

LAW OF THE REPUBLIC OF UZBEKISTAN

“ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF UZBEKISTAN”

(Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1995, No 9, art. 178; 2003, No 1, art. 8; No 9-10, art. 149; Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan, 2014, No 1, art. 4; 2014, No 5, art. 130)

I. GENERAL PROVISIONS

Article 1. Constitutional Court of the Republic of Uzbekistan

The Constitutional Court of the Republic of Uzbekistan shall be the organ of judicial authority to hear the cases on the constitutionality of acts of the legislative and executive authorities.

The Constitutional Court shall:

determine the conformity of the laws of the Republic of Uzbekistan and resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees of the President of the Republic of Uzbekistan, resolutions of the government and the local organs of state authority, interstate treaty and other obligations of the Republic of Uzbekistan with the Constitution of the Republic of Uzbekistan;

give the conclusion on the conformity of the Constitution of the Republic of Karakalpakstan with the Constitution of the Republic of Uzbekistan, of the laws of the Republic of Karakalpakstan with the laws of the Republic of Uzbekistan;

give interpretation of the norms of the Constitution and the laws of the Republic of Uzbekistan;

hear other cases referred to its competence by the Constitution and the laws of the Republic of Uzbekistan.

The Constitutional Court shall adjudicate the cases and give the conclusions based solely on the Constitution of the Republic of Uzbekistan.

Article 2. Election of the Constitutional Court

The Constitutional Court consisting of Chairman, Deputy Chairman and five members of the Constitutional Court including a judge from the Republic of Karakalpakstan shall be elected by the Senate of the Oliy Majlis upon nomination by the President of the Republic of Uzbekistan.

Every judge of the Constitutional Court shall be elected individually. A person shall be considered elected if he obtains the majority of the votes of the total number of the members of the Senate.

The Constitutional Court shall be entitled to enter upon its activity provided that not less than four persons from the composition of the Court are elected.

In case of removal of the judge from the composition of the Constitutional Court the Senate of the Oliy Majlis shall elect another person by procedure provided by the present article.

Article 3. Term of office of the Constitutional Court

According to Article 107 of the Constitution of the Republic of Uzbekistan the Constitutional Court shall be elected for the term of five years.

The Constitutional Court shall be a standing organ.

The Constitutional Court sessions shall be held as necessary.

Article 4. Main principles of the Constitutional Court's activity

The main principles of the Constitutional Court's activity shall be adherence to the Constitution of the Republic of Uzbekistan, independence, collegiality, publicity and equality of the judges' rights.

Article 5. Independence of the Constitutional Court

The Constitutional Court and its judges during their activity shall be independent and submit solely to the Constitution of the Republic of Uzbekistan.

The judges of the Constitutional Court, while making a decision, shall express their legal attitude devoid of considerations of practical expediency, political inclinations and other outside influence.

Interference into the Constitutional Court's activity shall be barred and entail liability according to law.

Article 6. Collegiality

Hearing of cases and making decisions shall be conducted collegially at the Constitutional Court in composition of not less than four judges.

Article 7. Publicity

The Constitutional Court sessions, as a rule, shall be conducted publicly.

Article 8. Equality of the rights of the Constitutional Court's judges

When hearing the matters by the Constitutional Court and voting on the matters under consideration Chairman, Deputy Chairman and the members of the Constitutional Court, as judges, shall have equal rights.

Article 9. Obligingness of the decisions and demands of the Constitutional Court

The decisions of the Constitutional Court shall be binding on all organs of state authority and administration, as well as for enterprises, institutions, organizations and public associations, officials and citizens.

The demands of the Constitutional Court to present the normative acts, documents or their copies, to give explanations and consultations about the matters under the consideration shall be binding on all organs to which they are addressed.

Article 10. Legislative initiative of the Constitutional Court

According to Article 83 of the Constitution of the Republic of Uzbekistan the Constitutional Court shall have the right of legislative initiative. This right shall be exercised by introducing a bill into the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

Article 11. Procedure of the activity of the Constitutional Court

The procedure of the activity of the Constitutional Court shall be determined by the Rule of Procedure.

II. STATUS OF THE JUDGES OF THE CONSTITUTIONAL COURT

Article 12. Requirements to the candidate for the office of the judge of the Constitutional Court. Qualification ranks of the judges of the Constitutional Court

As a judge of the Constitutional Court may be elected a citizen of the Republic of Uzbekistan not younger than thirty years old among the specialists in the sphere of politics and law, possessing high moral standards and required qualification.

The judges of the Constitutional Court shall be conferred the Highest or the First qualification class by the President of the Republic of Uzbekistan.

Article 13. Oath of the judge of the Constitutional Court

The person first elected as a judge of the Constitutional Court shall take the oath running as:

“Solemnly swear to faithfully and conscientiously perform the duties of the judge of the Constitutional Court, protect constitutional system submitting solely to the Constitution of the Republic of Uzbekistan”.

The judges of the Constitutional Court shall be sworn by the President of the Republic of Uzbekistan.

Article 14. Activity incompatible with the office of the judge of the Constitutional Court

The performance of the duties of the judge of the Constitutional Court shall be incompatible with the mandate of deputy, the membership in political parties and movements, holding any other paid position.

Article 15. Irremovability of the judge of the Constitutional Court

The judge of the Constitutional Court shall be irremovable during his powers. The powers of the judge cannot be terminated or suspended except as otherwise by the procedure and on the ground provided under the present Law.

Article 16. Immunity of the judge of the Constitutional Court

The judge of the Constitutional Court cannot be arraigned on criminal or administrative liability as well as taken into custody without consent of the Constitutional Court of the Republic of Uzbekistan.

The criminal case in respect of the judge of the Constitutional Court can be instituted only by the General Prosecutor of the Republic of Uzbekistan.

Attachment, detention as well inspection of the belongings, the baggage, the transport, the living and office quarters of the judge of the Constitutional Court shall be banned.

Article 17. Suspension of the powers of the judge of the Constitutional Court

The powers of the judge of the Constitutional Court may be suspended by the decision of the Constitutional Court in case of:

- being arraigned on criminal liability;
- conducting his activity incompatible with the office of judge;
- being declared missing by the entered into force decision of the court;

The suspension of the powers of the judge, except for the cases when taking into custody was chosen as a measure of restrain for the judge, shall not entail the suspension of the salary payment to him and deprive him of immunity guarantees provided by the present Law.

Article 18. Premature termination of the powers of the judge of the Constitutional Court

The powers of the judge of the Constitutional Court shall be terminated prematurely by the decision of the Senate of the Oliy Majlis since:

- violating the oath of the judge by him;
- his request for resignation;
- existence of the court's judgment of conviction entered into force in respect of him;
- pursuing to conduct the activity incompatible with his position, after being cautioned or suspension of his powers;
- his long-lasting illness based on the opinion of the medical commission;
- his loss of the citizenship of the Republic of Uzbekistan.

Article 18¹. Employment guarantees of the judges of the Constitutional Court after the expiration of their term of office

The judges of the Constitutional Court after the expiration of their term of office are offered the former job (office) held by them before being elected for the office of the judge of the Constitutional Court, in its absence – another equivalent job (office).

III. BASIC PRINCIPUM OF THE PROCEEDINGS AT THE CONSTITUTIONAL COURT

Article 19. Right to introduce a matter to the Constitutional Court

The right to introduce a matter for the hearing of the Constitutional Court shall be possessed by the chambers of the Oliy Majlis, the President of the Republic of Uzbekistan, the Speaker of the Legislative Chamber of the Oliy Majlis, the Chairman of the Senate of the Oliy Majlis, the Jokargi Kenes of the Republic of Karakalpakstan, a group of deputies not less than one fourth of the total number of the deputies of the Legislative Chamber of the Oliy Majlis, a group of senators not less than one fourth of the total number of the members of the Senate of the Oliy Majlis, the Chairman of the Supreme Court, the Chairman of the Higher Economic Court and the General Prosecutor of the Republic of Uzbekistan. A matter can also be introduced by the initiative of not less than three judges of the Constitutional Court.

Article 20. Timescales of the hearing of the matters at the Constitutional Court

The Constitutional Court shall begin to examine the matter not later than seven day period from the moment of receiving the materials provided they meet the specified requirements.

The decision on the matter under consideration shall be made at the Constitutional Court not later that three month from the moment of receiving the respective materials.

Article 21. Participants of the Constitutional Court session

The Constitutional Court session may be participated by the President of the Republic of Uzbekistan, the Speaker of the Legislative Chamber of the Oliy Majlis, his deputies, the Chairman of the Senate of the Oliy Majlis, his deputies, the Prime

Minister, the Chairman of the Jokargi Kenes of the Republic of Karakalpakstan, the Chairman of the Supreme Court of the Republic of Uzbekistan, the Chairman of the Higher Economic Court of the Republic of Uzbekistan, the General Prosecutor and the Minister of Justice of the Republic of Uzbekistan. They shall be entitled to set forth own position on all matters under consideration.

Article 22. Language of the judicial proceedings

The proceedings at the Constitutional Court shall be administered in the state language of the Republic of Uzbekistan.

The participants of the session lacking a knowledge of the state language may plead and make statements in native language and utilize the services of the interpreter.

Article 23. Summoning to the Constitutional Court sessions

To the Constitutional Court sessions may be summoned the persons possessing the necessary information and materials, experts and specialists.

Article 24. Reimbursement of the expenses of the experts, specialists and interpreters

The experts, specialists and interpreters invited in connection with the hearing of a case at the Constitutional Court shall be reimbursed for the expenses and paid remuneration according to legislation.

Article 25. Making a decision by the Constitutional Court

The Constitutional Court shall make the decision only on concrete matters under consideration constitutionality of which is challenged.

The Constitutional Court may upon examination for the constitutionality of the normative act simultaneously make a decision also in respect of the normative acts based on the examined normative act or replicating its provisions even they have not been mentioned in the matter introduced for the hearing of the Constitutional Court.

The decision of the Constitutional Court shall be made by open vote.

The judge shall not be entitled to abstain or not participate in voting.

The decision of the Constitutional Court shall be considered as made if the majority of the judges attending the session has voted for it. In case when the votes split equally, the presiding shall have the casting vote.

The judge of the Constitutional Court disagreed on the decision of the Constitutional Court shall be entitled to express a dissenting opinion in writing and append it to the minutes of the Constitutional Court sessions.

Article 26. Decision of the Constitutional Court

The decision of the Constitutional Court on the merits of the heard case on constitutionality of an international treaty and normative act shall be named resolution. The resolutions shall be issued by the Constitutional Court in the name of the Republic of the Uzbekistan.

In other cases the decision of the Constitutional Court shall be named conclusion or may have other form.

Article 27. Publication of the decisions of the Constitutional Court and their entry into force

The resolutions, conclusions and the other decisions of the Constitutional Court shall be published in mass media.

The official publishing sources of the decisions of the Constitutional Court of the Republic of Uzbekistan shall be "The Collection of Laws of the Republic of Uzbekistan", the newspapers "The Halq so'zi" and "The Narodnoe slovo" and "The Bulletin of the Constitutional Court of the Republic of Uzbekistan".

The decision of the Constitutional Court shall enter into force from the moment of publication.

The decision of the Constitutional Court shall be final and not subject to appeal.

Article 28. Review of the decision of the Constitutional Court

The decision of the Constitutional Court may be reviewed by itself unsolicited if: the new significant circumstances unknown to the Constitutional Court at the moment of making decision have come up;

the constitutional norm on the basis of which the decision was made has changed;

the Constitutional Court recognizes that it was made with the breach of the provided procedures of the proceedings.

IV. OTHER MATTERS OF THE ORGANIZATION AND ACTIVITY OF THE CONSTITUTIONAL COURT

Article 29. Administration of the Constitutional Court

For securing the activity of the Constitutional Court the administration of the Constitutional Court shall be established. The structure and the staff of the administration shall be approved by the Chairman of the Constitutional Court within appropriations made available.

The procedure of establishing and conferment of class ranks to the officers of the administration of the Constitutional Court is determined by the regulation to be approved by the Oliy Majlis of the Republic of Uzbekistan.

Article. 30. Financing the works of the Constitutional Court

Financing the works of the Constitutional Court shall be carried out on account of republican budget sources.

Article 31. Material and social security of the judges of the Constitutional Court

The material and social security of the judges of the Constitutional Court associated with remuneration of their labor, granting annual rest, the measures of the social security of judges and the members of their families, compulsory state insurance of the life and health of the judges shall be provided by the Law of the Republic of Uzbekistan "On Courts".

The salary of the judge of the Constitutional Court shall consist of post salary, supplemental payments for qualification class, years of service.

The judges of the Constitutional Court are exempted from the personal income tax for the income received in connection with performance of official duties.

Article 32. Symbols of the judicial authority of the Constitutional Court

At the convention hall of the Constitutional court there shall be the image of the State Emblem of the Republic of Uzbekistan, the State Flag of the Republic of Uzbekistan, an issue of the Constitution of the Republic of Uzbekistan.

The judges of the Constitutional Court shall bench in special service dress.

The judge of the Constitutional Court shall be given the certificate, pattern of which approved by the President of the Republic of Uzbekistan.

Article 33. Seal of the Constitutional Court

The Constitutional Court shall have the seal with the image of the State Emblem of the Republic of Uzbekistan and own denomination.

**The President of
the Republic of Uzbekistan**

I.Karimov

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