

RULES of the Constitutional Court of the Kyrgyz Republic

SECTION I. GENERAL PROVISIONS

Chapter 1. General Provisions

1. The organization of the activities of the Constitutional Court and the procedural rules applied when considering appeals are provided in accordance with the Constitution of the Kyrgyz Republic, the constitutional Law of the Kyrgyz Republic “On the Constitutional Court of the Kyrgyz Republic” (hereinafter referred to as the constitutional Law) and these Rules.

2. Issues within the competence of the Constitutional Court are considered at court sessions of the Constitutional Court. Court sessions are held in compliance with the requirements established by the constitutional Law and these Rules.

3. The gathering of judges of the Constitutional Court of the Kyrgyz Republic, as a body of judicial self-government, considers issues referred to its jurisdiction by the Law of the Kyrgyz Republic “On Bodies of Judicial Self-Government.” Issues considered at the gathering of judges are documented in minutes.

4. Issues related to the organization of the activities of the Constitutional Court and its apparatus are considered at a meeting of judges of the Constitutional Court. Employees of the apparatus of the Constitutional Court (hereinafter referred to as the Apparatus) may be invited to the meeting of judges of the Constitutional Court.

Gatherings and meetings of judges of the Constitutional Court are convened by its Chairman, or, on his or her instructions, by the Deputy Chairman of the Constitutional Court.

5. The activities of the Constitutional Court are ensured by its Apparatus, the direct supervision of which is carried out by the Head of the Apparatus.

The Apparatus provides the judges of the Constitutional Court with informational, organizational, scientific, technical and other assistance.

6. The position, structure and staffing of the Apparatus within the cost estimate are approved by the Constitutional Court on the proposal of its Chairman.

7. Judges and employees of the Apparatus involved in the preparation of cases for consideration must keep the confidentiality of information that they have become familiar with in the course of legal proceedings.

8. Besides the powers specified in Article 56 of the constitutional Law, the Apparatus also carries out:

- 1) organization of a press conference related to the official statement of the Constitutional Court;
- 2) record keeping, including using an electronic document management system (hereinafter referred to as the EDMS) in the manner prescribed by the relevant instructions;
- 3) maintenance of the official website of the Constitutional Court;
- 4) audio-video recording, as well as shorthand recording of court sessions of the Constitutional Court.

Chapter 2. Powers of the Chairman, Deputy Chairman of the Constitutional Court

9. The Chairman of the Constitutional Court, along with the performance of the duties of a judge of the Constitutional Court, in addition to the powers granted by the constitutional Law:

- 1) coordinates the work of the Constitutional Court;
- 2) convenes court sessions, meetings, gathering of judges of the Constitutional Court;
- 3) transfers the case from one judge to another in case of illness or inability to perform his or her duties;
- 4) approves the schedule for holding court sessions of the Constitutional Court, after agreement with the judges;
- 5) exercises control over the disposal of property and expenditure of the budget of the Constitutional Court;
- 6) submits for consideration by the gathering of judges a report on the execution of the budget and a draft budget for the next financial year;
- 7) decides on the issue of sending judges on business trips, including by personal invitation;
- 8) provides the public with information on the activities of the Constitutional Court at the end of the year;
- 9) awards departmental awards.

10. The President of the Constitutional Court issues orders and directives.

Orders are accepted on all organizational and administrative issues related to the activities of the Constitutional Court.

Orders are issued on issues related to the formation of a board of judges of the Constitutional Court, the transfer of cases from one judge to another, the appointment of several judges of the Constitutional Court as rapporteurs on cases of particular complexity.

11. In the absence of the Chairman of the Constitutional Court, his or her duties, established by the constitutional Law and these Rules, shall be performed by the Deputy Chairman.

The Deputy Chairman may also exercise certain powers in the presence of the Chairman on his or her behalf.

Chapter 3. Official statement of the Constitutional Court

12. The initiative to make an official statement on behalf of the Constitutional Court is submitted by the Chairman or at least three judges. The text of the official statement of the Constitutional Court is considered and approved at a meeting of judges of the Constitutional Court.

13. The Chairman of the Constitutional Court has the right to make an official statement on behalf of the Constitutional Court or delegate the speech to another judge.

14. A judge who does not agree with the content of the text of the official statement formulates his or her disagreement in writing, which is attached to the materials of the meeting on the approval of the text of the official statement of the Constitutional Court.

Chapter 4. Information about appeals

15. The list of appeals accepted for proceedings and cases scheduled for a court session is posted by the Apparatus in the EDMS of the Constitutional Court.

16. The Apparatus posts press announcement on the official website of the Constitutional Court on the accepted appeals.

17. Information about appeals scheduled for consideration at the session is posted by the Apparatus on the official website of the Constitutional Court 10 days before the start of the session.

SECTION II. CONSTITUTIONAL LEGAL PROCEEDINGS

Chapter 5. Board of judges of the Constitutional Court

18. Boards of judges are formed to decide on accepting or rejecting an appeal for proceedings. The board consists of three judges appointed by the Chairman of the Constitutional Court by means of a directive.

One of the judges of the board is defined as the rapporteur judge by the Chairman of the Constitutional Court

19. When forming the board and defining the rapporteur judge, the Chairman of the Constitutional Court takes into account the number of appeals that judges have under consideration, the complexity of the subject of the appeal.

20. If one of the judges of the board is ill or there are grounds for removing one of the board judges from consideration of the case, the Chairman of the Constitutional Court shall appoint another judge.

21. The board of judges terminates its activities after a ruling to refuse or to accept an appeal for proceedings is made. No separate decision is required on this issue.

22. Sessions of the board of judges are recorded. The Apparatus ensures keeping of the minutes of board of judges sessions.

Chapter 6. The procedure for accepting, refusing to accept appeals for proceedings or returning an appeal

23. Appeals received by the Constitutional Court are registered by the Apparatus on the day they are received and transferred to the Chairman by the Head of the Apparatus.

24. The Chairman of the Constitutional Court, together with the resolution and the relevant directive, submits the appeal to the board of judges of the Constitutional Court to decide whether to accept or refuse to accept the appeal for proceedings.

At the same time, the Apparatus provides electronic support for received appeals in accordance with the directive of the Chairman of the Constitutional Court.

25. Responsible structural divisions of the Apparatus assist the rapporteur judge in the preparation of a draft ruling, including preparing an analytical report on the appeal.

26. The analytical report should include the following information:

1) the formal conditions with which the appeal must comply (it is checked whether the appeal meets the requirements established in clause 4 of Article 27 of the constitutional Law);

2) the subject of appeal (the provisions of the disputed regulation or constitutional norms to be interpreted, the provisions of the draft law on amendments to the Constitution, an international treaty that has not entered into force, the constitutionality of which is being questioned, as well as compliance with the procedure for bringing charges against the President of the Kyrgyz Republic are presented);

3) the essence of the disputed provisions (the content of the disputed norms or constitutional norms subject to interpretation is summarized);

4) the norms of the Constitution, which, in the opinion of the subject of the appeal, are violated;

5) arguments of the subject of the appeal (the essence of the issues raised in the appeal is clearly and concisely stated, as well as information that, in the opinion of the author of the appeal, should be used in resolving the case);

6) conclusions relating to the subject matter of the appeal (the purpose of the challenged norm and the relationship with other legislative provisions are indicated; the challenged norm is considered in the light of the constitutional norms cited by the author of the appeal);

7) reference to international sources (the norms of international acts, conclusions of international organizations, the practice of constitutional courts of other states are given, if they are related to the subject of the appeal);

8) legal positions of the Constitutional Court (Constitutional Chamber) (provisions from decisions or opinions of the Constitutional Court on the issue similar or identical to the subject of appeal are given);

9) conclusions on the merits and procedure (the causal (systemic) relationship between the disputed provisions and constitutional norms is indicated, as well as compliance with procedural and formal requirements when filing an appeal).

27. When checking the appeal, the board of judges checks its content for compliance with the requirements of the constitutional Law.

28. When considering the issue of the admissibility of accepting an appeal for proceedings, the establishment by a board of judges of non-jurisdictional, unacceptable requirements entails a refusal to accept the claims of the subject of the appeal for proceedings in this very part.

29. In the event that the applicant refuses the requirements or voluntarily withdraws the issue before the issuance by the board of judges of the decision on acceptance or refusal to accept the appeal for proceedings, the appeal is returned to the applicant.

The return of the appeal to the applicant does not deprive him or her of the opportunity to re-apply to the Constitutional Court with the same request and on the same grounds.

30. On behalf of the judge, the Apparatus develops drafts of the relevant rulings, which are submitted for consideration by the board of judges.

31. A certified copy of the corresponding decision of the board of judges with the attached materials is sent to the applicant by the Head of the Apparatus.

32. If the appeal is accepted for proceedings, the judge who carried out the verification of the appeal remains the rapporteur judge on the case.

Chapter 7. The procedure for appealing the ruling of the board of judges

33. A complaint against the ruling of the board of judges to accept or refuse to accept an appeal for proceedings is filed with the Constitutional Court in writing. It must indicate:

- 1) the name of the Constitutional Court;
- 2) the name, address and other necessary data regarding the applicant;
- 3) legal arguments and legal substantiation of the complaint against the ruling of the board of judges;
- 4) the claim of the person filing the complaint;
- 5) a list of documents attached to the complaint, if any.

34. The right to appeal belongs to the subject of the appeal, the body or official that issued the regulation, or the official whose action is disputed.

35. The received complaint is registered by the Apparatus on the day of its receipt and transferred to the Chairman of the Constitutional Court.

36. The preparation of the court session of the Constitutional Court for consideration of the complaint is entrusted by the Chairman of the Constitutional Court to one of the judges of the Constitutional Court who did not participate in the adoption of the appealed act, no later than three working days from the date of its registration.

37. The Apparatus provides information and other analytical support to the judge appointed as the rapporteur judge when considering a complaint.

38. A complaint against a ruling on acceptance or refusal to accept an appeal for proceedings is considered within thirty calendar days from the date of its registration.

39. The draft resolution on the consideration of the complaint shall be provided to all judges for study no later than five calendar days before the date of the meeting. The materials are provided in electronic form.

40. If the complaint is satisfied, the Constitutional Court shall adopt a resolution to cancel the ruling of the board of judges and accept the appeal for proceedings.

If the complaint is recognized as unfounded, the Constitutional Court shall issue a resolution to refuse to satisfy the applicant's complaint.

41. A copy of the resolution of the Constitutional Court by the Head of the Apparatus is sent to the applicant.

42. If the complaint is satisfied, the judge responsible for preparing the draft resolution continues to perform the functions of the rapporteur judge in the case.

Chapter 8. Preparing and appointing the case for consideration

43. On the basis of the appeal accepted for proceedings, within 2 months the rapporteur judge prepares the case for consideration.

If the subject of the appeal is related to the interpretation of the Constitution, as well as giving an opinion on compliance with the established procedure for bringing charges against the President or the judge's request, the time for preparing the case may be set shorter, taking into account the total time for consideration of these categories of cases, established by Article 31 of the constitutional Law.

When setting the deadline for preparing the case, the complexity of the appeal, as well as other circumstances that the court considers important, are taken into account.

44. During the preparation of the case, the rapporteur judge:

1) determines the parties to the case, explains to them in writing their procedural rights and obligations provided for by the constitutional Law;

2) if necessary, interrogates the parties, officials and other persons;

3) issues a ruling on requesting additionally relevant documents and other information required for the case;

4) if necessary, determines the circle of witnesses, experts and interveners to be invited and summoned to the session;

5) issues a ruling on the separation of non-jurisdictional claims stated in one appeal;

6) issues a ruling on appointing the case for consideration at a session of the Constitutional Court and ensures the participation of the necessary persons;

7) prepares a draft act based on available materials;

8) carries out other actions to ensure the resolution of the case on the merits.

45. In view of the particular complexity of the stated requirements or their exceptional importance, on the basis of a written reasoned request of the rapporteur judge, the preparation of the case for consideration may be entrusted to several judges.

46. In this case, the Chairman of the Constitutional Court, no later than within three working days, shall issue an order to entrust the preparation of the case to several judges, who determine among themselves the procedure for distributing tasks in the process of preparing the case.

47. When carrying out actions related to the preparation of the case for consideration, the rapporteur judge has the right to give appropriate instructions to the Apparatus.

48. In the course of preparing the case for consideration, the rapporteur judge, the Constitutional Court has the right to request the opinions of third parties, provided for in Article 37 of the constitutional Law on the case, indicating the deadlines for their submission. If the opinions are not submitted within the prescribed period, this circumstance is not an obstacle to the consideration of the appeal.

49. Documents and other materials are requested by sending letters to the relevant authorities or officials indicating the names of the required documents, as well as the deadlines for their submission. The written request is signed by the rapporteur judge and is obligatory for execution.

50. By decision of the rapporteur judge, the opinions of third parties submitted to the Constitutional Court are brought to the attention of the parties, who may submit their comments on the position of other participants.

51. The appointment of an expert examination in the process of preparing a case for consideration at a session of the Constitutional Court is made by the rapporteur judge by issuing a ruling.

In the ruling, the rapporteur judge formulates questions to the experts and determines the term for the provision of an expert opinion.

52. The expert examination is entrusted to expert institutions or experts with special knowledge on issues relating to the case under consideration. To conduct certain types of expert examinations that are not carried out by forensic organizations, other specialists with relevant knowledge may be involved in the manner prescribed by law.

53. The conclusions of the expert are not binding on the Constitutional Court, which, in their assessment, proceeds from its own convictions, based on a comprehensive consideration of all the circumstances of the case, guided solely by the Constitution.

54. Responses to requests from the rapporteur judge, the Constitutional Court from state bodies, local authorities and other organizations must be signed by the head of the authority or a person authorized to sign these documents.

55. The rapporteur judge, having analysed the subject of the appeal, opinions of public authorities, decisions arising from the doctrine of national and international judicial practice, as well as any other necessary materials, draws up a draft final act.

56. After the deadline for preparing the case, the rapporteur judge sends the draft final act in electronic form to all judges for making their comments and suggestions. The draft must be sent to the judges no later than 10 days before the date of the scheduled court session.

57. To discuss the conceptual provisions of the draft final act, the Chairman of the Constitutional Court may convene a meeting of judges before the date of the session.

58. The appeal, along with all the documents, opinions and expertise received, are systematized in the case.

The file on appeal is formed, replenished and stored in paper and electronic forms. The formation, archiving and storage of the file is provided by the Apparatus in accordance with the instructions for office work and the Law "On the National Archival Fund of the Kyrgyz Republic."

59. When preparing a case for consideration under the written procedure, clauses 43-57 of these Rules shall apply.

Chapter 9. Availability of information and case materials for the parties and their representatives

60. 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. Familiarization with the case is carried out with the permission of the Chairman of the Constitutional Court, in the presence of a responsible employee of the Apparatus.

61. The materials of the case are provided to the parties or their authorized representatives for familiarization after verification of their credentials.

62. At the request of the parties or their authorized representatives, the Chairman of the Constitutional Court may authorize the issuance of copies of the case materials.

63. Appeals for the study of analytical reports, conclusions, draft rulings, resolutions and other acts drawn up in the process of preparing the case, as well as confidential documents, are rejected.

**Chapter 10. Procedure for consideration of cases
in the Constitutional Court**

§ 1. Consideration of cases at oral sessions

64. Appeals accepted for proceedings are included in the calendar of court sessions of the Constitutional Court.

65. Notification of participants about the time and place of court sessions shall be sent signed by the Head of the Apparatus ten days before the start of the session.

66. In exceptional cases, participants in the proceedings may be notified within a shorter period of time.

67. If sessions are held online, the participants are informed about all the technical data for connecting to this mode.

68. Consideration of cases in the Constitutional Court is carried out at court sessions under the leadership of the Chairman of the Constitutional Court.

In the absence of the Chairman or on his or her behalf, the duties of the Chairman of the Constitutional Court shall be performed by the Deputy Chairman of the Constitutional Court.

In the absence of the Deputy Chairman of the Constitutional Court, the duties of the Chairman shall be assigned to one of the judges of the Constitutional Court.

69. At the time appointed for the court session, judges of the Constitutional Court enter the courtroom and take their places.

The presiding judge shall make sure that there is a quorum for conducting the session of the Constitutional Court, that the minutes are taken, and declare the session open.

70. Prior to the hearing of the case on the merits, the presiding judge:

1) opens a court session of the Constitutional Court and announces the case to be considered;

2) announces the composition of the Constitutional Court;

3) gives the floor to the secretary of the court session to report on the presence of the summoned participants in the session, witnesses, experts, if necessary, an interpreter, interveners and on the reasons for the absence of those absent. The non-appearance of a party or its representative at a court session of the Constitutional Court does not prevent the consideration of the case, except in cases where the party requests the consideration of the case with its participation and confirms a good reason for its absence;

4) verifies the powers of the parties;

5) explains their rights and obligations to the parties, and their obligations and responsibilities to the summoned persons;

6) asks the participants of the session about whether they have petitions to call additional witnesses, experts, to demand additional evidence, on other issues that arose during the session, puts them for permission by the court;

7) announces the beginning of the consideration of the case on the merits.

71. Petitions received in writing shall be announced and attached to the case file.

Oral petitions shall be entered into the minutes of the court session. The submitted petitions are resolved by the Constitutional Court in the deliberation room, by a majority of votes from the composition of the judges considering the case.

72. Consideration of each case on its merits begins with the presiding judge giving the floor to the rapporteur judge.

The rapporteur judge shall state the essence of the case, the reason and grounds for its consideration, the content of the available materials and answer the questions raised by the judges of the Constitutional Court.

73. After hearing the speech of the rapporteur judge, the presiding judge proposes to give an explanation on the merits of the case under consideration to the party (representative) that applied to the Constitutional Court with an appeal, petition, then hears the explanation of the other party.

The party must present legal arguments and evidence to substantiate its position on the merits of the case under consideration.

The presiding judge gives the parties an opportunity to ask questions to each other and to other participants in the process, then questions are asked by the judges of the Constitutional Court. The admissibility of the questions raised during the court session is decided by the presiding judge of the Constitutional Court.

74. If a party is represented at the court session of the Constitutional Court by several persons, the presiding judge may give the floor to all representatives, if the issues on which they speak are distinguished between them.

This rule also applies to the procedure for granting the right to a closing speech.

75. Persons who do not know the language in which the proceedings are conducted are guaranteed the right to use the services of an interpreter.

An interpreter is a person who is fluent in languages, knowledge of which is necessary for the translation of texts and oral speech, appointed by the Constitutional Court in accordance with the requirements of the constitutional Law.

The interpreter must appear when summoned by the Constitutional Court and complete the translation entrusted to him or her completely and accurately.

76. Before hearing the testimony of witnesses, expert opinions, the presiding judge shall identify them and warn them in writing of the criminal liability provided for by law for refusing to testify and for giving knowingly false testimony or opinions, the interpreter shall be warned of liability for knowingly false translation.

The sequence of hearing witnesses, experts, as well as the determination of the party that is granted the right to first ask questions to witnesses and experts, is determined by the presiding judge at the court session of the Constitutional Court.

Judges ask questions to the witness, expert at any moment of interrogation with the permission of the presiding judge.

The presiding judge has the right to remove any question that is not related to the merits of the case under consideration.

77. At the court session, the documents submitted to the court may be read out or submitted for viewing. The authenticity of the submitted documents must be verified by the rapporteur judge. Documents, the authenticity of which is in doubt, are not subject to disclosure and review. The studied documents, by decision of the Constitutional Court, shall be attached to the case file in originals or in certified copies.

78. Upon completion of the study of the case materials, the Constitutional Court hears the closing speeches of the parties.

The Chairman of the Constitutional Court, in agreement with the judges, may give the parties time before making their closing speeches.

After hearing the final speeches, the presiding judge announces the end of the trial and the removal of the judges to the deliberation room.

79. If the Constitutional Court, after the final statements of the parties, considers it necessary to clarify additional circumstances that are essential for the resolution of the case, or to examine new evidence, it shall issue a ruling on resuming the consideration of the issue.

At the end of the additional investigation, the parties have the right to repeat their final statement, but only in connection with new circumstances and evidence.

80. The court sessions of the Constitutional Court are attended by employees of the Apparatus who directly participated in the preparation of the case under consideration.

81. The court session of the Constitutional Court is recorded by the secretary of the session, whose functions are performed by an employee of the Apparatus.

82. The minutes of the session shall contain the following information:

- 1) the place and time of the court session;
- 2) the name of the case;
- 3) the composition of the judges considering the case;
- 4) the secretary of the session;
- 5) each participant in the process;
- 6) witnesses and experts;
- 7) explanations of the parties;
- 8) facts and circumstances recorded in the protocol at the request of the participants in the proceedings;
- 9) testimonies, including written ones, of the witnesses, expert opinions, questions put to them and answers to them;
- 10) all the actions that took place during the court session, in the order in which they took place;
- 11) opinions and statements of judges and the results of voting of judges on issues that arose during the court session.

83. To ensure the completeness of the minutes, the use of shorthand and technical means is allowed, with an indication in the minutes of the meeting about their use.

The minutes and the technical means used by the court shall be attached to the case file.

84. The minutes must be drawn up no later than five working days after the end of the session. The minutes are signed by the presiding judge, rapporteur judge and secretary of the session.

85. Judges of the Constitutional Court shall have the right to get acquainted with the minutes, transcript of the session and materials of the case of the Constitutional Court.

The participants in the process and other persons have the right to get acquainted with the minutes and transcripts of the court session of the Constitutional Court with the permission of the Chairman of the Constitutional Court.

Copies of protocols and extracts from them are made by the Apparatus with the permission of the Chairman of the Constitutional Court.

Information about making copies is recorded in a separate journal.

86. The provisions mentioned in this section also apply to the processing of the appeal online.

§ 2. Closed sessions

87. The decision of the Constitutional Court to hold a closed session, subject to the totality of the conditions provided for in Article 41 of the constitutional Law, is recorded in the minutes of the court session.

88. The hearing of the case in closed session is conducted in compliance with all the rules of constitutional legal proceedings.

89. Holding closed court sessions related to the consideration of documents that have an appropriate secrecy stamp is carried out in compliance with the established rules for working with classified documents.

90. Records of closed court sessions are kept in the Constitutional Court in a secrecy regime.

§ 3. Etiquette in the court session of the Constitutional Court

91. Oral court sessions of the Constitutional Court are held in a solemn atmosphere in a specially equipped hall where the State Emblem, the State Flag of the Kyrgyz Republic and the Constitution of the Kyrgyz Republic are located.

Judges of the Constitutional Court sit in robes.

92. When the judges of the Constitutional Court enter the courtroom, as well as when they leave the hall, all those present stand up.

93. The participants in the court session address the court, give explanations and make speeches, standing, after the permission of the presiding judge.

Deviation from this rule may be allowed with the permission of the court.

The participants in the court session are not entitled to ask questions to the judges.

94. The forms of official appeal to the Constitutional Court and judges are respectively: "Dear Court," "Your Honor" or "Dear Presiding Judge," "Dear Judge."

95. When addressing the parties and other participants in the process, as well as when mentioning them in speeches, the following phrases are used: "Dear party," "Dear representative of the party," "Dear witness," "Dear expert."

If it is necessary to clarify the addressee, the surname of the corresponding participant in the process is also indicated.

96. Participants of the process, representatives of the mass media, other citizens present in the hall must:

1) behave respectfully towards the Constitutional Court, the parties, other participants in the proceedings and towards each other;

2) obey the orders of the presiding judge on the observance of the established order in the courtroom;

3) not to allow during the court session of the Constitutional Court walking around the hall, talking, remarks, and also not to create any other obstacles to the normal course of the session;

4) make video filming and audio recording with the permission of the Chairman of the Constitutional Court.

97. The parties, their representatives and other participants in the process are not entitled to use their speech at the court session of the Constitutional Court for any political statements, propaganda of national, racial, religious hatred, gender and other social superiority, calls for discrimination, hostility or violence.

98. The presiding judge has the right to interrupt the speech of a party or its representative, other participants in the court session, if the speaker goes beyond the scope of the issue under consideration or makes offensive or incorrect in form and content statements, remarks, violates the established rules of conduct in the court session or shows disrespect to the court.

At the end of the court sessions of the Constitutional Court, only representatives of the Constitutional Court may make press statements in the courthouse. The subjects of the appeal and other participants in the process may make press statements in the courthouse only with the permission of the Constitutional Court.

99. Violation of these requirements in a court session by its participants or persons present is considered as contempt of court and may, on the basis of Article 47 of the constitutional Law, result in the removal of persons from the courtroom or bringing to administrative responsibility in accordance with the law.

100. If the court session is held online, the presiding judge has the right to turn off the microphone or expel from the online session for violating order.

§ 4. Ensuring order in court

101. Maintaining order in the court session of the Constitutional Court is carried out by units of the bailiff service. Their demands to maintain the established order in the hall are obligatory for all those present.

Bailiffs are subordinate to the presiding judge.

102. Interaction with the bailiff service unit is provided by the relevant structural subdivision of the Apparatus.

§ 5. Consideration of cases by written procedure

103. Written process is a court session of the Constitutional Court, held according to the categories of cases envisaged by part 2 of Article 38 of the constitutional Law, in the absence of participants in the trial.

104. 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.

105. The cases referred to in clause 104 of these Rules 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, if the case under consideration has a public outcry.

106. When considering a case under a written procedure, the Constitutional Court takes into account the time period for consideration established by Article 31 of the constitutional Law.

107. The judges of the Constitutional Court and the secretary of the session, who keeps the minutes of the session, are present in the written process. When drawing up the minutes, the provisions of sub-clauses 1-4, 9-11 of clause 82, clauses 83 and 84 of these Rules shall apply.

Employees of the Apparatus who directly participated in the preparation of materials on the issue under consideration may be invited to the written process.

108. In the course of a written process, the presiding judge clarifies with the judges of the Constitutional Court the need for an oral trial on the issue under consideration, as well as with the reporting judge — the presence of petitions of the participants in the constitutional proceedings on the same. This clarification is reflected in the minutes of the court session of the Constitutional Court.

Chapter 11. Adoption of acts by the Constitutional Court

109. The Constitutional Court adopts acts in the form of decisions, opinions, resolutions and rulings. Acts of the Constitutional Court are based on the Constitution and express the legal position of judges, free from any predilections.

110. As a result of considering appeals on powers that provide for giving an official interpretation of the Constitution, declaring unconstitutional laws and other regulations in case of their contradiction with the Constitution of the Kyrgyz Republic, and disputes about competence between the branches of state power, the Constitutional Court adopts a decision; and when considering appeals on checking constitutionality of international treaties that have not entered into force, to which the Kyrgyz Republic is a party, a draft law on amendments and additions to the Constitution, on compliance with the established procedure for bringing charges against the President, the Constitutional Court adopts an opinion.

111. 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 who participated in the court session of the Constitutional Court.

Other acts of the Constitutional Court are adopted in the form of a separate or protocol ruling.

112. The decision and opinion of the Constitutional Court are final acts and are adopted by the Constitutional Court in accordance with the rules established by Article 49 of the constitutional Law and this Chapter of these Rules.

The final acts do not include the resolutions of the Constitutional Court adopted on the basis of the applicants' complaints against the rulings of the board of judges.

113. In the deliberation room, before putting the operative part to the vote, the rapporteur judge sets out the factual circumstances of the case and the issues of law relevant to adopting the decision.

After the speech of the rapporteur judge, the floor is given to the judges.

114. The draft final act approved by the majority of the judges participating in the consideration of the case serves as the basis for its further development.

If the rapporteur judge was in the minority when voting on the operative part of the decision, he or she has the right to refuse to further develop the draft.

In this case, the presiding judge of the Constitutional Court entrusts the finalization of the draft to another judge.

115. Discussion and voting on the draft final act or amendments to it can be carried out both in its entirety and in parts.

116. 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.

117. The judges present at the deliberations are not entitled to disclose the content of the discussions and the results of the voting.

118. 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.

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.

119. The act of the Constitutional Court must be substantiated and motivated.

120. The decision and opinion of the Constitutional Court, with the exception of acts adopted in the manner prescribed by Article 38 of the constitutional Law, are proclaimed in full in an open court session of the Constitutional Court immediately after their signing.

In exceptional cases, in particularly complex cases, the drafting of the reasoning part of the decision or opinion may be postponed for up to ten days, but their operative part is announced at the same court 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 published on the official website of the Constitutional Court.

121. The act of the Constitutional Court, depending on the nature of the issue under consideration, must indicate:

- 1) the name of the act, the date and place of its issuance;
- 2) the personnel of the Constitutional Court that issued the decision or opinion;
- 3) the secretary of the session;
- 4) the parties and their representatives (in the case of an oral session);

- 5) the subject of the requirements, reasons and grounds for its consideration;
- 6) norms of the Constitution and the constitutional Law establishing the powers of the Constitutional Court to consider this issue;
- 7) arguments of the parties;
- 8) actual legal and other circumstances established by the Constitutional Court;
- 9) the exact name of the regulation, the constitutionality of which was checked, indicating the source of its publication or receipt;
- 10) the subject of the appeal, based on the results of the consideration of which a decision or opinion is made;
- 11) arguments in favour of the act adopted by the Constitutional Court, and, if necessary, also arguments refuting the statements of the parties;
- 12) norms of the Constitution and the constitutional Law, which were used as a guidance by the Constitutional Court when adopting the act;
- 13) conclusion of the court on the merits of the case;
- 14) an indication of the finality of the act and the obligation to execute it;
- 15) the procedure for the entry into force of the act, as well as the procedure, terms and peculiarities of execution and publication.

122. The content of the act of the Constitutional Court, established by clause 121 hereof, is reflected in the introductory, descriptive, reasoning and operative part of the act.

The provisions provided for by sub-clauses 1-7 of clause 121 of these Rules are indicated in the introductory and descriptive part.

The reasoning part contains the provisions specified in sub-clauses 8-12 of clause 121 hereof.

The operative part shall indicate the provisions of sub-clauses 13-15 of clause 121 hereof, respectively.

123. If the judge has a dissenting opinion, it shall be submitted within ten working days from the date of the decision, 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.

124. 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.

Correction of errors is carried out by the Constitutional Court on its own initiative or at the request of the participants in the process.

Correction of inaccuracies, typos, editorial and technical errors made in the act is allowed only in the court session of the Constitutional Court.

When considering this issue, the session of the Constitutional Court is competent if at least two thirds of the total number of judges of the Constitutional Court participate in it.

Such a session is held without the participation of the parties, their representatives, other participants.

125. Decisions and opinions of the Constitutional Court are sent by the Head of the Apparatus to the parties, state bodies and officials whose regulations were the subject of consideration no later than five working days from the date of publication on the official website of the Constitutional Court.

Decisions and opinions of the Constitutional Court 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.

On the day the decision or opinion is announced, a press release on the decision is posted on the official website of the Constitutional Court.

126. To monitor the execution of the final acts, the Constitutional Court sends requests to the regulation-making bodies, whose acts were the subject of consideration, about the status of their execution.

Based on the results of the information received at the request of the Apparatus, an analysis is made of the execution of the final acts of the Constitutional Court.

The Chairman of the Constitutional Court and the Head of the Apparatus systematically review the course of constitutional legality and the results of the execution of acts of the Constitutional Court by regulation-making bodies.

Interaction with the regulation-making bodies for the execution of acts of the Constitutional Court is carried out by its apparatus.

SECTION III. FINAL PROVISIONS

Chapter 12. Interaction of the Constitutional Court with the public. Reports of the Constitutional Court

127. At the beginning of each calendar year, the Constitutional Court holds annual gatherings where it sums up the work of the past year, analyses information about the work done, and hears the report of the Apparatus.

128. Based on the results of the annual gathering, the Constitutional Court issues an annual report approved by the Chairman, which, in order to inform the public about the activities of the Constitutional Court, is sent to state bodies, bodies of constitutional control of foreign countries, other bodies and organizations.

129. To inform the public about its activities, the Constitutional Court may hold competitions, guest lectures, schools of constitutionalism, open days and other events.

Chapter 13. Interaction of the Constitutional Court with state authorities, civil society and international organizations

130. The interaction of the Constitutional Court with foreign constitutional courts and equivalent institutions is carried out within the framework of international cooperation.

131. The interaction of the Constitutional Court with international organizations is carried out in accordance with the legislation of the Kyrgyz Republic and international treaties that have entered into force in the manner prescribed by law, to which the Kyrgyz Republic is a party.

132. The interaction of the Constitutional Court with civil society is carried out in accordance with the legislation of the Kyrgyz Republic.

133. To increase the effectiveness of the activities of the Constitutional Court, its Chairman may form coordinating and collegiate advisory bodies at the suggestion of the judges of the Constitutional Court or on his or her own initiative.

Besides judges and staff members the composition of the coordinating and collegiate advisory bodies includes representatives of state bodies, local self-governments, civil society, scientific and expert communities.

134. Access to information about the activities of the Constitutional Court is determined by the legislation of the Kyrgyz Republic.

Chapter 14. The procedure for adopting the Rules, making changes and additions to it

135. The draft Rules are submitted to the Constitutional Court for approval by its Chairman.

136. The Rules are adopted by open voting by a simple majority of votes.

The decision of the Constitutional Court on the adoption of the Rules is taken in the form of a resolution.

137. When adopting the Rules, the gathering of the Constitutional Court is competent if at least two thirds of the total number of judges of the Constitutional Court participate in it.

138. In the same manner, the Constitutional Court adopts amendments and additions to the Rules at the initiative of the judges of the Constitutional Court.

139. The Rules, as well as amendments and additions to it, are subject to official publication in the "Bulletin of the Constitutional Court of the Kyrgyz Republic" and are posted on the official website of the Constitutional Court.

140. These Rules are binding on all participants in constitutional proceedings.