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

**KYRGYZSTAN**

**DRAFT LAW**  
**ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE**

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## **I. LAW OF THE KYRGYZ REPUBLIC**

### **On amendments to the Criminal Procedure Code of the Kyrgyz Republic**

#### **Article 1**

Add to Criminal Procedure code of the Kyrgyz Republic (newspaper “Erkin-Too” dated November 16, 2021 No. 122–133) the following changes:

1) Article 5 shall be supplemented with paragraphs 73, 74 as follows:

“73) video conferencing – a video conferencing session between two or more remote participants in court proceedings using technical means that provide real-time transmission of audio and video images;

74) broadcast (online broadcast) – distribution and transmission on television, radio and (or) on the Internet in live mode for an unlimited number of users.”;

2) in Article 46:

a) in part 1:

– add paragraph 131 with the following content:

“131) get acquainted with the minutes of court hearings (including audio and video recordings) and submit comments on them;”;

– add clause 18 with the following content:

“18) apply for a trial by using a broadcast (online broadcast) of the court hearing live on television, radio and (or) on the Internet.”;

b) paragraph 1 of part 7 should be stated as follows:

“1) get acquainted with the minutes of the court hearing (including audio and video recordings) and submit comments on it;”;

3) Part 2 of Article 49 shall be stated as follows:

“2. The lawyer participates in the case from the moment of the first interrogation of the suspect, accused, victim, witness, delivery or actual detention of the suspect, accused. A lawyer has the right to participate in criminal proceedings upon presentation of a certificate and a warrant, as well as to participate remotely in court proceedings with the consent of his client.”;

4) Part 2 of Article 112 shall be stated as follows:

“2. The amount of bail is determined by the investigating judge, the judge, the court based on the amount of damage caused, the severity of the crime, the identity and property status of the accused.”;

5) part 3 of article 280 shall be supplemented with paragraph 5 as follows:

“5) about broadcasting in the media or the Internet in an online format.”;

6) paragraph two of part 2 of article 290 should be stated as follows:

“At the request of the accused (convicted person), his lawyer or the state prosecutor, the participation of the accused (convicted person) held in an

institution of the penal system, as well as in a pre-trial detention center of the national security authorities, is carried out at the place of the court hearing.”;

7) add Article 2901 with the following content:

“Article 2901. Broadcast (online broadcast) of the court hearing

1. The court, at the request of the persons participating in the case, or on its own initiative, has the right to allow the broadcast (online broadcast) of the court hearing live on television, radio and (or) on the Internet.

2. The decision on the admissibility of broadcasting (online broadcast) of a court session is determined by the court, taking into account the interests of justice, transparency and ensuring the safety of participants in the proceedings.”;

8) in article 294:

a) part 2 should be stated as follows:

“2. Before the start of the court session, the secretary checks the technical serviceability of audio and video recording equipment, the attendance of persons who must participate in the court session, informs the presiding judge about this and, upon instructions, carries out other actions provided for by this Code.”;

b) add part 3 with the following content:

“3. If it is impossible to use audio and video recording means, draw up an act indicating the reasons and attach it to the case materials.”;

9) Part 1 of Article 301 shall be stated as follows:

“1. If it is impossible to hear the case due to the failure of any of the summoned persons to appear at the court hearing, due to the need to request new evidence at the request of the parties, or a malfunction of audio and video recording equipment, the judge, by his decision, or the court, by his ruling, postpone the trial of the case. At the same time, they oblige the parties to provide the required evidence, bailiffs to take measures to ensure the appearance of persons who did not appear, and the secretary of the court session to ensure the serviceability of audio and video recording equipment.”;

10) in article 308:

a) part 2 should be stated as follows:

“2. The protocol is prepared by computer, electronic, typewritten or handwritten method (attaching audio and video recordings).”;

b) part 4 should be stated as follows:

“4. If during the trial photography, audio and video recording of interrogations were carried out, then a note about this is made in the minutes of the court session. In this case, photographic materials, audio and video recordings are attached to the case materials.”;

c) add part 41 with the following content:

“41. When broadcasting (online broadcast) of a court hearing live on television, radio and (or) on the Internet, a corresponding note is made in the minutes of the court hearing.”;

11) Article 310 shall be stated as follows:

“Article 310. Recording of court proceedings by means of audio and video recording (audio, video protocol)

1. Recording the progress of a court hearing is mandatory, which is carried out using audio and video recording. The recording of the court session by means of audio and video recording is carried out by the secretary of the court session.

In exceptional cases, with the consent of the accused (convicted), his lawyer and the public prosecutor, in order to ensure the interests of justice and protect the procedural rights of participants in the court session, if it is impossible to eliminate technical faults, the judge or court may decide to hold a court session without audio and video recording.

The absence of audio and video recordings is grounds for changing, revising or canceling a court decision, except for cases where the judge or court decided to hold a court hearing without audio and video recordings.

2. Recording of the proceedings of the case using audio and video recording means by the secretary of the court session is accompanied by a short protocol in written form.”;

12) Article 359 shall be stated as follows:

“Article 359. Release of the accused from custody

When the accused is acquitted, as well as when a guilty verdict is passed without imposing a sentence or with release from serving a sentence, or with release from punishment with the use of probation supervision, or with a deferment from serving a sentence of imprisonment, or with a conviction to a punishment not related to imprisonment, or termination of a criminal case by production, the accused, who is in custody, is subject to immediate release in the courtroom or from the institution of the penal system, as well as from the pre-trial detention center of the national security authorities, guardhouses (garrison guardhouses) of the Armed Forces of the Kyrgyz Republic on the basis of the operative part of the court verdict, signed by the court, in paper or electronic form through an electronic document management system, before the verdict or court order enters into legal force. A preventive measure not related to detention is chosen against the accused.”

### **Article 3**

This Law comes into force after three months from the date of official publication.

**The president  
Kyrgyz Republic**

## **II. REFERENCE – JUSTIFICATION**

### **to the draft Law of the Kyrgyz Republic “On Amendments to the Criminal Procedure Code of the Kyrgyz Republic”**

#### **1. Goal and objectives**

The purpose and objective of this draft Law of the Kyrgyz Republic “On Amendments to the Criminal Procedure Code of the Kyrgyz Republic” are:

- strengthening the role of bail in the system of preventive measures and developing mechanisms to facilitate its more effective use;
- improving videoconferencing in criminal proceedings.

#### **2. Descriptive part**

**Pledge:** The institution of preventive measures is an important part of criminal procedural law. A preventive measure is a temporary restriction of the rights and freedoms of a person, established by a court or investigative body, to ensure the investigation and trial of a criminal case. The purpose of the preventive measure is to ensure law and order, prevent the commission of new crimes, ensure the appearance of the defendant and prevent hiding from the investigation.

Bail is an important tool in the criminal justice system to enforce court decisions and protect the interests of the public. The use of bail as a preventive measure is an important step to ensure fairness in the criminal process and protect the interests of society.

“Bail” refers to a certain amount of money that the accused is required to post as a guarantee that he will fulfill his obligations to justice. If all conditions are met, the deposit is returned, otherwise it may be confiscated.

International experience shows that a feature of the use of collateral is that the collateral can be supplemented by other restrictions. The active and widespread use of bail can have a positive economic effect and will reduce the state’s costs of keeping accused persons in custody in pre-trial detention centers and escorting them to the courts, which in turn will also significantly reduce the financial costs of these activities.

Taking a preventive measure in the form of bail will make it possible to secure and protect the accused from the influence of criminal ideology and contributes to the humanization of criminal proceedings.

At the same time, the bill proposes to make appropriate changes, which are generally aimed at improving and improving the institution of a preventive measure, in particular “bail”.

**Video conferencing:** The use of modern information and communication technologies in the management sphere of all government bodies, including courts, is the call of the times. The need to introduce information and communication technologies in the courts was provided for by the National Development Strategy of the Kyrgyz Republic. It notes that one of the priority areas for optimizing the process of administration of justice is the use of modern information technologies in the activities of courts.

The use of modern technologies is one of the priority areas for improving legal proceedings. Automation and informatization of the activities of courts, based

on the use of advanced technologies and the use of international experience, will ultimately contribute to increasing the efficiency of the ongoing legal policy; strengthening the competitiveness of the state; increasing the level of public satisfaction with the activities of the judiciary and public confidence in the courts.

Information and communication technologies include various components such as hardware, software, databases, procedures and rules for working with data. Video conferencing in this case is one of the tools for exchanging information and communicating using an information system.

Live broadcast (online broadcast) involves transmitting video and audio of events occurring at meetings in real time via the Internet. Such broadcasts allow you to observe what is happening at meetings without being physically at the venue.

The presented bill proposes to introduce live broadcasts (online broadcasts) of court hearings. In particular, it is proposed that the court, at the request of the persons participating in the case or on its own initiative, may allow the broadcast (online broadcast) of the court hearing live on television, radio and (or) on the Internet.

Organizing online broadcasts of meetings on the Internet would allow a wide audience to watch the trial in real time. Such broadcasting can help increase transparency and openness of the judicial process, as well as ensure that stakeholders and the public are informed.

At the same time, the bill proposes to strengthen the norm for the use of audio and video recording during court proceedings and make it mandatory, since in practice, in most cases, courts do not use video recording. The bill states that the absence or malfunction of audio and video recording equipment is grounds for changing, revising or canceling a court decision, with the exception of cases where the court, in order to ensure the interests of justice, may decide to hold a court hearing without audio and video recording.

Also, in order to comply with the procedural rights of the accused who is subject to immediate release from custody in the courtroom or from the institution of the penal system, as well as the pre-trial detention center of the national security authorities (in the case of a trial via video conferencing), the bill proposes to improve the mechanism for making a judicial decision.

### **3. Forecasts of possible social, economic, legal, human rights, gender, environmental, corruption consequences**

The adoption of this draft Law will not entail negative social, economic, legal, human rights, gender, environmental, or corruption consequences.

### **4. Information about the results of public discussion**

In accordance with the requirements of Article 22 of the Law of the Kyrgyz Republic “On Regulatory Legal Acts of the Kyrgyz Republic”, this bill was posted on April 26, 2024 on the Unified Public Portal project discussions regulatory legal acts of the Kyrgyz Republic.

Based on the results of the public No discussion of the proposal or comments were received.

### **5. Analysis of the project’s compliance with legislation**

The presented draft Law does not contradict the norms of the current legislation of the Kyrgyz Republic, as well as international treaties that have entered into force in accordance with the established procedure, which have entered into force in accordance with the legislation of the Kyrgyz Republic.

**6. Information about the need for financing**

The adoption of this draft Law does not require additional funding from the republican budget.

**7. Information on regulatory impact analysis**

The presented draft Law does not require a regulatory impact analysis, since it is not aimed at regulating business activities.

**First Deputy Minister**  
*(in the absence of the minister)*

**Z.A. Askarova**



### III. COMPARISON TABLE

#### to the project Law of the Kyrgyz Republic “On Amendments to the Criminal Procedure Code of the Kyrgyz Republic)”

Current edition	Proposed edition
<b>Criminal Procedure Code of the Kyrgyz Republic</b>	
<p><b>Article 5. Definition of the basic concepts contained in this Code</b></p> <p>The concepts contained in this Code have, unless there are special instructions in the laws, the following meanings:</p> <p>....</p>	<p><b>Article 5. Definition of the basic concepts contained in this Code</b></p> <p>The concepts contained in this Code have, unless there are special instructions in the laws, the following meanings:</p> <p>....</p> <p><b>73) video conferencing – a video conferencing session between two or more remote participants in court proceedings using technical means that provide real-time transmission of audio and video images;</b></p> <p><b>74) broadcast (online broadcast) – distribution and transmission on television, radio and (or) on the Internet in live mode for an unlimited number of users.</b></p>
<p><b>Article 46. Rights and obligations of the accused, convicted (acquitted)</b></p> <p>1. The accused has the right:</p> <p>...</p> <p>13) get acquainted with the protocols of investigative actions carried out with his participation, and submit comments that are included in the protocol, as well as receive copies of them;</p>	<p><b>Article 46. Rights and obligations of the accused, convicted (acquitted)</b></p> <p>1. The accused has the right:</p> <p>...</p> <p>13) get acquainted with the protocols of investigative actions carried out with his participation, and submit comments that are included in the protocol, as well as receive copies of them;</p>

<p>14) upon completion of the investigation, become familiar with all the materials of the criminal case and write down the necessary information from it;</p> <p>15) bring complaints against the actions of an employee of the inquiry body, the actions and decisions of the investigator, prosecutor;</p> <p>16) petition for consideration of his criminal case by a court with the participation of a jury, if he is accused of committing a crime punishable by life imprisonment;</p> <p>17) reconcile, including through mediation, with the victim in cases provided for by law.</p> <p>...</p> <p>7. A person convicted or acquitted has the right:</p> <p><b>1) get acquainted with the minutes of the court session and submit comments on it;</b></p> <p>2) receive copies of court decisions and appeal them;</p> <p>3) know about the complaints and submissions made in the case and file objections to them;</p> <p>4) participate in the judicial consideration of complaints and submissions;</p>	<p><b>131) get acquainted with the minutes of court hearings (including audio and video recordings) and submit comments on them;</b></p> <p>14) upon completion of the investigation, become familiar with all the materials of the criminal case and write down the necessary information from it;</p> <p>15) bring complaints against the actions of an employee of the inquiry body, the actions and decisions of the investigator, prosecutor;</p> <p>16) petition for consideration of his criminal case by a court with the participation of a jury, if he is accused of committing a crime punishable by life imprisonment;</p> <p>17) reconcile, including through mediation, with the victim in cases provided for by law;</p> <p><b>18) apply for a trial by using a broadcast (online broadcast) of the court hearing live on television, radio and (or) on the Internet.</b></p> <p>...</p> <p>7. A person convicted or acquitted has the right:</p> <p><b>1) get acquainted with the minutes of the court hearing (including audio and video recordings) and submit comments on it;</b></p> <p>2) receive copies of court decisions and appeal them;</p> <p>3) know about the complaints and submissions made in the case and file objections to them;</p> <p>4) participate in the judicial consideration of complaints and submissions;</p>
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<p>5) have a lawyer for state-guaranteed legal assistance in accordance with the law.</p>	<p>5) have a lawyer for state-guaranteed legal assistance in accordance with the law.</p>
<p><b>Article 49. Lawyer</b></p> <p>1. Lawyer - a person who protects the rights and interests of a suspect, accused, convicted, acquitted, victim, witness in criminal proceedings and provides them with qualified legal assistance.</p> <p><b>2. The lawyer participates in the case from the moment of the first interrogation of the suspect, accused, victim, witness, delivery or actual detention of the suspect, accused. A lawyer has the right to participate in criminal proceedings upon presentation of an identification card and a warrant.</b></p> <p>3. The same person cannot be a lawyer for two suspects, accused, witnesses, victims if the interests of one of them contradict the interests of the other.</p> <p>4. A lawyer has the right to protect the rights and interests of any person summoned to the bodies of inquiry or investigation, the prosecutor's office or the court, while the lawyer has the powers and guarantees provided for by this Code and the law.</p>	<p><b>Article 49. Lawyer</b></p> <p>1. Lawyer - a person who protects the rights and interests of a suspect, accused, convicted, acquitted, victim, witness in criminal proceedings and provides them with qualified legal assistance.</p> <p><b>2. The lawyer participates in the case from the moment of the first interrogation of the suspect, accused, victim, witness, delivery or actual detention of the suspect, accused. A lawyer has the right to participate in criminal proceedings upon presentation of an identification and a warrant, as well as to participate remotely in court proceedings with the consent of his client.</b></p> <p>3. The same person cannot be a lawyer for two suspects, accused, witnesses, victims if the interests of one of them contradict the interests of the other.</p> <p>4. A lawyer has the right to protect the rights and interests of any person summoned to the bodies of inquiry or investigation, the prosecutor's office or the court, while the lawyer has the powers and guarantees provided for by this Code and the law.</p>
<p><b>Article 112. Pledge</b></p> <p>1. Bail is a sum of money deposited by the accused or another person into a special account of an authorized state body as a guarantee that the accused will not commit the actions listed in Article 105 of</p>	<p><b>Article 112. Pledge</b></p> <p>1. Bail is a sum of money deposited by the accused or another person into a special account of an authorized state body as a guarantee that the accused will not commit the actions listed in Article 105 of</p>

<p>this Code.</p> <p><b>2. The amount of the deposit is determined</b> from the amount consisting of the amount of damage caused, the severity of the crime and the identity of the accused.</p> <p>...</p>	<p>this Code.</p> <p><b>2. The amount of bail is determined by the investigating judge, the judge, the court based on the amount of damage caused, the severity of the crime, the personality and property status of the accused.</b></p> <p>...</p>
<p><b>Article 280. Appointment of a court hearing</b></p> <p>...</p> <p>3. In addition to the issues provided for in Part 1 of this article, the resolution resolves the following issues:</p> <ol style="list-style-type: none"> <li>1) about the place, date and time of the trial;</li> <li>2) on the appointment of a lawyer in cases where his participation in the case is mandatory;</li> <li>3) to summon persons to the court hearing according to the lists submitted by the parties;</li> <li>4) on consideration of the case in a closed court session in the cases provided for in Article 291 of this Code.</li> </ol>	<p><b>Article 280. Appointment of a court hearing</b></p> <p>...</p> <p>3. In addition to the issues provided for in Part 1 of this article, the resolution resolves the following issues:</p> <ol style="list-style-type: none"> <li>1) about the place, date and time of the trial;</li> <li>2) on the appointment of a lawyer in cases where his participation in the case is mandatory;</li> <li>3) to summon persons to the court hearing according to the lists submitted by the parties;</li> <li>4) on consideration of the case in a closed court session in the cases provided for in Article 291 of this Code.</li> <li><b>5) about broadcasting in the media or the Internet in online format.</b></li> </ol>
<p><b>Article 290. Remote participation in court proceedings</b></p> <p>1. The court, at the request of the persons participating in the case, or on its own initiative, has the right to interrogate the victim, witness, expert, specialist in a court session via video conferencing (remote interrogation), for which it issues a reasoned decision (definition).</p> <p>A court decision (ruling) on remote interrogation via videoconferencing is sent for execution to the court at the location of</p>	<p><b>Article 290. Remote participation in court proceedings</b></p> <p>1. The court, at the request of the persons participating in the case, or on its own initiative, has the right to interrogate the victim, witness, expert, specialist in a court session via video conferencing (remote interrogation), for which it issues a reasoned decision (definition).</p> <p>A court decision (ruling) on remote interrogation via videoconferencing is sent for execution to the court at the location of</p>

<p>the victim, witness, expert, specialist.</p> <p>2. Participation of the accused (convicted person) held in an institution of the penal system, as well as in a pre-trial detention center of national security agencies, in the trial is carried out via video conferencing.</p> <p><b>At the request of the accused (convicted), the participation of the accused (convicted) held in an institution of the penal system, as well as in a pre-trial detention center of the national security authorities, is carried out at the location of the court hearing.</b></p>	<p>the victim, witness, expert, specialist.</p> <p>2. Participation of the accused (convicted person) held in an institution of the penal system, as well as in a pre-trial detention center of national security agencies, in the trial is carried out via video conferencing.</p> <p><b>Upon request the accused (convicted), his lawyer or the public prosecutor, the participation of the accused (convicted) held in an institution of the penal system, as well as in a pre-trial detention center of the national security authorities, is carried out at the place of the court hearing.</b></p>
<p style="text-align: center;"><b>New article</b></p>	<p style="text-align: center;"><b>Article 2901. Broadcast (online broadcast) of a court hearing</b></p> <p><b>1. The court, at the request of the persons participating in the case, or on its own initiative, has the right to allow the broadcast (online broadcast) of the court hearing live on television, radio and (or) on the Internet.</b></p> <p><b>2. The decision on the admissibility of broadcasting (online broadcast) of a court hearing is determined by the court, taking into account the interests of justice, transparency and ensuring the safety of participants in the proceedings.</b></p>
<p><b>Article 294. Secretary of the court session</b></p> <p>1. The secretary of the court session keeps the minutes of the court session. He is obliged to fully and correctly reflect in the protocol the actions and decisions of the court, as well as the actions of the participants in the process that took place during the court hearing.</p> <p><b>2. The court session secretary checks the attendance of persons</b></p>	<p><b>Article 294. Secretary of the court session</b></p> <p>1. The secretary of the court session keeps the minutes of the court session. He is obliged to fully and correctly reflect in the protocol the actions and decisions of the court, as well as the actions of the participants in the process that took place during the court hearing.</p>

<p>who must participate in the court session and, on instructions from the presiding judge, carries out other actions provided for by this Code.</p>	<p><b>2. The secretary, before the start of the court session, checks the technical serviceability of audio and video recording equipment, the appearance of persons who must participate in the court session, informs the presiding judge about this and, upon instructions, carries out other actions provided for by this Code.</b></p> <p><b>3. If it is impossible to use audio and video recording devices, draw up an act indicating the reasons and attach it to the case materials.</b></p>
<p><b>Article 301. Postponement of trial and suspension of criminal proceedings</b></p> <p><b>1. If it is impossible to hear the case due to the failure of any of the summoned persons to appear at the court hearing or due to the need to request new evidence at the request of the parties, the judge, by his decision, or the court, by his ruling, postpone the trial of the case. At the same time, they oblige the parties to provide the required evidence, and the bailiffs to take measures to ensure the appearance of the persons who appear.</b></p> <p>2. If the accused fails to appear after the application of a forced arrest, the court suspends the criminal proceedings, applies, changes the preventive measure to detention and sends a resolution to the prosecutor to ensure the appearance of the accused and (or) organize a search.</p>	<p><b>Article 301. Postponement of trial and suspension of criminal proceedings</b></p> <p><b>1. If it is impossible to hear the case due to the failure of any of the summoned persons to appear at the court hearing, due to the need to request new evidence at the request of the parties or a malfunction of audio and video recording equipment, the judge, by his decision, or the court, by his ruling, postpone the trial of the case. At the same time, they oblige the parties to provide the required evidence, the bailiffs to take measures to ensure the appearance of those who did not appear, and the secretary of the court session to ensure that audio and video recording equipment is in working order.</b></p> <p>2. If the accused fails to appear after the application of a forced arrest, the court suspends the criminal proceedings, applies, changes the preventive measure to detention and sends a resolution to the prosecutor to ensure the appearance of the accused and (or) organize a search.</p>

...	...
<p><b>Article 308. Protocol of the court session</b></p> <p>1. During the court session, the secretary of the court session keeps minutes.</p> <p><b>2. The protocol is prepared by computer, typewritten or handwritten method.</b></p> <p>3. The minutes of the court session must indicate:</p> <ol style="list-style-type: none"> <li>1) place and date of the meeting, its start and end time;</li> <li>2) name of the court; surname, name, patronymic of the presiding judge, secretary, translator, prosecutor, lawyer, accused, as well as the victim and his representative, other persons called by the court;</li> <li>3) the case under consideration;</li> <li>4) information about the identity of the accused and the preventive measure;</li> <li>5) the actions of the court in the order in which they took place;</li> <li>6) statements, objections and petitions of persons participating in the case;</li> <li>7) judge's decisions issued without removal to a separate room;</li> <li>8) instructions for making decisions in a separate room;</li> <li>9) an explanation to the persons participating in the case of their rights and obligations, the detailed content of their testimony, questions asked of them, and answers to them;</li> <li>10) the results of inspections and other actions to examine evidence carried out at the court hearing;</li> <li>11) indications of the facts that the persons participating in the case</li> </ol>	<p><b>Article 308. Protocol of the court session</b></p> <p>1. During the court session, the secretary of the court session keeps minutes.</p> <p><b>2. The protocol is prepared by computer, electronic, typewritten or handwritten method (attaching audio and video recordings).</b></p> <p>3. The minutes of the court session must indicate:</p> <ol style="list-style-type: none"> <li>1) place and date of the meeting, its start and end time;</li> <li>2) name of the court; surname, name, patronymic of the presiding judge, secretary, translator, prosecutor, lawyer, accused, as well as the victim and his representative, other persons called by the court;</li> <li>3) the case under consideration;</li> <li>4) information about the identity of the accused and the preventive measure;</li> <li>5) the actions of the court in the order in which they took place;</li> <li>6) statements, objections and petitions of persons participating in the case;</li> <li>7) judge's decisions issued without removal to a separate room;</li> <li>8) instructions for making decisions in a separate room;</li> <li>9) an explanation to the persons participating in the case of their rights and obligations, the detailed content of their testimony, questions asked of them, and answers to them;</li> <li>10) the results of inspections and other actions to examine evidence carried out at the court hearing;</li> <li>11) indications of the facts that the persons participating in the case</li> </ol>

asked to be certified in the protocol;

12) the main content of the speeches of the parties in the judicial debate and the last word of the accused;

13) an indication of the announcement of the verdict and an explanation of the procedure and deadline for appealing it.

In addition, the protocol also indicates facts indicating contempt of court, if any, the identity of the violator and the measures taken by the court against the violator.

**4. If during the trial photography, audio and (or) video recording of interrogations were carried out, then a note about this is made in the minutes of the court session. In this case, photographic materials, audio and (or) video recordings are attached to the case materials.**

5. The protocol must be prepared and signed by the presiding judge and the secretary no later than 5 days from the end of the court session.

6. A request to familiarize yourself with the minutes of the court session is submitted by the parties in writing within 5 days from the date of the end of the court session. This period may be restored if the application was not submitted for valid reasons. The petition cannot be granted if the case has already been sent to the court of appeal or cassation.

7. The presiding judge provides the parties with the opportunity to familiarize themselves with the minutes of the court session, and, at

asked to be certified in the protocol;

12) the main content of the speeches of the parties in the judicial debate and the last word of the accused;

13) an indication of the announcement of the verdict and an explanation of the procedure and deadline for appealing it.

In addition, the protocol also indicates facts indicating contempt of court, if any, the identity of the violator and the measures taken by the court against the violator.

**4. If during the trial photography, audio and video recording of interrogations were carried out, then a note about this is made in the minutes of the court session. In this case, photographic materials, audio and video recordings are attached to the case materials.**

**41. When broadcasting (online broadcast) a court hearing live on television, radio and (or) on the Internet, a corresponding note is made in the minutes of the court hearing.**

5. The protocol must be prepared and signed by the presiding judge and the secretary no later than 5 days from the end of the court session.

6. A request to familiarize yourself with the minutes of the court session is submitted by the parties in writing within 5 days from the date of the end of the court session. This period may be restored if the application was not submitted for valid reasons. The petition cannot be granted if the case has already been sent to the court of appeal or cassation.

7. The presiding judge provides the parties with the opportunity to familiarize themselves with the minutes of the court session, and, at the request of the parties, provide their copies within 5 days from the



<p>the request of the parties, provide their copies within 5 days from the date of receipt of the petition.</p>	<p>date of receipt of the petition.</p>
<p><b>Article 310. Recording of court proceedings by means of audio and (or) video recording (audio, video protocol)</b></p> <p><b>1. The progress of a court hearing is recorded using audio and (or) video recording. The recording of the court session by means of audio or video recording is carried out by the secretary of the court session.</b></p> <p><b>Recording of a court hearing using audio and (or) video recording is not carried out in cases of technically faulty equipment, its absence or impossibility of use for technical reasons.</b></p> <p><b>The impossibility of using audio and (or) video recording does not exclude the continuation of the court hearing.</b></p> <p><b>The secretary of the court session, if it is impossible to use audio and (or) video recordings, reports this to the court with the obligatory reflection of the reasons for the non-use of audio and (or) video recordings in the minutes of the court session.</b></p> <p><b>2. If the proceedings of a case are recorded using audio and video recording means, the secretary of the court session draws up a short protocol in writing.</b></p> <p>...</p>	<p><b>Article 310. Recording of court proceedings by means of audio and video recording (audio, video protocol)</b></p> <p><b>1. Recording the progress of a court hearing is mandatory, which is carried out using audio and video recording. The recording of the court session by means of audio and video recording is carried out by the secretary of the court session.</b></p> <p><b>In exceptional cases, with the consent of the accused (convicted), his lawyer and the public prosecutor, in order to ensure the interests of justice and protect the procedural rights of participants in the court session, if it is impossible to eliminate technical faults, the judge or court may decide to hold a court session without audio and video recording.</b></p> <p><b>The absence of audio and video recordings is grounds for changing, revising or canceling a court decision, except for cases where the judge or court decided to hold a court hearing without audio and video recordings.</b></p> <p><b>2. Recording of the proceedings of the case using audio and video recording means by the secretary of the court session is accompanied by a short protocol in written form.</b></p> <p>...</p>
<p><b>Article 359. Release of the accused from custody</b></p> <p><b>When the accused is acquitted, as well as when a guilty verdict is passed without imposing a sentence or with release from serving</b></p>	<p><b>Article 359. Release of the accused from custody</b></p> <p><b>When the accused is acquitted, as well as when a guilty verdict is passed without imposing a sentence or with release from serving</b></p>

a sentence, or with release from punishment with the use of probation supervision, or with a deferment from serving a sentence of imprisonment, or with a conviction to a punishment not related to imprisonment, or termination of a criminal case by proceedings, the accused, who is in custody, is subject to immediate release in the courtroom before the verdict or court decision enters into legal force. A preventive measure not related to detention is chosen against the accused.

a sentence, or with release from punishment with the use of probation supervision, or with a deferment from serving a sentence of imprisonment, or with a conviction to a punishment not related to imprisonment, or termination of a criminal case by production, the accused, who is in custody, is subject to immediate release in the courtroom or from the institution of the penal system, as well as from the pre-trial detention center of the national security authorities, guardhouses (garrison guardhouses) of the Armed Forces of the Kyrgyz Republic on the basis of the operative part of the court verdict, signed by the court, in paper or electronic form through an electronic document management system, before the verdict or court order enters into legal force. A preventive measure not related to detention is chosen against the accused.

**First Deputy Minister**  
*(in the absence of the minister)*

**Z.A. Askarova**