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LAW OF THE KYRGYZ REPUBLIC
On the New Wording of the Constitution of the Kyrgyz Republic

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We, the people of the Kyrgyz Republic, directly carrying out our authority, proclaiming our adherence to the values of democracy and unity, recognizing the priority of human rights over government institutions, paying tribute to centuries-old Kyrgyz statehood, are adopting this Law “On the New Wording of the Constitution of the Kyrgyz Republic.”

SECTION I

The Constitution of the Kyrgyz Republic, adopted in the twelfth session of the Supreme Council of the Kyrgyz Republic on May 5, 1993, with changes and amendments introduced by the laws of the Kyrgyz Republic “On Introduction of Changes and Amendments to the Constitution of the Kyrgyz Republic” of February 16, 1996 No. 1, Republic” of October 21, 1998 No. 134, “On Introduction of Changes to Article 5 of the following wording:

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First section. General principles

Second section. Organization and activity of the state

SECOND CHAPTER. CITIZENS

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THIRD CHAPTER. THE PRESIDENT OF THE KYRGYZ REPUBLIC

First section. Election of the President of the Kyrgyz Republic

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FOURTH CHAPTER. THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

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Second section. Local state administration.

Third section. The Procuratura

SIXTH CHAPTER. COURTS AND JUSTICE OF THE KYRGYZ REPUBLIC

SEVENTH CHAPTER. LOCAL SELF-GOVERNMENT

EIGHTH CHAPTER. THE PROCEDURE FOR CHANGING AND AMENDING THE CONSTITUTION OF THE KYRGYZ REPUBLIC

We, the people of Kyrgyzstan,

striving to secure the national revival of the Kyrgyz, the protection and development of interests of all nationalities who together with the Kyrgyz form the people of Kyrgyzstan;

guided by the ancestors' precepts to live in unity, peace and concord;

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

full of determination to develop the economy, political and legal institutions in order to secure a worthy living standard for all;

proclaiming our adherence to common human moral principles and moral values of national traditions;

wishing to establish ourselves among the peoples of the world as a free and democratic civil society,

through our authorized representatives adopt this Constitution.

First Chapter

THE KYRGYZ REPUBLIC

First Section

GENERAL PRINCIPLES

Article 1

1. The Kyrgyz Republic (Kyrgyzstan) is a sovereign, unitary, democratic republic created on the basis of a law-governed secular state.

2. Sovereignty of the Kyrgyz Republic is not limited and extends throughout its entire territory.

3. The people of the Kyrgyz Republic are the bearers of sovereignty and are the only source of the state power in the Kyrgyz Republic.

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

Only the Jogorku Kenesh and the President of the Kyrgyz Republic have the right to represent the people of Kyrgyzstan by whom they were elected.

5. Changes and amendments to the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic and other important issues of state life may be put to a referendum (nationwide vote). The procedure for holding a referendum is established by a constitutional law.

6. The citizens of the Kyrgyz Republic elect the President of the Kyrgyz Republic, Deputies of the Jogorku Kenesh of the Kyrgyz Republic and their representatives to organs of local self-government.

7. Elections are free and are held on the basis of universal equal and direct suffrage by secret ballot. Citizens of the Kyrgyz Republic who have attained the age of 18 have the right to vote.

Article 2

1. The state and its organs serve the whole society and not a particular group.

2. No group of people, no organization or any individual person has the right to assume power in the state. The usurpation of state power is a particularly severe crime.

Article 3

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

2. The territory of the Kyrgyz Republic is divided into administrative territorial units established by law for the purposes of the organization of state government and local self-government.

3. The cities of Bishkek and Osh are cities of national significance, and their status is determined by law.

Article 4

1. Private, state, municipal and other forms of ownership are recognized and protected in the Kyrgyz Republic.

The Kyrgyz Republic guarantees the diversity of property forms and their equal protection by law.

2. Land, its resources, air space, waters, forests, plant and animal life, and other natural resources are the property of the Kyrgyz Republic, are used as the basis of life and activity of the people of Kyrgyzstan and are under special protection of the state.

3. Land may also be in private, municipal and other forms of ownership.

The limits of and procedures for exercising of the landowners' rights and the guarantees of their protection are determined by law.

4. The Kyrgyz Republic protects the right of its citizens and juridical persons to own property as well as their [citizens'] property and its own [the Republic's] property located on the territory of other states.

Article 5

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

2. In the Kyrgyz Republic, the Russian language is used as an official language.

3. The Kyrgyz Republic guarantees to representatives of all the nationalities that constitute the people of Kyrgyzstan the right of preservation of their native language, creation of conditions for learning and development [of the language].

4. It is not permitted to infringe on citizens' rights and freedoms because of their ignorance of the state or official language.

Article 6

1. The state symbols of the Kyrgyz Republic are the state flag, emblem and anthem. Their description and the procedure for their official use are determined by law.

2. The capital of the Kyrgyz Republic is the city of Bishkek.

3. The monetary unit of the Kyrgyz Republic is a som.

Second Section

THE STRUCTURE AND FUNCTIONING OF THE STATE

Article 7

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

- Supremacy of the power of the people, represented and protected by the nationally elected head of the state— the President of the Kyrgyz Republic;
- Division of state power into the legislative, executive and judicial branches, their concerted functioning and interaction;

- Responsibility of the state organs before the nation and the implementation of their powers in the interest of the nation;
- Delimitation of functions of state power and local self-government.

2. Within the limits of powers established by this Constitution, the state power in the Kyrgyz Republic is represented and executed by:

- President of the Kyrgyz Republic;
- Jogorku Kenesh of the Kyrgyz Republic;
- Government of the Kyrgyz Republic and organs of executive power subordinate to it;
- Constitutional Court of the Kyrgyz Republic, Supreme Court of the Kyrgyz Republic, local courts and judges of the Kyrgyz Republic.

Article 8

1. Political parties, trade unions and other public associations may be organized in the Kyrgyz Republic on the basis of free will and common interests. The state guarantees the observance of rights and lawful interests of public associations.

2. Political parties may participate in state affairs only in the following forms:

- Nomination of their candidates for the election to the Jogorku Kenesh of the Kyrgyz Republic, state posts and organs of local self-government;
- Formation of factions in representative organs.

3. Religion and all cults are separate from the state.

4. In the Kyrgyz Republic the following is not permitted:

- Merging of state and party institutions, as well as the subordination of state activity to party programs and decisions;
- Formation and activity of party organizations in state establishments and organizations. State officials have the right to carry out their party activities outside their work activity;
- Membership in parties and activity in support of any political party by the military personnel, employees of the organs of internal affairs, national security, justice, Procuratura and courts;
- Organization of political parties on religious and ethnic grounds. Religious organizations must not pursue political aims and tasks;
- Interference by members of religious organizations and cults with the activity of state organs;
- Activity of foreign political parties, public associations, religious and other organizations detrimental to the constitutional system, state and national security.

Article 9

1. The Kyrgyz Republic does not have goals of expansion, aggression and territorial claims to be resolved by means of military force. It rejects the militarization of national life, subordination of the government or its activity for the purposes of war. The Armed Forces of

Kyrgyzstan are organized in accordance with the principles of self-defense and defensive sufficiency.

2. The right to conduct war is not recognized except in cases of aggression against Kyrgyzstan and other states bound by obligations of collective defense. Permission for each case of a unit of the Armed Forces crossing over the borders of the territory of the Kyrgyz Republic is a matter of decision of the Jogorku Kenesh of the Kyrgyz Republic adopted by a majority no less than two thirds of the total number of Deputies.

3. The use of Armed Forces for the resolution of internal political issues is prohibited. Military personnel may be called upon to liquidate the consequences of natural disasters and in other similar cases directly provided by law.

4. The Kyrgyz Republic observes generally recognized principles of international law, seeks universal and just peace, mutually beneficial cooperation, [and] resolution of global and regional problems in a peaceful way.

Actions capable of disturbing the peaceful coexistence of the peoples, propaganda and encouragement of inter-ethnic or religious clashes are unconstitutional.

Article 10

1. A state of exception in Kyrgyzstan may be imposed only in cases of natural disasters, direct threat to the constitutional system, mass disorder accompanied by violence and menace to human life, as well as under the circumstances and for limited periods indicated in a constitutional law.

2. A state of exception throughout the entire territory of the Kyrgyz Republic may be imposed only by the Jogorku Kenesh of the Kyrgyz Republic, but a state of exception may be imposed by the President of the Kyrgyz Republic in limited locations under circumstances requiring immediate action with a prompt, same day notification of that [act] to the Jogorku Kenesh of the Kyrgyz Republic, which must confirm the act of the President within no more than three days.

In the absence of such a confirmation within the indicated time, the state of exception is cancelled.

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

4. A session recess of the Jogorku Kenesh of the Kyrgyz Republic is not permitted during a state of exception and martial law. In cases when the Jogorku Kenesh of the Kyrgyz Republic is not in session and a state of exception has been imposed by the President, the Jogorku Kenesh of the Kyrgyz Republic shall convene without a notice no later than the day following the introduction of the state of exception.

5. Referenda, elections, changes in the structure, functions and powers of state organs established by the Constitution of the Kyrgyz Republic are not allowed during a state of exception and martial law.

Article 11

1. The state budget of the Kyrgyz Republic consists of the national budget and local budgets, comprising all expenditures and revenues of the state. The national budget is approved by the Jogorku Kenesh of the Kyrgyz Republic upon presentation by the Government of the Kyrgyz Republic.
2. Revenues of the national budget are generated by the total taxes established by law, other obligatory payments, income from state property and other receipts.
3. A single system of taxation functions on the territory of the Kyrgyz Republic. The right to impose taxes belongs to the Jogorku Kenesh of the Kyrgyz Republic. Laws establishing new taxes and worsening the standing of the tax payers are not retroactive.
4. In exceptional cases [and] for the protection the economic interests of the Kyrgyz Republic, the Government of the Kyrgyz Republic has the right to adopt temporary measures in the sphere of taxation by changing individual tax rates and other obligatory budget payments with prompt notification of the Jogorku Kenesh of the Kyrgyz Republic.
5. The report on the execution of the national budget is approved by the Jogorku Kenesh of the Kyrgyz Republic.

Article 12

1. The Constitution has the supreme juridical force and direct effect in the Kyrgyz Republic.
2. Laws and other normative legal acts are adopted on the basis of the Constitution.
3. International treaties and agreements that have, according to a procedure established by law, come into force [and] to which the Kyrgyz Republic is a party as well as generally accepted principles and norms of international law are a component of the legislation of the Kyrgyz Republic.

Second Chapter CITIZENS

First Section CITIZENSHIP

Article 13

1. The belonging of a person to the Kyrgyz Republic and his status are determined by [his] citizenship.

A citizen of the Kyrgyz Republic is obligated to observe the Constitution and laws of the Kyrgyz Republic, to respect the rights, freedoms, honor and dignity of other persons.

2. Persons who are citizens of the Kyrgyz Republic are not recognized as citizens of other states.

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

4. No citizen of the Kyrgyz Republic can be extradited to another country.

5. The Kyrgyz Republic guarantees the defense and protection of its citizens when outside its territory.

Article 14

1. Every citizen of the Kyrgyz Republic by the virtue of his citizenship has rights and bears obligations.

2. Foreigners and stateless persons in the Kyrgyz Republic enjoy the rights and freedoms of citizens and bear obligations on the basis, under the conditions and according to procedures provided by law and international treaties and agreements of the Kyrgyz Republic.

Second Section

HUMAN RIGHTS AND FREEDOMS

Article 15

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

2. The basic human rights and freedoms belong to everyone from birth. They are recognized as absolute, inalienable and protected by law and the courts from infringement by others.

3. All [persons] in the Kyrgyz Republic are equal before law and the court. No one can be subject to any kind of discrimination, violation of rights and freedoms on the ground of origin, gender, race, nationality, language, religion, political and religious convictions, or any other conditions and circumstances of personal or public nature.

4. Human rights and freedoms are valid in the Kyrgyz Republic. As such, they determine the meaning, content and application of the laws, bind the legislative [and] executive powers, local self-government, and are guaranteed by the judicial system.

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

Article 16

1. In the Kyrgyz Republic the basic human rights and freedoms are recognized and guaranteed in accordance with generally accepted principles and norms of international law and international treaties and agreements on the issues of human rights that have come into legal force.

2. Every person in the Kyrgyz Republic has an inalienable right to life. No one may be deliberately deprived of life.

Everyone has the right to protect his life and health, [and] the life and health of other persons from unlawful infringement.

3. Everyone has the right to freedom and personal inviolability.

The detention, arrest and incarceration may be appealed in the court order.

Everyone detained or arrested must be without delay informed of the reasons for the arrest or detention, have his rights explained and the possibility presented, from the moment of detention, to defend himself personally and to use the legal help of an attorney.

4. Everyone has the right to compensation from the state for damages caused by unlawful activities of state organs and their officials while fulfilling service duties.

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

The limitation of this right is permitted only in accordance with law.

6. Everyone has the right to inviolability of his private life, to respect and protection of honor and dignity.

The collection, storage, use and dissemination of confidential information about a person are not permitted without his consent, except for cases established by law.

Everyone has the right to become acquainted with the information about himself, which is not a state or other secret protected by law, within the organs of state power, the organs of local self-government, authorities and organizations.

Everyone is guaranteed the court protection of the right to dispute discreditable information about himself and members of his family and the right to require the withdrawal of any information as well as the right to compensation for material and moral damages caused by the collection, storage and dissemination of discreditable information.

7. Home is inviolable. No one has the right to enter a home against the will of persons living in it.

Search and other activities that require the entry of a home are permitted only in cases established by law, while presenting the person with the right to appeal in the court order the legality of these activities.

8. Everyone has the right to freedom of movement, the choice of the place to stay and live within the borders of the territory of the Kyrgyz Republic.

The citizen of the Kyrgyz Republic has the right to freely travel across the borders of the Kyrgyz Republic and to return without obstruction.

Limitation of these rights is permitted only on the basis of law.

9. Everyone has the right to freedom of thought, speech and press as well as unobstructed expression of these thoughts and beliefs. No one may be forced to express his opinions and beliefs.

Everyone has the right to free collection, storage and use of information and its dissemination orally, in writing or in another way.

Propaganda or campaign inciting social, racial, inter-ethnic or religious hatred and hostility is not permitted.

The propaganda of social, racial, ethnic, religious or linguistic superiority is forbidden.

10. In the Kyrgyz Republic censorship is forbidden.

11. Everyone is guaranteed the freedom of conscience, confession and religious or atheist activity. Everyone has the right to freely profess any religion or to not profess any, to choose, have and disseminate religious or atheist beliefs.

12. Everyone has the right to choose his nationality. No one must be forced to choose and indicate his nationality.

Insulting of one's national dignity shall be prosecuted according to law.

13. Citizens of the Kyrgyz Republic have the right to freedom of association.

All associations of citizens are equal before law.

No one may be forced to join any kind of association of citizens or limited in rights to belong or not to belong to an association.

The associations of citizens are forbidden to create militarized formations.

Forming of secret associations is not permitted.

14. Citizens of the Kyrgyz Republic have the right to assemble peacefully without weapons and to hold meetings, gatherings, processions, demonstrations, and to picket on the condition of a prior notification of the organs of executive power or the organs of local self-government.

15. All have the right to send personal or collective petitions to the organs of executive power, the organs of local self-government and officials who are within their competency obligated to examine these appeals and to provide a reasoned response within the term established by law.

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

17. Everyone has the right to own, use and dispose of his property and the results of his intellectual and creative activity. The use of property must not cause harm to the rights,

freedoms and lawful interests of other persons, the interests of the society, land, surrounding natural environment and natural resources.

18. Everyone has the right to economic freedom, free use of one's abilities and property for any type of economic activity not forbidden by law.

19. Everyone has the right to freedom of work as well as the right to use his abilities to work and to choose a profession and type of occupation.

20. The enumeration of rights and freedoms secured in the Constitution of the Kyrgyz Republic is not exhaustive and must not be interpreted as a denial or diminishment of other generally recognized human rights and freedoms.

21. In exercising of his rights and freedoms, a person and citizen must not interfere with the rights and freedoms of other persons.

22. It is forbidden to use the rights and freedoms for the purpose of forceful change of the constitutional system, inciting racial, inter-ethnic, social or religious hatred and for the purpose of promoting violence and war.

Article 17

1. In the Kyrgyz Republic no laws must be enacted which abolish or infringe on human rights and freedoms.

2. Restrictions of the exercise of rights and freedoms are allowed by the Constitution and laws of the Kyrgyz Republic only for the purposes of guaranteeing rights and freedoms of other persons, public safety and order, territorial integrity, protection of the constitutional system. In such cases, the essence of the constitutional rights and freedoms may not be affected.

Article 18

1. Limitations of physical and moral inviolability of a person are admissible only on the basis of law by the sentence of a court as a punishment for a crime committed. No one can be tortured, subjected to ill-treatment or inhuman degrading punishment.

2. Medical, biological, and physiological experiments on people are prohibited without a voluntary consent properly expressed and confirmed by the person participating in the experiment.

3. No one can be arrested, detained or held in custody except on the basis of law. Any actions imposing responsibility for a crime on a person before the verdict has been issued by the court are not permissible and are grounds for material and moral compensation to the victim by the court.

4. The death penalty can be established by law and imposed only by a court as an exceptional punishment for particularly severe crimes.

Everyone sentenced to the death penalty has the right to appeal for pardon.

Article 19

1. Private property is recognized and guaranteed in the Kyrgyz Republic 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. Nobody can be arbitrarily deprived of his property, and the deprivation thereof against the will of its owner is allowed only by the decision of a court.
3. The expropriation of property for the needs of the state can be, in exceptional cases provided by law, carried out under the condition of prior and equivalent 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 foreigners and stateless persons for the reasons of human rights violations.

Third Section

THE RIGHTS AND DUTIES OF A CITIZEN

Article 21

1. Citizens of the Kyrgyz Republic [and] their associations are allowed to engage in any action or activity, except those prohibited or restricted by this Constitution and laws of the Kyrgyz Republic.
2. The enjoyment of the rights and freedoms of a citizen of the Kyrgyz Republic is inseparable from his duties the fulfillment of which is necessary for securing of private and state interests.

Article 22

1. Laws of the Kyrgyz Republic concerning the rights and freedoms of citizens must be equally applied to all citizens and not bestow on anyone privileges and preferences, except for cases provided for by the Constitution of the Kyrgyz Republic and laws for the social protection of citizens.
2. The state, its organs, the organs of local self-government and their officials may not exceed the limits of power established by the Constitution and the laws of the Kyrgyz Republic.

Article 23

1. Citizens of the Kyrgyz Republic have the right to participate in the state administration both directly and through their representatives.
2. Citizens of the Kyrgyz Republic have the right to participate in the discussion and the adoption of laws and decisions of national and local significance.

3. Citizens of the Kyrgyz Republic have the right to elect and to be elected to the organs of state power and the organs of local self-government as well as to participate in a referendum.

4. Citizens of the Kyrgyz Republic have equal access to the state and municipal service.

Article 24

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

2. Citizens perform military service within the limits and in the forms established by law. The basis and procedure for liberation from the military service or its replacement by an alternative service is established by law.

Article 25

Citizens of the Kyrgyz Republic are obligated to pay taxes and duties in accordance with the legislation of the Kyrgyz Republic.

Article 26

1. The family is the fundamental unit of society; family, fatherhood, maternity and childhood are the subject of concern for the whole society and subject to protection by law; child care and upbringing are the natural right and civic duty of the parents. Able-bodied children of age are obligated to take care of their parents.

2. The state provides material assistance, up-bringing and education for orphans and children deprived of parental care.

3. Respect for the elderly, taking care of relatives and close [persons] is a sacred tradition 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 the case of sickness and disability, loss of the breadwinner.

2. Pensions and social assistance in accordance with economic resources of the society must secure a standard of living not below the minimum subsistence established by law.

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

Article 28

1. The citizen of the Kyrgyz Republic has the right to protection of labor in all its forms and ways, to working conditions corresponding with the requirements of security and hygiene, and also to social protection against unemployment.

2. The state provides professional training and improvement of professional qualification of citizens, and welcomes and promotes international agreements [and] international organizations which aim to secure and strengthen the right to work.

3. The forced labor of citizens is prohibited, except in cases of war, during liquidation of the consequences of natural disasters, epidemic, or in other extraordinary circumstances, as well as the execution of punishment according to a court sentence.

Article 29

Citizens of the Kyrgyz Republic working under labor agreement (contract) have the right to remuneration not below the subsistence minimum established by the state.

Article 30

Citizens of the Kyrgyz Republic have the right to strike.

The procedure and conditions for holding strikes are determined by law.

Article 31

1. Citizens of the Kyrgyz Republic have the right to rest.

2. The maximum duration of working hours, the minimum weekly rest and annual paid leave as well as other terms of the exercise of the right to rest are specified by law.

Article 32

1. Every citizen of the Kyrgyz Republic has the right to education.

2. Basic education is compulsory and free of charge, everyone has the right to receive it in state and municipal educational institutions. Every citizen has the right to receive general secondary education free of charge in state and municipal educational institutions.

3. The state provides access to vocational, special secondary and higher education for all in accordance with everyone's aptitude.

4. Paid education of citizens in state and other educational institutions is allowed on the basis and according to the procedure established by the legislation of the Kyrgyz Republic.

5. The state exercises control over educational activities and other educational institutions in forms established by law.

Article 33

Citizens of the Kyrgyz Republic have the right to housing. This right is secured by the development of the state, municipal and individual housing supply, assistance to citizens in acquiring of a dwelling under conditions and according to the procedure established by the legislation of the Kyrgyz Republic.

Article 34

1. Citizens of the Kyrgyz Republic have the right to the protection of health, to free-of-charge use of the network of state and municipal healthcare institutions.

2. Paid medical service to citizens is allowed on the basis and according to the procedure established by law.

Article 35

1. Citizens of the Kyrgyz Republic have the right to a favorable and healthy natural environment and to compensation for the damage caused to health or property by the activity in the area of nature exploitation.

2. Careful treatment 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.

2. The state protects historical monuments, takes care of and provides the necessary conditions for the development of literature, art, science, the mass media and sports.

3. Citizens have the right to access cultural treasures, to pursue art and science.

Article 37

The social activity of the state must not lead to substitution of the state care for economic freedom and activity, the opportunity for a citizen to achieve economic welfare for himself and his family.

Article 38

1. Full, unconditional and immediate protection of the rights and freedoms of citizens, prevention of the infringement of rights in this area, and the restoration of violated provisions are the duty of the state, all its organs, organs of local self-government and their officials.

2. The Kyrgyz Republic guarantees the court protection of all the citizens' rights and freedoms established by the Constitution and laws of the Kyrgyz Republic.

3. For the purpose of extrajudicial resolution of disputes arising from civil legal relations, arbitration courts may be instituted. The powers, procedure for the foundation and activity of arbitration courts are determined by law.

Article 39

1. A citizen is considered innocent of committing an offence until the court verdict that deems him guilty enters into legal force.

2. The state guarantees everyone protection from arbitrary and unlawful interference with his private and family life, infringement of his honor and dignity, or breach of secrecy of correspondence and telephone conversations.

3. Nobody has the right to enter a dwelling except in cases when it is necessary to conduct a sanctioned search or seizure, to secure public order, to detain a criminal, to save the life, health or property of a person.

Article 40

1. Every citizen of the Kyrgyz Republic is provided with qualified legal assistance and protection of the rights and freedoms guaranteed by the Constitution of the Kyrgyz Republic. In cases provided for by law, legal assistance is provided free of charge.

2. The monitoring of observance of rights and freedoms of a person and a citizen is placed upon the Ombudsman (!...X~68"HRX~) of the Kyrgyz Republic.

3. The procedure for election, the powers of the Ombudsman (!...X~68"HRX~) of the Kyrgyz Republic, and the procedure for their implementation are established by law.

Article 41

The publication of laws and other normative legal acts concerning the rights, freedoms and duties of a person and a citizen is an obligatory condition for their application.

Third Chapter THE PRESIDENT

Article 42

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

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

3. The President of the Kyrgyz Republic determines the basic orientation of interior and foreign policies of the state, represents the Kyrgyz Republic inside the country and in international relations, takes measures in order to protect the sovereignty and territorial integrity of the Kyrgyz Republic, secures the unity and continuity of state power, concerted functioning and interaction of state organs and their responsibility before the nation.

First Section THE ELECTION OF THE PRESIDENT

Article 43

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

2. The same person cannot be elected President for more than two consecutive terms.
3. A citizen of the Kyrgyz Republic, who is no younger than 35 years and no older than 65 years, has command of the official language and has lived in the Republic no less than 15 years before his nomination as a candidate for the office of President, may be elected President of the Kyrgyz Republic.
4. The President of the Kyrgyz Republic cannot be a Deputy of the Jogorku Kenesh, hold other posts and 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 new elections of the President of the Kyrgyz Republic.

Article 44

1. New elections of the President of the Kyrgyz Republic are held on the last Sunday in October of the fifth year of the current President's of the Kyrgyz Republic term of office.

Early elections of the President of the Kyrgyz Republic are held on the last Sunday before three months have passed since the premature cessation of the current President's of the Kyrgyz Republic term of office.

2. The President of the Kyrgyz Republic is elected by the citizens of the Kyrgyz Republic on the basis of universal, equal and direct suffrage by secret ballot.
3. The number of candidates for the office of President of the Kyrgyz Republic is not limited. Any person who obtained no less than 50,000 voter signatures may be registered as a candidate for the President of the Kyrgyz Republic.
4. The election of the President is considered valid if more than fifty percent of all voters in the Republic participated.

A candidate for the post of the President of the Kyrgyz Republic is considered to have been elected if in the first round of the elections he obtained more than one half of the votes of all the voters who participated in the elections.

If in the first round none of the candidates obtained more than a half of the votes, only two candidates who obtained the largest number of votes participate in the second round. A candidate who obtains more than half of the votes in the repeated election is considered to have been elected if no less than fifty percent of all voters participated [in the election].

Article 45

1. The results of the elections of the President of the Kyrgyz Republic are confirmed by the Constitutional Court of the Kyrgyz Republic no later than seven days after their conclusion.
2. Within 30 days after the announcement of the voting results by the Chairman of the Constitutional Court of the Kyrgyz Republic, the President takes the oath in the presence of the Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. Upon taking the office, the President of the Kyrgyz Republic takes an oath before the People of Kyrgyzstan:

“I,..., taking the office of the President of the Kyrgyz Republic, before my people and the sacred Motherland of Ala-Too swear:

To observe and protect the Constitution and laws of the Kyrgyz Republic; to protect the sovereignty and independence of the Kyrgyz state; to respect and safeguard the rights and freedoms of all citizens of the Kyrgyz Republic; to fulfill with honor and tirelessly the high duties 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 at the moment of taking the oath of office. The powers of the President of the Kyrgyz Republic cease at the moment the newly elected President of the Kyrgyz Republic enters office.

Second Section

THE POWERS OF THE PRESIDENT

Article 46

1. The President of the Kyrgyz Republic:

1) Determines the structure of the Government of the Kyrgyz Republic and presents it to the Jogorku Kenesh for approval;

2) Appoints the Prime Minister of the Kyrgyz Republic with the consent of the Jogorku Kenesh of the Kyrgyz Republic;

3) Appoints members of the Government of the Kyrgyz Republic according to the proposal of the Prime Minister of the Kyrgyz Republic and with the consent of the Jogorku Kenesh of the Kyrgyz Republic; appoints the leaders of the administrative departments according to the proposal of the Prime Minister of the Kyrgyz Republic; releases them from office;

4) Accepts the resignation of the Prime Minister of the Kyrgyz Republic, the Government of the Kyrgyz Republic or its individual member; makes the decision to dismiss the Prime Minister of the Kyrgyz Republic or the Government of the Kyrgyz Republic; has the right to release a leader of an administrative department on his own initiative or according to the proposal of the Prime Minister of the Kyrgyz Republic;

5) Appoints according to the proposal of the Prime Minister of the Kyrgyz Republic and with the consent of the corresponding local Keneshes the heads of the local state administrations; releases them from office;

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

7) Forms and abolishes the National Security Service;

8) Forms and heads the Security Council of the Kyrgyz Republic and other coordinating organs;

9) Forms services of state security and the National Guard subordinate to him;

10) Forms and abolishes executive organs which are not part of the Government;

11) Upon consultation with the Prime Minister of the Kyrgyz Republic, confirms the unified system of preparation and selection of personnel to the organs formed at the expense of the state budget, financing of the state organs and the payment for the work of state employees.

2. The President of the Kyrgyz Republic:

1) Presents to the Jogorku Kenesh of the Kyrgyz Republic the candidates for the election to the post of the 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 the election to the post of the Chairman of the Supreme Court of the Kyrgyz Republic, his deputies and judges of the Supreme Court of the Kyrgyz Republic;

3) Appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the General Procurator of the Kyrgyz Republic; appoints according to the proposal of the General Procurator of the Kyrgyz Republic the deputies of the General Procurator of the Kyrgyz Republic, the Military Procurator of the Kyrgyz Republic; releases them from office;

4) Appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the National Bank of the Kyrgyz Republic; according to the proposal of the Chairman of the National Bank of the Kyrgyz Republic appoints the deputies of the Chairman and members of the Board of the National Bank of the Kyrgyz Republic; releases them from office;

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; in cases provided by the Constitution and constitutional laws of the Kyrgyz Republic, releases them from office.

3. The President of the Kyrgyz Republic:

1) Executes the leadership of foreign policy of the Kyrgyz Republic;

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

3) Signs ratification documents;

4) Appoints upon consultation with the appropriate committee of the Jogorku Kenesh of the Kyrgyz Republic diplomatic representatives of the Kyrgyz Republic to foreign countries and international organizations; recalls them; accepts documents of credentials and recall of the heads of the diplomatic representation of foreign states and representatives of international organizations, accredited with the President of the Kyrgyz Republic;

5) Decides matters concerning the granting of citizenship and renouncing of citizenship of the Kyrgyz Republic and granting of political asylum.

3. The President of the Kyrgyz Republic:

1) Awards state awards of the Kyrgyz Republic;

2) Confers honorary titles of the Kyrgyz Republic;

3) Confers high military titles, diplomatic ranks, class ranks and other special titles;

4) Grants pardon.

5. The President of the Kyrgyz Republic:

1) Introduces bills to the Jogorku Kenesh of the Kyrgyz Republic;

2) Signs and promulgates laws; returns laws with his remarks to the Jogorku Kenesh of the Kyrgyz Republic for a second consideration;

3) Addresses the people of Kyrgyzstan with annual messages on the state of affairs in the country announced at a session of the Jogorku Kenesh of the Kyrgyz Republic;

4) Has the right to suspend or abolish normative legal acts of the Government of the Kyrgyz Republic and other organs of executive power;

5) Has the right to decide matters concerning the financing of measures of urgent nature at the expense of the state;

6) Exercises legislative powers in cases and according to the procedure provided in Article 68 of this Constitution.

6. The President of the Kyrgyz Republic:

1) Has the right to convene an early session of the Jogorku Kenesh of the Kyrgyz Republic and to determine issues subject to consideration;

2) Calls a referendum on his own initiative; makes the decision to call a referendum on 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, in cases provided by this Constitution dissolves the Jogorku Kenesh of the Kyrgyz Republic;

4) Calls elections for local Keneshes, in cases provided by the law of the Kyrgyz Republic dissolves local Keneshes;

5) Appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Central Election and Referendum Commission of the Kyrgyz Republic; appoints one half

of the members of the Central Election and Referendum Commission of the Kyrgyz Republic; releases them from office in cases and according to the procedure provided by law.

6) Appoints with the consent of the Jogorku Kenesh of the Kyrgyz Republic the Chairman of the Court of Accounts of the Kyrgyz Republic; appoints one half of the auditors of the Court of Accounts of the Kyrgyz Republic; releases them from office.

7. In the presence of the grounds provided by law, the President of the Kyrgyz Republic warns of the possibility of introducing a state of exception, and if necessary introduces it in separate localities without prior declaration, and immediately notifies the Jogorku Kenesh of the Kyrgyz Republic about it.

8. The President of the Kyrgyz Republic declares general or partial mobilization; declares a state of war in case of military aggression or an imminent danger of military aggression against the Kyrgyz Republic and immediately presents this issue to the Jogorku Kenesh of the Kyrgyz Republic for consideration; declares martial law in the interests of defense of the country and security of its citizens and immediately presents this issue to the Jogorku Kenesh of the Kyrgyz Republic for consideration.

9. The President of the Kyrgyz Republic is the Commander-in-Chief of the Armed Forces, he appoints and replaces the high command 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 on the entire territory of the Kyrgyz Republic.

3. Decrees issued by the President of the Kyrgyz Republic while exercising [his] legislative powers in correspondence with sub-point 6 of point 5 of Article 46 of the Constitution of the Kyrgyz Republic have the power of law.

Article 48

The President of the Kyrgyz Republic has the right to delegate the execution of his powers provided in point 2 of paragraph 3 of Article 46 of this Constitution to the Prime Minister of the Kyrgyz Republic, members of the Government of the Kyrgyz Republic and other officials, as well as to ratify international financial treaties and credit agreements signed by them.

Article 49

1. The President of the Kyrgyz Republic has the right to immunity. The honor and dignity of the President of the Kyrgyz Republic are protected by law.

2. Security, services and protection of the President of the Kyrgyz Republic and also his family are carried out at the expense of the state.

Article 50

1. The powers of the President may be terminated as a result of his declaration of resignation at a session of the Jogorku Kenesh of the Kyrgyz Republic, his removal from office according to the procedure provided by this Constitution, as well as his inability to perform his duties due to illness or as a result of his death.

2. In case the President of the Kyrgyz Republic is unable to fulfill his obligations due to illness, the Jogorku Kenesh of the Kyrgyz Republic shall, based on the conclusion of a state medical commission created [by the Jogorku Kenesh], adopt a decision on an early release of the President of the Kyrgyz Republic from office by no less than two thirds of votes of the total number of Deputies of Jogorku Kenesh of the Kyrgyz Republic.

Article 51

1. The President of the Kyrgyz Republic can be removed from office only on the basis of a charge of state treason or committing another severe crime brought by the Jogorku Kenesh of the Kyrgyz Republic, confirmed by a conclusion of the Constitutional Court of the Kyrgyz Republic.

2. The decision of the Jogorku Kenesh of the Kyrgyz Republic to bring a charge against the President of the Kyrgyz Republic in order to remove him from office must be adopted by a majority of no less than two thirds of the votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic, initiated by a majority of the total number of Deputies in the presence of a conclusion of a special commission created by the Jogorku Kenesh of the Kyrgyz Republic.

3. A negative conclusion of the Constitutional Court of the Kyrgyz Republic on the charge brought by the Jogorku Kenesh of the Kyrgyz Republic against the President of the Kyrgyz Republic in order to remove him from office carries with itself the dissolution of the Jogorku Kenesh of the Kyrgyz Republic.

4. In the case of a positive conclusion of the Constitutional Court of the Kyrgyz Republic on the charge brought by the Jogorku Kenesh of the Kyrgyz Republic against the President of the Kyrgyz Republic in order to remove him from office, a decision of the Jogorku Kenesh of the Kyrgyz Republic must be adopted by a majority of no less than two thirds of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic no later than two months after the charge was brought by the Jogorku Kenesh of the Kyrgyz Republic. If a decision of the Jogorku Kenesh of the Kyrgyz Republic not adopted within this time period, the charge is considered rejected.

Article 52

1. In case of the inability of the President of the Kyrgyz Republic to perform his duties for reasons indicated in Article 50 of this Constitution, his duties are fulfilled by the Prime Minister of the Kyrgyz Republic until the election of a new President of the Kyrgyz Republic. In that case, the election of a new President of the Kyrgyz Republic must be held within three months from the moment the powers of the President of the Kyrgyz Republic were terminated.

2. The Prime Minister of the Kyrgyz Republic fulfilling 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 powers of the Government, as well as to introduce a proposal of changes and amendments to the Constitution of the Kyrgyz Republic.

Article 53

1. All the former presidents of the Kyrgyz Republic, except for those removed from office according to the procedure established by Article 51 of this Constitution, have the title of ex-President of the Kyrgyz Republic.

2. An ex-President of the Kyrgyz Republic enjoys immunity. He cannot be brought to criminal and administrative responsibility for actions or inactions committed by him during the period of exercising the powers of the President of the Kyrgyz Republic, as well as detained, arrested, subjected to a search, interrogation or body search.

3. The immunity of an ex-President of the Kyrgyz Republic extends to the living and working places inhabited by him, means of transportation used by him, communication means, archives, documents, luggage and other property belonging to him, and to his correspondence.

4. The security, services and protection of an ex-President of the Kyrgyz Republic, his spouse, underage children and other members of the family who are dependent on him, are carried out at the expense of the state according to the procedure established by law.

Fourth Chapter

THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 54

1. The Jogorku Kenesh—the parliament of the Kyrgyz Republic – is a representative organ exercising legislative power and control functions within the limits of its powers.

2. The Jogorku Kenesh of the Kyrgyz Republic consists of 75 Deputies who are elected for five years from single-mandate territorial electoral districts.

The right to nominate candidates for deputies of the Jogorku Kenesh of the Kyrgyz Republic belongs to political parties as well as to citizens by the way of 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. The procedure for election of the Deputies of the Jogorku Kenesh of the Kyrgyz Republic is determined by law.

4. Regular elections to the Jogorku Kenesh of the Kyrgyz Republic are held on the last Sunday in February of the fifth year of the term of Jogorku Kenesh of the Kyrgyz Republic.

Article 55

1. The Jogorku Kenesh of the Kyrgyz Republic convenes for its first session after the election of no less than two thirds of its constitutional composition no later than 30 days after the publication of the election results.

2. The first session of the Jogorku Kenesh of the Kyrgyz Republic is opened by the eldest Deputy by age.

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

“I, coming to carry out the powers of the Deputy of the Jogorku Kenesh of the Kyrgyz Republic, pledge allegiance to the Kyrgyz Republic and swear: To observe the Constitution and laws of the Kyrgyz Republic, to fulfill my obligations in the interest of the whole nation, to protect the sovereignty and independence of the Kyrgyz state.”

The term of the Deputies of the Jogorku Kenesh of the Kyrgyz Republic begins from the day of taking the oath.

4. On the day of the first session of the Jogorku Kenesh of the Kyrgyz Republic of the new convocation, the term of the previous convocation of the Jogorku Kenesh of the Kyrgyz Republic terminates.

Article 56

1. A citizen of the Kyrgyz Republic may be elected Deputy of the Jogorku Kenesh of the Kyrgyz Republic if he has attained the age of 25 on the day of election, has the right to participate in the elections and has permanently resided in the Republic during the last 5 years before his nomination as a Deputy.

2. A citizen who has been convicted of committing an offense may not be elected a Deputy of the Jogorku Kenesh of the Kyrgyz Republic, unless the conviction has been expunged and vacated according to the procedure established by law.

3. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic is a representative of the people of Kyrgyzstan obeying the Constitution and laws of the Kyrgyz Republic.

4. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic enjoys the right to immunity. He cannot be subjected to persecution for opinions expressed in connection with the activity of a Deputy or for the results of voting in the Jogorku Kenesh of the Kyrgyz Republic. A Deputy may not be detained or arrested, subjected to search or body search, except for cases when caught at a crime scene. Bringing a Deputy to a criminal as well as administrative responsibility imposed according to a court procedure is only permitted with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

5. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic cannot simultaneously hold the office of a member of the Government of the Kyrgyz Republic and be a Deputy of a local Kenesh.

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic cannot occupy the post of a judge, procurator or another state office. He cannot engage in entrepreneurial activity, become a member of a managing organ or a supervisory board of a commercial organization.

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic may be involved in a scientific educational or another creative activity, as long as such an activity does not impede the fulfilling of the duties of a Deputy.

6. The mandate of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic is terminated simultaneously with the cessation of the term of the Jogorku Kenesh of the Kyrgyz Republic.

7. The mandate of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic can be prematurely terminated in cases of his submitting a written declaration of resignation from his duties, the dissolution of the Jogorku Kenesh of the Kyrgyz Republic, the Deputy being declared incapable by a court, by entry into force of a court decision to declare him missing or dead, as well as the death of the Deputy.

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic loses his powers: when a guilty court verdict concerning him enters into legal force; when he changes work or does not produce work in accordance with his powers of a Deputy; when elections are deemed invalid; when he leaves to permanently reside outside the borders of the Kyrgyz Republic; when he gives up the citizenship of the Kyrgyz Republic or loses the citizenship of the Kyrgyz Republic.

8. The termination of the mandate of a Deputy of the Jogorku Kenesh of the Kyrgyz Republic as well as the deprivation of his powers are carried out by a resolution of the Central Election and Referendum Committee of the Kyrgyz Republic.

9. A Deputy of the Jogorku Kenesh of the Kyrgyz Republic may be deprived of the powers of a Deputy due to a systematic absence without serious reasons at the meetings of the Jogorku Kenesh of the Kyrgyz Republic during one session by a decision adopted by a majority of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

10. The procedure for filling of a vacant mandate formed as a result of a premature termination of the powers of a Deputy is determined by law.

Article 57

A Deputy of the Jogorku Kenesh of the Kyrgyz Republic has the right of inquiry with organs of executive power, local self-government, and their officials who are obligated to respond to the inquiry within one month's period.

First Section

THE POWERS OF THE JOGORKU KENESH OF THE KYRGYZ REPUBLIC

Article 58

1. The following [powers] belong within the authority the Jogorku Kenesh of the Kyrgyz Republic:

1) Introduction of changes and amendments to the Constitution of the Kyrgyz Republic in accordance with the procedure established by the Constitution;

- 2) Adoption of laws of the Kyrgyz Republic;
- 3) Official interpretation of the Constitution and of the adopted laws;
- 4) Changing of the boundaries of the Kyrgyz Republic;
- 5) Approval of the national budget and the report on its execution, statewide programs for socio-economic development introduced by the Government of the Kyrgyz Republic;
- 6) Resolution of issues concerning the administrative territorial structure of the Kyrgyz Republic;
- 7) Calling of the elections of the President of the Kyrgyz Republic;
- 8) Approval of the structure of the Government of the Kyrgyz Republic upon the proposal of the President of the Kyrgyz Republic;
- 9) Giving consent to the appointment of the Prime Minister of the Kyrgyz Republic, [and] members of the Government of the Kyrgyz Republic;
- 10) Expression of no confidence in the Government of the Kyrgyz Republic by the majority of no less than two thirds of votes of the total number of Deputies in cases provided by the Constitution;
- 11) Election and release from office, upon proposal of 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 release from office, upon proposal of the President of the Kyrgyz Republic, the Chairman of the Supreme Court, his deputies and judges of the Supreme Court of the Kyrgyz Republic;
- 13) Giving consent to the appointment of the judges of local courts;
- 14) Giving consent to the appointment of the General Procurator of the Kyrgyz Republic;
- 15) Giving consent to the appointment of the Chairman of the National Bank of the Kyrgyz Republic;
- 16) Giving consent to the appointment of the Chairman of the Central Election and Referendum Commission of the Kyrgyz Republic;
- 17) Election of one half of the members of the Central Election and Referendum Commission of the Kyrgyz Republic;
- 18) Giving consent to the appointment of the Chairman of the Court of Accounts of the Kyrgyz Republic;
- 19) Appointment of one half of the auditors of the Court of Accounts of the Kyrgyz Republic;

- 20) Election and release from office the Ombudsman (!...X~68"HRX~) of the Kyrgyz Republic and his deputies;
- 21) Ratification and denouncement of international treaties, with the exception of cases provided by Article 48 of this Constitution of the Kyrgyz Republic;
- 22) Declaration of a state of exception, confirmation or repeal of the decrees of the President of the Kyrgyz Republic concerning that matter;
- 23) Decision on matters of war and peace; imposition of martial law, declaration of a state of war, confirmation or repeal of the decrees of the President of the Kyrgyz Republic concerning that matter;
- 24) Decision on matters concerning the possibility of use of the Armed Forces of the Kyrgyz Republic outside its borders when it is necessary in order to fulfill obligations of inter-state agreements for preservation of peace and security;
- 25) Establishment of military ranks, diplomatic ranks, class ranks and other special titles of the Kyrgyz Republic;
- 26) Institution of state awards and honorary titles of the Kyrgyz Republic;
- 27) Issuance of acts on amnesty;
- 28) Hearing of messages and statements of the President of the Kyrgyz Republic, addresses of leaders and other representatives of foreign states, international organizations;
- 29) Hearing of annual reports of the Constitutional Court of the Kyrgyz Republic on the state of the constitutional legality in the country, and of the Ombudsman (!...X~68"HRX~) of the Kyrgyz Republic on the situation in the country in the sphere of observance and protection of the rights and freedoms of a person and a citizen;
- 30) Hearing of annual reports of the Prime Minister of the Kyrgyz Republic, the General Procurator of the Kyrgyz Republic, the Chairman of the National Bank of the Kyrgyz Republic, [and] the Chairman of the Court of Accounts of the Kyrgyz Republic;
- 31) Removal of the President of the Kyrgyz Republic from office.

The hearing of annual reports and statements of officials referred to in this point is done with regard for the provisions of this Constitution and the laws of the Kyrgyz Republic about the autonomy and independence of the corresponding state organs and their officials.

2. The Jogorku Kenesh of the Kyrgyz Republic adopts resolutions regarding matters referred to in sub-points 2, 7, 9 - 20, 28 - 31 of point 1 of this article as well as in matters of exercising control over the implementation of laws.

3. Laws and resolutions of the Jogorku Kenesh of the Kyrgyz Republic are adopted by the majority of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic unless a different procedure for their adoption is provided by this Constitution.

Article 59

1. Issues not listed in point 2 of Article 58 as well as other important issues of state and public life are regulated by laws.
2. A law cannot become effective and published without being signed by the President of the Kyrgyz Republic.
3. Upon request of the Government of the Kyrgyz Republic, the Jogorku Kenesh of the Kyrgyz Republic may allow the Government of the Kyrgyz Republic to adopt resolutions concerning issues within the sphere of authority of the Jogorku Kenesh of the Kyrgyz Republic.

Article 60

1. The Jogorku Kenesh of the Kyrgyz Republic elects from its members the Toraga of the Jogorku Kenesh of the Kyrgyz Republic, his deputies, [and] recalls them.
2. The Toraga of the Jogorku Kenesh of Kyrgyz Republic:
 - 1) Leads the sessions of the Jogorku Kenesh of the Kyrgyz Republic;
 - 2) Carries out general leadership by preparing issues for consideration at sessions of the Jogorku Kenesh of the Kyrgyz Republic;
 - 3) Signs acts adopted by the Jogorku Kenesh of the Kyrgyz Republic;
 - 4) Represents the Jogorku Kenesh in the Kyrgyz Republic and outside its borders, ensures cooperation between the Jogorku Kenesh and the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic, organs of executive and judicial branches of the state power, [and] organs of local self-government;
 - 5) Has control over the activities of the Jogorku Kenesh of the Kyrgyz Republic;
 - 6) Exercises other powers laid upon him by the Law on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic.
3. The Toraga of the Jogorku Kenesh is elected by secret ballot by a majority of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

The Toraga is accountable to the Jogorku Kenesh of the Kyrgyz Republic and may be recalled by the decision of the Jogorku Kenesh of the Kyrgyz Republic adopted by a majority of no less than two thirds of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

4. Deputy Toragas of the Jogorku Kenesh of the Kyrgyz Republic are elected by secret ballot, fulfill on the instruction of the Toraga his individual functions and substitute for Toraga in case of his absence.

Article 61

1. The Jogorku Kenesh of the Kyrgyz Republic creates from its Deputies no more than 7 committees as well as temporary commissions and elects their chairmen.
2. A Deputy of the Jogorku Kenesh may be a member of only one committee or commission.
3. Committees of the Jogorku Kenesh of the Kyrgyz Republic carry out the preparation and preliminary consideration of issues within the powers of the Jogorku Kenesh, control the implementation of laws and decisions adopted by the Jogorku Kenesh of the Kyrgyz Republic.
4. Laws and other normative legal acts of the Jogorku Kenesh of the Kyrgyz Republic are adopted after a preliminary consideration of their drafts by the corresponding committees of the Jogorku Kenesh of the Kyrgyz Republic.
5. Appointment and election of officials within the powers of the Jogorku Kenesh of the Kyrgyz Republic, consent of the Jogorku Kenesh to an appointment to state office and release from office are carried out in the presence of a conclusion of the corresponding committees of the Jogorku Kenesh of the Kyrgyz Republic.

Article 62

1. Sessions of the Jogorku Kenesh of the Kyrgyz Republic are carried out in the form of a sitting and are conducted once a year, beginning the first working day of September and ending the last working day of June of the following year.
2. Extraordinary sessions of the Jogorku Kenesh of the Kyrgyz Republic are convened by the Toraga of the Jogorku Kenesh of the Kyrgyz Republic upon proposal of the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic or no less than one third of the Deputies of the Jogorku Kenesh of the Kyrgyz Republic.
3. The sitting of the Jogorku Kenesh of the Kyrgyz Republic is empowered under the condition of the presence of no less than two thirds of the total number of Deputies of the Kyrgyz Republic.
4. Decisions of the Jogorku Kenesh of the Kyrgyz Republic on issues attributed to its authority by the Constitution of the Kyrgyz Republic are adopted exclusively during sittings by the way of a Deputy vote.

The voting during sittings of the Jogorku Kenesh of the Kyrgyz Republic is carried out by the Deputy of the Jogorku Kenesh in person. Abstaining from vote is not permitted.

5. The organization of and procedure for the activities of Jogorku Kenesh of the Kyrgyz Republic, its structure and the number of its staff are determined by the Law on the Rules of Procedure 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 of no less than two thirds of votes 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 in accordance with: the results of a referendum; in the case of three refusals to consent to an appointment of the Prime Minister of the Kyrgyz Republic; other crises caused by insurmountable contradictions between the Jogorku Kenesh of the Kyrgyz Republic and other branches of the state power.

3. In the case provided by point 3 of Article 51 of this Constitution, the Jogorku Kenesh is deemed dissolved from the moment of issuance of the decision of the Constitutional Court of the Kyrgyz Republic.

4. The Jogorku Kenesh may not be dissolved: during a state of exception or martial law; during consideration by the Jogorku Kenesh of the matter of removing the President of the Kyrgyz Republic from office; when less than six months remain before the end of term of the President of the Kyrgyz Republic.

5. In cases of dissolution of Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic appoints the date of elections of Deputies to the Jogorku Kenesh of the Kyrgyz Republic so that the newly elected Jogorku Kenesh of the Kyrgyz Republic assembles for its first sitting no later than 6 months from the moment of dissolution.

Third Section

LEGISLATIVE ACTIVITY

Article 64

The right to initiate legislation belongs to:

- 30 thousand voters (national initiative);
- the President of the Kyrgyz Republic;
- Deputies of the Jogorku Kenesh of the Kyrgyz Republic;
- the Government of the Kyrgyz Republic.

Article 65

1. Bills are introduced to the Jogorku Kenesh of the Kyrgyz Republic.

2. Bills determined by the President of the Kyrgyz Republic or the Government of the Kyrgyz Republic to be urgent are considered by the Jogorku Kenesh of the Kyrgyz Republic out of turn.

3. A draft law presented to the Jogorku Kenesh of the Kyrgyz Republic is directed by the Toraga of the Jogorku Kenesh to the corresponding committee of the Jogorku Kenesh of the Kyrgyz Republic. Within one month, the committee is obligated to introduce the bill with its conclusion to the sitting of the Jogorku Kenesh of the Kyrgyz Republic.

4. Amendments to the draft law on the state budget can be introduced only with the consent of the Government of the Kyrgyz Republic.

5. Changes to the law on the stated budget, draft laws on the introduction or cancellation of taxes, the exemption from their payment, on changes of the state financial obligations, other

draft laws providing for the increase in expenses covered from the state budget, as well as the decrease in income can be introduced to the Jogorku Kenesh of the Kyrgyz Republic and adopted only with the consent of the Government of the Kyrgyz Republic.

6. Laws on changes and amendments to the Constitution of the Kyrgyz Republic, constitutional laws, laws on the interpretation of the Constitution of the Kyrgyz Republic or constitutional laws, laws on changes and amendments to constitutional laws, [and] laws on changing of the state borders of the Kyrgyz Republic are adopted by the Jogorku Kenesh of the Kyrgyz Republic after no fewer than two readings by a majority of no less than two thirds of the votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

7. It is prohibited to introduce changes and amendments to the Constitution of the Kyrgyz Republic during a state of exception or martial law.

8. It is inadmissible to adopt laws which limit the freedom of speech and the press.

Article 66

1. A law adopted by the Jogorku Kenesh of the Kyrgyz Republic is submitted to the President of the Kyrgyz Republic for signature within one month.

2. The President of the Kyrgyz Republic signs the law or returns it with his objections to the Jogorku Kenesh of the Kyrgyz Republic for a another consideration within one month of receiving the law.

A law may be re-considered by the Jogorku Kenesh of the Kyrgyz Republic no earlier than six months after it was received with objections of the President of the Kyrgyz Republic. This rule does not apply if the Jogorku Kenesh of the Kyrgyz Republic agrees with the objections of the President of the Kyrgyz Republic. In case of agreement of the Jogorku Kenesh of the Kyrgyz Republic with the wording proposed by the President of the Kyrgyz Republic, the law is to be signed by the President of the Kyrgyz Republic within the time period provided by point 2 of this Article.

3. If during the re-consideration the law is approved in the formerly adopted wording by a majority of no less than two thirds of votes of the total number of Deputies, it is to be signed by the President of the Kyrgyz Republic within one month of the receipt.

4. A law returned by the President of the Kyrgyz Republic for a re-consideration indicated in point 6 of Article 65 of this Constitution may be re-considered by the Jogorku Kenesh no earlier than after one year. This rule does not apply if the Jogorku Kenesh of the Kyrgyz Republic decides to agree with the objections of the President of the Kyrgyz Republic. In case of agreement of the Jogorku Kenesh of the Kyrgyz Republic with the wording proposed by the President of the Kyrgyz Republic, the law is to be signed by the President of the Kyrgyz Republic within the time period provided by point 2 of this article.

5. If during the re-consideration taking place no earlier than after one year, the law indicated in point 6 of Article 65 of this Constitution is adopted in the previous wording by a majority of no less than four fifths of the votes of the total number of the Deputies of the Jogorku Kenesh of the Kyrgyz Republic, it is to be signed by the President of the Kyrgyz Republic within one month.

Article 67

A law becomes effective after 10 days from its publication if not provided otherwise in the law itself or in the Law on the Procedure for its Implementation.

Article 68

1. The Jogorku Kenesh of the Kyrgyz Republic may delegate its legislative powers to the President of the Kyrgyz Republic for a term not exceeding one year.
2. The legislative powers are transferred to the President of the Kyrgyz Republic in the events of dissolution of the Jogorku Kenesh of the Kyrgyz Republic.
3. The legislative powers are exercised by the President of the Kyrgyz Republic by means of decrees that have the force of a law.

Fifth Chapter

EXECUTIVE POWER OF THE KYRGYZ REPUBLIC

Article 69

The executive power in the Kyrgyz Republic is carried out by the Government of the Kyrgyz Republic, the ministries subordinate to it, state committees, administrative departments, other organs of executive power, and local state administration.

First Section

THE GOVERNMENT

Article 70

1. The Government of the Kyrgyz Republic is the highest organ of executive state power of the Kyrgyz Republic.
2. The activity of the Government of the Kyrgyz Republic is headed by the Prime Minister of the Kyrgyz Republic. The Government 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 Government of the Kyrgyz Republic is determined by the President of the Kyrgyz Republic according to the proposal of the Prime Minister of the Kyrgyz Republic and approved by the Jogorku Kenesh of the Kyrgyz Republic.

3. The entry into office of a newly elected President of the Kyrgyz Republic carries with it the resignation of the Government of the Kyrgyz Republic.
4. The Prime Minister of the Kyrgyz Republic, the Government of the Kyrgyz Republic or its individual member have the right to submit a request to resign, which is accepted or rejected by the President of the Kyrgyz Republic.
5. An accepted resignation of the Prime Minister of the Kyrgyz Republic carries with it the resignation of all members of the Government and leaders of administrative departments. In

the event of accepting the resignation, the Government of the Kyrgyz Republic and leaders of administrative departments may, according to the instruction of the President of the Kyrgyz Republic, continue to operate until a new Government of the Kyrgyz Republic is formed and new leaders of administrative departments appointed.

Article 71

1. The Prime Minister of the Kyrgyz Republic is appointed by the President of the Kyrgyz Republic with the consent of a majority of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

2. The nomination of the Prime Minister of the Kyrgyz Republic is presented to the Jogorku Kenesh of the Kyrgyz Republic no later than two weeks from the day of taking office of the newly elected President of the Kyrgyz Republic, after the resignation of the Prime Minister of the Kyrgyz Republic, the Government of the Kyrgyz Republic or within one week from the day of rejection of the nominated Prime Minister of the Kyrgyz Republic by the Jogorku Kenesh of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic makes its decision on giving consent to the appointment of the Prime Minister of the Kyrgyz Republic no later than seven days from the day of the candidate nomination.

4. After the third rejection of the nominated candidate for the Prime Minister of the Kyrgyz Republic by the Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic appoints the Prime Minister and dissolves the Jogorku Kenesh of the Kyrgyz Republic.

5. The Prime Minister of the Kyrgyz Republic defines, in accordance with the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic and decrees of the President of Kyrgyz Republic, the basic orientation of activity of the Government of the Kyrgyz Republic, organizes its work and bears personal responsibility for its activity.

Article 72

1. The Government of the Kyrgyz Republic is in its functioning responsible to the President of the Kyrgyz Republic and accountable to the Jogorku Kenesh of the Kyrgyz Republic within the limits provided by this article of the Constitution of the Kyrgyz Republic.

The President of the Kyrgyz Republic has the right to preside over the meeting of the Government of the Kyrgyz Republic.

2. The Prime Minister of the Kyrgyz Republic presents an annual report on the work of the Government of the Kyrgyz Republic to the Jogorku Kenesh of the Kyrgyz Republic.

3. The Jogorku Kenesh of the Kyrgyz Republic may, as a result of considerations of the annual report of the Prime Minister of the Kyrgyz Republic, by the initiative of a majority of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic, consider the matter of expressing no confidence in the Government of the Kyrgyz Republic.

4. A resolution on expressing no confidence in the Government of the Kyrgyz Republic is adopted by a majority of no less than two thirds of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

5. The matter no confidence in the Government of the Kyrgyz Republic may not be considered by the Jogorku Kenesh of the Kyrgyz Republic: more than once during a session; within a year after the approval of the Program of Activity of the Government of the Kyrgyz Republic; during six months before regular elections of the President of the Kyrgyz Republic.

6. After the expression of no confidence in the Government of the Kyrgyz Republic the President of the Kyrgyz Republic has the right to decide to dissolve the Government of the Kyrgyz Republic or to disagree with the decision of the Jogorku Kenesh of the Kyrgyz Republic.

7. In the event that the Jogorku Kenesh of the Kyrgyz Republic within three months adopts a vote of no confidence in the Government of the Kyrgyz Republic once more, the President of the Kyrgyz Republic declares the dismissal of the Government of the Kyrgyz Republic or dissolves the Jogorku Kenesh of the Kyrgyz Republic.

Article 73

1. The Government of the Kyrgyz Republic decides all matters of state governance with the exception of powers vested by the Constitution of the Kyrgyz Republic in the President of the Kyrgyz Republic and the Jogorku Kenesh of the Kyrgyz Republic.

2. The Government of the Kyrgyz Republic:

1) Ensures that the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and of the Government of the Kyrgyz Republic are carried out; [ensures] realization of an interior and foreign policy of the state;

2) Takes measures to ensure the rule of law, rights and freedoms of citizens, protection of public order, [and] crime prevention;

3) Ensures the implementation of the fiscal, pricing, tariff, investment and tax policies;

4) Develops and presents to the Jogorku Kenesh of the Kyrgyz Republic the national budget and ensures its implementation; presents to the Jogorku Kenesh of the Kyrgyz Republic report on implementation of the national budget;

5) Ensures the implementation of a sole state policy in the spheres of culture, science, education, healthcare, labor and employment, social security, protection of nature, ecological safety and use of nature;

6) Develops and implements statewide programs for economic, social, scientific and technological and cultural development;

7) Takes measures to ensure equal conditions for the development of all forms of property and their protection, [and] to manage facilities in state ownership;

- 8) Takes measures to ensure state sovereignty, defense capability and national security;
 - 9) Organizes and ensures implementation of foreign economic activity, [and] customs;
 - 10) Directs and coordinates work of ministries, state committees, administrative departments, state commissions and funds, local state administrations and other organs of executive power;
 - 11) Ensures interaction with the civil society;
 - 12) Exercises other powers attributed to its authority by the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, [and] decrees of the President of the Kyrgyz Republic.
3. The Government of the Kyrgyz Republic and the National Bank of the Kyrgyz Republic ensure implementation of a sole monetary, credit and currency policy.
 4. The organization of and the procedure for the activity of the Government of the Kyrgyz Republic are determined by a constitutional law.

Article 74

1. On the basis and for the implementation of the Constitution of the Kyrgyz Republic and laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic issues decrees and ordinances as well as organizes, verifies, and ensures their implementation.
2. Decrees and ordinances of the Government of the Kyrgyz Republic are binding for implementation on the entire territory of the Kyrgyz Republic.

Non-compliance or inadequate compliance with normative legal acts of the Government of the Kyrgyz Republic carries with it responsibility established by law.

Article 75

1. The Government of the Kyrgyz Republic guides the activity of the ministries, state committees, administrative departments, other organs of executive power and organs of local state administration.
2. The ministries, state committees and administrative departments, other organs of executive power issue within the limits of their competence decrees and ordinances on the basis and for the implementation of the Constitution, laws of the Kyrgyz Republic, acts of the President of the Kyrgyz Republic, resolutions of the Jogorku Kenesh of the Kyrgyz Republic, decrees and ordinances of the Government of the Kyrgyz Republic, organize, verify and ensure their implementation.
3. The Government receives reports from the leaders of ministries, state committees, administrative departments, other organs of executive power, as well as the heads of local state administrations and repeals their acts which contradict the legislation of the Kyrgyz Republic.

Second Section
LOCAL STATE ADMINISTRATION

Article 76

1. The executive power on the territory of the corresponding administrative territorial unit is carried out by the local state administration.
2. The powers, organization and procedure for the activity of the local state administration are determined by law.

Article 77

1. Local state administrations operate on the basis of the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, normative legal acts of the President of the Kyrgyz Republic and the Government of the Kyrgyz Republic.
2. Decisions of local state administration adopted within the limits of its competence are binding for implementation on the corresponding territory.

Third Section
THE PROCURATURA

Article 78

The supervision over the precise and uniform implementation of legislative acts is carried out by the Procuratura of the Kyrgyz Republic within the limits of its competence. Organs of the Procuratura carry out criminal prosecution, [and] take part in court examination in cases and according to procedures provided by law.

Sixth Chapter
COURTS AND JUSTICE

Article 79

1. Justice in the Kyrgyz Republic is administered only by a court.

In cases and according to the procedure provided by law, citizens of the Kyrgyz Republic have the right to participate in the administration of justice.

2. Judicial power is carried out by the means of the constitutional, civil, criminal, administrative and other forms of jurisdiction.
3. The court 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 may be instituted by a constitutional law. The creation of extraordinary courts is not permitted.
4. The organization of and procedure for court operation is determined by law.

Article 80

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

2. A judge enjoys the right to immunity and he may not be detained or arrested, subjected to search or body search, except for cases when caught at a crime scene.

Bringing judges of the Constitutional Court of the Kyrgyz Republic [and] the Supreme Court of the Kyrgyz Republic to a criminal as well as administrative responsibility imposed according to a court procedure is only permitted with the consent of the Jogorku Kenesh of the Kyrgyz Republic.

The immunity of a judge extends also to his living and working places, means of transportation and communication used by him, correspondence, property belonging to him, and documents.

3. Nobody has the right to require from a judge an account of a specific judicial matter.

4. A judge is provided, according to his status, with social, material and other guarantees of his independence.

5. A citizen of the Kyrgyz Republic no younger than 35 years of age and no older than 70 years of age who has a higher legal education and no less than ten years of experience in the legal profession may become a judge of the Constitutional Court of the Kyrgyz Republic or the Supreme Court of the Kyrgyz Republic.

Judges of the Constitutional Court of the Kyrgyz Republic and the Supreme Court of the Kyrgyz Republic are elected by the Jogorku Kenesh of the Kyrgyz Republic upon the proposal of the President of the Kyrgyz Republic for a term of 10 years.

6. A citizen of the Kyrgyz Republic no younger than 25 years of age and no older than 65 years of age who has a higher legal education and no less than five years of experience in the legal profession may become 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 of the Kyrgyz Republic for a term of 7 years.

7. The status of the judges of the Kyrgyz Republic is determined by a constitutional law.

Article 81

1. Judges are released from office at their own request, for health reasons, for having committed a crime based on a guilty verdict by a court that has entered into legal force, and also for other reasons provided by a constitutional law.

2. A judge of the Constitutional Court of the Kyrgyz Republic, [and] a judge of the Supreme Court of the Kyrgyz Republic may be released from office upon the proposal of the President of the Kyrgyz Republic by a majority of no less than two thirds of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic.

3. A different procedure for releasing judges of the Constitutional Court of the Kyrgyz Republic, [and] the Supreme Court of the Kyrgyz Republic may be provided by a constitutional law in cases of their resignation on their own wish or on the grounds of their health condition.

4. The procedure for nominating candidates for the post of judges, their appointment, rotation, releasing local judges from office and other matters concerning the work of judges of local courts are established by a constitutional law.

Article 82

1. The Constitutional Court of the Kyrgyz Republic is the highest organ of judicial power for the 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 of the Kyrgyz Republic:

1) Deems laws and other normative legal acts unconstitutional in the event they contradict the Constitution of the Kyrgyz Republic;

2) Resolves disputes concerning the effect, application and interpretation of the Constitution of the Kyrgyz Republic;

3) Provides a conclusion on the validity of elections of the President of the Kyrgyz Republic;

4) Provides a conclusion concerning the removal from office of the President of the Kyrgyz Republic as well as the dismissal of judges of the Constitutional Court of the Kyrgyz Republic, [and] the Supreme Court of the Kyrgyz Republic;

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

6) Provides a conclusion concerning changes and amendments to the Constitution of the Kyrgyz Republic according to provisions in point 2 of Article 96 of this Constitution;

7) Annuls decisions of organs of local self-government which contradict the Constitution of the Kyrgyz Republic;

8) Resolves issues concerning the constitutionality of activities of political parties, public associations and religious organizations.

4. A decision of the Constitutional Court of the Kyrgyz Republic is final and not a subject to appeal.

The establishment of laws and other acts, provided for by this article, as unconstitutional by the Constitutional Court of the Kyrgyz Republic repeals them on the territory of the Kyrgyz Republic and also repeals normative and other acts which are based on the act declared unconstitutional, with the exception of judicial acts. Terms and the procedure for repealing of judicial acts and resolution of issues connected to the repealing are implemented according to

a law adopted by the Jogorku Kenesh of the Kyrgyz Republic in each case a law of other act is declared unconstitutional.

Article 83

1. The Supreme Court of the Kyrgyz Republic is the highest organ of judicial power in the sphere of civil, criminal and administrative judicial procedure as well as in other matters provided by laws of the Kyrgyz Republic.

2. Within the Supreme Court of the Kyrgyz Republic, judicial collegia, compositions and a Presidium are formed, the powers of which are determined by laws.

The judicial instances formed within the Supreme Court of the Kyrgyz Republic perform, in procedural forms established by law, the review of judicial acts of lower judicial instances and make final decisions regarding them.

3. The Supreme Court of the Kyrgyz Republic supervises the judicial activity of local courts in the form of review of judicial acts upon complaints of the participants of the court proceedings. The powers of the Supreme Court of the Kyrgyz Republic regarding the sustaining of the acts of local courts, their changing or making a new decision in the matter are established by law.

The acts of the Supreme Court of the Kyrgyz Republic adopted according to the procedure of supervision are not subject to appeal.

4. The Plenum of the Supreme Court of the Kyrgyz Republic consisting of all judges of the Supreme Court of the Kyrgyz Republic has the right to give guiding explanations obligatory for the lower courts in matters of judicial practice.

Article 84

The state secures the financing and adequate conditions for the functioning of courts and the activity of judges.

The financing of the courts is done at the expense of the national budget and it must secure the possibility of full and independent administration of justice in accordance with law.

Article 85

1. The proceeding in all courts is open. A hearing in a closed session is permitted only in cases provided by law. The court decision is announced publicly.

2. In-absence court proceeding regarding criminal or other matters is not permitted except for cases provided by law.

3. Legal proceeding is based on contest and equality of parties.

4. The annulment, change or suspension of a judicial act may be done only by court according to the procedure established by law.

5. A person charged with a criminal act is not obligated to prove his innocence. Irremovable doubts of the guilt are considered in favor of the defendant.
6. Nobody may be convicted solely on the basis of his own confession of committing a crime.
7. Every [person] convicted of a crime has the right of a review of the sentence by a higher judicial instance according to the procedure established by law, as well as the right to plea for pardon or commutation of sentence.
8. Nobody must bear twice the legal responsibility for the same offence.
9. The application of criminal law by analogy is not permitted.
10. A law establishing or aggravating the responsibility of a person does not have a retroactive force. No one may bear responsibility for actions which at the time when they were committed were not recognized as an offence. If after committing an offence the responsibility for it is removed or commuted, a new law is applied.
11. Nobody is obligated to testify against himself, his spouse and close relatives, whose circle is determined by law.

Law may establish other cases of liberation from the duty to give testimony.

12. Every person detained, imprisoned or charged with committing an offence has the right to use the assistance of an attorney (defender) from the moment of his detainment, imprisonment or bringing of charges.
13. The rights of the victims of crime and abuse of power are protected by law. The state secures their access to justice and compensation for the damage or harm caused to them.

Article 86

1. The acts of courts of the Kyrgyz Republic which have come into legal force are binding for all state organs, economic subjects, public associations, officials and citizens and are subject to execution on the entire territory of the Republic.
2. Non-execution, improper execution or obstruction of execution of court acts as well as interference with the court activity carry with them responsibility established by law.

Article 87

1. A court has no right to adopt a normative act which contradicts the Constitution of the Kyrgyz Republic.
2. If, in the process of case consideration in any judicial instance, a doubt arises regarding the constitutionality of a law or other normative legal act on which the decision of the case depends, then the court directs an inquiry to the Constitutional Court of the Kyrgyz Republic.

Article 88

1. During any public or any other accusation, a citizen has the right to defend his honor, dignity, work reputation and rights in court; he may not be denied such court defense under any circumstances.

2. Defense is an inalienable right of a person at any stage of the process of case consideration by court.

Legal assistance and defense of a citizen without [financial] means is secured at the expense of the state.

3. Procedural rights of the participants of a court process, including the right to appeal decisions, verdicts and other court acts, as well as the procedure for their exercise are determined by law.

Article 89

1. The burden of proving guilt in criminal and administrative cases rests with the prosecutor.

2. Evidence obtained by way of violation of law is recognized as non-existent; reference to it in court is not permissible.

Article 90

Principles of justice for all courts and judges not described in this Constitution are established by the laws of the Kyrgyz Republic.

Seventh Chapter

LOCAL SELF-ADMINISTRATION

Article 91

Local self-administration in the Kyrgyz Republic is carried out by local communities which within the limits of the law and under their responsibility administer matters of local significance.

Article 92

1. The administration of matters of local importance is carried out through local Keneshes and other organs formed by the inhabitants themselves according to the procedure established by law.

Organs of local self-government may have in possession, use, and dispose of municipal property.

2. By the decision of a meeting of citizens, local Keneshes, or another representative organ of local self-administration, courts of elders ("8F"8":@&) may be established on the territory of villages, settlements and towns from among the elders and other citizens enjoying respect and authority.

3. Courts of elders consider property, family disputes and other cases provided by law referred to them with the consent of [the involved] parties with the purpose of reconciliation and reaching a just decision, which does not contradict the law.

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

Article 93

Laws of the Kyrgyz Republic establish the bases of the organization and activity of organs of local self-government as well as regulate their relations with organs of state power.

Article 94

Organs of local self-administration may be endowed with separate state powers with transfer of material, financial and other means necessary for their implementation. Organs of local self-administration are accountable for the delegated powers to the state organs.

Article 95

1. Local Keneshes:

- Approve and control programs for socio-economic development of the territory and social protection of the population;
- Approve the local budget and report on its implementation as well as hear information on the use of extra-budgetary funds.

2. Local Keneshes have the right to express no confidence in the head of the local state administration of the corresponding territorial unit by a majority of two thirds of the total number of Deputies.

3. Local Keneshes operate independently of local state administration.

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

5. Local Keneshes and other organs of local self-administration bear responsibility before the state for the observance and implementation of laws and before the local community for the results of their activity.

6. A Deputy of a local Kenesh is elected for a term of 4 years and may not be subjected to persecution for expressed opinions and the results of voting in the local Kenesh.

Eighth Chapter

THE PROCEDURE FOR CHANGING AND AMENDING THE CONSTITUTION OF THE KYRGYZ REPUBLIC

Article 96

1. Changes and amendments to this Constitution are adopted by a referendum called by the President of the Kyrgyz Republic.
2. Changes and amendments may be adopted by the Jogorku Kenesh of the Kyrgyz Republic upon proposal of the President of the Kyrgyz Republic, [by] a majority of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic, or on the initiative of no less than 300 thousand voters.
3. Proposals concerning introduction of changes and amendments to the Constitution of the Kyrgyz Republic are considered by the Jogorku Kenesh of the Kyrgyz Republic taking into account the conclusion of the Constitutional Court of the Kyrgyz Republic no earlier than three months and no later than six months from the day of presentation of the proposal to the Jogorku Kenesh of the Kyrgyz Republic.
4. The text of the draft law on the introduction of changes and amendments to the Constitution of the Kyrgyz Republic may not be changed in the course of its discussion by the Jogorku Kenesh of the Kyrgyz Republic.

Article 97

1. Changes and amendments to this Constitution are considered adopted by the Jogorku Kenesh of the Kyrgyz Republic if no less than two thirds of votes of the total number of Deputies of the Jogorku Kenesh of the Kyrgyz Republic voted for them.
2. A proposal which has not been adopted may be submitted to the Jogorku Kenesh of the Kyrgyz Republic for another consideration no earlier than after one year.

SECTION II

1. The Constitution of the Kyrgyz Republic, set forth in this Law, becomes effective from the day of the official publication of this Law.
2. From the day of entry into force of this Law, the Constitution of the Kyrgyz Republic in the new wording is effective with details provided in Section III of this Law.
3. From the day of entry into force of this Law, the Constitution of the Kyrgyz Republic in the wording of laws of the Kyrgyz Republic “On Introduction of Changes and Amendments to the Constitution of the Kyrgyz Republic” of February 16, 1996 No. 1, “On Introduction of Changes and Amendments to the Constitution of the Kyrgyz Republic” of October 21, 1998 No. 134, “On Introduction of Changes to Article 5 of the Constitution of the Kyrgyz Republic” of December 24, 2001 No. 112 taking in account provisions of point 4 of this section lose force, with the exception of its point 2 of Article 54, point 3 of Article 55, point 1 of Article 60 and Articles 59, 65, which lose force from the day of the first sitting of the Jogorku Kenesh of the Kyrgyz Republic of the new convocation.

To the same extent, the third part of Article 1, Articles 2-7 of the Law of the Kyrgyz Republic “On Bringing into Force the Constitution of the Kyrgyz Republic” of May 5, 1993 No. 1186-XII, laws of the Kyrgyz Republic “On Introduction of Changes and Amendments to the Constitution of the Kyrgyz Republic” of February 16, 1996 No. 1, “On Introduction of Changes and Amendments to the Constitution of the Kyrgyz Republic” of October 21, 1998

No. 134, “On Introduction of Changes to Article 5 of the Constitution of the Kyrgyz Republic” of December 24, 2001 No. 112 lose force.

4. Laws and other normative legal acts, effective until this Law enters force, apply in part not contradicting the Constitution of the Kyrgyz Republic.

5. Laws regulating the procedures for constitutional, civil, arbitration, criminal and administrative legal proceedings as well as legal proceedings related to bankruptcy, function taking into account provisions in point 4 of this section and section V until new laws are adopted and enter force. Laws on the court system and legal proceeding must be adopted and in effect no later than January 1, 2005.

Constitutional laws on the Government of the Kyrgyz Republic and on the status of judges must be adopted and in effect no later than January 1, 2005.

SECTION III

6. From the day of entry in force of this Law:

- The President of the Kyrgyz Republic elected before this Law enters force preserves his powers until the expiration of the term for which he was elected and exercises them within the frame of the Constitution of the Kyrgyz Republic in the wording of this Law;
- Deputies of the Legislative Assembly and Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic preserve their powers until the expiration of the term for which they were elected.

7. Provisions in point 5 of Article 56 of the Constitution of the Kyrgyz Republic in the new wording do not extend to the Deputies of the Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic except for prohibition of taking the posts of a judge, procurator and being in other state service.

8. The powers of the Jogorku Kenesh of the Kyrgyz Republic provided in sub-points 1-4, 11, 20-29, 31 of point 1 of Article 58 of the Constitution of the Kyrgyz Republic in the new wording are exercised by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic. The Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic continues its activity on a continuing basis.

9. The powers of the Jogorku Kenesh of the Kyrgyz Republic provided in sub-points 1-19, 21, 27, 28, 29, 30-31 of point 1 of Article 58 of the Constitution of the Kyrgyz Republic in the new wording are exercised by the Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic. The Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic continues its activity by sessions.

10. The activity of the Legislative Assembly and Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic is conducted according to the procedure provided by the Constitution of the Kyrgyz Republic in the new wording taking into account provision in point 3 of Section II of this Law.

SECTION IV

11. The Government of the Kyrgyz Republic formed before the entry into force of this Law preserves its powers and exercises them in accordance with the Constitution of the Kyrgyz Republic in the new wording. Leaders of administrative departments, other executive organs, as well as heads of local state administrations appointed before the entry into force of this Law preserve their powers.

The General Procurator of the Kyrgyz Republic and his deputies, procurators of regions and the city of Bishkek, Military Procurator of the Kyrgyz Republic appointed before the entry into force of this Law preserve their power until the expiration of the term for which they were appointed.

Vacant posts in the organs of executive power and Procuratura are filled according to the procedure established by the Constitution of the Kyrgyz Republic in the new wording.

SECTION V

12. After the entry into force of this Law, the judges of all courts of the Kyrgyz Republic preserve their powers until the expiration of the term for which they were elected or appointed. Vacant posts of judges are filled according to the procedure established by the Constitution of the Kyrgyz Republic in the new wording.

13. After the entry into force of this Law, all members of the High Arbitration Court of the Kyrgyz Republic become members of the Supreme Court of the Kyrgyz Republic, function as a type of corresponding collegium of the Supreme Court of the Kyrgyz Republic and carry out supervision according to the Arbitration Procedural Code of the Kyrgyz Republic and Law of the Kyrgyz Republic “On Bankruptcy (Insolvency).”

14. Arbitration courts of regions and the city of Bishkek are subject to integration into the structure of local courts of general jurisdiction according to the procedure and terms established by a constitutional law.

15. Until the completion of the integration process, the arbitration courts of regions and the city of Bishkek function in the capacity of specialized courts of appellate instance for matters provided by the Arbitration Procedural Code of the Kyrgyz Republic and Law of the Kyrgyz Republic “On Bankruptcy (Insolvency).”

16. Until the completion of the court integration process referred to in point 14 of this section, arbitration matters that are, at the moment of entry into force of this Law, in the conduct of arbitration courts of regions and the city of Bishkek are subject to their completion according to the procedure and terms established accordingly by the Arbitration Procedural Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On Bankruptcy (Insolvency).” Suits (declarations of bankruptcy), advancing into the arbitration courts of regions and the city of Bishkek after the entry into force of this Law as well as suspended cases of first instance are subject to being directed by the mentioned courts to courts of general jurisdiction of first instance for consideration of the matter according to the procedure determined by the Arbitration Procedural Code of the Kyrgyz Republic and Law of the Kyrgyz Republic “On Bankruptcy (Insolvency).” Appellate complaints regarding decisions of courts of general jurisdiction on such matters are considered by arbitration courts of regions and the city of Bishkek according to the procedure determined by the Arbitration Procedural Code of the Kyrgyz Republic and Law of the Kyrgyz Republic “On Bankruptcy (Insolvency).”

SECTION VI

17. The chairmen of the Central Election and Referendum Commission of the Kyrgyz Republic and the Court of Accounts of the Kyrgyz Republic, their deputies, member of the Central Election and Referendum Commission and auditors of the Court of Accounts of the Kyrgyz Republic, [and] the chairman of the National Bank of the Kyrgyz Republic, elected (appointed) before the entry into force of this Law preserve their powers until the expiration of the term for which they were elected (appointed).

18. Arising vacancies in the Central Election and Referendum Commission of the Kyrgyz Republic and the Court of Accounts of the Kyrgyz Republic are filled by way of appointing members, [and] auditors in the following order: by the President of the Kyrgyz Republic until reaching the number established by the Constitution of the Kyrgyz Republic in the new wording of members of the Central Election and Referendum Commission or auditors of the Court of Accounts of the Kyrgyz Republic; by the Legislative Assembly and the Assembly of National Representatives of the Jogorku Kenesh of the Kyrgyz Republic depending on whose candidate occupied the post becoming vacant.

19. In the event that by the moment of election of the Jogorku Kenesh of the Kyrgyz Republic of the new convocation the parity established by the Constitution of the Kyrgyz Republic is not reached, the members of the Central Election and Referendum Commission of the Kyrgyz Republic and auditors of the Court of Accounts of the Kyrgyz Republic, appointed by the chambers of the Jogorku Kenesh of the Kyrgyz Republic, are released from office by the Jogorku Kenesh of the Kyrgyz Republic of the new convocation by a draw of lots. The Jogorku Kenesh of the Kyrgyz Republic of the new convocation may establish a different procedure for releasing members of the Central Election and Referendum Commission of the Kyrgyz Republic and auditors of the Court of Accounts of the Kyrgyz Republic from office.

SECTION VII

This Law is subject to signature and publication by the President of the Kyrgyz Republic.

President of the Kyrgyz Republic A. Akaev.