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

**AMENDMENTS**  
**TO THE LAW ON THE CONSTITUTIONAL COURT**  
**OF KYRGYZSTAN**

**Article 1**

The Law of the Kyrgyz Republic "On the Constitutional Court of the Kyrgyz Republic" (Official Gazette of the *Jogorku Kenesh* [parliament] of the Kyrgyz Republic" 1994 no. 2, p. 46) shall be amended as follows:

1. In the second paragraph of Article 1, replace the words "constitutional order" with the word "Constitution".

2. Reword Article 4 as follows:

"Article 4. Composition of the Constitutional Court of the Kyrgyz Republic

The Constitutional Court of the Kyrgyz Republic shall comprise nine judges. The president and deputy president of the Constitutional Court shall be appointed from among the judges of the Constitutional Court by the President of the Kyrgyz Republic with the agreement of the *Jogorku Kenesh* of the Kyrgyz Republic for a term of five years."

3. Reword the title and content of Article 5 as follows:

"Article 5. Election of the judges of the Constitutional Court of the Kyrgyz Republic

Any citizen of the Kyrgyz Republic who is no younger than 35 years of age and no older than 70 years of age and has a higher legal education and no less than 10 years of experience in the legal profession may be a judge in the Constitutional Court.

Candidates for election to the post of judge of the Constitutional Court of the Kyrgyz Republic shall be submitted to the *Jogorku Kenesh* of the Kyrgyz Republic by the President of the Kyrgyz Republic. Judges of the Constitutional Court of the Kyrgyz Republic shall be elected before attaining the age limit by the *Jogorku Kenesh* of the Kyrgyz Republic by secret ballot in an individual procedure. The person receiving the majority of votes of the total number of deputies of the *Jogorku Kenesh* of the Kyrgyz Republic shall be deemed elected.

The Constitutional Court of the Kyrgyz Republic shall be entitled to commence its activities on condition of no less than two thirds of its members having been elected."

4. Declare chapter III invalid.

5. In Article 13:

- reword the first paragraph as follows:

"The Constitutional Court of the Kyrgyz Republic:

1) shall declare laws and other legal and regulatory acts unconstitutional if they are contrary to the Constitution;

2) shall render official interpretations of the norms of the Constitution;

3) shall render conclusions as to the constitutionality of presidential elections in the Kyrgyz Republic;

4) shall render conclusions as to the removal from office of the President of the Kyrgyz Republic;

5) shall render conclusions on a draft law amending and supplementing the Constitution in accordance with the provisions of Article 98 of the Constitution."

- in the second paragraph, delete the words "commercial courts" and "and commercial";

- declare sub-paragraph 3) of the third paragraph invalid;

- in the eighth paragraph, replace the words "the plenums of the Supreme Court and the Higher Court of Arbitration" with the words "the plenum of the Supreme Court".

6. Reword the third and fourth paragraphs of Article 14 as follows:

"A judgment of the Constitutional Court ruling that laws or their provisions are unconstitutional shall annul their application on the territory of the Kyrgyz Republic and also cancel the effect of other legal and regulatory acts based on the laws or provisions declared unconstitutional, with the exception of judicial acts.

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

7. In Article 15:

- reword sub-paragraph 3 as follows:

"3) shall present an annual report on the state of constitutionality in the republic to the Jogorku Kenesh of the Kyrgyz Republic;

- declare sub-paragraph 11) invalid;

- supplement with sub-paragraphs 12) and 13) worded as follows:

"12) shall present the draft budget of the Constitutional Court for the next financial year to the Council of Judges of the Kyrgyz Republic;

13) shall inform the Council of Judges of the Kyrgyz Republic each year on the implementation of the budget of the Constitutional Court."

- supplement with a second paragraph worded as follows

"The President of the Constitutional Court shall be entitled to participate in sittings of the Government and the *Jogorku Kenesh* of the Kyrgyz Republic where the budget of the courts of the Kyrgyz Republic is discussed."

8. Reword paragraph 2 of Article 18 as follows:

"The budget of the Constitutional Court shall be determined independently by the Constitutional Court and be submitted for examination by the Council of Judges of the Kyrgyz Republic with a view to ratification and inclusion in the budget of the courts of the Kyrgyz Republic."

## **Article 2**

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

**President of the Kyrgyz Republic**

**K. Bakiyev**