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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

AMENDMENTS
TO THE LAW ON CONSTITUTIONAL PROCEEDINGS
OF KYRGYZSTAN

Article 1

The Law of the Kyrgyz Republic "On constitutional proceedings in the Kyrgyz Republic" (Official Gazette of the *Jogorku Kenesh* [parliament] of the Kyrgyz Republic" 1994 no. 2, p. 48) shall be amended as follows:

1. In Article 1, after the words "in accordance with ..." insert the words "the Constitution of the Kyrgyz Republic"

2. In Article 3:

- declare the second paragraph invalid;
- reword the third paragraph as follows:

"A session of the Constitutional Court of the Kyrgyz Republic shall be valid if no less than two thirds of its members are present."

- in the fifth paragraph, replace the words "by the Law of the Kyrgyz Republic "On the Constitutional Court of the Kyrgyz Republic" " with the words "by the Constitutional Law of the Kyrgyz Republic "On the status of judges of the Kyrgyz Republic" ".

3. In Article 6:

- supplement with a second paragraph worded as follows:

"At request of parties to proceedings before the court, a decision may be taken to run constitutional proceedings in an official language."

- deem the second to fourth paragraphs as corresponding to the third to fifth paragraphs;
- in the fifth paragraph, replace the words "state language of the Kyrgyz Republic" with the words "language of the proceedings".

4. Reword Article 11 as follows:

"Article 11. Competence

The Constitutional Court of the Kyrgyz Republic shall be competent to hear cases seeking:

- 1) the declaring of laws and other legal and regulatory acts unconstitutional if they are contrary to the Constitution;
- 2) the rendering of official interpretations of the norms of the Constitution;
- 3) the rendering of conclusions as to the constitutionality of presidential elections in the Kyrgyz Republic;
- 4) the rendering of conclusions as to the removal from office of the President of the Kyrgyz Republic;
- 5) the rendering of conclusions on a draft law amending and supplementing the Constitution in accordance with the provisions of Article 98 of the Constitution."

5. In Article 13:

- in the third paragraph, after the words "or complaint", insert the words ", with the exception of judicial acts";

- supplement the article with a fourth paragraph worded as follows:

"Judicial acts based on norms of laws declared unconstitutional shall be reviewed by the court in every specific case upon complaints of citizens whose rights and freedoms have been affected."

6. In Article 14:

- supplement the article with sub-paragraphs worded as follows:

"8) the Ombudsman (*Akiykatchy*);

9) the Central Electoral Commission of the Kyrgyz Republic.";

- make sub-paragraph 8 sub-paragraph 10.

7. - declare sub-paragraph 3 of the third paragraph of Article 18 invalid.

8. In the second paragraph of Article 21, replace the words "in indents 1-7" with the words "in indents 1-8".

9. Reword the fifth paragraph of Article 24 as follows:

"The Constitutional Court of the Kyrgyz Republic shall prepare an annual report on the state of constitutionality in the republic for presentation to the *Jogorku Kenesh* of the Kyrgyz Republic."

Article 2

The present law shall enter into force from the date of its official publication.

President of the Kyrgyz Republic

K. Bakiyev