

## **CONSTITUTIONAL LAW OF THE KYRGYZ REPUBLIC**

*Bishkek, 15 November 2021, No. 133*

### **On the Constitutional Court of the Kyrgyz Republic**

## **SECTION I. STATUS AND ORGANIZATION OF ACTIVITIES OF THE CONSTITUTIONAL COURT OF THE KYRGYZ REPUBLIC**

### **Chapter 1. General Clauses**

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

1. The Constitutional Court of the Kyrgyz Republic (hereinafter referred to as the Constitutional Court) is the highest body of judicial power exercising constitutional control through constitutional proceedings.

2. The Constitutional Court is independent of any other public authority and is subject only to the Constitution of the Kyrgyz Republic (hereinafter referred to as the Constitution).

3. The Constitutional Court ensures the supremacy and direct operation of the Constitution, the inviolability of the foundations of the constitutional order, the rights and freedoms of a human and a citizen.

#### **Article 2. Basic principles of activity of the Constitutional Court**

The main principles of the activities of the Constitutional Court are independence, collegiality, transparency, competitiveness and equality of the parties.

#### **Article 3. Legislation on the Constitutional Court**

1. The organization, competence, composition, procedure for the formation, appointment and dismissal of the Chairman and Deputy Chairman of the Constitutional Court are determined by the Constitution and this constitutional Law.

2. Consideration and decision-making on issues within the competence of the Constitutional Court are carried out in the manner of constitutional proceedings established by the Constitution, this constitutional Law and the Rules of the Constitutional Court (hereinafter referred to as the Rules).

3. The status, guarantees of independence, the procedure for bringing to responsibility, removal and dismissal of judges of the Constitutional Court are determined by constitutional laws and laws.

#### **Article 4. Powers of the Constitutional Court**

1. Constitutional Court:

- 1) gives official interpretation of the Constitution;
- 2) resolve cases on the compliance of laws and other regulations of the Kyrgyz Republic with the Constitution;
- 3) gives an opinion on the constitutionality of international treaties that have not entered into force, to which the Kyrgyz Republic is a party;
- 4) resolves disputes on competence between the branches of state power;
- 5) gives an opinion to the draft law on amendments and additions to the Constitution;
- 6) gives 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. On issues of its internal activities, the Constitutional Court adopts the Rules, approves the regulation on the apparatus of the Constitutional Court, its structure and staffing within the cost estimate.

3. The Constitutional Court annually analyses the implementation of the acts adopted by it and publishes it for general information.

## **Chapter 2. Composition and organization of the activities of the Constitutional Court**

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

1. The Constitutional Court consists of nine judges: the Chairman, the Deputy Chairman 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 old and not older than 70 years old, 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 total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic (hereinafter referred to as the Jogorku Kenesh) until reaching the age limit.

### **Article 6. Procedure for appointing the Chairman, Deputy Chairman of the Constitutional Court**

1. The Chairman of the Constitutional Court is appointed by the President at 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 Chairmen of the Constitutional Court is appointed by the President on the proposal of the Chairman of the Constitutional Court for a period of 5 years.

### **Article 7. Grounds for dismissal of the Chairman, Deputy Chairman of the Constitutional Court**

1. The Chairman, Deputy Chairman of the Constitutional Court shall be dismissed from their positions after the expiration of the term for which they were appointed, or at their own request.

The powers of the Chairman, Deputy Chairman of the Constitutional Court are also terminated in the event of their early dismissal from the position of a judge, termination of their powers as a judge of the Constitutional Court.

2. Until the appointment of a new Chairman of the Constitutional Court due to the expiration of the terms of office or early termination of powers or early dismissal of the current Chairman of the Constitutional Court, the duties of the Chairman shall be performed by the Deputy Chairman of the Constitutional Court.

In the absence of the Chairman, Deputy Chairman of the Constitutional Court, the duties of the Chairman of the Constitutional Court shall be temporarily performed by the judge of the Constitutional Court, to whom these duties are assigned by the gathering of judges of the Constitutional Court.

### **Article 8. The Chairman of the Constitutional Court**

The Chairman of the Constitutional Court, along with the performance of the duties of a judge of the Constitutional Court:

1) manages the preparation of cases and other issues for consideration at a session of the Constitutional Court;

2) convenes sessions of the Constitutional Court, introduces issues to be considered for discussion, chairs the sessions;

3) represents the Constitutional Court and acts on its behalf;

4) distributes the received appeals among the judges of the Constitutional Court;

5) submits the Constitutional Court Rules for approval by the Constitutional Court;

6) determines measures to ensure the holding of the session, the safety of its participants and those present;

7) exercises general management of the apparatus of the Constitutional Court, appoints and dismisses the head of the apparatus, and also submits the regulation on the apparatus of the Constitutional Court and its structure for approval by the Constitutional Court;

8) signs copies of decisions, opinions, resolutions, rulings and minutes of the sessions of the Constitutional Court;

9) exercises other powers in accordance with this constitutional Law and the Rules.

The President of the Constitutional Court issues orders and directives.

#### **Article 9. The Deputy Chairman of the Constitutional Court**

The Deputy Chairman of the Constitutional Court, along with the performance of the duties of a judge of the Constitutional Court, performs the duties of the Chairman of the Constitutional Court in his absence.

## **SECTION II. CONSTITUTIONAL LEGAL PROCEEDINGS**

### **Chapter 3. Principles of constitutional legal proceedings**

#### **Article 10. Independence**

1. The Constitutional Court is independent and subject to the Constitution, guided in its activities by this constitutional Law and the Rules.

2. Decisions of the Constitutional Court are based on the Constitution and express the legal position of judges, free from any predilections.

3. Judges of the Constitutional Court adopt acts in conditions that exclude outside influence on their freedom of expression.

4. Any interference in the activities of the Constitutional Court is not allowed and entails liability prescribed by law.

#### **Article 11. Collegiality of consideration of cases**

1. The consideration of cases and the adoption of decisions on them are carried out in the Constitutional Court collectively.

The Constitutional Court carries out its activities in the presence of at least two thirds of the total number of judges of the Constitutional Court, as well as boards of three judges in the cases provided for by this constitutional Law.

The composition and procedure for the formation of boards are determined by the Rules.

2. A judge may not be removed from participation in a session of the Constitutional Court, except in cases of his or her removal from office or upon a satisfactory decision on the issue of self-withdrawal or challenge in accordance with the procedure established by this constitutional Law.

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

1. Consideration of cases in the Constitutional Court is open. Holding closed sessions is allowed only in cases provided for by this constitutional Law. Sessions are held in a courtroom accessible to representatives of civil society and the media.

2. The Constitutional Court notifies the participants in writing of the time and place of its sessions and places information about court sessions in the premises of the Constitutional Court, as well as on the official website of the Constitutional Court ten days before the start of the session.

3. The decisions of the Constitutional Court are proclaimed publicly.

**Article 13. Publicity of the proceedings**

Proceedings in the sessions of the Constitutional Court take place in public, except for the cases provided for in Article 41 of this constitutional Law.

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

1. Constitutional proceedings are carried out in the state language. On the basis of a petition of the participants, proceedings may be carried out in the official language.

2. Participants in constitutional proceedings who do not speak the language of the proceedings are provided with the right to give explanations in another language and use the services of an interpreter.

**Article 15. Direct consideration of cases**

1. The Constitutional Court is not entitled to make a decision or opinion on the merits of the case without its direct consideration in the manner prescribed by this constitutional Law.

2. Judges of the Constitutional Court personally participate in the consideration of the case from the moment of opening until the closing of the session.

3. None of the judges has the right to evade the consideration of the case, except in cases that prevent the participation of the judge in the session.

4. The entry into the session of a new judge entails the resumption of proceedings on the case from the beginning of the trial, if his or her participation is necessary to ensure a quorum.

5. The impossibility of the participation of the judge in the further consideration of the case does not prevent the continuation of proceedings in the presence of a quorum of judges, but excludes the participation of the retired judge in the meeting of judges and the adoption of a decision or opinion.

6. During the meeting of the Constitutional Court, none of the judges participating in the session has the right to abstain from voting; each judge is obliged to personally express his or her position on the case before the announcement of the decision or opinion.

**Article 16. Competitiveness and equality of the parties**

The parties enjoy equal rights and opportunities to defend their position on the basis of competitiveness in the session of the Constitutional Court.

**Chapter 4. Limits of resolution of cases**

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

1. The Constitutional Court establishes and decides exclusively questions of law.

2. The Constitutional Court, when checking the constitutionality of the challenged regulation, establishes its compliance with the Constitution:

- 1) according to the content of the norms;
- 2) in the form of a regulation;
- 3) in the order of adoption, signing, publication and entry into force.

3. The Constitutional Court, giving an opinion to the draft law on amendments and additions to the Constitution, establishes its compliance with:

- 1) the fundamental rights and freedoms of a human and a citizen, the admissibility of their restrictions;
- 2) the principles of a democratic, legal, secular state;
- 3) the procedure for introducing amendments and additions to the Constitution provided for by Article 116 of the Constitution

4. The Constitutional Court issues acts on the subject matter raised in the appeal only in respect of that part of the regulation, the constitutionality of which is questioned. At the same time, the Constitutional Court is not connected with the arguments and considerations set forth in the appeal.

**Article 18. Peculiarities of the limits of the resolution of the case**

When combining several interconnected claims, some of which are under the jurisdiction of the Constitutional Court, while others are under the jurisdiction of other state authorities, only claims on issues within the competence of the Constitutional Court are subject to consideration.

**Chapter 5. Subjects of appeal to the Constitutional Court**

**Article 19. Subjects of appeal to the Constitutional Court**

1. The right to appeal to the Constitutional Court belongs to:

- 1) an individual(s) or legal person(s), if they believe that laws and other regulations violate the rights and freedoms recognized by the Constitution;
- 2) the President;
- 3) the Jogorku Kenesh;
- 4) factions, deputy groups of the Jogorku Kenesh;
- 5) 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 self-government authorities;
- 8) the Prosecutor General of the Kyrgyz Republic;
- 9) the Ombudsman (Akyikatchy) of the Kyrgyz Republic;
- 10) judge (judges) of the Kyrgyz Republic.

2. The bodies and officials referred to in clauses 2-9 of part 1 of this article shall submit to the Constitutional Court appeals in the form of a proposal, other persons — in the form of petitions, and the judge (judges) shall submit requests.

**Article 20. The right to apply for an official interpretation of the norms of the Constitution**

The right to apply for an official interpretation of the norms of the Constitution is vested in the subjects specified in clauses 2, 3, 5, 6 of part 1 of Article 19 of this constitutional Law, which submit appeals to the Constitutional Court in the form of a proposal.

**Article 21. The right to apply for the recognition of unconstitutional laws and other regulations**

The right to apply for the recognition of unconstitutional laws and other regulations shall be vested in the subjects specified in part 1 of Article 19 of this constitutional Law.

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

The right to apply for an opinion on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic is vested in the subjects specified in clauses 2-5 of part 1 of Article 19 of this constitutional Law.

**Article 23. The right to apply for the resolution of a dispute on competence between the branches of state power**

The right to apply for the resolution of a dispute on competence between the branches of state power is vested in the subjects specified in clauses 2-7 of part 1 of article 19 of this constitutional Law, which can make proposals only in the part relating to their competence.

**Article 24. The right to apply for an opinion on the draft law on amendments and additions to the Constitution**

The right to apply for an opinion on the draft law on amendments and additions to the Constitution is vested in the subjects specified in clauses 2-5, 9 of part 1 of Article 19 of this constitutional Law.

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

The right to apply for an opinion on compliance with the established procedure for bringing charges against the President is vested in the subjects specified in clauses 2-5, 8 of part 1 of Article 19 of this constitutional Law.

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

**Article 26. Reasons and grounds for consideration of the case in the Constitutional Court**

1. The reason for the consideration of the case in the Constitutional Court is an appeal to the Constitutional Court in the form of a proposal, petition, request and complaint that meets the requirements of this constitutional Law.

2. The basis for the consideration of the case is the adoption of the draft law on amendments and additions to the Constitution, the accusation of the Jogorku Kenesh against the President or the uncertainty as to whether a law or other regulation, an international treaty that has not entered into force for the Kyrgyz Republic or a contradiction in the positions of the parties on the ownership of authority in disputes over competence, as well as uncertainty (ambiguity) in understanding the provisions of the Constitution in the process of law-making and/or law enforcement in connection with specific factual and legal situations.

**Article 27. General requirements to an appeal**

1. An appeal to the Constitutional Court shall be submitted in writing and signed by the authorized person(s).

2. The general requirements for applying, the list of required documents, the procedure for their registration are established by the Rules.

3. Appeals, as well as materials attached to them, are submitted in the state or official language.

4. The appeal must include:

- 1) the name of the Constitutional Court;
- 2) the name, address and other necessary data regarding the applicant;
- 3) the name, address and other data on the representative of the applicant and his or her powers, except in cases of representation by position;
- 4) the name, address of the state body, official who signed or issued the regulation, the constitutionality of which is subject to verification;
- 5) norms 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 evidence confirming the facts stated by the party;
- 7) the exact name, number, date of adoption, sources of publication and other details of the contested regulation;
- 8) specific, specified in this constitutional Law, grounds for consideration of the appeal;
- 9) the position of the applicant on the issue raised by him or her and his or her legal justification with reference to the relevant norms of the Constitution;
- 10) a claim filed in connection with a proposal, petition, request to the Constitutional Court;
- 11) list of attached documents.

**Article 28. Documents attached to the appeal**

The following shall be attached to the appeal:

1) a copy of the text of a regulation, the constitutionality of which, in whole or in a separate part, is disputed by the applying party;

2) a power of attorney or another document confirming the authority of the representative, except in cases where the representation will be carried out ex officio.

If necessary, the appeal may be accompanied by a list of persons to be summoned to the session of the Constitutional Court, their addresses, as well as other documents and materials.

**Article 29. Registration of appeals received by the Constitutional Court**

Appeals received by the Constitutional Court are subject to mandatory registration on the day they are received.

**Chapter 7. Acceptance of appeals for proceedings,  
preparation of cases for consideration and consideration of  
cases in the Constitutional Court**

**Article 30. Acceptance of an appeal for proceedings**

1. The appeal received by the Chairman of the Constitutional Court is transferred to a board of three judges of the Constitutional Court for decision within thirty days from the date of registration of the issue of accepting the appeal for proceedings.

2. Verification of the appeal and the documents attached to it is entrusted to one of the judges of the board. The ruling to accept the appeal for proceedings or to refuse to accept it is adopted by the board by a majority of votes.

If the appeal is accepted for proceedings, the judge who was entrusted with checking the appeal, hereinafter referred to as the rapporteur judge, prepares the case for the session, in case of refusal to accept it, a copy of the relevant ruling of the board of judges with the attached materials is sent to the applicant.

3. The Board refuses to accept the appeal for proceedings:

- 1) if the appeal in form and content does not meet the requirements of this constitutional Law;
- 2) if the appeal comes from an improper body or person (subject);
- 3) if the appeal is filed by a representative of a party who does not have the authority to conduct a case in the Constitutional Court, or if the representative is a person not provided for by this constitutional Law;
- 4) if the claim stated in the appeal is beyond the jurisdiction of the Constitutional Court;
- 5) if the constitutionality of the issue indicated in the appeal was previously checked and there is an act that remains in force;
- 6) if there are no new arguments regarding the contested regulation in the repeated appeal.

4. Cancellation or loss of force of the regulation, the constitutionality of which is disputed, entails the refusal to accept the appeal to the proceedings of the Constitutional Court.

5. The ruling on refusal to accept an appeal for proceedings or on its acceptance may be appealed by the parties to the Constitutional Court within three months.

Based on the results of consideration of this issue by the Constitutional Court, a separate resolution is adopted.

6. Acceptance for proceedings of an appeal on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic entails the suspension of the process of entry into force of the contested international treaties until the end of the consideration of the case by the Constitutional Court.

**Article 31. Deadlines for consideration of issues in the Constitutional Court**

The Constitutional Court considers the appeal accepted for proceedings and issues an act on it within six months from the date of its acceptance for proceedings.

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

In cases on giving an opinion on compliance with the established procedure for bringing charges against the President, the act of the Constitutional Court must be issued within one month.

### **Article 32. Preparing the case for consideration**

1. According to the appeal accepted for proceedings, within two months, the rapporteur judge prepares the case for consideration in accordance with the Rules.

Besides, the rapporteur judge:

1) resolves the issue of combining in one legal proceeding the interconnected claims of different persons or on the allocation of non-jurisdictional claims filed in one appeal;

2) issues a ruling on appointing the case for consideration at a session of the Constitutional Court, notifies the participants in the session and ensures the participation of the necessary persons.

2. In view of the particular complexity of the stated requirements or their exceptional importance, the preparation of the case for consideration may be entrusted to several judges.

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

Parties, their representatives, third parties, witnesses, experts, translators are considered to be participants in constitutional legal proceedings.

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

1. The following are recognized as parties in constitutional legal proceedings:

1) applying party, i.e. persons or bodies whose proposals and petitions are accepted for proceedings;

2) respondent party, i.e. a body or officials that issued, signed a regulation, or subjects that initiated a draft law on amendments and additions to the Constitution, ratification, approval or other way of entry into force for the Kyrgyz Republic of an international treaty, on the constitutionality of which a question is posed.

2. The parties may conduct their affairs in person or through their representatives. Each party may have no more than three representatives.

The powers of representatives are formalized in the manner prescribed by the Civil Code of the Kyrgyz Republic.

3. The judge(s), whose request is accepted for consideration by the Constitutional Court, is not recognized as a party, and is not summoned to the session.

4. The parties enjoy equal procedural rights.

The parties and their representatives have the right to get acquainted with the case materials, make extracts from them, make copies, present evidence, participate in the examination of evidence, present their arguments and views on all issues arising during the process, and make a final speech.

The parties also have the right to file petitions, give oral and written explanations to the judges, and express their opinion on the submitted proposals and petitions.

The addressing party has the right to change the grounds or subject of claims, to increase or decrease their volume, to refuse claims.

The respondent party has the right to recognize them in whole or in part or to object them.

In written proceedings, the parties submit their explanations, petitions, proposals and objections in writing before the start of the trial.

5. Each party has the right to present evidence and prove the circumstances to which it refers as the basis for its claims and objections.

The parties must use their rights in good faith. Providing the court with knowingly false information is regarded as disrespect for the Constitutional Court and entails liability under the law.

The parties and their representatives must appear when summoned by the Constitutional Court, give explanations and answer questions.



**Article 35. Witnesses**

If it is necessary to investigate the circumstances of the regulation-making process on the contested regulation, persons who have information about such circumstances may be called as a witness.

**Article 36. Expert**

A person who has special knowledge on issues relating to the case under consideration may be summoned to the session of the Constitutional Court as an expert.

Issues on which an expert should give an opinion are determined by the rapporteur judge or the Constitutional Court.

**Article 37. Participation of third parties in the session of the Constitutional Court**

At the initiative of the rapporteur judge, the court or on basis of a petition of the parties, individuals and legal entities, state bodies, public associations, international organizations, which are obliged to submit their explanations, arguments and considerations on the issue considered by the Constitutional Court, may be involved in the consideration of the case. Therewith, the Constitutional Court is not bound by their arguments and considerations.

**Article 38. Consideration of cases by written procedure**

1. Written process is a court session of the Constitutional Court, held according to the categories of cases defined in clause 2 of this article, in the absence of participants in the trial.

2. Consideration under the written procedure is carried out in the following categories of cases:

- 1) on the official interpretation of the Constitution;
- 2) on the opinion on the constitutionality of international treaties that have not entered into force for the Kyrgyz Republic;
- 3) at the request of a judge(s);
- 4) on consideration of a complaint against a ruling of a board of judges to refuse or to accept an appeal for proceedings.

3. The cases referred to in this article shall be considered in accordance with the written procedure, with the exception of cases when the need for an oral trial is recognized by the Constitutional Court on its own initiative or on basis of a petition of the participants in the constitutional proceedings.

4. The procedure for considering cases using the written form of constitutional proceedings is determined by the Rules.

**Article 39. Disqualification of a judge(s)**

1. The parties have the right to challenge the judge(s) of the Constitutional Court at any stage of constitutional proceedings in the following cases:

- 1) if the objectivity of the judge in resolving the case may be called into question due to his or her close family ties with the participants in the proceedings;
- 2) if there are other compelling circumstances that may affect his or her impartiality.

On the same grounds, the judge(s) must self-withdraw.

2. On basis of a petition of the parties, in the presence of the circumstances specified in clause 1 of this article, the Constitutional Court issues a reasoned ruling on the challenge of the judge after hearing the judge, the issue of challenge of which must be resolved.

At the same time, it is not allowed to challenge (self-withdraw) a judge(s) if this leads to a violation of the quorum for the consideration of the case, about which the Constitutional Court issues a ruling.

#### **Article 40. Open sessions**

Sessions of the Constitutional Court are held openly, except for the cases provided for by this constitutional Law.

Those present can record the course of the session from their seats. However, filming and photography, video recording, live radio and television broadcasting of the sessions are allowed with the permission of the Constitutional Court. After a warning, the presiding judge may remove individuals from the room if they have interfered with the proper order of the session.

#### **Article 41. Closed sessions**

The Constitutional Court appoints a closed session in cases where it is necessary to protect state secrets, ensure the safety of citizens, the secrets of their personal lives and protect public morality.

A reasoned ruling shall be issued on the need to hear the case in a closed session, which shall be announced publicly before the session.

The closed session is attended by judges of the Constitutional Court, the parties and their representatives. The possibility of the presence of other participants in the proceedings is determined by the Constitutional Court. The presence of employees of the apparatus of the Constitutional Court, directly ensuring the proper procedure for conducting the session, is determined by the presiding judge in agreement with the judges.

#### **Article 42. Adjournment of the session**

1. The session of the Constitutional Court may be adjourned in the following cases:

- 1) in the absence of a quorum;
- 2) if the parties or one party, a witness or an expert, whose presence was recognized as obligatory, fail to appear, and their absence may affect the correct resolution of the case;
- 3) if the Constitutional Court finds the case under consideration insufficiently prepared;
- 4) in case of untimely submission of the requested materials, if they are essential for the resolution of the case;
- 5) if there are other circumstances that impede the normal course of the court session or a comprehensive consideration of the case, if these circumstances cannot be eliminated during the court session.

2. The decision to adjourn the court session of the Constitutional Court is taken by a majority of votes from the number of judges participating in the court session. When deciding to adjourn a court session, the Constitutional Court sets a date to which the session is adjourned.

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

1. In cases where the consideration of the case is impossible within the period established by this constitutional Law, the Constitutional Court has the right to suspend the proceedings on it for the period necessary to eliminate the obstacles that have arisen. At the same time, the period for its consideration is also suspended.

Proceedings on the case are resumed when the circumstances that served as the basis for its suspension cease to exist. Suspension of proceedings in a case of the Constitutional Court does not prevent the consideration of other cases.

2. The consideration of the case is resumed from the moment at which it was suspended, and the second call of the heard experts, specialists, witnesses is carried out only in necessary cases. When the proceedings are resumed, the Constitutional Court issues a ruling and notifies the persons participating in the case.

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

**Article 44. Termination of proceedings**

1. The Constitutional Court terminates the proceedings in the following cases:

1) refusal of the applicant from the claims, voluntary removal of the issue by the party before the decision of the Constitutional Court on the merits;

2) if in the process of preparing or considering the case it is established that it is not under the jurisdiction of the Constitutional Court. In this case, the body to which the case is subordinate must be indicated;

3) if the regulation, the constitutionality of which is being disputed, was repealed or invalidated in the process of preparing or considering the case, except for cases when the action of this regulation violated the constitutional rights and freedoms of individuals and legal entities.

2. The decision on the termination of proceedings in the case is taken by the Constitutional Court by a majority vote of the judges participating in the court session.

The ruling of the Constitutional Court to terminate the proceedings deprives the parties of the opportunity to re-apply to the Constitutional Court with the same request and on the same grounds.

**Article 45. Procedure for consideration of cases**

Consideration of cases in the Constitutional Court is carried out orally or in writing, as well as in some cases online in accordance with the Rules.

**Article 46. Minutes of the session of the Constitutional Court**

At the session of the Constitutional Court, the secretary of the court session shall keep minutes.

**Article 47. Application of procedural protection measures**

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

1) interference in the procedural activities of the court, influencing the judge;

2) non-fulfilment or untimely fulfilment without good reason of the requirements of the Constitutional Court in the process of preparing and considering the case;

3) non-appearance without valid reasons or failure to notify on the reasons for non-appearance at the Constitutional Court;

4) violation of the order of the session of the Constitutional Court, disobedience to the judges of the Constitutional Court, disregard for the procedures and rules of etiquette adopted in the Constitutional Court;

5) unauthorized violation by the participants of the session of the sequence of speeches;

6) use of offensive language.

2. If the violations specified in this article were manifested during the court session, the measures of procedural protection are applied immediately according to the protocol ruling of the Constitutional Court.

3. In other cases, procedural protection measures are applied in the manner prescribed 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 adopts acts in the form of decisions, opinions, resolutions and rulings.
2. As a result of considering appeals on the powers provided for in clauses 1, 2 and 4 of part 2 of Article 97 of the Constitution, the Constitutional Court adopts a decision, in clauses 3, 5, 6 of part 2 of this article — an opinion.
3. The decision and opinion of the Constitutional Court are issued in the name of the Kyrgyz Republic and signed by the presiding judge and judges of the Constitutional Court.
4. Other acts of the Constitutional Court are adopted in the form of a resolution, a separate or protocol ruling.

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

1. Acts of the Constitutional Court are adopted by open voting by polling judges by name in the deliberations room.
2. During the deliberations, judges are free to express their own position on the issue under consideration and ask other judges to clarify their positions. The number and duration of speeches cannot be limited.
3. Only the judges of the Constitutional Court considering the given case participate in the deliberations of the Constitutional Court. The presence of unauthorized persons is not allowed.
4. A judge may not abstain or not participate in the vote. In all cases the presiding judge votes last.
5. The minutes of the deliberations must record the issues put to the vote and the results of the vote. The minutes are kept by the rapporteur judge, signed by all the judges present and are not subject to disclosure.
6. The judges present at the deliberations are not entitled to disclose the content of the discussions and the results of the voting.
7. The case is considered resolved on the merits when the Constitutional Court satisfies in full or in part or leaves unsatisfied the claims stated in the appeal.
8. An act of the Constitutional Court is considered adopted if the majority of the judges present at the session voted for it. In the event that no proposal has received a majority of votes, the presiding judge puts to a second vote the two proposals that have collected the largest number of votes.
9. If the votes are equally divided when adopting a decision or opinion, then the decision or opinion is adopted in favour of the constitutionality of the challenged act. In case of equality of votes in the adoption of other acts, the act for which the presiding judge voted is considered adopted.
10. The act of the Constitutional Court must be substantiated and motivated.
11. The decision and opinion of the Constitutional Court, with the exception of acts adopted in the manner prescribed by Article 38 of this constitutional Law, are proclaimed in full in an open session of the Constitutional Court immediately after their signing.

In some cases, the drafting of the reasoning part of the decision may be postponed for up to ten days, but its operative part is announced at the same session. In the case of a written process, the final act of the Constitutional Court is drawn up and signed on the day of the written process and sent to the parties to the case within three working days.

### **Article 50. Dissenting opinion of the Judge of the Constitutional Court**

A judge of the Constitutional Court who does not agree with the act of the Constitutional Court, or who voted for the decision, resolution or opinion on the merits of the issue considered by the Constitutional Court, but remained in the minority when voting on any other issue or on the motivation of the adopted act, has the right to express his or her dissenting opinion in a written form.

The dissenting opinion of the judge is attached 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, after the proclamation of the act, may correct the inaccuracies in the names, designations, clerical errors and obvious editorial and technical errors, about which it issues a ruling.

#### **Article 52. Legal 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 to accept the appeal for proceedings or to refuse to accept it. Decisions and opinions of the Constitutional Court come into force from the moment of promulgation, and other acts from the moment of signing.

The legal force of a decision to recognize a regulation or part thereof as unconstitutional cannot be overcome by the repeated adoption of the same regulation or part thereof with the same content.

Decisions and opinions of the Constitutional Court, adopted in the manner prescribed by Article 38 of this constitutional Law, come into force from the day they are published on the official website of the Constitutional Court.

2. The acts of the Constitutional Court are binding on all state bodies, local self-government bodies, legal entities, public associations, officials and individuals and are subject to execution throughout the territory of the republic.

3. The establishment by the Constitutional Court of the unconstitutionality of laws and other regulations or their provisions cancels their effect on the territory of the Kyrgyz Republic, and also cancels the effect of other regulatory legal acts based on laws or their provisions recognized as unconstitutional, with the exception of court decisions.

Until they are harmonized or cancelled, the Constitution and the decisions of the Constitutional Court are applied.

4. Judicial acts based on the norms of laws and other regulations recognized as unconstitutional are reviewed by the court that adopted this act in each specific case on the basis of complaints from citizens whose rights and freedoms have been affected.

5. International treaties that have not entered into force and are recognized as unconstitutional by the opinion of the Constitutional Court are not subject to entry into force and application.

#### **Article 53. Execution of acts of the Constitutional Court**

1. Decisions and opinions of the Constitutional Court are sent to the parties, state bodies, local self-government bodies and officials whose regulations were the subject of consideration, and are published in official publications of state authorities, local self-government bodies, in the Bulletin of the Constitutional Court of the Kyrgyz Republic, on the official website of the Constitutional Court, as well as, if necessary, in other publications.

2. In cases where, by a decision of the Constitutional Court, a regulation is found to be contrary to the Constitution in whole or in part, or if the decision of the Constitutional Court implies the need to eliminate a gap in legal regulation:

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

A draft law arising 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 subject to consideration by the Jogorku Kenesh in an extraordinary manner;

2) The President, the Cabinet of Ministers, no later than two months from the date of receipt of the decision of the Constitutional Court, adopt a new regulation or amend a regulation recognized as unconstitutional in its separate part;

3) bodies of state power and bodies of local self-government, which, in accordance with the law, have regulation-making powers, no later than two months from the date of receipt of the decision of the Constitutional Court, adopt a new regulation or amend a regulation recognized as unconstitutional in its separate part.

3. Non-execution, improper execution or obstruction of 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 of the Constitutional Court**

1. If cases of violation of the law, as well as non-execution of acts of the Constitutional Court, are revealed at the court session, the Constitutional Court has the right to issue a private ruling and send it to the relevant state bodies, local governments, legal entities and/or their officials, who are obliged to report within a month on the measures adopted by them.

2. In case of non-fulfilment of the requirements of the Constitutional Court, the guilty officials shall be held accountable in accordance with the law. At the same time, this circumstance does not relieve the relevant officials from the obligation to comply with a particular ruling of the Constitutional Court.

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

#### **Article 55. Financial support for the activities of the Constitutional Court**

1. Financing of the activities of the Constitutional Court is provided from the republican budget.

2. The Constitutional Court independently forms its own budget for the next financial year. This budget is submitted to the Council of Judges of the Kyrgyz Republic and included in the republican budget in the prescribed manner.

3. The Constitutional Court independently manages the funds provided by the budget for financing the Constitutional Court.

4. When forming the republican budget for the corresponding year, the volume of the expenditure part of the budget of the entire judicial system, including the Constitutional Court, may be lower than the approved indicators 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 activities of the Constitutional Court are ensured by its apparatus.

2. Direct management of the apparatus of the Constitutional Court is carried out by the head of the apparatus, appointed and dismissed by the Chairman of the Constitutional Court.

Employees of the apparatus of the Constitutional Court are civil servants, appointed and dismissed by the head of the apparatus in accordance with the legislation on the state civil service, as well as labour legislation.

3. Apparatus of the Constitutional Court:

1) provides personnel, organizational, scientific and analytical, information and reference, logistical and other support for the activities of the Constitutional Court;

2) receives visitors on issues not related to constitutional proceedings;

3) considers appeals to the Constitutional Court on a preliminary basis and in cases where they do not affect issues that require study by the judges of the Constitutional Court;

4) assists judges in preparing cases and other issues for consideration in sessions and meetings;

5) studies and summarizes the activities of state bodies to ensure the execution of acts of the Constitutional Court;

6) carries out other activities within the established 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**

In the session hall of the Constitutional Court, there is an image of the State Emblem of the Kyrgyz Republic, the State Flag of the Kyrgyz Republic and the publication of the Constitution.

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 depicting 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, i.e. the city of Bishkek.

Sessions of the Constitutional Court are held at the place of its permanent seat. The Constitutional Court may also hold its session in another place, when it deems it necessary.

## **SECTION IV. TRANSITIONAL PROVISIONS**

**Article 61. The procedure for considering appeals received before the entry into force of the Constitution and this constitutional Law**

Appeals received before the entry into force of the Constitution and this constitutional Law are considered and resolved by the Constitutional Court within its powers established by Article 97 of the Constitution.

**Article 62. Succession of the Constitutional Court**

1. The Constitutional Court is the legal successor of the Constitutional Chamber of the Supreme Court. The material guarantees of the independence of the Constitutional Chamber of the Supreme Court established prior to the entry into force of this constitutional Law, including a separate building previously occupied by the Constitutional Chamber of the Supreme Court, shall remain with the Constitutional Court.

2. The logistics support for the activities of the Constitutional Court is carried out by the Cabinet of Ministers on the basis of the property of the Constitutional Chamber of the Supreme Court within the approved budget of the Constitutional Chamber of the Supreme Court for 2021.

3. Decisions of the Constitutional Chamber of the Supreme Court, adopted before the entry into force of the Constitution dated 5 May 2021, are subject to execution in the manner prescribed by law.

**Article 63. Entry of this constitutional Law into force**

1. This constitutional Law shall enter into force from the date of its publication.

2. The following is to be declared void:

1) the constitutional Law of the Kyrgyz Republic “On the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic” dated 13 June 2011 No. 37 (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2011, No. 6, Art. 532);

2) Article 1 of the constitutional Law of the Kyrgyz Republic “On amendments and additions to certain legislative acts of the Kyrgyz Republic” dated 26 May 2012 No. 66 (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2012, No. 5, Art. 2290);

Constitutional Law of the Kyrgyz Republic “On the Constitutional Court of the Kyrgyz Republic”

3) the 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’” dated 26 June 2013 No. 105 (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2013, No. 6, Art. 611);

4) the 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’” dated 20 July 2017 No. 136 (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2017, No. 7 -8, Art. 738).

**President of the Kyrgyz  
Republic**

**S. Zhaparov**

**Adopted by the Jogorku  
Kenesh of the Kyrgyz  
Republic**

**30 September 2021**