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REPUBLIC OF KAZAKHSTAN

LAW ON THE JUDICIAL SYSTEM AND THE STATUS OF JUDGES*

*Translation provided by the authorities of Kazakhstan

**Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 N 132
«On Judicial System and Status of Judges in the Republic of Kazakhstan»**

Section I. General Provisions

Article 1. Judicial Power

1. Judicial power in the Republic of Kazakhstan belongs only to the Courts in the face of permanent judges, and jurors engaged in the criminal court proceedings in the cases and procedure stipulated by the Law.

Justice in the Republic of Kazakhstan shall be administered only by a Court.

It is prohibited to issue any legislative acts providing for transfer of exclusive powers of a Court to any other bodies.

No other bodies or persons shall have the right to assume the powers of a judge or the functions of judicial power.

Petitions, applications and complaints, which are subject to consideration in the course of Court proceedings, may not be considered or monitored by any other bodies, officials or other persons.

2. Judicial power shall be exercised on behalf of the Republic of Kazakhstan and is intended to protect the rights, freedoms and lawful interests of individuals and organizations, and to ensure the implementation of the Constitution, laws, other regulatory legal acts, and international treaties of the Republic.

Everyone shall be guaranteed with judicial defense against any unlawful decisions and acts of state bodies, organizations, officials and other persons which infringe or restrict the rights, freedoms and lawful interests provided by the Constitution and the Laws of the Republic.

No one may be deprived of the right to have his case considered in compliance with all the requirements of the law and fairness by a competent, independent and impartial court.

Judicial power shall be exercised by means of civil and criminal court proceedings and other forms of court proceedings established by the Law.

3. In the administration of justice, judges shall be independent and subordinate only to the Constitution and the Law. It shall not be allowed to adopt any laws or other regulatory legal acts impairing the status and independence of judges.

Any interference in the court's activity concerning administration of justice shall not be allowed and shall entail liability pursuant to the law. Judges shall not be accountable for specific cases. Petitions on court cases filed against the established order legal proceedings, as well as on matters not within the competence of the court, shall be left by the court without consideration or they shall be sent to the appropriate authorities.

Contempt of court or judge shall entail liability stipulated by the law.

Court decisions and demands of judges in exercising their powers shall be binding on all state bodies and their officials, natural persons and legal entities. Failure to execute court decisions and demands of a judge shall entail liability stipulated by the law.

Article 2. Symbols of State Power

1. The State Flag of the Republic of Kazakhstan and an image of the State Emblem of the Republic of Kazakhstan shall be set up and placed on court buildings and in the courtrooms.
2. Judges shall administer justice in their gowns, design and description of which shall be approved by the Plenary of the Supreme Court.

Article 3. The Judicial System

1. The judicial system of the Republic of Kazakhstan shall consist of the Supreme Court of the Republic of Kazakhstan, local and other courts established in accordance with the Constitution of the Republic of Kazakhstan and this Constitutional Law.

The establishment of special and emergency courts under any name shall not be permitted.

2. The Local Courts shall include:

- 1) Regional courts and courts equivalent to them (the city court of the Republic's capital, city courts of the cities of Republic's significance);
- 2) District courts and courts equivalent to them (a city court, inter district court).

3. Other courts, including the specialized courts (martial, commercial, administrative, juvenile, and others) may be founded in the Republic of Kazakhstan.

3-1. Specialized courts shall be formed by the President of the Republic of Kazakhstan to the status of the regional or district court.

4. The Supreme Court of the Republic of Kazakhstan and local courts shall have a seal depicting the State Emblem of the Republic of Kazakhstan and their names.

5. The court of the Astana International Financial Centre, not part of the judicial system of the Republic of Kazakhstan, has a special status.

Article 4. The Unity of the Judicial System

The unity of the judicial system of the Republic of Kazakhstan shall be ensured by:

- 1) the principles of justice general and uniform for all courts and judges and established by the Constitution, this Constitutional Law, procedural and other laws;
- 2) the exercise of judicial power within the forms of court proceedings uniform for all courts and established by the laws;
- 3) the application of the current law of the Republic of Kazakhstan by all courts;
- 4) the legislative enactment of the single status of judges;
- 5) the obligatory enforcement of judicial acts which have entered into legal force throughout the entire territory of Kazakhstan;
- 6) the financing of all courts only from the Republic budget.

Requirements provided in this article do not apply to the court of the Astana International Financial Centre.

Article 5. Legislation Determining Procedure of the Activity of Courts and Status of the Judges in the Republic of Kazakhstan

Judicial system and status of the judges, as well as the procedure of the Administration of Justice in the Republic of Kazakhstan shall be determined by the Constitution, Constitutional Law, and other legislative acts of the Republic of Kazakhstan.

Section II. The Judicial System

Chapter 1. District Courts and Courts Equivalent to Them

Article 6. Establishment of District Courts and Courts Equivalent to Them

1. District courts and courts equivalent to them (hereinafter - the district courts) shall be established, reorganized and abolished by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

The President of the Republic of Kazakhstan may establish one district court in several administrative-territorial areas, or several district courts in one administrative-territorial area.

2. The total number of judges for the district courts shall be approved by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

3. The number of judges for each district court shall be established by the Chairman of the Supreme Court with the agreement of the Supreme Judicial Council on the basis of proposal of the authorized body on the organizational and logistical support of the Supreme Court activity, local and other vessels (hereinafter - the authorized body).

Article 7. The Composition of a District Court

1. A district court shall consist of the chairman and judges to be appointed in the procedure stipulated by the Constitution and this Constitutional Law.

If there is one judge on the staff of a district court (one-member court), he shall exercise the powers of the chairman of the court.

2. *(is deleted by the Constitutional Law of the Republic of Kazakhstan of December 11, 2006 N 199 (shall be enforced on January 1, 2007)).*

Article 8. The Powers of a District Court

1. A district court shall be a court of first instance.

2. A district court shall:

1) consider court cases and materials referred to its jurisdiction;

2) *(is deleted by the Constitutional Law of the Republic of Kazakhstan of December 11, 2006 N 199 (shall be enforced on January 1, 2007));*

3) exercise other powers stipulated by the Law.

Article 9. Chairman of a District Court

1. The chairman of a district court shall be a judge and alongside with performance of the functions of a judge he shall:

- 1) resolve the issues of the organization of legal proceedings in court;
- 2) carry out general management of the district court registry;
- 3) receive individuals;
- 4) organize internships of candidates for position of a judge;
- 5) provide the work on anti-corruption and compliance with the rules of judicial ethics;
- 6) issue orders; and
- 7) exercise other powers granted to him by the law.

2. In the temporary absence of the chairman of a district court, his duties shall be assigned to one of the judges of that court pursuant to the order of the chairman of that court.

In the absence of the chairman and the judges of the district court, their duties may be assigned to the judges of another court by the order of the chairman of a regional court.

In the case of early termination or expiration of the term of office of a district court chairman, the interim duties of the chairman shall be assigned to one of the judges of the court by the order of the Chairman of a Regional Court.

Chapter 2. Regional Courts and Courts Equivalent to Them

Article 10. Establishment of Regional Courts and Courts Equivalent to Them

1. Regional courts and courts equivalent to them (hereinafter - the regional courts) shall be established, reorganized and abolished by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

2. The total number of judges for the regional courts shall be approved by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court agreed with the Supreme Judicial Council.

The number of judges for each Regional Court shall be established by the Chairman of the Supreme Court with the agreement of the Supreme Judicial Council on the basis of proposal of the authorized body.

Article 11. The Structure and Composition of a Regional court

1. A regional court shall consist of the Chairman and Judges.

2. The judicial collegiums and specialized panels shall be set up by a regional court.

3. The bodies of the regional court are:

- 1) the plenary session;
- 2) the presidium of the plenary session;
- 3) the judicial collegium on civil cases;
- 4) the judicial collegium on criminal cases.

The judicial collegium shall be headed by the chairman, appointed to the position in the order established by this Constitutional law.

4. Numerical and personnel membership of the judicial collegium shall be determined by the plenary session of the Regional Court pursuant to the proposal of the Chairman of the Regional Court.

5. Specialized panels shall be formed by the Chairman of the Regional Court.

6. A consultative and advisory body - the Council on cooperation with the courts shall be formed in the regional court to assess the moral and ethical qualities of candidates for the position of a judge.

Conclusion of the Council on cooperation with the courts is recommendatory character.

Article 12. Powers of a Regional Court

A Regional Court shall:

- 1) consider court cases and materials referred to its jurisdiction;
- 2) *(is excluded by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced on January 1, 2007));*
- 3) study judicial practice and based on the results of summarizing it, consider the issues of keeping the law by the courts of the region when administering justice;
- 4) supervise the activities of the territorial divisions of the authorized body in the region and the cities of Astana and Almaty;
- 5) exercise other powers stipulated by the law.

Article 13. Collegiums of a Regional Court

Footnote. Article 13 is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

Article 14. The Chairman of a Regional court

1. The chairman of a Regional Court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) resolve the issues of the organization of legal proceedings in court;
- 2) may preside at meetings of the judicial collegiums;

- 3) convene and chair plenary sessions of the regional court;
- 4) support the work to anti-corruption and compliance with the rules of judicial ethics;
- 5) based on the conclusion of the plenary session of the court, send to the Supreme Judicial Council an opinion on the internship results of a candidate for the judge's position;
- 6) approve a work plan for a regional court;
- 7) organize study of judicial practice;
- 8) issue orders;
- 9) carry out general management of the regional court registry, courts of cities of Astana and Almaty;
- 10) personally receive individuals; and;
- 11) exercise other powers stipulated by the law.

2. In the event of early termination or expiration of the term of authority of the chairman of the regional court, temporary execution of duties of the chairman shall be entrusted to one of the chairmen of the judicial collegiums of the regional court by the Chairman of the Supreme Court, and in the event of absence of the chairmen of the judicial collegiums, temporary execution of duties of the chairman of the regional court shall be entrusted to the judge of the regional court.

3. In the event of temporary absence of the chairman of the regional court, execution of duties shall be entrusted to one of the chairmen of the judicial collegiums of the regional court by the chairman of the regional court, and in the event of absence of the chairmen of the judicial collegiums, temporary execution of duties of the chairman of the regional court shall be entrusted to the judge of the regional court.

Article 15. Chairman of a Collegium of a Regional Court

1. The chairman of the judicial collegium of a regional court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) resolve the issues of the organization of legal proceedings in the judicial collegium;
- 2) chair the sessions of the judicial collegium;
- 3) organize work on studying and summarizing of judicial practice;
- 4) submit information to a plenary session of the court concerning the activity of the judicial collegium; and
- 5) exercise other powers stipulated by the law.

2. The chairman of the judicial collegium of appeal shall make suggestions to the chairman of a regional court on the formation of specialized panels in the judicial collegium of appeal.

3. In the temporary absence of the chairman of the judicial collegium, the chairman of the court shall assign his duties to one of the judges of the collegium.

In the case of early termination or expiration of the term of office of a judicial collegium chairman of a regional court, his interim duties shall be assigned to the judge of the corresponding judicial collegium of a regional court by the chairman of the regional court.

Article 16. Plenary Session of a Regional Court

1. Whenever necessary, but no less than twice a year, the regional court shall hold plenary sessions, on which it shall:

- 1) establish the numerical and personnel membership of the corresponding collegium;
- 2) *(is excluded by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2);*
- 3) hear information of the chairman of the regional court and the chairmen of the judicial collegiums;
- 4) discuss the judicial practice and based on the results of summarizing it, consider the issues of keeping the law by the regional courts when administering justice;
- 5) issue his consent to the authorized body for appointment of a person to the position of an administrator of the territorial divisions of the authorized body in the region and the cities of Astana and Almaty;
- 6) hear report of the administrator of the territorial divisions of the authorized body in the region and the cities of Astana and Almaty on his activity;
- 7) consider candidates for vacant positions of judges of district and regional courts, the chairman of the district court and issues appropriate conclusions;
- 8) submit his proposal to dismiss the administrator of the territorial divisions of the authorized body in the region and the cities of Astana and Almaty to the authorized body;
- 9) consider results of internship of the candidates for the position of a judge and submit the corresponding opinion;
 - 9-1) *is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);*
 - 9-2) approve the regulations of the presidium of the plenary session of the regional court;
- 10) exercise other powers stipulated by the law.

2. A plenary session shall be quorate if no less than two thirds of the total number of the judges of the regional court attends it.

3. The procedure of work of a plenary session of a regional court shall be determined by the rules approved by it.

Article 16-1. Presidium of the plenary session of the regional court

1. The presidium of the plenary session of the regional court:

1) provides preparation of proposals on improving the activities of courts for consideration of them in the plenary sessions of the regional court;

1-1) discusses the question of transferring to Trial jury the materials on the initiation of disciplinary proceedings against judge who has committed disciplinary offence, and on the results of discussion makes an appropriate decision;

2) executes other powers not referred by this Constitutional law to the competence of other bodies of the regional court.

2. The presidium of the plenary session of the regional court consists of seven members - the chairman and chairmen of the judicial collegiums of the regional court, the chairman of the branch of the Union of judges, the chairman of the Commission on judicial ethics, as well as two judges delegated by the plenary session of the regional court for a period of two years.

3. The presidium of the plenary session of the regional court shall be convened by the chairman of the regional court and is authorized in the presence of not less than two-thirds of the total number of its members.

4. Organization of work of the presidium of the plenary session of the regional court shall be determined by the regulations approved by the plenary session of the regional court.

Chapter 3. The Supreme Court of the Republic of Kazakhstan

Article 17. The Powers of the Supreme Court

1. The Supreme Court is the highest judicial body on civil, criminal and other cases, which is subject to local and other courts, executes the functions of the cassation instance in relation to them and provides explanations on judicial practice issues through the adoption of regulatory resolutions.

2. The Supreme Court shall:

1) consider the court cases and materials referred to its jurisdiction;

2) study the judicial practice, and based on the results of its summarizing, consider the issues of keeping the law by the courts of the Republic when administering justice;

3) adopt regulatory resolutions;

3-1) in cooperation with the High Judicial Council forms personnel reserve for the positions of chairman of the district court, chairman and chairmen of the judicial collegiums of the regional court, judges and chairmen of the judicial collegiums of the Supreme Court (further – personnel reserve);

3-2) *is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);*

4) exercise other powers stipulated by the law.

3. The order of formation and organization of work with personnel reserve shall be approved by the High Judicial Council at the proposal of the Chairman of the Supreme Court.

Article 18. The Structure and Composition of the Supreme Court

1. The Supreme Court shall consist of the Chairman and Judges.

The total number of Supreme Court judges shall be established by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court.

2. The judicial collegiums and specialized panels shall be set up by the Supreme Court.

3. Bodies of the Supreme Court include:

- 1) the plenary session;
- 2) the presidium of the plenary session;
- 3) the judicial collegium on civil cases;
- 4) the judicial collegium on criminal cases;
- 5) specialized judicial collegium.

The judicial collegium shall be headed by the chairman, appointed to the position in the order established by this Constitutional law.

4. The numerical and personnel membership of the judicial collegium shall be determined by the plenary session of the Supreme Court pursuant to the proposal of the Chairman of the Supreme Court.

5. Specialized panels shall be formed by the Chairman of the Supreme Court.

6. Scientific advisory council, international council and press body shall be established under Supreme Court.

7. The Academy of justice functions under the Supreme Court.

Article 19. The Collegiums of the Supreme Court

Footnote. Article 19 is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2).

Article 20. The Chairman of the Supreme Court

1. The Chairman of the Supreme Court shall be a judge, and alongside with performance of the duties of a judge he shall:

- 1) head the Supreme Court as a high judicial body;
- 2) may preside at meetings of the judicial collegiums;
- 3) convene and chair plenary sessions of the Supreme Court;
- 4) introduces to the plenary session of the Supreme Court materials for the adoption of regulatory resolutions of the Supreme Court on issues of judicial practice;

4-1) makes representations about revision of judicial acts on the grounds provided by law;

5) submits for approval to the plenary session of the Supreme Court candidatures of secretary of the plenary session of the Supreme Court, members of the scientific advisory council and international council;

6) when necessary, assign judges of one judicial collegium to consider cases in the panel of another judicial collegium;

6-1) provide the work on anti-corruption and compliance with the rules of judicial ethics

7) approve plan of work of the Supreme Court;

8) coordinate work of the collegiums;

8-1) establish the number of judges for each local and another court with the agreement of the Supreme Court Council

9) submit for approval of the President of the Republic of Kazakhstan Regulation on the authorized body;

9-1) approve the structure and staff list of the authorized body within the limit of the staff number approved by the President of the Republic of Kazakhstan in the procedure stipulated by law;

9-2) appoint and dismiss the head of the authorized body and his deputies in the procedure stipulated by law;

9-3) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);

9-4) approves the ,model rules of procedure of the presidium of the plenary session;

10) personally receive individuals; and

11) issues orders and instructions.

2. The Chairman of the Supreme Court shall represent the interests of the judicial system of the Republic in mutual relations with the bodies of other branches of state power of the Republic and international organizations, shall:

1) *(is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 ? 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication;*

2) introduces to the plenary session of the Supreme Court on an alternative basis the candidatures for vacant positions of chairmen and chairmen of judicial collegiums of the regional courts, chairmen of judicial collegiums of the Supreme Court;

3) *is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);*

3-1) on the basis of a decision of the plenary session of the Supreme Court introduces to the High Judicial Council on an alternative basis the candidatures for positions of the chairmen and chairmen of judicial collegiums of the regional courts, chairmen of judicial collegiums of the Supreme Court;

4) submit to President of the Republic of Kazakhstan his proposals to improve the legislation;

5) if any grounds stipulated in this Constitutional Law arise, submit to the Supreme Judicial Council, his proposals and materials concerning discharge of chairmen, chairmen of judicial collegiums and judges of the Republic's courts;

6) submit to the President of the Republic of Kazakhstan his proposals concerning awarding state awards and confer honorary titles to judges and employees of an authorized body;

7) awards judges of the Republic with departmental awards, assign the title "Honorary judge" and approves the Regulation on order of assignment of this title;

8) *(is excluded by the Constitutional Law of the Republic of Kazakhstan of 11.12.2006 N 199 (shall be enforced from 01.01.2007); and*

8-1) if necessary, engages for the administration of justice of retired judges who have not reached the age limit of being in position of a judge;

9) exercise other powers stipulated by the law and other regulatory legal acts.

3. In the temporary absence of the Chairman of the Supreme Court, his duties shall be assigned to one of the chairmen of the judicial collegiums, pursuant to an order of the Chairman of the Supreme Court.

In the absence of chairmen of judicial collegiums the interim duties of the Chairmen shall be assigned to one of the judges of the Supreme Court pursuant to the order of the Chairman of the Supreme Court.

4. If the Chairman of the Supreme Court retires or is dismissed early otherwise, the President of the Republic of Kazakhstan shall temporarily assign the Chairman's duties to one of the chairmen of the judicial collegiums (a judge) of the Supreme Court.

Article 21. Chairman of a Judicial Collegium of the Supreme Court

1. The chairman of a collegium of the Supreme Court shall be a judge, and alongside with performance of the duties of a judge he shall:

1) chair the sessions of the judicial collegium;

1-1) resolve the issues of the organization of legal proceedings in the judicial collegium;

2) organize work on studying and summarizing of the judicial practice;

3) ensure preparation by judges of the corresponding documents for consideration at a plenary session of the Supreme Court;

4) submit information to a plenary session of the Supreme Court concerning the activity of the judicial collegium;

4-1) personally receive individuals; and

5) exercise other powers stipulated by the law.

2. In the temporary absence of the chairman of the judicial collegium, his duties shall be assigned to one of the judges of the judicial collegium, pursuant to the order of the Chairman of the Supreme Court.

In the case of early termination or expiration of the term of office of a judicial collegium chairman of the Supreme Court, his interim duties shall be assigned to the judge of the corresponding judicial collegium of the Supreme Court pursuant to the order of the Chairman of the Supreme Court.

Article 22. Plenary Session of the Supreme Court

1. A plenary session of the Supreme Court shall:

1) establish the numerical and personnel membership of the corresponding judicial collegiums pursuant to the proposal of the Chairman of the Supreme Court;

2) on the basis of study and generalization of judicial practice considers issues of observance of legality in the administration of justice by courts of the Republic;

3) adopts regulatory resolutions, provide explanations on issues of judicial practice and makes suggestions for improving legislation.

Regulatory resolutions are taken at the plenary session of the Supreme Court not less than two-thirds of the votes of the number of judges of the Supreme Court and in the presence of a quorum not less than three-fourths of the total number of judges of the Supreme Court;

3-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 07.11.2014 № 245-V (shall be enforced from 01.01.2015);

4) hears information of the chairmen of judicial collegiums of the Supreme Court, the Trial jury and the head of the authorized body;

5) issue its opinion in the case stipulated by item 2 of Article 47 of the Constitution of the Republic of Kazakhstan;

6) considers candidatures for vacant positions of chairmen, chairmen of judicial collegiums of the regional courts, chairmen of judicial collegiums and judges of the Supreme Court and makes appropriate conclusions;

6-1) considers candidatures of the chairman of the Republican commission on personnel reserve and members of the commission for inclusion by the Chairman of the Supreme Court for approval to the High Judicial Council;

6-2) approves the list of candidatures for forming in conjunction with the High Judicial Council a personnel reserve for the positions of chairman of the regional court, chairman and chairmen of the judicial collegiums of the regional court, judge and chairmen of the judicial collegiums of the Supreme Court;

7) on the proposal of the Chairman of the Supreme Court approves the secretary of the plenary session, the composition of the scientific advisory and international councils, as well as elects the Trial jury by secret vote;

7-1) is excluded by the Constitutional Law of the Republic of Kazakhstan dated 04.12.2015 № 437-V (shall be enforced from 01.01.2016);

7-2) approve the form and a description of the judge's gown;

7-3) approves the regulations of the presidium of the plenary session of the Supreme Court;

7-4) approves provisions on scientific advisory and international councils under the Supreme Court;

8) exercise other powers stipulated by the law.

2. A plenary session shall be quorate if no less than two thirds of the total number of the judges of the Supreme Court attends it.

3. The procedure of work of a plenary session of the Supreme Court shall be determined by the rules approved by it.

Article 22-1. Presidium of the plenary session of the Supreme Court

1. The presidium of the plenary session of the Supreme Court:

1) provides preparation of proposals on improving the activities of courts for consideration of them in the plenary sessions of the regional court;

1-1) discusses the question of transferring to Trial jury the materials on the initiation of disciplinary proceedings against judge who has committed disciplinary offence, and on the results of discussion makes an appropriate decision;

2) executes other powers concerning the organization of activity of courts not referred by this Constitutional law to the competence of other bodies of the Supreme Court.

2. The presidium of the plenary session of the Supreme Court consists of eleven members - the Chairman and chairmen of the judicial collegiums of the Supreme Court, the chairman of the Union of judges, the chairman of the Commission on judicial ethics, the chairman of the

Trial jury, the chairman of the Republican commission on personnel reserve, as well as three judges delegated by the plenary session of the Supreme Court for a period of two years.

3. The presidium of the plenary session of the Supreme Court shall be convened by the Chairman of the Supreme Court and is authorized in the presence of not less than two-thirds of the total number of its members.

4. Organization of work of the presidium of the plenary session of the Supreme Court shall be determined by regulations approved by the plenary session of the Supreme Court.

Section 3. The Status of Judges

Chapter 1. The Legal Status of Judges

Article 23. The Status of a Judge

1. Judges of all Courts of the Republic of Kazakhstan shall have a uniform status and shall differ among themselves only by their powers.

A judge shall be an officer of the state vested in the procedure established by the Constitution of the Republic of Kazakhstan and this Constitutional Law with the power to administer justice, shall carry out his duties on a permanent basis, and shall be a bearer of judicial power.

The legal status of judges shall be determined by the Constitution of the Republic of Kazakhstan, this Constitutional Law and other laws.

2. A judge may not be assigned any non-judicial functions and duties, which are not stipulated by the law. A judge may not be a member of state structures on issues of crime control, and keeping the law and peace.

Article 24. Irremovability of a Judge

1. Judges shall be elected or appointed to position in accordance with the Constitution of the Republic of Kazakhstan, this Constitutional law, the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan" and are authorized on a permanent basis.

2. Powers of the judges may be terminated or suspended only on the grounds and in the procedure stipulated this Constitutional Law and other laws of the Republic of Kazakhstan.

Article 25. Independence of a Judge

1. Independence of a judge shall be protected by the Constitution and the law. In the administration of justice judges shall be independent and subordinate only to the Constitution of the Republic of Kazakhstan and the Law.

2. No one may interfere in the administration of justice or exert any influence over a judge or jurors. Such acts shall be prosecuted according to the law.

3. A judge shall not be obliged to provide any explanations on the essence of considered or sub judicial court cases. Secrecy of retiring room must be secured in all cases without any exceptions.

4. Financing of courts, financial and social security of judges and providing them with housing, shall be provided by the national budget in the amount sufficient for a full and independent administration of justice.

Article 26. Guarantees of Judge's Independence

1. The independence of a judge shall be ensured by the following:

1) the procedure stipulated by the Law for the administration of justice;

2) the liability stipulated by the Law for any interference in the judge's activity associated with the administration of justice and for contempt of court and judges;

3) the inviolability of a judge;

4) established by the Constitution of the Republic of Kazakhstan, this Constitutional law and the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan" order of election, appointment to position, termination and suspension of powers of the judge, the right of a judge to resign;

5) the provision to judges, at the expense of the state, of financial support and social security appropriate to their status, and prohibition to deteriorate it.

2. Judges, members of their family and their property shall be under the protection of the state. Internal Affairs Agencies shall take timely and exhaustive measures to provide for security of a judge and members of his family, safety of their property, if the judge files the corresponding application.

Any harm inflicted to a judge and his property in connection with his professional activity shall be reimbursed from the national budget.

Article 27. The Inviolability of Judges

1. A judge may not be detained, subjected to detention, house arrest, delivery administrative penalties imposed in a judicial procedure, brought to criminal liability without the consent of the President of the Republic of Kazakhstan based on conclusion of the High Judicial Council, and in the case stipulated by subparagraph 3) of article 55 of the Constitution, without the consent of the Senate of the Parliament of the Republic of Kazakhstan, except for cases of detention at the scene of a crime or committing serious or especially serious crime.

2. After registration of the reason for the beginning of pre-trial investigations in the Unified register of pre-trial investigation pre-trial investigation may be continued only with the consent of the Attorney General of the Republic of Kazakhstan. In cases where a judge arrested at the scene of a crime or a fact of preparation or attempt to commit serious or especially serious crime is established or committed a serious or especially serious crime, pre-trial investigation against him may be continued until the consent of the Attorney General of the Republic of Kazakhstan, but with its mandatory notice during the day. Special operational-search measures and secret investigative actions against judge can be held with the sanction of the Prosecutor in the order established by legislative acts of the Republic of Kazakhstan.

3. The judge shall be awarded the certificate in the order established by the High Judicial Council of the Republic of Kazakhstan.

Article 28. Requirements to a Judge

1. A judge shall be obliged:

1) to strictly observe the Constitution and Laws of the Republic of Kazakhstan and be faithful to the oath of a judge;

2) in carrying out his constitutional duties associated with the administration of justice, and in unofficial relations, to comply with the requirements of judicial ethics and to avoid anything which might denigrate the authority or dignity of the judge or cause doubts about his honesty, fairness, objectivity and impartiality;

3) to oppose any attempts of corruption and illegal interference in his activity associated with the administration of justice; and

4) to observe the secret of judges' council.

Judges, with the exception of having the experience of judicial work for more than twenty years, every five years, undergo evaluation of professional activity in the Trial jury.

2. The office of a judge shall be incompatible with a deputy's mandate, any paid position except teaching, research or other creative activity, business activity, or being a member of the management body or supervisory board of a commercial organization. Judges may not be members of parties or trade unions, and may not come out in support or opposition of any political party.

Article 29 Requirements for candidate judges

1. A citizen of the Republic of Kazakhstan may be appointed as the judge of the district court:

1) reached the age of thirty years;

2) having a higher legal education, high moral and ethical qualities, an impeccable reputation and, as a rule, not less than five years of work experience as a secretary of the court session, consultant (assistant) of the court, Prosecutor, lawyer or not less than ten years of experience in the legal profession;

3) passed a qualifying exam (the person who completed the training and passed the qualifying examination in a specialized graduate program shall be exempt from the exam within four years from the date of graduation);

4) passed medical examination and confirmed the absence of diseases preventing the execution of professional duties of a judge;

5) successfully passed one-year paid internship at the court with a separation from the basic place of work and received a positive conclusion of the plenary session of the court at the end of the training (the person who completed the training and passed the qualifying examination in a specialized graduate program shall be exempt from the internship program within four years from the date of graduation);

6) passed polygraph examination.

The requirements provided by subparagraphs 5) and 6) of the first part of this paragraph do not apply to applicants who are current judges.

2. A citizen may be a judge of the regional court who satisfies the requirements of paragraph 1 of this article, has work experience in the legal profession not less than fifteen years, not less than five years of work experience as a judge from them, and also received the conclusion of the plenary session of a relevant regional court and the surety in writing of two judges of the superior court and one judge retired.

The surety cannot be given by the judge subjected to disciplinary sanction within two years before the giving of the surety.

When giving surety the judge must be impartial, guided by the known reliable data.

When giving surety the judge takes into account established criteria:

1) the time period during which the judge is familiar with the person in respect of which he gives surety, and the circumstances of familiarity;

- 2) experience of working together with a person in respect of which he gives surety (if any);
- 3) the information known to the judge on professional and communication skills, personal and business qualities of the person in respect of which he gives surety;
- 4) other information and data known to the judge.

The conclusion of the plenary session of the corresponding regional court may be appealed to the plenary session of the Supreme Court.

The conclusion of the plenary session of the corresponding regional court or the Supreme Court shall be submitted by the candidate to the High Judicial Council.

3. A citizen may be a judge of the Supreme Court who satisfies the requirements of paragraph 1 of this article, has work experience in the legal profession not less than twenty years, not less than ten years of work experience as a judge from them, including five years of work experience as a judge of the regional court and also received a positive conclusion of the plenary session of the Supreme Court and a written surety from two judges of the superior court and one judge retired. The requirement on the availability of judicial experience, the need for a positive conclusion of the plenary session of the Supreme Court and corresponding written surety does not apply to a candidate for the position of Chairman of the Supreme Court.

3-1. The contestants for the position of chairman and judge of the district court after submission of documents to the High Judicial Council shall obtain conclusions of the Council on cooperation with the courts and the plenary session of the regional court at the place of residence or work.

The contestants for the position of judge of the regional court after the submission of documents to the High Judicial Council shall obtain the conclusions of the Council on cooperation with the courts and the plenary session of the regional court at the place of residence or work.

In case the contestants for the position of judge of the regional court work or live in the same region where the court is located, to the position of judge which they claim, obtaining the second conclusion of the plenary session of the regional court is not required.

Council conclusions on cooperation with the courts and the plenary of the regional court are recommendatory character.

The contestants for the position of judge of the Supreme Court after submission of documents to the High Judicial Council shall also obtain the conclusion of the Council on cooperation with the courts at the place of residence or work. Council conclusion on cooperation with the courts is recommendatory character.

4. Candidates for judge pass one-year paid internship in court on a regular basis with a separation from the basic place of work. The conditions and procedure of passing an internship by a candidate judge shall be determined by Regulations approved by the President of the Republic of Kazakhstan.

5. Persons elected or appointed from the position of a judge to the state position in representative bodies, and also appointed from the position of a judge to the position directly

related to organizational provision of justice, are entitled to engage judicial position on a competitive basis without internship.

Article 29-1. Medical Examination of a Candidate for Position of a Judge

1. To confirm that a candidate for judge does not have diseases which prevent the execution of professional duties of a judge, he shall pass a medical examination.

2. The list of diseases, which prevent the execution of professional duties of a judge, shall be established by the joint regulatory legal act of the authorized body for organizational and material support of the Supreme Court activity, local and other courts, and the authorized body in health care.

Article 30. The selection of candidates for the position of judge, the President, the Chairman of the Judicial panel of the court

1. Candidates for the position of judge should be given equal right to hold office irrespective of their origin, social and property status, racial and national belonging, sex, political views, religious beliefs and other circumstances.

2. The selection of candidates for vacant posts of Chairman and judges of the district court, judges of the oblast court and judges of the Supreme Court is the Supreme Judicial Council on a competitive basis from among persons applying for vacant posts and meet the requirements of article 29 of this constitutional law.

3. Nominations for the vacant positions of chairmen and chairmen of judicial boards of oblast courts, chairmen of judicial collegiums of the Supreme Court are considered on an alternative basis by the High Judicial Council at the proposal of the President of the Supreme Court, made on the basis of a decision of the plenary of the Supreme Court.

4. Candidates for the vacant post of Chairman of the district court are recommended from among operating judges or persons having work experience as a judge not less than five years. Nominations for the vacant positions of Chairman and chairmen of the judicial collegiums of the oblast court are recommended from among operating judges or persons having work experience as a judge not less than ten years.

Candidates for the vacant post of Chairman of the district court must obtain a written guarantee from two of the judges of the superior court and one judge retired.

The priority in the selection of candidates for the posts of Chairman of oblast court, chairmen and chairmen of the judicial collegiums of the oblast court judges and chairmen of the judicial collegiums of the Supreme Court is given to the persons consisting in the personnel reserve.

The selection of candidates for the posts of Chairman of oblast court, chairmen and chairmen of the judicial collegiums of the oblast court, chairmen of judicial collegiums of the Supreme Court in addition to the criteria specified in part three of the paragraph 4 of this article, are also considered, and organizational skills.

The candidate for the position of Chairman of the judicial Collegium of the Supreme Court shall be recommended from among the judges of the Supreme Court.

Supreme Judicial Council recommends candidates for the vacant positions of chairmen, chairmen of judicial collegiums of local and other courts, chairmen of judicial collegiums of the Supreme Court to the President of the Republic of Kazakhstan for appointment to office.

The candidate for the post of Chairman of the Supreme Court considered the Supreme Judicial Council.

Supreme Judicial Council recommends candidates for the vacant positions of President, judges of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament of the Republic of Kazakhstan.

Article 30-1. The assessment of the judges' professional activities.

Assessment of the professional activities of judges recognized assessment of the level of his professional knowledge and ability to apply them in the administration of justice, legal activities, business and moral qualities of the judge and its compliance with the requirements of this Constitutional law and the Code of judicial ethics.

Assessment of professional activities of judges is for the purpose of improving the qualitative composition of the judiciary, evaluating and stimulating the development of their professional skills, increase the responsibility for strengthening the rule of law in matters of protection of rights of citizens and interests of society.

Assessment of professional activities judge for the first time is the result of one year work as a judge. In the subsequent evaluation of the professional activities of judges is held every five years, as well as the participation in the contest for judge of a higher court, to the post of Chairman of court, Chairman of judicial Board.

Exempt from periodic assessment of professional activities of judges that have twenty or more years of judicial experience.

2. The results of the work of judges upon expiry of the annual period considered at the meeting of the qualification Commission of the Judicial jury and the Chairman of the Supreme Court shall be submitted for the approval of the Supreme Judicial Council.

The results of the work of the judge is considered on the basis of the following criteria:

- 1) indicators of quality of administration of justice;
 - 2) observance of norms of judicial ethics and work discipline.
3. Assessment of the professional activities of judges carries out the qualification of the jury Trial.

Article 31. Procedure for Vesting Powers in a Judge

1. Judges of the Supreme Court of the Republic of Kazakhstan shall be elected by the Senate pursuant to the proposal of the President of the Republic of Kazakhstan based on the recommendation of the Supreme Judicial Council.

2. Judges of local and other courts shall be appointed to office by the President of the Republic of Kazakhstan pursuant to the recommendation of the Supreme Judicial Council.

3. Chairmen of judicial collegiums of local and other courts, chairmen of judicial collegiums of the Supreme Court shall be appointed by the President of the Republic of Kazakhstan pursuant to the recommendation of the Supreme Judicial Council based on the proposal of the Chairman of the Supreme Court and opinion of the plenary session of the Supreme Judicial Council for a five-year term.

4. The Chairman of the Supreme Court shall be elected by the Senate pursuant to the proposal of the President of the Republic of Kazakhstan based on the recommendation of the Supreme Judicial Council for a five-year term.

5. The chairmen of local and other courts shall be appointed by the President of the Republic of Kazakhstan upon the recommendation of the Supreme Judicial Council for a period of five years.

Chairmen of oblast courts, chairmen and chairmen of judicial boards of oblast courts, chairmen of the collegiums of the Supreme Court may not be appointed to the position they assumed in the relevant court more than two times in a row.

6. *(is excluded by Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2);*

7. Upon expiry of their term in office, chairmen and chairmen of the judicial collegiums of local and other courts, the Chairman and chairmen of the judicial collegiums of the Supreme Court shall continue performing the powers of the judge of the corresponding court, unless they have been appointed or elected correspondingly to a similar position in another court.

In the absence of the vacant positions of judges in the corresponding court, chairmen and chairmen of the judicial collegiums of local and other courts which have not been appointed to a similar position in another court, based on their consent judges of an equivalent or lower court shall be submitted for appointment to the vacant position without a competition.

In the absence of the vacant positions of judges in the Supreme Court the Chairman and chairmen of the judicial collegiums of the Supreme Court, based on their consent judges of a lower court shall be submitted for appointment to the vacant position without a competition.

8. In the case of reorganization or abolition of the court, reducing the number of judges of the corresponding court the judges of this court, and the judge at the time of transfer to another court in the case provided for by subparagraph 4) of paragraph 1 of article 44 of this constitutional law, their consent may be submitted to the appointment to the vacant judicial position equivalent or lower court without a contest.

9. Chairmen and chairmen of judicial collegiums of local and other courts, the Chairman and chairmen of the judicial collegiums of the Supreme Court, released from office on the grounds specified in subparagraph 4) of paragraph 1 of article 40 of this constitutional law, continue to exercise the powers of a judge of the respective court.

In case of absence of vacant posts of judges in a corresponding court the chairmen and chairmen of judicial collegiums of local and other courts, with their concurrence, are submitted for appointment to the vacant position of the judge of equivalent or lower court without a contest.

In case of absence of vacant posts of judges in the Supreme Court the Chairman and chairmen of the judicial collegiums of the Supreme Court with their consent are proposed for appointment to the vacant position of a judge of a lower court without a contest.

Article 32. The Judge's Oath

1. A person elected or appointed to the position of a judge for the first time shall take the following oath:

"I solemnly swear to carry out my duties honestly and conscientiously, to administer justice subject only to the Constitution and the Laws of the Republic of Kazakhstan and to be impartial and fair as my duty of a judge tells me."

2. The Chairman and judges of the Supreme Court shall take the oath at a session of the Senate of the Parliament of the Republic of Kazakhstan.

3. *(is deleted by the Constitutional Law of the Republic of Kazakhstan of 17.11.2008 N 80-IV (the order of implementation, see Article 2)).*

4. A person appointed to the position of a chairman, chairman of a judicial collegium and judge of a regional court, chairman and judge of a district court for the first time shall take the oath at a plenary session of a regional court.

In appointing a judge, the oath shall not be taken repeatedly by the chairman or the chairman of judicial collegium or the judge of another court.

Article 33. Suspension of the Powers of a Judge

1. The powers of a judge shall be suspended if:

1) the judge has been registered as a candidate for the President of the Republic of Kazakhstan, for a deputy of the Parliament or Maslikhats of the Republic of Kazakhstan;

2) having entered into force, the judge has been recognized as missing by a court decision;

3) a consent has been given to charge the judge with criminal liability;

3-1) there is a decision of Trial jury on the necessity of termination of powers of the judge on the grounds provided by subparagraphs 11) and 11-1) of paragraph 1 of article 34 of this constitutional law;

3-2) *is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 ? 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication); and*

4) in case of his transfer to another job.

5) filed the application for exemption from the post of judge at their own request.

2. The powers of a judge shall be suspended:

by the President of the Republic of Kazakhstan with regard to the Chairman of the Supreme Court;

by the Chairman of the Supreme Court with regard to all other judges of the Republic.

2-1. In suspending powers of a judge his powers of a chairman or the chairman of the judicial collegium of the corresponding court shall be suspended.

2-2. When applying for exemption from office of a judge at his own request, his powers are suspended following the expiration of one month from the date of submission of the application.

3. The powers of a judge shall be renewed if the circumstances, which served as the grounds for making decision to suspend the powers of a judge, are no longer relevant.

Article 34. Dismissal and termination of powers of the Court Chairman, the chairman of Judicial Board, and the Judge.

1. The grounds for termination of the powers of a judge are as follows:

- 1) judge's resignation
- 2) judge's discharge from office pursuant to his own wish;
- 3) state of health impeding further performance of professional duties, in accordance with a medical opinion;
- 4) entering into legal force of a court decision recognizing the judge as legally incapable or restrictedly incapable, or applying compulsory measures of a medical nature to him;
- 5) entry into legal force of a guilty verdict against the judge, the termination of the criminal case at the pretrial stage on non-rehabilitating grounds;
- 6) loss of citizenship of the Republic of Kazakhstan;
- 7) death of the judge or entering into legal force of a court decision recognizing him as deceased;
- 8) appointment, election of the judge to another position or his transfer to another job;
- 9) abolishment of the court or reorganizing of the court reducing the number of judges of the corresponding court, if the judge does not consent to the vacant position of a judge in another court, and the judge's refusal from transfer to another court in another specialty in the case provided for by subparagraph 4) of paragraph 1 of article 44 of the present constitutional law;
- 10) the abolition of a court or reorganizing of the court reducing the number of judges of the corresponding court, expiration of term of office, if the President of the court, Chairman of judicial Board do not consent to the vacant position of a judge in another court, and the refusal of the President of the court, Chairman of judicial Board from being transferred to another court, on another specialty in the case provided for by subparagraph 4) of paragraph 1 of article 44 of the present constitutional law;
- 11) the decision of the qualification Commission Trial jury about the discrepancy, the judges occupy positions because of professional incompetence;
- 11-1) the decision of the disciplinary Commission of the Judicial jury on the necessity of dismissal of judges for committing disciplinary misconduct or failure to comply with the requirements specified in article 28 of this constitutional law;
- 12) coming of retirement or limit age of being in office of a judge.

2. The powers of the chairman, the chairman of the judicial collegium of the court may be terminated early pursuant to his own wish or failure to meet the requirements stipulated in Articles 9, 14, 15, 20, 21 and 28 of this Constitutional Law.

3. Decision to discharge a judge from office shall be made by:

1) a resolution of the Senate of the Parliament of the Republic of Kazakhstan, with regard to the Chairman and judges of the Supreme Court, pursuant to the proposal of the President of the Republic of Kazakhstan;

2) a decree of the President of the Republic of Kazakhstan, with regard to the chairmen of judicial collegiums of the Supreme Court, chairmen, chairmen of judicial collegiums and judges of local and other courts.

4. The dismissal of the judges at the same time shall entail the termination of powers of the Chairman or Chairman of judicial Collegium of the corresponding court.

The dismissal of the Chairman or the Chairman of the judicial Collegium of the corresponding court at his own request or the expiration of the term of office shall not entail dismissal from office of a judge of that court, except in the cases prescribed by paragraph 7 of article 31 of this constitutional law.

In the absence of a vacant post of judge in the relevant court President or the Chairman of the judicial Board, with its consent, shall be made by the appointment to the vacant position of the judge of equivalent or lower court without a contest.

5. Grounds for termination of office of judges stipulated by sub-paragraphs 5), 11) and 11-1) of paragraph 1 of this article shall be recognized as negative motives.

Article 34-1. The Limit Age of Tenure in the Position of a Judge

1. When a judge achieves the retirement age stipulated by the Law of the Republic of Kazakhstan, the further tenure in the position of a judge till reaching the age limit by him shall be allowed by the Chairman of the Supreme Court with the consent of the Supreme Judicial Council.

2. The tenure of the judges is permitted until they reach the upper age limit of sixty-five years, which in exceptional cases may be extended for not more than five years in accordance with paragraph 1 of this article.

Article 35. Resignation of a Judge

1. Resignation is termination of powers of the judge in the form of honour retiring judges, who have an excellent reputation, the experience of judicial work not less than twenty years, to preserve his title of judge, belonging to the judicial community, guarantees of personal immunity and other material and social guarantees stipulated by this Constitutional law.

A judge shall be discharged from office in the form of resignation pursuant to the written application of the judge about resignation.

2. When retiring a judge shall be paid lump-sum severance allowance in the amount of twenty-four-month official salaries with the experience of judicial work of twenty or more years, with experience of judicial work from fifteen to twenty years in the amount of eighteen-month official salaries according to the latest position.

2-1. The judge staying in resignation, including retired before January 1, 2016, with the experience of judicial work not less than fifteen years, has reached retirement age prescribed by Law of the Republic of Kazakhstan "On pension provision in the Republic of Kazakhstan" paid non-taxable monthly life annuity in the amount of fifty per cent of

the salary at the last position of a judge, except in cases of suspension or termination of retirement.

For each year of experience of judicial work for over twenty years, and for judges who retire before January 1, 2016, for each year of experience of judicial work for more than fifteen years, the monthly annuity of a judge staying in resignation, increased by one per cent of the salary at the last position of a judge.

The maximum amount of monthly annuity of the judge staying in resignation, shall not exceed sixty-five per cent of the salary at the last position of the judge and student ticket monthly calculation index established by the law on Republican budget for corresponding financial year.

The monthly annuity of the judge staying in resignation, shall be calculated at the last position according to the remuneration system for judges, effective on the date of the request for payment specified content.

An increase in prescribed by the legislative acts of the Republic of Kazakhstan order of the size of remuneration of judges, respectively, recalculated monthly annuity.

The order of payment of the monthly annuity of the judge staying in resignation, determined by the Government of the Republic of Kazakhstan.

The judge staying in resignation, has the right to receive pension payments from the pension savings formed in his individual retirement account.

2-2. Payment of the monthly annuity of the judge staying in resignation, shall be suspended in case of occupation in accordance with legislation of the Republic of Kazakhstan paid from the Republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan office, except as related to the occupation of teaching, research or other creative activity.

In the event of termination of office, paid from the Republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan, the payment of a monthly annuity to the judge resumed.

3. A judge's resignation shall be terminated in the following cases:

- he commits a crime or misdemeanour which brings the authority of the judiciary into disrepute;
- at his own wish;
- loss of citizenship of the Republic of Kazakhstan;
- his death or entering into legal force of a court decision recognizing him as deceased;

Before considering the grounds for termination of resignation of a judge resignation of a judge shall be suspended

- Suspense of judge's resignation shall be carried out by the Chairman of the Supreme Court

- Resignation of judge shall be renewed if the circumstances, which served as the grounds for making decision to suspend the resignation of a judge, are no longer relevant.

4. In the event of termination of resignation the judge shall be deprived of guarantees of personal inviolability and guarantees stipulated by Articles 51, 53 and 55 of this Constitutional Law.

In suspending resignation of judge, the validity of the guarantee of personal inviolability and guarantees provided by Articles 51, 53 and 55 of this Constitutional Law shall be also suspended.

5. Termination of resignation shall be carried out in the same procedure as the discharge of a judge from office due to resignation.

6. The judges who are retired under the age limit of tenure of a judge may, if they consent to be involved in the administration of justice for the period of temporary absence of a judge, but not more than six months.

Article 35-1. Pension Provision of a Judge

1. Pension provision of a judge shall be carried out in the order and conditions stipulated by the legislation of the Republic of Kazakhstan on Pension Provision.

2. When the dismissal of a judge from office on negative grounds, the additional mandatory pension contributions, as listed due to the budget until January 1, 2016, shall be removed to the Republican budget.

Article 36. The Supreme Judicial Council

1. The Supreme Judicial Council shall consist of the Chairman, secretary and other members to be appointed to office by the President of the Republic of Kazakhstan

2. Status and organization of work of the Supreme Judicial Council shall be determined by the law.

Article 37. Judicial Community and its Bodies

1. In order to exercise and protect common interests of judicial community, judges shall have the right to create public associations.

2. Judicial associations shall, where necessary, represent and protect interests of their members in the procedure established by the legislation and may not influence the administration of justice, and shall not pursue any political goals.

Article 38. Disciplinary and Qualification Collegiums of Judges

Footnote. Article 38 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 ? 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 38-1. The jury

1. For assessing the professional activities of incumbent judges, affirming the right of a judge to resign and its termination, as well as consideration of disciplinary proceedings, disciplinary cases against judges formed the Court of the jury.

The judicial jury consists of the qualification and disciplinary commissions

The qualification Commission consists of seven members – two judges of oblast courts, two judges of the Supreme Court and three judges retired.

The disciplinary Commission consists of nine members – three judges of district courts, three judges of oblast courts and three judges of the Supreme Court.

2. The basis for consideration to the disciplinary Commission of the Judicial jury of materials against a judge, are the decisions of the Presidium of the plenary of the oblast court and the Supreme Court.

The basis for consideration by the Judicial jury of materials against a judge are also appeals of individuals and legal persons if they had used all other available means of appeal against the judge's actions.

3. The order of formation and organization of the Judicial jury and its committees, as well as consideration of the materials of disciplinary cases on the Judicial jury shall be determined by regulations approved by the President of the Republic of Kazakhstan.

Article 38-2. Justice academy. Academy is a Justice in the Supreme court

Academy of justice of the Supreme Court (hereinafter – Academy) is a public institution implementing educational programs of postgraduate education performing retraining and advanced training of the judiciary and scientific activities.

The Supreme Court is the authorized body responsible for the overall management of the Academy.

Education, status and organization of the work of the Academy are determined by the President of the Republic of Kazakhstan.

Chapter 2. Disciplinary Liability of Judges

Article 39. Grounds for Disciplinary Liability of Judges

1. A judge may be disciplined for committing a disciplinary offense.

A disciplinary offence is a culpable action (inaction) in the performance of official duties or when off duty activities, which were violated the provisions of this constitutional law and (or) the code of judicial ethics, which resulted in a diminution of the authority of the judiciary and damage the reputation of the judge.

A judge may be disciplined:

- 1) for gross violation of law in the trial cases;
- 2) for the Commission of defamatory offense, contrary to judicial ethics;
- 3) for violation of labour discipline.

2. Chairmen of courts and chairmen of judicial collegiums of courts may be charged with disciplinary liability for improperly carrying out their official duties as stipulated by this Constitutional Law.

3. A judicial error, as well as the repeal or amendment of a judicial act shall not entail liability of the judge unless there had been gross violations of the law as indicated in a judicial act of a higher court.

Judicial error is an act, led to an incorrect interpretation and application of substantive or procedural rights not associated with the wrongful actions of a judge.

Article 40. Types of Penalties Applied to a Judge

1. The following disciplinary penalties may be applied to judges:

1) notice;

2) reprimand;

3) is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 ? 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication);

4) discharge of the chairman of a court or chairman of a judicial collegium from office for the improper performance of official duties;

5) discharge of a judge from office on the grounds stipulated by this Constitutional Law.

2. Only one disciplinary penalty shall be imposed for each breach subject to the nature of the disciplinary misdemeanor, data on the judge's personality and degree of his guilt.

Article 41. Right to Initiate Disciplinary Proceedings

Footnote. Article 41 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 ? 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 42. Deadlines for the Institution and Consideration of a Disciplinary Case

1. Disciplinary proceedings against a judge may be initiated not later than three months from the date of discovery misconduct, not counting the time of official investigation and the judge is absent from work for valid reason, except for disciplinary proceedings, on the treatment of individuals, and not later than one year from the date of Commission of the offense.

The day of the discovery of a disciplinary misdemeanor related to breach by a judge of the law when considering a court case, shall be the day of entering into legal force of the judicial act of a higher court instance, which has established the fact of breach of the law, and the day of committing such misdemeanor shall be the day of issuing of the illegal judicial act.

Disciplinary proceedings against judges on the treatment of individuals can be initiated not later than six months from the date of receipt of the petition, not counting the time of official investigation and the judge is absent from work for valid reason.

2. A disciplinary case must be considered within two months of the date of its institution.

Article 43. Agencies for the Consideration of Disciplinary Cases

Footnote. Article 43 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 ? 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 44. The decision of Trial jury

1. Qualifications Commission of Trial jury by results of consideration of materials about the qualification assessment of judges shall make one of the following decisions:

- 1) recognize the relevant position;
- 2) recommend for appointment to the post of judge to a higher court, the President of the court, Chairman of judicial Board;
- 3) recommend for transfer in a personnel reserve to a higher position (higher court);
- 4) on the transfer to another court in another specialty;
- 5) recognize irrelevant to the position due to professional inadequacy;
- 6) refuse to give a recommendation for appointment to the position of judge of the higher court, the President of the court, Chairman of judicial Board.

The decisions of the qualification Commission of Trial jury, provided by subparagraphs 2), 3) and 6) of the first part of this paragraph, have the status of recommendations.

2. The decision of the qualification Commission of Trial jury on recognition that judge is not relevant to the position due to professional inadequacy as results of periodic evaluation of professional activity is the basis for making proposal on the dismissal of a judge from his position by the Chairman of the Supreme Court to the Supreme Judicial Council

The decision of the qualification Commission of Trial jury on the transfer of judge to another court as results of periodic evaluation of professional activity is the basis for making proposal on the transfer of judge to another court, and in case of his refusal of translation – proposal of the dismissal of a judge from his position by the Chairman of the Supreme Court to the Supreme Judicial Council.

3. The disciplinary Committee of Trial jury according to the results of the consideration of material about initiation of disciplinary proceedings takes out one of the following decisions:

- 1) on initiation of disciplinary proceedings;
- 2) on refusal to initiate disciplinary proceedings.

According to the results of the disciplinary hearing impose one of the following decisions:

- 1) on imposing of disciplinary punishment under paragraph 1 of article 40 of this constitutional law;
- 2) on termination of disciplinary proceedings.

The disciplinary Committee of Trial jury according to the results of the consideration of the material on judge's statement on the confirmation of the right to resignation, and material on termination of retirement shall make one of the following decisions:

- 1) on acknowledgement of the right of judges to resign;
- 2) on refusal in acknowledgement of the right of judges to resign;
- 3) on the termination of resignation of a judge;
- 4) refusal in the termination of judge's retirement.

4. The decision of the committees of Trial jury is the basis for making proposal for exemption of the President, the Chairman of the judicial collegium and a judge from their positions by his post the Chairman of the Supreme Court to the Supreme Judicial Council.

5. The decision of the committees of Trial jury may be appealed by the Chairman of the Supreme Court to the Supreme Judicial Council.

6. The refusal of the Supreme Judicial Council in giving recommendations on the release of the President, the Chairman of the judicial Collegium and a judge from their positions or decision of the Supreme Judicial Council on the unreasonableness of imposing on the judge of any disciplinary sanction are the basis for cancellation and revision of their decision are made by of the relevant commissions of the Judicial jury.

Article 45. Term of a Disciplinary Penalty

1. If for one year from the date of imposition of a penalty, a judge is not subjected to another disciplinary penalty, he shall be deemed not to have been subjected to any disciplinary penalty.

2. Upon the expiry of six months from the date of imposition of a disciplinary penalty, the penalty may be remitted early by the Trial Jury if the judge's behaviour has been irreproachable and the judge's attitude towards his duties has been conscientious.

Article 46. Appealing against Decisions of Disciplinary and Qualification Collegiums

Footnote. Article 46 is deleted by the Constitutional Law of the Republic of Kazakhstan of 16.02.2012 ? 559-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 3. Financial Support and Social Security for Judges

Article 47. Financial Support for Judges

1. Financial support for a judge must conform to his status and ensure the possibility of full and independent administration of justice, and may not be reduced.

2. Salaries of judges are determined in accordance with subparagraph 9-1) articles 66 of the Constitution based on the status of judge, procedure of his appointment and election, as well as functions performed by him.

3. In the cases provided by subparagraph 9) of paragraph 1 of article 34 of this constitutional law, if the judge was dismissed from his position, he is given the payment of severance in the amount of four monthly average wages at the experience of judicial work not less than three years.

Article 48. Qualifications of Judges

Footnote. Article 48 is deleted by the Constitutional Law of the Republic of Kazakhstan of 29.12.2010 ? 370-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 49. Judges' Annual Leave

Judges shall be granted annual leave of thirty calendar days with payment of a recuperation allowance in the amount of two official salaries.

Article 50. Compensation for Relocation

Judges who are assigned (elected) or reassigned (re-elected) from one region of Kazakhstan to another and members of their families shall be paid the relocation costs actually incurred in full.

Article 51. Housing Provision

1. Housing shall be provided to judges from the funds of the national budget.
2. The judge and the members of his family in an extraordinary manner, but not later than six months from the day of intercession in position, are provided in relation to a particular area comfortable dwelling from the state housing Fund according to the norms precluding the assignment of a judge to the category of citizens who need better housing conditions. Office housing occupied for permanent residence by a judge, can be his desire privatized in the order established by the legislation of the Republic of Kazakhstan.
3. If a judge has been discharged from office, he and his family members may not be evicted from official housing without being granted other housing.
4. In the cases provided by subparagraph 9) of paragraph 1 of article 34 of this constitutional law, if the judge was dismissed from his position, he is given the right to privatize the office accommodation occupied by him in the order established by the legislation of the Republic of Kazakhstan.

Article 52. Providing Gowns to Judges

Judges of all courts shall be provided with judge's gowns from the funds of the national budget.

Article 53. Medical Care for Judges

1. Judges and members of their families who live together with them shall be supplied with medical care at the relevant state health care institutions in the established procedure.
2. The procedure and conditions of medical care for judges shall be determined by legislation of the Republic of Kazakhstan.

Article 54. Compensations in case of injury (trauma, wound, contusion, and professional disease) or fate (death) of a judge

1. If a judge receives an injury (trauma, wound, contusion, and professional disease) while performing of his official duties he shall be paid lump-sum compensation in the amount established by this article.

2. In the event of fate (death) of a judge while performing official duties or within one year after termination of the judge's powers due to injury (trauma, wound, contusion, and professional disease), which has been received while performing official duties, the persons entitled to compensation shall be paid a lump sum compensation in the amount of sixty-month official salary according to the latest occupied position.

3. In determining disability to a judge, which occurred as a result of injury (trauma, wound, contusion, and professional disease), which has been received while performing official duties, he shall be paid lump sum compensation in the amount:

- 1) for the disabled person of the Group I-thirty-month official salary;
- 2) for the disabled person of the Group II - eighteen-month official salary;
- 3) for the disabled person of the Group III - six-month official salary.

4. If a judge while performing his official duties receives a serious injury (trauma, wound, contusion, and professional disease) which has not entailed the establishment of disability, he shall be paid a lump sum compensation in the amount of six-week official salary, slight injury - a half month's official salary.

5. The payment procedure of lump-sum compensation shall be determined by the Government of the Republic of Kazakhstan.

6. Lump-sum compensation shall not be paid if in the procedure established by legislation of the Republic of Kazakhstan, it is proved that injury (trauma, wound, contusion, and professional disease) or fate (death) of the judge occurred due to circumstances irrelevant to the performance of official duties.

Article 55. Compensation of Funeral Costs

Lump-sum monetary compensation in the amount of three-month judge's salary at the corresponding office as of the moment of the judge's death shall be paid for the funeral of deceased or dead judges and pensioners who retired from the office of judge.

The payment procedure of lump-sum monetary compensation shall be determined by the Government of the Republic of Kazakhstan.

Article 55-1. Deprivation of judge of guarantees on material and social security

The judge at the time of termination of his powers on the basis of the decision of the Trial jury in connection with the Commission of a crime or discrediting misconduct that would impair the authority of the judiciary, failure to comply with the requirements of judicial ethics and failure to comply with other requirements set forth in article 28 of this constitutional law and on the basis of the decision on professional incompetence deprived:

- 1) the right for resignation and the guarantees of personal inviolability;
- 2) all the material and social guarantees, stipulated in Articles 51, 53, 54 and 55 of this Constitutional Law. "

Section 4. Support for Courts' Activity

Article 56. Organizational, Financial and Technical Support for Courts' Activity

1. Organizational, financial and technical support for the activity of the Supreme Court, local and other courts, provision of legal statistical documentary information to the authorized body in the field of legal statistics and special accounts in accordance with the legislation of the Republic of Kazakhstan shall be carried out by the authorized body, created by the President of the Republic of Kazakhstan.

2. The unified system of an authorized body shall be formed by the relevant state body and the territorial divisions of the authorized body in the regions and the cities of Astana and Almaty.

3. The competence of the authorized body shall be determined by a regulation approved by the President of the Republic of Kazakhstan.

4. The structure and list of staff of an authorized body shall be approved by the Chairman of the Supreme Court in the procedure stipulated by the legislation within the staff number limit approved by the President of the Republic of Kazakhstan.

5. The legal status and remuneration of employees of an authorized body shall be regulated by the legislation of the Republic of Kazakhstan on Public Service.

Article 57. The Financing of Courts

1. The Supreme Court, local and other courts of the Republic of Kazakhstan shall be financed from the funds of the national budget.

2. Budget of the Supreme Court, local and other courts must fully provide for the courts' exercise of their constitutional powers.

3. The use of funds allocated from the Republican budget for the activities of the international Council, determined by the authority.

4. The head of the authorized body is a member of the Republican budgetary Commission constituted in the manner prescribed by the Budget code of the Republic of Kazakhstan.

Section 5. Concluding and Interim Provisions

Article 58. Legislative Acts Deemed to Have Lost Force

The following shall be deemed to have lost force:

1. Law of the Kazakh SSR On Judicial System of the Kazakh SSR dated November 23, 1990 (Bulletin of the Supreme Soviet of the Kazakh SSR, 1990, No. 48, Article 443; Bulletin of the Supreme Court of the Republic of Kazakhstan, 1992, No. 8, Article 206; No. 11-12, Article 293; 1993, No. 8, Article 161; 1995, No. 23, Article 140).

2. Resolution of the Supreme Soviet of the Kazakh SSR On the Procedure of Giving Effect to the Law of the Kazakh SSR On Judicial System of the Kazakh SSR dated November 23, 1990 (Bulletin of the Supreme Soviet of the Kazakh SSR, 1990, No. 48, Article 444).

3. Edict No. 1545 of the President of the Republic of Kazakhstan Having Force of Law On Organizational Issues of Activity of the Supreme Court of the Republic of Kazakhstan dated February 7, 1994 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1994, No. 6, Article 62).

4. Edict No. 1670 of the President of the Republic of Kazakhstan Having Force of Law On Further Measures to Increase the Level of Financial and Social Support for Judges of the Courts of the Republic of Kazakhstan dated 18 April 1994 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1994, No. 18, Article 182).

5. Edict No. 2125 of the President of the Republic of Kazakhstan Having Force of Law On the Procedure of Forming Lower Courts of the Republic of Kazakhstan dated March 17, 1995 (Collection of Acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, 1995, No. 10, Article 113).

6. Edict No. 2581 of the President of the Republic of Kazakhstan Having Force of Law On Courts of the Republic of Kazakhstan dated October 20, 1995 (Bulletin of the Supreme Court of the Republic of Kazakhstan, 1995, No. 21, Article 128; No. 22, Article 134).

7. Edict No. 2694 of the President of the Republic of Kazakhstan Having Force of Constitutional Law On Courts and Status of Judges in the Republic of Kazakhstan dated December 20, 1995 (Bulletin of the Supreme Court of the Republic of Kazakhstan, 1995, No. 23, Article 147; Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 7, Article 78; No. 11, Article 156; No. 13-14, Article 194; 1999, No.4, Article 100; No. 23, Article 915; 2000, No. 10, Article 231).

Article 59. Giving Effect to this Constitutional Law and Related Peculiarities of Judges' Activity

1. This Constitutional Law shall be enforced from the day of its official publication, except for item 2 of Article 11, Article 13, item 2 of Article 18, Article 19, Article 30 and part two of item 2 of Article 36, which shall be enforced according to adoption of the corresponding legislation, but not later of July 1, 2001.

2. The current chairmen and judges of the courts of the Republic, who were appointed or elected to their offices, shall retain their powers before this Constitutional Law is enforced.

3. The five-year term of powers of the courts' chairmen, who were elected or appointed to their offices, shall be calculated from the moment of their election or appointment before this Constitutional Law is enforced.

4. Chairmen of judicial collegiums of the regional courts and courts equivalent to them as well as of the Supreme Court of the Republic of Kazakhstan shall retain their powers before collegiums of the courts of the Republic of Kazakhstan, which are stipulated by this Constitutional Law, are formed.

President of the Republic of Kazakhstan