

THE LAW OF THE KYRGYZ REPUBLIC

**On Supreme Court of the Kyrgyz Republic and local
courts of general jurisdiction**

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SECTION I

SUPREME COURT OF THE KYRGYZ REPUBLIC

Chapter 1

General provisions

Article 1. Supreme Court of the Kyrgyz Republic - the highest body
of judicial power in the sphere of civil, criminal and
administrative legal procedures

The Supreme Court of the Kyrgyz Republic shall be the highest body of judicial power in the sphere of civil, criminal and administrative legal procedures and shall supervise the judicial activity of the oblast, Bishkek city, raion, city and military courts of the Kyrgyz Republic in accordance with the procedure established by procedure law.

Article 2. Main principles of activity of the Supreme Court of
the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall act on the basis of collective nature, openness, lawfulness, independence, and shall be subordinate only to the Constitution of the Kyrgyz Republic and to the Law.

Article 3. Law on Supreme Court of the Kyrgyz Republic

The jurisdiction, organization and procedure of activity of the Supreme Court of the Kyrgyz Republic shall be established by the Constitution of the Kyrgyz Republic, constitutional laws on status of courts and judges, procedural laws and by this Law.

The Supreme Court of the Kyrgyz Republic shall have the right to enact Regulations on Supreme Court of the Kyrgyz Republic referred to the internal issues of its activity which were not regulated by the law of the Kyrgyz Republic.

Article 4. Conduct of legal procedures by the Supreme Court of the
Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall consider the cases in supervisory procedure and under new findings within its jurisdiction and in accordance with the procedure established by the procedural law of the Kyrgyz Republic.

Article 5. Legislative initiative of the Supreme Court of the
Kyrgyz Republic

In accordance with Article 64 of the Constitution of the Kyrgyz Republic the Supreme Court of the Kyrgyz Republic shall possess the right of legislative initiative on the issues of its jurisdiction.

Article 6. Settlement by the Supreme Court of the Kyrgyz Republic
of the issues referred to intergovernmental treaties
and agreements of the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall within its jurisdiction settle the issues referred to intergovernmental treaties and agreements of the Kyrgyz Republic.

Article 7. Composition of the Supreme Court of the Kyrgyz Republic

Supreme Court of the Kyrgyz Republic shall consist of the judges: the chairperson, deputies of the chairperson and judges of the Supreme Court of the Kyrgyz Republic.

The quantitative composition of the Supreme Court of the Kyrgyz Republic shall be determined by the President of the Kyrgyz Republic on presentation by the chairperson of the Supreme Court of the Kyrgyz Republic.

Article 8. Procedure for election of the Supreme Court of the
Kyrgyz Republic

The judge of the Supreme Court of the Kyrgyz Republic may be a citizen of the Kyrgyz Republic not younger than 35 years old and not older than 70 years old, having higher law education and working experience in this field for at least 10 years.

The chairperson, deputies chairperson and judges of the Supreme Court of the Kyrgyz Republic shall be elected by the Assembly of peoples representatives of Jogorku Kenesh of the Kyrgyz Republic on presentation by the President of the Kyrgyz Republic for the term of 10 years. The elected shall be considered the person who received majority of the votes from the total number of deputies of the Assembly of peoples representatives of Jogorku Kenesh of the Kyrgyz Republic.

In case of pre-term removal of the chairperson, his deputies or judges from the composition of the Supreme Court of the Kyrgyz Republic the Assembly of peoples representatives of Jogorku Kenesh of the Kyrgyz Republic at its next session shall elect new chairperson, his deputies or the judges in replacement of those removed, in accordance with the procedure established by the Constitution of the Kyrgyz Republic and by this Law.

Article 9. Suspension of powers, dismissal and release from the
post of judge of Supreme Court of the Kyrgyz Republic

Suspension of powers, dismissal and release from the post of judge of Supreme Court of the Kyrgyz Republic shall be allowed only on the grounds and in accordance with the procedure established by the Constitution of the Kyrgyz Republic and by the constitutional law of the Kyrgyz Republic on the status of judges.

Article 10. Independence of a judge of the Supreme Court of the
Kyrgyz Republic

The judge of Supreme Court of the Kyrgyz Republic while conducting legal procedures shall be independent and subordinate only to the Constitution and the law.

The independence of a judge of the Supreme Court of the Kyrgyz Republic shall be guaranteed by his non-replacement within the whole period of his term of office, inviolability, equality of the rights of judges, established by the constitutional law of the Kyrgyz Republic on the status of judges, by the procedure for suspension and termination of the powers of a judge, by prohibition of any interference into the judicial activity, by provision to the judge of material and social welfare and of the guarantees for their security corresponding to their high status.

Article 11. Inviolability of a judge of Supreme Court of the
Kyrgyz Republic

The judges of Supreme Court of the Kyrgyz Republic shall be inviolable.

The official who caught a judge of the Supreme Court of the Kyrgyz Republic at the place of crime shall immediately notify on this the Supreme Court of the Kyrgyz Republic and the Prosecutor General of the Kyrgyz Republic who in his turn must take decision on giving consent to further use of the procedural measure or on refusal to give such consent.

Criminal case as well as the administrative violation court proceedings in respect of a judge of Supreme Court of the Kyrgyz Republic may be instituted only by Prosecutor General of the Kyrgyz Republic.

Penetration into the home, office of a judge of Supreme Court of the Kyrgyz Republic, to his personal or service transport, making there examination, search, taking, as well as personal examination or search of a judge of Supreme Court of the Kyrgyz Republic, and examination or taking of things or documents belonging to him, may be made under the case instituted against this judge and only with the sanction of the Prosecutor General of the Kyrgyz Republic.

Article 12. Activity and actions non-compatible with the post of a judge of the Supreme Court of the Kyrgyz Republic

A judge of the Supreme Court of the Kyrgyz Republic may not be a deputy of representative bodies, he may not hold or keep other governmental or public posts, have private practice, conduct business or another paid activity except educational, scientific or other creative activity, be a member of political parties and public associations pursuing political goals.

A judge of Supreme Court of the Kyrgyz Republic shall have no right to provide legal defense or to represent somebody at court or in other bodies (except lawful representation), to render protection in whatsoever form to any persons.

A judge of Supreme Court of the Kyrgyz Republic shall have no right to express his opinion in mass media or in front of any auditorium on a case which may be subject to consideration in the Supreme Court of the Kyrgyz Republic as well as on the case which is already under consideration of the Supreme Court of the Kyrgyz Republic before issue of the court judgment on that case.

Article 13. Funding of the Supreme Court of the Kyrgyz Republic

Funding of the Supreme Court of the Kyrgyz Republic shall be made as a rule from the resources of the Republican budget under separate item, and must provide the possibility of complete and independent conduct of legal procedures in accordance with the Constitution of the Kyrgyz Republic and with this Law.

Article 14. Symbols of judicial power of the Supreme Court of the Kyrgyz Republic

The National flag of the Kyrgyz Republic shall be hoisted at the building occupied by the Supreme Court of the Kyrgyz Republic.

The National flag of the Kyrgyz Republic and the National Emblem of the Kyrgyz Republic shall be placed in the conference hall of the Supreme Court of the Kyrgyz Republic.

The judges of the Supreme Court of the Kyrgyz Republic shall wear judge's gowns at the court sessions.

Article 15. Official stamp of the Supreme Court of the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall have its official stamp with the picture of the National Emblem of the Kyrgyz Republic and its name in Kyrgyz and Russian languages.

Article 16. International relations

The Supreme Court of the Kyrgyz Republic shall conduct international relations in accordance with the established procedure.

Article 17. Bulletin of the Supreme Court of the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall publish "Bulletin of the Supreme Court of the Kyrgyz Republic".

Jurisdiction and organization of the activity
of the Supreme Court of the Kyrgyz Republic

Article 18. Powers of the Supreme Court of the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall:

- 1) consider the court cases in supervisory procedure within its jurisdiction;
- 2) review its judgments under the new findings;
- 3) elect the secretary of the Supreme Court of the Kyrgyz Republic from the judges of the Supreme Court of the Kyrgyz Republic;
- 4) approve the composition of the boards of justices under the presentations of the oblast courts, the Bishkek city court and of the Military court of the Kyrgyz Republic;
- 5) consider the issues of organization of the work of the Secretariat of the Supreme Court of the Kyrgyz Republic;
- 6) render methodical assistance to the local judges of general jurisdiction in correct appliance of the legislation;
- 7) enact the Regulations of the Supreme Court of the Kyrgyz Republic on internal issues of its activity which are not regulated by the law;
- 8) study and summarize the court practice;
- 9) exercise the right of legislative initiative on issues of its jurisdiction;
- 10) address the issue on applying to the Constitutional court of the Kyrgyz Republic;
- 11) approve the organizational structure and staff of the Secretariat of the Supreme Court of the Kyrgyz Republic under presentation of the Chairperson of the Supreme Court of the Kyrgyz Republic;
- 12) approve the composition of the Scientific-Consultative Council under the Supreme Court of the Kyrgyz Republic on presentation of the Chairperson of the Supreme Court of the Kyrgyz Republic;
- 13) address other issues of the activity of the Supreme Court of the Kyrgyz Republic in compliance with the law of the Kyrgyz Republic.

Article 19. Procedure for consideration of the cases by the
Supreme Court of the Kyrgyz Republic

The civil, criminal and administrative cases in the Supreme Court of the Kyrgyz Republic shall be considered by a court composed of at least of two thirds of the total number of judges of the Supreme Court of the Kyrgyz Republic. The rulings of the Supreme Court of the Kyrgyz Republic shall be made in the conference room by open voting. The judges shall have no right to abstain or ignore the voting. The chairperson presiding at the court session shall be the last to vote.

The Chairperson of the Supreme Court of the Kyrgyz Republic or his deputy and in certain cases under request of the Chairperson of the Supreme Court of the Kyrgyz Republic - one of the judges of the Supreme Court of the Kyrgyz Republic shall preside at the court session while considering the cases.

The ruling of the Supreme Court of the Kyrgyz Republic shall be considered approved if it received majority of the votes of the judges participating in the court session.

Where the number of votes "pro et contra" are equal, - the vote of the chairperson shall be considered as decisive.

The ruling of the Supreme Court of the Kyrgyz Republic shall be issued and declared immediately.

As an exception on especially complicated cases the issue of the justified ruling may be postponed for the term of up to ten days, but the resolute part of the ruling, signed by all the judges participated in consideration of the case, shall be declared at the same court session.

Article 20. Court Commission ("Sudebnyi Sostav") of the Supreme
Court of the Kyrgyz Republic

The court commissions ("sudebnyie sostavy") consisting of three judges of the Supreme Court of the Kyrgyz Republic shall be formed In the Supreme Court of the Kyrgyz Republic for preliminary consideration of complaints and statements, and these commissions after examining and studying the complaints and the statements shall have the right:

- to suspend the execution of the rulings, sentences, judgments and decrees on judicial cases in cases and in accordance with the procedure established by the procedural law;
- to issue within one month the judgment on initiation of supervisory process or on refusal to initiate the supervisory process with the return of the materials to the claimant or to the prosecutor.

The court commission shall refuse initiation of the supervisory process:

- 1) if the complaint or the statement does not correspond by their form or content to the requirements of the procedural law;
- 2) if the complaint or the statement goes from an improper person;

3) if the complaint or the statement does not contain the circumstances covered by the court documents and the request (of the complainant) goes beyond the jurisdiction of the lower courts;

4) if the complaint or the statement is obviously ungrounded and unacceptable.

The judgment on refusal in initiation of the supervisory process may be appealed within three months in the Supreme Court of the Kyrgyz Republic.

Article 21. Decrees and rulings of the Supreme Court of the
Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic shall issue decrees on the cases considered in supervisory procedure, and it shall issue rulings on the cases considered in connection with new findings and other circumstances; the said rulings shall be signed by presiding judge at the court session and by the secretary of the Supreme Court of the Kyrgyz Republic.

Article 22. Special opinion of a judge of Supreme Court of the
Kyrgyz Republic

A judge of Supreme Court of the Kyrgyz Republic having his own special opinion in consideration of a case shall put this opinion in written form. Special opinion of the judge shall not be declared at the court session but it shall be attached to the file.

Article 23. Special ruling of the Supreme Court of the Kyrgyz
Republic

Where necessary simultaneously with the issue of its decree the Supreme Court of the Kyrgyz Republic by its special ruling shall draw attention of the heads of the ministries, State committees, administrative departments and organizations irrespective of their form of property, and other officials to the facts of violation of law, the reasons and the conditions which facilitated the commitment of the law offense.

The abovementioned persons must within one month inform the Supreme Court of the Kyrgyz Republic on measures taken in connection with the special ruling.

Article 24. Execution of the decrees and rulings of the Supreme
Court of the Kyrgyz Republic

The decrees and rulings of the Supreme Court of the Kyrgyz Republic on court cases shall be final and subject to no appeal, shall become effective immediately after their enactment and shall be executed in accordance with the procedure established by procedural law.

Chapter 3
Chairperson of the Supreme Court of
the Kyrgyz Republic, his deputies and the secretary
of the Supreme Court of the Kyrgyz Republic

Article 25. Chairperson of the Supreme Court of the Kyrgyz
Republic

The chairperson of the Supreme Court of the Kyrgyz Republic shall:

- 1) organize the activity of the Supreme Court of the Kyrgyz Republic;
- 2) preside at the court sessions;
- 3) distribute the complaints and statements among the judges of the Supreme Court of the Kyrgyz Republic for study and submission of proposals;
- 4) form court commissions for preliminary consideration of the complaints and statements;
- 5) consider the appeals against the rulings on refusal to initiate supervisory process as a member of a court commission consisting of three judges;
- 6) have the right to demand provision of court files for study and summary of the court practice;
- 7) institute disciplinary process in respect of the judges of the Supreme Court of the Kyrgyz Republic and of the judges of local general jurisdiction courts;

- 8) raise the issue on suspension or pre-term termination of powers of judges of the Supreme Court of the Kyrgyz Republic;
- 9) organize the work on study and summary of the court practice;
- 10) assign to the post and discharge from the post of the head of secretariat of the Supreme Court of the Kyrgyz Republic; provide general management of the secretariat of the Supreme Court of the Kyrgyz Republic;
- 11) approve the regulations on record-keeping in the Supreme Court of the Kyrgyz Republic and the regulations on the secretariat of the Supreme Court of the Kyrgyz Republic;
- 12) represent the Supreme Court of the Kyrgyz Republic in its relations with the governmental, public and other bodies;
- 13) organize the work of the court on reception of citizens and consideration of their proposals, statements and complaints;
- 14) perform other functions in accordance with the law of the Kyrgyz Republic.

Article 26. Deputy Chairman of the Supreme Court of the Kyrgyz Republic

Deputy Chairman of the Supreme Court of the Kyrgyz Republic shall:

- 1) have the right to preside at the court sessions;
- 2) exercise the rights and duties of the Chairman in case of absence of the Chairman of the Supreme Court of the Kyrgyz Republic;
- 3) govern the work of the structural units of the Secretariat of the Supreme Court of the Kyrgyz Republic in accordance with the assignment of duties;
- 4) perform other functions in accordance with the law of the Kyrgyz Republic.

Article 27. Judge of the Supreme Court of the Kyrgyz Republic

A judge of the Supreme Court of the Kyrgyz Republic shall:

- 1) attend the sessions of the Supreme Court of the Kyrgyz Republic;
- 2) make presentation of the court case and draft the decision on that case under instruction of the chairman of the court or of his deputy;
- 3) participate in the work of the court commission for preliminary consideration of complaints and statements;
- 4) study and summarize the court practice;
- 5) address the complaints and statements of citizens;
- 6) preside at the court sessions under instruction of the Chairperson of the Supreme Court of the Kyrgyz Republic;
- 7) perform other functions in accordance with the law of the Kyrgyz Republic.

Article 28. Secretary of the Supreme Court of the Kyrgyz Republic

Secretary of the Supreme Court of the Kyrgyz Republic shall be elected from the judges of the Supreme Court of the Kyrgyz Republic.

The Secretary of the Supreme Court of the Kyrgyz Republic in addition to his functions of a judge of the Supreme Court of the Kyrgyz Republic shall:

- 1) carry out organizational work on preparation of the sessions of the Supreme Court of the Kyrgyz Republic and take necessary measures to execute the rulings enacted by the Supreme Court of the Kyrgyz Republic;
- 2) organize the work on recording and proper filing of the minutes of a session of the Supreme Court of the Kyrgyz Republic;
- 3) sign the decrees, rulings and minutes of the sessions of the Supreme Court of the Kyrgyz Republic;
- 4) organize delivery of service documents to the corresponding bodies, as well as to enterprises, institutions, organizations, officials and citizens;
- 5) perform other functions in accordance with the law of the Kyrgyz Republic.

Chapter 4 Secretariat of the Supreme Court of the Kyrgyz Republic

Article 29. Organizational provision of the activity of the Supreme Court of the Kyrgyz Republic

Provision of the activity of the Supreme Court of the Kyrgyz Republic shall be provided by the Court Department of the Kyrgyz Republic through the Secretariat of the court by financing and material and technical supply.

Article 30. Secretariat of the Supreme Court of the Kyrgyz Republic

In order to provide activity of the Supreme Court of the Kyrgyz Republic the Secretariat of the Court shall act hereunder.

The staff strength of the Secretariat of the Supreme Court of the Kyrgyz Republic shall be established by the President of the Kyrgyz Republic.

The structure and the list of members of staff of the Secretariat of the Supreme Court of the Kyrgyz Republic shall be approved by the Supreme Court of the Kyrgyz Republic under presentation of the Chairperson of the Supreme Court of the Kyrgyz Republic.

The activity of the Secretariat shall be regulated by the Regulations on the Secretariat of the Supreme Court of the Kyrgyz Republic to be approved by the Chairperson of the Supreme Court of the Kyrgyz Republic.

Article 31. Employees of the Secretariat of the Supreme Court of the Kyrgyz Republic

The employees of the Secretariat of the Supreme Court of the Kyrgyz Republic shall be considered as governmental employees. The rights, duties, responsibilities of the employees of the Secretariat of the Court and the terms and conditions of their governmental service shall be established by the law of the Kyrgyz Republic.

The employees of the Secretariat of the Supreme Court of the Kyrgyz Republic shall be subject to attestation in accordance with the law of the Kyrgyz Republic.

The Secretariat of the Supreme Court of the Kyrgyz Republic shall be headed by the Head of the Secretariat to be assigned to that post and to be discharged from the post by the Chairperson of the Supreme Court of the Kyrgyz Republic.

The Head of the Secretariat shall be subordinate directly to the Chairperson of the Supreme Court of the Kyrgyz Republic and shall perform the supervising and economic-management functions in the activity of the Secretariat, shall assign and discharge the employees of the Secretariat of the Court.

Article 32. Functions of the Secretariat of the Supreme Court of the Kyrgyz Republic

The Secretariat of the Supreme Court of the Kyrgyz Republic shall:

- 1) provide material and technical supply of the Supreme Court of the Kyrgyz Republic;
- 2) study and summarize the court practice, keep statistical information in the sphere of activity of the Supreme Court of the Kyrgyz Republic;
- 3) receive complaints and statements, provide receipt of citizens, make mailing and delivery of documents, certify copies of the documents, check the payment of state duties, court expenses and penalties in accordance with the established procedure;
- 4) perform preliminary preparation of cases for consideration by the court commission;
- 5) keep records on movement of the cases and on the dates of hearing the cases in the court, provide storage and filing of the cases and documents;
- 6) carry out the information and reference work; prepare proposals on improvement of the legislation;
- 7) perform other functions in accordance with the law of the Kyrgyz Republic.

SECTION II LOCAL COURTS OF GENERAL JURISDICTION

Chapter 5 Raion (city) courts

Article 33. System of general jurisdiction courts

The Supreme Court of the Kyrgyz Republic and local courts (raion (city) courts, garrison military courts, oblast courts, Military Court of the Kyrgyz Republic, Bishkek city court) providing legal procedures on civil, criminal and administrative cases shall constitute the system of courts of general jurisdiction.

Article 34. Formation of a raion (city) court

Raion (city) court shall be formed in a raion, city (except towns of the raion jurisdiction) and in a raion in a city.

The President of the Kyrgyz Republic under joint presentation of the Chairperson of the Supreme Court of the Kyrgyz Republic and of the Director of the Court Department of the Kyrgyz Republic may form one raion (city) court for a raion and a city or for a raion and towns located at the territory of that raion.

Article 35. Composition of a raion (city) court

Raion (city) courts shall consist of judges: chairman of the court, judge (judges).

The post of deputy chairman of the court shall be introduced in the raion (city) courts having four and more judges in their composition.

The number of judges for each raion (city) court shall be established by the President of the Kyrgyz Republic under joint presentation of the Chairman of the Supreme Court of the Kyrgyz Republic and of the Director of the Court Department of the Kyrgyz Republic.

Article 36. Procedure for assignment of judges of raion (city) courts

A judge of a raion (city) court may be a citizen of the Kyrgyz Republic under 65 years old having higher juridical education and professional experience for at least five years.

The judges of raion (city) courts shall be assigned by the President of the Kyrgyz Republic first for the term of three years and then for the term of seven years.

The powers of a judge of a raion (city) court may be suspended or terminated only under grounds and in accordance with the procedure established by the constitutional law of the Kyrgyz Republic on the status of judges.

The procedure, terms and conditions of application of candidates for assignment as judges of the raion (city) courts shall be established by the President of the Kyrgyz Republic.

Procedure, terms and conditions of attestation of judges of the raion (city) courts shall be determined by law.

Article 37. Powers of raion (city) court

The raion (city) court shall:

- consider all the civil, criminal, administrative cases and other materials;
- provide execution of sentences and other court judgments and control their execution;
- provide record-keeping, study and summarize the court practice, keep records on movement of the cases and on the dates of hearing the cases in the court, provide storage and filing of the cases and documents;
- perform other functions in accordance with the law of the Kyrgyz Republic.

Article 38. Chairman, deputy chairman of the raion (city) court

The chairman of the raion (city) court shall:

- 1) preside at the court sessions;
- 2) distribute the cases, materials, statements among the judges for their consideration;
- 3) organize the work of the court on receipt of citizens and consideration of their proposals, statements and complaints;
- 4) initiate disciplinary process in respect of the deputy chairman and of the judges of the corresponding court;
- 5) raise the issue on suspension or pre-term termination of the powers of a judge of the corresponding court;
- 6) direct the work of the secretariat of the court;
- 7) control the work on study and summarizing of the court practice and maintenance of the court statistics;
- 8) present candidates for assignment for the posts in the secretariat of the court;
- 9) organize the work on raising the qualification of judges and of the court employees;
- 10) perform other functions in accordance with the law of the Kyrgyz Republic.

The deputy chairman of the raion (city) court shall perform the functions of the chairman within the period of his temporary absence and carry out other functions in accordance with the distribution of duties.

Where only one judge is assigned for a raion (city) court, he shall exercise the powers of the chairman of the court.

Article 39. Replacement of temporary absent chairman of the raion

(city) court and of a judge

In case of temporary absence of the chairman of the raion (city) court (illness, leave days, etc.) his functions shall be imposed on one of the judges of the court where the post of the deputy chairman is not available.

In case of temporary increase of the volume of the work, long absence of a judge under good reasons his functions under presentation of the chairman of the raion (city) court may be imposed by order of the Chairman of the Supreme Court of the Kyrgyz Republic on a judge of other court for the term not in excess of one month.

Chapter 6 Oblast courts, Bishkek city court

Article 40. Oblast courts, Bishkek city court and their composition

Oblast courts, Bishkek city court shall consist of judges: chairman, his deputies and judges.

The oblast courts and Bishkek city court shall appeal instance courts and shall act in the following composition:

- judicial board on civil cases;
- judicial board on criminal and administrative cases.

The number of judges in oblast courts and in Bishkek city court shall be established by the President of the Kyrgyz Republic under joint presentation of the Chairman of the Supreme Court of the Kyrgyz Republic and of the Director of Court Department of the Kyrgyz Republic.

Article 41. Procedure for assignment of the chairpersons, deputies chairpersons and judges of the oblast courts and of Bishkek city court

A judge of an oblast court and of Bishkek city court may be a citizen of the Kyrgyz Republic under 65 years old having higher juridical education and professional experience for at least five years.

The chairperson of the oblast court and of Bishkek city court, deputies chairpersons and judges shall be assigned first for the term of three years and then for the term of seven years.

The powers of a judge of an oblast court and of Bishkek city court may be suspended or terminated only under grounds and in accordance with the procedure established by the constitutional law of the Kyrgyz Republic on the status of judges.

The procedure, terms and conditions of application of candidates for assignment as chairperson, deputy chairperson and a judge of an oblast court or of Bishkek city court shall be established by the President of the Kyrgyz Republic.

Procedure, terms and conditions of attestation of judges of the oblast courts and of Bishkek city court shall be determined by law.

Article 42. Powers of oblast courts and of Bishkek city court

The oblast court, Bishkek city court shall:

- review judicial acts of the raion (city) courts before they become effective;
- review under new findings its own effective judicial acts;
- provide execution of sentences and other judgments of the court, control their execution;
- provide record-keeping, study and summarize the court practice, keep records on movement of the cases and on the dates of hearing the cases in the court, provide storage and filing of the cases and documents;
- prepare proposals on improvement of laws and other normative and legal acts;
- perform other functions in accordance with the law of the Kyrgyz Republic.

Article 43. Judicial boards of oblast courts and of Bishkek city court

In oblast courts and in Bishkek city court the judicial boards shall be formed to consider criminal, civil and administrative cases.

The chairperson of the oblast court and of Bishkek city court shall have the right under their orders where necessary to enlist judges of one judicial board for consideration of the cases in another board.

The deputies chairpersons of the oblast courts and of Bishkek city court shall be the chairpersons of the judicial boards in accordance with their posts.

Article 44. Procedure for work of oblast courts and of Bishkek
city court

All the cases in the oblast courts and in Bishkek city court shall be considered on collegial basis.

Chairperson of the court, or one of his deputies, or, in certain cases, one of the judges, shall preside at the court sessions.

The composition of the court in consideration of a case shall be determined by the chairperson of the court or by his deputy.

While determining the composition of the court it shall be taken into account the non-allowance of repeated participation of a judge in consideration of the case and non-allowance of participation in consideration of the case of the judge in whose respect there are grounds for his challenge. The inclusion into the composition of the court shall be based on the principle of even distribution of the cases among judges with the account of the category of the cases and their rate of complicity.

The judges shall possess equal rights while considering the cases by the court commission.

The decisions of the court commission shall be taken under open voting by majority of the votes. Members of the court commission shall have no right to abstain from voting. The chairperson at the court session shall be the last to vote. The rulings of the court commission shall be signed by all its members.

Article 45. Chairperson of an oblast court and of Bishkek city
court

The chairperson of an oblast court or of Bishkek city court shall:

- 1) have the right to preside at the court sessions;
- 2) distribute responsibilities among his deputies;
- 3) determine the composition of the court commissions and those to preside at the court sessions, distribute cases, complaints and statements among the judges;
- 4) initiate disciplinary process in respect of the deputies chairpersons and of the judges of the corresponding court, as well as in respect of chairpersons, their deputies and judges of raion (city) courts of the corresponding oblast and of Bishkek;
- 5) raise the issue on suspension or pre-term termination of the powers of the deputies chairperson and of the judges of the oblast court or of Bishkek city court;
- 6) provide general management of the work of the secretariat of the court, present candidates for assignment to the posts in the secretariat of the court;
- 7) organize the work on raising the qualification of judges and employees of the secretariat of the court;
- 8) organize the work on study and summarizing the court practice;
- 9) organize the work of the court on receipt of citizens and consideration of their proposals, statements and complaints;
- 10) represent the court in its relations with the governmental and other bodies and organizations;
- 11) perform other functions in accordance with the law of the Kyrgyz Republic.

Article 46. Deputies of the chairperson of an oblast court and of
Bishkek city court

The deputies of the chairperson of an oblast court and of Bishkek city court shall:

- 1) have the right to preside at the court sessions;
- 2) control the work of judicial boards and of the secretariat of the court in accordance with the distribution of the duties;
- 3) distribute among the judges the cases, complaints and statements;
- 4) determine the composition of the court commissions;
- 5) submit reports on activity of the judicial boards;
- 6) perform other functions in accordance with the law of the Kyrgyz Republic.

In case of absence of the chairperson of the court his functions shall be performed by one of his deputies.

Chapter 7
Military courts

Article 47. Military courts of the Kyrgyz Republic

In the Kyrgyz Republic the Military Court of the Kyrgyz Republic shall act on the rights of an oblast court and garrison military courts shall act on the rights of raion courts.

The military courts shall provide legal procedures in the Armed Forces of the Kyrgyz Republic, in the bodies and in the formations where the law of the Kyrgyz Republic provides for military service, and they shall consider also the cases referred to their jurisdiction by the procedural law.

The military courts shall be formed by the President of the Kyrgyz Republic.

The financing and material-technical supply of the military courts shall be provided by the Ministry of Defense of the Kyrgyz Republic.

Article 48. Procedure for assignment of the judges of military courts

A judge of the military court may be the citizen of the Kyrgyz Republic being on military service, having higher juridical education, professional experience for at least five years and military rank of a commissioned officer.

The Chairman of the Military Court of the Kyrgyz Republic, his deputies, the chairpersons of the garrison military courts, judges of the Military Court of the Kyrgyz Republic and judges of garrison military courts shall be assigned by the President of the Kyrgyz Republic first for the term of three years and then for the term of seven years. The procedure, terms and conditions of application of candidates for assignment as judges of military courts shall be established by the President of the Kyrgyz Republic.

Procedure and terms of attestation of military court judges shall be determined by law.

A judge of a military court shall enjoy all the rights and privileges provided for military servicemen by the law of the Kyrgyz Republic.

The powers of a judge of a military court may be suspended or terminated only under grounds and in accordance with the procedure established by the constitutional law of the Kyrgyz Republic on the status of judges.

A judge of a military court may not be discharged from the military service within the term of his office except the cases of dismissal under the reasons of the state of health or under the reason of reaching the maximum allowed age for being at active military service for commissioned officers.

Article 49. Procedure for military service in the military courts

Judges and other military servicemen of the military courts shall be on the active list in the Armed Forces of the Kyrgyz Republic, shall be part of their staff strength; the requirements of service regulations and the norms regulating the procedure for military service and promotion shall be applied to the same with the account of the specific features established by this Law and by the legislation of the Kyrgyz Republic.

Article 50. Composition of a garrison military court

The garrison military court shall consist of the judges: the chairman and military judges.

The number of judges of the garrison military court shall be established by the President of the Kyrgyz Republic under presentation of the Chairman of the Supreme Court of the Kyrgyz Republic.

Article 51. Powers of garrison military courts

The garrison military court shall:

- consider criminal cases on all the crimes committed by military servicemen, and by men liable for call-up (including reservists) within the period of military training courses, by commissioned and non-commissioned officers and enlisted personnel of the bodies of the National Security, Ministry of Interior, as well as other criminal cases referred to its jurisdiction by the procedural law;

- consider civil cases;

- provide execution of court judgments, control their execution;

- provide record-keeping, maintain court statistics, study and summarize the court practice, keep records on movement of the cases and on the dates of hearing the cases in the court, provide storage and filing of the cases and documents;

- perform other functions in accordance with the law of the Kyrgyz Republic.

Article 52. Chairman of garrison military court

The chairman of a garrison military court shall perform the duties provided for by Article 38 hereof.

In case of temporary absence of the chairman of the garrison military court (illness, leave days, etc.) his functions shall be imposed under his instructions on one of the military judges.

In case of temporary increase of the volume of the work, long absence of a judge of garrison military court, his functions under presentation of the chairman of the garrison military court may be imposed by order of the Chairman of the Military Court of the Kyrgyz Republic on a judge of other military court.

Article 53. Composition of Military Court of the Kyrgyz Republic

The Military Court of the Kyrgyz Republic shall consist of the judges: the chairman of the court, his deputies and military judges.

The Military Court of the Kyrgyz Republic shall be an appeal instance court and shall act in the following composition:

- judicial board on criminal cases;
- judicial board on civil cases.

Number of judges of the Military Court of the Kyrgyz Republic shall be established by the President of the Kyrgyz Republic under presentation of the Chairman of the Supreme Court of the Kyrgyz Republic.

The list of members of the judicial boards shall be approved by the Supreme Court of the Kyrgyz Republic under presentation of the Chairman of the Military Court of the Kyrgyz Republic.

The deputies chairman of the Military Court of the Kyrgyz Republic in virtue of their posts shall be the chairmen of the judicial boards.

Article 54. Powers of the Military Court of the Kyrgyz Republic

The Military Court of the Kyrgyz Republic shall:

- review judicial acts of the garrison military courts before they become effective;
- review under new findings its own effective judicial acts;
- provide execution of sentences and other judgments of the court, control their execution;
- provide record-keeping, study and summarize the court practice, keep records on movement of the cases and on the dates of hearing the cases in the court, provide storage and filing of the cases and documents;
- perform other functions in accordance with the law of the Kyrgyz Republic.

Article 55. Chairman of the Military Court of the Kyrgyz Republic

The Chairman of the Military Court of the Kyrgyz Republic shall:

- 1) have the right to preside at the court sessions;
 - 2) distribute responsibilities among his deputies;
 - 3) determine the composition of the court commissions and those to preside at the court sessions, distribute cases, complaints and statements among the judges;
 - 4) initiate disciplinary process in respect of the deputies chairperson and of the judges of the Military Court of the Kyrgyz Republic, as well as in respect of chairpersons and judges of garrison military courts;
 - 5) raise the issue on suspension or pre-term termination of the powers of the deputies chairperson and of the judges of the Military Court of the Kyrgyz Republic;
 - 6) provide general management of the work of the secretariat of the court, assign to the posts and discharge from the posts the employees of the secretariats of the military courts;
 - 7) organize the work on raising the qualification of judges and employees of the secretariat of the court;
 - 8) approve the regulations on the secretariat of garrison military courts and of the Military Court of the Kyrgyz Republic;
 - 9) organize the work on study and summarizing the court practice;
 - 10) organize the work of the court on receipt of citizens and consideration of their proposals, statements and complaints;
 - 11) represent the court in its relations with the governmental and other bodies and organizations;
 - 12) perform other functions in accordance with the law of the Kyrgyz Republic.
- In case of absence of the chairman of the court his functions shall be performed by one of his deputies.

Article 56. Deputies Chairman of the Military Court of the Kyrgyz Republic

The deputies Chairman of the Military Court of the Kyrgyz Republic shall:

- 1) have the right to preside at the court sessions;
- 2) control the work of the judicial boards and of the secretariat of the court in accordance with the distribution of duties;
- 3) distribute cases, complaints and statements among the judges;
- 4) determine the composition of the court commissions;
- 5) submit reports on activity of the judicial boards;
- 6) perform other functions in accordance with the law of the Kyrgyz Republic.

Article 57. Procedure for the work of the Military Court of the
Kyrgyz Republic

The Military Court of the Kyrgyz Republic shall consider the cases on collegial basis.

Where the cases are considered on collegial basis, the chairperson of the court or his deputy, and in certain cases one of the judges, shall preside at the court session.

The composition of court commissions and procedure for their work shall be determined in accordance with the rules of Article 44 of this Law.

The activity of the secretariats of the garrison military courts and of the Military Court of the Kyrgyz Republic shall be governed by the regulations on the secretariats of garrison military courts and on the Military Court of the Kyrgyz Republic to be approved by the Chairman of the Military Court of the Kyrgyz Republic.

Chapter 8
Other issues of organization of the activity
of the local courts of general jurisdiction

Article 58. Organizational and financial provision of the activity
of the local courts of general jurisdiction

The organizational provision of the activity of the local courts of general jurisdiction shall be made by the Court Department of the Kyrgyz Republic.

The powers, structure and procedure for activity of the Court Department of the Kyrgyz Republic shall be established by the Regulations to be approved by the President of the Kyrgyz Republic.

Funding of the local courts of general jurisdiction shall be made as a rule from the resources of the Republican budget under separate item, and must provide the possibility of complete and independent conduct of legal procedures in accordance with the Constitution of the Kyrgyz Republic and with this Law.

Article 59. Structure and staff strength of the secretariats of
the local courts of general jurisdiction

The secretariats of the courts shall act in the local courts of general jurisdiction in order to provide the work of the courts on carrying out the legal procedures, summarizing the court practice and other activity. The employees of the secretariats of the local courts of general jurisdiction shall be considered as governmental employees. The rights, duties, responsibilities of the employees of the secretariats of the courts and the terms and conditions of their governmental service and their attestation shall be established by the law of the Kyrgyz Republic.

The staff strength of the secretariats of the local courts of general jurisdiction shall be established by the President of the Kyrgyz Republic.

The structure and staff of the secretariats of the local courts of general jurisdiction shall be approved by the Director of the Court Department of the Kyrgyz Republic under presentation of the chairman of the corresponding court.

The employees of the secretariats of the oblast courts, Bishkek city court, raion courts of Bishkek shall be assigned to their posts and shall be discharged from their posts by Director of the Court Department of the Kyrgyz Republic under agreement with the chairpersons of the corresponding courts.

The employees of the secretariats of the raion (city) courts shall be assigned and discharged from their posts by the head of the oblast division of the Court Department of the Kyrgyz Republic under agreement with the chairpersons of the corresponding courts.

The activity of the secretariats of the local courts of general jurisdiction shall be governed by the regulations on the secretariat of the raion (city) court, oblast court, Bishkek city court to be approved by the Director of the Court Department of the Kyrgyz Republic.

Article 60. Official stamp of the local courts of general
jurisdiction

The local courts of general jurisdiction shall have official stamps with the picture of the National Emblem of the Kyrgyz Republic and their names in Kyrgyz and Russian languages.

Article 61. Symbols of judicial power of the local courts of
general jurisdiction

The National flag of the Kyrgyz Republic shall be hoisted at the building occupied by the local court of general jurisdiction.

The National Emblem of the Kyrgyz Republic shall be placed in the conference hall of the court.

The judges of the local courts of general jurisdiction shall wear judge's gowns at the court sessions.

Article 62. Effectuation of this Law

This Law becomes effective from May 1, 1999.

From the date this Law becomes effective the Law of the Kirgiz SSR "On judicial system of the Kirgiz SSR"(Vedomosti of the Supreme Soviet of the Kirgiz SSR, 1990, #8, p. 77) shall be considered repealed.

President of the Kyrgyz Republic A.Akaev

Enacted by Legislative Assembly
of Jogorku Kenesh of the Kyrgyz Republic March 17, 1999