persons, shall be punishable by deprivation of property for a term of seven to fifteen years.

Note. Damage that exceeds 200 times the minimum monthly wage established by the Law of the Kyrgyz Republic at the moment of committing a crime shall be considered committed on a large scale. (as amended by Law of the Kyrgyz Republic of March 12, 2002, # 36)

Article 281. Violation of the Rules for Traffic Safety and Operation of Transport Vehicles

(1) Violation of the rules for traffic safety and operation of transport vehicles by a person driving a transport vehicle, which has involved the infliction of grave injury or injury of average gravity to the victim's health, shall be punishable by a fine in the amount of up to one hundred minimum monthly wages or by deprivation of liberty for a term of up to two years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

(2) The same act, which has involved the death of a victim or infliction of grave injury to his health, shall be punishable by deprivation of liberty for a term of three to seven years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

(3) The deed stipulated by the first part of the present Article and entailing the death of several persons, shall be punishable by deprivation of liberty for a term of seven to fifteen years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

Note. In this Article, all types of cars, trolley-buses, tractors, and other self-propelled vehicles, motorcycles, and other mechanical transportation vehicles mean other mechanical transport vehicles.

Article 282. Incompetent Repair of Transport Vehicles, and Putting Them into Service with Technical Defects

(1) Incompetent repair of transport vehicles, communications, warning devices, or communication facilities, or any other transport equipment, and likewise the commissioning of technically defective transport vehicles by a person responsible for the technical condition of transport vehicles, if these acts have entailed, by negligence, the infliction of grave injury or injury of average gravity to human health, or the infliction of large-scale damage, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by arrest for a term of three to six months.

(2) The same acts, which have involved by negligence the death of a person, shall be punishable by deprivation of liberty for a term of two to four years.

(3) Acts provided for in the first part of the present Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of four to ten years.

Article 283. Putting out of Commission Transport Vehicles or Communications

(1) Destruction, damage, or putting out of commission transport vehicles, warning devices, communications or communication facilities, or any other transport equipment, and likewise blocking transport communications, if these acts have involved, by negligence, the



infliction of grave injury or injury of average gravity to human health, or the infliction of large-scale damage, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) The same acts, which have caused by negligence the death of a person, shall be punishable by deprivation of liberty for a term of three to five years.

(3) The acts provided for in the first part of the present Article entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 284. Admissibility to Driving a Motor Vehicle of a Person in the State of Intoxication

Admissibility of a person in the state of alcohol, narcotic or any other intoxication to driving a motor vehicle by a person responsible for exploitation of the given vehicle, if this entailed consequences stipulated in Article 281 of the present Code, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by deprivation of liberty for a term of up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 285. Violation of the Rules for the Safe Work of Transport

(1) Violation by a passenger, pedestrian, or any other traffic participant of the rules for traffic safety and operation of transport vehicles, if this deed has involved by negligence the infliction of grave injury or injury of average gravity to human health, shall be punishable by a fine in the amount of up to fifty minimum monthly wages or arrest for a term of up to three months.

(2) The same deed, which has involved by negligence the death of one or more persons, shall be punishable by deprivation of liberty for a term of up to three years.

#### Article 286. Violation of Safety Rules During the Construction, Operation, or Repair of Trunk Pipelines

(1) Violation of safety rules during the construction, operation, or repair of trunk pipelines, if this act has involved by negligence the infliction of grave injury or injury of average gravity to human health, or the infliction of large-scale damage, shall be punishable by arrest for a term of three to six months or by deprivation of liberty for a term of up to two years with disqualification to hold specified offices or to engage in specified activity or without such disqualification.

(2) The same act, which has entailed by negligence the death of a person, shall be punishable by deprivation of liberty for a term of up to five years.

(3) The act provided for in the first part of the present Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of four to ten years.

#### Article 287. Violation of the Rules for Automobile Road Use and Protection Thereof

(1) Violation of the rules for use of automobile roads and their protection, that is construction, repair without due permit of underground or ground-based communications on automobile roads and in the right-of-way, non-observance of the established conditions and terms for carrying out the above works, arbitrary building of arches, fences, crossing gates or other facilities, storage of materials and other objects on the roads, destruction of roadway that entailed through negligence infliction of grave or average grave damage to the health of a victim, shall be punishable by a fine in the amount of up to one hundred minimum monthly wages or by arrest for a term of up to six months.

(2) The same act caused the death of a person, shall be punishable by deprivation of liberty for a term of three to five years.

(3) The same act that entailed:  
1) death of two or more persons;  
2) other grave consequences,  
shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 288. Violation of the Rules for International Flights

Non-observance of routes, landing places, air gate-ways, flight altitudes, or any other violation of the rules of international flights, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years.

### CHAPTER 28. CRIMES IN THE SPHERE OF COMPUTER INFORMATION

#### Article 289. Illegal Access to Computer Information

(1) Illegal accessing of legally-protected computer information, that is, information on machine-readable media, in computers, computer systems, and their networks, if this deed has involved the destruction, blocking, modification, or copying of information, or the disruption of the work of the computers, computer systems, or their networks, shall be punishable by a fine in the amount of one hundred to three hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

(2) The same deed, committed by a group of persons in a preliminary conspiracy or by an organized group, or by a person through his official position, and likewise by a person who has access to computers, computer systems, or their networks, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of three to six months or by deprivation of liberty for a term of up to three years.

#### Article 290. Creation, Use, and Dissemination of Harmful Computer Viruses

(1) Creation of computer viruses for the introduction of changes to existing programs, which knowingly leads to the unsanctioned destruction, blocking, modification, or copying of information, the disruption of the

work of computers, computer systems, or their networks, and also the use or dissemination of such viruses or machine-readable media with such viruses, shall be punishable by deprivation of liberty for a term of up to three years with a fine in the amount of two hundred to five hundred minimum monthly wages.

(2) The same acts, which have involved by negligence grave consequences, shall be punishable by deprivation of liberty for a term of three to seven years.

Article 291. Violation of Rules for the Operation of Computers, Computer Systems, or Their Networks

(1) Violation of rules for the operation of computers, computer systems, or their networks by a person who has access to computers, computer systems, or their networks, which has involved the destruction, blocking, or modification of legally-protected computer information, if this act has inflicted substantial damage, shall be punishable by disqualification to hold specific office or to engage in specified activity for a term of up to five years.

(2) The same deed which have involved by negligence grave consequences, shall be punishable by deprivation of liberty for a term of up to four years.

SECTION X. CRIMES AGAINST STATE POWER

CHAPTER 29. CRIMES AGAINST THE FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM AND STATE SECURITY

Article 292. High Treason

High treason, that is disclosure of state secrets, or any other assistance rendered to a foreign State or foreign organization in hostile activities to the detriment of the external security of the Kyrgyz Republic, committed by a citizen of the Kyrgyz Republic, shall be punishable by deprivation of liberty for a term from twelve to twenty years with confiscation of property.

Note. A person who has committed crimes stipulated in the present Article, or by Articles 293 and 295 of the Code, shall be relieved from criminal responsibility if he has facilitated the prevention of further damage to the interests of the Kyrgyz Republic by informing the governmental authorities of his own free will and in due time, or in any other way, if his actions contain no other corpus delicti.

Article 293. Espionage

Transfer, and also collection, theft, or keeping for the purpose of transfer to a foreign state, a foreign organization, or their representatives of information constituting a state secret, and also transfer or collection of other information under the order of a foreign

intelligence service, to the detriment of the external security of the Kyrgyz Republic, if these deeds have been committed by a foreign national or a stateless person, shall be punishable by deprivation of liberty for a term of ten to twenty years with confiscation of property.

Article 294. Encroachment on the Life of a Statesman or a Public Figure

Encroachment on the life of a statesman or a public figure, committed for the purpose of terminating his government or any other political activity, or out of revenge for such activity (a terrorist act), shall be punishable by deprivation of liberty for a term of fifteen to twenty years with confiscation of property. (as amended by Law of the Kyrgyz Republic of march 23, 2004, # 46)

Article 295. Forcible Seizure of Power or Forcible Retention of Power

Forcible seizure of power or forcible retention of power in contravention of the Constitution of the Kyrgyz Republic, and likewise the same actions aimed at the forcible change of the constitutional system of the Kyrgyz Republic, shall be punishable by deprivation of liberty for a term of twelve to twenty years.

Article 296. Armed Rebellion

Organization of an armed rebellion or active participation in it for the purpose of overthrowing or forcibly changing the constitutional system of the Kyrgyz Republic, or of breaching the territorial integrity of the Kyrgyz Republic, shall be punishable by deprivation of liberty for a term of twelve to twenty years.

Article 297. Public Appeals for a Forcible Change of the Constitutional System of the Kyrgyz Republic

(1) Public appeals for a forcible seizure of state power, or for a forcible change of the constitutional system, shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by arrest for a term of three to six years, or by deprivation of liberty for a term of up to two years.

(2) The same acts, committed with the use of the mass media, shall be punishable by deprivation of liberty for a term of up to five years.

Article 298. Sabotage

Perpetration of an explosion, arson, or of any other actions aimed at the destruction or damage of enterprises, structures, communications and communication facilities, or vital supply facilities for the population, with the aim of subverting the economic security or the defense capacity or for the purpose of destabilization of the activities of the state bodies or public and political situation of the Kyrgyz Republic, shall be punishable by deprivation of liberty for a term of fifteen to twenty years with confiscation of property.

Article 299. Incitement of National, Racial, or Religious Enmity

(1) Actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, and also propaganda of the exceptionality, superiority, or inferiority of individuals by their attitude to religion, national, or racial belonging, if these acts have been committed in public or with the use of mass media, shall be punishable by a fine in the amount of one hundred to five hundred minimum monthly wages or by arrest for a term of up to six months, or by deprivation of liberty for a term of one to three years.

(2) The same acts committed:

- 1) with the use of violence or with the threat of its use;
- 2) by a person through his official position;
- 3) by an organized group,

shall be punishable by deprivation of liberty for a term of three to five years.

Article 300. Disclosure of a State Secret

(1) Disclosure of information comprising a state secret, by a person to whom it has been entrusted or to whom it has become known through his office or work, if this information has become the property of other persons, in the absence of the characteristic features of high treason or espionage, shall be punishable by deprivation of liberty with disqualification to hold specified offices or to engage in specified activity for a term of up to five years, or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

(2) The same deed, which has involved grave consequences, shall be punishable by deprivation of liberty for a term of two to five years.

Article 301. Loss of Documents Containing State Secrets

(1) Violation by a person who has access to state secrets of the rules for dealing with documents containing state secrets, and with objects, information about which comprises a state secret, if this has involved by negligence their loss, shall be punishable by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The same act which has involved grave consequences, shall be punishable by deprivation of liberty for a term of three to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

Article 302. Transfer of Data Constituting Official Secret or Collection Thereof for the Purpose of Transfer to Foreign Organizations

(1) Transfer of economic, scientific and technical or other data, constituting official secret or collection thereof for the purpose of transfer to foreign organizations or their representatives by a person, who has been entrusted access to the above data through his official position or at work or by any other way, shall be punishable by deprivation of liberty for a term of up to three years.

(2) The same acts that inflicted large property damage to state or public organizations, or caused grave consequences, shall be punishable by deprivation of liberty for a term of up to eight years.

## CHAPTER 30. MALFEASANCE

### Article 303. Corruption

(1) Corruption is deliberate actions, that is creation of sustainable illegal connection of one or several functionaries possessing relevant authorities with certain persons or groupings for the purpose of illegal receiving of material and any other benefits, as well as granting such benefits to individuals and legal entities that threaten the interests of the society and the state,

Shall be punishable by deprivation of liberty for a term of eight to fifteen years with confiscation of property and disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The same acts committed in the interests of an organized group, criminal group or entailing other grave consequences,

Shall be punishable by deprivation of liberty for a term of fifteen to twenty years with confiscation of property and disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

### Article 304. Abuse of Official Powers

(1) Use by an official of his powers, contrary to the interests of the civil service, if this deed has involved a substantial violation of the rights and lawful interests of individuals or organizations, or the legally-protected interests of the society or the State, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty for a term of three to five years with confiscation of property or without such confiscation.

(2) The same deed committed out of mercenary and benefits for himself or for other persons, and out of personal interest, shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of three to six years with confiscation of property or without such confiscation.

(3) Deed provided for in the second part of the present Article:

1) entailing especially large damage;

2) committed in the interests of an organized group or criminal community;

3) committed by an official holding public office,

shall be punishable by deprivation of liberty for a term of five to eight years with confiscation of property or without such confiscation.

(4) The deeds stipulated by the second and third parts of the present Article, if committed repeatedly or entailing grave consequences, shall be punishable by deprivation of liberty for a term of eight to fifteen years with confiscation of property.

Note. 1. Persons who discharge the functions of a representative of government on a permanent or temporary basis, or by special authority, or who perform organizing and regulative, administrative, and economic,

controlling and review functions in state bodies, local self-government bodies, governmental and municipal institutions, and also in the Armed Forces of the Kyrgyz Republic, in other military formations are deemed to be officials in the Articles of the present Chapter.

2. Persons holding offices established by the Constitution of the Kyrgyz Republic, by constitutional laws of the Kyrgyz Republic for the direct exercise of the powers of state bodies are understood in the Articles of the present Code as being persons holding government posts.

3. Civil servants and local self-government employees who are not included into the category of officials shall bear criminal responsibility under the relevant Articles of the present Chapter.

#### Article 304-1. Conduction of Illegal Inspections by a Functionary of a State Controlling Body

1) Conduction by a functionary of the state controlling body of illegal inspections, if these inspections entailed violation of rights and legal interests of individuals and legal entities,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty of one to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

2) The same act committed for personal gain and benefits, as well as for other persons' interest and personal interest,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or by deprivation of liberty for a term of three to five years with confiscation of property or without such confiscation.

3) The act envisaged in the second part of the present Article, committed repeatedly or entailing grave consequences,

Shall be punishable by deprivation of liberty for a term of six to ten years with confiscation of property.

(as amended by Law of the Kyrgyz Republic of August 5, 2003, # 192).

#### Article 305. Exceeding Official Powers

(1) Commission by an official of actions which transcend the limits of his powers and which involve a substantial violation of the rights and lawful interests of individuals or organizations, or the legally-protected interests of society and the State, shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years, or by deprivation of liberty for a term of up to four years.

(2) The same acts committed:

1) in the interests of an organized group or criminal community;

2) by a person holding government post;

3) with the use of violence or threat of its use;

4) with the use of weapons or special means;

5) entailing grave consequences,

shall be punishable by deprivation of liberty for a term of four to eight years with confiscation of property or without such confiscation

with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 305-1. Torture

Deliberate infliction of physical or mental suffering to any person for the purpose of obtaining information or confession for the person, punishing him for committed act or for the act in commission of which the person is suspected, as well as for the purpose of intimidating and compelling the person to commit certain actions, if these acts are committed by a functionary or any other person with the knowledge or consent of a functionary,

Shall be punishable by deprivation of liberty for a term of three to five years with disqualification to hold specified offices for a term of one to three years or without such disqualification.

(as amended by Law of the Kyrgyz Republic of November 15, 2003, # 223)

#### Article 305-2. Violation of Land Legislation of the Kyrgyz Republic

Transfer of state- or municipality-owned land by a functionary into the property or temporary use by individuals and legal entities in violation of the land legislation of the Kyrgyz Republic,

Shall be punishable by a fine in the amount of fifty to five hundred minimum monthly wages or by deprivation of liberty for a term of up to five years.

Note. In the present Article a functionary shall be considered an official of the relevant authorized bodies regulating land relations.

(as amended by Law of the Kyrgyz Republic of March 7, 2004, # 17)

#### Article 306. Signing a Contract and Carrying out State Procurement in Contravention to the Interests of the Kyrgyz Republic

(1) Signing by a functionary contract unfavorable for the state, and likewise carrying out state procurement that entailed damage on a large scale,

Shall be punishable by a fine in the amount of seven hundred to one thousand of minimum monthly wages with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or by deprivation of liberty for a term of three to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The same acts committed:

- 1) repeatedly;
- 2) by a group of persons in a preliminary conspiracy;
- 3) in the interest of an organized group,

Shall be punishable by deprivation of liberty for a term of five to eight years with confiscation of property.

#### Article 307. Illegal Use of Official Position during Privatizing, Tax, Customs or Licensing Activities

(1) Use by a functionary of his official position, that is transfer of objects that are not subject to privatization into someone's property,



or under-declaration of taxes, customs payments or cost of privatized objects, as well as illegal exemption from taxes or customs payments, or illegal issuance of a license,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages with disqualification to hold specified positions or to engage in specified activity for a term of up to three years or by deprivation of liberty for a term of up to five years.

(2) The same acts committed by a group of persons in a preliminary conspiracy or caused large damage,

Shall be punishable by deprivation of liberty for a term of five to eight years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 308. Illegal Use of Budgetary Funds

Illegal use of budgetary funds by a functionary that inflicted damage to public or state interests,

Shall be punishable by a fine in the amount of five hundred to one thousand minimum monthly wages with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or by deprivation of liberty for a term of five to eight years with confiscation of property.

#### Article 309. Illegal Participation in Business Activity

The establishment of an organization carrying out business activity, by a functionary, or participation in the management of such an organization in person or through a confident contrary to the ban established by the law, if these deeds are connected with the granting to such an organization of benefits and advantages, or with patronage in a different form, shall be punishable by disqualification to hold specified offices or to engage specified activity for a term of up to five years with a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of three to six months or by deprivation of liberty for a term of up to two years.

#### Article 310. Bribe-taking (remuneration)

(1) Bribe-taking by a functionary, in person or through an intermediary, in the form of money, securities, or other assets or property benefits, not stipulated before, for actions (inaction) in favor of a bribe-giver or the persons he represents, if the functionary then takes actions (inaction) which are part and parcel of the functionary's official powers, or if the latter, by virtue of his official position may further such actions (inaction), shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) The acts envisaged in the first part of the present Article, if it has been committed:

- 1) by an official holding government post;
- 2) repeatedly;
- 3) on a large scale;

4) for illegal action (inaction),  
shall be punishable by deprivation of liberty for a term of three to eight years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years with confiscation of property.

Note. A sum of money, the value of securities, other assets, or property benefits exceeding 200 minimum monthly wages, established by the legislation of the Kyrgyz Republic at the time of committing a crime, shall be deemed by a bribe on a large scale.

#### Article 311. Bribe-taking (graft)

(1) Bribe-taking by a functionary, in person or through an intermediary, in the form of money, securities, or other assets or property benefits, stipulated before, for actions (inaction) in favor of a bribe-giver or the persons he represents, if the functionary then takes actions (inaction) which are part and parcel of the functionary's official powers, or if the latter, by virtue of his official position may further such actions (inaction), and likewise for general patronage, connivance at work, shall be punishable by deprivation of liberty for a term of five to eight years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years with confiscation of property.

(2) The same act committed:

- 1) by a group of persons in a preliminary conspiracy;
- 2) by an organized group;
- 3) by a functionary holding a responsible post;
- 4) repeatedly;
- 5) on a large scale,

Shall be punishable by deprivation of liberty for a term of seven to twelve years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years with confiscation of property.

#### Article 312. Receipt of Bribes for Bestowal of a Post

(1) Receipt of a bribe by a functionary in person or through a mediator for bestowal of a post within the civil service system,

shall be punishable by deprivation of liberty for a term of five to eight years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years and confiscation of property.

(2) The same act committed:

- 1) repeatedly;
- 2) on a large scale;
- 3) by an official occupying a responsible post,

shall be punishable by deprivation of liberty for a term of eight to fifteen years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years and with confiscation of property.

#### Article 313. Extortion of Bribes

(1) Extortion of a bribe, that is, demand by an official of a bribe for taking or failure to take action (inaction) in the interest of a bribe-giver, and likewise placing a person in conditions compelling to give bribe in order to prevent infliction of harmful consequences to his legally protected interests,

Shall be punishable by deprivation of liberty for a term of ten to fifteen years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years with confiscation of property.

(2) Extortion of a bribe committed:

- 1) repeatedly;
- 2) on a large scale;
- 3) by an official occupying responsible post,

Shall be punishable by deprivation of liberty for a term of twelve to twenty years with confiscation of property.

#### Article 314. Bribe-giving

(1) Bribe-giving to a functionary, in person or through a mediator, shall be punishable by arrest for a term of three of six months or by deprivation of liberty for a term of up to three years.

(2) The same act committed:

- 1) repeatedly;
- 2) on a large scale;
- 3) in the interest of an organized group, as well as giving a bribe for committing knowingly illegal action (inaction), shall be punishable by deprivation of liberty for a term of three to eight years.

Note 1. Mediator-accomplice shall be recognized a person who contributed to achievement and implementation of an agreement on receiving or giving bribes to another person.

2. A person, who is a mediator-accomplice in receiving or giving bribe to another person shall be released from criminal liability if he has informed on his own free will the body authorized to institute criminal proceedings about the fact of bribe-giving.

3. A person, who has given a bribe shall be released from criminal liability if a functionary extorted the bribe from the bribe-giver or if the person has informed of his own free will the body possessing the right to institute criminal proceedings about the fact of bribe-giving.

(as amended by Law of the Kyrgyz Republic of February 13, 2006, # 57)

#### Article 315. Official Forgery

Official forgery, that is, the introduction of known false information into official documents by a functionary, and also by a civil servant or a local self-government employee, and likewise the introduction of corrections into said documents distorting their actual content, if these acts have been committed due to mercenary or any other personal interests,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or by deprivation of liberty for a term of up to two years with

disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 316. Neglect of Duty

(1) Neglect of duty, that is, the non-discharge or improper discharge by a functionary of his duties due to a dishonest and careless attitude to civil service, if this has involved the substantial breach of the rights and lawful interests of individuals or organizations, or of the legally-protected interests of society and the State,

shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to six months.

(2) The same act caused by negligence a death of a person, inflicted large damage or any other grave consequences,

shall be punishable by deprivation of liberty for a term of up to five years.

### CHAPTER 31. CRIMES AGAINST THE ADMINISTRATOIN OF JUSTICE

#### Article 317. Obstruction of the Administration of Justice

(1) Interference in any form in the functioning of the Court, for the purpose of obstructing the administration of justice,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or by arrest for a term of three to six months, or by deprivation of liberty for a term of up to two years.

(2) A deed stipulated by the first part of the present Article, committed by a person by using his official position,

Shall be punishable by a fine in the amount of five hundred to one thousand of minimum monthly wages or by deprivation of liberty for a term of up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 318. Obstruction of the Preliminary Investigation

(1) Interference in any form in the activity of a procurator, investigator, and a person conducting inquests for the purpose of obstructing the comprehensive, full, and objective investigation of a case,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of three to six months.

(2) A deed envisaged in the first part of the present Article committed by a person using his official position,

Shall be punishable by a fine in the amount of five hundred to one thousand minimum monthly wages or by deprivation of liberty for a term of up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

Article 318-1. Obstruction of the Professional Activity of a Defense Counselor

(1) Obstruction in any form of the fulfillment of rights and discharge of duties of a defense counselor stipulated by Article 48 of the Criminal Procedures Code of the Kyrgyz Republic,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of three to six months.

(2) A deed stipulated by the first part of the present Article committed by a person using his official position,

Shall be punishable by a fine in the amount of five hundred to one thousand minimum monthly wages or by deprivation of liberty for a term of up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(as amended by Law of the Kyrgyz Republic of October 16, 2002, # 141)

#### Article 319. Encroachment on the Life of a Person Administering Justice or Engaged in a Preliminary Investigation

Encroachment on the life of a judge, juror, or any other person participating in the administration of justice, of a procurator, investigator, a person conducting inquest, a defense lawyer, an expert, an officer of justice, and also of their relatives, in connection with the examination of cases or materials in court, with the preliminary investigation or the execution of a court's judgment or decision, or any other judicial act, accomplished for the purpose of obstructing the lawful activity of said persons or out of revenge for such activity,

Shall be punishable by deprivation of liberty for a term of twelve to twenty years.

(as amended by Law of the Kyrgyz Republic of March 23, 2004, # 46)

#### Article 320. Threats or Forcible Actions in Connection with the Administration of Justice or Preliminary Investigation

(1) Threats of murder, infliction of injury to human health, or destruction or damage of property against a judge, juror, or any other person participating in the administration of justice, and also against their relatives, in connection with the examination of cases or materials in court,

Shall be punishable by a fine in the amount of five hundred to seven hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) The same deed, committed against a procurator, investigator, a person conducting inquests, defense lawyer, expert, officer of justice, and also against their relatives, in connection with the preliminary investigation, the examination of cases or materials in court, or in connection with the execution of a court's judgment or decision, or any other judicial act,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of three to six months, or by deprivation of liberty for a term of up to two years.

(3) The acts envisaged by the first or second part of the present Article committed with the use of violence that provides no danger to human life or health,

Shall be punishable by deprivation of liberty for a term of up to five years.

(4) The deeds envisaged in the first or second part of the present Article and committed with the use of violence endangering the human life or health,

Shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 321. Contempt of Court

(1) Contempt of court, which finds expression in the insult of the trial participants,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of two to four months.

(2) The same deed, that has found its expression in the insult of a judge or juror, participating in the justice administration,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or arrest for a term of four to six months.

#### Article 322. Knowingly Bringing an Innocent Person to Criminal Liability

(1) Knowingly bringing an innocent person to criminal liability by an employee of the inquest bodies, investigation body or prosecution office,

Shall be punishable by deprivation of liberty for a term of two to five years.

(2) The same deed joined with the accusation of a person of committing a grave or especially grave crime,

Shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 323. Illegal Refusal in Instituting a Criminal Case

Knowingly illegal refusal in instituting a criminal case, as well as illegal termination of criminal proceedings by a person conducting inquest, investigator, prosecutor that inflicted damage to an individual, public or state interests,

Shall be punishable by deprivation of liberty for a term of up to five years.

#### Article 324. Illegal Detention or Taking into Custody

(1) Knowingly illegal detention,

Shall be punishable by a fine in the amount of up to fifty minimum monthly wages or by deprivation of liberty for a term of up to one year with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(2) Knowingly taking into custody or keeping in custody,

Shall be punishable by deprivation of liberty for a term of up to three years.

(3) The acts stipulated for in the first or second part of the present Article and entailed grave consequences,

Shall be punishable by deprivation of liberty for a term of three to eight years.

#### Article 325. Compulsion to Give Evidence

(1) Compulsion to give evidence used with regard to a suspect, defendant, victim, or witness, or coercion of an expert to make a report through the application of threats, blackmail, or other illegal actions, by an investigator or a person conducting inquests,

Shall be punishable by deprivation of liberty for a term of up to two years.

(2) The same act, joined with the use of violence, mockery, or torture

Shall be punishable by deprivation of liberty for a term of two to eight years.

(3) The acts stipulated for in the first and second parts of the present Article and entailed grave consequences,

Shall be punishable by deprivation of liberty for a term of seven to twelve years.

#### Article 326. Falsification of Evidence

(1) Falsification of evidence in a civil case, by a person who takes part in this case or by his representative,

Shall be punishable by a fine in the amount of five hundred to eight hundred of minimum monthly wages or by arrest for a term of two to four months.

(2) Falsification of evidence in a criminal case, by a person who conducts inquests, an investigator, procurator, or defense lawyer,

Shall be punishable by deprivation of liberty for a term of up to three years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

(3) Falsification of evidence in a criminal case about a grave or especially grave crime, and also falsification of evidence which has involved grave consequences,

Shall be punishable by deprivation of liberty for a term of three to seven years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years.

#### Article 327. Provocation of a Bribe, or Commercial Graft

Provocation of a bribe or commercial graft, that is, attempts to transfer money, securities, or other assets, or to render property-related services to a functionary or a person fulfilling managerial functions in profit-making and other organizations, without their consent, for the purpose of artificially manufacturing evidence of a crime or blackmail,

Shall be punishable by a fine the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to five years with disqualification to hold specified offices or to engage in specified activity for a term of up to three years or without such disqualification.

Article 328. Knowingly Giving an Unjust Judgment, Decision, or any Other Judicial Act

(1) Delivery by a judge (judges) of a knowingly unjust judgment, decision, or any other judicial act,

Shall be punishable by deprivation of liberty for a term of two to five years.

(2) The same deed, related to the delivery by a court of law of an unjust sentence of deprivation of liberty, or entailing other serious consequences,

Shall be punishable by deprivation of liberty for a term of three to ten years.

Article 329. Knowingly False Denunciation

(1) Knowingly false denunciation about a crime,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of three to ix months.

(2) The same deed, joined with the accusation of a person of committing a grave or especially grave crime, or with the artificial manufacturing creation of prosecution evidence,

Shall be punishable by deprivation of liberty for a term of up to five years.

Article 330. Knowingly False Testimony, Expert Opinion, or Mistranslation

(1) Knowingly false testimony of a witness, a victim or an expert's opinion, and also knowing mistranslation in court, or in a preliminary investigation,

Shall be punishable by a fine in the amount of up to one hundred minimum monthly wages or by arrest for a term of up to six months.

(2) The same acts, joined with the accusation of a person of the commission of a grave or especially grave crime,

Shall be punishable by a fine in the amount of one hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to five years.

Note. A witness, victim, expert, or interpreter shall be relieved from criminal liability if prior to passing a sentence by a court or a court's decision they on their own free will have stated that their testimony or opinion was false, or that interpretation was knowingly given wrongly in the course of an inquest, preliminary investigation, or court hearing.

Article 331. Refusal or Evasion of a Witness or a Victim to Give Testimony

Refusal or evasion of a witness or a victim to give testimony during the court proceedings or in the course of preliminary investigation or inquest,



Shall be punishable by a fine in the amount of up to fifty minimum monthly wages.

Note. A person shall not be liable to criminal responsibility for the refusal to give testimony against himself, his spouse, or his close relatives (parents, children, brother and sister).

#### Article 332. Bribery or Compulsion for Giving Testimony or for Evading Giving Testimony, or for Mistranslating

(1) Bribery of a witness or victim to give false testimony, or of an expert to give a false opinion or false testimony, or of an interpreter to make a mistranslation,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to three months.

(2) Compulsion of a witness or victim to give false testimony, or of an expert to give a false opinions, or of an interpreter to make a mistranslation, and also compulsion of said persons to evade giving testimony, joined with blackmail or threat of murder, infliction of injury to human health, or destruction or damage of the property of these persons or of their relatives,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of three to six months or by deprivation of liberty for a term of up to three years.

(3) Acts provided for in the second part of the present Article, and committed by an organized group, with the use of violence that does not endanger the lives or health of said persons,

Shall be punishable by deprivation of liberty for a term of up to five years.

(4) Acts stipulated in the first or second part of the present Article, and committed by an organized group, or with the use of violence that endangers the lives and health of said persons,

Shall be punishable by deprivation of liberty for a term of three to ten years.

#### Article 333. Disclosure of the Data of a Preliminary Investigation

Disclosure of the data of a preliminary investigation, by a person who is warned in the statutory manner that it is impermissible to disclose this information, if this act has been committed without the consent of a procurator, investigator, or a person conducting inquests,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to six months.

#### Article 334. Disclosure of Information About Security Measures Applicable to the Judge and Other Participants in a Criminal Trial

(1) Disclosure of information about security measures applicable to a judge or any other person who takes part in the administration of justice, officer of the court, victim, witness, or other participants in a criminal trial, or applicable to their relatives, if this act has been committed by a person to whom this information has been entrusted or to

whom this information has become known in connection with his official activity,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to six months.

(2) The same act caused grave consequences,

Shall be punishable by deprivation of liberty for a term of up to five years.

#### Article 335. Illegal Actions Against Property Subjected to Inventory or Attachment, or Confiscation

(1) Embezzlement, alienation, concealment, or illegal transfer of assets subjected to inventory or attachment, which has been committed by a person to whom these assets were entrusted, and also the use by an employee of a credit organization of banking operations with frozen funds (deposits),

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

(2) Concealment or misappropriation of property subject to confiscation under a court's judgment, and also any other evasion of the execution of the court's sentence that has come into legal force about the confiscation of the property,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by deprivation of liberty for a term of up to three years with a fine in the amount of up to fifty minimum monthly wages.

#### Article 336. Escape from a Place of Confinement or Custody

(1) Escape from a place of confinement, or custody, committed by a person who is serving a sentence or is imprisoned before trial,

Shall be punishable by deprivation of liberty for a term of up to three years.

(2) The same act committed:

1) by a group of persons in a preliminary conspiracy;

2) by an organized group;

3) with the use of violence dangerous for life or health of other persons or with the threat of using such violence;

4) with the use of arms or objects used as arms,

Shall be punishable by deprivation of liberty for a term of three or eight years.

Note. A person, who on his own will returned within three-day period for the first time to the place of confinement or into custody shall be released from criminal liability, if he has not committed a new crime or if his escape has not been connected with the acts stipulated by the second part of the present Article.

#### Article 337. Evasion of a Serving of Punishment in the Form of Deprivation of Liberty

Failure to return, by a person convicted to deprivation of liberty, who is permitted to leave his place of confinement for a short time, or

who is given respite or deferral of punishment, upon the expiry of the term of departure or respite,

Shall be punishable by deprivation of liberty for a term of up to two years.

Article 338. Non-execution of a Court's Judgment, Decision, or any Other Judicial Act

Persistent non-execution of the court's judgment, decision, or any other judicial act that has entered into legal force, and also obstruction of their execution by a representative of the authority, a civil servant, local self-government employee, and employee of state institution, commercial or any other organization,

Shall be punishable by a fine in the amount of two hundred to four hundred minimum monthly wages or by disqualification to hold specified offices or to engage in specified activity for a term of up to five years, or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

Article 339. Concealment of Crimes

(1) Concealment of especially grave crimes, which was not promised in advance,

Shall be punishable by deprivation of liberty for a term of up to two years.

(2) The same act with respect to especially grave crime,

Shall be punishable by deprivation of liberty for a term of up to four years.

Note. Note: A person shall not be liable to criminal liability for the concealment of a crime committed by his spouse or close relative, under this concealment was promised in advance.

(as amended by Law of the Kyrgyz Republic of July 26, 2004, # 99)

## CHAPTER 32. CRIMES AGAINST ADMINISTRATION PROCEDURE

Article 340. Encroachment on the Life of an Officer of a Law-enforcement Agency

Encroachment on the life of an officer of a law-enforcement body, or of a serviceman, and also of their relatives, for the purpose of obstructing the lawful activity of said persons to protect the public order and security, or out of vengeance for such activity,

shall be punishable by deprivation of liberty for a term of twelve to twenty years with confiscation of property.

(as amended by Law of the Kyrgyz Republic of March 23, 2004 # 46)

Article 341. Use of Violence Against a Representative of the Authority

(1) Use of violence that does not endanger human life or health, or threats to use violence against a representative of the authority, or his relatives, in connection with the discharge by his official duties,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of three to six months or by deprivation of liberty for a term of up to five years.

(2) The same acts attended by use of violence endangering the life or health of a person,

Shall be punishable by deprivation of liberty for a term of five to ten years.

Note. A public officer of a law-enforcement or controlling body, and also other public officials vested in the statutory order with regulatory powers in respect of persons who are not dependent on them by virtue of employment, shall be deemed to be a representative of the authority in this and other Articles of the present Code.

#### Article 342. Insult of a Representative of the Authority

Public insult of a representative of the authority during the discharge by him of his official duties, or in connection with their discharge,

Shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by arrest for a term of up to six months.

#### Article 343. Arbitrary Conferment of Rank or Power of an Official

Arbitrary conferment of rank or power of an official and commission in this regard any publicly dangerous actions,

Shall be punishable by deprivation of liberty for a term of up to two years.

#### Article 344. Disclosure of Information About Security measures Protecting a Public Officer of a Law-enforcement or Controlling Agency

(1) Disclosure of information about security measures protecting a public officer of a law-enforcement or controlling body, and also protecting his relatives, if this deed has been committed to obstruct his official activity,

Shall be punishable by a fine in the amount of two hundred to four hundred minimum monthly wages or by arrest for a term of up to four months.

(2) The same deed caused grave consequences,

Shall be punishable by deprivation of liberty for a term of up to five years.

#### Article 345. Disruption of Normal Activity of Penitentiary Institutions

(1) Threats of using violence against an officer at a place of confinement or place of detention, and also against a convicted person, with a view to obstruct his reformation, or respectively, out of vengeance for the discharge by him of his public duty,

Shall be punishable by deprivation of liberty for a term of four to seven years.

(2) Use of violence without danger to the lives or health of the persons referred to in the first part of the present Article,

Shall be punishable by deprivation of liberty for a term of three to seven years.

(3) Deeds provided for in the first or second part of the present Article, and committed by an organized group or with the use of violence endangering human life or health,

Shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 346. Illegal Crossing of the State Border

(1) Illegal crossing of the protected State border of the Kyrgyz Republic,

Shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by deprivation of liberty for a term of up to three years.

(2) The same act committed by a group of persons in a preliminary conspiracy, by an organized group or with the use of violence or threat of its use,

Shall be punishable by deprivation of liberty for a term of two to five years.

Note. The present Article shall not extend to cases of arrival of foreign nationals or stateless persons, for the use of the right of political asylum.

#### Article 347. Acquisition or Sale of Official Documents and Government Awards

Illegal acquisition or sale of official documents, as well as government awards of the Kyrgyz Republic, of the Union of Soviet Socialist Republics that grant rights or exempt from duties,

Shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eight hours, or by arrest for a term of up to three months.

#### Article 348. Theft, Destruction, Damage or Concealment of Documents, Stamps, Seals

(1) Theft, destruction, damage or concealment of official documents, stamps or seals committed out of mercenary or any other personal interests,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by arrest for a term of up to six months.

(2) Theft of a passport or any other important personal document from an individual,

Shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours, or by arrest for a term of up to three months.

#### Article 349. Forgery or Destruction of the Identification Number-plate of a Motor Vehicle

(1) Forgery or destruction of the identification number-plate, the number of the chassis, undercarriage, or engine, and also forgery of the state registration plate of a transport vehicle,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by deprivation of liberty for a term of up to two years.

Article 350. Forgery, Manufacture, or Sale of Falsified Documents, Government Awards, Stamps, Seals, and Forms

(1) Forgery of an identification card which gives the rights or releases from duties, for the purpose of the use or sale of said document, and likewise manufacture for the same purposes or sale of falsified government awards, stamps, seals, and forms of enterprises,

Shall be punishable by a fine in the amount of up to fifty minimum monthly wages or by public works for a term of one hundred to one hundred eighty hours, or by deprivation of liberty for a term of up to two years.

(2) The same acts, committed repeatedly,

Shall be punishable by deprivation of liberty for a term of up to four years.

(3) Use of a knowingly forged document

Shall be punishable by a fine in the amount of fifty minimum monthly wages or by public works for a term of one hundred eighty to two hundred forty hours or by deprivation of liberty for a term of up to two years.

Article 351. Evasion of Military or Alternative (Reserve Training) Service

(1) Evasion of conscription in the absence of lawful grounds for release from the military service,

Shall be punishable by a fine in the amount of two hundred to five hundred minimum monthly wages or by arrest for a term of three to six months, or by deprivation of liberty for a term of up to two years.

(2) Evasion of performing alternative (reserve training) service, by persons released from military service,

Shall be punishable by a fine in the amount of one hundred to two hundred minimum monthly wages or by public works for a term of one hundred to two hundred forty hours or by arrest for a term of three to six months.

Article 352. Desecration upon the National Emblem of the Kyrgyz Republic or the State Flag of the Kyrgyz Republic

Desecration upon the National emblem of the Kyrgyz Republic or the State flag of the Kyrgyz Republic,

Shall be punishable by a fine in the amount of fifty to one hundred minimum monthly wages or by arrest for a term of three to six months, or by deprivation of liberty for a term of up to one year.

Article 353. Arbitrariness

(1) Arbitrariness, that is the unauthorized commission of actions contrary to the procedure stipulated by, whose lawfulness is contested by

another person, or state or public enterprise, institution, if such actions have inflicted substantial harm to the public interests or rights and interests of citizens protected by Law,

Shall be punishable by a fine in the amount of up to thirty minimum monthly wages or by public works for a term of one hundred twenty to one hundred eighty hours or by arrest for a term of up to three months.

(2) The same act committed with the use of violence or with the threat of using violence,

Shall be punishable by arrest for a term of four to six months or by deprivation of liberty for a term of up to five years.

## SECTION XI. CRIMES AGAINST MILITARY SERVICE

### CHAPTER 33. CRIMES AGAINST MILITARY SERVICE

#### Article 354. Concept of Crimes Against Military Service

(1) Crimes against the established order of military service, covered by the present chapter and committed by servicemen who have been drafted in the Armed Forces of the Kyrgyz Republic, works service units, other troops and military formations of the Kyrgyz Republic, and also by reservists during military training.

(2) Pursuant to the relevant articles of the present Chapter, criminal liability shall be borne by military engineers, contingent of para-military troops, where the service is equivalent to military, for crimes against the established order of military service.

(3) Criminal liability for crimes against military service, committed in wartime or in a military situation, shall be determined by the wartime legislation.

#### Article 355. Failure to Execute an Order

(1) Failure to execute a superior's lawful order that has been issued according to the established procedure by a subordinate, if it has caused substantial harm to the interests of military service,

Shall be punishable by arrest for a term of up to six months or by custody in disciplinary military unit for a term of up to one year.

(2) The same act committed by a group of persons in a preliminary conspiracy or by an organized group, and entailing grave consequences,

Shall be punishable by deprivation of liberty for a term of up to five years.

(3) Failure to execute an order, due to a careless or dishonest attitude to military service, if it has involved grave consequences,

Shall be punishable by arrest for a term of three to six months or by custody in disciplinary military unit for a term of up to two years.

#### Article 356. Resistance to a Superior or Compulsion of Another to Violate His Duties of Military Service

(1) Resistance to a superior, and also to another person who discharges the duties of military service, or compulsion of him to violate these duties, attended by violence or by threats to use it,

Shall be punishable by custody in disciplinary military unit for a term of one year or by deprivation of liberty for a term of up to three years.

(2) The same deeds committed by a group of persons in a preliminary conspiracy or by an organized group with the use of arms, or inflicted serious damage to the health or entailing other grave consequences,

Shall be punishable by deprivation of liberty for a term of three to seven years.

#### Article 357. Violent Actions Against a Superior

(1) Beating of, or any other violence against a superior, committed during the discharge of the superior's duties of military service, or in connection with the execution of these duties,

Shall be punishable by custody in disciplinary military unit for a term of up to two years or by deprivation of liberty for a term of up to four years.

(2) The same acts committed:

1) by a group of persons;

2) by a group of persons in a preliminary conspiracy;

3) by an organized group;

4) with the use of weapons;

5) with the infliction of grave injury or injury of average gravity to the health or any other grave consequences,

Shall be punishable by deprivation of liberty for a term of three to eight years.

#### Article 358. Violation of Regulations for Mutual Relations Between Servicemen, in the Absence of Subordinating Relations Among Them

(1) Violation of regulations for mutual relations between servicemen, in the absence of subordinating relations among them, which is associated with debasement of human honor and dignity, or with mockery over the victim, or which is attended by violence,

Shall be punishable by deprivation of liberty for a term of up to one year.

(2) The same deed committed:

1) repeatedly;

2) with respect to several persons;

3) by a group of persons;

4) by a group of persons in a preliminary conspiracy;

5) by an organized group;

6) with the use of weapons;

7) with the infliction of average gravity injury to the health of a victim,

Shall be punishable by deprivation of liberty for a term of two to five years.

(3) The deeds stipulated by the first or second part of the present Article and entailing grave consequences,

Shall be punishable by deprivation of liberty for a term of five to ten years.

#### Article 359. Unauthorized Abandonment of a Military Unit or a Place of Military Service



(1) Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service without valid reasons in case of discharge from a unit, appointment, or transfer, and also in case of absence for a business trip, annual leave, or from a medical establishment for a term of more than three days, and not more than one month, if this deed has been committed by a serviceman undergoing military service for a regular term,

Shall be punishable by custody in disciplinary military unit for a term of up to one year or by deprivation of liberty for a term of up to three years.

(2) The deeds stipulated for in the first part, if unauthorized absence lasted for over one month,

Shall be punishable by attachment to disciplinary military unit for a term of one to two years or by deprivation of liberty for a term of two to five years.

(3) Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service on the due date without valid reasons for more than ten days, but not for more than one month, or less than for ten days but over three days, by a military servant of officers corps, warrant officer, or servant of additional military service, if this deed has been committed by a serviceman repeatedly during a year,

Shall be punishable by deprivation of liberty for a term of two to five years.

(4) The acts stipulated for in the third part of the present Article, provided unauthorized absence lasted over one month,

Shall be punishable by deprivation of liberty for a term of two to five years.

Note. A servicemen who has committed deeds stipulated in this Article for the first time may be relieved from criminal liability, if unauthorized abandonment of his military unit has been necessitated by exceptional circumstances.

#### Article 360. Desertion

(1) Desertion, that is, the unauthorized abandonment of a military unit or a place of military service for the purpose of evading military service,

Shall be punishable by deprivation of liberty for a term of three to seven years.

(2) Desertion with arms entrusted in the military service, and likewise desertion committed by a group of persons in a preliminary conspiracy, or by an organized group,

Shall be punishable by deprivation of liberty for a term of five to ten years.

Note. A serviceman who has for the first time committed desertion, as stipulated by the first part of this Article, may be relieved from criminal liability, if desertion has been necessitated by exceptional circumstances.

#### Article 361. Evasion of Military Service Duties by Pretending to Be Ill, or by Any Other Method

Evasion by a serviceman of his military service duties, by pretending to be ill or by inflicting injury on himself (maiming himself), or by forging documents, or by some other fraud,

Shall be punishable by custody in disciplinary military unit for a term of up to one year or by arrest for a term of up to three months.

#### Article 362. Violation of the Rules for Conducting Oneself on Combat Duty in Military Service

(1) Violation of the rules for conducting oneself on combat duty in military service, for revealing in time and repelling a surprise attack against the Kyrgyz Republic, or for safeguarding its security, if this deed has involved or might have involved the infliction of harm to the interests of state security,

Shall be punishable by deprivation of liberty for a term of up to five years.

(2) The same deed entailing grave consequences,

Shall be punishable by deprivation of liberty for a term of three to seven years.

(3) Violation of the rules for conducting oneself on combat duty in military service due to a careless or dishonest attitude to these rules, if this has involved grave consequences,

Shall be punishable by custody in disciplinary military unit for a term of up to two years or by deprivation of liberty for a term of up to two years.

#### Article 363. Violation of the Rules for Bearing Frontier Service

(1) Violation of the rules for bearing frontier service, by a person who is a member a frontier detail or who discharges other duties of frontier service, if this deed has involved or might have involved the infliction of harm to the interest of state security,

Shall be punishable by custody in disciplinary military unit for a term of up to two years or by deprivation of liberty for a term of up to three years.

(2) The same deed entailing grave consequences,

Shall be punishable by deprivation of liberty for a term of up to five years.

(3) Violation of the rules for bearing frontier service, due to a careless or dishonest attitude to these rules, which has involved grave consequences,

Shall be punishable by custody in disciplinary military unit for a term of up to two years or by deprivation of liberty for a term of up to two years.

#### Article 364. Violation of Regulations for Guard Duty

(1) Violation of regulations for guard duty, by a person who is a member of a guard (watch), if this deed has involved the infliction of harm to the facilities protected by the guard,

Shall be punishable by custody in disciplinary military unit for a term of up to one year or by arrest for a term of up to six months, or deprivation of liberty for a term of up to two years.

(2) The same deed caused grave consequences,

Shall be punishable by deprivation of liberty for a term of up to five years.

Article 365. Violation of the Rules for the Service of Protecting Public Order and Safeguarding Public Security

- (1) Violation of regulations for guard duty, by a person who is a member of a guard (watch), if this deed has involved the infliction of harm to the legal interests of citizens, shall be punishable by custody in disciplinary military unit for a term of up to one year, or by arrest for a term of up to six months.
- (2) The same deed, which has involved serious consequences, shall be punishable by deprivation of liberty for a term of two to five years.

Article 366. Violation of the Internal Service and Patrolling Regulations in a Garrison

Violation of the internal service regulations by a person who is a member of the day detail of a unit (except for a guard or watch), and likewise violation of the patrolling regulations in a garrison by a person who is a member of a patrol detail, if these deeds have involved serious consequences, shall be punishable by custody in disciplinary military unit for a term of up to one year, or by arrest for a term of up to six months.

Article 367. Willful Destruction or Damage of Military Equipment

- (1) Willful destruction or damage of weapons, ammunition, or military hardware, shall be punishable by custody in disciplinary military unit for a term of up to two years or by arrest for a term of up to six months, or by deprivation of liberty for a term of one to three years.
- (2) The same acts, which have involved grave consequences, shall be punishable by deprivation of liberty for a term of three to six years.

Article 368. Destruction or Damage of Military Equipment by Negligence

Destruction or damage of weapons, ammunition, or objects of war material, by negligence, that has entailed grave consequences, shall be punishable by custody in disciplinary military unit for a period of up to one year, or by arrest for a period of up to three months, or by deprivation of liberty for a period of up to two years.

Article 369. Loss of Military Equipment

Violation of the rules for preserving weapons, ammunition, and hardware entrusted for official use, if this has involved through negligence their

loss, shall be punishable by a fine in the amount of 100 to 200 minimum wages, or by custody in a disciplinary military unit for a term of up to two years, or by arrest for a term of up to six months, or by deprivation of liberty for a term of up to two years.

Article 370. Violation of the Rules for Handling Arms and Objects of Increased Hazardous to the Surroundings

(1) Violation of the rules for handling arms, ammunition, radioactive materials, explosives, or other substances and objects of increased hazard, if this has involved by negligence the infliction of grave injury or injury of average gravity to human health, the destruction of military hardware, or any other serious consequences, shall be punishable by custody in a disciplinary military unit for a term of up to two years or by deprivation of liberty for a term of up to two years.

(2) The same act, which has involved by negligence the death of a person, shall be punishable by deprivation of liberty for a term of two to five years.

(3) An act envisaged by the first part of this Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of five to seven years.

Article 371. Violation of the Rules for Driving or Operating Cars

(1) Violation of the rules for driving or operating a combat, special, or honor transport vehicle, which has involved by negligence the infliction of grave injury or injury of average gravity to human health, shall be punishable by deprivation of liberty for a term of up to three years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or without such disqualification.

(2) The same deed, which has involved by negligence the death of a person or grave injury, shall be punishable by deprivation of liberty for a term of three to seven years, with disqualification to hold specified offices or to engage in specified activities for a term of up to three years, or without such disqualification.

(3) The deed provide for in the first part of this Article, and entailing by negligence the death of two or more persons, shall be punishable by deprivation of liberty for a term of seven to fifteen years with disqualification to hold specified offices or to engage in specified activities for a term of up to three years.

Article 372. Violation of the Rules for Flights and Training for Them

Violation of the rules for flights and training for them, or of any other rules of operating military aircraft, which has involved by negligence the death of a person, or any other serious consequences, shall be punishable by deprivation of liberty for a term of three to ten years.

SECTION XII. CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

## CHAPTER 34. CRIMES AGAINST THE PEACE AND SECURITY MANKIND

### Article 373. Genocide

Actions aimed at the complete or partial extermination of a national, ethnic, racial or religious group by killing its members, inflicting grave injuries to their health, forcible prevention of childbirth, forcible transfer of children, forcible resettlement, or by any other method of creating living conditions meant for the physical destruction of the members of this group, shall be punishable by deprivation of liberty for a term of 12 to 20 years, or by capital punishment.

### Article 374. Ecocide

Massive destruction of the animal or plant kingdoms, contamination of the atmosphere or water resources, and also commission of other actions capable of causing an ecological catastrophe, shall be punishable by deprivation of liberty for a term of 12 to 20 years.

### Article 375. Mercenarism

(1) Recruitment, training, financing, or any other material provision of a mercenary, and also the use of him in an armed conflict or hostilities, shall be punishable by deprivation of liberty for a term of four to eight years.

(2) Participation by a mercenary in an armed conflict or hostilities shall be punishable by deprivation of liberty for a term of three to seven years.

(3) The same acts, committed by a person through his official position, or with relation to a minor, shall be punishable by deprivation of liberty for a term of seven to fifteen years, with confiscation of property or without such confiscation.

Note: A mercenary shall be deemed to mean a person who acts for the purpose of getting a material reward, and who is not a citizen of the state in whose armed conflict or hostilities he participates, who does not reside on a permanent basis on its territory, and also who is not a

### Article 376. Assaults on Persons or Institutions Enjoying International Protection

Assault on a representative of a foreign state, or on a staff member of an international organization that enjoys international protection, or also on an official or on the living quarters or transport vehicles of persons enjoying international protection, if this deed has been committed to provoke a war or to complicate international relations, shall be punishable by deprivation of liberty for a term of three to eight years.

President of the Kyrgyz Republic

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