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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON AMENDING AND SUPPLEMENTING
THE LAW ON THE
SUPREME COURT AND LOCAL COURTS
OF KYRGYZSTAN**

Comparative table for the draft Law of the Kyrgyz Republic "Amending and supplementing the Law of the Kyrgyz Republic "On the Supreme Court of the Kyrgyz Republic and local courts""

Current provisions of the Law of the Kyrgyz Republic "On the Supreme Court of the Kyrgyz Republic and local courts"	Proposed provisions of the draft Law of the Kyrgyz Republic "Amending and supplementing the Law of the Kyrgyz Republic "On the Supreme Court of the Kyrgyz Republic and local courts""
	Article 1. Amend and supplement the Law of the Kyrgyz Republic "On the Supreme Court of the Kyrgyz Republic and local courts" (Official Gazette of the <i>Jogorku Kenesh</i> of the Kyrgyz Republic, 2003, no. 10. p. 463) as follows:
<p>Article 9. Binding nature of judicial acts</p> <p>1. Judicial acts of courts of the Kyrgyz Republic having entered into legal force and also legally established writs, demands, orders, summonses and other applications of courts shall be binding on all state authorities, local self-government bodies, legal entities, officials and citizens and shall be subject to execution throughout the territory of the Kyrgyz Republic.</p> <p>2. <i>Failure to execute a judicial act, inappropriate execution or obstruction of the execution of judicial acts and also interference in the activity of courts</i> shall incur the liability established by the law.</p>	<p>Article 9. Binding nature of judicial acts</p> <p>1. Judicial acts of courts of the Kyrgyz Republic having entered into legal force and also legally established writs, demands, orders, summonses and other applications of courts shall be binding on all state authorities, local self-government bodies, legal entities, officials and citizens and shall be subject to execution throughout the territory of the Kyrgyz Republic.</p> <p>2. Failure to execute a judicial act, inappropriate execution or obstruction of the execution of judicial acts, inappropriate supervision on the part of a judge of the Kyrgyz Republic of the execution of their judicial acts and also interference in the activity of courts shall incur the liability established by the law.</p>
Article 13. Composition and structure of the Supreme Court of the Kyrgyz Republic	Article 13. Composition and structure of the Supreme Court of the Kyrgyz Republic
<p><i>1. The Supreme Court of the Kyrgyz Republic shall comprise a President, 4 Vice-Presidents and 30 judges of the Supreme Court of the Kyrgyz Republic.</i></p> <p>2. The following structures shall operate in the Supreme Court of the Kyrgyz Republic:</p> <ul style="list-style-type: none"> - a plenum; - a bench of judges for criminal cases and cases concerning administrative infringements; - a bench of judges for civil cases; - a bench of judges for administrative and economic cases. <p>3. For the examination of cases before them, the respective benches shall comprise three judges.</p>	<p>1. The Supreme Court of the Kyrgyz Republic shall comprise: a President, a first Vice-President, 2 Vice-Presidents and 31 judges of the Supreme Court of the Kyrgyz Republic.</p> <p>2. The following structures shall operate in the Supreme Court of the Kyrgyz Republic:</p> <ul style="list-style-type: none"> - a plenum; - a bench of judges for criminal cases and cases concerning administrative infringements; - a bench of judges for civil cases; - a bench of judges for administrative and economic cases. <p>3. For the examination of cases before them, the respective benches shall comprise three judges.</p>
<p>Article 15. Plenum of the Supreme Court of the Kyrgyz Republic</p> <p>1. The plenum of the Supreme Court of the Kyrgyz Republic shall comprise the President of the Supreme Court of the Kyrgyz Republic, their vice-presidents and the judges of the Supreme Court of the Kyrgyz Republic.</p> <p>2. The plenum of the Supreme Court of the Kyrgyz Republic:</p> <p>I) shall examine material concerning the analysis and</p>	<p>Article 15. Plenum of the Supreme Court of the Kyrgyz Republic</p> <p>1. The plenum of the Supreme Court of the Kyrgyz Republic shall comprise the President of the Supreme Court of the Kyrgyz Republic, their vice-presidents and the judges of the Supreme Court of the Kyrgyz Republic.</p> <p>2. The plenum of the Supreme Court of the Kyrgyz Republic:</p>

<p>generalisation of judicial practice and hand down <i>directive</i> clarifications of questions of judicial practice <i>which shall be binding for lower courts</i>;</p> <p>2) shall examine material concerning the applications of laws and other legal and regulatory acts of the Kyrgyz Republic by local courts;</p> <p>3) shall elect, at the proposal of the President of the Supreme Court of the Kyrgyz Republic, the presidents of the benches of judges from among the vice-presidents of the Supreme Court of the Kyrgyz Republic and the membership of the benches of judges by secret ballot;</p> <p>4) shall elect, at the proposal of the President of the Supreme Court of the Kyrgyz Republic, the membership of the Technical and advisory council of the Supreme Court of the Kyrgyz Republic by secret ballot;</p> <p>5) shall elect the secretary of the plenum of the Supreme Court of the Kyrgyz Republic from among the judges of the Supreme Court of the Kyrgyz Republic by secret ballot;</p> <p>6) shall create within the benches of judges of the Supreme Court of the Kyrgyz Republic specialised teams for specifically determined categories of cases;</p> <p>7) for questions relating to the internal activity of the Supreme Court of the Kyrgyz Republic, shall adopt the Rules of the Supreme Court of the Kyrgyz Republic;</p> <p>8) shall hear reports by the presidents of the benches of judges of the Supreme Court of the Kyrgyz Republic on the work of those benches;</p> <p>9) shall hear reports by the President of the Supreme Court of the Kyrgyz Republic on the activity of the Supreme Court of the Kyrgyz Republic;</p> <p>10) shall consider other matters of organisation and activity of courts.</p> <p>3. The plenum of the Supreme Court of the Kyrgyz Republic shall be convened by the President of the Supreme Court of the Kyrgyz Republic as necessary, but no less than twice a year.</p> <p><i>4. The plenum of the Supreme Court of the Kyrgyz Republic shall exercise the prerogative provided for in sub-paragraph 1 of paragraph 2 of the present Article with its full membership present and its other prerogatives with no less than two-thirds of its membership present.</i></p>	<p>1) shall examine material concerning the analysis and generalisation of judicial practice and hand down clarifications of questions of judicial practice;</p> <p>2) shall examine material concerning the applications of laws and other legal and regulatory acts of the Kyrgyz Republic by local courts;</p> <p>1) shall elect, at the proposal of the President of the Supreme Court of the Kyrgyz Republic, the presidents of the benches of judges from among the vice-presidents of the Supreme Court of the Kyrgyz Republic and the membership of the benches of judges by secret ballot;</p> <p>4) shall elect, at the proposal of the President of the Supreme Court of the Kyrgyz Republic, the membership of the Technical and advisory council of the Supreme Court of the Kyrgyz Republic by secret ballot;</p> <p>5) shall elect the secretary of the plenum of the Supreme Court of the Kyrgyz Republic from among the judges of the Supreme Court of the Kyrgyz Republic by secret ballot;</p> <p>(deleted)</p> <p>7) for questions relating to the internal activity of the Supreme Court of the Kyrgyz Republic, shall adopt the Rules of the Supreme Court of the Kyrgyz Republic;</p> <p>8) shall hear reports by the presidents of the benches of judges of the Supreme Court of the Kyrgyz Republic on the work of those benches;</p> <p>9) shall hear reports by the President of the Supreme Court of the Kyrgyz Republic on the activity of the Supreme Court of the Kyrgyz Republic;</p> <p>10) shall consider other matters of organisation and activity of courts.</p> <p>3. The plenum of the Supreme Court of the Kyrgyz Republic shall be convened by the President of the Supreme Court of the Kyrgyz Republic as necessary, but no less than <i>twice a year</i>.</p> <p>4. For sittings of the plenum of the Supreme Court of the Kyrgyz Republic to have the necessary quorum, two thirds of the membership of judges of the Supreme Court of the Kyrgyz Republic shall be present.</p>
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<p>5. At its sittings the plenum of the Supreme Court of the Kyrgyz Republic shall adopt rulings by a majority of its total membership by open ballot or, in the cases provided for by the present Law, by secret ballot.</p> <p>6. Rulings of the plenum of the Supreme Court of the Kyrgyz Republic shall be signed by the President of the Supreme Court of the Kyrgyz Republic (or the presiding judge) and the secretary of the plenum of the Supreme Court of the Kyrgyz Republic.</p> <p>7. The Prosecutor General of the Supreme Court of</p>	<p>5. At its sittings the plenum of the Supreme Court of the Kyrgyz Republic shall adopt rulings by a majority of its total membership by open ballot <i>or</i>, in the cases provided for by the present Law, by secret ballot.</p> <p>6. Rulings of the plenum of the Supreme Court of the Kyrgyz Republic shall be signed by the President of the Supreme Court of the Kyrgyz Republic (or the presiding judge) and the secretary of the plenum of</p>
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the Kyrgyz Republic, the Minister of Justice of the Supreme Court of the Kyrgyz Republic, local court judges and other individuals may be invited to attend sittings of the plenum of the Supreme Court of the Kyrgyz Republic.

Article 17. Benches of judges of the Supreme Court of the Kyrgyz Republic

I. The membership of the benches of judges shall be established by the plenum of the Supreme Court of the Kyrgyz Republic at the proposal of the President of the Supreme Court of the Kyrgyz Republic from among the judges of the Supreme Court of the Kyrgyz Republic.

2. Benches of judges of the Supreme Court of the Kyrgyz Republic shall be headed by the respective presidents of the benches, who shall be vice-presidents of the Supreme Court of the Kyrgyz Republic.

3. The President of the Supreme Court of the Kyrgyz Republic shall be entitled where necessary to integrate a judge of one bench into the membership of another bench for the examination of cases.

4. Benches of judges shall carry out:

1) review under a supervision process of judicial acts having entered into legal force of *oblast* [province] courts and courts equated thereto in the circumstances and under the procedure provided for in procedural laws;

2) review in the light of newly discovered circumstances of judicial acts adopted by them in the circumstances provided for in procedural laws, with the exception of judicial acts to be resolved by the corresponding electoral commission concerning the results of a vote or the results of elections.

5. Specialised teams for specifically determined categories of cases may be created within the benches of judges of the Supreme Court of the Kyrgyz Republic by the plenum.

Article 19. Special rulings of the Supreme Court of the Kyrgyz Republic

1. Simultaneously with the adoption of a ruling on a case the Supreme Court of the Kyrgyz Republic shall, where necessary, draw the attention of heads of state authorities or local self-government bodies, legal entities and other officials to incidents of legal infringements found in the case, the causes and the conditions in which such an infringement was possible.

2. The aforementioned individuals shall be under obligation to inform the Supreme Court of the Kyrgyz Republic within one month of the measures taken by them in respect of the special ruling.

Article 20. President of the Supreme Court of the Kyrgyz Republic

The President of the Supreme Court of the Kyrgyz Republic shall be a judge and, concurrently with discharging the duties of a judge:

1) shall **organise** the activity of the Supreme Court of the Kyrgyz Republic;

2) may preside at the sittings of benches of judges and the plenum of the Supreme Court of the Kyrgyz

the Supreme Court of the Kyrgyz Republic.

7. The Prosecutor General of the Supreme Court of the Kyrgyz Republic and the Minister of Justice of the Supreme Court of the Kyrgyz Republic may be invited to attend sittings of the plenum of the Supreme Court of the Kyrgyz Republic.

Article 17. Benches of judges of the Supreme Court of the Kyrgyz Republic

1. The membership of the benches of judges shall be established by the plenum of the Supreme Court of the Kyrgyz Republic at the proposal of the President of the Supreme Court of the Kyrgyz Republic from among the judges of the Supreme Court of the Kyrgyz Republic.

2. Benches of judges of the Supreme Court of the Kyrgyz Republic shall be headed by the first vice-president of the benches who shall be vice-president of the Supreme Court of the Kyrgyz Republic.

3. The President of the Supreme Court of the Kyrgyz Republic shall be entitled where necessary to integrate a judge of one bench into the membership of another bench for the examination of cases.

4. Benches of judges shall carry out:

1) review under a supervision process of judicial acts having entered into legal force of *oblast* [province] courts and courts equated thereto in the circumstances and under the procedure provided for in procedural laws;

2) review in the light of newly discovered circumstances of judicial acts adopted by them in the circumstances provided for in procedural laws, with the exception of judicial acts to be resolved by the corresponding electoral commission concerning the results of a vote or the results of elections.

5. Specialised teams for specifically determined categories of cases may be created within the benches of judges of the Supreme Court of the Kyrgyz Republic by the plenum.

Article 19. Special rulings of the Supreme Court of the Kyrgyz Republic

1. Simultaneously with the adoption of a ruling on a case the Supreme Court of the Kyrgyz Republic shall, where necessary, draw the attention of heads of state authorities or local self-government bodies, legal entities and other officials to incidents of legal infringements found in the case, the causes and the conditions in which such an infringement was possible.

2. The aforementioned individuals shall be under obligation to inform the Supreme Court of the Kyrgyz Republic within one month of the measures taken by them in respect of the special ruling.

3. A special ruling shall also be sent to the Council of Judges of the Kyrgyz Republic

Article 20. President of the Supreme Court of the Kyrgyz Republic

The President of the Supreme Court of the Kyrgyz Republic shall be a judge and, concurrently with discharging the duties of a judge:

1) shall **organise** the activity of the Supreme Court of the Kyrgyz Republic;

2) may preside at the sittings of benches of judges and the plenum of the Supreme Court of the Kyrgyz Republic;

<p>Republic;</p> <p>3) shall allocate court cases, complaints and appeals;</p> <p>4) may demand and obtain files of a case from a lower court;</p> <p>5) shall institute disciplinary proceedings against a judge of the Supreme Court of the Kyrgyz Republic and local court judges according to the findings of official verifications;</p> <p>6) shall submit a motion to raise the question of suspending the powers of a judge of the Supreme Court of the Kyrgyz Republic or a local court judge in the circumstances provided for by Constitutional law;</p> <p>7) where circumstances so require, shall integrate a judge of one bench into the membership of another bench of the Supreme Court of the Kyrgyz Republic for the examination of cases;</p> <p>8) shall establish the work schedule regarding organisational matters of the Supreme Court of the Kyrgyz Republic;</p> <p>9) shall implement the overall management of the apparatus of the Supreme Court of the Kyrgyz Republic, and establish its staffing, structure and expenditure budget;</p> <p>10) shall appoint and discharge from post the head of the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <p>11) shall establish guidelines for case proceedings of the Supreme Court of the Kyrgyz Republic and local courts and regulations on the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <p>12) shall implement international relations under the established procedure and represent the Supreme Court of the Kyrgyz Republic and local courts in dealings with state, public, international and other organisations;</p> <p>13) shall coordinate the work of the benches of judges of the Supreme Court of the Kyrgyz Republic;</p> <p>14) shall issue decrees on matters of organisation of work of judges and local courts of the Kyrgyz Republic;</p> <p>15) shall conduct consultations with citizens and examine their appeals, applications and complaints:</p> <p>16) shall exercise other powers in accordance with the legislation and Rules of the Supreme Court of the Kyrgyz Republic.</p> <p>Article 21. Vice-President (president of a bench) of</p>	<p>3) shall allocate court cases, complaints and appeals;</p> <p>4) may demand and obtain files of a case from a lower court;</p> <p>(deleted)</p> <p>(deleted)</p> <p>7) where circumstances so require, shall integrate a judge of one bench into the membership of another bench of the Supreme Court of the Kyrgyz Republic for the examination of cases;</p> <p>8) shall establish the work schedule regarding organisational matters of the Supreme Court of the Kyrgyz Republic;</p> <p>9) shall implement the overall leadership of the apparatus of the Supreme Court of the Kyrgyz Republic, and establish its staffing, structure and expenditure budget;</p> <p>10) shall appoint and discharge from post the head of the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <p>11) shall establish guidelines for case proceedings of the Supreme Court of the Kyrgyz Republic and local courts and regulations on the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <p>12) shall implement international relations under the established procedure and represent the Supreme Court of the Kyrgyz Republic and local courts in dealings with state, public, international and other organisations;</p> <p>13) shall coordinate the work of the benches of judges of the Supreme Court of the Kyrgyz Republic;</p> <p>14) shall issue decrees on matters of organisation of work of judges and local courts of the Kyrgyz Republic;</p> <p>15) shall conduct consultations with citizens and examine their appeals, applications and complaints with the exception of applications and complaints in relation to cases and material which are the subject of ongoing proceedings.</p> <p>16) shall exercise other powers in accordance with the legislation and Rules of the Supreme Court of the Kyrgyz Republic.</p> <p>Article 20-1. First Vice-President of the Supreme Court (president of a bench)</p> <p>The first vice-president of the Supreme Court of the Kyrgyz Republic (president of a bench) shall be a judge and, concurrently with the exercise of the duties of judge and vice-president of the Supreme Court of the Kyrgyz Republic, in the absence of the President of the Supreme Court of the Kyrgyz Republic, on their instruction and also where the giving of such an instruction is impossible, shall independently exercise the rights and duties of the President of the Supreme Court of the Kyrgyz Republic.</p> <p>Article 21. Vice-President (president of a bench) of the Supreme Court of the Kyrgyz Republic</p>
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<p>the Supreme Court of the Kyrgyz Republic</p> <p>A Vice-President (president of a bench) of the Supreme Court of the Kyrgyz Republic shall be a judge and, concurrently with the exercise of the duties of judge:</p> <ol style="list-style-type: none"> 1) shall preside at court sittings; 2) on the instruction of the President of the Supreme Court of the Kyrgyz Republic shall allocate complaints and appeals between judges of the corresponding benches of judges of the Supreme Court of the Kyrgyz Republic and shall form the membership of the benches for the examination of cases; <p>3) in the absence of the President of the Supreme Court of the Kyrgyz Republic, on their instruction, shall exercise the rights and duties of the President of the Supreme Court of the Kyrgyz Republic;</p> <p>4) in accordance with the allocation of duties shall direct the work of structural sub-divisions of the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <ol style="list-style-type: none"> 5) shall organise work on the keeping of judicial statistics and the analysis and generalisation of judicial practice; 6) shall ensure preparation by judges of the corresponding documents for examination in the plenum of the Supreme Court of the Kyrgyz Republic; 7) shall provide information on the activity of a bench of judges to the plenum of the Supreme Court of the Kyrgyz Republic; 8) shall conduct consultations with citizens and examine their appeals, applications and complaints; 9) shall exercise other powers in accordance with the legislation of the Kyrgyz Republic. <p>Article 22. Judges of the Supreme Court of the Kyrgyz Republic</p> <p>Judges of the Supreme Court of the Kyrgyz Republic shall:</p> <ol style="list-style-type: none"> 1) participate in court sittings of the Supreme Court of the Kyrgyz Republic; 2) on the instruction of the President of the Supreme Court of the Kyrgyz Republic or their vice-president report on court cases and, in the light of the findings, prepare judicial acts relating to them; 3) analyse and generalise judicial practice; 4) on the instruction of the President of the Supreme Court of the Kyrgyz Republic preside at court sittings; examine appeals; 5) conduct consultations with citizens and examine their appeals, applications and complaints; 6) exercise other powers in accordance with the legislation of the Kyrgyz Republic. <p>Article 25. System of local courts of the Kyrgyz Republic</p> <p>The system of local courts of the Kyrgyz Republic shall</p>	<p>A Vice-President (president of a bench) of the Supreme Court of the Kyrgyz Republic shall be a judge and, concurrently with the exercise of the duties of judge:</p> <ol style="list-style-type: none"> 1) shall preside at court sittings; 2) on the instruction of the President of the Supreme Court of the Kyrgyz Republic shall allocate complaints and appeals between judges of the corresponding benches of judges of the Supreme Court of the Kyrgyz Republic and shall form the membership of the benches for the examination of cases; <p>3) in the event of the absence of the President of the Supreme Court of the Kyrgyz Republic and their first vice-president shall exercise the rights and duties of the President of the Supreme Court of the Kyrgyz Republic under the procedure established by legislation;</p> <p>4) in accordance with the allocation of duties shall direct the work of structural sub-divisions of the apparatus of the Supreme Court of the Kyrgyz Republic;</p> <ol style="list-style-type: none"> 5) shall organise work on the keeping of judicial statistics and the analysis and generalisation of judicial practice; 6) shall ensure preparation by judges of the corresponding documents for examination in the plenum of the Supreme Court of the Kyrgyz Republic; 7) shall provide information on the activity of a bench of judges to the plenum of the Supreme Court of the Kyrgyz Republic; 8) shall conduct consultations with citizens and examine their appeals, applications and complaints, with the exception of applications and complaints in relation to cases and material which are the subject of ongoing proceedings; 9) shall exercise other powers in accordance with the legislation of the Kyrgyz Republic. <p>Article 22. Judges of the Supreme Court of the Kyrgyz Republic</p> <p>Judges of the Supreme Court of the Kyrgyz Republic shall:</p> <ol style="list-style-type: none"> 1) participate in court sittings of the Supreme Court of the Kyrgyz Republic; 2) on the instructions of the President of the Supreme Court of the Kyrgyz Republic or their vice-president report on court cases and, in the light of the findings, prepare judicial acts relating to them; 3) analyse and generalise judicial practice; 4) on the instruction of the President of the Supreme Court of the Kyrgyz Republic preside at court sittings; examine appeals; 5) conduct consultations with citizens and examine their appeals, applications and complaints, with the exception of applications and complaints in relation to cases and material which are the subject of ongoing proceedings. 6) exercise other powers in accordance with the legislation of the Kyrgyz Republic. <p>Article 25. System of local courts of the Kyrgyz Republic</p> <p>The system of local courts of the Kyrgyz Republic shall</p>
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<p>comprise:</p> <p>1) <i>oblast</i> [province] courts and courts equated thereto (Military court of the Kyrgyz Republic and Bishkek municipal court)</p> <p>2) <i>rayon</i> [district] courts and courts equated thereto (<i>rayon</i> court within a town or city, municipal courts, military courts of garrisons, inter-<i>rayon</i> courts)</p> <p>Article 26. Formation of <i>oblast</i> [province] courts and courts equated thereto</p> <p><i>Oblast</i> [province] courts and courts equated thereto (hereinafter - '<i>oblast</i> courts') shall be formed, reorganised and disbanded by the President of the Kyrgyz Republic under the <i>procedure</i> established by <i>constitutional law</i>.</p> <p>Article 27. Structure and composition of <i>oblast</i> courts</p> <p>1. An <i>oblast</i> court shall comprise a president, a vice-president and judges. The following structures shall operate in an <i>oblast</i> court:</p> <ul style="list-style-type: none"> - a bench of judges for criminal cases and cases concerning administrative infringements; - a bench of judges for civil cases; - a bench of judges for administrative and economic cases. <p>2. The number of judges of <i>oblast</i> courts shall be established by the President of the Kyrgyz Republic at the proposal of the President of the Supreme Court of the Kyrgyz Republic.</p> <p>Article 31 President of an <i>oblast</i> court The President of an <i>oblast</i> court shall be a judge and, concurrently with discharging the duties of a judge, shall:</p> <ol style="list-style-type: none"> 1) allocate duties between the vice-presidents; 2) where necessary, head one of the benches of judges; 3) shall allocate cases and material between judges and form teams of judges to examine cases; 4) implement the overall management of the apparatus of the court and appoint and discharge from post the staff of the apparatus of the court; <p>5) organise work on further training for judges and staff of the apparatus of the court;</p> <p>6) organise work on the analysis and generalisation of legal practice;</p> <p>7) organise the work of the court related to consultations with citizens and the examination of their appeals, applications and complaints;</p> <p>8) represent the court in dealings with state and public authorities and organisations;</p> <p>9) institute disciplinary proceedings against a judge of the <i>oblast</i> court or a <i>rayon</i> court or a court equated thereto in the <i>oblast</i> according to the findings of official verifications;</p> <p>10) exercise other powers in accordance with the legislation of the Kyrgyz Republic and the present Law.</p>	<p>comprise:</p> <p>1) <i>oblast</i> [province] courts and courts equated thereto (Military court of the Kyrgyz Republic and Bishkek municipal court)</p> <p>2) <i>rayon</i> [district] courts and courts equated thereto (<i>rayon</i> court within a town or city, municipal courts, military courts of garrisons, inter-<i>rayon</i> courts)</p> <p>The number of judges of local courts shall be established by the President of the Kyrgyz Republic in accordance with the workload norms of judges and the number of local court apparatus staff.</p> <p>Article 26. Formation of <i>oblast</i> [province] courts and courts equated thereto</p> <p><i>Oblast</i> [province] courts and courts equated thereto (hereinafter - '<i>oblast</i> courts') shall be formed, reorganised and disbanded by the President of the Kyrgyz Republic under the <i>procedure</i> established by <i>constitutional law</i>.</p> <p>Article 27. Structure and composition of <i>oblast</i> courts</p> <p>1. An <i>oblast</i> court shall comprise a president, a vice-president and judges. The following structures shall operate in an <i>oblast</i> court:</p> <ul style="list-style-type: none"> - a bench of judges for criminal cases and cases concerning administrative infringements; - a bench of judges for civil cases; - a bench of judges for administrative and economic cases. <p>(deleted)</p> <p>Article 31 President of an <i>oblast</i> court The President of an <i>oblast</i> court shall be a judge and, concurrently with discharging the duties of a judge, shall:</p> <ol style="list-style-type: none"> 1) allocate duties between the vice-presidents; 2) where necessary head one of the benches of judges; 3) allocate cases and material between judges and form teams of judges to examine cases; 4) implement the overall management of the apparatus of the court and submit proposals to the head of the state authority responsible for providing the logistical, material and technical and other support for the activity of local courts and ensuring the execution of judicial acts: <ul style="list-style-type: none"> - on the appointment and discharge from post of state officials of the apparatus of the court; - on the assignment of grades to state officials of the apparatus of the court; 5) organise work on further training for judges and staff of the apparatus of the court; 6) organise work on the analysis and generalisation of legal practice; 7) organise the work of the court related to consultations with citizens and the examination of their appeals, applications and complaints; 8) represent the court in dealings with state and public authorities and organisations; <p>(deleted)</p>
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<p>Article 32. President of a bench of judges of an <i>oblast</i> court</p> <p>1. A president of a bench of judges of an <i>oblast</i> court shall be the vice-president of the <i>oblast</i> court and a judge and, concurrently with discharging the duties of a judge, shall:</p> <p>1) preside at court sittings of the bench of judges; 2) manage the work of the bench of judges and the apparatus of the court in accordance with the duties allocated;</p> <p>3) on the instructions of the president of the <i>oblast</i> court allocate cases within the framework of the bench of judges and form teams of judges to examine cases;</p> <p>4) conduct consultations with citizens and examine their appeals, applications and complaints;</p> <p>5) present information on the activity of the bench of judges; 6) exercise other powers in accordance with the legislation of the Kyrgyz Republic.</p> <p>2. In the absence of the president of a court, the prerogatives of the president shall be exercised, on their instruction, by one of the vice-presidents.</p> <p>Article 33. Formation of <i>rayon</i> [district] courts and courts equated thereto</p> <p><i>Rayon</i> [district] courts and courts equated thereto (hereinafter - '<i>rayon</i> courts') shall be formed, reorganised and disbanded by the President of the Kyrgyz Republic <i>under the procedure established by constitutional law</i>.</p> <p>Article 34. Composition of a <i>rayon</i> court</p> <p>1. A <i>rayon</i> court shall comprise a president of the court and judges.</p> <p>2. The number of judges for each <i>rayon</i> court shall be established by the President of the Kyrgyz Republic at the proposal of the President of the Supreme Court of the Kyrgyz Republic in accordance with population size.</p> <p>Article 36. President of a <i>rayon</i> court</p> <p>I. The President of a <i>rayon</i> court shall be a judge and, concurrently with discharging the duties of a judge, shall:</p> <p>1) examine court cases; 2) allocate cases, material and applications between the judges for examination; 3) organise the work of the court related to consultations with citizens and the examination of their appeals, applications and complaints;</p> <p>4) direct the work of the apparatus of the court;</p>	<p>Article 32. President of a bench of judges of an oblast court</p> <p>1. A president of a bench of judges of an <i>oblast</i> court shall be the vice-president of the <i>oblast</i> court and a judge and, concurrently with discharging the duties of a judge, shall:</p> <p>1) preside at court sittings of the bench of judges; 2) manage the work of the bench of judges and the apparatus of the court in accordance with the duties allocated;</p> <p>3) on the instructions of the president of the oblast court allocate cases and material within the framework of the bench of judges and form teams of judges to examine cases;</p> <p>4) conduct consultations with citizens and examine their appeals, applications and complaints, with the exception of applications and complaints in relation to cases and material which are the subject of ongoing proceedings;</p> <p>5) present information on the activity of the bench of judges; 6) exercise other powers in accordance with the legislation of the Kyrgyz Republic.</p> <p>2. In the absence of the president of a court, the powers of the president shall be exercised, on their instruction, by one of the vice-presidents.</p> <p>Article 33. Formation of <i>rayon</i> [district] courts and courts equated thereto</p> <p><i>Rayon</i> [district] courts and courts equated thereto (hereinafter - '<i>rayon</i> courts') shall be formed, reorganised and disbanded by the President of the Kyrgyz Republic <i>under the procedure established by constitutional law</i>.</p> <p>Article 34. Composition of a rayon court</p> <p>1. A <i>rayon</i> court shall comprise a president of the court and judges.</p> <p>Article 36. President of a <i>rayon</i> court</p> <p>I. The President of a <i>rayon</i> court shall be a judge and, concurrently with discharging the duties of a judge, shall:</p> <p>1) examine court cases; 2) allocate cases, material and applications between the judges for examination; 3) organise the work of the court related to consultations with citizens and the examination of their appeals, applications and complaints;</p> <p>4) implement the overall management of the apparatus of the court and submit proposals to the head of the state authority responsible for</p>
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<p>5) organise work on the keeping of judicial statistics;</p> <p>6) appoint and discharge from post the staff of the apparatus of the court;</p> <p>7) organise work on further training for staff of the apparatus of the court;</p> <p>8) institute disciplinary proceedings against a judge of the <i>rayon</i> court according to the findings of official verifications;</p> <p>9) exercise other powers in accordance with the legislation of the Kyrgyz Republic.</p> <p>3. In a court of first instance where there is one judge (single-judge court) the powers of the president of the court shall be exercised by that judge.</p> <p>4.2. In the absence of the president of a single-judge court their duties shall be assigned to one of the judges of another court by decree of the president of the <i>oblast</i> court,</p> <p>5. In the absence of a judge or if their post falls vacant in a local court the execution of the duties of the judge of that court may be assigned to a judge of another court by the President of the Supreme Court of the Kyrgyz Republic for a term of no longer than 6 months.</p> <p>Article 38. Organisational support for the activity of the Supreme Court of the Kyrgyz Republic</p> <p>1. Organisational, material and technical and other support for the activity of the Supreme Court of the Kyrgyz Republic shall be implemented by the state authority empowered to do so.</p>	<p>providing the organisational, material and technical and other support for the activity of local courts and ensuring the execution of judicial acts;</p> <ul style="list-style-type: none"> - on the appointment and discharge from post of state officials of the apparatus of the court; - on the assignment of grades to state officials of the apparatus of the court; - on the application of measures of reward or disciplinary sanction against state officials of the apparatus of the court; - on the application of measures of reward for the execution of judicial acts or disciplinary sanction for inappropriate execution of judicial acts in respect of court officers; <p>5) organise work on the keeping of judicial statistics;</p> <p>(deleted)</p> <p>7) organise work on further training for staff of the apparatus of the court;</p> <p>(deleted)</p> <p>9) exercise other powers in accordance with the legislation of the Kyrgyz Republic.</p> <p>3. In the absence of the president of a <i>rayon</i> court the duties of the president shall be assigned, on their instruction, to another judge of that court. In the event of the post of president of a <i>rayon</i> court falling vacant the execution of the duties of the president of that court shall be assigned to another judge of that or of another court by decree of the president of the <i>oblast</i> court until the appointment of a president of the <i>rayon</i> court, except in the circumstances provided for in the legislation of the Kyrgyz Republic.</p> <p>3. In a court of first instance where there is one judge (single-judge court) the powers of the president of the court shall be exercised by that judge.</p> <p>4. In the absence of the president of a single-judge court their duties shall be assigned to one of the judges of another court by decree of the president of the <i>oblast</i> court,</p> <p>5. In the absence of a judge or if their post falls vacant in a local court the execution of the duties of the judge of that court may be assigned to a judge of another court by the President of the Supreme Court of the Kyrgyz Republic for a term of no longer than 6 months.</p> <p>— Article 38. Organisational support for the activity of the Supreme Court of the Kyrgyz Republic</p> <p>1. The activity of the Supreme Court of the Kyrgyz Republic in reviewing judicial acts of local courts and also regarding other matters placed by legislation within the jurisdiction of the Supreme Court of the Kyrgyz Republic shall be supported by the apparatus of the Supreme Court of the Kyrgyz Republic.</p> <p>2. The activity of the Supreme Court of the Kyrgyz Republic shall be governed by</p>
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2. The activity of the court apparatus shall be governed by regulations on the apparatus of the Supreme Court of the Kyrgyz Republic, ratified by the President of the Supreme Court of the Kyrgyz Republic.

3. The staff of the apparatus of the Supreme Court of the Kyrgyz Republic, with the exception of auxiliary personnel, shall be state civil servants. The rights and duties and the responsibility of court apparatus staff and the conditions governing their advancement through the state civil service shall be established by the legislation of the Kyrgyz Republic.

4. The apparatus of the Supreme Court of the Kyrgyz Republic shall be headed by the director of the apparatus, appointed to and discharged from their post by the President of the Supreme Court of the Kyrgyz Republic.

5. The director of the apparatus shall work under the immediate authority of the President of the Supreme Court of the Kyrgyz Republic and exercise supervisory and financial regulation functions within the activity of the apparatus, appoint and discharge from post the staff of the court apparatus by agreement with the President of the Supreme Court of the Kyrgyz Republic and also monitor compliance with the Rules of the Supreme Court of the Kyrgyz Republic.

Article 39. Organisational support for the activity of local courts

I. Organisational, material and technical and other support for the activity of local courts shall be implemented by the state authority empowered to do so.

2. Court apparatus shall operate within local courts with the purpose of supporting the work of the courts in dispensing justice, generalising judicial practice and other activity in local courts.

The staff of the apparatus of local courts, with the exception of auxiliary personnel, shall be state civil servants. The rights and duties and the responsibility of court apparatus staff and the conditions governing their advancement through the state civil service and appraisal shall be established by

regulations on the apparatus of the Supreme Court of the Kyrgyz Republic, ratified by the President of the Supreme Court of the Kyrgyz Republic.

3. The apparatus of the Supreme Court of the Kyrgyz Republic shall be headed by the director of the apparatus, appointed to and discharged from their post by the President of the Supreme Court of the Kyrgyz Republic.

4. The director of the apparatus shall work under the immediate authority of the President of the Supreme Court of the Kyrgyz Republic and exercise supervisory and financial regulation functions within the activity of the apparatus, appoint and discharge from post the staff of the court apparatus and also monitor compliance with the Rules of the Supreme Court of the Kyrgyz Republic.

5. The staff of the apparatus of the Supreme Court of the Kyrgyz Republic, with the exception of auxiliary personnel, shall be state civil servants.

The state officials of the apparatus of the Supreme Court of the Kyrgyz Republic shall be appointed and discharged from post in accordance with the legislation of the Kyrgyz Republic on the civil service. The organisation of the activity of auxiliary personnel of the apparatus of the Supreme Court of the Kyrgyz Republic, including matters of recruitment and dismissal, shall be determined by the legislation of the Kyrgyz Republic.

6. The maximum number of employees of the apparatus of the Supreme Court of the Kyrgyz Republic shall be established by the President of the Kyrgyz Republic at the proposal of the President of the Supreme Court of the Kyrgyz Republic.

7. The establishment table and structure of the apparatus of the Supreme Court of the Kyrgyz Republic within the limits of the maximum number of employees shall be established by the President of the Supreme Court of the Kyrgyz Republic.

Article 39. Organisational support for the activity of local courts

I, Organisational, material and technical and other support for the activity of local courts shall be implemented by the state authority empowered to do so,

2. Court apparatus shall operate within local courts with the purpose of supporting the work of the courts in dispensing justice, generalising judicial practice, keeping judicial statistics and other activity in local courts. The staff of the apparatus of local courts, with the exception of auxiliary personnel, shall be state civil servants.

The state officials of the apparatus of local courts of the Kyrgyz Republic shall be appointed and discharged from post by the head of the state authority empowered to do so at the proposal of the president of the

the legislation of the Kyrgyz Republic.

3. Staff of the apparatus of military courts shall perform military service in the Armed Forces of the Kyrgyz Republic and shall be governed by the requirements of military regulations and the Rules establishing the procedure for military service and the assignment of military ranks, with due account taken of the considerations established by the present Law and the legislation of the Kyrgyz Republic.

4. The total number of employees of the apparatus of local courts shall be established by the President of the Supreme Court of the Kyrgyz Republic.

5. The structure and establishment table of the apparatus of local courts shall be established by the president of the corresponding court.

6. The staff of the apparatus of local courts shall be appointed and discharged from post by the president of the corresponding court.

7. The activity of local court apparatus shall be governed by regulations on the apparatus of local courts established by the president of the corresponding court.

8. The structure and establishment table of the apparatus of military courts shall be established by the president of the Military Court of the Kyrgyz Republic. Staff of military court apparatus shall be established by the president of the Military Court of the Kyrgyz Republic. Regulations on the apparatus of military courts shall be established by the president of the Military Court of the Kyrgyz Republic.

corresponding local court.
The organisation of the activity of auxiliary personnel of the apparatus of local courts, including matters of recruitment and dismissal, shall be determined by the legislation of the Kyrgyz Republic.

3. Staff of the apparatus of military courts shall perform military service in the Armed Forces of the Kyrgyz Republic and shall be governed by the requirements of military regulations and the Rules establishing the procedure for military service and the assignment of military ranks, with due account taken of the considerations established by the present Law and the legislation of the Kyrgyz Republic.

4. The maximum number of employees of the apparatus of local courts shall be established by the President of the Kyrgyz Republic at the proposal of the Council of Judges of the Kyrgyz Republic.

The establishment table and structure of the apparatus of local courts within the limits of the maximum number of employees shall be established by the head of the state authority empowered to do so in accordance with the workload norms of judges and the number of staff of the apparatus of local courts of the Kyrgyz Republic.

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7. The activity of local court apparatus shall be governed by regulations on the apparatus of local courts established by the head of the state authority empowered to do so.

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Article 2.

The present Law shall enter into force from the date of its official publication. The Government of the Kyrgyz Republic shall bring its decisions into line with the present Law.

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