ADMINISTRATIVE PROCEDURE CODE OF THE KYRGYZ REPUBLIC

of January 25, 2017 No. 13

(as amended of the Law of the Kyrgyz Republic of 28.07.2017 No. 149)

Accepted by Jogorku Kenesh of the Kyrgyz Republic on December 15, 2016

Section I. General provisions

Chapter 1. Basic provisions

Article 1. Coverage of this Code

This Code establishes procedure for legal proceedings on the disputes following from the administrative and legal (public) relations, the procedural principles and rules of consideration and permission of these disputes in court.

Article 2. Legislation on administrative legal proceedings

1. The procedure for legal proceedings in courts of the Kyrgyz Republic is determined by administrative cases by the Constitution of the Kyrgyz Republic, this Code, the Law of the Kyrgyz Republic "About the Supreme Court of the Kyrgyz Republic and local courts", other laws of the Kyrgyz Republic adopted according to them and which came in the procedure established by the law into force international treaties which participant is the Kyrgyz Republic.

2. The regulations of the administrative procedural legislation containing in other laws and other regulatory legal acts shall correspond to this Code.

3. If in this Code there are no regulations on legal proceedings implementation, then regulations of the Code of civil procedure and other laws are respectively applied if they do not contradict the basic principles and the purposes of this Code.

4. Legal proceedings on administrative cases are performed according to the law existing during consideration and permission of case, making of separate legal proceedings or execution of court resolutions.

Article 3. Determination of the basic concepts applied in this Code

The basic concepts applied in this Code:

1) administrative legal proceedings (administrative process) - legal proceedings on the disputes following from the administrative and legal (public) relations between administrative authorities and (or) their officials, on the one hand, and physical persons and legal entities, on the other hand;

2) administrative case - the requirement about permission of legal dispute accepted to production of court between subjects of public legal relationship, and also the materials relating to this dispute. The concept "administrative case" does not extend to cases on administrative offenses;

3) the administrative act is act of administrative authority or its official, at the same time:

a) having public and individual and certain nature;

b) the interdepartmental nature having external impact, i.e. not having;

c) attracting consequence in law, i.e. establishing, changing, stopping the rights and obligations for the applicant and (or) the interested person;

4) the administrative claim - the procedural document which is filed a lawsuit by the subject of public legal relationship in protection of the violated or disputed rights, freedoms or interests protected by the law following from the administrative and legal (public) relations;

5) administrative authority - body of the state executive authority, executive body of local self-government, and also other bodies or persons given the law authority constantly or temporarily to perform ministerial procedures;

6) the administrative claimant - physical person or legal entity which took a legal action in protection of the rights, freedoms or legitimate interests, or person for the benefit of whom administrative claim by the prosecutor or the other person, such authority given the law is submitted;

7) the administrative defendant - administrative authority against which the claim in court is made;

8) the petition for appeal (appeal representation) - the claim or representation brought by persons participating in case in court of the second instance on the court resolution of Trial Court which did not take legal effect;

9) ministerial procedures - the actions of administrative authority made based on the statement of the interested person, initiative of administrative authority of establishment (provision, the certificate, confirmation, registration, providing), to change or the termination of the rights and (or) obligations, including which are coming to an end with issue of the administrative act (its acceptance, approval, approval), either registration or accounting of the interested person, its property, or provision of money, other property and (or) services at the expense of means of the government budget from the property which is in the state-owned or municipal property;

10) the official - person, is permanent, temporary or on special power performing functions of the public agent or performing organizational and administrative, administrative, control and auditing functions in administrative authorities;

11) court of the second instance - appellate instance, i.e. the judicial boards on administrative and economic cases of regional courts and the Bishkek city court considering appeal (private) claims and representations to the acts of Trial Court which did not take legal effect;

12) legal representatives are parents, adoptive parents, guardians, custodians, and also representatives of the organizations and persons on whose care there is person participating in case;

13) the writ of appeal (cassation representation) - the claim or representation brought by persons participating in case in cassation instance on the court resolution of court of the second instance which took legal effect;

14) cassation instance - the judicial board on administrative and economic cases of the Supreme Court of the Kyrgyz Republic considering writs of appeal and representations on acts of court of the second instance;

15) participants of process - the party, the third parties and their legal representatives, the prosecutor, subjects specified in Article 44 of this Code;

16) persons promoting justice implementation - experts, specialists, translators, witnesses;

17) determination, the decision, the resolution - the court resolutions which are taken out by courts during consideration of administrative cases;

18) the chairman - the judge presiding in case of joint consideration of the case or considering case solely;

19) representation - the claim of the prosecutor to court resolution;

20) prosecutor - The Attorney-General of the Kyrgyz Republic, prosecutors of areas, the prosecutor of the city of Bishkek, district and city prosecutors, military and other specialized prosecutors equated to prosecutors of areas, district or city prosecutors, their deputies and assistants, prosecutors of managements and departments of prosecutor's offices acting within the competence;

21) the protocol - the procedural document in which the legal proceeding taking place in judicial session is fixed;

22) the parties - the administrative claimant and the administrative defendant;

23) court - the interdistrict court, the judge of interdistrict court, judicial structure of judicial board on administrative and economic cases considering administrative cases respectively on the first instance in appeal procedure and in cassation procedure;

24) the judge - person given in constitutional order authority to perform justice and fulfilling the duties on professional basis;

25) Trial Court - the interdistrict courts of areas and the cities of Bishkek authorized on direct research and establishment in judicial session of circumstances of administrative case and removal on it the corresponding court resolution;

26) the private claim (representation) - the claim or representation brought by persons participating in case on the determination of court which is taken out during consideration of administrative case;

27) private determination - the determination which is taken out by court concerning administrative authorities and their officials on the facts of violation of the law, the reasons and conditions promoting their making and requiring acceptance of adequate measures determined by consideration of administrative case.

Article 4. Tasks of administrative legal proceedings

Task of administrative legal proceedings is protection of the rights, freedoms and interests of physical persons, the rights and interests of legal entities in the field of the administrative and legal (public) relations from violations from administrative authorities and their officials by fair, impartial and timely treatment of administrative cases.

Article 5. The right to appeal to the court behind protection

1. Any interested person has the right according to the procedure, established by the law, to take a legal action behind protection of the violated or disputed rights, freedoms or interests protected by the law.

2. The disclaimer on appeal to the court is invalid.

3. In the cases provided by this Code and other laws, state bodies, local government bodies and other bodies have the right to take a legal action in protection of the state or public concerns.

4. If the legislation establishes pre-judicial procedure for appeal of administrative acts, actions (failure to act) of administrative authorities, then judicial contest of such acts perhaps only after observance of this procedure.

5. Foreign persons, stateless persons and foreign legal entities have in the Kyrgyz Republic the same right to judicial protection, as well as citizens and legal entities of the Kyrgyz Republic.

Article 6. Language in which administrative legal proceedings are performed

1. Legal proceedings on administrative cases are conducted in the state or official language.

2. The right to get acquainted with all case papers, to offer explanations, indications, the conclusions, to act and declare petitions in the native language, and also to use translation service (signer) according to the procedure, established by this Code is explained and provided to persons who are not knowing language in which legal proceedings are conducted.

3. Court resolutions are handed to persons participating in case in the state or official language.

4. In foreign language participants of administrative process submit documents with the certified translation attached to them in accordance with the established procedure on the state or official language.

Chapter 2. Principles of administrative legal proceedings

Article 7. Basic principles of administrative legal proceedings

1. Administrative legal proceedings are based on the following basic principles:

1) independence of judges;

2) supremacy of law;

3) legality;

4) equalities of all before the law and court;

5) objective investigation;

6) publicity and openness of legal proceedings;

7) obligation of judgments;

8) legal proceedings ustnost.

2. In administrative legal proceedings also other principles which are not provided by part of 1 this Article, created in practice of courts and gained the development in the legal theory are applied.

Article 8. Principle of independence of judges

1. When implementing administrative legal proceedings of the judge are independent and submit only to the Constitution and the laws of the Kyrgyz Republic.

2. Nobody has the right to demand from the judge of the report on specific administrative case. Any intervention in activities for justice implementation is forbidden. Persons guilty of impact on the judge, bear the responsibility provided by the law.

3. Peaceful assemblies and other actions at distance are closer than 30 meters to court house or in court which pursue the aim to make impact on the judge or court, are considered as intervention in activities of the judge or court and attract the responsibility established by the law.

Article 9. Principle of supremacy of law

The court by consideration of administrative case is guided by the principle of supremacy of law according to which the highest values rights and freedoms of man and citizen are recognized, and activities of state bodies, local government bodies and their officials shall be performed according to the Constitution, the laws and other regulatory legal acts of the Kyrgyz Republic.

Article 10. Principle of legality

1. The court shall resolve cases based on the Constitution of the Kyrgyz Republic, come in the procedure established by the law into force of international treaties which participant is the Kyrgyz Republic, the laws and other regulatory legal acts of the Kyrgyz Republic.

2. Court, having established by consideration of administrative case discrepancy of the act of state body, local government body and their official of the Constitution, to the law and other regulatory legal acts of the Kyrgyz Republic, makes the decision according to the regulatory legal acts having big legal force.

3. In case of lack of the rules of law governing the disputable relation, the court applies the rules of law governing the similar relations, and in the absence of such regulations resolves dispute proceeding from the general beginnings and sense of the laws (analogy of the law and analogy is right).

Article 11. Principle of equality of all before the law and court

1. Administrative legal proceedings are performed on the basis of the principle of equality of all before the law and court.

2. The court during administrative process shall create complete and equal opportunities for each participant of process to express the line item, to perform the procedural law and obligations.

Article 12. Principle of objective investigation

1. Court, without being limited to the explanations, statements and proposals of participants of process produced by the evidence and other materials which are available in case researches all actual facts of the case important for the correct dispute resolution.

2. The court independently on own initiative or based on petitions of participants of process collects other proofs. The court can demand from the parties of submission of additional data and proofs.

3. Participants of administrative legal proceedings shall render court assistance in research of the actual circumstances connected with dispute and collection of proofs.

Article 13. Principle of publicity and openness of administrative legal proceedings

1. Trial of cases in all courts open.

2. The judgment passed by results of consideration of the case in proceeding in open court is proclaimed publicly.

3. The persons who are participating in case, present at proceeding in open court have the right to fix in writing or by audio recording the course of legal proceedings. Film and photographing, video, straight line of radio - and TV broadcast of judicial session are allowed from the leave of court.

4. Hearing of cases and the announcement of decisions in the closed judicial sessions are performed on the cases containing the data which are the state secret and also on another matters when it is provided by the law. The closed legal proceedings are allowed also in case of satisfaction of the petition of the person participating in case referring to need of preserving the commercial or protected by the law other secret, nondisclosure of data on private life of citizens or to other circumstances which public discussion is capable to interfere with the correct consideration of the case.

Written or by audio recording fixing of the course of the closed legal proceedings, film and photographing, video, straight line of radio - and TV broadcast of the closed judicial session are not allowed.

5. About consideration of the case in the closed judicial session the court accepts motivated determination in which it is specified about the prevention court of persons which were present at the closed judicial session about responsibility for disclosure of the data which became known when considering the case.

6. At trial of case in the closed judicial session there are persons participating in case, their representatives, and at necessary cases - also witnesses, experts, specialists, translators.

7. Case in the closed judicial session is considered and allowed with observance of all rules established by this Code.

8. By results of consideration of the case in the closed judicial session the substantive provisions of the decision are announced publicly.

Article 14. Principle of obligation of court resolutions

1. The court resolutions which took legal effect are obligatory for all public authorities, local government bodies, their officials, the government and local government officers, legal entities and physical persons and are subject to execution in all territory of the Kyrgyz Republic.

2. Non-execution of the court resolutions which took legal effect attracts the responsibility established by the legislation of the Kyrgyz Republic.

3. Obligation of court resolutions does not deprive of the interested persons who are not participating in case, the rights to take a legal action behind protection of the violated or disputed rights and interests protected by the law.

Section II. Organization of administrative legal proceedings

Chapter 3. Jurisdiction and cognizance of administrative cases

Article 15. Jurisdiction of administrative cases

1. According to the procedure of administrative legal proceedings administrative cases are considered:

1) about recognition invalid the administrative act or action of administrative authority completely or in part;

2) about obligation of administrative authority not to adopt the administrative act encumbering the claimant or not to make other action;

3) about obligation of administrative authority to adopt the administrative act or to make certain actions;

4) about recognition invalid subordinate regulatory legal act of administrative authority or representative body of local self-government;

5) about recognition illegal the invalid administrative act of administrative authority.

2. Cases are not considered according to the procedure of administrative legal proceedings:

1) about recognition invalid completely or regarding resolutions of state bodies and officials, representatives to consider cases on administrative offenses (about offenses);

2) about actions (failure to act) of the law enforcement agencies following from legal relationship in the field of criminal procedure;

3) about decisions, actions (failure to act) of legal executives in case of execution of executive documents.

Article 16. Cognizance of administrative cases

1. Administrative cases are considered on the first instance by interdistrict courts in the location of defendants.

2. In case of appeal of administrative acts, actions (failure to act) of several defendants administrative claim is submitted to interdistrict court in the location of one of defendants in the choice of the claimant.

3. Consolidation in one production of several requirements which should be considered according to the procedure of different legal proceedings is not allowed.

Article 17. Case referral, accepted to production, in other court

1. The administrative case accepted to production by one court can be submitted other court:

1) if after removal of one or several judges or for other reasons replacement of judges or consideration of the case in this court become impossible. Case referral in this case is performed by the Supreme Court of the Kyrgyz Republic;

2) if when considering the case in this court came to light that it was accepted to production with cognizance abuse of regulations.

2. On the issue of case referral from one court in other court determination about which the private complaint, except as specified, 1 parts of 1 this Article provided in Item can be made is accepted. Case referral from one court in other court is made after term on appeal of this determination, and in case of submission of the claim - after removal of determination about leaving of the claim without satisfaction.

3. The case directed from one court to other court shall be accepted to production by that court to which it is sent. Disputes on cognizance between courts are not allowed.

Chapter 4. Structure of court. Branches

Article 18. Structure of court

1. Judges consider administrative cases on the first instance solely if other is not provided by the law. The judge solely considering case acts as court.

2. Administrative cases in Appeal Court are considered by judicial board on administrative and economic cases as a part of three judges.

3. Administrative cases are considered in court of cassation instance by judicial board on administrative and economic cases as a part of three judges.

Article 19. Procedure for permission of questions court in joint structure

1. All questions arising when considering the case by court in joint structure are permitted by judges by a majority vote. None of judges have no right to refrain from vote. The chairman in meeting votes the last.

2. The judge not concordant with the solution of the majority shall sign this decision and has the right to state in writing the special opinion which is filed, but is not disclosed.

Article 20. Removal of the judge

1. The judge cannot consider case and is subject to branch:

1) if he is family member, the close relative any of persons participating in case or their representatives;

2) if he personally, is directly or indirectly interested in the outcome of the case;

3) if he by the previous consideration of this case participated in quality of the prosecutor, expert, specialist, translator, representative, court session secretary;

4) if he in any form stated the line item out of judicial review about possible result of the case connected with dispute before its removal at discussion of judicial structure (or made the open statement).

2. The preliminary legal opinion expressed by the judge at stage of preparation for legal proceedings cannot be the basis for rejection of the judge or his branch.

Article 21. Inadmissibility of repeated participation of the judge in consideration of the case

1. The judge who was taking part in substantive prosecution cannot participate in consideration of this case in court of other instance.

2. The judge who was involved in consideration of the case and decision on the substance of dispute in the first or appellate instance, cannot participate in de novo review of the same case in the same instance, except cases of hearing of cases on newly discovered facts or new circumstances.

3. Participation of the judge of the Supreme Court of the Kyrgyz Republic in consideration of the case in cassation procedure is not obstacle for its repeated participation in consideration of this case in cassation procedure.

Article 22. Bases for removal of the prosecutor, expert, specialist, translator, court session secretary

1. The bases for branch specified in article 20 of this Code extend also to the expert, the specialist, the translator, the court session secretary.

Besides, the expert and the specialist cannot be involved in consideration of the case in case of detection of their incompetence.

2. Participation of the expert, specialist, translator and court session secretary by the previous consideration of this case as respectively expert, the specialist, the translator, the court session secretary is not the basis for their branch.

3. The bases for branch specified in Items 1-3 of part 1 of article 20 of this Code extend also to the prosecutor. At the same time participation of the prosecutor by the previous consideration of this case as the prosecutor is not the basis for branch.

Article 23. Statement for branch and rejection

1. In the presence of the circumstances specified in Articles 20 and 21 of this Code, the judge shall declare rejection.

In the presence of the circumstances specified in Article 20 and part of 1 Article 22 of this Code, the prosecutor, the expert, the specialist, the translator, the court session secretary shall declare rejection.

On the same bases branch can be declared by participants of process.

2. Branch or rejection shall be motivated and declared prior to substantive prosecution. During substantive prosecution consideration of the application about branch and rejection is allowed only in cases when the basis

of branch or rejection became known to the court or person declaring branch or rejection after the beginning of consideration of the case.

3. The unreasonable refusal of implementation of justice is not allowed.

4. The unfounded allegation about removal of the judge is not subject to satisfaction.

Article 24. Procedure for permission of the declared branch

1. In cases of the statement of branch the court hears opinion of persons participating in case and also hears person to whom branch is declared if taken away wishes to offer explanations.

2. The question of branch is resolved by the determination of court which is taken out in the consultative room.

3. The branch declared to the judge or rejection of the judge considering case solely is allowed by the same judge.

4. When considering the case by court in joint structure the question of removal of one judge is allowed by other judges in the absence of taken away. In case of equal number of votes, given for branch and against branch, the judge is considered taken away. The branch declared to several judges or all joint structure is allowed by the same joint structure of court by a simple majority vote.

5. The question of removal of the prosecutor, the expert, the specialist, the translator and the court session secretary is allowed by the court considering case.

6. If branch is at the same time declared to the judge, the prosecutor, the expert, the specialist, the translator or the court session secretary, first of all the question of removal of the judge is resolved.

7. By results of consideration of question of branch or rejection by court motivated determination is accepted. Determination on the issue of branch and rejection is not appealed, but arguments can be included in appeal, the writ of appeal.

Article 25. Effects of allowance of the application about branch

1. In case of removal of the judge considering administrative case in interdistrict court, this case is considered in the same court by other judge. The case is submitted to other interdistrict court through the Supreme Court of the Kyrgyz Republic if in court where case is considered, replacement of the judge becomes impossible.

2. In case of removal of judges when considering the case in the Supreme Court of the Kyrgyz Republic, court of the second instance case is considered in the same court, but in other list of judges.

3. If as a result of satisfaction of branches or for the reasons specified in article 20 of this Code in court of the second instance it is impossible to form new structure of court for consideration of this case in the same court, the case shall be submitted to other court of the same level through the Supreme Court of the Kyrgyz Republic.

Chapter 5. Participants of administrative process

Article 26. Participants of administrative process

1. Participants of administrative process (further - participants of process) are the parties, the third parties, the prosecutor, and also the subjects specified in Article 43 of this Code.

2. The parties in administrative process are the administrative claimant and the administrative defendant.

Article 27. Administrative claimant

1. Administrative claimant (further - the claimant) are physical person or legal entity which took a legal action in protection of the rights, freedoms or legitimate interests, or person for the benefit of whom administrative claim by the prosecutor or the other person, such authority given the law is submitted.

2. The state body or local government body is claimant only if he used ministerial procedure as the applicant.

Article 28. Administrative defendant

Administrative defendant (further - the defendant) is the administrative authority against which the claim in court is made.

Article 29. Participation of representatives in administrative process

1. The party has the right to make legal proceedings in court personally or through one or several representatives.

Personal participation in case of the citizen does not deprive of it the right to have on this case the representative. Participation in case of representatives does not deprive represented to make legal proceedings independently on its own behalf.

Representatives on position, under the law, lawyers, and also other persons based on the power of attorney can be agents of the parties. The parties on the same question have the right to charge conducting case to one of them.

Powers of agents of the parties are drawn up according to the procedure, provided by the civil legislation.

2. The representatives specified regarding 1 this Article shall have capacity to act and have properly drawn up power on conducting case in court.

3. The rights and freedoms incapacitated and restrictedly the capable citizen are protected in court by his legal representative.

On case in which the citizen recognized in accordance with the established procedure shall participate it is unknown absent, the trustee as its property acts as his representative.

4. On case in which the heir of the citizen who died or recognized in accordance with the established procedure as the dead shall participate if the inheritance is accepted nobody yet, person designated for protection and management of heritable property acts as the representative of the heir.

5. In administrative court business of legal entities is run by persons allocated with the law and other regulatory legal acts or the charter of the legal entity power on representation of the legal entity.

6. In administrative court the head of this body acts as the representative of state body or local government body on position.

7. In the cases of person provided by parts 4-6 of this Article, the running business in administrative court, are considered as representatives on position.

8. Legal representatives and representatives on position in turn can delegate powers of procuration in court to one or several representatives elected by them.

9. The legal proceedings made by the representative are obligatory for the participant of process as well as though they were made by the participant of process.

10. Powers of the representative, except legal representatives, shall be expressed in the power of attorney issued and which is drawn up according to the Civil code of the Kyrgyz Republic, and the lawyer - make sure the order of the order issued according to the legislation on lawyer activities.

Article 30. Persons who cannot be representatives in court

1. Judges, investigators, prosecutors and deputies of representative bodies of the power and local government bodies cannot be representatives in court, except cases of their participation in process as the authorized relevant organizations or as legal representatives.

2. The lawyers who accepted the order about rendering legal aid with abuse of regulations, established by the legislation on legal profession cannot be representatives in court.

3. Person cannot be representative if on this case renders or earlier gave legal aid to persons whose interests contradict interests represented, or participated in quality of the judge, prosecutor, expert, specialist, translator, witness and also if it is family member or the close relative of the official who is involved in consideration of the case.

Article 31. Powers of the representative

1. Powers on conducting case in court grant to the representative the right to making on behalf of represented all legal proceedings.

2. The right of the representative, except legal representatives, on signing of the claim or objection on the claim, statements for interim measures, the right to signing of the statement for review of court resolutions on newly discovered facts and on new circumstances, complete or partial refusal of the declared requirements, recognition of the claim, change of subject and basis of the statement, the conclusion of the voluntary settlement, delegation of power to other person (retrust), appeal of court resolution, refusal of the claim or withdrawal of representation, presentation of the executive document to execution shall be specially stipulated in the power of attorney issued represented.

Article 32. Third parties

1. The third parties are physical persons or legal entities which rights are affected or can be affected by the court resolution adopted as a result of consideration of the case.

2. The third parties of the court resolution having the right before acceptance with which consideration of the case in Trial Court comes to an end, on own initiative to go into action on the party of the claimant or defendant if this court resolution can affect their rights or obligations in relation to one of the parties. The third parties can be recruited in case also on the petition of participants of process or at the initiative of court.

3. The third parties have procedural law and perform procedural duties of one of the parties, except for the rights to change of the basis or subject of action, abandonment of claim, recognition of the claim or the conclusion of the voluntary settlement, submission of the counter action.

4. About involvement of the third party to participation in case or about refusal in it the court takes out determination.

If the court resolution inevitably also directly extends to certain persons, then the court shall recruit in the course of these persons as the third parties.

5. If the third party is recruited in case after the beginning of legal proceedings, those legal proceedings are started anew.

Article 33. Administrative standing in court

Capability have administrative procedural law and obligations (administrative standing in court) is recognized equally for all citizens and legal entities having according to the law rights to judicial protection of the rights, freedoms and the interests protected by the law.

Article 34. Administrative procedural capacity to act

1. Capability the actions to perform the procedural law, to carry out procedural obligations in court and to charge conducting case to the representative (administrative procedural capacity to act) belongs in full to full age citizens, that is the citizens who reached eighteen years and legal entities.

2. The minor can personally perform the procedural law and procedural obligations in court in case the law allows marriage before achievement of eighteen years, - since marriage, and also in case of its announcement in the procedure established by the law sui juris (emancipation).

3. The rights, freedoms and interests of the minor protected by the law aged from fourteen up to eighteen years, and also the citizen recognized restrictedly as capable defend themselves in court their legal representatives (parents, adoptive parents, guardians, custodians, administration of educational, medical

institutions, the organizations of social servicing of the population or other similar organizations), however the court has the right to recruit in such cases of the most minor or the citizen recognized restrictedly as capable.

4. In the cases provided by the law on the cases arising from administrative legal relationship, the minor has the right to personally protect the rights and interests protected by the law in court. However the court has the right to recruit in such cases of legal representatives of the minor.

5. The rights, freedoms and interests of the minor who did not reach fourteen years protected by the law and also the citizen recognized incapacitated owing to mental disturbance defend themselves in court their legal representatives.

Article 35. Participation in case of several claimants or defendants

1. The claim can be made jointly by several claimants or to several defendants. Each of claimants or defendants in relation to other party acts in process independently. Accomplices can come to the agreement that one or several of them or one or several their representatives appeared in court on behalf of all. The agreement is drawn up according to the procedure, established for the power of attorney of the representative.

2. In the cases provided by the law, the court has the right to attract on the initiative to participation in case of the codefendant or codefendants.

Article 36. Rights and obligations of participants of administrative process

1. Participants of process have the right:

1) to get acquainted with case papers, to do of them statements, to make copies;

2) to declare branches;

3) to produce the evidence and to participate in their research;

4) to ask questions to other participants of process, witnesses, experts and specialists;

5) to declare petitions, to offer oral and written explanations for court;

6) to give the arguments on all questions arising during legal procedure;

7) to object to petitions and arguments of other participants of process;

8) to appeal court resolutions;

9) to have other procedural law granted to them by this Code.

2. Participants of process shall have honesty all procedural law belonging to them and carry out the procedural obligations. In case of failure to carry out of procedural obligations there come the effects provided by this Code and other legislation of the Kyrgyz Republic.

Article 37. Procedural legal succession

1. In cases of disposal of the claimant or the third party in the disputable or established by the decision legal relationship (the death of the citizen, reorganization of the legal entity, requirement concession, transfer of debt and other cases of change of persons in material legal relationship) the court allows replacement of this party with her legal successor. The legal succession is possible at any stage of process.

2. In case of disposal of the defendant in legal relationship because of legal succession the court makes replacement of the defendant with his legal successor.

3. If during consideration of administrative case the administrative authority which is the party in administrative case is reorganized, the court makes replacement of this party with his legal successor. If any body or the organization given the state or other public authority are abolished, the court makes replacement of this party with body or organization within which competence participation in public legal relationship in the same sphere is, as disputable legal relationship considered by court, or within the competence of which protection of the violated rights, freedoms and legitimate interests of the claimant is.

4. If during consideration of administrative case the official, being the party in administrative case, will be dismissed corresponding replaced (occupied), the court makes replacement of this party with other person replacement (holding) this position at the time of consideration of administrative case, either other official or relevant organ within whose competence participation in public legal relationship in the same sphere is, as disputable legal relationship considered by court, or within the competence of which protection of the violated rights, freedoms and legitimate interests of the claimant is.

5. All actions made to the introduction of the legal successor in process are obligatory for it in that measure in what they would be obligatory for person who the legal successor replaced.

Article 38. Replacement of the inadequate defendant

1. Court, having determined by preparation of case or during case trial that the claim is made not to that defendant who shall answer according to the declared requirement, can with the consent of the claimant, without dismissing the case, to allow replacement of the inadequate defendant with proper.

2. After replacement of the inadequate defendant preparation and consideration of the case are made from the very beginning.

3. The court accepts determination about replacement of the defendant or involvement of the proper defendant.

Article 39. Abandonment of claim and recognition of the claim

1. The claimant can refuse the claim completely or in part, and the defendant - to recognize the claim completely or in part at any stage of administrative legal proceedings.

2. About acceptance of abandonment of claim the court accepts determination which stops proceeedings. In case of partial refusal of the claimant of the claim the court accepts determination which stops proceeedings concerning part of claims.

3. The court does not accept abandonment of claim, recognition of the claim and continues consideration of administrative case if these actions of the claimant or defendant contradict the law or violate the rights, freedoms or interests of other persons.

Article 40. Change of claims

1. The claimant can throughout all time of legal proceedings in Trial Court increase or reduce amount of claims, change the basis or subject of action.

2. The court according to the petition of the defendant announces break in judicial session and provides to the defendant the term sufficient for its preparation for case in connection with change by the claimant of claims.

Article 41. Admissibility of the voluntary settlement

1. At any stage of administrative process of the party can sign the voluntary settlement for the purpose of the complete or partial dispute resolution if they are competent to make the decision on matter in issue.

2. The court does not approve the voluntary settlement of the parties if these actions contradict the law or violate the rights, freedoms and interests of other persons protected by the law.

3. About approval of the voluntary settlement the court accepts determination in which its conditions are reflected.

4. In case of failure to carry out of conditions of conciliation of one of the parties the court according to the statement of other party resumes proceeedings from that stage of administrative process at which it was stopped. On the issue of renewal of proceeedings determination is taken out. Determination about refusal in renewal of proceeedings can be appealed by the parties.

Article 42. Prosecutor

1. The prosecutor has the right to take a legal action with the administrative claim in protection of the rights, freedoms and the interests of the uncertain group of people protected by the law, and also in other cases provided by the laws. The administrative claim can be submitted to protection of the rights, freedoms and legitimate interests of the citizen who is the subject of administrative and other public legal relationship by the prosecutor only if the citizen for health reasons, to age, incapacity and other reasonable excuses cannot take a legal action.

2. The prosecutor who addressed with the administrative claim has all procedural law and carries out all procedural obligations of the claimant, except the right to the conclusion of the voluntary settlement. In case of refusal the prosecutor substantive prosecution continues to support requirement imposed in protection of interests of other person if this person or his legal representative do not declare abandonment of claim. In case of refusal of the claimant of the claim declared by the prosecutor, except for the claim shown in protection of the incapacitated citizen, the court stops proceeedings if this action does not contradict the law or does not violate the rights and legitimate interests of other persons.

3. The prosecutor has the right to go into action at any stage of administrative process if it is required by protection of the rights and the interests of the citizen or the state protected by the law, and draws the conclusion on administrative case. The prosecutor does not draw the conclusion on case if administrative case is initiated based on its administrative claim. Absence of the prosecutor informed on time and the place of consideration of the case is not obstacle to case trial.

Article 43. Appeal to the court in protection of the rights of other persons, the state or public concerns

1. In the cases provided by the law, state bodies, local government bodies, other bodies, citizens and legal entities can take a legal action with the claim in protection of the rights, freedoms and the interests of other persons protected by the law at their request or the uncertain group of people.

2. Persons who made the claim in protection of interests of other persons have all procedural law and carry out all procedural obligations of the claimant, except the right to the conclusion of the voluntary settlement. In case of refusal persons specified regarding 1 this Article from the claim there come the procedural effects provided by part 2 Articles 42 of this Code.

Article 44. Persons promoting justice implementation

Persons promoting justice implementation are the expert, the specialist, the translator and the witness.

Article 45. Expert

1. As the expert in administrative legal proceedings the person having the special knowledge necessary for making the conclusion, and appointed by court in the cases provided by this Code can act.

2. From making the conclusion the expert bears criminal liability according to the legislation of the Kyrgyz Republic for making obviously false conclusion, and also refusal or evasion.

Article 46. Specialist

1. As the specialist in administrative legal proceedings person having special knowledge and skills of use of technical means who can give consultation, the explanation based on the circumstances of a matter and to proofs acts or to give technical assistance during making of legal proceedings. The specialist is invited for participation in legal proceedings when special knowledge and skills in the field of science, the equipment, arts or crafts can be required by court or participants of judicial session in case of research of proofs.

2. Consultations and explanations of the specialist cannot concern legal issues. The help of the specialist during making of legal proceedings does not replace the expert opinion.

3. The requirement of court about challenge of the specialist is obligatory for the head and officials of state bodies, local government bodies and other legal entities where the specialist works.

4. The specialist bears criminal liability according to the legislation of the Kyrgyz Republic for making obviously false evidence.

If for the reasons recognized by court disrespectful the specialist is not on challenge of court, will refuse or will evade to give consultations and explanations or will not give technical assistance, then the judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code can be imposed on it.

Article 47. Rights and specialist's obligations

1. The specialist has the right to know the purpose of the writ of summons; refuse participation in administrative process if he does not own the corresponding knowledge and skills; from the leave of court to ask questions to persons who are taking part in case; on payment for the performed work if it does not enter circle of its service duties; on compensation for expenses, connected with writ of summons.

2. The specialist shall be on challenge of court; be involved in case trial; express the opinion, proceeding from knowledge and skills in the field of science, the equipment, art or craft; answer the questions raised by court; give oral and written consultations and explanations; draw the attention of court to characteristic circumstances or features of proofs; if necessary to give to court technical assistance.

Article 48. Translator

1. Translator is the person knowing languages which knowledge is necessary for transfer, and appointed by court in the cases provided by this Code.

2. The translator can be appointed from among persons offered by participants of process. Other participants of process have no right to assume the translator's obligations, at least they also knew languages, necessary for transfer.

3. The translator shall be on challenge of court and completely, correctly and timely to make transfer.

4. In case of obviously incorrect translation the translator bears criminal liability according to the legislation of the Kyrgyz Republic.

5. Rules of this Article extend to the person understanding signs of mute or deaf (signer) and invited for participation in case trial.

Article 49. Witness

1. Any person to whom the data and circumstances important for the dispute resolution court are known can witness.

2. The witness shall be on I will subpoena and to report data known to it and circumstances on case.

3. The witness bears criminal liability according to the legislation of the Kyrgyz Republic for making obviously false evidences and standing mute.

Chapter 6. Proofs

Article 50. Proofs

Proofs on administrative case are data on the facts on which requirements and objections of participants of administrative process, and also data on other facts important in legal proceedings of case are based.

Article 51. Proof obligation

1. The obligation of proof of legality and justification of the act, action (failure to act) appealed in court is assigned to the defendant who adopted such act or allowed such action (failure to act).

The defendant can refer only to those bases which served adoption of the administrative act.

The claimant according to the opportunities participates in collecting of proofs.

2. On demand about holding liable of the defendant to make certain action the obligation of proof of availability of the actual conditions doing making of such action to necessary is assigned to the applicant.

If the defendant refers to availability of the actual conditions excluding making of such action, the obligation on proof of such conditions is assigned to the defendant.

3. The defendant shall prove those circumstances on which he refers as to reasons for the objections.

4. If the evidence produced by participants of administrative process is insufficient, the court brings together them on own initiative.

Article 52. Relevancy of proofs

1. The court accepts only those from the produced evidence which matters for case.

2. If person petitions for challenge of the witness, about reclamation of other proofs or represents them, it shall specify what circumstances important for case can be established by these proofs.

Article 53. Admissibility of proofs

The facts of the case which under the law shall be confirmed with certain evidentiary facts cannot be confirmed by any other evidentiary facts.

Article 54. Basis of release from proof

1. The fact admitted by court well-known does not need proof.

2. The fact determined by the become effective judgment in its substantive provisions is not required to be proved again by consideration of administrative case.

The fact determined by the become effective judgment in its motivation part is not required to be proved again by consideration of administrative case in which the same participants of process participate.

3. The court verdict which took legal effect is obligatory for court by consideration of administrative case only on the facts according to which certain actions and persons who made them are established.

4. The facts which are not disputed by the opposite party, except for case when the court considers that their proof is necessary do not need proof.

5. The fact which is considered the law established does not need proof when considering the case.

Article 55. Assessment of proofs

1. The court estimates proofs on the internal belief based on impartial, comprehensive, objective and complete examination available in proofs in their set, being guided by the law.

2. No proofs have predefined force for court.

3. In the judgment it shall be specified why the court gave preference to one proofs in comparison with others and admitted one facts proved, and others - unproven.

Article 56. Providing proofs

1. The participants of process having the reasons to be afraid that provision of proofs, necessary for them, can become afterwards impossible or difficult can ask court about providing these proofs.

2. Providing proofs before emergence of case in court is made by the notary or officials of consular establishments according to the procedure, stipulated by the legislation the Kyrgyz Republic.

Article 57. Statement for providing proofs

1. The statement for providing proofs is filed a lawsuit around which activities legal proceedings on providing proofs shall be made. The proof which needs to be provided, circumstances for which confirmation these proofs,

the reasons which induced the applicant to request providing and also case for which the provided proofs are necessary are necessary shall be specified in the statement for providing proofs.

2. The private complaint (representation) can be made about determination about refusal in providing proofs.

Article 58. Procedure for consideration of the application about providing proofs

1. Providing proofs is made by the judge by the rules established by this Code.

2. Protocols and all materials collected according to the procedure of providing proofs are brought to trial, considering case, with the notification of participants of process.

3. If providing proofs took place not in court where case is considered, then article 59 of this Code is subject to application.

Article 59. Court orders

1. If the court considering case has no opportunity to collect proofs which are in other city or the area it charges to the relevant court to perform certain legal proceedings.

2. In determination about the court order the being of case in point is briefly stated and the circumstances which are subject to examination and proofs which the court performing the order shall collect are specified. This determination is obligatory for court to which it is addressed, and the court performs it in fifteen-day time from the date of receipt of the court order.

3. Execution of court orders is made in judicial session in the procedure established by this Code. Participants of administrative process are informed on time and the place of meeting. Absence of these persons does not serve as obstacle to execution of the order.

4. The protocols and other case papers collected in case of execution of orders in three-day time are taken to court, considering case.

Article 60. Explanations of participants of administrative process

1. The explanations of participants of administrative process containing data on the facts on which their requirements or objections are based are recognized proofs if they are confirmed by other checked and estimated proofs.

The court can consider established the circumstances important for case based on the explanations reported by one party if other party holds at itself the proof and does not represent upon the demand of court.

2. If one participant of administrative process admits the fact by which other participant of administrative process proves the requirements or objections, the court can admit such fact proved if it has no doubts that recognition did not happen under the influence of deception, violence, threats or delusion or for the purpose of concealment of the truth. Recognition of the fact is entered in the protocol of judicial session and signed by the party which admitted the fact. If recognition is stated in the written application, it is filed.

Article 61. Testimony

1. The testimony are testimonies of the witness about the data and circumstances important for permission of case.

2. The testimony cannot be the proof if they are based on data which source is unknown. If the testimony is based on the data reported by other persons, then these persons shall are interrogated.

Article 62. Persons who cannot witness

1. Are not subject to interrogation as the witness:

1) representatives on civil case or defenders on criminal case - about circumstances which became known to them in connection with fulfillment of duties of the representative or defender;

2) the judge - about circumstances of discussion in the consultative room of the questions arising in case of decision;

3) persons who owing to the juvenile age, physical or mental defects are not capable to perceive correctly the facts and to give about them the correct evidences;

4) priests - about circumstances which became known to them on confession.

2. Has the right to refuse witness testimony:

1) the citizen - against;

2) the spouse - against the spouse;

3) children - against parents and parents against children;

4) brothers and sisters - against each other;

5) the grandfather, the grandma - against grandsons and grandsons - against the grandfather, the grandma;

6) deputies of representative bodies of the power - concerning the data which became to them known in connection with execution of deputy obligations by them.

3. The court can exempt from obligation to give the testimony concerning data:

1) being the state secret which list is determined by the law;

2) being trade or other secret, in the cases provided by the law.

4. Person petitioning for challenge of the witness shall specify what circumstances important for case the witness can confirm and report its surname, name, middle name and the residence.

5. The witness reports to court data known to it and circumstances orally. According to the offer of court the witness can state the indications in writing.

Article 63. Obligations, responsibility and rights of the witness

1. Person subpoenaed as a witness shall be in court and give the truthful evidence about circumstances known to it. The witness shall answer questions of court and participants of administrative process.

The witness can be interrogated by court in the place of the stay if he owing to disease, old age, disability or other reasonable excuses is not able to be on challenge of court.

2. The witness bears criminal liability according to the law for making obviously false evidences and standing mute.

3. In case of absence of the witness without reasonable excuse on challenge of court the court can take measures of procedural coercion according to the procedure and the size, provided in Articles 96, of the 97th of this Code.

Article 64. Written proofs

1. Written proofs are the acts, documents, agreements, references, business correspondence, letters of personal nature, other documents and materials containing the data on the circumstances important for case, including received by means of fax, electronic or other connection or the different way allowing to establish their reliability.

2. Written proofs are produced in the original or in the form of properly verified copy. If only part of the document is related to case in point, the certified extract from it is submitted. Authentic documents are submitted when according to the laws or other regulatory legal acts of the fact of the case are subject to confirmation only by such documents, and also in other necessary cases upon the demand of court.

3. Copies of the written proofs brought into court by person participating in case go (are handed) to other persons participating in case at whom they are absent.

4. The document received in foreign state is recognized the written proof court if it is legalized or apostilled in accordance with the established procedure.

Foreign official documents are recognized court written proofs without their legalization or apostilization in the cases provided by the international treaty which participant is the Kyrgyz Republic.

Article 65. Procedure for collecting of written proofs

1. Person petitioning before court for reclamation of the written proof from the persons who are participating or not participating in case shall designate this proof, specify the reasons interfering its independent obtaining and the bases on which it considers that the proof is at this person or the organization.

2. The written proofs demanded by court from citizens or the organizations are taken directly to court.

3. The court can issue to person petitioning for reclamation of the written proof, determination on the right of its obtaining for the subsequent submission to court.

Article 66. Physical evidences

1. Physical evidences are objects which the appearance, special signs or their availability, the location or other signs can serve as means of establishment of the circumstances important for case.

2. The person producing the physical evidence or petitioning for its reclamation shall specify, important for case what circumstances can be established by this proof.

Article 67. Procedure for reclamation and submission of physical evidences

1. Person petitioning before court for reclamation of any thing as the proof from the persons who are participating or not participating in case shall describe in detail this thing and specify the reasons interfering its independent obtaining and the bases on which it considers that the thing is at this person or the organization.

2. The physical evidences demanded by court from citizens or the organizations are brought directly to court.

3. The court can issue to person petitioning for reclamation of the physical evidence, determination on the right of its obtaining for the subsequent submission to court.

Article 68. Storage of physical evidences

1. Physical evidences are stored in case or on the special inventory are given in left-luggage office of physical evidences of court.

2. Things which cannot be brought into court are stored in the place of their stay. They shall be in detail described, and are in case of need photographed and sealed.

3. The court and the keeper take measures to preserving things in steady-state condition. The keeper bears responsibility for safety of things according to the legislation of the Kyrgyz Republic.

4. Expenses on storage of physical evidences are distributed between the parties according to Articles 89-91 of this Code.

Article 69. Survey and research of written and physical evidences on the place of their stay

1. Written and physical evidences which it is impossible or to deliver difficult in court are inspected and researched in the place of their stay or in other place determined by court. About production of survey and research of proofs on site the court takes out determination.

2. Participants of process and their representatives are informed on time and the place of survey and research of proofs. Absence of the specified persons or their representatives who are properly informed on time and the place of survey and research of written and physical evidences is not obstacle to carrying out survey and research.

3. In necessary cases in case of survey and research of written and physical evidences witnesses, experts, specialists and translators can be called.

4. Results of survey and research on site of written and physical evidences are entered in the protocol according to the procedure, established by Articles 197 and 198 of this Code. The plans constituted and checked in case of survey, schemes, drawings, calculations, copies of documents, carriers with audio-, the videos made in case of survey, pictures of written and physical evidences, and also the expert opinion and explanations of the specialist in writing are attached to the protocol.

5. Survey and research of the physical evidences which are exposed to bystry spoil are carried out in the place of their stay immediately according to the procedure, established by this Article.

Article 70. Return of written proofs

1. The written proofs which are available in case at the request of persons producing this evidence can be returned to them after the introduction of the judgment in legal force. At the same time in case the copy of the written proof certified by the judge is left.

2. To the introduction in legal force of the judgment written proofs can be returned to persons which provided them if the court comes to conclusion that their return will not cause damage to the correct dispute resolution.

Article 71. Return of physical evidences

1. Physical evidences after the introduction return to legal force of the judgment to persons from whom they were received, or are transferred to persons behind whom the court recognized the right to these things, or are implemented according to the procedure, determined by court.

2. Objects which under the law cannot be in possession of citizens, are transferred to the relevant organizations.

3. In some cases physical evidences after survey and research by court can be returned before the end of case to persons from whom they were received if the last petition for that and if the satisfaction of such petition is possible without prejudice to consideration of the case.

Article 72. Audio-and video

1. The person providing audio-or video on electronic or other medium or petitioning for its reclamation shall specify when who and in what conditions performed record.

2. Person petitioning for reclamation audio-or videos, shall specify the reasons interfering its independent obtaining and also the bases on which it considers that audio-or the video is at this person or the organization.

3. Audio-or the video demanded by court from citizens or legal entities is provided directly in court.

4. The court can issue to person petitioning for reclamation audio-or videos, request for the right of its obtaining for its subsequent provision in court.

5. It cannot be used as the proof audio-or the video received in the hidden way, except as specified when such record is allowed by the law.

Article 73. Storage and return of audio recordings and videos

1. Audio recordings and videos are stored in left-luggage office of physical evidences of court. The court takes measures to preserving them in steady-state condition.

2. Audio recordings and videos after the introduction return to legal force of the judgment to person or the organization from whom they were received. To the introduction in legal force of the judgment of audio recording and video can be returned to persons which presented them if the court comes to conclusion that their return will not cause damage to the correct dispute resolution.

3. Concerning return of carriers of audio recordings and videos the court accepts determination.

Article 74. Obligation of submission to court of proofs

1. Concerning the party which is holding at itself the proof requested by court and not representing it upon the demand of court it is supposed that the data containing in it are directed against interests of this party and are considered as it acknowledged.

2. If person whom the court will request the proof has no opportunity to provide it in general or to the time established by court, it shall inform on it court within five days from the date of receipt of the copy of determination about reclamation of the proof and (or) request and to specify the reasons for which the claimed evidence cannot be produced.

3. In case of not notice of court on impossibility of submission of the proof in general or in the time established by court or in case of non-execution of obligation to produce the evidence requested by court for the reasons recognized by court disrespectful on person whom the proof will be requested the court imposes judicial penalty according to the procedure and the size, stipulated in Clause the 96th of this Code.

4. Imposing of judicial penalty does not exempt person who has claimed proof, from obligation to bring it into court.

Article 75. Purpose of examination

1. For explanation of the questions arising when considering the case requiring special knowledge the court according to the petition of the parties or on the initiative appoints examination. In case of need several experts can be appointed.

2. As the expert any person having necessary knowledge for making the conclusion, who is not interested in the outcome of the case can be involved. Persons participating in the case having the right to ask court to designate the particular competent person as the expert.

3. Each person participating in case, having the right to provide to court questions which shall be explained by the expert. The final circle of questions on which the expert shall draw the conclusion is determined by court. The court shall motivate variation of the offered questions.

4. In case of evasion of the party from examination passing (absence for examination, non-presentations to experts of objects, necessary for research, etc.) when based on the circumstances of a matter without participation of this party it is impossible to carry out expertize, court depending on what party evades from examination and also what for it it matters, have the right to admit the fact for which clarification examination was appointed, established or confuted.

Article 76. Determination about purpose of examination

1. About purpose of examination the court accepts determination.

2. In determination about purpose of examination the court specifies the name of court, time, the destination of examination, the facts, for confirmation or confutation of which examination, the name of examination, the questions raised before the expert, surname, name and middle name of the expert or the name of expert organization which is entrusted with the conducting examination, the materials directed to the expert, the term during which expertize shall be carried out is appointed.

3. In determination it is also specified that for refusal of making the conclusion, and also for making obviously false conclusion the expert is warned by the judge or the head of expert organization when expertize is carried out by the employee of this organization, about criminal liability according to the legislation of the Kyrgyz Republic.

Article 77. Procedure for conducting examination

1. Expertize is carried out by the employees of specialized expert agencies or other specialists appointed by court as experts.

2. The court can appoint several experts of different industries of knowledge. Experts have the right to confer among themselves.

3. If experts come to general conclusion, they sign one conclusion. The experts not concordant with other experts draw the separate conclusion. Expertize is carried out in court or out of court if it is necessary on nature of researches or in case of impossibility or difficulty of delivery of materials for research in court.

4. In case of conducting examination in expert organization responsibility for examination is born by the specific expert or experts to whom the head of this organization carrying out expert research is entrusted.

Article 78. Obligations and expert's rights

1. Person designated by the expert shall be on challenge of court and draw the objective conclusion on the questions raised to it.

2. The expert, as it is necessary for making the conclusion, has the right to get acquainted with case papers, to participate in legal proceedings of case, to ask questions, to ask court about representation of additional materials to it.

3. The expert can refuse making the conclusion if the materials provided to it are insufficient or it has no necessary knowledge for accomplishment of the obligation assigned to it.

Article 79. Expert opinion

1. The expert draws the conclusion in writing.

2. The expert opinion shall contain the detailed description of the made researches, the conclusions and reasonable answers to the questions raised by court drawn as a result of them. If the expert in case of production of examination establishes the circumstances important for case concerning which to it questions were not raised, he has the right to include conclusions about these circumstances in the conclusion.

3. The expert opinion is researched in judicial session and estimated by court along with other proofs and has no predefined force for court. Disagreement of court with the expert opinion shall be motivated in the decision on case or in determination.

Article 80. Additional and repeated examinations

1. In case of insufficient clarity or incompleteness of the expert opinion the court can appoint additional examination which conducting is entrusted to the same or other expert.

2. Repeated examination is appointed by court if it does not agree with the expert opinion for motive of groundlessness, and also in case of contradictions between the conclusions of several experts. Conducting repeated examination is entrusted to other expert or other experts.

In determination about purpose of repeated examination motives of disagreement with results of the previous examination shall be specified.

3. Additional or repeated expertize is carried out with observance of requirements of Articles 78-80 of this Code.

Article 81. Commission examination

1. Commission expertize is carried out by several experts. It is appointed by court in case of need of production of the difficult expert researches requiring carrying out considerable amount of pilot and research actions.

2. When carrying out her experts confer among themselves. If experts come to general conclusion, all of them constitute one conclusion and sign it.

3. In case of disagreements between experts each of them separately draws the conclusion on the questions which caused disagreements. At the same time the court can demand from experts of representation of further explanations or to appoint other experts.

4. Carrying out expert researches fully or partially is not allowed by the faces which are not included in the list of experts.

Article 82. Complex examination

1. Complex examination is appointed by court in cases if establishment of circumstances on case requires simultaneous carrying out researches with use of different knowledge domains or with use of the different scientific directions within one area of knowledge. Complex examination is entrusted to several experts.

2. In the conclusion of complex examination it shall be specified: what researches in what amount each expert carried out and to what conclusions came. Each expert signs that part of the prison which is its researches and general conclusion. In case of disagreement of experts results of researches are drawn up by rules of part 3 of article 77 of this Code.

Chapter 7. Court costs

Article 83. Court costs

Court costs consist of the state fee and costs connected with consideration of the case in court.

Article 84. State fee

1. Payers of the state fee are claimants, defendants, the third parties.

2. The state fee is collected with filed a lawsuit:

1) administrative claims;

2) petitions for appeal;

3) writs of appeal;

4) statements for issue of copies of materials of administrative case.

3. Rates of the state fee, procedure for its payment and return are determined by the legislation of the Kyrgyz Republic on the state fee.

4. In cases, stipulated by the legislation about the state fee, participants of process can be fully or partially exempted from payment of the state fee.

Article 85. The costs connected with consideration of the case

Treat the costs connected with consideration of the case:

1) the expenses connected with involvement of witnesses, experts, specialists, translators and conducting judicial examinations;

2) the expenses connected with carrying out survey of proofs on site and making of other actions necessary for consideration of the case;

3) the postage expenses incurred by the parties in connection with consideration of the case;

4) others, the recognized as court, necessary expenses.

Article 86. Expenses on legal aid of the representative

1. To the party for benefit of which the solution was the court according to its statement awards on the other hand the expenses incurred by it on payment of the help of the representative reasonably and taking into account specific circumstances if the corresponding statement from this party arrived.

2. The services of the representative rendered within provision of the legal aid guaranteed by the state are paid according to the procedure and the cases provided by the law.

Article 87. The expenses connected with involvement of witnesses, experts, specialists, translators and conducting judicial examinations

1. The expenses on journey and hiring of premises suffered by them in connection with appearance in court are refunded to witnesses, experts, specialists and translators and also daily allowance is paid.

2. Experts and specialists earn reward for the work performed by them at the request of court if this work is not included into circle of their service duties in the public or local government offices. Amount of remuneration is determined by court taking into account opinion of participants of process and under the agreement with experts and specialists.

3. Compensation of the translator and payment of the incurred expenses by it in connection with appearance in court is made at the expense of the participant of process for the benefit of which the translator, or the budget is called.

4. The monetary compensation proceeding from actual costs of time for accomplishment of obligations of the witness and their average earnings is paid to the working citizens subpoenaed as witnesses. The monetary compensation proceeding from actual costs of time for accomplishment of obligations of the witness and the minimum wage established by the law is paid to the unemployed citizens subpoenaed as witnesses.

Article 88. The expenses connected with carrying out survey of proofs on site and making of other actions necessary for consideration of the case

1. The expenses connected with carrying out survey of proofs on site and making of other actions necessary for consideration of the case, are born by the party which declared the petition for making of these actions. If the petition for making of the corresponding actions is declared by both parties, expenses on them incur both parties equally.

2. If carrying out survey of proofs on site and making of other actions necessary for consideration of the case, are performed at the initiative of court, the corresponding expenses are compensated for the account of the government budget.

Article 89. Distribution of court costs

1. If the judgment is made for benefit of the party which is not administrative authority, the court awards all documentary confirmed court costs performed by it from the government budget.

2. If the judgment is made for benefit of the party - administrative authority, the court awards on the other hand documentary confirmed court costs performed by administrative authority all connected with involvement of witnesses, experts, specialists, translators and conducting judicial examinations.

3. If the administrative claim is satisfied partially, the court costs performed by the claimant are awarded to it according to the met requirements, and to the defendant - according to that part of requirements which satisfaction to the claimant it is refused.

4. If the court of appeal or cassation instance, without returning administrative case on new trial, changes the judgment or will accept new, it respectively changes distribution of court costs.

Article 90. Expense allocation in case of refusal the claimant from the administrative claim

In case of refusal the claimant from the administrative claim the expenses incurred by it are not refunded by the defendant, and expenses of the defendant in its statement are collected from the claimant, except cases when the claimant is exempted from payment of court costs. However if the claimant refused the administrative claim owing to satisfaction it with the defendant after submission of the administrative claim, then the court according to the plaintiff's declaration awards everything the expenses incurred by it on case from the defendant.

Article 91. Distribution of court costs in case of the conclusion of the voluntary settlement

In case of the conclusion of the voluntary settlement of the party shall provide procedure for distribution of court costs. If the parties did not provide such procedure for distribution of court costs, the court resolves this issue according to article 89 of this Code.

Article 92. Appeal of determinations on the questions connected with court costs

The complaint (representation) can be made about determination of court on the questions connected with court costs.

Chapter 8. Measures of procedural coercion

Article 93. Types of measures of procedural coercion

In the cases established by this Code, the court can apply the following measures of procedural coercion:

1) prevention;

2) removal from assembly hall;

3) judicial penalty;

4) the forced drive in court.

Article 94. Prevention

To person breaking procedure during legal proceedings of case, the chairman in judicial session announces the prevention. About it entry in the protocol of judicial session is made.

Article 95. Removal from assembly hall

In case of further violation of procedure by the participant of administrative process, the witness, the expert or the translator it can be removed from assembly hall with determination of court by its entering into the protocol of judicial session. Other present persons who break procedure can be removed with the oral order of the chairman in judicial session and without the preliminary prevention.

Article 96. Judicial penalty

1. The court imposes judicial penalty in the cases provided by this Code. On administrative authority the judicial penalty in the amount of fifty to seventy, is imposed on the official of administrative authority - from thirty to fifty, on the legal entity - from thirty to fifty, on physical person - from five to thirty settlement indicators.

2. The court has the right to impose judicial penalty on participants of process and other attendees in courtroom of persons for the disrespect for court shown by them. The judicial penalty for disrespect for court is imposed if committed actions do not involve criminal liability.

3. The question of imposing on person of judicial penalty is resolved in judicial session.

4. By results of consideration of question of imposing of judicial penalty the court takes out motivated determination. The copy of determination of court about imposing of judicial penalty without delay is handed or goes to face on who the judicial penalty is put.

5. Face on who the judicial penalty is put in ten-day time after receipt of the copy of determination can address to the court which imposed judicial penalty with the petition for release it from payment of judicial penalty or reduction of its size. The application is considered in judicial session with the preliminary notice on meeting of face on whom the judicial penalty is put. Absence of this person does not serve as obstacle to consideration of the application.

6. The judicial penalty put on the official is paid to them from the personal means.

7. Recovery by enforcement of judicial penalty is performed based on writ of execution according to the procedure, the established Code of civil procedure and the legislation on enforcement proceeding of the Kyrgyz Republic.

Article 97. Forced drive

1. The court can take out determination about the forced drive of the witness in court.

2. This determination performs the law-enforcement body specified by court.

Chapter 9. Procedural terms

Article 98. Calculation of procedural terms

1. Legal proceedings are made in the terms established by this Code or other law. In cases when procedural terms are not established by the law, they are appointed by court.

2. Terms for completion of legal proceedings are determined exact calendar date, specifying on event which shall come, or period of time. In the latter case action can be made during the entire period.

3. The current of the procedural term estimated for years, months or days begins next day after calendar date or approach of event which determine its beginning.

Article 99. Termination of procedural terms

1. The term estimated for years expires in the corresponding month and number of the last year of term. The term estimated for months expires in the corresponding month and number of the last month of term. If the end of the term estimated for months falls on such month which has no corresponding number, then term expires in the last day of this month.

2. In case the last day of term falls on non-working day, the next working day following it is considered day of the termination of term.

3. Legal proceeding for which making the fixed term, can be executed till twenty four o'clock the last day of term. If the claim, documents or sums of money were handed over to body of communication till twenty four o'clock the last day of term, then term is not considered passed.

4. If legal proceeding be made directly in court or in other organization, then term expires in that hour when in these organizations for statutory rules the working day comes to an end or the corresponding transactions stop.

Article 100. Effects of the omission of procedural terms

1. The right to making of legal proceedings is settled with the expiration of the term established by the law or appointed by court.

2. Claims and documents filed after procedural terms if the petition for recovery of the passed term is not declared, are not considered by court and return to person by whom they were given motivated determination of court. The private complaint (representation) can be made about determination about return.

Article 101. Suspension of procedural terms

1. The current of all not expired procedural terms stops along with suspension of proceeedings.

2. From the date of production renewal the current of procedural terms proceeds.

Article 102. Prolongation of procedural terms

The terms appointed by court before their expiration can be extended by determination of court according to the statement of the interested person. The expiration of the term appointed by court does not exempt the participant of process from accomplishment of the procedural obligation assigned to it.

Article 103. Recovery of procedural terms

1. To persons which passed the term established by the law for the reasons recognized by court valid the passed term it can be recovered if other is not established by the law.

2. The application for recovery of the passed procedural term is submitted along with making of necessary legal proceeding (submission of the claim, submission of documents, etc.) concerning which term is passed, through Trial Court and is considered by the relevant court in judicial session.

3. Persons participating in case are informed on time and the place of meeting, however their absence is not obstacle for permission of the question raised before court.

4. About recovery or about refusal in recovery of procedural term motivated determination which can be appealed is taken out.

Chapter 10. Judicial challenges and notices

Article 104. Judicial notices

1. Participants of administrative process are informed by court determination on time and the place of judicial session or carrying out separate legal proceeding by the direction of the copy of court resolution by mail the registered mail with the assurance of receipt to the addressee.

The court can inform or call participants of administrative process by the telephone message, the telegram, on fax connection or e-mail or with use of other means of communication. At the same time on the copy of the transferred text remaining in court and filed the surname and position of person which transferred this text, date and time of its transfer, and also surname and position of person which accepted it are specified.

If determination is directed by e-mail, it is considered handed in the specified information system and makes sure the copy of electronic record about it.

If the copy of court resolution is handed to the addressee or his representative directly in court or in the place of their stay, such delivery is performed on receipt.

2. Notices are sent by court to the address specified by person participating in case or in the location of the legal entity or at the place of residence of physical person. The location of the legal entity is determined by the place of its state registration if according to the law in constituent documents other is not established.

3. Foreign persons are informed by court by the rules established in this Chapter if other is not provided by this Code or the international treaty which participant is the Kyrgyz Republic.

4. The documents confirming the direction with court of copies of court resolutions and their obtaining by the addressee according to the procedure, established by this Article (the assurance of receipt, the receipt, other documents), join case papers.

Article 105. Effects of refusal of adoption of the notice

1. In case of refusal of the addressee to accept the notice person, it delivering or handing, shall fix refusal by mark about it in the assurance of receipt which is subject to return to court.

2. The mark about refusal of the addressee of adoption of the notice makes sure the corresponding housing and operational organization, local government body for the residence or the location of the addressee or administration for the place of its work.

3. Person who refused to accept the notice is considered informed on time and the place of jurisdiction or making of separate legal proceeding.

Article 106. Change of the address during proceeedings

Participants of process shall report to court about change of the address during proceeedings. In the absence of such message the notice is sent on the last known court to the address, the participant of process properly informed is considered delivered, and, at least it to this address does not live any more or is not.

Article 107. Proper notice

1. Participants of administrative process are considered informed properly if by the beginning of judicial session, carrying out separate legal proceeding the court has data on obtaining by the addressee of the judicial notice sent it.

2. Participants of administrative process are also considered informed properly by court:

1) if the addressee refused receipt of the copy of court resolution and this refusal is fixed according to article 105 of this Code;

2) if, despite the post notice, the addressee was not behind receipt of the copy of court resolution directed by court in accordance with the established procedure what the body of communication informed court on;

3) if the copy of court resolution sent by court on the last known court to the location of the legal entity, the residence of physical person is not handed due to the lack of the addressee to the specified address what the body of communication informed court on.

Section III. Production in Trial Court

Chapter 11. Presentation of the administrative claim

Article 108. Presentation of the administrative claim

The claim is made by submission of the administrative claim in Trial Court.

Article 109. Form and types of administrative claims. Claims

1. The administrative claim is filed a lawsuit in the form of the written action for declaration.

2. Types of administrative claims and claims on them:

1) the claim for contest of the administrative act or action which contains the requirement about recognition invalid the administrative act or action of the defendant completely or in part;

2) the claim for protection of the right which contains the requirement about obligation of the defendant not to adopt the administrative act encumbering the claimant or not to make other action by administrative authority;

3) the claim for discharge of duty which contains the requirement about obligation of the defendant to adopt the administrative act or to make certain actions;

4) the claim for check of legality of regulatory legal act which contains the requirement about recognition invalid subordinate regulatory legal act of the defendant;

5) the claim for check of legality of the invalid administrative act which contains the requirement about recognition illegal the invalid administrative act of the defendant.

Article 110. Terms on submission of the administrative claim

1. The claim is filed a lawsuit within three months from the date of entry into force of the administrative determination according to the administrative claim considered according to the legislation on ministerial procedures.

2. The claim is filed a lawsuit against the administrative act which cancellation can entail withdrawal of property within three months from the date of entry into force of the administrative act.

3. In case of impossibility of appeal of action (failure to act) of administrative authority in pre-judicial procedure the claim against action is filed a lawsuit within three months from the date of when the claimant learned about its making, and against failure to act of administrative authority - within three months after thirty working days from the date of the appeal of the claimant to the relevant administrative authority.

4. The claim for check of legality of subordinate regulatory legal act is filed a lawsuit within three months from the date of when the claimant knew of violation of its rights, freedoms and legitimate interests.

5. Person, whose right and (or) interests are infringed by the administrative act, but was not attracted in ministerial procedure as the interested person, the claim within one month from the date of can file a lawsuit when it learned or could learn about the administrative act, but no later than one year from the date of its entry into force.

6. The current of term on submission of the claim is interrupted by presentation of the claim in the procedure established by this Code. After break the current of term on submission of the claim begins again. Time which expired to break is not set off in new time.

7. If the claim is left by court without consideration, then the current of term which began before presentation of the claim on submission of the claim proceeds in general procedure. Time from the moment of presentation of the claim and to the introduction in legal force of determination of court about leaving of the claim without consideration is not set off limitation period on submission of the claim in time.

8. To persons which passed term on submission of the claim for the reasons recognized by court valid the passed term it can be recovered if other is not established by the law.

Article 111. Requirements to the administrative claim

1. In the claim are specified:

1) the name of court to which claim is submitted;

2) surname, name (name) of the claimant, the postal address, phone numbers, and also bank details and the e-mail address if those are available;

3) the name of the defendant, surname, name, position and the duty station of the official, the postal address, phone numbers, and also bank details and the e-mail address if those are known;

4) the name of the appealed act and body or the official who adopted this act;

5) the description of the appealed action (failure to act) of administrative authority or the official;

6) acceptance date of the appealed act, making of the appealed action;

7) data on appeal of the act, action (failure to act) in pre-judicial procedure for the dispute resolution;

8) the facts and requirements of the claimant concerning the appealed act, action (failure to act);

9) the list of the enclosed documents and materials.

2. Are applied to the administrative claim:

1) the appealed act or its copy;

2) the administrative determination made according to the administrative claim in pre-judicial procedure for the dispute resolution;

3) the proofs serving as reasons for the claim;

4) the document on payment of the state fee, except cases when the claimant is exempted by the law from its payment;

5) the assurance of receipt or other documents confirming the direction to other participants of administrative process of copies of the administrative claim and the documents attached to it which at other participants of administrative process are absent;

6) written petitions if those are available;

7) the translations of documents certified in accordance with the established procedure in foreign language on the state or official language.

3. In case of impossibility of provision of proofs which the claimant cannot independently provide he has the right to specify in the claim of the reason of impossibility of provision of such proofs and to petition for their reclamation.

4. The claim is signed by the claimant or his representative with indication of date of its signing.

5. If claim is submitted by the representative, then in it the surname, name of the representative, its postal address, and also phone numbers and the e-mail address are specified if those are available. Along with the claim the power of attorney or other document confirming powers of the representative is filed.

Article 112. Adoption of the claim to production

1. The judge after receipt of the claim finds out:

Whether 1) claim is submitted by person having administrative procedural capacity to act;

Whether 2) the representative has proper powers (if claim is submitted by the representative);

Whether 3) the claim meets the requirements, stipulated in Clause the 111th of this Code;

Whether 4) the claim is subject to consideration according to the procedure of administrative legal proceedings;

Whether 5) the pre-judicial procedure for the dispute resolution established by the law is observed;

Whether 6) there are no other bases for return of the claim or the refusal in acceptance to production established by this Code.

2. The judge accepts the claim to production if there are no bases for return of the claim or refusal in adoption of the claim to production.

3. The judge resolves issue of adoption of the claim to production within five days from the date of receipt of the claim in court or the terminations of the term established for remedial action of the claim in case of its leaving without movement.

4. In determination about adoption of the claim to production are specified:

1) the name of court, surname and initials of the judge who accepted the claim to production, file number;

2) whom and to whom the claim is made;

3) content of claims;

4) date, time and the place of preliminary judicial session if the court considers its carrying out necessary;

5) the offer to the defendant to submit within the term specified by court written objections against the claim and the proofs which are available for it;

6) the offer to the parties and the third parties about expression of consent to the simplified (written) process in the time specified by court.

5. The copy of determination about adoption of the claim to production after acceptance goes to the parties, their representatives and the third parties.

Article 113. Refusal in adoption of the claim

1. The court refuses adoption of the claim if:

1) the claim is not subject to consideration according to the procedure of administrative legal proceedings;

2) there is taken legal effect taken out on dispute between the same parties, about the same subject and of the same bases judgment or determination of court about suit abatement or about refusal in adoption of the claim to production;

3) the claimant does not observe the pre-judicial procedure for the dispute resolution established by the law and the possibility of application of this procedure is lost.

2. About refusal in adoption of the claim the judge accepts motivated determination which shall be taken out in five-day time from the moment of appeal to the court. Determination is handed or goes to the claimant along with return of the documents filed by it.

3. The refusal in adoption of the claim interferes with the repeated appeal of the claimant to court with the claim besides to the defendant, about the same subject and of the same bases. The private complaint (representation) can be made about determination of court about refusal in adoption of the claim.

Article 114. Leaving of the claim without movement

1. Court, having determined that the claim is filed a lawsuit without observance of the requirements stated in article 111 of this Code (except the requirements established by Items 1 and 2 of part 2 of the specified Article), leaves the claim without movement what informs person who submitted claim on and provides it term for correction of shortcomings about what accepts determination.

2. If the claimant according to instructions of court and in the time established by court fulfills the requirements listed in determination, the claim is considered filed a lawsuit in day of initial representation. Otherwise the claim is considered not given and returns to the claimant with all documents attached to it.

Article 115. Return of the claim

1. The court returns the claim:

1) if the claimant does not observe the pre-judicial procedure for the dispute resolution established by the law and the possibility of application of this procedure is not lost;

2) if case not to jurisdictional this court;

3) if claim is submitted by person which does not have administrative procedural capacity to act;

4) if claim on behalf of the interested person is submitted and signed person which does not have powers on its signing and presentation in court;

5) if in production of the same or other court there is contentious case between the same parties, about the same subject and of the same bases;

6) if the petition for its recovery is not attached to the claim of the citizen for protection of the violated right in which the term established by the law on submission of the administrative claim expired, but such recovery is allowed by the law;

7) if before removal of determination about adoption of the claim to production from the claimant the statement for return of the claim arrived;

8) if in the time provided by court the claimant did not correct the shortcomings specified in determination about leaving of the claim without movement.

2. About return of the claim the court accepts motivated determination. In determination the court shall specify to what court the claimant should address if case not to jurisdictional this court or how to eliminate the circumstances interfering initiation of proceedings. Determination about return of the claim shall be taken out in five-day time from the moment of its receipt in court and is handed or directed to the claimant with all documents attached to the claim.

3. Determination about return of the claim does not interfere with the repeated appeal of the claimant to court with the claim on the same matter if it eliminates the allowed violation, except for case, stipulated in Item 2 parts of 1 this Article.

4. The copy of determination about return of the claim goes to the person who submitted claim together with the claim and all materials attached to it.

5. The private complaint (representation) can be made about determination of court about return of the claim.

Article 116. Providing claim

1. The court according to the motivated petition of the claimant or on own initiative can take measures for providing the claim. Providing the claim is allowed at any stage of legal proceedings if rejection of interim measures can complicate or make impossible execution of the judgment or if signs of illegality of the administrative act, action (failure to act) of administrative authority are obvious.

2. Can be measures of providing the requirement of the claim:

1) prohibition to the defendant and other persons to make certain actions;

2) assignment on the defendant and other persons of obligation to make certain actions;

3) suspension of action of the disputed administrative act.

Article 117. Procedure for providing claim

1. The petition for providing the claim is considered no later than the next day after its obtaining, it is allowed by determination without notice of the defendant and other participants of administrative process.

2. The defendant or other participant of process has at any time the right to declare the petition for replacement of one method of providing the claim with another or for cancellation of measures of providing the claim.

3. Execution of determinations concerning providing the claim is performed according to the procedure, the established legislation on enforcement proceeding.

4. Determination about taking measures to providing the claim takes legal effect immediately, but can be appealed according to the procedure and the terms established by this Code. Appeal of determination does not stop its execution.

Article 118. Replacement of one type of providing claim with another

1. According to the statement of the participant of administrative process replacement of one type of providing the claim with another is allowed.

2. The question of replacement of one type of providing the claim with another is resolved in judicial session. Persons participating in case are informed on time and the place of meeting, however their absence does not interfere with consideration of question of replacement of type of providing the claim.

3. The private complaint (representation) can be made about determination about replacement of providing the claim. Submission of the private claim (idea) to determination of replacement of providing the claim stops determination execution.

Article 119. Discharge of the security of the claim

1. Providing the claim can be cancelled by the same court according to the statement of participants of process.

2. The question of discharge of the security of the claim is resolved in judicial session. Participants of process are informed on time and the place of meeting, however their absence does not interfere with consideration of question of discharge of the security of the claim.

3. In case of refusal in the claim, suit abatement or leaving of the claim without consideration the taken measures of providing the claim remain to the introduction of court resolution in legal force. However according to the statement of participants of process the court can along with court resolution or after its decrees to issue determination about discharge of the security of the claim.

4. In case of satisfaction of the claim the taken measures for its providing keep the action before judgment execution.

5. The private complaint (representation) can be made about determination about discharge of the security of the claim.

Article 120. Compensation to the defendant of the losses caused by providing the claim

The defendant or the other person concerning whom providing measures are taken after the introduction in legal force of the decision to which the claim it is refused, have the right to demand from the claimant of indemnification, caused to them by the measures for providing the claim taken at the request of the claimant by presentation of the corresponding claim.

Chapter 12. Preparatory production

Article 121. Preparation of case for legal proceedings

1. After adoption of the claim the judge makes preparation of case for legal proceedings for the purpose of ensuring timely and its correct permission.

2. Preparation of case for legal proceedings is performed by the judge who accepted the claim to production.

3. The judge accepts determination about preparation of case for legal proceedings and specifies actions which should be made.

4. According to the procedure of preparation of case for legal proceedings the judge resolves questions:

1) reclamations of documents and other materials; carrying out survey of written and physical evidences on site if it is impossible to bring them to court; purposes of examination;

2) obligation of personal participation of participants of process in judicial session, involvement of the third parties to case;

3) attraction and challenge on legal proceedings of administrative case of witnesses, experts, specialists, translators;

4) carrying out preliminary judicial session.

The judge can make and other actions for preparation of case for legal proceedings.

5. Preparation of case for legal proceedings cannot exceed two months from the moment of adoption of the claim to production of court.

6. Preparation for legal proceedings is obligatory stage of administrative process.

Article 122. Tasks of preparation of case for legal proceedings

Tasks of preparation of case for legal proceedings are:

1) permission of question of adherence to deadline to submission of the claim;

2) refining of the circumstances important for the correct permission of case;

3) determination of legal relationship of the parties and the law which should be guided;

4) permission of question of the list of participants of process;

5) ensuring submission of necessary proofs by the parties and other participants of process;

6) conciliation of the parties on conditions, stipulated in Article 41 of this Code.

Article 123. Actions of the judge by preparation of case for legal proceedings

1. According to the procedure of preparation of case for legal proceedings the judge makes the following actions:

1) resolves question of consideration of the case in the oral or simplified (written) process;

2) in case of submission by the claimant of the petition for consideration of the case according to the procedure of the simplified (written) process is found out by opinion of other participants of process concerning application of such procedure and establishes term for submission to court of objections concerning application of this procedure;

The written objection on the claim in time established by the judge obliges the defendant to submit 3);

4) resolves question of attraction to participation in case of codefendants and the third parties;

Establishes 5) the defendant or resolves issue of its replacement with the consent of the claimant if in the statement the defendant is not specified or specified incorrectly, and also about the codefendant's exception;

6) according to the petition of the parties or own initiative resolves question of challenge of witnesses in judicial session;

7) appoints examination, experts for its carrying out taking into account opinion of the parties, and also resolves question of attraction to participation in case of specialists, the translator;

8) according to the petition of participants of process assists in reclamation from the organizations or citizens of written and physical evidences, audio-and videos or performs these actions on own initiative;

9) in cases, being urgent or impossibility of delivery in court, examines with the notice participants process on site of written and physical evidences;

10) directs court orders;

11) resolves question of providing the claim;

12) day fixes, time and the place of preliminary judicial session and informs on it participants of administrative process;

13) according to the plaintiff's declaration is accepted by determination about return of the claim submitted by it;

14) makes other necessary legal proceedings.

2. If after the term of defense statement specified in Item 2 parts of 1 this Article did not arrive in court, the court takes out determination about consideration of the case according to the procedure of the simplified (written) process and considers case on these rules.

3. If objections concerning application of procedure for the simplified (written) trial arrived in court with violation of the term specified in Item 2 parts of 1 this Article, but before adoption of the decision by court according to the procedure of the simplified (written) process, the court takes out determination about consideration of the case on general rules of administrative legal proceedings.

Article 124. Defense statement on the administrative claim

1. The defendant in the initiative or upon the demand of court represents to court and participants of administrative process the written objection after receipt of the administrative claim.

2. In objection are specified:

1) the name of court in which the objection is brought;

2) name, address of the parties, their representatives;

3) the defendant's line item concerning recognition or non-recognition of the claim in part or completely according to each requirement;

4) proofs on which objections against the claim, in case of non-recognition of the claim are based;

5) the third parties if those are available;

6) the list of the documents attached to objection;

7) other data important for consideration and permission of case, and also the petition of the defendant.

3. The objection is signed by the defendant or his authorized representative. If the objection is brought in court by the defendant's representative, then the document certifying its powers shall be attached to it.

Non-presentation by the defendant of written objection on the claim does not interfere with consideration of the case on the proofs which are available in it.

4. If the defendant passes the term of representation of written objection and the omission of term complicates timely consideration of the case, the court can impose on the defendant judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code.

Article 125. Preliminary judicial session

1. Preliminary judicial session is held for the purpose of clarification of possibility of dispute settlement before legal proceedings of case and ensuring comprehensive and objective permission of case during the term provided by this Code.

2. Preliminary judicial session is held by the judge by rules of legal proceedings, with the withdrawals and amendments established by this Chapter.

3. Day, time and the venue of preliminary judicial session are specified in determination about preparation of case for legal proceedings.

The parties are informed on day, time and the place of preliminary judicial session by rules of Chapter 10 of this Code. Absence of persons participating in case does not interfere with consideration of questions on preparation of case in preliminary judicial session.

According to the statement of one of the parties for impossibility of arrival in court preliminary judicial session can be postponed if the reasons of non-arrival are acknowledged as court valid.

4. On preliminary judicial session the court finds out whether the claimant refuses the claim, whether the defendant recognizes the claim, and explains to the parties of opportunity for conciliation.

5. If the dispute is not settled according to the procedure, determined by part 4 of this Article, court:

1) specifies claims and defense statements against the claim;

Whether checks 2) circulation period in court is passed by the claimant;

3) is found out by question of the list of persons who will participate in case;

Finds out 4) whether the claimant prosecutes the case and whether the defendant recognizes it;

5) determines the facts which need to be established for the dispute resolution and what of them are recognized the parties and what should be proved;

Finds out 6) by what proofs of the party can prove the arguments or objections, and establishes terms for their representation;

7) makes other actions necessary for preparation of case for legal proceedings.

6. The parties in preliminary judicial session have the right to produce the evidence, to give arguments, to declare petitions.

7. In the presence of the circumstances provided in Chapters 15-17 of this Code taking into account opinion of the parties proceeedings in preliminary judicial session stop or stop or the statement is left without consideration about what motivated determination is accepted.

8. On preliminary judicial session the judge has the right to give provisional estimate to the actual and legal facts of the case concerning adherence to deadlines on submission of the administrative claim. In case of establishment of the omission by the claimant of term on submission of the administrative claim the judge suggests the claimant to address with the petition for recovery of such term. In case of non-presentation of the petition, and also refusal in recovery of the passed term owing to recognition of the reasons of the omission of term disrespectful, the judge accepts determination about suit abatement without research of other actual circumstances on case.

9. Having recognized case prepared, the judge appoints case to legal proceedings about what determination is taken out. With the consent of the parties the judge has the right to start legal proceedings in the matter of directly after preliminary judicial session.

10. In preliminary judicial session the protocol according to Chapter 19 of this Code is taken.

Article 126. Refusal of the administrative claim and recognition of the administrative claim during preparatory production

1. The claimant can refuse the claim fully or partially, and the defendant - to recognize the claim fully or partially. Abandonment of claim or recognition of the claim during preparatory production shall be stated in the written petition addressed to court which is filed.

2. In case of acceptance of abandonment of claim the court takes out determination about suit abatement. In case of partial refusal of the claimant of the claim the court takes out determination about suit abatement concerning part of claims.

3. In case of partial recognition of the claim by the defendant and acceptance by its court the judgment can be made on satisfaction of the claims recognized by the defendant according to Article 174 of this Code. In case of plenary confession the defendant of the claim and acceptance by its court makes the judgment on satisfaction of the claim.

4. The court does not accept refusal of the claimant of the claim, recognition of the claim by the defendant and continues consideration of administrative case if these actions of the claimant or defendant contradict the law or violate someone's rights, freedoms or interests. About variation of refusal of the claimant of the claim and about variation of recognition of the claim by the defendant the court takes out motivated determination.

Article 127. Consolidation of administrative cases and allocation of administrative claims

1. The court can combine the determination in one production for joint consideration and permission of several homogeneous administrative cases which are in production of court in which the same parties, or several administrative cases which are in production of court in claims of one administrative claimant to different administrative defendants, or several administrative cases in claims of several different administrative claimants to one administrative defendant participate if recognizes such consolidation promoting the correct and timely consideration of the declared administrative claims.

2. The court allocates one administrative claim or several connected requirements in separate production if recognizes reasonable separate consideration of the declared requirements.

3. Consolidation of administrative cases in one production and allocation of the declared requirements in separate production are allowed before acceptance of court resolutions with which consideration of administrative cases in Trial Court comes to an end.

4. About consolidation of administrative cases in one production, about allocation of the declared requirements in separate production or about refusal in satisfaction of the corresponding petition the court takes out determination which copies go to participants of process of such administrative cases.

5. The private complaint can be made about determination of court about refusal in satisfaction of the petition for consolidation of administrative cases in one production or about allocation of the declared requirements in separate production.

6. In case of the solution of question of consolidation of administrative cases in one production they combine with that administrative case on which production was initiated earlier.

7. After consolidation of administrative cases in one production and allocations of the declared requirements in separate production preparation of administrative case for legal proceedings is started anew.

Article 128. Obligation of personal participation

1. The court has the right to take out determination about obligation of personal participation of the parties or the third parties in judicial session and challenge of the parties or the third parties for making explanations, including when their representatives participate in legal proceedings.

2. In case of absence of person without reasonable excuse on challenge of court, the judicial penalty can be imposed on it and (or) the forced drive according to Articles 96 and 97 of this Code is used.

Chapter 13. Legal proceedings

Article 129. Consideration of administrative case in judicial session

1. Administrative case is considered and allowed till two months from the date of acceptance of determination about the end of preparatory production and about purpose of case to legal proceedings.

2. Other terms of consideration and permission of separate categories of administrative cases can be established by this Code and the laws.

3. Legal proceedings of administrative case are performed in judicial session with challenge of participants of process.

4. Judicial session is held in court house. Separate legal proceedings in case of need can be made outside court house.

5. The participant of administrative process has the right to declare the petition for consideration of the case in its absence. If the court comes to conclusion about possibility of consideration of the case in the absence of this participant, its absence in judicial session is not obstacle to legal proceedings.

Article 130. Oral trial

1. Legal proceedings of administrative case happen orally if this Code does not provide other. In case of trial of administrative case in judicial session participants of process are surely informed on time and the place of judicial session.

2. In the cases established by this Code, legal proceedings of administrative case can be performed without carrying out judicial session according to the procedure of the simplified (written) process.

Article 131. Consideration of the case according to the procedure of the simplified (written) process

1. Case can be considered according to the procedure of the simplified (written) process if the petition for consideration of the case according to the procedure of the simplified (written) process is declared by the claimant, and other participants of process do not object to application of such procedure for consideration of the case.

2. The participant of process can withdraw the written consent to consideration according to the procedure of the simplified (written) process before decision.

3. Irrespective of the consent of participants of process and purpose of matters according to the procedure of expedited (written) process court can appoint before decision judicial session for consideration of the case in oral trial if it is necessary for its correct permission.

4. According to the procedure of the case expedited (written) process are considered without conducting oral trial. When considering the case in such procedure by the court researches only proofs in writing (including explanations and objections on the substance of the declared requirements).

5. In case of the simplified (written) process the court appoints the term during which it is possible to submit additional petitions and documents, and also date, time and the place of announcement of the decision and informs on them participants of process.

Article 132. The chairman in judicial session

1. The judge considering case solely carries out the chairman's obligations.

2. The chairman directs judicial session, taking everything the measures provided by this Code for ensuring equal rights of the parties, creates necessary conditions for comprehensive, complete and objective investigation of the facts of the case. The chairman also provides observance of the schedule of judicial session, explains to all participants of legal proceedings of their right and obligation and procedure for their implementation.

In case of objection any of persons participating in legal proceedings against actions of the chairman, these objections are entered in minutes of judicial session and the chairman makes explanation concerning the actions.

3. Orders of the chairman are obligatory for all participants of process, their representatives, witnesses, experts, specialists, translators and persons which are present at courtroom.

Article 133. Procedure in judicial session

1. In case of entrance of judges to courtroom all present at the hall rise, give the evidences and explanations standing. Departure from this rule can be allowed only with the permission of the chairman.

2. Participants of process address judges with the words "Reputable Court".

3. Legal proceedings of case happen in the conditions ensuring proper procedure and safety of participants of process. For the purpose of safety the chairman can dispose about conducting check of persons wishing to be present at case trial including verification of the documents proving their identity, examination of the things which are carried by by them.

4. Film and photographing, video, straight line of radio - and TV broadcast during legal proceedings are allowed according to the leave of court taking into account opinion of persons participating in case. These actions shall not disturb the normal course of judicial session, be performed on the places specified by court in courtroom and can be limited in time.

5. Participants of process, and also all attendees in courtroom shall observe established procedure.

6. All attendees in courtroom listen to court resolutions standing.

Article 134. The measures applied to troublemakers in judicial session

1. To person breaking procedure during case trial, the chairman on behalf of court makes the warning.

2. In case of further violation of procedure participants of process can be removed from courtroom by determination of court for all the time or for part of legal proceedings. In the latter case the chairman acquaints persons which are again allowed to the hall of meeting with the legal proceedings made in their absence. The citizens who are present at case trial for further violation of procedure leave from the hall according to the order of the chairman.

3. On persons guilty of violation of procedure, and also for the disrespect for court shown by them during judicial session the court has the right to impose judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code.

4. If in actions of the troublemaker in judicial session there are essential elements of offense, the court directs materials to the corresponding prosecutor.

5. In case of mass violation of procedure by the citizens who are present at trial of case the court can remove from courtroom of all citizens who are not participants of process or to postpone case trial.

Article 135. Opening of judicial session

1. In time fixed for case trial the chairman opens judicial session and declares what case is subject to consideration.

2. The court session secretary reports on court which of persons called on this case was whether the been persons are informed and what data on the reasons of their absence are available.

3. The chairman identifies the personality been, and also checks powers of officials and representatives.

Article 136. Explanation to the translator of its obligations

1. The chairman explains to the translator its obligation to translate explanations, indications, statements of persons who are not knowing language in which legal proceedings, and to these persons - content of explanations, indications, statements of the persons and witnesses disclosed and who are available in documents participating in case audio-and videos, expert opinions, consultations and explanations of specialists, and also orders of the chairman, determinations and the judgment are conducted.

2. The translator has the right to set to the participants of process who are present during transfer questions for transfer refining, to do notes concerning correctness of transfer in the protocol of judicial session.

3. The chairman warns the translator about criminal liability according to the legislation of the Kyrgyz Republic for obviously incorrect translation. The translator's subscription about it joins the protocol of judicial session.

In case of evasion of the translator from appearance in court by court the judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code can be imposed on it.

4. Rules of this Article extend to the person understanding signs of mute or deaf (signer) and invited for participation in case trial.

Article 137. Removal of witnesses from courtroom

The been witnesses leave from courtroom. The chairman takes measures to that the interrogated witnesses did not communicate with not interrogated witnesses.

Article 138. Permission of question of structure of court and explanation of the right of rejection and branch

1. The chairman announces structure of court, reports who participates in quality of the prosecutor, translator, expert, specialist, court session secretary, and explains to participants of process their right to declare rejections and branches.

2. The bases for rejections and branches, procedure for their permission and effect of satisfaction of such statements are determined by Articles 20-25 of this Code.

Article 139. Explanation to participants of process and their representatives of their rights and obligations

The chairman explains to participants of process and their representatives their procedural law and obligations.

Article 140. Permission court of petitions of participants of process

Petitions of participants of process and their representatives on the questions connected with case trial are permitted by determinations of court after hearing of opinions of other participants of process.

Article 141. Absence effects in judicial session of participants of process and their representatives

1. Participants of process shall inform court on the reasons of absence and produce the evidence of respectfulness of these reasons.

2. In case of absence in judicial session any of participants of process concerning whom there are no data on their notice trial of case is postponed.

3. If participants of process are properly informed on time and the place of judicial session, the court can postpone case trial if comes to conclusion about respectfulness of the reasons of their absence.

4. The court has the right to consider case in case of absence any of participants of the process which is properly informed on time and the place of judicial session if data on the reasons of absence are absent or if the court recognizes the reasons of its absence disrespectful.

5. The parties have the right to ask court about consideration of the case in their absence and the direction it copies of the decision. The court can recognize obligatory participation of the parties in judicial session if it is necessary based on the circumstances of a matter. In case of absence of the participant of process whose participation in judicial session is recognized by court obligatory, the court has the right to take the measures provided by part 2 of article 128 of this Code.

6. Absence of the representative of the participant of the process informed on time and the place of judicial session is not obstacle to consideration of the case. The court can postpone trial of case on the petition of the participant of process in connection with absence of his representative.

Article 142. Absence effects in judicial session of the witness, expert, specialist

1. In case of absence in judicial session of the witness, expert or specialist the court listens to opinion of persons participating in case on possible consideration of the case in the absence of not been participants of process and accepts determination about continuation of legal proceedings or about its adjournment.

2. If the called expert or the specialist was not in judicial session for the reasons recognized by court disrespectful on specified persons court the judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code can be imposed.

The witness in case of absence without valid excuse on secondary challenge can be subjected to the forced drive about what the court accepts determination.

Article 143. Case trial adjournment. Having rummaged in judicial session

1. The court shall postpone case trial if:

1) the defendant did not receive the copy of the claim and therefore asks court to postpone consideration of the case;

2) it is necessary to involve person as the participant of process, the rights or legal interests of which can be infringed by the judgment;

3) in judicial session any of participants of process was not and it is not informed on date, time and the venue of judicial session;

4) the third parties impose independent requirements.

2. The court has the right to postpone consideration of the case if recognizes that:

1) consideration of the case is impossible for the reason that the informed participant of process was not properly, the witness, the expert or the translator, or exist other reasonable excuses;

2) representation, reclamation of corroborating evidences or making of other legal proceedings is necessary.

3. In case of adjournment of trial of case date of new judicial session taking into account time allowing to provide permission of case in new judicial session is appointed about what to the been persons appears on receipt. Copies of determination about case trial adjournment go to the persons who did not be and again recruited in process.

4. Trial of case after its adjournment is started anew.

5. If the parties do not insist on repeating of explanations of participants of process, are familiar with case papers, the structure of court did not change, the court has the right to give opportunity to participants of process to confirm earlier these explanations without their repeating, to add them, to ask additional questions.

6. The court according to the petition of the participant of process or on the initiative can announce break in judicial session.

7. Having rummaged in judicial session it can be announced for the term which is not exceeding ten days.

8. After the termination of break judicial session continues what the chairman in judicial session announces. De novo review of the proofs researched to break is not made.

9. The participants of process who were present at courtroom to the announcement of break are considered properly informed on time and the place of judicial session and their absence in judicial session after the termination of break does not interfere with its continuation.

Article 144. Interrogation of witnesses in case of case trial adjournment

In case of case trial adjournment the court can interrogate the been witnesses at discretion. The secondary challenge of these witnesses in new judicial session is allowed only in necessary cases.

Article 145. Explanations to the expert and specialist of their rights and obligations

The chairman explains to the expert and the specialist of their right and obligation, warns the expert about responsibility for making obviously false conclusion, and the specialist - for making obviously false evidences about what the subscription which joins the protocol of judicial session is selected at them.

Article 146. Beginning of legal proceedings of case on being

1. Proceedings of case on being are initiated by the report of case by the chairman in judicial session or any of judges. Then he finds out whether the claimant prosecutes the administrative case, whether the defendant recognizes it and whether wish the party to end case by the voluntary settlement.

2. When considering the case in the absence of the participant of process the chairman in judicial session reports on its line item concerning claims if it is stated in written explanations.

Article 147. Explanations of participants of process

1. After the report of case the court hears explanations of participants of process in judicial session in the following sequence: claimant, defendant, third parties.

2. The third parties offer explanations after the claimant or the defendant.

3. The prosecutor, the Ombudsman (Акыйкатчы), representatives of state bodies, local government bodies, legal entities, the citizens who took a legal action behind protection of the rights, freedoms and the interests of other persons protected by the law offer explanations the first.

4. Representatives of participants of process offer explanations on behalf of the represented.

5. Participants of process have the right to ask each other questions. The judge has the right to ask questions to participants of process at any moment of giving explanations by them.

6. Participants of process in explanations specify circumstances on which their requirements or objections are based.

7. If participants of process during giving explanations specify new proofs and the court recognizes that they are necessary, the court can charge them to provide.

8. If the parties, the third parties are expressed indistinctly or from their words it is impossible to draw conclusion on whether they recognize circumstances or object to them, the court can demand from these persons of the specific answer - "yes" or "no".

9. The parties, the third parties participating in case ask questions each other according to the procedure, established by the chairman. The court rejects questions, irrelevant.

10. If in case there are written explanations of the parties, the third parties and other persons participating in case, the chairman discloses content of these explanations.

Article 148. Establishment of procedure for research of proofs

1. Court, having heard explanations of participants of process, establishes procedure for research of proofs by which they prove the requirements and objections.

2. The procedure for research of proofs is determined by court depending on nature of disputable legal relationship and can be in case of need changed.

Article 149. Research of proofs

1. Subject of proof are circumstances by which claims or objections are proved or which have other value for permission of case (the reason of the omission of term for appeal to the court, etc.) and which are subject to establishment in case of adjudication on case.

2. For establishment of the circumstances specified regarding 1 this Article in judicial session explanations of persons participating in case, testimonies of witnesses are heard, written and physical evidences, including data carriers with information which is written down on them, expert opinions are researched.

Article 150. The warning of the witness of responsibility for standing mute and for making obviously false evidences

1. Before interrogation of the witness the chairman identifies the personality of the witness, explains its right to refuse evidence in cases, stipulated in Article 62 of this Code, and warns him about responsibility for

making obviously false evidences or for unreasonable standing mute about what the subscription which joins the protocol of judicial session is selected.

2. To the witness who did not reach sixteen-year age, the chairman explains obligation truthfully to tell all known to it on case, but he is not warned about responsibility for unreasonable standing mute and for making obviously false evidences.

Article 151. Procedure for interrogation of witnesses

1. Each witness is interrogated separately.

2. The chairman finds out the attitude of the witness towards participants of process and suggests the witness to report to court everything that he personally knows of the facts of the case.

3. After that questions can be asked the witness. The first ask questions person according to whose statement the witness, and his representative, and then - other participants of process and their representatives is called.

Judges have the right to ask questions to the witness at any moment of his interrogation.

4. In case of need the court can repeatedly interrogate witnesses in the same or in the next meeting for clarification of contradictions in their indications.

5. The witnesses who did not give evidences yet cannot be in courtroom during case trial. The interrogated witness remains in courtroom before the end of trial of case if the court does not permit it to be removed earlier.

6. If circumstances for which clarification witnesses are caused, found out the court with the consent of participants of process can not interrogate the been witnesses, taking out about it the corresponding determination.

Article 152. Use by the witness of written materials

The witness in case of evidence can use written materials when indications are connected with any digital or other data which are difficult to keeping in memory. These materials are shown to court and participants of process and can be filed by determination of court.

Article 153. Procedure for interrogation of minor witnesses

1. Interrogation of the witness aged up to fourteen years, and according to the judicial discretion and interrogation of the witness aged from fourteen up to sixteen years is made with participation of the teacher who is subpoenaed. In case of need also parents, adoptive parents, the guardian or the custodian of the minor witness are called. Specified persons can ask with the permission of the chairman to the witness questions, and also express the opinion concerning the identity of the witness and contents of the evidences given them.

2. In exceptional cases, when necessary for establishment of the facts of the case, for the period of interrogation of the minor witness by determination of court this or that participant of process or any of the citizens who are present at courtroom can be removed from courtroom. After return of the participant of process to courtroom contents of testimonies of the minor witness shall be told him and opportunity to ask the witness questions is given.

3. The witness who did not reach sixteen years upon termination of his interrogation leaves from courtroom, except cases when the court recognizes necessary presence of this witness at courtroom.

Article 154. Announcement of testimonies of the witness

The testimonies of witnesses collected according to the procedure, provided by Articles 56, 59 and 144 of this Code, are announced in judicial session then the participant of process has the right to define the position to these indications and to offer on them explanations.

Article 155. Research of written proofs

1. Written proofs, including the protocols of their survey constituted according to the court order or according to the procedure of providing proofs are announced in judicial session and shown for acquaintance to participants of process, and in case of need - also to witnesses, experts, specialists or translators.

2. Participants of process can ask questions to witnesses, experts, specialists in occasion of written proofs.

3. If the document filed or submitted to court by the participant of process for acquaintance raises doubts in its reliability or is false, the participant of process can ask court to exclude it from among proofs and to resolve case based on other proofs or to require conducting examination.

4. The court resolves issue of familiarizing with case of the written proof after acquaintance with contents of this proof of participants of process and hearing of their opinion.

Article 156. Announcement and research of personal correspondence and other messages of citizens

For the purpose of protection of mystery of personal correspondence, telephone and other negotiations, post, cable, electronic and other messages they can be announced and researched by court in proceeding in open court only with the consent of persons between whom these correspondence, negotiations and messages happened. Otherwise such correspondence, negotiations and messages are disclosed and researched in the closed judicial session.

Article 157. Research of physical evidences

1. Physical evidences are inspected by court, and also shown for acquaintance to participants of process, and in case of need - also to experts, specialists and witnesses. Person who brings for acquaintance physical evidences can draw the attention of court to those or other circumstances connected with proofs and their survey.

2. The protocols of survey of physical evidences constituted according to the procedure providing proofs, accomplishment of the court order or by results of survey of proofs on site are announced in judicial session. Participants of process can offer the explanations concerning these protocols.

3. Participants of process can ask questions concerning physical evidences to the experts, specialists, witnesses inspecting them.

Article 158. Survey on site

1. Written and physical evidences which difficult or it is impossible to bring to court are inspected and researched in the place of their stay or in other place determined by court. About survey production on site the court takes out determination which is not subject to appeal.

2. Participants of process and their representatives are on site informed on time and production site of survey, however their absence does not interfere with survey production. In necessary cases experts, specialists and witnesses are also called.

3. Results of survey are on site entered in the protocol of judicial session. The plans constituted or checked in case of survey, drawings, schemes, calculations, copies of documents, and also made during survey of video, the photo of written and physical evidences the written expert opinion and explanations of the specialist can be attached to the protocol.

Article 159. Research audio-and videos

1. Reproduction of audio recording and demonstration of video are made in courtroom or in other room which is specially equipped for this purpose with indication of in the protocol of judicial session of distinctive signs of the reproducing sources of proofs and time of reproduction. After that the court hears explanations of participants of process.

2. If necessary reproduction of audio recording and demonstration of video can be repeated completely or in certain part.

3. For the purpose of clarification of the data containing in audio-and videos, court the specialist can be involved or examination is appointed.

4. In case of research audio-or videos of personal nature are applied rules of this Code concerning research of personal correspondence and other messages of citizens.

Article 160. Statement for subfalsehood of the proof

1. In case of the statement that the proof which is available in case is false person who produced this evidence can ask court to exclude it from among proofs and to resolve case based on other proofs.

2. For verification of the statement for subfalsehood of proofs the court can appoint examination, and also suggest the parties to produce other evidence.

3. If the court comes to conclusion about subfalsehood of the proof, it the motivated determination excludes it from among proofs. At the same time the false proof is not subject to return.

4. If the court recognizes that the participant of process consciously unreasonably declared subfalsehood of the proof, it can impose on this participant of process judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code.

Article 161. Expert opinion research

1. The expert opinion is announced in judicial session. For the purpose of explanation and amendment of the conclusion questions can be asked the expert. Person according to whose statement the expert, and his representative, and then - other participants of process and their representatives is appointed asks the first questions. The first the claimant and his representative ask the expert appointed at the initiative of court questions. The court has the right to ask questions to the expert at any moment of his interrogation.

2. The expert opinion is researched in judicial session and estimated by court along with other proofs and has no predefined force for court. Disagreement of court with the expert opinion shall be motivated in the decision on case or in determination on purpose of additional or repeated examination.

Article 162. Additional and repeated examinations

1. In case of insufficient clarity or incompleteness of the expert opinion the court can appoint additional examination which conducting is entrusted to the same or other expert.

2. Repeated examination is appointed by court if it does not agree with the expert opinion for motive of groundlessness, and also in case of contradictions between the conclusions of several experts. Conducting repeated examination is entrusted to other expert or other experts.

Article 163. Consultations of the specialist

1. In necessary cases in case of survey of written or physical evidences, reproduction audio-and videos, purpose of examination, interrogation of witnesses, taking measures to providing proofs the court can involve specialists to receipt of consultations, explanations and rendering direct technical assistance (photography, creation of plans and schemes, sampling for examination, property assessment, etc.).

2. Person called as the specialist shall be in court, answer the questions raised by court, give oral or written consultations and explanations, if necessary - to give to court technical assistance.

3. The consultation of the specialist this in writing is disclosed in judicial session. Oral consultation and explanations of the specialist are entered in the protocol of judicial session.

4. For the purpose of explanation and amendment of consultation questions can be asked the specialist. The first ask questions person according to whose petition the specialist, and his representative, and then - other persons, participants of process and their representatives was involved. The first the claimant and his representative ask the specialist involved at the initiative of court questions.

5. The court has the right to ask questions to the specialist at any moment of his interrogation.

Article 164. Conclusions of state bodies and local government bodies

The conclusions of state bodies and local government bodies, authorized to draw such conclusions according to the legislation, are disclosed in judicial session. Court, and also participants of process and their representatives can ask authorized representatives of these bodies questions for the purpose of explanation and amendment of the conclusions.

Article 165. End of substantive prosecution

1. After the research of all produced and obtained evidence the court finds out opinion of participants of process on possibility of the end of substantive prosecution.

2. In the absence of corroborating evidences the court finds out whether the claimant supports the requirement containing in the claim.

3. If the claimant does not abandon the claim, the court announces substantive prosecution ended and passes to judicial debate.

Article 166. Judicial debate

1. Judicial debate consists of speeches of participants of process.

2. In debate by the first it is given floor to the claimant, his representative, and then - to the defendant, his representative.

3. The prosecutor participating in process according to the procedure of part of 1 Article 42 of this Code, representatives of state bodies, local government bodies, organizations and citizens who took a legal action behind protection of the rights and legitimate interests of other persons according to the procedure of Article 43 of this Code act in judicial debate the first.

4. The third party who declared independent requirements regarding dispute, his representative act after parties to the case.

5. The third parties who are not declaring independent requirements regarding dispute their representatives act in debate after person on whose party they participate.

6. At the request of the parties or the third parties in debate only their representatives can act.

7. The chairman in judicial session can stop the speaker if he goes beyond case in point.

8. After pronouncing speeches all participants of process and their representatives can act for the second time with remarks in connection with told in speeches. The right of the last remark always belongs to the defendant and his representative.

Article 167. Renewal of substantive prosecution

1. Persons participating in case their representatives in the performances during the judicial debate have no right to refer to circumstances which did not become clear by court, and also on proofs which were not researched in judicial session.

2. If the court during the judicial debate recognizes necessary to find out the new circumstances important for case or to research new proofs, the court resumes substantive prosecution about what it is specified in the protocol of judicial session.

After the end of substantive prosecution judicial debate is held in general procedure.

Article 168. Conclusion of the prosecutor

The prosecutor who joined process according to the procedure of part 3 Articles 42 of this Code draws the conclusion on case after the judicial debate.

Article 169. Removal of court for decision

1. After the judicial debate, remarks, the conclusion of the prosecutor if those are available, the court is removed to the consultative room for decision what the chairman declares present at courtroom.

2. After acceptance and signing of the decision the court returns to courtroom where the chairman announces the judgment.

Then the chairman explains contents of the decision, procedure and terms of its appeal.

3. In case of pronouncement of the decision to substantive provisions the court shall announce date of acquaintance with the motivated decision.

The motivated decision is constituted and announced no later than five days from the date of the end of legal proceedings.

Article 170. Renewal of legal proceedings of case

1. If during decision the court recognizes necessary to find out the new circumstances important for case or in addition to check the available or new proofs, it resumes substantive prosecution.

2. In that case judicial session continues according to the procedure, established by this Chapter.

Chapter 14. Judgment

Article 171. Decision

The act of Trial Court to which case is allowed in essence is taken out in the form of the decision. The decision is passed by name of the Kyrgyz Republic.

Article 172. Legality and justification of the decision

1. The judgment shall be legal and reasonable.

2. The decision is legal when it is taken out with observance of regulations of procedural law and according to the regulations of the substantive right which are subject to application to this legal relationship.

3. The decision is considered reasonable when the facts important for this case confirmed by the proofs meeting relevant requirements of the law on their relevancy and admissibility, and also reliability and when the decision contains the exhaustive conclusions of court following from established facts are reflected in it.

4. The court bases the decision only on those proofs which were researched in legal proceedings.

Article 173. The questions resolved by court in case of decision making

1. The court passes the decision, having checked:

Whether 1) there corresponds the administrative act of the Constitution, to the laws and other regulatory legal acts of the Kyrgyz Republic;

Whether 2) the administrative act with observance of ministerial procedures, stipulated by the legislation is published;

Whether 3) the procedure of acceptance of the subordinate regulatory legal act provided by the law is observed;

4) competence of the public authorities, local government bodies and their officials which adopted the disputed act;

Whether 5) the rights, freedoms and legitimate interests of person which took a legal action are violated or whether obstacles to implementation by this person of its rights, freedoms and legitimate interests are created.

2. In case of decision making the court also resolves issues of preserving or of cancellation of action of measures for providing the administrative claim, of the future of physical evidences, distribution of court costs and other questions which arose during legal proceedings and requiring permission.

3. By consideration and decision the court is not connected by the arguments stated in the claim.

4. The court in case of assessment of legitimacy of the administrative act considers only those reasons which are included by administrative authority in the administrative act in the decision.

5. The court passes the decision on action (failure to act) of administrative authority, having checked whether action (failure to act) with observance of ministerial procedures is performed.

6. The court resolves case in limits of the requirements declared by the claimant if other is not provided by the law.

Article 174. Powers of court in case of permission of case

1. In case of permission of case on being the court can satisfy the claim fully or partially or refuse its satisfaction fully or partially.

2. In case of satisfaction of the administrative claim the court can make the decision:

1) about recognition invalid the administrative act of the defendant - administrative authority completely or in part;

2) about the defendant's obligation - administrative authority not to adopt the administrative act encumbering the claimant or not to make other action by administrative authority;

3) about the defendant's obligation - administrative authority to make certain actions;

To oblige the defendant - to adopt 4) administrative authority the corresponding administrative act if the defendant does not have power provided by the law on adoption of other administrative act or discretion (the discretion right);

5) about recognition invalid subordinate regulatory legal act of the defendant - administrative authority;

6) about recognition invalid action (failure to act) of the defendant - administrative authority.

Article 175. Contents of the decision

1. The solution is from introduction, descriptive, motivation and resolutive parts.

2. In the prolog of the decision time and the place of decision, the name of the court which passed the decision, structure of court, the court session secretary, the parties, other participants of process and their representatives, matter in issue or the declared requirement are specified. If case is considered without oral trial, then this fact is specified.

3. Descriptive part of the decision shall contain specifying on the requirement of the claimant, defense statement and essence of explanations of other participants of process.

4. In motivation part of the decision are specified:

1) the facts determined on case, proofs on which conclusions of court, and arguments on which these or those proofs are rejected are based;

2) the laws and other regulatory legal acts by which the court was guided;

3) legal evaluation of the established facts of the case;

4) conclusions of court concerning justification of the claim.

5. The substantive provisions of the judgment shall contain conclusion of court about satisfaction of the claim or for refusal in the claim completely or in parts, essence of the decision, specifying on distribution of court costs, term and procedure for appeal of the decision.

6. The judgment is stated in writing and signed by the chairman. The decision is signed by the judge by individual consideration of administrative case by it or all judges by consideration of administrative case by court in joint structure.

Article 176. Announcement of the decision, issue or direction of the decision to participants of process

1. The decision is announced in judicial session. Proceeding from amount of the motivated decision the court has the right to announce its introduction and resolutive speak rapidly.

2. To the participants of process who were present at announcement of the decision, the copy of the motivated decision is handed on receipt directly in court. If the copy of the decision is handed to the representative, then it is considered that it is handed also to person whom he represents.

3. To the participants of process who were not present at announcement of the decision, the copy of the motivated decision goes the registered mail with the assurance of receipt within three days from the date of its announcement. If the copy of the decision is sent also to the representative, then it is considered that it is sent also to the person whom he represents.

The decision is considered handed by rules, stipulated in Article the 107th of this Code.

Article 177. Additional decision

1. The court which passed the decision on case can on the initiative or of the statement of persons participating in case to pass the additional decision in cases:

1) if according to any considered requirement the decision was not passed;

2) if the court, having resolved question of the right, did not specify actions which the defendant shall make;

3) if the court does not resolve question of court costs.

2. The question of pronouncement of the additional decision can be raised before entry of decision into legal force. The additional decision is made by court after consideration of question in judicial session and can be appealed. Participants of process are informed on time and the place of judicial session, however their absence is not obstacle for consideration and permission of question of pronouncement of the additional decision.

3. The private complaint (representation) can be made about determination of court about refusal in pronouncement of the additional decision.

Article 178. Correction of slips and plain arithmetic errors in the decision

1. After the announcement of the decision on case the court which passed the decision has no right to cancel or change it.

2. The court can on the initiative or of the statement of participants of process to correct the slips and appreciable arithmetic errors allowed in the decision. The question of introduction of corrections is resolved in judicial session with determination removal. Participants of process are informed on time and the place of judicial session, however their absence is not obstacle for consideration of question of introduction of corrections.

3. Determination of court on the issue of entering of corrections into the decision can be appealed.

Article 179. Decision explanation

1. In case of decision ambiguity the court which case is authorized according to the statement of participants of process has the right to explain the decision, without changing its content.

2. The explanation of the decision is allowed if it is not carried out yet and the term during which the decision can be compulsorily performed did not expire.

3. The question of explanation of the decision is resolved in judicial session. Participants of process are informed on time and the place of judicial session, however their absence is not obstacle for consideration of question of decision explanation.

4. Determination of court on explanation of the decision can be appealed.

Article 180. The introduction in legal force of the judgment

1. The judgment takes legal effect after the term established by this Code for appeal appeal if it was not appealed.

2. In case of submission of the petition for appeal the judgment takes legal effect after consideration of this claim by court if the appealed judgment is not cancelled. In case of cancellation or change of resolution of the Trial Court determination of Appeal Court and adoption of the new decision it takes legal effect immediately.

3. The decision is carried out after its introduction in legal force according to the procedure, the established Code of civil procedure and the legislation on enforcement proceeding of the Kyrgyz Republic.

Article 181. Delay and extension of the deadline for executing decision, change of method and procedure for execution of the decision

1. The court which passed the decision on case according to the statement of the participant of administrative process taking into account specific circumstances can delay, spread execution of the decision, and also change method and procedure for execution of the decision.

2. The application is considered in judicial session with the prior notice of it of participants of administrative process. Absence of these persons does not serve as obstacle to consideration of the application.

3. Determination of court about delay, extension of the deadline for executing the decision, and also about change of method and procedure for execution of the decision can be appealed.

Chapter 15. Suspension and renewal of proceeedings

Article 182. Obligation of court to suspend proceeedings

The court stops proceeedings in case:

1) death or announcements in the procedure established by the law the dead of person who was claimant or the third party with independent requirements for case if the disputed legal relationship allow legal succession, and also reorganization of administrative authority, the legal entity which were party litigant, - before establishment of the legal successor;

2) if the claimant or the third party with independent requirements lost capacity to act - to the introduction in legal force of the judgment about appointment of a guardian to incapacitated person;

3) need of appointment or replacement of the legal representative of the claimant or the third party with independent requirements - to the introduction to the legal representative;

4) petitions of the claimant or the third party with independent requirements who are in the part of Armed Forces, other troops or military forming of the Kyrgyz Republic which is involved in fighting - before the termination of stay in structure of Armed Forces, other troops or military forming of the Kyrgyz Republic;

5) impossibility of consideration of this case to permission of another case which is considered according to the procedure of the constitutional, administrative, civil or criminal trial, - to the introduction in legal force of the judgment on another matter;

6) detection of uncertainty by court in question of compliance of the law or other regulatory legal act of the Kyrgyz Republic applied or which is subject to application in this case, the Constitution of the Kyrgyz Republic and the direction about it of request in the Constitutional chamber of the Supreme Court of the Kyrgyz Republic - before consideration of request by the Constitutional chamber of the Supreme Court of the Kyrgyz Republic;

7) addresses with the court order about provision of legal assistance in foreign court or other competent authority of foreign state - before receipt of the answer to the order.

Article 183. The right of court to suspend proceeedings

1. The court has the right to suspend proceeedings in case:

1) stay of the claimant or the third party with independent requirements on military service in Armed Forces, other troops or military forming of the Kyrgyz Republic or attraction them for accomplishment of any state obligation - before the termination of stay in structure of Armed Forces, other troops or military forming of the Kyrgyz Republic or before the end of accomplishment of the state obligation;

Findings of the claimant or the third party with independent requirements in medical institution or in the presence they have 2) disease which interferes with appearance in court and is confirmed by the reference of medical institution, - to the statement from medical institution or the termination of disease, but no more than for two-month term. After this term the party shall appoint the representative, and the court has the right to resume consideration of the case;

3) appointments of examination as court - before provision of the expert opinion;

4) the directions of official request in state bodies or local government bodies on interpretation of regulatory legal acts. Official interpretation (explanation) of regulatory legal act or its structural element, except for Constitutions of the Kyrgyz Republic, is performed by the rule-making body or the official who adopted or issued this act by acceptance of regulatory legal act;

5) receipts of the notification of the Constitutional chamber of the Supreme Court of the Kyrgyz Republic on acceptance by it to the consideration of request about check of constitutionality of the law applied or which is subject to application in case of permission of case - before consideration of request by the Constitutional chamber of the Supreme Court of the Kyrgyz Republic.

2. If persons participating in case process administrative case with participation of representatives, the court does not stop production on administrative case in the cases specified in Items 1 and 2 of part of 1 this Article.

Article 184. Determination of court about production suspension

1. On the issue of suspension of production motivated determination is taken out.

2. Determination of court about suspension of proceeedings can be appealed, except cases, stipulated in Item the 7th Article 182 and Items 2-3 of part of 1 Article 183 of this Code.

Article 185. Production renewal

1. Proceeedings are resumed after elimination of the circumstances which caused its suspension according to the statement of participants of process or at the initiative of court.

2. In case of production renewal the court takes out determination and informs participants of process on date, time and the place of consideration of the case in accordance with general practice.

Chapter 16. Suit abatement

Article 186. Suit abatement

The court stops proceeedings:

1) if case is not subject to consideration and permission according to the procedure of administrative legal proceedings;

2) if by the claimant it is not observed established by the law for this category put procedure for the pre-judicial dispute resolution and the possibility of application of this procedure is lost;

3) if there is taken legal effect, taken out in the claim of the same claimant concerning the same defendant, about the same subject and on the same basis judgment or determination of court about suit abatement;

4) if the claimant refused the claim and the refusal is accepted by court;

5) if the parties signed the voluntary settlement and it is approved by court;

6) if after the death of the physical person who was the claimant or the third party with independent requirements, the disputed legal relationship does not allow legal succession;

7) if the legal entity acting as party litigant is liquidated without determination of the legal successor;

8) if the disputed administrative act is cancelled by administrative authority, the administrative act which was not published, performed the suspended administrative act is published or action in case of failure to act appeal is made, except as specified, when the claimant insists on consideration of the claim;

9) if in the course of preparation of case for legal proceedings or in the course of consideration of dispute over being it was determined that before submission of the claim the term established by the law on submission of the claim which is not subject to recovery expired or recovery of which it is refused.

Article 187. Procedure and effects of suit abatement

1. Proceeedings stop motivated determination of court.

2. In case of suit abatement repeated appeal to the court of the same claimant concerning the same defendant, about the same subject and on the same basis is not allowed.

3. Determination of court about suit abatement can be appealed.

4. Court according to the petition of the claimant in the case provided by part 4 Articles of 41 of this Code, having the right to cancel determination about cessation of production and to resume proceeedings.

Chapter 17. Leaving of the administrative claim without consideration

Article 188. Obligation of court to leave the administrative claim without consideration

The court shall leave the claim without consideration:

1) if the claimant in the cases established by the law did not take measures to pre-judicial dispute settlement and the possibility of such settlement is not lost;

2) if claim is submitted by incapacitated person;

3) if the claim on behalf of the claimant is signed or submitted by person which does not have powers on its signing or presentation of the claim;

4) if in production of this or other court there is contentious case between the same parties, about the same subject and of the same bases;

5) if the claimant requested return of the claim before decision in essence.

Article 189. The right of court to leave the administrative claim without consideration

The court has the right to leave the claim without consideration if the claimant or his representative who is properly informed on date, time and the place of hearing of the case was not on court session and did not declare consideration of the case without its participation.

Article 190. Procedure and effects of leaving of the administrative claim without consideration

1. In case of leaving of the claim without consideration the court takes out motivated determination which can be appealed.

2. After elimination of the circumstances which formed the basis for leaving of the claim without consideration, the claimant has the right to take a legal action with the claim in general procedure again.

Chapter 18. Determination of court

Article 191. Procedure for removal of determination

1. The act of court to which case is not allowed in essence is taken out in the form of determination. Determination is taken out by court in the form of the independent procedural document. In case of permission of simple questions the court can take out determination by introduction it in the protocol of judicial session.

2. Determination is disclosed immediately after its acceptance.

3. About legal proceedings of the judge out of judicial session determination which is drawn up in the form of the separate procedural document is taken out.

4. Determination of court in the form of the independent procedural document can be appealed in the cases and procedure established by this Code.

Article 192. Determination content

1. In determination shall be specified:

1) date and place of removal of determination;

2) the name of the court which took out determination, structure of court and the court session secretary;

3) participants of process and matter in issue;

4) question on which determination is taken out;

5) motives for which the court came to the conclusions, and the reference to the laws by which the court was guided;

6) conclusion by results of consideration of question by court;

7) procedure and term of appeal of determination if it is subject to appeal.

2. The determination accepted by way of its entering into the protocol of judicial session shall contain the data listed in Items 4-6 of part of 1 this Article.

Article 193. The introduction of determination in legal force

1. Determination of court if other is not established by this Code, takes legal effect after term on appeal appeal if it was not appealed.

In case of submission of the petition for appeal determination of court if it is not cancelled, takes legal effect after consideration of the case by Appeal Court.

2. Determination of court which appeal is not provided by this Code takes legal effect immediately after its acceptance.

3. Determinations of court of appeal and cassation instances take legal effect from the moment of their acceptance.

Article 194. Private determinations of court

1. In case of identification in judicial session of cases of violation of legality the court has the right to take out private determination and to send it to the relevant state bodies, local government bodies, legal entities and (or) their officials who shall report from the date of receipt of the copy of private determination about the measures taken by them in a month.

2. In case of not message on the taken measures the judicial penalty in the amount of and procedure, stipulated in Article the 96th of this Code can be put on guilty officials. At the same time imposing of penalty does not exempt the corresponding officials from obligation to report about the measures taken by private determination of court.

3. Private determination can be appealed.

Article 195. Direction to participants of process of copies of determination of court

To the participants of process who did not be on judicial session, copies of determination of court about adjournment of trial on case, about suspension or suit abatement or about leaving of the statement without consideration, and also the copy of determination of court about providing the claim go no later than three days from the date of determination removal.

Chapter 19. Protocols

Article 196. Obligation of taking the minutes

During each judicial session, and also about each separate legal proceeding made out of meeting in oral trial the protocol is constituted.

Article 197. Contents of the protocol

1. The protocol of the judicial session or separate legal proceeding made out of meeting shall reflect all essential data on trial of case or making of separate legal proceeding.

2. In the protocol of judicial session are specified:

1) date and place of judicial session;

2) time of opening and closing (beginning and termination) judicial session;

3) the name of the court considering case, structure of court, the court session secretary;

4) name of case;

5) data on appearance of participants of process, their representatives, witnesses, experts, specialists, translators and data on their personality;

6) data on explanation court (presiding) participants of process, their representatives, and also the translator, the expert, the specialist, the witness of their procedural law and obligations;

7) data that the translator, the expert, the specialist, the witness are warned about criminal liability;

8) the orders of the chairman and determination which are not accepted in the form of the independent procedural document;

9) statements, petitions and main content of explanations of participants of process and their representatives;

10) testimonies of witnesses, oral explanations experts of the conclusions, consultations and explanations of specialists;

11) content of the questions and answers taking place in judicial session;

12) data on announcement of written proofs, on listening of audio recordings, viewing of videos and on survey of physical evidences;

13) data on the measures applied by court according to the procedure, provided by Articles 66, 67 and 134 of this Code;

14) content of judicial debate and remarks;

15) conclusions of the prosecutor;

16) data on removal of court for acceptance of court resolution;

17) data on announcement of the decision and determinations;

18) data on explanation to participants of process of the right to acquaintance with the protocol and bringing of notes on it;

19) data on use during judicial session of means audio-and videos, systems of video conferencing and (or) other technical means;

20) date of creation of the protocol.

Article 198. Creation of the protocol

1. The protocol is constituted by the court session secretary.

2. The protocol is constituted computer, electronic (including digital audio recording), typewritten or hand-written method.

3. For ensuring completeness of creation of the protocol the court can use audio-and videos in judicial session or when making separate legal proceeding out of meeting. In these cases audio-and videos are applied

to the protocol in which the mark about their application becomes. Additional materials of fixing of judicial session join the protocol of judicial session and are stored together with case papers.

4. Participants of process and their representatives have the right to petition for entering into the protocol of data on circumstances which they consider essential to case.

5. The protocol shall be constituted and signed no later than three days after the end of judicial session.

6. On difficult cases creation and signing of the protocol of judicial session can be performed in longer time, but no later than five days after the end of judicial session.

7. About terms of creation of the protocol and the right of acquaintance with it appears in case of announcement of the decision or determination.

8. The protocol is signed by the chairman and the court clerk. All changes entered in minutes, amendments, corrections in the protocol shall be stipulated and certified by their signatures.

Article 199. Notes on the protocol

1. Persons participating in case and their representatives have the right to study the protocol and within five days from the date of its signing to submit written notes on the protocol with indication of on the inaccuracies allowed in it or on its incompleteness.

2. Not filled until the end of line and other blank spaces in the protocol are crossed out. In the protocol erasures and paintings are not allowed.

Article 200. Consideration of the note on the protocol

1. Notes on the protocol are considered by the judge who signed it presiding on case who in case of consent with notes certifies their correctness, and in case of disagreement with them takes out motivated determination about their complete or partial variation.

2. Notes are anyway filed.

3. Notes on the protocol shall be considered within five days from the date of their giving.

Section IV. Features of production on separate categories of cases

Chapter 20. Production on cases on protection of the voting rights of subjects of the electoral process

Article 201. Appeal of the decisions and (or) actions (failure to act) violating the voting rights of participants of the electoral process

1. The citizen or other subject of the electoral process (the voter, the candidate, political party, their representatives in the electoral commissions, authorized representatives, non-profit organization, observers) considering that the decision, action (failure to act) of public authority, local government body, non-profit organization, the electoral commission, their officials violates the voting rights of subjects of the electoral process have the right to file the lawsuit to the court of the first instance in the location of the defendant.

2. With statements on decisions of the electoral commissions on establishment of results of vote and determination of election results candidates, the political parties which pushed candidate lists, their representatives in the electoral commissions and observers, deputies or fractions, proposed candidates for position of the head of executive body of local self-government, and also candidates for this position can address.

3. Decisions of district police officers and territorial election commissions are appealed in court only after consideration of the corresponding claims by higher electoral commissions. Decisions and (or) actions (failure to act) of the Central commission on elections and holding referenda of the Kyrgyz Republic are appealed directly in court.

4. The petition is submitted without delay, since the moment when the applicant knew of violation of its voting rights, decision making, making of actions (failure to act), but no later than two calendar days.

5. Statements on decisions of the electoral commissions on establishment of results of vote and determination of election results move within three calendar days from the moment of establishment of results of vote or determination of election results.

6. Statements on the decisions made according to the procedure, provided in part 3 of this Article, move within three calendar days from the moment of decision.

7. Submission due dates of statements are not subject to recovery.

Article 202. Consideration of the statement by court

1. The statement which arrived during preparation of elections shall be considered by court in three-day time from the date of its giving, but no later than the day preceding ballot day, and arrived in ballot day or in the day following ballot day - immediately.

2. In cases if the facts containing in the statement require additional check, decisions on them are made not later than in five-day time, but no later than the day preceding ballot day.

3. The application is considered by court with participation of the applicant, representative of the relevant electoral commission, public authority, local government body, non-profit organization, other subjects of the electoral process whose actions are appealed. Absence in court of the specified persons who are properly informed on time and the place of judicial session is not obstacle for consideration and permission of case.

Article 203. Judgment, its execution and appeal

1. By results of consideration of the application the court passes the decision.

2. Court, having established justification of the statement, recognizes the disputed decision, action (failure to act) illegal and cancels the decision of the relevant electoral commission.

3. The court refuses allowance of the application if determines that the disputed decision, action (failure to act) is legal.

4. The judgment takes legal effect from the moment of its removal and it is obligatory for execution by public authorities, local government bodies, non-profit organizations, the electoral commissions and their officials.

5. The motivated decision passed by court without delay is handed to the applicant, persons participating in case and also the relevant electoral commission.

6. The resolution of the Trial Court which took legal effect can be appealed in cassation procedure in court of cassation instance within three calendar days from the moment of decision.

7. Submission due dates of claims are not subject to recovery. After the specified terms of the claim are not accepted and are subject to return according to the procedure, established by this Code.

8. The writ of appeal can be brought through the court which passed the decision. Submission of the claim directly in the Supreme Court of the Kyrgyz Republic is not obstacle for consideration of the claim.

9. The court of cassation instance considers writs of appeal within five calendar days from the date of receipt of case in cassation instance with obligatory participation of the representative of Central Election Commission at elections and holding referenda of the Kyrgyz Republic.

10. The court order of cassation instance takes legal effect from the moment of its announcement, is final and is not subject to appeal.

Chapter 21. Production on appeal of the decision of the Disciplinary commission under Judicial council about early release of the judge from post

Article 204. Appeal of the decision of the Disciplinary commission under Judicial council about early release of the judge from post

1. The judge brought to disciplinary responsibility or person (persons) who made the complaint or submission to the Disciplinary commission under Judicial council considering that in case of decision making by

the Disciplinary commission under Judicial council about early release of the judge from post the procedure for involvement of the judge to disciplinary responsibility was broken have the right to file petition (claim) in court in the location of the defendant.

2. The statement (claim) is filed a lawsuit without delay, since the moment when the applicant knew of decision making, but no later than ten days from the date of removal of the Disciplinary commission under Judicial council of the decision on early release of the judge from post.

3. The statement (claim) is subject to consideration by court in three-day time from the moment of receipt. In cases if the facts containing in the statement (claim) require additional check, the decision on it is made not later than in five-day time. The motivated decision made by court certified by seal of court in writing without delay is handed to the applicant and the representative of the Disciplinary commission to Judicial council.

4. The application (claim) is considered by court with participation of person (persons) who made the complaint, his representatives, the representative of the Disciplinary commission to Judicial council. Absence in court of the specified persons who are properly informed on time and the place of judicial session is not obstacle for consideration and permission of case.

5. Court, having established justification of the statement (claim), nullifies the disputed decision and cancels the decision of the Disciplinary commission under Judicial council or refuses allowance of the application (claim) if determines that the disputed decision is legal.

6. The judgment takes legal effect from the moment of its removal.

7. Submission due dates of statements (claims) are not subject to recovery. After the specified terms statements (claims) are not adopted.

Article 205. Appeal of resolution of the Trial Court

1. The applicant, his representative, the representative of the Disciplinary commission to Judicial council can file petitions (claims) to the judgment.

2. The judgment is appealed in the Supreme Court of the Kyrgyz Republic. Submission of the writ of appeal according to the procedure and the terms established by this Code stops execution of the Disciplinary commission under Judicial council of the judgment.

3. The writ of appeal on the judgment is brought through the court which passed the decision.

4. Applications (claims) to the made judgments are submitted within three calendar days from the moment of pronouncement of decisions to the Supreme Court of the Kyrgyz Republic according to the procedure, provided by Chapter 25 of this Code.

5. The arrived statement (claim) according to the procedure of the cassation is subject to consideration by court in three-day time from the moment of receipt. In cases if the facts containing in the statement (claim) require additional check, the decision on it is made not later than in five-day time. The copies of the resolution certified by seal of court without delay are handed to the parties.

6. In the cases provided by this Code, the constitutional laws, the laws of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic can cancel the judgment.

7. The court order of cassation instance takes legal effect from the moment of its removal, is final and is not subject to appeal.

8. Submission due dates of statements (claims) are not subject to recovery. After the specified terms statements (claims) are not adopted.

Chapter 22. Establishment of abnormality of civil registrations

Article 206. Filing of application

1. The court considers cases on establishment of abnormality of entries in books of civil registration (assembly books) if bodies of civil registration in the absence of dispute on the right refused to make corrections or changes to the made record.

2. The statement for establishment of abnormality of entry in books of civil registration is filed a lawsuit at the place of residence of the applicant.

Article 207. Contents of the statement

In the statement it shall be specified what abnormality of entry in books of civil registration when and by what body of civil registration it was refused correction or change of the made record consists in.

Article 208. The judgment according to the statement

The judgment which establishes abnormality of entry in books of civil registration forms the basis for correction or change of such record of acts of civil status by bodies.

Chapter 23. Consideration of the applications on making of notarial actions or refusal in their making

Article 209. Filing of application

1. The interested person considering wrong made concerning its notarial action or refusal in making of such action having the right to submit about it the application in the location of the notary or official, authorized on making of notarial action.

2. The statement is filed a lawsuit in the ten-day time estimated from the date of when the applicant knew of committed notarial action or of refusal in making of notarial action.

3. The dispute on the right which arose between interested persons based on committed notarial action is considered by court according to the procedure of claim production on civil cases.

Article 210. Consideration of the application

The application is considered by court with participation of the applicant, notary or other official, made the appealed notarial action or refused making of notarial action, however their absence is not obstacle for permission of case.

Article 211. The judgment according to the statement

The judgment which grants the application cancels committed notarial action or obliges to perform such operation.

Section V. Appeal and review of court resolutions

Chapter 24. Legal proceedings in Appeal Court

Article 212. Right of appeal appeal

1. The decisions of the courts of the first instance which did not take legal effect can be appealed by the parties and other participants of process in appellate instance.

2. The prosecutor has the right to bring appeal representations on the proceedings initiated according to statements of the prosecutor or considered with participation of the prosecutor and also if the court makes the decision violating the rights and interests of the citizen and the state protected by the law.

3. Also persons who are not recruited in case have the right to make the petition for appeal, but concerning the rights and which obligations the court made the decision.

Article 213. Procedure and submission due dates of the petition for appeal (representation)

1. The petition for appeal (representation) is submitted through the Trial Court which passed the decision.

2. The petition for appeal (representation) can be made within thirty days after announcement of the decision by court if other terms are not provided by the law.

3. Procedural term on submission of the petition for appeal (representation) can be recovered by Appeal Court according to Article 103 of this Code. At the same time the petition for recovery of procedural term on submission of the petition for appeal (representation) can be submitted no later than three months from the date of announcement of the decision by court together with the petition for appeal on the judgment on the considered case.

4. By results of consideration of question of recovery of the passed procedural term by Appeal Court motivated determination which can be appealed is taken out. At the same time the claim (idea) to determination of recovery of the passed procedural term can be submitted together with the writ of appeal (representation) on court resolution of Appeal Court on the substance of dispute.

5. In case of refusal in satisfaction of the petition for recovery of the passed procedural term on submission of the petition for appeal (representation) the petition for appeal (representation) is subject to return to the applicant with all documents attached to it.

Article 214. Form and content of the petition for appeal (representation)

1. The petition for appeal (representation) is submitted in writing by the typewritten text.

2. The petition for appeal (representation) shall contain:

1) the name of court to which the claim (representation) is addressed;

2) the name of person making the complaint (representation), its residence, phone numbers, the fax, the e-mail address if those are available, and for the legal entity also - its registration number, the location and other details;

3) name of other participants of process and their location;

4) specifying on the appealed decision;

5) specifying on whether the claim to the decision in general or is submitted about some of its parts with reference to its specific parts;

6) specifying on the regulations of the substantive right which are incorrectly applied by Trial Court or significantly the broken regulations of procedural law or specifying on what the wrong assessment of proofs (circumstances) consists in;

7) accurately expressed request of person making the complaint (representation);

8) the list of the documents attached to the claim (representation).

3. The petition for appeal (representation) is signed by person making the complaint (representation). The power of attorney or other document certifying powers of the representative shall be attached to the petition for appeal submitted by the representative. The signature of the head of the legal entity is witnessed by seal of this legal entity.

4. Person making the petition for appeal (representation) sends to other participants of process of the copy of the claim (representation) and the documents attached to it.

5. Proofs of payment of the state fee, and also the proof of the direction of copies of the claim and documents attached to it to persons participating in case shall be attached to the petition for appeal.

6. If necessary the statement for exemption of the state fee is attached to the petition for appeal (representation).

7. In case of the omission of procedural term the statement for recovery of the passed term on appeal appeal is attached to the petition for appeal.

Article 215. Limits of the petition for appeal (representation)

1. In the petition for appeal (representation) it is not allowed to change subject or the basis of the claim, to include in it new requirements which were not declared in Trial Court.

2. The new requirement is not considered:

1) refining of the requirement;

2) correction in the claim of plain errors;

3) replacement of the requirement to recognize the right as the requirement to recover the infringed right owing to the circumstances which changed in progress of the case.

Article 216. The courts considering the petition for appeal (representation)

The petition for appeal (representation) is considered by Appeal Court.

Article 217. Terms of consideration of the case in appellate instance

The case which arrived according to the petition for appeal (representation) shall be considered within two months from the date of its receipt in Appeal Court.

Article 218. Actions of court after receipt of the petition for appeal (representation)

1. The Trial Court after receipt of the petition for appeal (representation) shall direct after the term established for appeal case to Appeal Court and inform on it participants of process.

2. Before the expiration established for appeal appeal, case cannot be requested from court.

3. Participants of process, and also persons specified regarding 3 articles 212 of this Code having the right to get acquainted in court with case papers, and also with the arrived claims (representations) and objections to them.

Article 219. Return of the petition for appeal (representation)

1. The petition for appeal (representation) returns to person who made the complaint (representation), Appeal Court in cases if:

1) the petition for appeal (representation) is made by person who does not have the right to appeal to the court of appellate instance;

2) the term of appeal expired and there is no statement for recovery of term on appeal;

3) the petition for appeal (representation) is made with violation of requirements of parts 2 and 3 of article 214 of this Code;

4) proofs of payment of the state fee are not attached to the claim;

5) the complaint (representation) is made passing Trial Court;

6) from the face, made the complaint (representation), the statement for return of the claim (representation) arrived.

2. About return of the petition for appeal (representation) the Appeal Court takes out motivated determination in three-day time from the moment of its receipt in court and hands or sends to person who made the complaint (representation) with all enclosed documents.

3. After elimination of the circumstances which formed the basis for return of the claim (representation), person who made the complaint having the right to take a legal action again with the petition for appeal (representation) in general procedure within the term established by this Code.

4. In case of failure of evidence of the direction of the petition for appeal (representation) to participants of process Appeal Court, without returning case, sends to the copy of the claim (representation) and documents attached to it to participants of process together with the notice on date of hearing of the case.

5. The writ of appeal (representation) can be made about determination of court about return of the claim (representation).

Article 220. Objection on the petition for appeal (representation)

1. Participants of process have the right to provide objections on the petition for appeal (representation) with application of documents and other proofs confirming this objection with copies on number of participants of process.

2. Copies of objection and appendices to it are handed to participants of process.

Article 221. Refusal of the petition for appeal or withdrawal of appeal representation

1. Person who made the petition for appeal having the right to refuse it before removal of court resolution. The prosecutor has the right to withdraw representation before removal of court resolution.

2. The refusal of the claim or withdrawal of representation is accepted by court if it does not violate the right, freedoms and interests of participants of process protected by the law.

3. In case of refusal of the claim or withdrawal of representation the court explains the effects of refusal of the claim or withdrawal of representation provided by part 5 of this Article and takes out determination about the termination of appeal production.

4. If the court in case of refusal from the petition for appeal or withdrawal of representation cannot stop production in connection with the claim (representation) of other person, then determination which production according to that petition for appeal (representation) concerning which the refusal or response was declared stops is taken out. In this case appeal production continues according to other claim (representation).

5. In case of refusal from the petition for appeal or withdrawal of appeal representation and acceptance by its court repeated appeal of court resolution in appeal procedure is not allowed by the same person.

Article 222. Refusal of the claimant of the claim and the voluntary settlement of the parties in Appeal Court

1. The declaration of abandonment of the claimant of the claim or the voluntary settlement of the parties made after submission of the petition for appeal moves according to Articles 39 and 41 of this Code. Before acceptance of refusal of the claimant of the claim or approval of the voluntary settlement the court explains to the claimant or the parties of effect of their legal proceedings.

2. In case of acceptance of refusal of the claimant of the claim or approval of the voluntary settlement of the parties the appellate instance repeals the act of Trial Court and stops proceeedings.

Article 223. Preparation of case for appeal consideration and purpose of case for consideration

1. In case of receipt of case case is transferred to Appeal Court to the judge-speaker.

2. The petition for appeal (representation) is accepted to production of Appeal Court in the absence of the bases, stipulated in Article the 219th of this Code about what determination is taken out.

3. The judge-speaker within ten days after adoption of the petition for appeal (representation) to production:

1) is found out by the list of participants of process;

Sends 2) to the copy of determination about adoption of the petition for appeal (representation) to production to participants of process with information on their rights and obligations;

3) finds out circumstances on which participants of process as refer to the bases of the requirements and objections;

4) finds out what facts of the case are recognized and what are denied by participants of process;

5) suggests participants of process to submit new proofs to which they refer, or requests them according to the petition of the participant of the process which made the petition for appeal (representation), or on own initiative and finds out why these proofs were not brought into Trial Court;

6) resolves other petitions of participants of process;

7) resolves question of possibility of implementation of appeal production without conducting oral trial;

8) resolves other questions necessary for consideration of the petition for appeal (representation).

4. All court resolutions adopted by the judge-speaker during preparation of case for appeal consideration are accepted in the form of determination which copies are sent to participants of process.

5. After carrying out preparatory actions the judge-speaker reports on them on structure of judicial board which takes out determination about the end of preparation and about purpose of case to appeal consideration.

6. The Appeal Court informs participants of process on date, time and the place of judicial session by the rules established by Chapter 12 of this Code.

In case of implementation of appeal production without conducting oral trial the structure of judicial board informs participants of process on date, time and the place of judicial session on announcement of court resolution by results of consideration of the petition for appeal (representation) in essence.

7. In case of absence in judicial session any of the participants of process who are not informed on date, time and the place of consideration of the case, the court postpones case trial.

Absence of the participants of process who are properly informed on date, time and the place of consideration of the case is not obstacle to case trial. If participants of process are properly informed on date, time and the place of judicial session, the court can postpone case trial if comes to conclusion about respectfulness of the reasons of their absence.

8. Absence of the participants of process who are properly informed on date, time and the place of judicial session on announcement of court resolution by results of consideration of the petition for appeal (representation) in essence is not obstacle to announcement of court resolution.

Article 224. Procedure for consideration of the case by Appeal Court

1. The Appeal Court considers administrative case in judicial session by rules of production in Trial Court taking into account the features provided by this Code.

2. In due time the chairman opens judicial session and declares what case, according to whose claim and to what decision of court is subject to consideration. The chairman finds out which of participants of process and their representatives was, identifies the personality been, and also checks powers of officials and representatives.

3. The chairman announces structure of court and explains to participants of process their right to declare branches.

The bases for branches, procedure for permission of the declared branch and effect of satisfaction of such statements are determined by Articles 20-25 of this Code.

4. The chairman resolves question of possibility of consideration of the case in the absence of not been participants of process, explains to participants of process their procedural law and obligations.

5. Statements and petitions of participants of process on all questions connected with trial of case in appellate instance are permitted by court after hearing of opinions of other participants of process.

6. Consideration of the case in appellate instance begins the report of the judge-speaker who states the facts of the case, content of resolution of the Trial Court, arguments of the petition for appeal (representation) and objections on it, contents of the new proofs brought into court.

7. After the report the court hears explanations of participants of process and (or) their representatives. Person who made the petition for appeal (representation) and (or) his representative acts as the first. In case of appeal of the decision by several participants of process by the first the claimant acts.

8. In case of absence of participants of process on meeting of Appeal Court the written objections given them on the claim (representation) are disclosed.

9. Court, having heard explanations of the parties, if necessary announces the proofs which are available in case and researches new proofs. The research of proofs is conducted according to the procedure, established for Trial Court.

10. The parties have the right to declare petitions for challenge and interrogation of witnesses, for reclamation of other proofs.

11. The Appeal Court has the right to refer in reasons for the court resolution to the testimonies of the persons who were not called on court session, but interrogated in Trial Court announced in court. If these indications are disputed by the parties, then persons which were this them are subject to examination in court of appellate instance.

12. After the research of proofs the chairman interviews participants of process about the petitions which are available for them on amendment of legal proceedings. After permission of these petitions the court passes to judicial debate.

13. Judicial debate is held by rules of article 166 of this Code, at the same time person who made the complaint (representation) acts as the first in debate. In case of appeal of the decision by several participants of process, the claimant acts as the first in debate.

14. The chairman in court session of appellate instance takes necessary measures to providing proper procedure in judicial session.

15. In meeting of appellate instance the court session secretary takes the protocol. On the protocol of judicial session by the parties notes which are considered by the chairman according to the procedure, provided by Articles 199 and 200 of this Code can be brought.

Article 225. Removal of court for removal of court resolution according to the petition for appeal (representation)

1. After the judicial debate, remarks, the conclusion of the prosecutor if those are available, the court is removed for removal of court resolution, having declared it the attendee in courtroom, having determined date, time and the place when the motivated court resolution is drawn up and announced. The participants of process who did not be on legal proceedings in appellate instance are informed on date, time and the place of announcement of motivated court resolution according to the procedure, stipulated in Clause the 176th of this Code. Absence of participants of process is not obstacle for announcement of court resolution.

2. The motivated court resolution is drawn up no later than fifteen days from the date of the end of legal proceedings. The Appeal Court in appointed day proceeding from amount of the taken-out court resolution has the right to announce its introduction and resolutive speak rapidly.

3. To the participants of process who were present at announcement of court resolution, the copy of motivated court resolution is handed on receipt directly in court. If the copy of court resolution is handed to the representative, then it is considered that it is handed also to person whom it represents.

4. To the participants of process who were not present at announcement of court resolution, the copy of motivated court resolution goes it the registered mail with the assurance of receipt within three days from the date of its announcement. If the copy of court resolution is sent also to the representative, then it is considered that it is sent also to the person whom it represents.

The court resolution is considered handed by the rules provided by parts 2 and 3 of article 176 of this Code.

5. If in case of removal of court resolution the Appeal Court recognizes necessary to find out the new circumstances important for case or in addition to check the available or new proofs, it resumes substantive prosecution about what the determination which is subject to entering in the protocol of judicial session is taken out. In this case judicial session continues according to the procedure, established by this Chapter.

Article 226. Limits of consideration of the case in appellate instance

1. When considering the case in appeal procedure the court checks legality and justification of resolution of the Trial Court within the petition for appeal (representation). At the same time the appellate instance is not connected by legal arguments of the claim (representation).

2. The Appeal Court has the right to determine the new facts and to research new proofs, to give new assessment to the proofs which are available in case papers. The fact determined by Trial Court and not disputed can not check Appeal Court.

3. In Appeal Court only those requirements which are considered by Trial Court in this connection change of subject of action, increase in amount of claims, change of the bases of the claim, and also presentation of the counter action is not allowed are considered.

Article 227. Suspension of execution of the judgment

In case of recovery of term on appeal of resolution of the Trial Court which is not performed or is at execution stage, the appellate instance has the right to suspend execution of the judgment to permission of the petition for appeal (representation).

Article 228. Taking measures of providing claim with Appeal Court

According to the statement of persons participating in case, the Appeal Court can take measures to providing the claim for the rules established by Chapter 12 of this Code.

Article 229. Powers of Appeal Court

The Appeal Court has the right:

1) to leave resolution of the Trial Court without change, and the claim (representation) - without satisfaction;

2) to completely change resolution of the Trial Court or in part;

3) to cancel resolution of the Trial Court completely or in part and to pass the new decision;

4) to cancel resolution of the Trial Court completely or in part and to stop proceeedings or to leave the statement without consideration;

5) to cancel resolution of the Trial Court and to send case for new trial;

6) to leave the petition for appeal (representation) without consideration on the merits if the petition for appeal (representation) is made by person who does not have the right to appeal to the court of appellate instance.

Article 230. The bases to judgment change

The bases to change of resolution of the Trial Court are:

1) permission of case correct in essence or question, but with wrong application of regulations of substantive or procedural law;

2) permission not of all claims or questions.

Article 231. The bases to cancellation of the judgment and adoption of the new decision

1. The bases to cancellation of resolution of the Trial Court and adoption of the new decision are:

1) incomplete clarification of the circumstances important for case;

2) absence of proof of the circumstances important for case which the court considers established;

3) discrepancy of the conclusions of court stated in the decision, to the facts of the case;

4) wrong application of regulations of the substantive right.

2. Regulations of the substantive right are considered incorrectly applied if court:

1) was not applied by the law which is subject to application;

2) was applied by the law which is not subject to application;

3) was misinterpreted by the law.

Article 232. Cancellation of the decision with suit abatement or leaving of the claim without consideration

The resolution of the Trial Court is subject to cancellation in appeal procedure with suit abatement or leaving of the statement without consideration on the bases specified in Articles 186, of the 188 and 189 of this Code.

Article 233. The basis to cancellation of resolution of the Trial Court and the direction of case on new trial

1. The resolution of the Trial Court is subject to cancellation, and case - to the direction on new trial in case of fundamental breach of regulations of procedural law.

2. Fundamental breach of regulations of procedural law is if:

1) case is considered by court in illegal structure;

2) the judgment is not signed by the judge or is signed not by that judge who is specified in the judgment;

3) in case there is no protocol of judicial session;

4) case is considered by court for lack of any of the participants of process who are not informed on time and the place of judicial session, or case is considered without conducting oral trial in the absence of the written consent to it of participants of process;

5) when considering the case rules about language in which legal proceedings are conducted were violated;

6) case is considered with violation of the rules of jurisdiction and cognizance established by this Code provided by Articles 15 and 16 of this Code.

3. In the presence of other violations of regulations of procedural law the judgment is subject to cancellation with the direction of case on new trial if these violations led to the wrong permission of case.

Article 234. Act of Appeal Court

1. By results of consideration of the case the Appeal Court takes out court resolution in the form of the decision or determination.

2. In case, stipulated in Item 3 articles 229 of this Code, the act of Appeal Court it is taken out in the form of the decision which replaces completely or in part resolution of the Trial Court.

The judgment of appellate instance is passed by name of the Kyrgyz Republic.

3. In the cases provided by Items 1, of 2, of the 4 and 5 article 229 of this Code, the Appeal Court takes out determination.

4. Acts of Appeal Court are adopted according to article 19 of this Code.

5. Acts of Appeal Court take legal effect from the moment of their announcement, but can be reviewed in cassation procedure by judicial board of the Supreme Court of the Kyrgyz Republic.

Article 235. Contents of the appeal decision (determination)

1. The solution (determination) of appellate instance is from introduction, descriptive, motivation and resolutive parts.

2. Determination of Appeal Court about adoption of the petition for appeal (representation) to production, case preparation, about the end of preparation and about purpose of case to appeal consideration consists only of introduction and resolutive parts.

3. In the decision (determination) of Appeal Court in addition to the circumstances mentioned in parts 2-5 of article 175 of this Code shall be specified:

1) in the prolog:

a) the name and structure of the court which adopted court resolution;

b) date and place of acceptance of court resolution;

c) person who made the petition for appeal (representation), and the faces which joined it and also other persons participating in case;

d) court resolution about which the petition for appeal (representation) is made;

2) in descriptive part:

a) the name of the court which considered case in the first instance, date and the place of removal of court resolution;

b) summary of essence of the act of Trial Court;

c) arguments of the petition for appeal (representation);

d) objections on the petition for appeal (representation);

e) explanations of persons which were present at court session of appellate instance;

3) in motivation part:

a) motives of groundlessness of application of the laws and other regulatory legal acts to which persons participating in case and also the laws and other regulatory legal acts which formed the basis of acceptance of court resolution referred;

b) in case of cancellation or change of court resolution - motives for which the Appeal Court did not agree with conclusions of Trial Court;

c) motives for suit abatement or for leaving of the action for declaration without consideration;

d) in case of adoption of the new decision - motives for which it is accepted;

e) actions which shall be executed by the parties and (or) court if the case is submitted on new trial;

4) in substantive provisions:

a) conclusions by results of consideration of the petition for appeal (representation);

b) distribution between the parties of court costs, including the state fee;

c) the term of the introduction of court resolution of appellate instance in force and procedure for its appeal.

4. In determination of Appeal Court, in addition to the circumstances listed in part 2 of this Article motives for which arguments of the claim (representation) are acknowledged unreasonable and not being the basis to cancellation or change of resolution of the Trial Court shall be specified.

5. The court resolution of Appeal Court is stated in writing by the chairman or other judge and signed by all judges of judicial structure, including the judge having special, opinion.

Article 236. Correction of slips and appreciable arithmetic errors in acts of Appeal Court

1. The Appeal Court in stipulated in Clause the 178th of this Code procedure can correct the made slips and appreciable arithmetic errors in the court resolutions.

2. About correction of slips and mistakes in court resolutions the participant of process can make the private complaint (submission) to cassation instance about determination of court.

Article 237. Additional court resolution of Appeal Court

1. The Appeal Court according to the petition of the participant of process or on own initiative can take out additional court resolution if:

1) the decision on any of requirements for case on which the evidence was produced and on which if case is considered in oral trial, participants of process offered explanations is not passed;

2) the court does not determine actions which shall be executed, either the amount of compensation of the state fee to the claimant or the state.

2. The question of removal of additional court resolution can be started in 30-days time from the date of announcement of the decision.

3. The additional court resolution takes out court after consideration of question in judicial session with the preliminary notice on it of participants of process. Absence of these persons does not serve as obstacle to the solution of question of removal of additional court resolution.

4. The additional court resolution is adopted according to the procedure, established by this Chapter, and takes legal effect from the date of its announcement.

5. The additional court resolution can be appealed together with court resolution in cassation procedure. The private complaint (submission) to cassation instance can be made about determination of court about refusal in removal of additional court resolution.

Article 238. Explanation of the judgment of appellate instance

1. The Appeal Court according to the procedure, stipulated in Clause the 179th of this Code, can explain the decision.

2. The private complaint (submission) to cassation instance can be made about determination of court on explanation of the decision.

Article 239. Execution of the judgment of appellate instance

1. The judgment of appellate instance is performed according to the procedure, the established Code of civil procedure and the legislation on enforcement proceeding of the Kyrgyz Republic.

2. According to the petition of the participant of process the Appeal Court according to the procedure, stipulated in Clause 181 of this Code, accepts determination about delay, extension of the deadline for executing the judgment or change of method and procedure for its execution.

3. The private complaint (submission) to cassation instance can be made about determination of court about delay, extension of the deadline for executing the judgment or change of method and procedure for its execution.

Article 240. Suspension and renewal of proceeedings, suit abatement and leaving of the claim without consideration in Appeal Court

Production in Appeal Court stops, renews or stops, and the claim is left without consideration according to the procedure, established by heads 15, of the 16 and 17 of this Code.

Chapter 25. Appeal of determinations of Trial Court and Appeal Court

Article 241. Right of appeal of determinations of court

1. Determinations of Trial Court and Appeal Court can be appealed separately from the judgment by participants of process in cases:

1) provided by this Code;

2) if determination of court obstructs case traffic.

2. Private claims (representations) are not submitted about other determinations of court, but objections against these determinations can be included in appeal or the writ of appeal (representation).

3. In case of submission of the private claim (representation) to the determination of Trial Court or Appeal Court which is not subject to appeal, the claim (representation) is subject to return respectively by the judge of Trial Court or Appeal Court with removal of determination in five-day time from the moment of its receipt in court. Determination of the judge (court) about return of the claim (representation) can be appealed.

4. Action of this Chapter does not extend:

1) on determination of Trial Court about suit abatement and about leaving of the claim without consideration;

2) on the determinations of Appeal Court which are taken out according to Items 1, of 2, of the 4 and 5 article 229 of this Code.

Article 242. Terms, procedure for giving and consideration of private claims (representations)

1. The private claim (representation) to determinations of Trial Court and Appeal Court can be submitted within ten days from the date of acceptance of determination of court, except as specified, provided by this Code.

2. The private claim (representation) is filed a lawsuit, taken out this determination. The private claim (representation) is addressed:

1) to Appeal Court - concerning determinations of Trial Court;

2) to court of cassation instance - concerning determinations of Appeal Court.

3. Consideration of private claims (representations) is made according to the procedure, provided by this Code for appeal and cassation appeal of court resolutions.

Article 243. Powers of court by consideration of the private claim (representation)

Court, having considered the private claim (representation), has the right:

1) to leave determination of court without change, and the claim (representation) - without satisfaction;

2) to cancel determination completely or in part and to bring case on new trial to trial, taken out determination;

3) to cancel determination completely or in part and to resolve matter of substance;

4) to cancel determination of court and to take out new determination, without bringing case on new trial to trial, taken out determination;

5) to change determination of court.

Article 244. Legal force of the determination accepted according to the private claim

1. The determination of court accepted according to the private claim (representation) takes legal effect from the moment of its announcement.

2. The cassation (private) complaint (representation) can be made about the determination of Appeal Court accepted according to the private claim (representation).

Chapter 26. Production in court of cassation instance

Article 245. Review of court resolutions in cassation procedure

The Supreme Court of the Kyrgyz Republic is court of cassation instance and reviews court resolutions concerning correctness of application of rules of law on the basis and according to the procedure, established by this Code.

Article 246. Court resolutions which can be reviewed in cassation procedure

1. The acts of Trial and Appeal Courts which took legal effect specified in this Code can be reviewed in cassation procedure.

The court of cassation instance considers the objections which are also included in the writ of appeal (representation) on the determinations which are not subject to appeal according to this Code.

2. The acts of Trial Courts which took legal effect are not appealed in appeal procedure are not subject to revision in cassation procedure.

Article 247. Persons having the right to submission of the writ of appeal (representation)

1. The writ of appeal (representation) on court resolution, stipulated in Article the 246th of this Code, can be submitted by participants of process, and also persons who are not recruited in case, but concerning the rights and which obligations the court adopted court resolution, and their representatives.

2. The prosecutor has the right to bring cassation representations on the proceedings initiated according to statements of the prosecutor or considered with participation of the prosecutor and also if the court makes the decision violating the rights and interests of the citizen and the state protected by the law.

Article 248. Submission due dates of the writ of appeal (representation)

1. The writ of appeal (representation) can be made within three months from the date of removal of court resolution of appellate instance if other is not provided by the law.

2. In case of appeal of the court resolution of appellate instance adopted beside the point dispute, the writ of appeal is submitted in a month.

3. The passed term on submission of the writ of appeal (representation) can be recovered by court of cassation instance according to Article 103 of this Code.

4. About recovery of the passed term it is specified in the court resolution of the relevant judicial board of the Supreme Court of the Kyrgyz Republic accepted by results of consideration of the writ of appeal (representation).

5. In case of refusal in satisfaction of the petition for recovery of the passed procedural term on submission of the writ of appeal (representation) the writ of appeal (representation) is subject to return to the applicant with all documents attached to it.

Article 249. Form and content of the writ of appeal (representation)

1. The writ of appeal (representation) is submitted in writing by the typewritten text.

2. The writ of appeal (representation) shall contain:

1) the name of court to which the claim (representation) is addressed;

2) the name of person making the complaint (representation), its residence, phone numbers, the fax, the e-mail address if those are available, and for the legal entity also - its registration number, the location and other details;

3) name of other participants of process, their location;

4) specifying on the appealed court resolutions;

5) specifying on whether the claim to court resolutions in general or is submitted about some of their parts with reference to their specific parts;

6) specifying on the regulations of the substantive right which are incorrectly applied by courts of the first and (or) appeal instances or significantly the broken regulations of procedural law;

7) accurately expressed request of person making the complaint (representation);

8) the list of the documents attached to the claim (representation).

3. The writ of appeal (representation) is signed by person making the complaint (representation). The power of attorney or other document certifying powers of the representative shall be attached to the writ of appeal submitted by the representative. The signature of the head of the legal entity is witnessed by seal of this legal entity.

4. Person making the writ of appeal (representation) sends to other participants of process of the copy of the claim (representation) and the documents attached to it.

5. Proofs of payment of the state fee, and also the proof of the direction of copies of the claim and documents attached to it to participants of process shall be attached to the writ of appeal.

6. If necessary the statement for exemption of the state fee is attached to the writ of appeal (representation).

7. In case of the omission of procedural term the statement for recovery of the passed term on cassation appeal is attached to the writ of appeal (representation).

Article 250. Limits of consideration of the case

1. By consideration of the writ of appeal (representation) the court of cassation instance checks correctness of application of regulations of substantive and procedural law by Trial and Appeal Courts on the materials which are available in case within arguments of the claim (representation).

2. The court of cassation instance is not connected by legal arguments of the writ of appeal (representation) and in legal concerns can go beyond the claim (representation).

Article 251. Terms of consideration of the case in cassation instance

The case which arrived according to the writ of appeal (representation) is subject to consideration within two months from the date of its receipt in court of cassation instance.

Article 252. Procedure for submission of the writ of appeal (representation)

1. The writ of appeal (representation) is submitted in the Supreme Court of the Kyrgyz Republic through the Trial Court which took out court resolution.

2. The Supreme Court of the Kyrgyz Republic according to writs of appeal (representations) has the right to request case from the relevant court for consideration according to the procedure of the cassation.

Article 253. Actions of Trial Court after receipt of the writ of appeal (representation)

The Trial Court after receipt of the writ of appeal (representation) shall direct case to the Supreme Court of the Kyrgyz Republic within five days from the date of receipt of the claim (representation), having informed participants of process on the direction of case in the Supreme Court of the Kyrgyz Republic.

Article 254. Return of the writ of appeal (representation)

1. The writ of appeal (representation) returns to person who made the complaint (representation), court of cassation instance in cases if:

1) the complaint (representation) is made with violation of part 3 of article 249 of this Code;

2) the complaint (representation) is made after the expiration of fixed term about cassation appeal and does not contain the petition for recovery of the passed term;

3) the claim (representation) does not contain instructions on what the wrong application of regulations of the substantive right or fundamental breach of procedural law consists in;

4) case was not subject of consideration of Appeal Court;

5) proofs of payment of the state fee are not attached to the claim;

6) the writ of appeal (representation) is made by person who does not have the right to appeal to the court of cassation instance.

2. After elimination of the circumstances specified regarding 1 this Article, person who made the writ of appeal (representation) having the right to address again with the claim (representation) within the term established by this Code.

3. Determination about return of the writ of appeal (representation) is taken out by court of cassation instance no later than seven days from the date of receipt of case in the Supreme Court of the Kyrgyz Republic and is handed or goes to person who made the writ of appeal (representation) with all the documents attached to the claim (representation).

Article 255. Refusal of the writ of appeal or withdrawal of cassation representation

1. Person who made the writ of appeal having the right to refuse it before removal of court resolution.

2. The prosecutor has the right to withdraw cassation representation before removal of court resolution.

3. The refusal of the claim or withdrawal of representation is accepted by court if it does not violate the right, freedoms and interests of participants of process protected by the law.

4. In case of refusal of the writ of appeal or withdrawal of cassation representation the court of cassation instance explains the effects of refusal of the claim or withdrawal of representation provided by part 6 of this Article and takes out determination about the termination of cassation proceeedings.

5. If the court, in case of refusal from the writ of appeal or withdrawal of cassation representation, cannot stop production in connection with the writ of appeal (representation) of other person, then determination which stops production according to that writ of appeal (representation) concerning which the refusal or response was declared is taken out. In this case cassation production continues according to other claim (representation).

6. In case of refusal from the writ of appeal or withdrawal of cassation representation repeated appeal of court resolution in cassation procedure is not allowed by the same person.

Article 256. Refusal of the claimant of the claim and the voluntary settlement of the parties in court of cassation instance

1. The declaration of abandonment of the claimant of the claim or the voluntary settlement of the parties made after submission of the writ of appeal (representation) moves according to Articles 39 and 41 of this Code. Before acceptance of refusal of the claimant of the claim or approval of the voluntary settlement the court explains to the claimant or the parties of effect of their legal proceedings.

2. In case of acceptance of refusal of the claimant of the claim or approval of the voluntary settlement of the parties the cassation instance cancels the court resolutions which are taken out on case and stops proceeedings.

Article 257. Suspension of execution of the court ruling

Court of the cassation instance having the right to suspend execution according to the statement of person who made the complaint (representation) the appealed court resolutions to permission of the writ of appeal (representation).

Article 258. Procedure for adoption of the writ of appeal (representation)

1. In case of receipt of case of cassation instance case is brought to the judge-speaker to trial.

2. The writ of appeal (representation) is accepted to production of the Supreme Court of the Kyrgyz Republic in the absence of the bases, stipulated in Article 254 of this Code.

About adoption of the writ of appeal (representation) and purpose of case to legal proceedings the court of cassation instance takes out determination no later than seven days from the date of receipt of case in the Supreme Court of the Kyrgyz Republic.

In case of failure of evidence of the direction of the writ of appeal (representation) to participants of process the Supreme Court of the Kyrgyz Republic, without returning case, sends to the copy of the claim (representation) and documents attached to it to participants of process together with the notice on date, time and the place of hearing of the case in court of cassation instance.

3. The participants of process or persons who addressed with the writ of appeal (representation) having the right to get acquainted with case papers, the writ of appeal (representation) and to bring the objections.

4. The notice of participants of process on day, time and the place of consideration of the case is made by the rules established by Chapter 10 of this Code.

Article 259. Procedure for consideration of the writ of appeal (representation)

1. Consideration of the writ of appeal (representation) is made by rules of Chapter 24 of this Code with the withdrawals and amendments provided by this Chapter.

2. In the Supreme Court of the Kyrgyz Republic cases are considered by judicial structures from three judges.

3. When considering the case the judge-speaker, then person who made the complaint (representation) and other participants of process appears in court of cassation instance with the report on case if the court does not determine other procedure. Then the court is removed for acceptance of court resolution, having announced date and time of announcement of court resolution.

4. If the court of cassation instance comes to conclusion about possibility of removal of court resolution in day of consideration of the case, then in this case the court has the right to announce substantive provisions of court resolution, without appointing additional judicial session for announcement of court resolution. At the same time creation of motivated court resolution can be in writing postponed for term no more than fifteen days.

5. Absence in judicial session of court of cassation instance, and also for announcement of court resolution of the participants of process properly informed on day, time and the place of consideration of the case, announcement of court resolution is not obstacle to case trial, announcement of court resolution.

Article 260. Suspension of cassation production

1. The court of cassation instance stops cassation production on the bases provided by Articles 182, 183 of this Code, except as specified, stipulated in Item the 7th Article 182 and Item 3 parts of 1 Article 183 of this Code.

2. The suspended cassation production is resumed according to article 185 of this Code.

Article 261. Powers of court of cassation instance

1. Court of cassation instance, having considered case on the writ of appeal (representation) has the right:

1) to uphold acts of Trial and Appeal Courts;

2) to uphold one of taken out in the matter of court resolutions;

3) to change acts of courts of the first and (or) appeal instances completely or in part;

4) to repeal the act of court of the first or appellate instance completely or in part and to make the new decision, without submitting the case on new trial if the mistake in application of regulations of the substantive right is made;

5) to repeal acts of courts of the first and (or) appeal instances completely or in part and to send case for new trial;

6) to leave the writ of appeal (representation) without consideration on the merits if the writ of appeal (representation) is made by person who does not have the right to appeal to the court of cassation instance;

7) to repeal acts of Trial and Appeal Courts completely or in part and to stop proceeedings or to leave the claim without consideration for the bases specified in Articles 186 and 188 of this Code.

2. In case of the direction of case on new trial the court of cassation instance can indicate the need of consideration of the case for other structure.

Article 262. The bases to cancellation or change of court resolutions in cassation procedure

1. The bases of cancellation or change of court resolutions in cassation procedure are fundamental breach or the wrong application of rules of law, and also groundlessness of court resolution.

2. The court resolution cannot be cancelled for formal reasons.

Article 263. Acts of court of cassation instance

1. The act of court of cassation instance adopted by results of consideration of the writ of appeal (representation) according to Items 1-5 of part of 1 Article of 261 of this Code is taken out in the form of the resolution by name of the Kyrgyz Republic.

In all other cases the act of court of cassation instance is adopted in the form of determination.

2. Acts of court of cassation instance are adopted according to article 19 of this Code.

Article 264. Contents of acts of court of cassation instance

1. Acts of court of cassation instance consist of introduction, descriptive, motivation and resolutive parts.

Determination of court of cassation instance about acceptance to production and purpose of case to legal proceedings consists only of introduction and resolutive parts.

2. In the prolog shall be specified:

1) the name and structure of the court which adopted court resolution;

2) date and place of acceptance of court resolution;

3) person who made the writ of appeal (representation), and the faces which joined it and also other participants of process;

4) court resolution about which the writ of appeal (representation) is made.

3. In descriptive part shall be specified:

1) the name of the court which considered case in the first and appeal instances, date and the place of removal of court resolution, the list of the judges who considered case, summary of essence of the act of the first and appeal instances;

2) arguments of the writ of appeal (representation);

3) objections on the writ of appeal (representation);

4) explanations of persons which were present at court session of cassation instance.

4. In motivation part shall be specified:

1) motives of groundlessness of application of the laws and other regulatory legal acts to which participants of process, and also the laws and other regulatory legal acts which formed the basis of acceptance of court resolution referred;

2) in case of cancellation or change of court resolution - motives for which the court did not agree with conclusions of courts of the first and (or) appeal instances;

3) actions which shall be executed by the parties and (or) court if the case is submitted on new trial.

5. In substantive provisions shall be specified:

1) conclusions by results of consideration of the writ of appeal (representation);

2) distribution between the parties of court costs, including the state fee.

6. In case of leaving of acts of Trial and Appeal Courts in force on the bases specified in acts of these courts, the court of cassation instance shall not motivate the decision. At the same time the court of cassation instance specifies that it considers correct, legal and reasonable the appealed court resolutions.

7. The court of cassation instance has the right to consider question of correction of slips and appreciable arithmetic errors, and also to issue the additional decree according to Articles 177, of the 178 and 237 of this Code.

Article 265. Legal force of acts of court of cassation instance

1. Acts of court of cassation instance take legal effect immediately from the moment of their announcement, are final, are not subject to appeal.

2. The Instructions containing in acts of court of cassation instance are obligatory for the court which is again considering case.

Article 266. Private determination of the Supreme Court of the Kyrgyz Republic

The Supreme Court of the Kyrgyz Republic considering case in the cassation procedure having the right to take out private determination in the presence of the bases, stipulated in Article 194 of this Code.

Chapter 27. Review of the court resolutions which took legal effect on again opened or new circumstances

Article 267. Review of court resolutions on newly discovered facts or new circumstances

The acts of courts of the first, appeal and cassation instances which took legal effect can be reviewed on again opened or new circumstances based on the statement (representation) of the participant of process.

Article 268. The review bases on newly discovered facts

1. Newly discovered facts are the circumstances existing at the time of the acceptance of the disputed court resolution which took legal effect, taken out on the merits of the case which were not and could not be known to the applicant.

2. The bases for review of the court resolutions which took legal effect on newly discovered facts are:

1) the document having essential value for permission of case which was not and could not be known to the applicant and (or) court at the time of acceptance of the disputed court resolution;

2) obviously false evidences of the witness or specialist, obviously false expert opinion, obviously incorrect translation, subfalsehood of documents or physical evidences which entailed the resolution of illegal or unreasonable court resolution established by the court verdict which took legal effect;

3) the criminal actions of person established by the court verdict which took legal effect as a result of which the illegal or unreasonable court resolution was adopted;

4) cancellation of the act of the court or administrative authority which formed the basis to removal of the disputed court resolution.

Article 269. The review bases on new circumstances

1. New circumstances are the circumstances which arose after acceptance of the disputed court resolution which took legal effect.

2. The bases for review on new circumstances are:

1) recognition by the Constitutional chamber of the Supreme Court of the Kyrgyz Republic inappropriate to the Constitution of the Kyrgyz Republic of the law or other regulatory legal act on which the disputed court resolution is based if to its review there are no other obstacles;

2) cancellation of the act of the court or administrative authority which formed the basis to removal of the disputed court resolution;

3) the decision of the international body (court) created based on the international treaty which participant is the Kyrgyz Republic, on the specific case considered by courts of the Kyrgyz Republic from which follows that administrative process shall be begun again;

4) the resolution of plenum of the Supreme Court of the Kyrgyz Republic on practice of application of the rule of law on the basis of which the court makes the decision on specific case.

Article 270. The courts reviewing court resolutions on newly discovered facts or new circumstances

1. The acts of courts of the first, appeal and cassation instances which took legal effect are reviewed on again opened or new circumstances by the court which adopted these acts.

2. Review on again opened or new circumstances of court resolutions of courts of appeal and cassation instances which change the judgment is made respectively by courts of appeal and cassation instances.

Article 271. Filing of application (representations)

The statement (idea) of review of court resolution on again opened or new circumstances is filed a lawsuit by participants of process, considered case on the first instance, within three months from the date of establishment of the circumstances forming the basis for review, but no later than three years from the moment of the introduction in legal force of court resolution.

Article 272. Requirements to the statement (idea) of review on newly discovered facts or new circumstances

1. The statement (idea) of review on newly discovered facts or new circumstances of the court resolution which took legal effect shall contain:

1) exact specifying of the court resolution which is subject to revision on again opened or new circumstances;

2) specifying of the bases provided by Articles 268 and 269 of this Code for filing of application (representation);

3) data on adherence to deadline on filing of application (representations);

4) request to recognize circumstances opened again or new, to cancel court resolution and to reconsider case.

2. Originals or properly verified copies of documents on which it is based are enclosed to the application (representation).

3. The applicant shall send to the copy of the statement (representation) and documents attached to it to participants of process.

Article 273. Calculation of term for filing of application (idea) of review on newly discovered facts or new circumstances

Term for filing of application is estimated in cases:

1) stipulated in Item 1 parts 2 of article 268 of this Code, from the date of detection of the document having essential value for permission of case;

2) provided by Items 2 and 3 of part 2 of article 268 of this Code, from the date of the introduction in legal force of the court verdict on criminal case;

3) stipulated in Item 4 parts 2 of article 268 of this Code, from the date of the introduction in legal force of court resolution which repeals the act of court or administrative authority which formed the basis to removal of the disputed court resolution;

4) stipulated in Item 1 parts 2 of article 269 of this Code, from the date of official publication of the decision of the Constitutional chamber of the Supreme Court of the Kyrgyz Republic on recognition unconstitutional the law and (or) other regulatory legal act on which the court resolution is based;

5) stipulated in Item 2 parts 2 of article 269 of this Code, from the date of the introduction in legal force of the act of court or the act of administrative authority opposite on the content to the previous acts of court or administrative authority on which the reviewed court resolution was based;

6) stipulated in Item 3 parts 2 of article 269 of this Code, from the date of the introduction in legal force (acceptances) of the decision of the international body (court) created based on the international treaty which participant is the Kyrgyz Republic, on the specific case considered by courts of the Kyrgyz Republic;

7) stipulated in Item 4 parts 2 of article 269 of this Code, from the date of official publication of the resolution of plenum of the Supreme Court of the Kyrgyz Republic.

Article 274. The bases of return of the statement (representation) on newly discovered facts or new circumstances

The court returns the application (representation) in cases if:

1) contents of the statement (representation) do not conform to requirements of part 1 of article 269 of this Code;

2) the proofs confirming the direction of copies of the application (representation) and the enclosed documents to participants of process are not enclosed to the application (representation);

3) the application (representation) is submitted after stipulated in Clause 271 of this Code of term and does not contain the petition for recovery of the passed term;

4) the application (representation) is submitted not by the participant of process;

5) the application (representation) is not signed or is signed by person who does not have the right to sign it, or person whose official capacity is not specified;

6) from the face, submitted the application (representation), the statement (idea) of its response arrived.

Article 275. Consideration of the application (ideas) of review of court resolution on newly discovered facts or new circumstances

The court considers the statement (idea) of review of court resolution on newly discovered facts or new circumstances in judicial session from the date of its receipt in a month. The applicant and other participants of process are informed on time and the place of judicial session, however their absence is not obstacle to consideration of the application (representation).

Article 276. Determination of court about review of court resolution on newly discovered facts or new circumstances

1. Court, having considered the application (idea) of review of court resolution on newly discovered facts or new circumstances, or grants the application (representation) and cancels court resolution, or refuses review.

2. Determinations of Trial and Appeal Courts about satisfaction or about refusal in allowance of the application (idea) of review of court resolution on newly discovered facts or new circumstances can be appealed according to the procedure, provided by Chapter 24 of this Code.

3. Determination of judicial board of the Supreme Court of the Kyrgyz Republic about satisfaction or about refusal in allowance of the application (idea) of review of court resolution on newly discovered facts or new circumstances is not subject to appeal.

4. In case of allowance of the application (idea) of review of court resolution case is considered by court in accordance with general practice by the rules established by this Code.

Chapter 28. Execution of court resolutions

Article 277. Execution of court resolutions

1. Court resolutions are carried out after their introduction in legal force according to the procedure, the established Code of civil procedure of the Kyrgyz Republic and the legislation of the Kyrgyz Republic on enforcement proceeding.

2. The writ of execution is issued based on the judgment, the binding defendant to adopt the administrative act or to make certain actions, and also in other cases provided by this Code.

President of the Kyrgyz Republic

A. Atambayev