

“On introduction of changes and amendments to the constitutional law of the Kyrgyz Republic «On the status of judges of the Kyrgyz Republic»¹

Adopted by the Jogorku Kenesh of the Kyrgyz Republic on May 12, 2011

Article 1. The following changes and amendments are hereby introduced to the Constitutional law of the Kyrgyz Republic “On the status of judges of the Kyrgyz Republic” (Bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 2008, No 6/2, page 605):

1. Article 1 shall have the following wording:

«Article 1. Judges as the bearers of the judicial power

1. The judicial power in the Kyrgyz Republic shall be administered only by courts represented by judges:

of the Supreme Court of the Kyrgyz Republic (hereinafter referred to as the Supreme Court);

of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic (hereinafter referred to as the Constitutional Chamber of the Supreme Court);

of local courts of the Kyrgyz Republic (hereinafter referred to as the local courts);

of specialized courts established by law.

2. The judges shall be persons who are entrusted with powers to administer justice pursuant the procedures envisaged in the Constitution and the present constitutional law and who perform their duties on a professional basis.

3. Manifestation of disrespect to court or to judges shall result in liability envisaged by law.».

2. Article 4 shall have the following wording:

«Article 4. Status of a judge

1. The status of a judge shall be defined by enhanced requirements towards its acquisition and termination, establishment of high standards in respect of the personality of the holder, qualification and conduct, increased responsibility for improper exercise of the judicial powers, material and social benefits as well as other guarantees corresponding to the high status.

2. A person shall acquire the status of a judge since the day of accession to office of a judge in a corresponding court; such status shall be terminated since the day of publication of an act of dismissal of a judge and termination of powers of a judge in accordance with the present constitutional law. A judge shall be deemed in office since the moment of swearing an oath.

¹ Unofficial translation from the Russian language was done by the EU-UNDP Project on Support for implementation of a new legal framework in the Kyrgyz Republic, June 2011

3. The judges of all courts of the Kyrgyz Republic shall have the uniform status, the difference between them shall be manifested only by powers envisaged in the legislation on organization and procedural activity of relevant courts.

4. Judges shall be assigned classification grades depending on the position they hold, their work record as a judge as well as other circumstances provided for in the law.

5. The differences in salaries depending on the position held, the amounts of benefits paid upon retirement or termination of the status of a judge as well as other differences established in the present constitutional law depending on the position held, work record and other circumstances, shall not mean a change in the status.».

3. In article 5:

In paragraph 2 the words “Constitutional Court and Supreme Court” shall be replaced by words “Supreme Court and Constitutional Chamber of the Supreme Court”;

Part 3 shall be amended by the following second paragraph:

«A judge of a local court transferred from one local court to another, shall not swear an oath.».

4. Chapter 1 shall be amended by the following articles 5¹ and 5²:

«Article 5¹. Requirements towards a judge in accordance with his / her status

1. A judge should:

1) strictly comply with the Constitution and the laws of the Kyrgyz Republic as well as observe the oath of a judge;

2) observe the requirements of the Code of honor of judges of the Kyrgyz Republic as well as the ethics of the civil servants as envisaged by law, avoid any circumstances which may discredit the authority and the dignity of a judge;

3) confront any attempts of unlawful intervention in activities related to the administration of justice;

4) observe secrecy of deliberations of judges;

5) declare his / her assets and incomes in accordance with the legislation of the Kyrgyz Republic;

6) observe the working procedures established in the relevant court.

2. A judge shall not have the right:

1) to be an attorney or representative (except for cases of representation at law) for the cases of private persons or legal entities in courts as well as in other state agencies;

2) to allow public statements on a matter which is subject to consideration in court until an act of court on such matter comes into legal force;

3) to disclose or use for purposes not related to the exercise of the powers of a judge the information which is referred to the information with restricted access in accordance with the law or privileged information, which might become available to him / her in the course of exercise of the powers of a judge;

4) to use gifts received in the course of protocol and other official events. Such gifts are deemed to be the property of the state and shall be transferred under a handover act to the court

where a judge holds a position of a judge except for cases envisaged in the law. A judge who handed over a gift received in the course of a protocol or other official event, shall have the right to buy it back in accordance with the procedures envisaged in the normative regulatory acts of the Kyrgyz Republic;

5) to accept without permission of the Council of Judges of the Kyrgyz Republic (hereinafter referred to as the Council of Judges) honorary and special (except for scientific and sports) degrees, awards and other decorations of foreign countries, political parties, other public associations and other organizations;

6) to leave on business trips outside the Kyrgyz Republic at the expense of private persons and legal entities except for business trips undertaken in accordance with the legislation of the Kyrgyz Republic, international agreements of the Kyrgyz Republic or bilateral arrangements between the Supreme Court, the Constitutional Chamber of the Supreme Court and the Council of Judges with the relevant courts of foreign countries, international and foreign organizations;

7) to be member of managing bodies, council of trustees or supervisory boards as well as other bodies of foreign non-commercial non-governmental organizations operating on the territory of the Kyrgyz Republic as well as structural subdivisions thereof, unless otherwise provided in the legislation of the Kyrgyz Republic, international agreements of the Kyrgyz Republic or bilateral arrangements between the Supreme Court, the Constitutional Chamber of the Supreme Court with the relevant courts of foreign countries, international and foreign organizations;

8) to participate in strikes and rallies;

9) to be engaged in entrepreneurial activity as well as to combine the position of a judge with the activity as a deputy or office in state agencies or local self-governance bodies as well as other paid work except:

- teaching, scientific and creative activity to the extent that it does not impede the execution of duties of a judge;

- participation in the activity of bodies of judicial self-regulation, the Council on selection of judges of the Kyrgyz Republic (hereinafter referred to as the Council on selection of judges).

3. Judges may not be members of a political party as well as speak in support or against any political party.

Article 5². Fundamental rights of a judge

1. A judge shall have the following rights pursuant the procedures and on the basis of provisions envisaged in the present constitutional law and other laws adopted on the basis thereof:

- to transfer (rotation) to other court;

- to be elected president or deputy president of a court as well as in the bodies of judicial self-regulation and the Council on selection of judges;

- to improve his / her qualification;

- to resignation;

- to claim disclaimer or recognition of being groundless in respect of any accusations against him / her of violation of provisions of article 6 of the present constitutional law;

- to assistance from the state and the bodies of judicial self-regulation in implementation of his / her lawful interests;

to assurance of guarantees envisaged in the present constitutional law.

2. The list of rights in part 1 of the present article shall not limit other rights of a citizen in the position of a judge as envisaged in the Constitution of the Kyrgyz Republic to its citizens provided the implementation of such rights does not contradict the high status of a judge.».

5. Article 6 shall have the following wording:

«Article 6. Irreproachability of conduct of judges

1. A judge shall hold his / her position and retain the powers for as long as his / her conduct is irreproachable.

2. Irreproachable conduct of a judge shall mean the absence of facts of violation by such judge of duties envisaged in article 5¹ of the present constitutional law, confirmed or recognized by the Council of judges.».

6. In part 3 of Article 7:

Paragraphs 2 and 3 shall have the following wording:

«Identity certifications for the judges of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be issued by the Toraga (*Speaker*) of the Jogorku Kenesh.

Identity certifications of the president and deputy president of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be issued by the Toraga (*Speaker*) of the Jogorku Kenesh on the basis of a decision of the meeting of judges of the Supreme Court and the Constitutional Chamber of the Supreme Court»;

This part shall be amended by the following paragraphs 4 and 5:

« Identity certifications of the president and deputy president of the local court shall be issued by the President of the Kyrgyz Republic (hereinafter referred to as the President) on the basis of a decision of the meeting of local court judges.

Identity certification of a local court judge shall be issued by the President.».

7. In part 3 article 8 the words “the Kyrgyz Republic (hereinafter referred to as the Council of Judges)» shall be deleted.

8. In paragraph 2 part 1 of article 9 the words «Constitutional Court, Supreme Court» shall be replaced by words «Supreme Court, Constitutional Chamber of the Supreme Court ».

9. Part 1 of article 11 shall be amended with the following paragraph 7:

«7) the right to retirement.».

10. Part 1 of article 12 shall have the following wording:

«1. Any interference in the administration of justice shall be prohibited. Persons guilty of influencing a judge, shall be liable in accordance with the law.».

11. Article 14 shall have the following wording:

«Article 14. Immunity of a judge

1. A judge shall be entitled to the right of immunity and can not be detained and arrested, be subject to search of premises or person unless when caught at the scene of the crime. A judge detained on suspicion of having committed a crime or by any other reason or forcibly delivered to any law enforcement agency, should his/her identity as a judge was not known at the moment of detention, shall be subject to immediate release after identification.

2. Criminal and administrative liability procedures may not be initiated against a judge for unlawful actions committed by him / her during the performance of his / her judicial powers may not be initiated except in accordance with procedures envisaged in the present constitutional law.

3. A personal search of a judge shall not be permitted except in circumstances provided for by law for the purposes of ensuring the security of other people.».

12. The title of chapter 3 shall be as follows: «Procedure of electing judges of the Supreme Court and Constitutional Chamber of the Supreme Court, electing and dismissal of the president and deputy president of the Supreme Court».

13. Articles 15 and 16 shall have the following wording:

«Article 15. Requirements towards the judges of the Supreme Court and the Constitutional Chamber of the Supreme Court and their election procedure

1. Any citizen of the Kyrgyz Republic who is no younger than 40 years of age and no older than 70 years of age, has a higher legal education and at least ten years of work record in a legal profession, including five years as a judge may be elected judge of the Supreme Court.

Any citizen of the Kyrgyz Republic who is no younger than 40 years of age and no older than 70 years of age, has a higher legal education and at least fifteen years of work record in a legal profession, having the command of the state and official language, may be elected judge of the Constitutional Chamber of the Supreme Court.

2. Judges of the Supreme Court, including judges of the Constitutional Chamber of the Supreme Court, shall be elected by the Jogorku Kenesh upon presentment of the President based on the proposal of the Council on selection of judges in view of representation of not more than seventy percent of persons of the same gender and shall stay in their position until they reach the age limit prescribed in the Constitution.

3. The selection of candidates for a vacant position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be effected by the Council on selection of judges on the competitive basis.

The competition for a vacant position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be conducted by means of interview.

4. The Council on selection of judges shall no later than sixty days prior to reaching the age limit by a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court or no later than twenty days since the date of early termination of powers of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court or his/her early dismissal shall announce a competition for a vacant position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court.

5. The candidate shall submit an application for participation in the competition to the Council on selection of judges within ten days since the publication date of the announcement.

The following documents shall be attached to the application:

1) a copy of the passport;

- 2) a certified copy of the diploma of higher legal education;
- 3) certified copies of service record and other documents confirming candidates' work record in legal profession;
- 4) a medical health certificate issued within one year period before the participation in the competition.

The application may be accompanied by other documents (references and recommendations) concerning the personality of the candidate.

Acting judges of the Kyrgyz Republic shall have the right to participate in the competitive selection of judges of the Supreme Court and the Constitutional Chamber of the Supreme Court by submitting applications.

Personal files of judges of the Kyrgyz Republic, who submit their applications for participation in the competition, shall be forwarded to the Council on selection of judges by the administrations of the Supreme Court, the Constitutional Chamber of the Supreme Court and the authorized state agency on ensuring the activity of local courts (hereinafter referred to as the authorized agency).

6. After completing the receipt of applications, the Council on selection of judges shall, within ten days and on the basis of the review of personal files of the applicants and outcomes of interviews with them, submit to the President the candidates for election to the position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court.

7. The President shall make a presentment to the Jogorku Kenesh on the candidate for election to the position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court.

The Jogorku Kenesh shall decide upon the candidate no later than two weeks since the receipt of the presentment.

8. Should the Jogorku Kenesh fail to elect the candidate for the position of a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court, then the President upon proposal of the Council on selection of judges shall present another candidate on the basis of a new competitive selection.

The Jogorku Kenesh shall consider the presentment of the President in respect of a new candidate to be elected a judge of the Supreme Court and the Constitutional Chamber of the Supreme Court and shall make a decision no later than two weeks after the receipt of the presentment.

9. The following persons may not be judges of the Supreme Court and the Constitutional Chamber of the Supreme Court:

- 1) those having convictions, including the one expunged or removed from the records;
- 2) those earlier dismissed from the position of a judge of the Kyrgyz Republic due to exceptionable conduct;
- 3) those dismissed from the law enforcement agencies due to the discreditation of the rank of law enforcement officer or whose license to act as a defense lawyer was cancelled due to circumstances envisaged in paragraphs 8 and 9 of article 10 of the Law of the Kyrgyz Republic "On advocacy";
- 4) those having the citizenship of a foreign country.

Article 16. Procedure of election and dismissal of the president and deputy presidents of the Supreme Court

1. The judges of the Supreme Court shall elect from among themselves the president and the deputy presidents of the Supreme Court for the period of three years.

One and the same judge may not be elected president or deputy president of the Supreme Court for more than two consecutive terms.

2. Election and dismissal of the president and deputy presidents of the Supreme Court shall be subject to procedures envisaged in the legislation of the Kyrgyz Republic.

3. Election and dismissal of the chairman and deputy chairman of the Constitutional Chamber of the Supreme Court shall be subject to procedures envisaged in the constitutional law “On the Constitutional Chamber of the Supreme Court”.

14. In the title of chapter 4 the word “appointment” shall be replaced by “election”.

15. Article 17 shall have the following wording:

«Article 17. Requirements towards judges of local courts

1. Any citizen of the Kyrgyz Republic who is no younger than 30 and no older than 65 years of age and has a higher legal education with no less than five years of experience in the legal profession may be a judge of a local court.

2. The following additional requirements shall be applied in respect of persons seeking the position of a local court judge for the first time but not having the work record as a judge or persons having work record as a judge but who have an over ten years’ break period between the date of submission of the application to participate in the competition and the date of dismissal from the position of a judge or termination of judicial powers: they have to present a certificate attesting the passage of a qualification exam (hereinafter referred to as the exam). Such an exam is passed after the completion of full-time or extramural tuition of applicants. The certificate is valid for a period of three years. The training program, the membership of the examination commission as well as the procedure of passing the exam are to be approved by the Council of judges.

3. The following persons may not be local court judges:

- 1) those having convictions, including that expunged or removed from the records;
- 2) those earlier dismissed from the position of a judge of the Kyrgyz Republic due to exceptionable conduct;
- 3) those dismissed from law enforcement agencies due to the discreditation of the rank of law enforcement officer or whose license to act as a defense lawyer was cancelled due to circumstances envisaged in paragraphs 8 and 9 of article 10 of the Law of the Kyrgyz Republic “On advocacy”;
- 4) those having the citizenship of a foreign country.

4. The following positions shall be taken into account for the work record in the legal profession required for the position of a judge:

- deputies of the Jogorku Kenesh of the Kyrgyz Republic with a higher legal education;
- employees of the legal department of the Apparatus of the President, the plenipotentiary representative of the President in the Jogorku Kenesh;
- employees of legal units, as well as departments of committees in charge of law and order, human rights, constitutional legislation, state setup as well as judicial and legal issues of the Administration of the Jogorku Kenesh as well as consultants to the deputies of the Jogorku Kenesh (since the moment they obtain a diploma of higher legal education);

- employees of the legal department and department in charge of defense and law enforcement agencies in the Office of the Government of the Kyrgyz Republic (hereinafter referred to as the Government) and the permanent representative of the Government in the Jogorku Kenesh;

- employees of the administration of the Supreme Court;
- employees of the administration of the Constitutional Chamber of the Supreme Court;
- employees of administrations of local courts;
- employees of the authorized state agency;
- employees of prosecution bodies;
- employees of the system of justice;
- employees of legal and investigation units of internal affairs agencies;
- employees of legal and investigation units of the National Security Service;
- employees of legal and investigation units of the State Customs Service and the Financial Police;

- employees of legal units of ministries, state committees and administrative agencies as well as subordinate divisions thereof;

- employees of legal units of the administrations of state commissions and funds of the Kyrgyz Republic;

- employees of legal units of the apparatuses of local public administrations and local self-governance bodies;

- employees of the administration of the Ombudsman (Akyikatchy) of the Kyrgyz Republic who have higher legal education;

- employees of legal units of legal entities irrespective of their form of ownership;

- defense lawyers of the Kyrgyz Republic;

- notaries of the Kyrgyz Republic;

- academic staff as well as academic secretaries of higher educational establishments dealing with the issues of law.».

16. In Article 18:

Throughout the entire text words “National Council” in its various cases shall be replaced by words “the Council on selection of judges” in appropriate cases;

The first paragraph of part four shall have the following wording:

«4. The Council on selection of judges shall no later than sixty days prior to the date of reaching the age limit of a local court judge or no later than twenty days since the early termination of powers of a local court judge or his/her early dismissal from position announce a competition to fill the freed or vacant position of a local court judge. The announcement on the competition shall be posted in an official state publication as well as on the website of the Council on selection of judges.»;

Figures «3 – 5» in part five shall be replaced by figures «4, 5».

17. In article 19:

Throughout the entire text words “National Council” in its various cases shall be replaced by words “the Council on selection of judges” in appropriate cases;

Words «Judicial department» in various cases shall be replaced by words «authorized state agency» in appropriate cases;

In paragraph 5 of part 1 of the text in the official language the word «envisaged» shall be replaced by the word «envisaged»;

Paragraph 2 of part 2 shall have the following wording:

«The documents of judges of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be prepared by the administrations of the Supreme Court and the Constitutional Chamber of the Supreme Court and shall be handed over to the authorized state agency.»;

The following words shall be deleted in paragraph 2 part 4: «persons, having two years’ restriction to participate in the competition in accordance with article 20 of this Constitutional law as well as documents,».

18. In Article 21:

Throughout the entire text words “National Council” in its various cases shall be replaced by words “the Council on selection of judges” in appropriate cases;

In part 1:

Paragraphs 2 and 3 shall have the following wording:

«2) persons, who have a service record as a judge, in the event a time gap between the submission of the application to participate in the competition and the dismissal of such person from the position of a judge or his/her termination of judicial powers does not exceed ten years;

3) persons who received the certificate on the basis of passing the exam.»;

Part 2 shall have the following wording:

«2. The interview is held pursuant the procedure defined by the Council on selection of judges. During the interview the members of the Council on selection of judges shall ask the candidates questions defined in the Regulations on conducting interviews and allowing to determine:

- 1) intellectual capacities;
- 2) personal qualities;
- 3) ability to correctly understand and impartially consider the case;
- 4) communicative skills and their efficient application.

In addition, the members of the Council shall have the right to request the following in respect of a candidate applying to a vacant position of a judge:

- an income statement;
- any other information which confirms irreproachability of the candidate’s conduct.»;

In paragraph 2 of part 3 the words «National council» shall be replaced by the word «law»;

In part 4 the words «Judicial department» shall be replaced by the words «authorized state agency».

19. In article 22:

In part 1 the words «recommended by the National Council» shall be replaced by the words «proposed by the Council on selection of judges»;

Paragraphs 2 and 3 of part 2 shall have the following wording:

«The President shall have the right to return the documents of a candidate to the Council on selection of judges with a motivated decision. In the event that the Council on selection of judges fails to find facts which prevent the appointment of a candidate to the position of a local court judge, then the Council on selection of judges shall again submit to the President the proposal on the same candidate who shall be subject to mandatory appointment within ten working days.

In the event the Council on selection of judges agrees to the circumstances presented by the President, then the Council on selection of judges shall announce another competition.».

20. Articles 23 – 25 shall have the following wording:

«Article 23. Grounds and procedure of transfer (rotation) of a local court judge

1. A local court judge may be transferred from a local court to another local court on the following grounds:

- 1) at his / her own will;
- 2) in the event of reorganization of the court or changes to the structure or staffing number of judges;
- 3) for the purpose of state protection of judges on circumstances beyond the control of the judge and the state;
- 4) in the event of participation of a local court judge in the competitive selection of candidates to a vacant position of a judge of another local court and presentment of his candidacy to the President by the Council on selection of judges.

2. The transfer (rotation) of judges on the grounds envisaged in paragraph 1 part 1 of the present article shall be effected by the Council on selection of judges as applications of judges are being received. Such applications are submitted by the authorized agency addressed to the Council on selection of judges.

The Council on selection of judges, after having reviewed an application of judges requesting a transfer (rotation), shall honor them and shall submit a proposal to the President on a transfer (rotation) of judges only in the event that there is a mutual consent of judges in respect of transfer (rotation).

A judge who was transferred from a local court to another one, shall have the right to again apply for transfer (rotation) no earlier than five years after the last transfer (rotation).

3. In the event of reorganization of a local court, changing the structure of a local court with the transfer of staff positions to other local courts, the Council of judges shall hear the opinions of judges concerning their transfer (rotation) to courts to where staff positions of judges of the reorganized court or the court with a changed structure are transferred. The Council makes a decision on transfer (rotation) of judges taking into account all circumstances and the possibility for judges to work in their new jobs.

4. The Council on selection of judges shall without delay consider the matter of transfer (rotation) for the purpose of state protection of a judge due to the circumstances beyond the control of the judge and the state. The reason for consideration of the matter shall be the appeal

of the president of a relevant local court or appeal of a judge confirmed by appropriate evidence from the law enforcement agencies. The Council shall make a decision on transfer (rotation) for the purpose of state protection after having reviewed all circumstances and having defined the relevancy of the threat existing in respect of a judge.

5. The transfer (rotation) of a local court judge shall be effected for the remaining period of his / her tenure.

6. The decision on transfer (rotation) of a judge shall be made by the Council on selection of judges and shall be forwarded to the President for issuance of an appropriate decree. Such decree should be signed by the President within ten days since the day of after the receipt of the decision by the President.

Article 24. Procedure of electing presidents and deputy presidents of local courts

1. Presidents and deputy presidents of local courts shall be elected at the meeting of judges of the relevant local court for the period of three years.

2. One and the same judge may not be elected president or deputy president of a local court for two consecutive terms in the same court.

3. Election and dismissal of presidents and deputy presidents of local courts shall be subject to procedures envisaged in the legislation of the Kyrgyz Republic.

Article 25. Suspension of a judge

1. A judge of the Kyrgyz Republic shall be suspended from his/ her office (from exercising the duties of a judge) in the event that the Council of judges gives its consent to institution of criminal proceedings (as an accused person) or administrative proceedings at law.

2. The Jogorku Kenesh upon proposal of the Council of judges may suspend a judge of the Supreme Court or the Constitutional Chamber of the Supreme Court from office in the event that it gives to the Prosecutor General of the Kyrgyz Republic (hereinafter referred to as the Prosecutor General) its consent to institution of proceedings against a judge as an accused person.

The President upon proposal of the Council of judges may suspend a local court judge in the event that consent is given to the Prosecutor General to institution of proceedings against a judge as an accused person.

3. The suspension of a judge from office shall not entail termination of payment of salary to the judge and other types of material and social benefits to which he / she is entitled.

4. A judge suspended from office, shall be restored in his / her position (shall be deemed as taking the office of a judge) by a body which elected or appointed him / her in case circumstances constituting the grounds for a decision of dismissal from office cease to exist.».

21. In article 26:

Parts 2 and 3 shall have the following wording:

«2. A judge shall be subject to early dismissal from office in the following cases:

- 1) submission of a written application by a judge on voluntary dismissal from office;
- 2) inability to exercise the powers of a judge due to state of health confirmed by the conclusion of a medical commission;

3) appointment of a judge of the Supreme Court or the Constitutional Chamber of the Supreme Court to the position of a local court judge; election of a local court judge to the position of the judge of the Supreme Court or the Constitutional Chamber of the Supreme Court;

4) transfer to another job not related to the administration of justice;

5) refusal of a local court judge to be transferred to another local court on the grounds envisaged in paragraph 2, part 1 of article 23 of the present constitutional law;

6) entry into legal force of a guilty verdict by a court in respect of a judge;

7) entry into legal force of a court verdict on application of compulsory measures of medical character in respect of a judge;

8) committing of a disciplinary misdeed incompatible with the irreproachable conduct and the high position of a judge, confirmed by the decision of the Council of judges;

9) engaging in activity incompatible with the position of a judge;

10) membership of judges in political parties and their statements in support of whatsoever political party;

11) in the event that a judge:

- is registered as a candidate for the office of President of the Kyrgyz Republic;

- is included in the registered list of a political party taking part in elections to the Jogorku Kenesh;

- is registered as a candidate to the office of a deputy in a local kenesh.

3. Judges of the Supreme Court and the Constitutional Chamber of the Supreme Court shall be subject to early dismissal from office by the majority of no less than two thirds of the total number of the deputies of the Jogorku Kenesh upon presentment of the President made in accordance with the decision of the Council of judges.»;

In part 4 words «National Council» shall be replaced by words «Council of judges ».

22. In part 2 of article 27 words «or the Constitutional Court» shall be replaced by words «Constitutional Chamber of the Supreme Court ».

23. Chapter 5 shall be amended by the following article 27¹:

«Article 27¹. Resignation of a judge

1. A resignation of a judge shall mean honorary retirement or honorary removal of a judge from office. The resigned person shall retain the rank of a judge, the guarantees of personal immunity and affiliation to the judicial community.

2. Each judge shall be entitled to the right of voluntary resignation irrespective of his/her age. A judge shall be deemed retired or removed to retirement in the event that he / she was dismissed on the grounds envisaged in paragraphs 1, 2, 4, 5, 11 of part 2 of article 26 of the present constitutional law or in the event his / her powers were terminated on the grounds envisaged in part 1, article 27 of the present constitutional law.

3. Retired judges shall be entitled to identity certifications of a retired judge issued by the President of the Kyrgyz Republic.».

24. In article 28:

In paragraph 2 part 1 figure «1» shall be replaced by «2»;

Part 2 shall be amended with the following paragraph:

«In the event that a disciplinary misdeed is insignificant, the Council of judges may limit itself to a warning.»;

In part 3 words «two years» shall be replaced by words «six months»;

Part 5 shall have the following wording:

«5. Admonition and censure shall be applied by the Council of judges in accordance with the Regulation on the disciplinary commission.

Early dismissal from office for a disciplinary misdeed shall be applied as an extreme disciplinary sanction for a gross violation of requirements of irreproachable conduct of judges.

The decision on early dismissal of judges of the Supreme Court and the Constitutional chamber of the Supreme Court shall be made by the Jogorku Kenesh upon presentment of the President, such presentment shall be based on the decision of the Council of judges on early dismissal of a judge from his / her position.

The decision on early dismissal of a local court judge shall be made by the President on the basis of the decision of the Council of judges on early dismissal of such judge from his / her position.».

25. In article 29:

Paragraph 1 of part 1 shall be amended with words “initiated” after words «disciplinary proceedings »;

In the first sentence of paragraph 1 part 2 the word «initiates» shall be replaced by word «has the right to initiate»;

Part 3 shall have the following wording:

«3. A judge in respect of whom disciplinary proceedings were initiated, should be familiarized with the materials of the proceedings in advance.

A refusal to familiarize with the materials shall not serve an obstacle for further disciplinary proceedings.».

26. In article 30:

Throughout the entire text words “National Council” in its various cases shall be replaced by words “the Council on selection of judges” in appropriate cases;

In part 2 words «(as a person accused of a crime)» shall be replaced by words «(delivering a ruling on institution of proceedings in respect of a person accused of a crime)»;

Part 3 shall have the following wording:

«3. A consent to initiate administrative proceedings at law against judges of the Supreme Court, the Constitutional Chamber of the Supreme Court and local courts shall be given by the Council of judges upon presentment of the Prosecutor General.».

27. In article 33:

Paragraph 2 of part 3 shall have the following wording:

«Persons listed in paragraph 1 of the present part as well as newly elected / appointed

judges, in case they are entitled to a one-off benefit with previous dismissal from office or termination of powers of a judge, shall receive it based on the calculation of only the period of working as a judge since the time of their last election / appointment.»;

Paragraph 2 of part 4 after words «the present article,» shall be amended by words «as well as resigned judges»;

Part 6 after words «Constitutional Court,» shall be amended by words «Constitutional Chamber of the Supreme Court,».

28. In part 3 of article 34 the word «President» shall be replaced by the word «Government».

29. In article 35:

In part 1 the following words shall be deleted «, excluding provisions of part 2 of article 17, which shall be applied since September 1, 2008»;

In part 2 the words «article 20» shall be replaced by the words «part 2 of article 17 of the present constitutional law»;

Parts 2¹ and 2² shall be deemed invalid;

Part 2³ shall have the following wording:

«2³. The article 27¹ of the present constitutional law shall apply to judges of the Kyrgyz Republic who were dismissed or whose powers were terminated prior to the entry into force of this constitutional law on the grounds envisaged in part 2 article 27¹ of the present constitutional law».

Article 2.

1. The present constitutional law shall enter into force since the date of its official publication except:

- paragraph 4 of part 15, article 1 of the present constitutional law, which shall enter into force since the final day of formation of the corps of judges of local courts in accordance with the Constitution adopted at the referendum (popular vote) on June 27, 2010.

2. It is established hereby that prior to entry into force of paragraph 4 part 15 of article 1 of the present constitutional law, the applicants to positions of judges of local courts shall have the right to pass qualification exam and be admitted for the interview without undergoing training.

The Council of judges shall within one month since the entry into force of this constitutional law develop and approve the procedure and conditions of passing a qualification exam.

The President of the Kyrgyz Republic