



Strasbourg, 13 February 2023

**Opinion No. 1122 / 2023**

**CDL-REF(2023)004**

Engl./Rus.  
Unofficial translation

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**KYRGYZSTAN**

**LAW**

**ON THE CONSTITUTIONAL COURT OF THE KYRGYZ REPUBLIC**

# CONSTITUTIONAL LAW OF THE KYRGYZ REPUBLIC

No. 133 of 15 November 2021

## On the Constitutional Court of the Kyrgyz Republic

### SECTION I. STATUS AND ORGANISATION OF THE CONSTITUTIONAL COURT OF THE KYRGYZ REPUBLIC

#### Chapter 1: General provisions

##### Article 1. Constitutional Court of the Kyrgyz Republic

1. The Constitutional Court of the Kyrgyz Republic (hereinafter referred to as the Constitutional Court) is the highest judicial authority exercising constitutional control through constitutional legal proceedings.
2. The Constitutional Court is independent of any other public authority and is subject only to the Constitution of the Kyrgyz Republic (hereinafter the Constitution).
3. The Constitutional Court ensures the supremacy and direct action of the Constitution, the inviolability of the foundations of the constitutional order, human and civil rights and freedoms.

##### Article 2: Basic Principles of the Constitutional Court

The basic principles of the Constitutional Court are independence, collegiality, transparency, adversarial proceedings and equality of arms.

##### Article 3: Legislation on the Constitutional Court

The organisation, competence, composition, formation, appointment and dismissal of the President and Vice-President of the Constitutional Court are determined by the Constitution and this Constitutional Law.

2. Examination and decision-making on issues falling within the competence of the Constitutional Court shall take place in accordance with the constitutional procedure established by the Constitution, this Constitutional Law and the Rules of Procedure of the Constitutional Court (hereinafter referred to as the Rules).
3. The status, guarantees of independence, procedures for prosecution, removal and dismissal of judges of the Constitutional Court shall be determined by constitutional laws, laws.

##### Article 4: Powers of the Constitutional Court

1. The Constitutional Court:

- 1) provides official interpretation of the Constitution;
  - 2) adjudicate cases of conformity of laws and other normative legal acts of the Kyrgyz Republic with the Constitution;
  - 3) give an opinion on the constitutionality of international treaties to which the Kyrgyz Republic is a party that have not entered into force;
  - 4) resolves disputes over competence between the branches of government;
  - 5) give an opinion on a draft law on amendments and additions to the Constitution;
  - 6) give an opinion on compliance with the established procedure for bringing charges against the President of the Kyrgyz Republic (hereinafter referred to as the President).
2. The Constitutional Court adopts internal rules of procedure, approves the regulations on the Constitutional Court's staff, its structure and the number of staff within the limits of the estimated costs.
3. The Constitutional Court annually analyses the implementation of the acts it has adopted and publishes them to the public.

## **Chapter 2 Composition and organisation of the Constitutional Court**

### **Article 5 Composition of the Constitutional Court**

1. The Constitutional Court is composed of nine judges: the President, the Vice-President and seven judges of the Constitutional Court.

2. A judge of the Constitutional Court may be a citizen of the Kyrgyz Republic not younger than 40 years of age and not older than 70 years, who has a higher legal education and at least 15 years of experience in the legal profession.

Judges of the Constitutional Court are elected by at least half of the votes of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter Jogorku Kenesh) before reaching the age limit.

### **Article 6: Procedures for the appointment of the President and Vice-President of the Constitutional Court**

1. The President of the Constitutional Court is appointed by the President on the proposal of the Council of Judges and with the consent of at least half of the votes of the total number of deputies of the Jogorku Kenesh from among the judges of the Constitutional Court for a period of 5 years.

2. The Deputy President of the Constitutional Court is appointed by the President on the proposal of the President of the Constitutional Court for a period of 5 years.

### **Article 7: Grounds for dismissal of the President and Vice-President of the Constitutional Court**

1. The President and Vice-President of the Constitutional Court are dismissed from their offices upon the expiry of the term for which they were appointed or at their own request. The powers of the President and Vice-President of the Constitutional Court are also terminated in the event of their early dismissal from the office of judge, termination as a judge of the Constitutional Court.

2. Until a new President of the Constitutional Court is appointed, due to the expiry or early termination of his/her term of office or the early dismissal of the current President of the Constitutional Court, the Vice-President of the Constitutional Court shall act as President. In the absence of the President or Vice-President of the Constitutional Court, the duties of the President of the Constitutional Court are temporarily performed by a judge of the Constitutional Court entrusted with these duties by the Assembly of the Constitutional Court.

### **Article 8: President of the Constitutional Court**

The President of the Constitutional Court, in addition to serving as a judge of the Constitutional Court:

- 1) directs the preparation of cases and other matters to be examined at a meeting of the Constitutional Court;
- 2) convene meetings of the Constitutional Court, introduce issues to be discussed and preside over the meetings;
- (3) represent and act on behalf of the Constitutional Court;
- 4) distribute the appeals received among the judges of the Constitutional Court;
- 5) submit its Rules of Procedure to the Constitutional Court for approval;
- 6) determine measures to ensure the conduct of the meeting and the safety of the participants and those present;
- 7) administer the general administration of the Constitutional Court, appoint and dismiss the head of the staff and submit to the Constitutional Court for approval the regulations on the Constitutional Court staff and its structure;
- 8) sign copies of judgments, opinions, decisions, rulings and minutes of meetings of the Constitutional Court;

9) exercise other powers in accordance with this Constitutional Act and the Rules of Procedure. The President of the Constitutional Court issues orders and instructions.

### **Article 9: Vice-President of the Constitutional Court**

The Deputy President of the Constitutional Court, in addition to performing the duties of a judge of the Constitutional Court, also performs the duties of the President of the Constitutional Court in his/her absence.

## **SECTION II. CONSTITUTIONAL LITIGATION**

### **Chapter 3: Principles of constitutional justice**

### **Article 10. Independence**

1. The Constitutional Court is independent and subject to the Constitution and is guided in its activities by this Constitutional Act and the Rules of Procedure.
2. Decisions of the Constitutional Court are based on the Constitution and express the legal position of the judges, free from any bias whatsoever.
3. Judges of the Constitutional Court adopt acts in conditions that exclude extraneous influence on their freedom of expression of will.
4. Any interference in the activities of the Constitutional Court is not permitted and is punishable by law.

### **Article 11. Collegiality of proceedings**

1. Cases shall be heard and decided by a collegial body before the Constitutional Court. The Constitutional Court shall operate with at least two thirds of the total number of judges of the Constitutional Court, as well as in panels of three judges in cases provided for in this Constitutional Law.  
The composition and formation of the collegiums shall be laid down in the Rules of Procedure.
2. A judge may not be removed from the Constitutional Court, except in cases of removal from office or when the question of recusal or recusal has been satisfactorily resolved in accordance with the procedure laid down in this Constitutional Law.

### **Article 12. Transparency of constitutional proceedings**

1. Cases before the Constitutional Court shall be heard in public. Sessions may be held in camera only in the cases provided for in this Constitutional Law. Sessions shall be held in a courtroom accessible to representatives of civil society and the mass media.
2. The Constitutional Court shall notify the participants in writing of the time and place of its hearings and shall post information about the hearings on the premises of the Constitutional Court as well as on the official website of the Constitutional Court ten days in advance.
3. The decisions of the Constitutional Court shall be pronounced publicly.

### **Article 13. Publicity of proceedings**

Proceedings before the Constitutional Court shall be held in public, except in the cases provided for in Article 41 of this Constitutional Law.

### **Article 14. Language of constitutional proceedings**

1. Constitutional proceedings shall be conducted in the state language. At the request of the participants, the proceedings may be conducted in the official language.
2. Participants in constitutional proceedings who do not speak the language of the proceedings shall be guaranteed the right to give explanations in another language and to use the services of an interpreter.

### **Article 15. Immediate examination of cases**

1. The Constitutional Court may not adopt a judgment or opinion on the merits of a case without examining it directly in accordance with the procedure laid down in this Constitutional Law.
2. The judges of the Constitutional Court participate in person in the examination of a case from the opening and until the closure of the session.
3. No judge shall have the right to refuse to hear a case, except in cases which prevent the judge from attending the hearing.
4. The intervention of a new judge shall result in the reopening of the proceedings from the beginning of the trial if his/her participation is necessary to ensure a quorum.
5. The inability of a judge to participate in further proceedings shall not prevent the continuation of the proceedings if there is a quorum of judges, but shall preclude the retired judge from participating in the meeting of judges and taking a decision or an opinion.
6. During a meeting of the Constitutional Court, no judge participating in the meeting may abstain from voting; each judge must personally express his or her position on the case before reading out the decision or opinion.

#### **Article 16. Adversarial proceedings and equality of arms**

The parties enjoy equal rights and opportunities to defend their position in an adversarial manner before the Constitutional Court.

### **Chapter 4. Limits on the resolution of cases**

#### **Article 17. Limits of case resolution**

1. The Constitutional Court establishes and decides exclusively on questions of law.
2. The Constitutional Court, when verifying the constitutionality of a contested normative legal act, ascertains its conformity with the Constitution:
  - 1) by the content of the rules;
  - 2) in the form of a legal act;
  - (3) The manner of adoption, signature, publication and enactment.
3. The Constitutional Court, when giving its opinion on a draft law on amendments and additions to the Constitution, ascertains its conformity:
  - 1) Fundamental human and civil rights and freedoms and the permissibility of their limitations;
  - 2) The principles of a democratic, law-based, secular state;
  - (3) The procedure provided for in Article 116 of the Constitution for amending and supplementing it.
4. The Constitutional Court shall issue judgments on the subject addressed in the Address only in respect of the part of the normative legal act, the constitutionality of which is questioned. The Constitutional Court is not bound by the arguments and considerations set out in the petition.

#### **Article 18. Specifics of the limits of case resolution**

When several related claims are brought together, of which the Constitutional Court has jurisdiction over some and other public authorities over others, only those claims that fall within the competence of the Constitutional Court are subject to examination.

### **Chapter 5. Subjects of application to the Constitutional Court**

#### **Article 19. Subjects of application to the Constitutional Court**

1. The right to appeal to the Constitutional Court belongs to
  - 1) an individual (natural persons) or a legal entity (legal persons) if they consider that the rights and freedoms recognised by the Constitution have been violated by laws and other normative legal acts;
  - 2) To the President;
  - 3) The Jogorku Kenesh;
  - 4) factions, deputy groups of the Jogorku Kenesh;

- 5) to the Cabinet of Ministers of the Kyrgyz Republic (hereinafter referred to as the Cabinet of Ministers);
  - 6) The Supreme Court of the Kyrgyz Republic (hereinafter referred to as the Supreme Court);
  - 7) local authorities;
  - 8) To the Prosecutor General of the Kyrgyz Republic;
  - 9) The Ombudsman (Akyikatchy) of the Kyrgyz Republic;
  - 10) the judge(s) of the Kyrgyz Republic.
2. The bodies and officials referred to in paragraphs 2-9 of Part 1 of this Article shall submit to the Constitutional Court appeals in the form of a representation, other persons shall submit a petition and the judge(s) shall submit a request.

#### **Article 20. Right to apply for an official interpretation of the Constitution**

The right to apply to the Constitutional Court for an official interpretation of the provisions of the Constitution shall be vested in the subjects specified in Article 19(1)(2), (3), (5) and (6) of this Constitutional Law, who shall file applications with the Constitutional Court in the form of a representation.

#### **Article 21. Right to petition for the declaration of unconstitutionality of laws and other normative legal acts**

The right to apply for the declaration of unconstitutionality of laws and other normative legal acts shall be vested in the entities specified in Article 19(1) of this Constitutional Law.

#### **Article 22. The right to apply for an opinion on the constitutionality of international treaties which have not entered into force for the Kyrgyz Republic**

The right to apply for an opinion on the constitutionality of international treaties which have not entered into force for the Kyrgyz Republic shall be vested in the entities specified in Article 19(1)(2) to (5) of this Constitutional Law.

#### **Article 23. Right to apply to resolve a dispute over competence between the branches of government**

The right to appeal to resolve a dispute over competence between the branches of state power shall be vested in the entities specified in Article 19(1)(2) to (7) of this Constitutional Law, which may make submissions only insofar as their competence is concerned.

#### **Article 24. Right to request an opinion on a draft law on amendments to the Constitution**

The right to request an opinion on a draft law on amendments to the Constitution shall be vested in the subjects specified in Article 19(1)(2)-(5) and (9) of this Constitutional Law.

#### **Article 25. Right to apply for an opinion on compliance with the established procedure for bringing charges against the President**

The right to request an opinion on the observance of the established procedure of bringing charges against the President shall be vested in the subjects specified in Article 19(1)(2) to (5) and (8) of this Constitutional Law.

### **Chapter 6. Appeal to the Constitutional Court**

#### **Article 26. Reasons and grounds for examining a case before the Constitutional Court**

1. An application to the Constitutional Court in the form of a representation, petition, request and complaint which meets the requirements of this Constitutional Law shall give rise to the examination of a case before the Constitutional Court.

2 The grounds for examining a case are the adoption of a draft law on amendments to the Constitution, charges brought by the Jogorku Kenesh against the President or uncertainty as to whether a law, another normative legal act or an international treaty that has not entered into force for the Kyrgyz Republic, or a conflict in the positions of the parties regarding competence, or uncertainty (vagueness, ambiguity) in the understanding of the provisions of the Constitution in the law-making process, are consistent with the Constitution

#### **Article 27. General requirements for treatment**

- 1 An application to the Constitutional Court shall be made in writing and signed by the authorised person(s).
2. the general requirements for the application, the list of required documents and the procedure for registering them are set out in the rules of procedure.
3. appeals and the materials accompanying them shall be submitted in the national or official language.
4. The appeal must state:
  - 1) the name of the Constitutional Court;
  - 2) the name, address and other necessary data concerning the applicant;
  - 3) the name, address and other details of the applicant's representative and his or her credentials, except in cases of ex officio representation;
  - 4) the name and address of the public authority or official who signed or issued the legal act whose constitutionality is to be verified;
  - (5) the provisions of the Constitution and this Constitutional Law giving the right to appeal to the Constitutional Court;
  - 6) the circumstances on which the party bases its claim and the evidence supporting the facts alleged by the party;
  - 7) the exact name, number, date of adoption, sources of publication and other details of the contested regulation;
  - (8) the specific grounds referred to in this Constitutional Act for the examination of the application;
  - 9) the applicant's position on the issue raised and its legal justification with reference to the relevant provisions of the Constitution;
  - 10) a request made in connection with a representation, petition or request to the Constitutional Court;
  - 11) a list of documents to be enclosed.

**Article 28. Documents to be attached to the application**

Enclosed with the appeal are:

- 1) a copy of the text of the legal act the constitutionality of which in whole or in part is challenged by the applicant;
- 2) a power of attorney or other document certifying the representative's authority, unless the representation will be ex officio.

If necessary, a list of persons to be summoned to appear before the Constitutional Court, their addresses and other documents and materials may be attached to the petition.

**Article 29. Registration of appeals to the Constitutional Court**

Appeals to the Constitutional Court are subject to compulsory registration on the day of their receipt.

**Chapter 7. Admission, preparation and examination of cases before the Constitutional Court****Article 30. Acceptance of proceedings**

1. A complaint received by the President of the Constitutional Court shall be referred to a three-judge panel of the Constitutional Court for decision within thirty days of the registration of the admissibility of the complaint.

2. A judge of the board shall be entrusted with the verification of the application and the documents attached thereto. The decision to accept or reject an application shall be taken by a majority vote of the board.

If the application is accepted, the judge assigned to examine the application, hereinafter referred to as the judge-rapporteur, shall prepare the case for the hearing; if the application is rejected, a copy of the relevant decision of the Panel of Judges with the enclosed materials shall be sent to the applicant.

3. The Board shall refuse to accept the application for processing:

- 1) if the petition does not comply with the requirements of this Constitutional Law in form and content;
- 2) if the application comes from an inappropriate body or person (entity);
- 3) if the application is made by a representative of a party who is not authorised to conduct proceedings before the Constitutional Court, or if the representative is a person not provided for in this Constitutional Act;
- 4) if the claim asserted in the application is not within the jurisdiction of the Constitutional Court;
- 5) if the constitutionality of the matter referred to in the petition has previously been examined and there is an act in force;
- 6) if the reapplication lacks new arguments and arguments relating to the challenged regulation.

4 The annulment or invalidity of the act whose constitutionality is challenged leads to the rejection of the appeal before the Constitutional Court.

5. The ruling refusing to entertain an application or accepting it may be appealed by the parties to the Constitutional Court within three months.

A separate ruling is issued by the Constitutional Court based on its consideration of this issue.

6. The admission of an appeal on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic entails the suspension of the entry into force of the contested international treaties until the Constitutional Court completes its consideration of the case.

**Article 31. Time limits for examining matters before the Constitutional Court**

The Constitutional Court examines an appeal that has been admitted for examination and issues an opinion on it within six months from the date of its admission to proceedings.

In cases concerning the interpretation of the Constitution, as well as those related to a request by judge(s), an act of the Constitutional Court must be issued within two months.

In cases where an opinion is given on the observance of the established procedure for bringing charges against the President, the act of the Constitutional Court must be issued within one month.

### **Article 32. Preparation of the case for hearing**

1. The judge-rapporteur shall prepare the case for examination within two months of the application being accepted for hearing, in accordance with the Rules of Procedure.

In addition, the judge rapporteur:

1) decide whether to consolidate the claims of different persons connected to each other in the same proceeding or to separate the non-competent claims asserted in the same application;  
2) determine the appointment of the case to be heard by the Constitutional Court, notify the parties to the hearing and ensure the participation of the necessary persons.

2. In view of the particular complexity or exceptional importance of the claim, more than one judge may be assigned to prepare the case for hearing.

### **Article 33. Participants in constitutional proceedings**

Participants in constitutional proceedings include parties, their representatives, third parties, witnesses, experts and interpreters.

### **Article 34. Parties and their representatives**

1. The parties to constitutional proceedings shall be recognised:

(1) The requesting party - the persons or bodies whose submissions and applications are accepted for examination;

2) respondent party - the body or officials who issued, signed a normative legal act, or the actors who initiated a draft law on amending the Constitution, ratification, approval or other means of entry into force for the Kyrgyz Republic of an international treaty whose constitutionality is in question.

2. The parties may conduct their business personally or through their representatives. Each party may have no more than three representatives.

The authority of the representatives shall be formalised in the manner prescribed by the Civil Code of the Kyrgyz Republic.

3. The judge(s) whose request has been admitted to the Constitutional Court shall not be recognised as a party and shall not be summoned to a hearing.

4. The parties shall enjoy equal procedural rights.

The parties and their representatives have the right to inspect the case file, excerpt from it, make copies of it, present evidence, participate in the examination of evidence, present their arguments and observations on all issues arising during the proceedings and make closing arguments.

The parties also have the right to make motions, to give oral and written explanations to judges and to express their opinions on the submissions and motions made.

The applying party has the right to change the grounds or subject matter of the claim, to increase or decrease the scope of the claim, and to waive the claim.

The defendant party is entitled to admit them in whole or in part or to object to them.

In a trial by written procedure, the parties shall submit their explanations, motions, suggestions and objections in writing prior to the commencement of the trial.

5. Each party shall have the right to present evidence and prove the circumstances on which it relies as a basis for its claims and defences.

The parties must exercise their rights in good faith. The communication of knowingly false information to the court is regarded as contempt of the Constitutional Court and entails liability under the law.

The parties and their representatives are obliged to appear when summoned by the Constitutional Court and give explanations and answer questions.

**Article 35. Witnesses**

Where it is necessary to investigate the circumstances of the standard-setting process relating to the challenged regulation, persons with knowledge of such circumstances may be called as witnesses.

**Article 36. Expert**

The Constitutional Court may summon as an expert a person with special knowledge of the issues involved in the case under consideration.

The issues on which the expert opinion is to be given shall be determined by the judge-rapporteur or the Constitutional Court.

**Article 37. Participation of third persons in the proceedings of the Constitutional Court**

At the initiative of the judge-rapporteur, the court or at the request of the parties, natural and legal persons, state bodies, public associations, international organizations may be involved in the examination of the case, who are obliged to present their explanations, arguments and considerations on the issue before the Constitutional Court. However, the Constitutional Court is not bound by their arguments and opinions.

**Article 38: Handling of cases by written procedure**

1. A written trial is a court session of the Constitutional Court held in the categories of cases defined in paragraph 2 of this Article, in the absence of participants in the trial.
2. The following categories of cases shall be dealt with under the written procedure:
  - (1) On the official interpretation of the Constitution;
  - 2) to give an opinion on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic;
  - 3) at the request of the judge(s);
  - 4) to consider an appeal against a decision of a panel of judges refusing or accepting an appeal.
3. The cases referred to in this Article shall be heard by written procedure, unless the Constitutional Court, on its own initiative or on the application of the participants in the constitutional proceedings, declares that an oral hearing is necessary.
4. The procedure for dealing with cases using the written form of constitutional proceedings is determined by the Rules of Procedure.

**Article 39. Recusal of judge(s)**

1. The parties may challenge the judge(s) of the Constitutional Court at any stage of constitutional proceedings in cases where
  - 1) if the judge's impartiality in deciding the case may be called into question because of his or her close family ties to the parties to the proceedings;
  - 2) if there are other compelling circumstances that may affect his impartiality and impartiality. For the same reasons, the judge(s) must recuse themselves.
2. The Constitutional Court, at the request of the parties in the circumstances referred to in paragraph 1 of this Article, shall issue a reasoned decision on the challenge of the judge after hearing the judge whose challenge is to be resolved. However, recusal of judge(s) is not allowed if it would cause the quorum for the examination of a case to be broken, on which the Constitutional Court shall make a ruling.

**Article 40. Public meetings**

Sessions of the Constitutional Court shall be held in public, except in cases provided for in this Constitutional Law.

The participants may record the proceedings from their seats. However, filming, photographing, videotaping, live radio and TV broadcasting are allowed with the authorization of the

Constitutional Court. The presiding officer, upon warning, may remove certain persons from the courtroom if they have interfered with the orderly conduct of the session.

#### **Article 41. Closed meetings**

The Constitutional Court shall order a closed session in cases where it is necessary to protect state secrets, the security of citizens, the privacy of their lives and the protection of public morals.

A reasoned ruling shall be issued on the necessity to hear the case in closed session and shall be announced publicly before the hearing.

Judges of the Constitutional Court, the parties and their representatives are present at a closed hearing. The presence of other participants in the proceedings is determined by the Constitutional Court. The presence of the staff of the Constitutional Court directly ensuring the proper conduct of the proceedings is determined by the presiding judge in agreement with the judges.

#### **Article 42. Adjournment of a meeting**

1. A hearing of the Constitutional Court may be postponed in the following cases:

- 1) in the absence of a quorum;
- 2) where the parties or one party, witness or expert whose appearance has been made compulsory and their absence may affect the correct resolution of the case, fail to appear;
- (3) if the Constitutional Court finds the case under consideration insufficiently prepared;
- 4) in the event of late submission of the requested material if it is essential for the resolution of the case;
- 5) if there are other circumstances preventing the smooth running of the trial or the full examination of the case, if these circumstances cannot be eliminated in the course of the trial.

2. The decision to postpone a hearing of the Constitutional Court shall be taken by a majority vote of the number of judges participating in the hearing. When deciding to postpone a hearing, the Constitutional Court shall set a date to which the hearing will be postponed.

#### **Article 43. Suspension of proceedings**

1. In cases where the examination of a case is not possible within the term established by this Constitutional Law, the Constitutional Court may suspend the proceedings for a period necessary to eliminate the obstacles encountered. In such a case, the term for its examination shall also be suspended.

The proceedings shall be resumed when the circumstances which served as grounds for the suspension are no longer present. The suspension of the Constitutional Court's proceedings shall not preclude the examination of other cases.

2. The examination of the case shall be resumed from the moment when it was suspended, while the summoning of experts, specialists and witnesses for a second time shall be made only if necessary. When the proceedings are resumed, the Constitutional Court shall issue a ruling and notify the persons involved in the case.

If the Constitutional Court session is resumed with a different composition of judges, the case is reopened.

#### **Article 44. Termination of proceedings**

1. The Constitutional Court shall terminate proceedings in cases where

- 1) the withdrawal of the applicant's claims, the voluntary withdrawal by a party prior to the Constitutional Court's decision on the merits;
- 2) if, in the course of the preparation or examination of the case, it is found that the case is not within the jurisdiction of the Constitutional Court. The authority to which it is subordinate shall be specified;

3) if the act the constitutionality of which is challenged has been repealed or expired during the preparation or examination of the case, except in cases where the constitutional rights and freedoms of natural or legal persons have been violated by the act.

2. The Constitutional Court shall decide on the discontinuance of a case by a majority vote of the judges participating in the hearing.

The Constitutional Court's decision to discontinue proceedings deprives the parties of the possibility to reapply to the Constitutional Court with the same claim and on the same grounds.

#### **Article 45. Procedures for dealing with cases**

Cases before the Constitutional Court are heard orally or in writing, and in some cases online, in accordance with the Rules of Procedure.

#### **Article 46. Minutes of the proceedings of the Constitutional Court**

A record shall be kept by the registrar of the Constitutional Court.

#### **Article 47: Application of procedural safeguards**

1. In order to protect the dignity of the Constitutional Court, the participants in the hearing and to ensure the proper conduct of constitutional proceedings, the Constitutional Court may remove persons from the courtroom or hold them liable for each case of violation expressed in one of the following forms:

- 1) Interference in the procedural activities of the court, exerting influence on the judge;
- 2) the failure to fulfil or to fulfil in a timely manner, without good cause, the requirements of the Constitutional Court in the preparation and examination of the case;
- 3) failure to appear without good cause or failure to notify the Constitutional Court of the reasons for failure to appear;
- 4) violation of the order of the Constitutional Court, disobedience to the judges of the Constitutional Court, disregard of the procedures and rules of etiquette adopted by the Constitutional Court;
- 5) unauthorised interruption of the sequence of statements by the participants in the meeting;
- 6) the use of abusive language.

2. If the violations referred to in this Article are manifested in the course of the proceedings, procedural safeguards shall be applied immediately upon a protocol ruling of the Constitutional Court.

3. In other cases, procedural protection measures shall be applied in accordance with the procedure stipulated by the legislation of the Kyrgyz Republic.

### **Chapter 8: Acts of the Constitutional Court**

#### **Article 48. Types of acts of the Constitutional Court**

1. The Constitutional Court shall adopt acts in the form of judgments, opinions, decisions and rulings.

2. The Constitutional Court, as a result of examining applications under the powers provided for in Article 97(2)(1), (2) and (4) of the Constitution, shall adopt a judgment, whereas under Article 97(2)(3), (5) and (6) of the said Article, it shall adopt an opinion.

3. The judgment and opinion of the Constitutional Court shall be delivered in the name of the Kyrgyz Republic and shall be signed by the presiding judge and the judges of the Constitutional Court.

Other acts of the Constitutional Court are adopted in the form of a judgment, an individual or a protocol decision.

#### **Article 49. Procedure for the adoption of acts of the Constitutional Court**

- 1 The acts of the Constitutional Court shall be adopted by public vote by roll-call of judges in a deliberation room.
2. During the hearing the judges shall be free to state their own position on the matter under consideration and ask the other judges to clarify their positions. The number and length of speeches may not be limited.
3. Only the judges of the Constitutional Court hearing the case shall participate in the meeting of the Constitutional Court. The presence of unauthorized persons is not allowed.
4. A judge may not abstain or refrain from voting. The presiding judge shall in all cases vote last.
5. In the minutes of the meeting it is obligatory to record the questions put to the vote and the results of the vote. The minutes shall be kept by the judge-rapporteur, signed by all the judges present and shall not be made public.
6. Judges attending the meeting shall not be entitled to divulge the content of the discussions or the results of the vote.
7. A case is considered resolved on the merits when the Constitutional Court satisfies, in whole or in part, or dismisses the claims made in the application.
8. An act of the Constitutional Court shall be deemed adopted if a majority of the judges present at the session have voted in favour of it. If no proposal receives a majority of votes, the presiding officer shall put to a second vote the two proposals which have received the highest number of votes.
9. If the votes are equally divided in the adoption of the decision or opinion, the decision or opinion shall be adopted in favour of the constitutionality of the contested act. In the case of equality of votes in the adoption of other acts, the act in favour of which the presiding officer voted shall be considered adopted.
10. The act of the Constitutional Court must be reasoned and motivated.
11. The judgment and opinion of the Constitutional Court, with the exception of acts adopted in the manner prescribed by Article 38 of this Constitutional Law, shall be pronounced in full in a public session of the Constitutional Court immediately after they are signed.  
In certain cases, the drafting of the reasoning part of the judgment may be postponed for up to ten days, but the operative part is announced at the same hearing. In the case of written proceedings, the final act of the Constitutional Court is drawn up and signed on the day of the written proceedings and is sent to the parties to the case within three working days.

#### **Article 50. Separate opinion of a judge of the Constitutional Court**

A judge of the Constitutional Court who disagrees with an act of the Constitutional Court or who voted in favour of a judgment, decision or opinion on the merits of a matter before the Constitutional Court, but who is in the minority when voting on some other issue or on the reasons for the act adopted, may express his or her dissenting opinion in writing. The dissenting opinion of the judge shall be appended to the case file and published, together with the act of the Constitutional Court, in the same publications where the act itself is to be published.

#### **Article 51. Correction of inaccuracies in the act**

The Constitutional Court may, upon promulgation of an act, correct inaccuracies, misstatements and manifest editorial and technical inaccuracies in the act and shall so rule.

#### **Article 52: Juridical force of acts of the Constitutional Court**

1. The acts of the Constitutional Court are final and not subject to appeal, except for the ruling on the admissibility or rejection of an appeal. Decisions and opinions of the Constitutional Court shall enter into force from the moment of their proclamation, while other acts shall enter into force from the moment of their signature.

The legal effect of a decision declaring a normative legal act or part thereof unconstitutional cannot be overcome by the re-adoption of the same normative legal act or part thereof with the same content.

Decisions and opinions of the Constitutional Court adopted in the manner provided for in Article 38 of this Constitutional Law shall enter into force from the date of their publication on the official website of the Constitutional Court.

2. The acts of the Constitutional Court are binding on all state bodies, local government bodies, officials, public associations, legal entities and natural persons and are enforceable throughout the republic.

3. A determination by the Constitutional Court of the unconstitutionality of laws and other normative legal acts or their provisions shall annul their validity in the territory of the Kyrgyz Republic, and shall also annul other normative legal acts based on laws or their provisions declared unconstitutional, except for court decisions.

Until they are brought into line or overturned, the Constitution and decisions of the Constitutional Court apply directly.

4. Judicial acts based on provisions of laws and other normative acts declared unconstitutional shall be reviewed by the court that adopted the act on a case-by-case basis upon complaints of citizens whose rights and freedoms have been affected.

5. International treaties which have not entered into force and which have been declared unconstitutional by the Constitutional Court shall not be given effect and applied.

#### **Article 53: Enforcement of acts of the Constitutional Court**

1. The judgments and opinions of the Constitutional Court shall be forwarded to the parties, state and local self-government bodies and officials whose legal acts have been subject of examination and shall be published in the official publications of state and local self-government bodies, in the "Bulletin of the Constitutional Court of the Kyrgyz Republic", the official website of the Constitutional Court, as well as in other publications, if necessary.

2. In cases where a normative legal act has been ruled by the Constitutional Court to be contrary to the Constitution in whole or in part or where the need to eliminate a gap in legal regulation arises from a ruling of the Constitutional Court:

(1) The Cabinet of Ministers shall submit to the Jogorku Kenesh, no later than three months from the date of receipt of the Constitutional Court decision, a draft constitutional law or law arising from the said decision.

A draft law stemming from a decision of the Constitutional Court may be initiated by deputies of the Jogorku Kenesh or other subjects of legislative initiative.

These draft laws are to be considered by the Jogorku Kenesh on an emergency basis;

(2) The President, the Cabinet of Ministers shall, no later than two months from the date of receipt of the decision of the Constitutional Court, adopt a new normative legal act or amend a normative legal act declared unconstitutional in a particular part thereof;

(3) The state and local authorities, which have the power of rule-making in accordance with the law, shall adopt a new normative legal act or amend a normative legal act that has been declared unconstitutional in a particular part within two months from the date of receipt of the decision of the Constitutional Court.

3. Failure to carry out, improper carrying out or obstructing the execution of the acts of the Constitutional Court, as well as interference in the activities of the Constitutional Court, shall entail liability established by law.

#### **Article 54: Private rulings by the Constitutional Court**

1. In the event that a violation of the rule of law as well as non-compliance with the acts of the Constitutional Court is identified in a court session, it may issue a private ruling and send it to the relevant state authorities, local self-government bodies, legal entities and/or their officials, who shall be obliged within one month to report on the measures they have taken.

2. In the event of non-compliance with the requirements of the Constitutional Court, the responsible officials shall be held liable in accordance with the law. However, this circumstance

does not exempt the officials concerned from the obligation to execute the individual judgment of the Constitutional Court.

### **SECTION III. FINAL PROVISIONS**

#### **Article 55: Financial provision for the Constitutional Court**

1. The Constitutional Court is financed from the national budget.
2. The Constitutional Court independently draws up its budget for the next financial year, which is submitted to the Council of Judges of the Kyrgyz Republic and included in the national budget in accordance with the established procedure.
3. The Constitutional Court shall independently manage the funds provided for in the budget for the financing of the Constitutional Court.
4. When formulating the national budget for the relevant year, the expenditure budget of the entire judicial system, including the Constitutional Court, may be lower than the approved figures of the previous year only with the consent of the Council of Judges of the Kyrgyz Republic.

#### **Article 56. Apparatus of the Constitutional Court**

1. The Constitutional Court's activity is ensured by its apparatus.
2. The direct management of the Constitutional Court is carried out by the Chief of Staff, appointed and dismissed by the President of the Constitutional Court.  
The staff of the Constitutional Court are civil servants, appointed and dismissed by the Chief of Staff in accordance with civil service legislation, as well as labour legislation.
3. the Constitutional Court Apparatus:
  - 1) carry out staffing, organisational, scientific-analytical, information and reference, logistical and other support for the activities of the Constitutional Court;
  - 2) receive visitors on matters unrelated to constitutional proceedings;
  - (3) examine appeals to the Constitutional Court on a provisional basis and in cases where they do not raise issues that require examination by the judges of the Constitutional Court;
  - 4) assist judges in preparing cases and other matters for meetings and deliberations;
  - 5) study and summarise the activities of the public authorities in enforcing the acts of the Constitutional Court;
  - 6) carry out other activities within the limits of its powers.

#### **Article 57. Official publication of the Constitutional Court**

The official publication of the Constitutional Court is the Bulletin of the Constitutional Court of the Kyrgyz Republic.

#### **Article 58. Symbols of the judicial power of the Constitutional Court**

The image of the State Emblem of the Kyrgyz Republic, the State Flag of the Kyrgyz Republic and an edition of the Constitution are located in the Constitutional Courtroom. Judges of the Constitutional Court sit in robes, the description and samples of which are approved by the Council of Judges of the Kyrgyz Republic.

#### **Article 59. Seal of the Constitutional Court**

The Constitutional Court has a seal bearing the State Emblem of the Kyrgyz Republic and its name.

#### **Article 60. Seat of the Constitutional Court**

The permanent seat of the Constitutional Court is the capital of the Kyrgyz Republic, Bishkek.

Sessions of the Constitutional Court are held at the seat of the Constitutional Court. The Constitutional Court may also hold a session at another location when it deems it necessary.

#### **SECTION IV. TRANSITIONAL PROVISIONS**

##### **Article 61. The procedure for examining appeals received before the entry into force of the Constitution and of this Constitutional Law**

Petitions received prior to the entry into force of the Constitution and of this Constitutional Law shall be considered and resolved by the Constitutional Court within the limits of its powers as set out in Article 97 of the Constitution.

##### **Article 62. Succession to the Constitutional Court**

1. The Constitutional Court is the legal successor of the Constitutional Chamber of the Supreme Court. The material guarantees of independence of the Constitutional Chamber of the Supreme Court established before the entry into force of this Constitutional Law, including the separate building previously occupied by the Constitutional Chamber of the Supreme Court, shall be retained by the Constitutional Court.
2. The material and technical support of the activities of the Constitutional Court shall be provided by the Cabinet of Ministers on the basis of the assets of the Constitutional Chamber of the Supreme Court within the limits of the approved budget of the Constitutional Chamber of the Supreme Court for the year 2021.
3. Decisions of the Constitutional Chamber of the Supreme Court issued prior to the entry into force of the Constitution of 5 May 2021 shall be enforced as prescribed by law.

##### **Article 63. Entry into force of this Constitutional Law**

1. This Constitutional Law shall enter into force on the day of its official publication.
2. Declare null and void:
  - 1) Constitutional Law of the Kyrgyz Republic "On the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic" of 13 June 2011 No. 37 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2011, No. 6, Article 532);
  - 2) Article 1 of the Constitutional Law of the Kyrgyz Republic "On amendments and additions to some legislative acts of the Kyrgyz Republic" of May 26, 2012 No. 66 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2012, No. 5, Article 2290);
  - 3) Constitutional Law of the Kyrgyz Republic "On Amendments to the Constitutional Law of the Kyrgyz Republic 'On the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic'" of 26 June 2013 No. 105 (Vedomosti of the Jogorku Kenesh of the Kyrgyz Republic, 2013, No. 6, Article 611);
  - 4) Constitutional Law of the Kyrgyz Republic "On Amendments to the Constitutional Law of the Kyrgyz Republic 'On the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic'" of 20 July 2017 No. 136 (Vedomosti Zhogorku Kenesh of the Kyrgyz Republic, 2017, No. 7-8, Article 738).

**President  
Kyrgyz Republic**

**S. Zhaparov**

Adopted by the Jogorku Kenesh  
Kyrgyz Republic

30 September 2021