

# CONSTITUTION OF THE KYRGYZ REPUBLIC

We, the People of the Kyrgyz Republic,  
aspiring to secure the national revival of the Kyrgyz, the protection and development of interests of representatives of all nationalities, who together with the Kyrgyz form the people of Kyrgyzstan, following our ancestors precepts to live in unity, peace and concord;

confirming our adherence to human rights and freedoms and the idea of national statehood;

filled with a determination to develop an economy, political and legal institutions and a culture which provide appropriate living standards for everyone;

proclaiming our adherence to national ethnic traditions and to moral principles common to all mankind;

desiring to establish ourselves among peoples of the world as a free and democratic civil society;

through our authorized representatives, hereby adopt this Constitution.

## CHAPTER ONE THE KYRGYZ REPUBLIC

### Section one General principles

#### Article 1.

1. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic Republic, constructed on the basis of a legal secular state.

2. The sovereignty of the Kyrgyz Republic is not limited and shall extend throughout its territory.

3. The people of Kyrgyzstan are the holders of sovereignty and are the single source of state power in the Kyrgyz Republic.

4. The people of the Kyrgyz Republic exercise their power directly and through a system of state bodies and local self-governance bodies on the basis of this Constitution and laws of the Kyrgyz Republic.

Only the President of the Kyrgyz Republic and the Jogorku Kenesh of the Kyrgyz Republic elected by the People of the Kyrgyz Republic have the right to act on behalf of the People of the Kyrgyz Republic.

5. Amendments and supplements to the Constitution of the Kyrgyz Republic, the Laws of the Kyrgyz Republic, and other important matters of state life may be referred for a referendum (national vote). The grounds and procedure for holding a referendum shall be established by constitutional law.

6. Citizens of the Kyrgyz Republic elect the President of the Kyrgyz Republic, deputies of the Jogorku Kenesh of the Kyrgyz Republic and the bodies of local self-governance.

Elections shall be free and shall be held on the basis of universal equal and direct suffrage by secret ballot. Citizens who have attained the age of 18 shall have voting rights.

#### Article 2.

1. The State and its bodies shall serve the whole society, and not a particular group.

2. No separate group of people, no association, nor any individual person shall have the right to usurp power of the State. The usurpation of State Power shall be the gravest crime.

#### Article 3.

1. The territory of the Kyrgyz Republic, within its existing boundaries, is inviolable and indivisible.

2. For purposes of organizing state governance and local self-governance, the territory of the Kyrgyz Republic is divided into administrative territorial units determined by law.

3. Bishkek and Osh shall be cities of the republican significance and their status shall be determined by law.

#### Article 4.

1. In the Kyrgyz Republic, private, state, communal, and other forms of property shall be recognised and protected.

The Kyrgyz Republic guarantees diversity of forms of property and their equal legal protection.

2. The land, its underlying resources, air space, forests, flora and fauna, and other natural resources shall be ownership of the Kyrgyz Republic, shall be used as the basis of life and activity of people of Kyrgyzstan and shall have special protection of the state.

3. The land also may be private, communal, or other type of property.

Limits to and procedure for execution of rights by land owners and guarantees of their protection shall be set forth in law.

4. The Kyrgyz Republic shall protect the rights of ownership of its citizens and juridical persons to property, and also their property and ownership located within territories of other governments.

#### Article 5.

1. The state language of the Kyrgyz Republic is the Kyrgyz language.

2. In the Kyrgyz Republic, the Russian language shall be used as official language.

3. The Kyrgyz Republic guarantees to the representatives of all nationalities forming the people of Kyrgyzstan the right to preservation of their mother tongues, creation of conditions for their studying and development.

4. Infringement upon citizens' rights and freedoms based upon lack of knowledge or command of the state or official languages is not permitted.

#### Article 6.

1. The Kyrgyz Republic has state symbols - the State Flag, Emblem, and Anthem, their description and manner of official use shall be established by law.

2. The Capital of the Kyrgyz Republic is the City of Bishkek.

3. The unit of currency of the Kyrgyz Republic is the Som.

Section two  
The structure and activities of the state

Article 7.

1. State power in the Kyrgyz Republic is based on the following principles:

the supremacy of the power of the people, represented and ensured by the nationally elected head of the state, the President of the Kyrgyz Republic;

separation of state power into legislative, executive, and judicial branches, and their coordinated functions and interaction;

the responsibility of state bodies to the people and execution by them of their authority on behalf of the people;

differentiation between functions of state power and local self-governance.

2. Within the bounds of authority created by this Constitution, the following represent and carry out state power in the Kyrgyz Republic:

the President of the Kyrgyz Republic;

the Jogorku Kenesh of the Kyrgyz Republic;

the Pravitel'stvo of the Kyrgyz Republic and subordinate bodies of executive power;

the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, local courts and judges of the Kyrgyz Republic.

Article 8.

1. In the Kyrgyz Republic political parties, trade unions and other public associations may be organized on the basis of free will and common interests. The State ensures the observation of rights and legal interests of public associations.

2. Political parties may participate in State affairs only in the following ways: by nominating their candidates for election to the Jogorku Kenesh of the Kyrgyz Republic, state positions and bodies of local self-governance; by forming fractions in representative bodies;

3. Religion, all faiths, shall be separated from the State.

4. In the Kyrgyz Republic the following are not allowed:

- merger of State and party institutions, as well as subordination of State activity to party programs and decisions;

- establishment and activity of party organizations within state institutions and organizations. Civil servants shall have the right to conduct party activities unrelated to their work activity;

- membership in parties and rendering support to any political party by those serving in the military, and by officials working in bodies of internal affairs, national security, justice, the procuracy and the courts;

- establishment of political parties on a religious basis. Religious organizations shall not pursue political goals and tasks;

- interference by members of religious organizations and sects with the activity of state bodies;

- activity of foreign political parties, public and religious organizations, their missions and branches pursuing political goals;

- establishment and activity of political parties, public associations, religious and other organizations damaging the constitutional order, state and national security.

Article 9.

1. The Kyrgyz Republic has no goals of expansion, aggression and territorial claims, which are to be resolved by military force. It rejects militarization of state life, the subordination of the state and its activity to purposes of war. The Armed Forces of the Kyrgyz Republic shall be formed in accordance with principles of self-defense and defensive sufficiency.

2. The right to initiate war shall not be acknowledged except in cases of aggression against Kyrgyzstan and other states bound by responsibilities for collective defense. In each instance, permission for military units of the Armed Forces to cross the borders of the Kyrgyz Republic shall be granted by decision of the Jogorku Kenesh of the Kyrgyz Republic to be adopted by no less than by two thirds of the total number of deputies.

3. The use of Armed Forces to resolve internal State political issues is prohibited. Military forces may be used to liquidate the aftermath of natural disasters and in other similar circumstances directly provided by the law.

4. The Kyrgyz Republic strives toward universal and just peace, mutually beneficial cooperation, resolution of global and regional problems by peaceful means, and shall observe the universally recognized principles of international law.

Activities directed at disturbing the peaceful communal life of the people, propagandizing and igniting interethnic or religious strife are unconstitutional.

Article 10.

1. A state of emergency in Kyrgyzstan may be imposed only in cases of natural disaster, direct threat to the constitutional structure, mass disorder accompanied by violence and threat to human life, according to circumstances and subject to time limits established by constitutional law.

2. A state of emergency throughout the Kyrgyz Republic may be imposed only by the Jogorku Kenesh of the Kyrgyz Republic, but for particular localities where circumstances demand urgent measures, by the President of the Kyrgyz Republic, with immediate, same day notification to the Jogorku Kenesh of the Kyrgyz Republic which must confirm the act of the President within three days. In absence of such confirmation, the state of emergency is canceled.

3. Martial law in Kyrgyzstan may be introduced by the Jogorku Kenesh of the Kyrgyz Republic only in case of aggression against the Kyrgyz Republic.

4. Recess of a session of the Jogorku Kenesh of the Kyrgyz Republic is not allowed during a state of emergency or martial law. In the event that the Jogorku Kenesh of the Kyrgyz Republic is not in session, and a state of emergency already has been imposed by the President, the Jogorku Kenesh of the Kyrgyz Republic shall assemble without notice not later than the day after the state of emergency has been imposed.

5. During a period of a state of emergency or martial law, referenda or elections to state bodies and any changes in the structure, functions and authority of state bodies established by the Constitution are not permitted.

Article 11.

1. The state budget of the Kyrgyz Republic consists of republican and local budgets and includes all expenditures and income of the state. The republican budget shall be approved by the Jogorku Kenesh of the Kyrgyz Republic upon presentation by the Pravitel'stvo of the Kyrgyz Republic.

2. Income of the republican budget shall be raised from taxes established by law, other obligatory payments, revenue from state property and other receipts.

3. A single tax system applies on the territory of the Kyrgyz Republic. The Jogorku Kenesh of the Kyrgyz Republic has the right to establish taxes. Laws establishing new taxes and negatively affecting the condition of taxpayers shall not have retroactive force.

4. In exceptional cases, for the purposes of protecting economic interests of the Kyrgyz Republic, the Pavitel'stvo of the Kyrgyz Republic has the right to adopt temporary measures related to taxation, by way of changing rates of some taxes and other obligatory payments into the budget, with immediate notification of the Jogorku Kenesh of the Kyrgyz Republic on the action taken.

5. A report on implementation of the republican budget and extra-budgetary funds is to be approved by the Jogorku Kenesh of the Kyrgyz Republic.

Article 12.

1. The Constitution shall have supreme legal force and direct application in the Kyrgyz Republic.

2. Laws and other normative acts are to be adopted on the basis of the Constitution.

3. International treaties and agreements to which the Kyrgyz Republic is a party and other universally accepted principles and normatives of international law joined into force as prescribed by law shall be a constituent and directly effective part of the legislation of the Kyrgyz Republic.

CHAPTER TWO  
CITIZENS

Section one  
Citizenship

Article 13.

1. The affiliation of an individual to the Kyrgyz Republic and his status is determined by citizenship. A citizen of the Kyrgyz Republic must observe the Constitution and the laws of the Kyrgyz Republic, and must respect the rights, freedom, honor and dignity of other people.

2. Citizens of the Kyrgyz Republic shall not be recognized as citizens of other states.

3. No citizen of the Kyrgyz Republic can be deprived of his/her citizenship or of his right to change his/her citizenship.

4. A citizen of the Kyrgyz Republic may not be extradited.

5. The Kyrgyz Republic guarantees the defense and protection of its citizens beyond its borders.

Article 14.

1. Every citizen of the Kyrgyz Republic by virtue of his/her citizenship enjoys rights and bears responsibilities.

2. In the Kyrgyz Republic, foreigners and persons without citizenship enjoy the rights and freedoms of citizens, and also bear responsibilities on the grounds, terms and according to procedures, provided by laws, international treaties and agreements of the Kyrgyz Republic.

Section two  
Human rights and freedoms

Article 15.

1. The dignity of individuals in the Kyrgyz Republic is absolute and inviolable.

2. Every person from birth is entitled to basic human rights and freedoms. These rights shall be recognized as absolute, inalienable, and protected by law and the courts from infringement by any other person.

3. All persons in the Kyrgyz Republic shall be equal before the law and the court. No one shall be subject to any type of discrimination, violation of his rights and freedoms, on the grounds of ethnic origin, sex, race, nationality, language, religious belief, or other conditions or circumstances of a personal or social nature.

4. Human rights and freedoms are valid in the Kyrgyz Republic. As such, they determine, the meaning, content and application of laws, and obligate legislative and executive powers, local self-governance and are guaranteed by the judiciary.

5. In the Kyrgyz Republic, folk customs and traditions which do not contradict human rights and freedoms are supported by the state.

Article 16.

1. In the Kyrgyz Republic, basic human rights and freedoms are recognized and guaranteed in accordance with universally accepted norms and principles of international law, international treaties and agreements concerning human rights which have joined into legal force.

2. Every person in the Kyrgyz Republic has the essential right to life. No one can be deprived of his life arbitrarily.

Everyone has the right to defend his life and health, life and health of other persons from unlawful infringements.

3. Everyone has the right to liberty and security of person. Detention, arrest and committal may be appealed in court. Anyone who is arrested or detained shall be informed, at the time of arrest, of the reasons for his arrest or detention, told his rights and allowed to defend himself in person or through legal assistance of an attorney.

4. Everyone has the right to compensation by the State for any harm caused by illegal actions of state bodies and their officials while on duty.

5. Everyone has the right to secrecy of correspondence, telephonic and telegraphic, postal and other communications.

Restriction of this right is allowed only in accordance with law.

6. Everyone has the right to inviolability of his privacy, respect and protection of his honor and reputation.

Gathering, storage, use, and dissemination of confidential information about a person without his/her consent, except for cases

specified by law, is prohibited. Everyone has the right to read records about himself/herself, other than state or other secret protected by law in the bodies of state government, local self-governance, institutions and organizations.

Everyone is guaranteed legal protection of the right to refute untrue information about himself or his family members and to claim withdrawal of any information, as well as damages for actual or moral harm caused by collection, keeping and dissemination of untrue information.

7. The dwelling is inviolable. No one has the right to penetrate into the dwelling against the will of those who reside in it.

Search or other actions committed with penetration into the dwelling is allowed only in cases established by law, in which case the person is given the right to appeal the lawfulness of such actions in court.

8. Everyone has the right to liberty of movement, freedom to choose his destination and residence throughout the territory of the Kyrgyz Republic.

A citizen of the Kyrgyz Republic has the right to travel freely abroad and to return home without hindrance.

The above-mentioned rights shall not be subject to restrictions except those which are provided by law.

9. Everyone has the right to freedom of thought, speech, as well as to unimpeded expression of these thoughts and beliefs. No one shall be coerced to expression of his opinions and beliefs.

Every one has the right to gather, store, and use information freely and to disseminate it orally, in writing or otherwise.

Any propaganda or agitation igniting social, racial, interethnic or religious hatred and hostility is not allowed. Any advocacy of social, racial, ethnic, religious or linguistic superiority shall be prohibited.

10. In the Kyrgyz Republic censorship is prohibited.

11. Everyone is guaranteed freedom of conscience, religion, religious or atheistic activities. Everyone is free to manifest any religion, or to manifest no religion, choose, have and propagate religious or atheistic beliefs.

12. Everyone is free to identify his nationality. No one shall be forced to identify and indicate his nationality.

Offending the national dignity of a person shall be persecuted in accordance with the law.

13. Citizens of the Kyrgyz Republic shall have the right to freedom of association. All associations of citizens shall be equal before law.

No one shall be coerced to enter any association of citizens or limited in his rights for affiliation or non-affiliation with the association.

Associations of citizens shall be prohibited to form militarized forces.

Creation of secret associations shall not be allowed.

14. Citizens of the Kyrgyz Republic have the right to assemble peacefully, without weapons and conduct meetings, rallies, marches, demonstrations and picketing with prior notification of executive authorities or local self-governance bodies.

15. All citizens shall have the right to forward personal and collective requests to the bodies of state government, the bodies of local self-governance and officials who within their jurisdiction must review these requests and give a motivated reply within time

established by law.

16. Everyone shall be guaranteed the freedom of literary, artistic, scientific, and technical creativity, protection of intellectual property.

17. Everyone shall have the right to possess, use, and dispose of his property, results of his intellectual and creative activity. The use of property must not cause harm to the rights, freedoms and legal interests of other persons, public interests, land, environment, and natural resources.

18. Everyone shall have the right to economic freedom, free use of abilities and property for any economic activity not prohibited by law.

19. Everyone shall have the right to free labor, use of his abilities for labor and choice of profession and occupation.

20. The enumeration of rights and freedoms in the Constitution should not be interpreted as negating or diminishing other universally recognized human rights and freedoms.

21. The use of rights and freedoms by one person should not violate rights and freedoms of other people.

22. It is prohibited to use rights and freedoms for a forced change of the constitutional order, instigation of racial, interethnic, social or religious hatred, for propaganda of violence and war.

#### Article 17.

1. In the Kyrgyz Republic, no laws shall be issued which abolish or infringe upon human rights and freedoms.

2. Restrictions to the exercise of rights and freedoms are allowed by the Constitution and laws of the Kyrgyz Republic only for the purposes of protecting the rights and freedoms of other persons, public safety and order, territorial integrity, the protection of the constitutional structure. But in doing so, the essence of constitutional rights and freedoms shall not be affected.

#### Article 18.

1. Limitations which affect the physical and moral inviolability of an individual are allowed only on the basis of law by the decision of a court as punishment for the commission of a crime. No one may be tortured, subjected to mistreatment or inhuman, degrading punishments.

2. Medical, biological, and psychological experiments on people are prohibited without the properly expressed and verified voluntary agreement of the person participating in the experiment.

3. No one may be subjected to arrest or detention except on the basis of law. Any actions aimed at imposing responsibility for a crime on a person before a decision has been made by a court are not allowed, and are grounds for compensation to the victim through the court for the material and moral harm suffered.

4. Capital punishment may be established by law and imposed only by court order as exceptional punishment for particularly grievous crimes. Any person sentenced to capital punishment shall have the right to seek a pardon.

#### Article 19.

1. Private ownership in the Kyrgyz Republic is recognized and guaranteed as an inalienable human right, as a natural source of one's welfare, business and creative activity, and as a guarantor of one's

economic and personal independence.

2. Property is inviolable. No person can be deprived of his/her property arbitrarily; confiscation against the will of the owner is allowed only by decision of a court.

3. In exceptional cases, property may be alienated for the state's needs stipulated by the law, with prior fair compensation.

4. In the Kyrgyz Republic the right of inheritance is guaranteed and protected by law.

Article 20.

The Kyrgyz Republic may grant political asylum to foreign citizens and persons without citizenship on the basis of violation of human rights.

### Section three Rights and duties of a citizen

Article 21.

1. Citizens of the Kyrgyz Republic and their associations shall be allowed to engage in any act or activity, except those prohibited or restricted by this Constitution and laws of the Kyrgyz Republic.

2. The exercise of rights and freedoms by a citizen of the Kyrgyz Republic shall be inseparable from his/her duties which must be performed for the security of personal and national interests.

Article 22.

1. Laws of the Kyrgyz Republic concerning the rights and duties of citizens are to be applied equally to all citizens and do not bestow on anyone advantages and privileges, except in cases provided by the Constitution of the Kyrgyz Republic and by laws for the social protection of citizens.

2. Government, its bodies, local self-governance bodies and their officials may not exceed the powers defined by the Constitution and laws of the Kyrgyz Republic.

Article 23.

1. Citizens of the Kyrgyz Republic participate in state governance directly and through their representatives.

2. Citizens of the Kyrgyz Republic participate in the discussion and adoption of laws and decisions of republican and local significance.

3. Citizens of the Kyrgyz Republic have the right to elect and to be elected to the bodies of state government and local self-governance, and to participate in referendum.

4. Citizens of the Kyrgyz Republic have equal access to governmental and municipal services.

Article 24.

1. Citizens of the Kyrgyz Republic have the right and duty to defend the Motherland.

2. Citizens perform military duties in the limits and forms established by law. The basis for and manner of release from military

service or its replacement by alternative service shall be established by the law.

Article 25.

Citizens of the Kyrgyz Republic are obliged to pay taxes and fees in accordance with legislation of the Kyrgyz Republic.

Article 26.

1. The family shall be the primary unit of society; family, fatherhood, motherhood, and childhood are the concern of the whole society and preferential protection by law; child care and upbringing is a natural right and civic duty of parents. Able-bodied, legal aged children are obligated to care for their parents.

2. The state provides maintenance, up-bringing, education for orphans and children without parental support.

3. Respect for the elderly and caring for relatives and friends are sacred traditions of the people of Kyrgyzstan.

Article 27.

1. In the Kyrgyz Republic social security at the expense of the state is guaranteed in old age, in sickness and in the event of work disability or loss of the main provider.

2. Pensions and social security in accordance with economic resources of the society shall provide a standard of living not below the minimum wage established by law.

3. Voluntary social insurance and the establishment of additional forms of security and charity are encouraged.

Article 28.

1. A citizen of the Kyrgyz Republic has the right to job protection in all its forms and appearances, and to working conditions which comply with requirements of security and hygiene, as well as the right to social protection against unemployment.

2. The state will concern itself with professional training and improvement of professional qualification of citizens, and encourages and promotes international agreements and international organizations, which have the aim of strengthening and securing the right to work.

3. Forced labor of citizens is prohibited, except in cases of war, natural disaster, epidemic, or in other extraordinary circumstances, as well as in accordance with execution of punishment per order of court.

Article 29.

Citizens of the Kyrgyz Republic, working under a labor agreement (contract), shall have the right to remuneration not less than the minimum wage established by the state.

Article 30.

Citizens of the Kyrgyz Republic shall have the right to strike.

The procedure and conditions for holding strikes shall be prescribed by law.

Article 31.

1. Citizens of the Kyrgyz Republic have the right to time off.
2. The maximum duration of working hours, the minimum weekly time off and annual paid leave, as well as other conditions for exercising of the right to time off, shall be prescribed by law.

Article 32.

1. Every citizen of the Kyrgyz Republic has the right to education.
2. Basic education shall be compulsory and free of charge; everyone shall have the right to receive it at state and municipal educational institutions. In state and municipal educational institutions every citizen has the right to a free general secondary education.
3. The state provides every person in accordance with individual aptitude access to vocational, special secondary and higher education.
4. Paid education of citizens in state and other educational institutions is allowed on the basis and in the procedure established by legislation.
5. The state exercises control over the activity of teaching and other educational institutions in the forms established by law.

Article 33.

Citizens of the Kyrgyz Republic have the right to housing. The state facilitates the fulfillment of the right to housing by supplying and selling housing from the state-owned, municipal and individual housing fund and by encouraging citizens to acquire dwellings on the conditions and in the procedure established by legislation of the Kyrgyz Republic.

Article 34.

1. Citizens of the Kyrgyz Republic have the right to the protection of health and to free use of the network of state and municipal public health institutions.
2. Paid medical service shall be allowed on the basis and in the procedure established by law.

Article 35.

1. Citizens of the Kyrgyz Republic have the right to a healthy, safe environment and to compensation for damage caused to one's health or property by activities in the field of utilizing nature.
2. The protection of the environment, natural resources and historical monuments is the sacred duty of every citizen.

Article 36.

1. Culture, art, literature, science and the mass media are free [uncontrolled].
2. The state protects historical monuments, cares for and creates necessary conditions for the development of literature, art, science, mass media and sports.
3. Citizens have the right of access to cultural treasures and to

be involved in artistic and scientific activities.

Article 37.

Social activity of the State shall not lead to the substitution of state guardianship over a citizen's own economic freedom, activity and the opportunity of the citizen to achieve economic welfare for himself/herself and his/her own family.

Article 38.

1. It is the duty of the state, all its bodies, local self-governance bodies and their officials to provide for full, absolute and immediate protection of the rights and freedoms of citizens, to prevent the infringement upon rights in this area and to restore a violated status.

2. The Kyrgyz Republic guarantees judicial defense of all rights and freedoms of citizens fixed by the Constitution and the laws of the Kyrgyz Republic.

3. For the purposes of extrajudicial resolution of disputes arising from civil law relations, the courts of commercial arbitration may be established. Powers, procedure of formation and activities of commercial arbitration courts shall be defined by the law.

Article 39.

1. A citizen is presumed innocent of committing a criminal offense until determined guilty by an order of court in force.

2. The state guarantees everyone protection from arbitrary and unlawful interference into one's private and family life, infringement upon one's honor and dignity, and violation of secrecy of correspondence and telephone conversations.

3. No one shall have the right to enter a dwelling except in cases when it is necessary to conduct a sanctioned search or seizure of property, to secure public order, to arrest a criminal or to save the life, health or property of an individual.

Article 40.

1. Every citizen in the Kyrgyz Republic shall be provided qualified legal assistance and defense of the rights and freedoms guaranteed by the Constitution of the Kyrgyz Republic. In cases stipulated by the law legal assistance shall be provided free of charge.

2. Control over observance of human and civil rights and freedoms in the Kyrgyz Republic shall be imposed on the Ombudsman (Akyikatchi) of the Kyrgyz Republic.

3. The procedure of election, powers of the Ombudsman (Akyikatchi) of the Kyrgyz Republic and the procedure of exercising these powers shall be established by law.

Article 41.

The publication of laws and other normative legal acts concerning the rights, freedoms and duties of an individual and a citizen is a prerequisite for their utilization.

CHAPTER THREE  
THE PRESIDENT OF THE KYRGYZ REPUBLIC

Article 42.

1. The President of the Kyrgyz Republic is the head of state and the highest official of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic is the symbol of the unity of the people and state power, the guarantor of the Constitution of the Kyrgyz Republic, and of rights and freedoms of the person and citizen.

3. The President of the Kyrgyz Republic defines the fundamental directions of internal and external policy of the state, represents the Kyrgyz Republic within the country and in international relations, adopts measures to protect the sovereignty and territorial integrity of the Kyrgyz Republic, and ensures the unity and continuity of state power and the coordinated functioning and interaction of state bodies and their responsibility to the people.

Section one

Election of the president of the Kyrgyz Republic

Article 43.

1. The President of the Kyrgyz Republic shall be elected for a term of five years.

2. The same person cannot be elected President of the Kyrgyz Republic for more than two consecutive terms.

3. A citizen of the Kyrgyz Republic who has command of the state language and who has been a resident of the republic for not less than 15 years before the nomination of his candidature to the office of the President, may be elected President of the Kyrgyz Republic if he is not less than 35 years of age and not older than 65 years of age.

4. The President of the Kyrgyz Republic cannot be a deputy of the Jogorku Kenesh of the Kyrgyz Republic, hold any other posts or engage in entrepreneurial activity.

5. The President of the Kyrgyz Republic must suspend his activity in political parties and organizations during the term of office until the beginning of a new presidential election in the Kyrgyz Republic.

Article 44.

1. A regular presidential election in the Kyrgyz Republic is held on the last Sunday of October of the fifth year of powers of the incumbent President of the Kyrgyz Republic. An early election of the President of the Kyrgyz Republic is held on the last Sunday before expiration of three months after early termination of the powers of the President of the Kyrgyz Republic.

2. The President of the Kyrgyz Republic is elected by citizens of the Kyrgyz Republic on the basis of universal, equal and direct suffrage, and by secret ballot.

3. The number of candidates for the office of the President of the Kyrgyz Republic is not limited. A person, who has registered and who has collected not less than 50,000 voters' signatures may be a candidate for the President of the Kyrgyz Republic.

4. The election of the President of the Kyrgyz Republic is considered valid if more than fifty per cent of all voters in the republic shall have taken part in the elections.

In the first ballot, a candidate is considered elected to the office of the President if he/she obtains more than a half of the votes of voters who have taken part in the elections.

If no candidate receives more than half of the votes cast in the first ballot, only the two candidates who received the most votes shall appear on the second ballot. In the second ballot, a candidate who receives more than half of the votes cast shall be considered elected if not less than fifty per cent of all voters participate.

#### Article 45.

1. The results of the election for the President of the Kyrgyz Republic must be confirmed by the Constitutional Court of the Kyrgyz Republic within 7 days after their completion.

2. After the Chairman of the Constitutional Court of the Kyrgyz Republic announces the results of voting, the President of the Kyrgyz Republic takes the oath of office within 30 days in the presence of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. Upon entering office, the President of the Kyrgyz Republic takes an oath to the people of Kyrgyzstan:

"I, ..., assuming the office of the President of the Kyrgyz Republic, before my People and the Sacred homeland Ala-Too do swear:

to sacredly observe and defend the Constitution and laws of the Kyrgyz Republic; to defend the sovereignty and independence of the Kyrgyz State;

to respect and guarantee the rights and freedoms of all citizens of the Kyrgyz Republic; with honor and tirelessly to perform the great responsibility of the President of the Kyrgyz Republic entrusted to me by the confidence of all the People!".

4. The term of the Presidential mandate begins from the moment of taking the oath of office. The powers of the President of the Kyrgyz Republic terminate upon the moment when the newly elected President of the Kyrgyz Republic takes office.

#### Section two

#### Powers of the president of the Kyrgyz Republic

#### Article 46.

1. The President of the Kyrgyz Republic:

1) determines the structure of the Pravitel'stvo of the Kyrgyz Republic and submits it to the Jogorku Kenesh of the Kyrgyz Republic for approval;

2) appoints the Prime Minister of the Kyrgyz Republic with the approval of the Jogorku Kenesh of the Kyrgyz Republic;

3) appoints in consultation with the Prime Minister of the Kyrgyz Republic and with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the members of the Pravitel'stvo of the Kyrgyz Republic and appoints in consultation with the Prime Minister of the Kyrgyz Republic the heads of administrative departments, and relieves them of their offices;

4) accepts requests by the Prime Minister of the Kyrgyz Republic, the Pravitel'stvo of the Kyrgyz Republic, or an individual member of the Pravitel'stvo to resign; adopts decision regarding resignation of the Prime Minister of the Kyrgyz Republic or the Pravitel'stvo of the Kyrgyz Republic; on his own initiative or in consultation with the Prime Minister of the Kyrgyz Republic may relieve the head of the

administrative agency of their offices;

5) appoints in consultation with the Prime Minister of the Kyrgyz Republic and with the consent of the appropriate local keneshes the heads of state administration of oblasts, rayons and cities; and relieves them of their offices;

6) appoints the State Secretary of the Kyrgyz Republic and determines his status and powers; forms the Administration of the President of the Kyrgyz Republic, supporting his activity;

7) establishes and abolishes the National Security Service;

8) establishes and heads the Security Council of the Kyrgyz Republic and other coordinated bodies;

9) establishes services of Government defense and the National Guard, which are under his purview;

10) establishes and abolishes executive bodies that are outside the Pravitel'stvo;

11) confirms, in consultation with the Prime Minister, a unified system of training and selection of personnel for bodies maintained at the expense of the state budget, and of the financing of state bodies and payment of those working in the service of the state.

2. The President of the Kyrgyz Republic:

1) presents to the Jogorku Kenesh of the Kyrgyz Republic candidates for election to the offices of Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic;

2) presents to the Jogorku Kenesh of the Kyrgyz Republic the candidates for election to the offices of Chairman of the Supreme Court of the Kyrgyz Republic, his deputies, and judges of the Supreme Court of the Kyrgyz Republic and of the Supreme Arbitration Court of the Kyrgyz Republic;

3) appoints, with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the Procurator General of the Kyrgyz Republic; appoints by proposal of the Procurator General of the Kyrgyz Republic, the deputy of the Procurator General, procurators of oblasts, the City of Bishkek and the military procurator of the Kyrgyz Republic; and relieves them of office;

4) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the Chairman of the board of the National Bank of the Kyrgyz Republic, and relieves him of office; appoints by proposal of the Chairman of the board of the National bank of the Kyrgyz Republic the deputy chairmen and members of the board of the National bank of the Kyrgyz Republic and relieves them of offices;

5) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic, the chairmen, their deputies, and judges of local courts of the Kyrgyz Republic, and relieves them of office under circumstances prescribed by the Constitution and laws of the Kyrgyz Republic.

3. The President of the Kyrgyz Republic:

1) directs the foreign policy of the Kyrgyz Republic;

2) conducts negotiations and signs international treaties of the Kyrgyz Republic;

3) signs instruments of ratification;

4) appoints after consultations with the respective committee of the Jogorku Kenesh of the Kyrgyz Republic and recalls diplomatic representatives of the Kyrgyz Republic in foreign states and international organizations; accepts the credentials and letters of recall of the heads of diplomatic missions of foreign states and representatives of international organizations accredited to the President of the Kyrgyz Republic;

5) decides questions of acceptance and forfeiture of citizenship in the Kyrgyz Republic and of granting political asylum.

4. The President of the Kyrgyz Republic:

1) confers state awards of the Kyrgyz Republic;

2) confers honorary titles of the Kyrgyz Republic;

3) confers higher military ranks, diplomatic ranks, class ranks, and other special titles;

4) grants pardons.

5. The President of the Kyrgyz Republic:

1) presents draft laws to the Jogorku Kenesh of the Kyrgyz Republic;

2) signs and promulgates laws; returns laws with his objections to the Jogorku Kenesh of the Kyrgyz Republic for reconsideration; or rejects them;

3) speaks to the people in yearly messages on the state of affairs in the country, to be delivered at a sitting of the Jogorku Kenesh of the Kyrgyz Republic;

4) has the right to suspend or annul the effectiveness of normative legal acts of the Pravitel'stvo of the Kyrgyz Republic and acts of other bodies of executive power;

5) has the right to decide issues of financing urgent matters at state expense; and establishes funds;

6) exercises legislative power under the circumstances and in accordance with the procedure set forth in Article 68 of this Constitution.

6. The President of the Kyrgyz Republic:

1) has the right to call early meeting of the Jogorku Kenesh of the Kyrgyz Republic and to determine issues subject to consideration;

2) designates referendum on his own initiative, or decides to call referendum upon the initiative of no less than 300, 000 voters or a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic;

3) calls elections to the Jogorku Kenesh of the Kyrgyz Republic, carries out early dissolution of the Jogorku Kenesh of the Kyrgyz Republic under the circumstances set forth in this Constitution;

4) calls elections to local Keneshes and carries out their early dissolution under the circumstances set forth in the law of the Kyrgyz Republic;

5) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Central Electoral Commission of the Kyrgyz Republic, appoints one-half of the Central Electoral Commission; removes them;

6) appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Auditing Chamber of the Kyrgyz Republic and one-half of its auditors; removes them.

7. The President of the Kyrgyz Republic upon grounds specified by law, warns of the possibility of introducing a state of emergency, and when necessary introduces a state of emergency in specific localities without prior declaration, of which action he promptly informs the Jogorku Kenesh of the Kyrgyz Republic.

8. The President of the Kyrgyz Republic declares universal or partial mobilization; announces a state of war in the event of aggression or direct threat of aggression to the Kyrgyz Republic, promptly submits the issue for consideration of the Jogorku Kenesh of the Kyrgyz Republic; declares a state of war in the interests of the defense of the country and the safety of its citizens, and promptly submits the issue for consideration of the Jogorku Kenesh of the Kyrgyz Republic.

Republic.

9. The President of the Kyrgyz Republic is the Commander in Chief of the Armed Forces, and appoints and dismisses commanders of the Armed Forces of the Kyrgyz Republic.

Article 47.

1. The President of the Kyrgyz Republic issues decrees and orders.
2. Decrees and orders of the President of the Kyrgyz Republic must be executed within the entire territory of the Kyrgyz Republic.
3. Decrees issued by the President of the Kyrgyz Republic while executing legislative powers in accordance with subpoint 6 of point 5 of Article 46 of the Constitution of the Kyrgyz Republic have the force of law.

Article 48.

The President of the Kyrgyz Republic has the right to transfer powers specified in subpoint 2 of point 3 of Article 46 of the Constitution to the Prime Minister of the Kyrgyz Republic, members of the Pravitel'stvo of the Kyrgyz Republic, and other officials; and also has the right to ratify international financial contracts and credit agreements signed by them.

Article 49.

1. The President of the Kyrgyz Republic enjoys the right of immunity. The honor and dignity of the President of the Kyrgyz Republic is protected by law.
2. The support, service and protection of the President of the Kyrgyz Republic, as well as his family, is provided at state expense.

Article 50.

1. The powers of the President may be terminated as a result of resignation on his own petition made by him at a session of the Jogorku Kenesh of the Kyrgyz Republic or upon his dismissal from office in accordance with the procedure specified in this Constitution or also upon inability to execute his powers due to illness or as a result of his death.
2. If the President of the Kyrgyz Republic is unable to carry out his duties due to illness, the Jogorku Kenesh of the Kyrgyz Republic is to adopt a decision on early dismissal of the President of the Kyrgyz Republic from office based upon the conclusion of a State Medical Commission created by it upon a vote of no less than two-thirds of the total number of the deputies of the Jogorku Kenesh of the Kyrgyz Republic.

Article 51.

1. The President of the Kyrgyz Republic may be dismissed from office only on the basis of a charge made by the Jogorku Kenesh of the Kyrgyz Republic of high treason or commission of another grievous crime confirmed by a ruling of the Constitutional Court of the Kyrgyz Republic.
2. The decision by the Jogorku Kenesh of the Kyrgyz Republic to bring a charge against the President of the Kyrgyz Republic for

dismissal of him from office must be made by a vote of not less than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic upon the initiative of a majority of the total number of deputies, and is to be accompanied by a ruling by a special commission formed by the Jogorku Kenesh of the Kyrgyz Republic.

3. A negative ruling by the Constitutional Court of the Kyrgyz Republic on a charge made by the Jogorku Kenesh of the Kyrgyz Republic shall result in the dissolution of the Jogorku Kenesh of the Kyrgyz Republic.

4. If the Constitutional Court deems an initiative to remove the President as legal, the President may be removed only by a four-fifths majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, no later than two months after the bringing of the charge against the President by the Jogorku Kenesh of the Kyrgyz Republic. If a decision is not reached by the Jogorku Kenesh of the Kyrgyz Republic within this period, the charge shall be considered refuted.

#### Article 52.

1. If the President of the Kyrgyz Republic is unable to carry out his duties for reasons stated in Article 50 of the this Constitution, the Prime Minister of the Kyrgyz Republic thereafter shall carry out his duties until the election of a new President of the Kyrgyz Republic. Elections for a new President of the Kyrgyz Republic must in this case be conducted within three months of the termination of the term of office of the President of the Kyrgyz Republic.

2. The Prime Minister of the Kyrgyz Republic, while executing the duties of the President of the Kyrgyz Republic, does not have the right to dissolve the Jogorku Kenesh of the Kyrgyz Republic, to call a referendum, to terminate the authority of the Pravitel'stvo of the Kyrgyz Republic, or to make proposals for introducing amendments and supplements to the Constitution of the Kyrgyz Republic.

#### Article 53.

1. All former Presidents of the Kyrgyz Republic, except those who have been dismissed from office by the procedure established in Article 51 of this Constitution, shall have the title of ex-President of the Kyrgyz Republic.

2. Ex-President of the Kyrgyz Republic shall enjoy immunity. He cannot be subjected to criminal or administrative prosecution for all acts or non-actions related to his tenure as President of the Kyrgyz Republic, as well as detained, arrested, subjected to search, examination or personal inspection.

3. Immunity of the ex-President of the Kyrgyz Republic shall extend to all of his personal and official residences and offices, to his means of transportation and to his communications, his archives and any other property, documents, baggage and correspondence.

4. Financial support, services and security support of an ex-President of the Kyrgyz Republic, his spouse, underage children and other dependent family members shall be made at state expense by a procedure established by law.

CHAPTER FOUR  
THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 54.

1. The Jogorku Kenesh, the Parliament of the Kyrgyz Republic, is the representative body which has legislative power and controlling functions within its terms of reference.

2. The Jogorku Kenesh shall consist of 75 deputies, which will be elected for five-year term from one-mandate constituencies; The right to nominate candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be vested in the political parties and in citizens by self-nomination.

3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic are elected on the basis of universal equal and direct suffrage by secret ballot. Procedure for election of deputies of the Jogorku Kenesh of the Kyrgyz Republic shall be stipulated by law.

4. Regular election to the Jogorku Kenesh of the Kyrgyz Republic shall be conducted on the last Sunday of February of the fifth year of powers of the Jogorku Kenesh of the Kyrgyz Republic.

Article 55.

1. The Jogorku Kenesh of the Kyrgyz Republic shall assemble for its first sitting after election with no fewer than two-thirds of the members of the constitutional staff no later than 30 days after the publication of the results of the election.

2. The eldest deputy of the Jogorku Kenesh of the Kyrgyz Republic shall open the first session of the Jogorku Kenesh of the Kyrgyz Republic.

3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic shall take the oath before the Jogorku Kenesh of the Kyrgyz Republic:

"I, proceeding to exercising of powers of the deputy of the Jogorku Kenesh of the Kyrgyz Republic, swear allegiance to the Kyrgyz Republic and swear to:

observe the Constitution and laws of the Kyrgyz Republic, perform my duties in the interests of the people, protect sovereignty and independence of the Kyrgyz state."

Powers of the deputies of the Jogorku Kenesh of the Kyrgyz Republic shall begin from the day of taking the oath.

4. From the day the first sitting of the newly convened Jogorku Kenesh of the Kyrgyz Republic begins, the powers of the prior sessions of the Jogorku Kenesh of the Kyrgyz Republic end.

Article 56.

1. A citizen of the Kyrgyz Republic who has reached 25 years of age by the day of the elections, has the right to participate in the elections, and has permanently resided in the Republic for not less than 5 years prior to nomination as a Deputy, may be elected a Deputy of the Jogorku Kenesh of the Kyrgyz Republic.

2. A person with criminal records, if his/her conviction is not expunged in accordance with the law, cannot be elected a deputy of the Jogorku Kenesh of the Kyrgyz Republic.

3. Deputies of the Jogorku Kenesh of the Kyrgyz Republic are representatives of the people of Kyrgyzstan, and are subordinate to the Constitution and laws of the Kyrgyz Republic.

4. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic enjoys immunity. He may not be prosecuted or held liable for opinions expressed or for voting in the course of execution of their powers as a Deputy in the Jogorku Kenesh of the Kyrgyz Republic. A deputy may not be detained or arrested, exposed to search or personal inspection, except in cases when he is caught red-handed. Institution of criminal as well as administrative proceedings against a deputy by court shall be allowed only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

5. A deputy of the Jogorku Kenesh of the Kyrgyz Republic may not simultaneously be a member of the Pravitel'stvo of the Kyrgyz Republic or a deputy of a local Kenesh. A deputy of the Jogorku Kenesh of the Kyrgyz Republic may not be a procurator, a judge, or hold another office of state service. He may not work in other state service and can not engage in entrepreneurial activity; he may not be a member of the governing body or supervisory council of a commercial organization. A deputy of the Jogorku Kenesh of the Kyrgyz Republic has the right to engage in teaching, scientific, or other creative activity, if such activity does not interfere with the performance of his duties as deputy.

6. Powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be terminated simultaneously with the termination of powers of the Jogorku Kenesh of the Kyrgyz Republic.

7. Powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be terminated early in the event of submission of resignation in writing, dissolution of the Jogorku Kenesh of the Kyrgyz Republic, a court decision that the Deputy is not legally capable, entry into force of a court decision on announcing the Deputy missing or deceased, and death of a Deputy.

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic shall be deprived of his powers in the event of entry into force of a guilty verdict against him by court, acceptance of a job or failure to quit a job not compatible with fulfilment of his duties as a Deputy, annulment of the election, change of permanent residence beyond the borders of the Kyrgyz Republic, renunciation of citizenship of the Kyrgyz Republic, or loss of Kyrgyz citizenship.

8. Termination of powers of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic, and his deprivation of powers, shall be executed based on a Resolution of the Central Committee on Elections and Referenda of the Kyrgyz Republic.

9. Deputies systematically missing meeting of the Jogorku Kenesh of the Kyrgyz Republic without any good reason during one session, can be deprived of their parliamentary mandate by majority vote of the deputy corps.

10. The procedure of replacement of a vacant mandate appeared in the result of early termination of powers of a deputy shall be defined by law.

#### Article 57.

A deputy of the Jogorku Kenesh of the Kyrgyz Republic has the right of inquiry to bodies of executive power, local self-governance and their officials, who are obliged to answer the inquiry within no more than one month.

Section one  
Powers of the Jogorku Kenesh  
of the Kyrgyz Republic

Article 58.

1. The work of the Jogorku Kenesh of the Kyrgyz Republic includes:
- 1) introduction of amendments and supplements to the Constitution of the Kyrgyz Republic in the procedure established by the Constitution;
  - 2) adoption of laws of the Kyrgyz Republic;
  - 3) official interpretation of the Constitution and of laws adopted by it;
  - 4) alteration of the borders of the Kyrgyz Republic;
  - 5) approval of the republican budget and the report on its implementation, nation-wide programs for social and economic development submitted by the Government of the Kyrgyz Republic;
  - 6) deciding matters of administrative and territorial structure of the Kyrgyz Republic;
  - 7) appointment of elections for Presidency of the Kyrgyz Republic;
  - 8) approval of the structure of the Government of the Kyrgyz Republic recommended by the President of the Kyrgyz Republic;
  - 9) giving consent to the appointment of the Prime Minister of the Kyrgyz Republic, members of the Government of the Kyrgyz Republic;
  - 10) expression of the vote of no confidence to the Government of the Kyrgyz Republic by the majority of not less than two thirds of votes of the deputy corps in cases provided by this Constitution;
  - 11) election and dismissal, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Constitutional Court of the Kyrgyz Republic, his deputy, and judges of the Constitutional Court of the Kyrgyz Republic;
  - 12) election and dismissal, upon nomination by the President of the Kyrgyz Republic, of the Chairman of the Supreme Court of the Kyrgyz Republic, his deputies and judges of the Supreme Court of the Kyrgyz Republic;
  - 13) giving consent to appointment of judges of local courts;
  - 14) giving consent to appointment of the General Prosecutor of the Kyrgyz Republic;
  - 15) giving consent to appointment of the Chairman of the National Bank of the Kyrgyz Republic;
  - 16) giving consent to appointment of the Chairman of the Central Electoral Commission of the Kyrgyz Republic;
  - 17) election of one-half of the members of the Central Electoral Commission;
  - 18) giving consent to appointment of the Chairman of the Auditing Chamber of the Kyrgyz Republic;
  - 19) appointment of one-half of the auditors of the Accounting Chamber of the Kyrgyz Republic;
  - 20) election and dismissal of the Ombudsman (Akyikatchi) of the Kyrgyz Republic and his deputies;
  - 21) ratification and denunciation of international treaties, except for the cases envisaged in Article 48 of this Constitution Kyrgyz Republic;
  - 22) introduction of states of emergency, authorization or annulment of decrees of the President of the Kyrgyz Republic concerning this issue;
  - 23) deciding matters of war and peace; introducing the state of

war; and authorization or annulment of decrees of the President of the Kyrgyz Republic about these issues;

24) deciding matters about the possibility of using the Armed Forces of the Kyrgyz Republic beyond its borders when necessary to fulfill international treaty obligations in support of peace and security;

25) establishing of military ranks, diplomatic ranks, class categories and other special titles of the Kyrgyz Republic;

26) establishment of state awards and honorary titles of the Kyrgyz Republic;

27) issuing acts of amnesty;

28) hearing addresses and statements by the President of the Kyrgyz Republic, speeches of the leaders and other representatives of foreign countries, international organizations;

29) hearing annual reports of the Constitutional court of the Kyrgyz Republic on the status of the constitutional legality in the country, of the Ombudsman (Akyikatchi) of the Kyrgyz Republic - on the state of affairs in the country in the field of human and civil rights and freedoms;

30) hearing annual reports of the Prime Minister of the Kyrgyz Republic, General Prosecutor of the Kyrgyz Republic, Chair of the National Bank of the Kyrgyz Republic, Chair of the Accounting Chamber of the Kyrgyz Republic;

31) dismissal of the President of the Kyrgyz Republic from office.

Hearing of annual reports of bodies and officials specified in this point shall be conducted with account of the rules established in this Constitution and laws of the Kyrgyz Republic on autonomy and independence of the respective bodies and their officials.

2. The Jogorku Kenesh of the Kyrgyz Republic adopts resolutions on issues envisaged in sub-points 2, 7, 9-20, 28-31 of point 1 of this Article, as well as issues of exercising control over implementation of laws.

3. Laws and resolutions of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted by majority of votes of the deputy corps of the Jogorku Kenesh of the Kyrgyz Republic unless this Constitution provides for other procedure of their adoption.

#### Article 59.

1. Laws shall regulate issues not included in the list given in Article 58 point 2 as well as other important issues of public and social life.

2. A law cannot come into force and be published until its signing by the President of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic upon request by the Government of the Kyrgyz Republic may allow the Government of the Kyrgyz Republic to adopt resolutions on issues referred to the jurisdiction of the Jogorku Kenesh of the Kyrgyz Republic.

#### Article 60.

1. The Jogorku Kenesh of the Kyrgyz Republic shall elect from among its members a Toraga of the Jogorku Kenesh of the Kyrgyz Republic, his deputies, and shall recall them.

2. The Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall:

1) conduct the sessions of the Jogorku Kenesh;

2) generally carry out the preparation of issues for consideration

during sessions of the Jogorku Kenesh of the Kyrgyz Republic;

3) sign acts adopted by the Jogorku Kenesh;

4) represent the Jogorku Kenesh in the Kyrgyz Republic and abroad, ensure interaction of the Jogorku Kenesh with the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic, executive and judicial bodies, local self-governance bodies;

5) exercise control over activity of the Jogorku Kenesh office;

6) perform other powers imposed thereon by the Law on Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

3. Toraga of the Jogorku Kenesh shall be elected by secret ballot by the majority of votes of the deputy corps of the Jogorku Kenesh of the Kyrgyz Republic. Toraga shall be accountable to the Jogorku Kenesh of the Kyrgyz Republic and may be removed from his office by a decision of the Jogorku Kenesh adopted by a vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh.

4. The Deputy Toraga of the Jogorku Kenesh is elected by secret ballot, fulfills specific functions of the Toraga as authorized by him, and substitutes for the Toraga in his absence. The Deputy Toraga is recalled in accordance with the procedure provided by the Law on the Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

#### Article 61.

1. The Jogorku Kenesh of the Kyrgyz Republic is restricted to seven committees; it can establish temporary commissions and elect their chairs. No deputy of the Jogorku Kenesh of the Kyrgyz Republic is permitted to participate in more than one committee.

2. Committees of the Jogorku Kenesh of the Kyrgyz Republic are responsible for preparing and preliminary review of issues referred to the competency of the Jogorku Kenesh of the Kyrgyz Republic, control over implementation of the adopted laws and resolutions.

3. Laws and other normative legal acts of the Jogorku Kenesh of the Kyrgyz Republic shall be adopted after preliminary review of their drafts by the respective committees of the Jogorku Kenesh.

4. Nomination and election of officials referred to the competence of the Jogorku Kenesh of the Kyrgyz Republic, giving consent by the Jogorku Kenesh to appointment for governmental posts and dismissal from office shall be made on the basis of the statement of respective committees of the Jogorku Kenesh of the Kyrgyz Republic.

#### Article 62.

1. Sessions of the Jogorku Kenesh of the Kyrgyz Republic are conducted in the form of sittings and are held once per year beginning from the first work day of September and ending on the last work day of June of the following year.

2. Toraga of the Jogorku Kenesh of the Kyrgyz Republic shall convene special sessions of the Jogorku Kenesh of the Kyrgyz Republic upon proposal by the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic or not less than one third of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. A convention of the Jogorku Kenesh of the Kyrgyz Republic is legally valid upon the attendance of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

4. Decision of the Jogorku Kenesh of the Kyrgyz Republic on the issued referred to its competence by the Constitution of the Kyrgyz Republic shall be adopted exclusively during sittings by deputy voting.

All deputies must vote during a legislative session. They may not abstain.

5. Organization and procedure of activity of the Jogorku Kenesh of the Kyrgyz Republic, structure and personnel shall be defined by the Law on the Regulation of the Jogorku Kenesh of the Kyrgyz Republic.

#### Article 63.

1. The Jogorku Kenesh of the Kyrgyz Republic may be dissolved early by a decision on self-dissolution adopted by a majority vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

2. The Jogorku Kenesh of the Kyrgyz Republic may be dissolved early by the President of the Kyrgyz Republic as the result of a referendum; in the event of three refusals to approve the appointment of a Prime Minister of the Kyrgyz Republic or in the event of another crisis caused by insurmountable differences between the Jogorku Kenesh of the Kyrgyz Republic and other branches of state power.

3. In the case foreseen under point 3 of Article 51 of this Constitution, the Jogorku Kenesh of the Kyrgyz Republic is considered dissolved from the moment of issuance of a resolution by the Constitutional Court of the Kyrgyz Republic.

4. The Jogorku Kenesh of the Kyrgyz Republic may not be dissolved in time of a state emergency or war, during consideration by the Jogorku Kenesh of the Kyrgyz Republic of the issue of dismissing the President of the Kyrgyz Republic from office or when there shall be fewer than six months remaining until the end of the term of office of the President of the Kyrgyz Republic.

5. In the event of dissolution of the Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic designates the date for elections of deputies of the Jogorku Kenesh of the Kyrgyz Republic, so that the newly elected Jogorku Kenesh of the Kyrgyz Republic convene its first session no later than six months after the moment of dissolution.

### Section two Legislative activities

#### Article 64.

The right to initiate legislative drafting belongs to:  
30.000 voters (a popular initiative);  
the President of the Kyrgyz Republic;  
deputies of the Jogorku Kenesh of the Kyrgyz Republic;  
the Pravitel'stvo of the Kyrgyz Republic.

#### Article 65.

1. Draft laws are introduced in the Jogorku Kenesh of the Kyrgyz Republic.

2. If the President or the Government of the Kyrgyz Republic deems that a draft law requires urgent attention, the Jogorku Kenesh of the Kyrgyz Republic is required to review that draft law ahead of others on the docket.

3. Toraga of the Jogorku Kenesh shall forward a draft law submitted to the Jogorku Kenesh of the Kyrgyz Republic along with the statement of the Government of the Kyrgyz Republic to the respective

committee of the Jogorku Kenesh of the Kyrgyz Republic. No later than within one month the committee shall submit the draft law to the sitting of the Jogorku Kenesh of the Kyrgyz Republic along with its statement for review.

4. Amendments to a draft law on the republican budget may be introduced with the consent of the Pravitel'stvo of the Kyrgyz Republic.

5. Amendments to the Law on national budget, draft laws on introducing or lifting taxes, providing tax exemptions, on changes in financial obligations of the state, and other draft laws providing for increased costs to be covered from the national budget or for decreases in revenues of the budget, may only be submitted to the Jogorku Kenesh of the Kyrgyz Republic and adopted with consent of the Pravitel'stvo of the Kyrgyz Republic.

6. Laws introducing amendments and supplements to the Constitution of the Kyrgyz Republic, Constitutional laws, laws interpreting the Constitution of the Kyrgyz Republic and constitutional laws, laws introducing amendments to the constitutional laws, laws altering the borders of the Kyrgyz Republic, are adopted by the Jogorku Kenesh of the Kyrgyz Republic after no fewer than two readings if no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh have voted for them.

7. Introduction of amendments and supplements to the Constitution of the Kyrgyz Republic and constitutional laws during states of emergency is not allowed.

8. No laws restricting freedom of speech and freedom of the press may be adopted.

#### Article 66.

1. A law adopted by the Jogorku Kenesh of the Kyrgyz Republic shall be sent within five days to the President of the Kyrgyz Republic for signing.

2. The President of the Kyrgyz Republic, no later than one month after receiving the law, shall sign it or return it with his objections to the Jogorku Kenesh of the Kyrgyz Republic for reconsideration. The law may be reconsidered by the Jogorku Kenesh of the Kyrgyz Republic not earlier than 6 months after receiving it with the President's objections. This rule is not applied if the Jogorku Kenesh of the Kyrgyz Republic agrees with the President's objections. If the Jogorku Kenesh agrees with the version proposed by the President of the Kyrgyz Republic, the law is to be signed by the President of the Kyrgyz Republic within the period of time set forth in point 2 of this article.

3. If upon reconsideration the law is approved in the earlier adopted version by majority vote of no less than two-thirds of the total number of deputies, then the law is to be signed by the President of the Kyrgyz Republic within one month after its receipt.

4. The law indicated in point 6 of Art. 65 of this Constitution returned by the President for reconsideration may be considered by the Jogorku Kenesh not earlier than in one year. This rule is not applied if the Jogorku Kenesh of the Kyrgyz Republic adopts the decision to agree with the President's objections. If the Jogorku Kenesh of the Kyrgyz Republic agrees with the version proposed by the President of the Kyrgyz Republic the law is to be signed by the President of the Kyrgyz Republic within the period of time set forth in point 2 of this article.

5. If the law specified in Article 65 point 6 of this Constitution upon its reconsideration held not earlier than in one year, is adopted in the former version by majority vote of no less than four-fifths of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, it is signed by the President of the Kyrgyz Republic within one month.

Article 67.

A law enters into effect ten days from the moment of its publication if no other stipulation is made in the law itself or in a law on the procedure for its entering into force.

Article 68.

1. The Jogorku Kenesh of the Kyrgyz Republic may delegate its legislative powers to the President of the Kyrgyz Republic for a period of no more than one year.

2. Legislative powers transfer to the President of the Kyrgyz Republic in the event of dissolution of the Jogorku Kenesh of the Kyrgyz Republic.

3. Legislative powers are carried out by the President of the Kyrgyz Republic by the adoption of decrees, which have the force of law.

#### CHAPTER FIVE EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Article 69.

Executive power in the Kyrgyz Republic is carried out by the Pravitel'stvo of the Kyrgyz Republic, by ministries accountable to it, by state committees, administrative departments, other executive authorities and local state administration.

#### Section one The pravitel'stvo of the Kyrgyz Republic

Article 70.

1. The Pravitel'stvo of the Kyrgyz Republic is the highest body of state executive power in the Kyrgyz Republic.

2. The activity of the Pravitel'stvo of the Kyrgyz Republic is headed by the Prime Minister of the Kyrgyz Republic. The Pravitel'stvo of the Kyrgyz Republic consists of the Prime Minister of the Kyrgyz Republic, Vice Prime Ministers, Ministers and Chairmen of State Committees of the Kyrgyz Republic. The structure of the Pravitel'stvo of the Kyrgyz Republic is defined by the President upon nomination by the Prime Minister of the Kyrgyz Republic and is approved by the Jogorku Kenesh of the Kyrgyz Republic.

3. Entry into office of the newly elected President of the Kyrgyz Republic results in resignation from power of the Pravitel'stvo of the Kyrgyz Republic.

4. The Prime Minister of the Kyrgyz Republic, the Pravitel'stvo of the Kyrgyz Republic or an individual member of it has the right to submit his resignation, which shall be accepted or declined by the President of the Kyrgyz Republic.

5. Acceptance of the resignation of the Prime Minister of the Kyrgyz Republic results in the resignation of the Pravitel'stvo and of the heads of administrative departments. In the event of acceptance of the resignation, the Pravitel'stvo of the Kyrgyz Republic and the heads of administrative departments may continue to act upon authorization from the President of the Kyrgyz Republic, until the formation of a new Pravitel'stvo of the Kyrgyz Republic and appointment of the heads of administrative departments.

#### Article 71.

1. The Prime Minister of the Kyrgyz Republic shall be appointed by the President of the Kyrgyz Republic with the consent of the majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

2. A nomination of a candidate for Prime Minister of the Kyrgyz Republic is submitted to the Jogorku Kenesh of the Kyrgyz Republic no later than two weeks after entry into office of the newly elected President of the Kyrgyz Republic, or after resignation of the Prime Minister of the Kyrgyz Republic or Pravitel'stvo of the Kyrgyz Republic, or within one week from the day of rejection of a nominee by the Jogorku Kenesh of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic shall make its decision concerning the giving of consent to the appointment of a Prime Minister of the Kyrgyz Republic no later than seven days from the day of submission of the nominee.

4. After three refusals by the Jogorku Kenesh of the Kyrgyz Republic of nominees for Prime Minister of the Kyrgyz Republic, the President of the Kyrgyz Republic appoints a Prime Minister of the Kyrgyz Republic and dissolves the Jogorku Kenesh of the Kyrgyz Republic.

5. The Prime-Minister of the Kyrgyz Republic in accordance with the Constitution, laws of the Kyrgyz Republic and decrees of the President of the Kyrgyz Republic determines the fundamental directions of the activities of the Pravitel'stvo of the Kyrgyz Republic, organizes its work, and is personally responsible for its activities.

#### Article 72.

1. The Pravitel'stvo of the Kyrgyz Republic in its activities is responsible to the President of the Kyrgyz Republic and is accountable to the Jogorku Kenesh of the Kyrgyz Republic within the limits provided by this Constitution.

The President of the Kyrgyz Republic may preside at the sitting of the Pravitel'stvo of the Kyrgyz Republic.

2. The Prime Minister of the Kyrgyz Republic presents a report on the work of the Pravitel'stvo to the Jogorku Kenesh of the Kyrgyz Republic annually.

3. The Jogorku Kenesh of the Kyrgyz Republic based on the results of consideration of the report by the Prime Minister of the Kyrgyz Republic may express lack of confidence in the Pravitel'stvo of the Kyrgyz Republic by the initiative of a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

4. A resolution on expression of no confidence in the Pravitel'stvo of the Kyrgyz Republic is adopted by a majority of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic

5. The issue of expressing vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic may not be considered by the Jogorku Kenesh of the Kyrgyz Republic: more than once during a session; during one year after approval of the Program of activities of the Pravitel'stvo of the Kyrgyz Republic; six months prior to next elections for the Presidency of the Kyrgyz Republic.

6. If the Jogorku Kenesh expresses vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic, the President of the Kyrgyz Republic may either announce the resignation of the Pravitel'stvo of the Kyrgyz Republic or disagree with the decision of the Jogorku Kenesh of the Kyrgyz Republic.

7. If within three months, the Jogorku Kenesh of the Kyrgyz Republic makes another decision to express the vote of no confidence to the Pravitel'stvo of the Kyrgyz Republic, the President of the Kyrgyz Republic either announces the resignation of the Pravitel'stvo of the Kyrgyz Republic or disbands the Jogorku Kenesh of the Kyrgyz Republic.

#### Article 73.

1. The Pravitel'stvo of the Kyrgyz Republic shall decide all issues about state administration, excluding the powers relegated by the Constitution to the competency of the President of the Kyrgyz Republic and to the Jogorku Kenesh of the Kyrgyz Republic.

2. The Pravitel'stvo of the Kyrgyz Republic:

1) ensures enforcement of the Constitution and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and the Pravitel'stvo of the Kyrgyz Republic; pursuance of internal and foreign policy of the state;

2) carries out measures to guarantee lawful activity, rights and freedoms of citizens, the protection of property and public order, the fighting of crime;

3) ensures pursuance of financial, price, tariff, investment and tax policy;

4) prepares the republican budget and submits it to the Jogorku Kenesh of the Kyrgyz Republic and ensures its implementation; reports to the Jogorku Kenesh of the Kyrgyz Republic on implementation of the republican budget;

5) ensures pursuance of the unitary state policy in the field of culture, science, education, health care, labor and employment, social security, nature protection, ecological security and utilization of nature;

6) develops and carries out nation-wide programs for economic, social, scientific and technical and cultural development;

7) takes measures to secure equal conditions for development of all forms of property and their protection, exercises management over state property;

8) takes measures to secure the state sovereignty, defense of the country, and national security;

9) organizes and ensures pursuance of foreign policy, customs issues;

10) directs and coordinates the work of ministries, state committees, administrative departments, state commissions and funds, local state administrations and other executive authorities;

11) ensures interaction with the civil society;

12) exercises other powers relegated to its competence by the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic.

3. The Pravitel'stvo of the Kyrgyz Republic and the National Bank of Kyrgyzstan ensure the provision of a unitary monetary - credit and hard currency policy.

4. Organization and procedure of the activities of the Pravitel'stvo of the Kyrgyz Republic is defined by the constitutional law.

#### Article 74.

1. On the basis of and in pursuance of the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic, the Pravitel'stvo of the Kyrgyz Republic issues decrees and instructions and organizes, supervises and secures their fulfillment.

2. Decrees and instructions of the Pravitel'stvo of the Kyrgyz Republic are binding throughout the entire territory of the Kyrgyz Republic.

Non-performance or improper performance of normative legal acts of the Pravitel'stvo of the Kyrgyz Republic shall entail liability established by the law.

#### Article 75.

1. The Pravitel'stvo of the Kyrgyz Republic oversees the activity of all ministries, government committees, administrative agencies and state organs of local administration.

2. Ministries, state committees, and administrative departments, other executive authorities within the limits of their competency, issue orders and instructions on the basis of and as part of implementing of the Constitution, laws of the Kyrgyz Republic, resolutions of the Jogorku Kenesh of the Kyrgyz Republic, acts of the President, resolutions and instructions of the Pravitel'stvo of the Kyrgyz Republic, and organize, check and ensure their implementation.

3. The Pravitel'stvo of the Kyrgyz Republic hears reports of the heads of the ministries, state committees, administrative agencies, other executive authorities and also heads of the local state administrations and annuls their acts which contradict the legislation of the Kyrgyz Republic.

### Section two Local state administration

#### Article 76.

1. Executive power on the territory of the respective administrative territorial unit is carried out by the local state administration.

2. Powers, organization and procedures of activities of local state administration shall be defined by the law.

#### Article 77.

1. Local state administrations act on the basis of the Constitution of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and the Pravitel'stvo of the Kyrgyz Republic.

2. Implementation of decisions of a local state administration

adopted within the bounds of its competency is mandatory on the respective territory.

Section three  
The procurator general's office

Article 78.

Auditing accurate and uniform implementation of legislature is performed by the Procuracy of the Kyrgyz Republic within the bounds of its competency.

Bodies of the procuracy conduct criminal prosecution and participate in trials of cases in cases and procedures set forth by law.

CHAPTER SIX  
COURTS AND JUSTICE IN THE KYRGYZ REPUBLIC

Article 79.

1. Justice in the Kyrgyz Republic is administered only by the court. Citizens of the Kyrgyz Republic have the right to participate in administration of justice in cases and in the manner provided by law.

2. Judicial power is exercised by means of the constitutional, civil, criminal, administrative and other forms of legal proceeding.

3. Judicial system of the Kyrgyz Republic is established by the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic and consists of the Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, and local courts. Specialized courts can be established by the constitutional law. The creation of extraordinary courts is not allowed.

4. The organization and procedure for activity of the courts is specified by law.

Article 80.

1. Judges are independent and subordinated only to the Constitution of the Kyrgyz Republic and to the laws of the Kyrgyz Republic.

2. A judge shall enjoy the right of immunity and cannot be detained or arrested, subjected to search or personal inspection, except for the cases when caught red-handed. Brining a judge of the Constitutional Court of the Kyrgyz Republic to the criminal and administrative liability imposed by the court is allowed only with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

Immunity of a judge shall extend to all of his personal and official residences and offices, to his means of transportation and to his communications, his correspondence, property and documents.

3. No one may require report from a judge on the concrete legal case.

4. A judge, in accordance with his status, is ensured social, material and other guarantees of his independence.

5. A citizen of the Kyrgyz Republic who is not younger than 35 years of age and no older 70 years of age and who has an advanced legal education and no less than 10 years of experience in the legal profession may be a judge of the Constitutional court or the Supreme court of the Kyrgyz Republic. Judges of the Constitutional court and

the Supreme court of the Kyrgyz Republic are elected by the Jogorku Kenesh of the Kyrgyz Republic upon nomination by the President of the Kyrgyz Republic for a term of 10 years.

6. A citizen of the Kyrgyz Republic not younger than 25 years of age and not older than 65 years of age who has a higher legal education and a record of service in his specialty for no less than 5 years may serve as a judge of a local court.

Judges of local courts are appointed by the President of the Kyrgyz Republic with the consent of the Jogorku Kenesh for a term of 7 years.

7. Status of judges of the Kyrgyz Republic shall be defined by the constitutional law.

#### Article 81.

1. Judges are removed from office by their own request, on the basis of health, for commission of a crime where there is a conviction of a court in force and for other reasons specified by the constitutional law.

2. A judge of the Constitutional Court of the Kyrgyz Republic, a judge of the Supreme Court of the Kyrgyz Republic may be dismissed from his office upon nomination by the President of the Kyrgyz Republic by a majority vote of no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. The constitutional law may provide for other procedure of removal of judges of the Constitutional Court, Supreme Court of the Kyrgyz Republic from office in case of their resignation by their own request or on the basis of health.

4. The procedure for nomination of candidates for the judicial position, their appointment, rotation, removal from office of judges of local courts and other issues of the work of judges of local courts shall be established by the constitutional law.

#### Article 82.

1. The Constitutional Court is the highest body of judicial power for protection of the Constitution of the Kyrgyz Republic.

2. The Constitutional Court of the Kyrgyz Republic consists of the Chairman, the Deputy Chairman and seven judges of the Constitutional Court.

3. The Constitutional Court:

1) declares laws and other normative legal acts unconstitutional if they contradict the Constitution of the Kyrgyz Republic;

2) decides disputes concerning the effect, use and interpretation of the Constitution of the Kyrgyz Republic;

3) determines the validity of elections of the President of the Kyrgyz Republic;

4) issues a determination concerning the removal from office of the President of the Kyrgyz Republic as well as judges of the Constitutional Court, the Supreme Court of the Kyrgyz Republic;

5) gives its consent to the criminal prosecution of judges of local courts;

6) issues a determination concerning issues about amendments and supplements to the Constitution of the Kyrgyz Republic in accordance with the provisions of point 2 of Article 96 of this Constitution;

7) annuls the decisions of bodies of local self-governance which contradict the Constitution of the Kyrgyz Republic;

8) renders a decision concerning the constitutionality of the activity of political parties, social and religious organizations.

4. The decision of the Constitutional Court is final and no appeal is allowed. The determination of the unconstitutionality of laws and other acts stipulated in this article by the Constitutional Court annuls their application on the territory of the Kyrgyz Republic and also cancels the effect of other normative and other acts based on the act determined to be unconstitutional, except for judicial opinions. The timing and procedures for annulment of judicial opinions and deciding of matters connected with annulment shall be applied in accordance with the law adopted by the Jogorku Kenesh of the Kyrgyz Republic on every case of recognition of the law or other act unconstitutional.

5. The procedure for administration and other issues of constitutional judicial proceedings shall be regulated by law.

#### Article 83.

1. The Supreme Court of the Kyrgyz Republic is the highest body of judicial power in the sphere of civil, criminal and administrative legal proceedings, as well as other cases provided by law.

2. The Supreme Court shall establish panels of judges, Presidium, whose powers are defined by laws.

The court instances thus established within the Supreme Court review, in compliance with the established procedural forms, court decisions of lower court instances and render final decisions on them.

3. The Supreme Court of the Kyrgyz Republic oversees the judicial activity of local courts by review of judicial opinions on appeals lodged by participants of the judicial proceedings. The law shall establish the powers of the Supreme Court of the Kyrgyz Republic to leave the local court decision in force, to change them or to issue the new decision on the case. Opinions of the Supreme Court of the Kyrgyz Republic issued as a matter of judicial overview are not subject to appeal.

4. Plenum of the Supreme Court of the Kyrgyz Republic consisting of all judges of the Supreme Court has the right to give clarifications on the issues of court practice which will be binding for all lower courts.

#### Article 84.

The state ensures financial support and proper conditions for operation of courts and judicial activities.

Financial support of courts shall be from the funds of the republican budget and must secure the possibility of full and independent administration of justice in compliance with law.

#### Article 85.

1. Trial in all courts is open. Hearing of the case in closed trial is allowed only in cases provided by law. Decision of the court is announced publicly.

2. Default trial of criminal or other cases in courts is not allowed except for cases provided by law.

3. Judicial proceedings shall be adversary and shall be based on equality of parties.

4. A judicial opinion may be annulled, changed or suspended only

by the court in the procedure established by law.

5. Everyone charged with a criminal offence is not obligated to prove his innocence. Irremovable doubts concerning his guilt must be interpreted to the benefit of the accused.

6. No one shall be convicted only on the basis of his/her own confession in committing a crime.

7. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law, as well as to seek pardon or commutation of the sentence.

8. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure.

9. Application of the criminal law by analogy is not allowed.

10. The law establishing or aggravating the liability of a person shall not have a retroactive force. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

11. No one shall be obligated to testify against himself, his/her spouse and close relatives determined by law. The law may provide for other cases of excusing from the obligation to testify.

12. Everyone detained, arrested or charged with a criminal offense has the right to presence of an attorney (defender) from the moment of the respective detention, arrest or bringing a charge.

13. Rights of victims of crimes and abuses of power are protected by law. The state shall guarantee them access to justice and compensation for the harm or damage caused.

#### Article 86.

1. Decisions of the courts of the Kyrgyz Republic which are in effects are binding for all state bodies, entities conducting economic activities, public associations, state officials and citizens and are enforceable throughout of the Kyrgyz Republic.

2. Failure to implement, improper implementation or hindering implementation of judicial opinions and also interference with the activities of courts results in the responsibility established by Law.

#### Article 87.

1. The court does not have the right to apply a normative act which contradicts the Constitution of the Kyrgyz Republic.

2. If during consideration of a case in any court matter, there arises an issue about the constitutionality of the law or other act, on which determination of the case rests, the court shall send an inquiry to the Constitutional Court of the Kyrgyz Republic.

#### Article 88.

1. In the event of a public or other accusation, a citizen has the right to defend his dignity and right in court; under no circumstance shall he be denied such court protection.

2. [The right of] Defense is an inalienable right of a person at any stage of review of a judicial matter.

In case of a citizen's lack of a financial means, legal assistance

and defense is ensured to him at the expense of the State.

3. Procedural rights of participants including the right to appeal decisions, sentences and other judicial opinions as well as the procedure for exercising these rights shall be defined by law.

#### Article 89.

1. The burden of proving guilt in criminal and administrative cases is on the accuser.

2. Evidence obtained in violation of the law shall be considered non-existent and reference to it in court is not allowed.

#### Article 90.

Principles of justice for all courts and judges of the Kyrgyz Republic, not specified by this Constitution shall be established by the laws of the Kyrgyz Republic.

### CHAPTER SEVEN LOCAL SELF-GOVERNANCE

#### Article 91.

Local self-governance in the Kyrgyz Republic is carried out by local associations which manage affairs of a local character within the bounds of the law and under their own responsibility.

#### Article 92.

1. Local self-governance is exercised through the local keneshes and other bodies, which may be formed by the population itself in the procedure established by law. Bodies of local self-governance may have municipal (communal property) in their own possession and at their own use and disposal.

2. Pursuant to a decision of a gathering of citizens, local keneshes, or other representative body of local self-government in villages, settlements and towns, aksakal courts (courts of elders) may be organized from elders or other citizens who enjoy respect and authority.

3. Courts of elders consider property, family disputes and any other matters allowed by law which are submitted to them for review by agreement of the parties with the aim of reaching reconciliation by the parties and delivery of a just verdict which does not contradict law.

4. Decisions of courts of elders may be appealed in the procedure established by legislation of the Kyrgyz Republic.

#### Article 93.

The basis for organization and the activities of bodies of local self-governance is established by the laws of the Kyrgyz Republic, which also regulate their mutual relations with bodies of state power.

#### Article 94.

Bodies of local self-governance may be endowed with separate governmental powers, accompanied by transfer [to them] of the material, financial, and other means necessary for their execution. Bodies of

local self-governance are accountable to state bodies concerning delegated power.

Article 95.

1. Local keneshes:  
approve and control programs of social-economical development of the territory and social protection of the population;  
approve the local budget and report on its implementation and also hear information on the use of extra-budgetary funds.

2. Local keneshes of rayons, towns and oblasts have the right to express by majority vote of two-thirds of the total number of deputies, no confidence in the head of the local state administration of the corresponding territorial unit.

3. Local keneshes act independently from local state administration.

4. Local keneshes and their executive bodies, within the limits of their powers established by the Constitution and legislation of the Kyrgyz Republic adopt acts binding for implementation on their territory.

5. Local keneshes and other bodies of local self-governance are responsible before the state for observation and implementation of laws and before local society for the results of their activities.

6. A deputy of the local kenesh shall be elected for the term of 4 years and may not be persecuted for expressed opinion and results of voting for the local kenesh.

CHAPTER EIGHT  
PROCEDURE FOR AMENDMENTS AND SUPPLEMENTS TO  
THE CONSTITUTION OF THE KYRGYZ REPUBLIC

Article 96.

1. Amendments and supplements to this Constitution are adopted by referendum called by the President of the Kyrgyz Republic.

2. Amendments and supplements may be adopted by the Jogorku Kenesh of the Kyrgyz Republic after a proposal by the President of the Kyrgyz Republic by a majority of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic, or by no fewer than 300,000 voters.

3. Proposals to introduce amendments and supplements to the Constitution of the Kyrgyz Republic are considered by the Jogorku Kenesh of the Kyrgyz Republic, taking into account the ruling of the Constitutional Court of the Kyrgyz Republic, no earlier than three months and no later than six months from the day of submission of the proposal to the Jogorku Kenesh of the Kyrgyz Republic.

4. The text of a draft law on introducing amendments and supplements to the Constitution of the Kyrgyz Republic may not be altered during discussion on it in the Jogorku Kenesh of the Kyrgyz Republic.

Article 97.

1. Amendments and supplements to this Constitution are considered adopted by the Jogorku Kenesh of the Kyrgyz Republic if no fewer than two-thirds of the total number of deputies of the Jogorku Kenesh of the Kyrgyz Republic have voted for them.

2. A rejected proposal may be re-submitted to the Jogorku Kenesh

no earlier than after one year.