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## Feature Report

### Kyrgyz Constitutional Crisis: The New Version Of The Constitution

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## Kyrgyz Constitutional Crisis: The New Version Of The Constitution

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### Introduction

Throughout his term, former President A.A. Akayev made efforts to gather power and to turn the Kyrgyz Republic into a super-presidential republic. The old version of the Constitution of February 18, 2003, gave President Akayev broader powers and reinforced the presidential form of rule in the republic.

During the events of March 2005 that resulted in a change of government, the opposition demanded, among other things, Constitutional reform in the republic. However, the new president, K.S. Bakiyev, did not rush to carry out these reforms. As a result, the new opposition (the "For Reform" coalition) put pressure on the president through mass demonstrations to force the president to sign the new version of the Constitution on November 9, 2006. The new version of the Constitution greatly limited the powers of the president and thus turned the Kyrgyz Republic into a republic run by a president and a parliament. In addition to restricting the powers of the president, the Constitution of November 9, 2006, included a number of progressive amendments in other areas, such as citizenship and arrest warrants, as well.

During the subsequent political struggle, the November 9, 2006, version of the Constitution underwent a number of changes. The president signed the new version of the Constitution on January 15, 2007, and regained some of the powers lost in November 2006. The most recent changes to the Constitution were mostly concerned with the division of power between the president, the parliament and the government, and do not greatly affect other amendments of November 9, 2006. Below we will use the term "new version of the Constitution" to mean the applicable rules of the Constitution formulated as a result of both the November 2006 and the January 2007 amendments to the Constitution, unless we refer to the versions separately.

We do not intend in this Feature Report to assess the current political situation in the Kyrgyz Republic. Our goal is to acquaint readers with changes to the so-called "Akayev Constitution" that represent a new stage of Constitutional reform in the Kyrgyz Republic.

### Definitions

- The new version of the Constitution: the current Constitution of the Kyrgyz Republic, including all amendments and supplements of November 9, 2006, unchanged by the version of

January 15, 2007, as well as amendments and supplements to the Constitution introduced on January 15, 2007.

- The November version of the Constitution: the version of the Constitution dated November 9, 2006, made obsolete in accordance with the Law of the Kyrgyz Republic that was put into effect on January 15, 2007.
- The January version of the Constitution: the version of the Constitution dated January 15, 2007.
- The old version of the Constitution: the version of the Constitution of February 18, 2003, made obsolete in accordance with the Law of the Kyrgyz Republic of November 9, 2006.
- Zhogorku Kenesh: the parliament of the Kyrgyz Republic.

### The Status Of The New Constitution

As a legal matter, we can speak only of the new version of the Constitution of May 5, 1993, since essentially this was the version amended and supplemented by the Laws of the Kyrgyz Republic "On the New Version of the Constitution of the Kyrgyz Republic" of November 9, 2006, and January 15, 2007. For this reason, Constitution Day continues to be celebrated in the Kyrgyz Republic on May 5.

### Key Changes To The Constitution

#### Competence Of State Bodies, Local Government Bodies And Their Officials

In contrast to the previous versions of the Constitution, the January version of the Constitution states, "The state, its bodies, local government bodies and their officials may not exceed the authorities defined in this Constitution and the law."<sup>1</sup> This rule was apparently intended to strengthen governmental bodies in the country by focusing attention on the lack of tolerance for exceeding power. Of course, this rule responds to claims of parliament, particularly with respect to its supervisory functions.

#### Right Of Ownership Of Natural Resources

In contrast with the old version of the Constitution, which stated in Clause 3 of Article 4 that "Land may also be in private, municipal and other forms of ownership," the new version of the Constitution extends this list and, in paragraph 2 of Clause 5 of Article 4, states that "Land and other natural resources may also be in private, municipal and other forms of ownership." Only time will tell how this rule may affect the further development of legislation, for example, with respect to the possible privatization of forests.

#### Right Of The Government To Change Tax Rates

According to the old version of the Constitution, "In exceptional cases, to protect the economic interests of the Kyrgyz Republic, the Government of the Kyrgyz Republic is entitled to adopt temporary measures in the area of taxation by amending the rates of

certain taxes and other obligatory payments to the budget with immediate notification of the Zhogorku Kenesh of the Kyrgyz Republic.”<sup>2</sup> The new version of the Constitution eliminates this provision.

### Arrest By Court Decision

Pursuant to Clause 1 of Article 15 of the new version of the Constitution, “No one may be arrested other than by decision of a court and only on the grounds and according to the procedure established by law.”<sup>3</sup> Thus, arrest on the sole authority of the public prosecutor is again no longer permitted.

In contrast to the November version of the Constitution, the January version states that each person arrested or detained must be brought before a court within 48 hours (and not 24 hours as was previously the case) to decide on the legality of the detention.<sup>4</sup> Although the extension of this term was a good idea, it still may not be possible to properly apply the rule in practice, due to the current state of, and cooperation between, law enforcement agencies and the courts, as well as because of the overloaded court dockets. It should also be noted that while the November version of the Constitution provided that the detainee had to be brought before a court within 24 hours to decide on the legality of the arrest or any possible detention and that the matter must be considered, the January version of the Constitution provides only that the detainee must be brought before a court within 48 hours to decide on the legality of the detention. This rule does not expressly state that the court must decide on the legality of the arrest within 48 hours.

The Constitution of the United States, for example, guarantees the right to a “speedy” trial and “due process.” However, courts have held that neither of these Constitutional rights would be violated by a 72-hour arraignment period.<sup>5</sup> New York State Criminal Procedure Law, however, requires arraignment before a judge “without unnecessary delay,” a provision that courts have found to be violated by short, unjustified delays.<sup>6</sup>

The new version of the Constitution also states that entry and search of a home may be conducted only with the permission of the owner or by court order, except in such cases which are provided for by the law.<sup>7</sup>

### Trial By Jury

The new version of the Constitution provides for the development of a new institution, trial by jury. Pursuant to Clause 7 of Article 15 of the Constitution, “Everyone has the right to consideration of the case by a court with the participation of jurors in cases provided by law.”

### Censorship

The new version of the Constitution does not contain a rule prohibiting censorship in the Kyrgyz Republic.<sup>8</sup>

### Capital Punishment

The new version of the Constitution does not contain rules on capital punishment as a punishment for particularly severe crimes, as the old version of the Constitution previously provided.<sup>9</sup>

### Dual Citizenship

The new version of the Constitution provides that persons who are citizens of the Kyrgyz Republic may be citizens of another

country in accordance with the laws and international treaties of the Kyrgyz Republic.<sup>10</sup>

### Kyrgyz Persons And Dual Citizenship

The January version of the Constitution provides that “Kyrgyz persons residing outside of the Kyrgyz Republic are entitled to a simplified process of acquiring citizenship to the Kyrgyz Republic regardless of any other citizenship.”<sup>11</sup>

### Social Guarantees

Clause 2 of Article 22 of the November version of the Constitution stated that “the amount of wages, pensions and social benefits shall not be lower than the subsistence level.” However, the January version of the Constitution eliminates this provision.

### The Legal Profession And Free Legal Assistance

In contrast to the November version of the Constitution, which provided that attorneys render free legal assistance to individuals at the expense of the state, the new version states that only in cases envisaged by law should legal assistance be provided at the expense of the state.<sup>12</sup>

### The President Of The Kyrgyz Republic

Since the president’s powers are the key issue of Constitutional reform, we will illustrate here the fight to change the powers of the president contained in Article 46 of the Constitution. See *table on page 36*.

The new version of the Constitution provides a simplified procedure for impeachment of the president.<sup>13</sup> Now an indictment of the president by the Zhogorku Kenesh must be confirmed by a special commission created by the Zhogorku Kenesh, and not by the Constitutional Court of the Kyrgyz Republic. The decision of the Zhogorku Kenesh to impeach the president must be adopted by a three-quarters majority vote of all deputies of the Zhogorku Kenesh within three months of the indictment. Previously this procedure required a four-fifths majority vote within two months of the indictment by the Zhogorku Kenesh.

We also note that the new version of the Constitution has eliminated the rule that provides immunity from prosecution to former presidents of the Kyrgyz Republic and their family members.<sup>14</sup> The status of the former president is established by law. The old Constitution provided the former president of the Kyrgyz Republic immunity from criminal or administrative liability for actions or omissions during his term in office. Immunity also meant that the former president could not be detained, arrested, searched or questioned. The immunity of the former president of the Kyrgyz Republic extended to his residential and business premises, vehicles, communications devices, archives, documents, luggage, other property and correspondence. According to the old Constitution, the state supported, served and protected the former president of the Kyrgyz Republic, his spouse, minor children and other supported family members.

Both the old and the new versions of the Constitution state that “one person may not be elected President of the Kyrgyz Republic for more than two terms in a row.” The November version of the Constitution added the following provision: “Amendments and addenda to this Constitution shall not permit reelection or extension of the powers of the current President of the Kyrgyz Republic.”<sup>15</sup> As we understand, this rule was added to the Constitution specifically to prevent any president from attempting to amend the Constitution to provide for a third term or extension of

Presidential powers in the February 18, 2003, version of the Constitution	Presidential powers in the November 9, 2006, version of the Constitution	Presidential powers in the January 15, 2007, version of the Constitution
The president appoints the prime minister with the consent of parliament.	The president confirms the candidate for prime minister proposed by the winning party (more than 50% of votes by deputies elected under the proportional system).	The president appoints the prime minister proposed by the winning party (more than 50% of votes by deputies of parliament).
The president structures the government and seeks approval from parliament.	The prime minister structures the government and seeks approval from parliament.	The president consents to the prime minister's changes of government structure proposed to parliament.
The president appoints members of the government proposed by the prime minister with the consent of parliament.	The president confirms the government proposed by the prime minister.	The president appoints members of the government proposed by the prime minister. The president personally appoints and dismisses heads of state bodies in charge of defense and security.
The president appoints the heads of administrative agencies as proposed by the prime minister and dismisses them from their posts.	—	Clause 6 of Article 13 of the Law "On the Government" states that the heads of administrative agencies are appointed by the president as proposed by the prime minister.
The president appoints the heads of local government administrations proposed by the prime minister and with the consent of the local keneshes; the president dismisses heads of local administrations from their posts.	—	The president appoints the heads of local government administrations after consulting with the prime minister; the president dismisses the heads of local government administrations.
The president forms the presidential administration.	The president forms the presidential staff.	The president forms the presidential administration.
After consulting with the prime minister, the president confirms a single system for training and selection of staff for bodies funded by the state budget, the financing of government bodies and payment of salaries of civil servants.	—	The president sets the salaries for state and municipal civil servants.
The president creates and dissolves executive bodies that are not part of the government.	—	—
The president creates and dissolves the National Security Service.	—	The president personally appoints and dismisses heads of government bodies in charge of defense and security.
The president presents candidates to parliament for high court posts (Supreme Court and Constitutional Court).	The president presents candidates proposed by the National Council on Judicial Affairs to parliament for high court posts (Supreme Court and Constitutional Court).	The president presents candidates to parliament for high court posts (Supreme Court and Constitutional Court).
The president appoints judges of local courts with the consent of parliament and dismisses judges of local courts.	The president appoints and dismisses judges of local courts as proposed by the National Council on Judicial Affairs with the consent of parliament.	The president appoints judges of local courts as proposed by the National Council on Judicial Affairs with the consent of parliament; the president dismisses judges of local courts at the request of the National Council on Judicial Affairs.
The president is entitled to suspend or repeal legal acts of the government and other executive bodies.	—	The president is entitled to suspend or repeal legal acts of the government and other executive bodies.

the second term. However, it is unclear whether this attempt to prevent future amendments of the Constitution can be enforced. The January version of the Constitution eliminates this addendum. The formulation is not clear in the legal sense. However, no attempt was made to improve on the wording.

The January version of the Constitution eliminates the provision according to which the president of the Kyrgyz Republic is elected by citizens of the Kyrgyz Republic in equal, direct and universal elections by secret vote. The Constitution provides only that the presidential election process is determined by law.<sup>16</sup>

The January version of the Constitution reinstates the provision limiting the president's age at election to 65,<sup>17</sup> thus replacing the November version's maximum age at election of 70.

The January version of the Constitution adds to the provision for replacement of the president in the event of inability to perform the office. To the rule adopted by the November 9, 2006, version of the Constitution that the speaker of parliament assumes presidential powers a new provision has been added that, in the event of the speaker's incapacity, the prime minister assumes the powers of president.<sup>18</sup>

### Parliament

The Zhogorku Kenesh will now consist of 90 deputies (not 75, as under the old version of the Constitution). Fifty percent of them will be elected proportionately.<sup>19</sup> The Kyrgyz Republic already has experience using the proportional electoral system: On January 24, 2004, the Electoral Code of the Kyrgyz Republic was amended and supplemented to eliminate the use of the proportional elec-

toral system for deputies to parliament. Until that time 15 deputies (out of 60) in the Legislative Assembly (the lower house of parliament) were elected from a single electoral district in proportion to the number of votes for lists of candidates nominated by political parties and electoral blocks.<sup>20</sup> The Kyrgyz Republic expects to revise this electoral institution in a new form adapted to the new situation.

We should also note that, according to the new version of the Constitution, it is no longer necessary to have lived in the republic for five years to run for deputy.<sup>21</sup> This is because the Akayev government actively used this residential qualification to keep the opposition from getting into parliament, as was particularly the case for the prominent opposition leader Rosa Otunbayeva.

The January version of the Constitution eliminates the provision stating that parliamentary deputies are elected in universal equal and direct elections with a secret vote. Apparently the lawmakers decided that it was sufficient to allow the law to determine the procedure for electing deputies to parliament.<sup>22</sup>

In addition to those we have already mentioned, other novelties in the Constitution include new grounds for expelling a deputy of the Zhogorku Kenesh, such that more than 30 days' absence without a valid reason from meetings of the Zhogorku Kenesh during a single session is now grounds for expulsion. The powers of a deputy are terminated by a decision of the Central Commission for Elections and Referenda of the Kyrgyz Republic taken within 30 calendar days of the onset of such grounds.<sup>23</sup>

The party that constitutes more than 50 percent of the total number of deputies in the Kyrgyz Republic parliament nominates a candidate for the post of prime minister to be confirmed by the president.<sup>24</sup>

In the new version of the Constitution, the quorum needed by parliament to initiate an expression of no confidence in the government of the Kyrgyz Republic has been lowered (one-third instead of two-thirds of the total number of deputies), as is the quorum of the total number of deputies required for an actual vote of no confidence (majority instead of two-thirds) in the government of the Kyrgyz Republic. The new version of the Constitution introduces a new institution, the expression of no confidence by parliament in an individual member of the government. If the parliament decides twice within six months to express no confidence in a member of the government, the president is obligated to dismiss that member of the government.<sup>25</sup>

According to the earlier version of the Constitution, the Law on the Order of Business determined the activity of the Zhogorku Kenesh and the procedure for holding meetings.<sup>26</sup> In order to be adopted, this law had to be sent for approval to the president. According to the November version of the Constitution, it is simply the Regulations of the Zhogorku Kenesh.<sup>27</sup> However, the January version of the Constitution eliminates this rule of the November version of the Constitution.

According to the new version of the Constitution, sessions of the Zhogorku Kenesh are now considered competent by a majority of the total number of deputies rather than the two-thirds majority required by the old version of the Constitution.

The old version of the Constitution limited parliamentary committees to seven,<sup>28</sup> whereas the new version contains no limitations on the number of parliamentary committees. It is not difficult to predict that the number of committees will increase as a result.

Notably, the January version of the Constitution does not address the possibility of the "disbanding of parliament by the president." However, in a number of cases the president is given "the right ...

to call for early parliamentary elections." At the same time, the rule prohibiting the disbanding of parliament, for example, during the parliament's consideration of presidential impeachment, has also been removed.<sup>29</sup>

In contrast to the earlier versions, the January version of the Constitution does not require the consent of the government for the parliament to consider draft laws contemplating increased expenditure from the state budget or reduction of revenues. The new version of this article provides only that such laws may be adopted by parliament "subject to the availability of funding."<sup>30</sup>

The new version of the Constitution does not contain a restriction prohibiting reconsideration of a law for six months (one year for particularly important laws) after a presidential veto.<sup>31</sup> Thus, the procedure for overriding a presidential veto has been expedited. But the January version of the Constitution provides that if parliament overrides the president's veto, he is required to sign the law within 14 days of receipt, as opposed to the earlier deadline of 30 days.<sup>32</sup>

The new version of the Constitution also does not envisage the possibility of parliament delegating legislative powers to the president for a period of less than one year, as previously stated. There is also no mention of the president taking over legislative powers in the event that parliament is disbanded.<sup>33</sup>

## The Executive

According to the January version of the Constitution, deputies representing the political party holding more than 50 percent of the available mandates nominate the candidate for prime minister for presidential confirmation.<sup>34</sup> This is in contrast to the November version of the Constitution, which provided that the party nominating the prime minister must have more than 50 percent of the mandate of all deputies elected according to the proportional system (*i.e.*, more than 25 percent of all parliamentary mandates).<sup>35</sup>

According to the January version of the Constitution, the president must appoint the prime minister within three days of nomination. Once appointed, the prime minister structures the government and nominates candidates for the government. The prime minister presents the structure of the government for confirmation by the Zhogorku Kenesh with the consent of the president. With the exception of members of the government in charge of defense and security, candidates for the government are presented to the president, who must appoint members of the government within three days of their nomination.<sup>36</sup>

The new version of the Constitution provides mechanisms for forming the government when another party forms a majority coalition of deputies at the request of the president if the party holding more than 50 percent of the mandate cannot form the government, or in the absence of such party. If the second party is also unable to form the government, the president asks the third party to form the government. If the parliament is unable to nominate a candidate for prime minister within the required time period, the president calls early elections to parliament and forms the government. This government remains in power until the deputies from political parties represented in the new parliament have created another one.<sup>37</sup>

The new version of the Constitution no longer contains a provision permitting the president to chair meetings of the government.<sup>38</sup>

According to the January version of the Constitution, the government of the Kyrgyz Republic is now responsible and accountable to the president and the Zhogorku Kenesh, although under the November version of the Constitution the government was responsible and accountable to parliament.<sup>39</sup>

The January version of the Constitution provides that acceptance of the resignation of the prime minister leads to the resignation of the entire government and heads of administrative agencies and other executive bodies. Previously, under the November version of the Constitution, the prime minister's resignation would cause only the government to step down.<sup>40</sup>

## The Judiciary

The new version of the Constitution requires that judges who are candidates for the Constitutional Court and for the Supreme Court of the Kyrgyz Republic must now have at least five years' experience as judges.<sup>41</sup>

In addition to these qualifying criteria, the new version of the Constitution makes it possible to establish additional criteria for local court judges in the Constitutional law on the status of judges.<sup>42</sup>

In contrast to the earlier versions of the Constitution, the January version provides that "Judges of the Constitutional Court and the Supreme Court are nominated by the president and selected by the Zhogorku Kenesh [to serve] until they have reached the maximum age," instead of the term of 10 years.<sup>43</sup> The way in which local court judges are appointed has also been changed, so that now they are appointed by the president upon the recommendation of the National Council on Judicial Affairs, initially for a term of five years. The second appointment may be for a term of 10 years, and the third term allows the judge to sit until reaching the maximum age.<sup>44</sup> Previously, the third term was also set at 10 years and not until the maximum age had been reached. The January version of the Constitution also raised the minimum age for judges of local courts to 30 (instead of 25).

The January version of the Constitution determines the following procedure for selecting senior judges: "The president appoints chairmen of the Constitutional Court and Supreme Court and their deputies from among the judges selected by the Zhogorku Kenesh for the Constitutional Court and Supreme Court for a term of five years with the consent of the Zhogorku Kenesh." The new version of the Constitution states that chairmen of local courts and their deputies are appointed by the president upon the recommendation of the National Council on Judicial Affairs for a term of five years.<sup>45</sup>

The revised version of Clause 2 of Article 80 of the new version of the Constitution,<sup>46</sup> in contrast to the old version, does not empower the Plenum of the Supreme Court of the Kyrgyz Republic to issue binding clarifications of judicial practice to the lower courts. Such binding clarifications are adopted by the Plenum of the Supreme Court of the Kyrgyz Republic based on court practice. They are the court's interpretation of applicable substantive and procedural laws and are intended to avoid conflicting rulings among the lower courts. Without these explanations, unified application of the law is not possible.

In contrast to the November version of the Constitution, the January version of the Constitution allows for the president to request the early dismissal by parliament of judges of the Supreme Court and the Constitutional Court without a recommendation of the National Council on Judicial Affairs.<sup>47</sup> The National Council on Judicial Affairs selects local court judges and identifies them for transfer (rotation), suspension and dismissal,

according to the procedure established by Constitutional law. In contrast to the November version of the Constitution, which stated that the National Council on Judicial Affairs is comprised of an equal number of judges, deputies, executive government authorities and representatives of civic associations, the January version of the Constitution does not determine the principle of equality for participation of these bodies in the National Council. Thus, this issue is left for a special law.<sup>48</sup>

The January version of the Constitution considerably restricts the powers of the Constitutional Court.<sup>49</sup> For example, the Constitutional Court no longer has the following powers<sup>50</sup>:

- rendering findings on suspension of judges of the Constitutional Court or Supreme Court;
- consenting to criminal prosecution of local court judges;
- considering the Constitutionality of law enforcement practices affecting the Constitutional rights of citizens; and
- cancelling the decisions of local government bodies.

The new version of the Constitution provides that the budget for the judicial system is prepared by the judicial authority, requires no approval of the executive and legislative branches, and is included in the budget of the republic.<sup>51</sup>

For the first time, the status of judicial governing bodies, the Congress of Judges and the Council of Judges, has been codified at the Constitutional level.<sup>52</sup> The Constitution also ensures the status of the important National Council on Judicial Affairs of the Kyrgyz Republic.

## Local Government

In contrast to the old version of the Constitution, the new version of the Constitution determines that the appropriate keneshes are solely responsible for local government.<sup>53</sup> The new version of the Constitution also provides that certain local government responsibilities may be delegated only on the basis of a law or by agreement with the local government.

## Transitional Provisions Of The Constitution

Section III of the Law "On the New Version of the Constitution of the Kyrgyz Republic" of January 15, 2007, includes transitional provisions to resolve a number of conflicts of law arising from the adoption of the new Constitution and to ensure stability and continuity of power.

The Constitution entered into force upon its signing by the president on January 15, 2007. However, the provisions on the size of parliament and competence of parliamentary sessions will apply only to the new parliament. The prosecution agencies will retain the powers to issue arrest warrants, detain individuals, confiscate, search and restrict the confidentiality of correspondence and telegraph communication and other powers belonging to the courts under the Constitution until the necessary changes are made to applicable laws. These changes must be adopted within six months of the entry into force of the Constitution.

The law also provides that the government authorities retain their powers until the expiry of the terms for which they were selected or appointed. This concerns, for example, the president, parliament, the prosecutor general, the chairman of the national bank, the audit chamber, the mayors of cities, deputies of local keneshes, judges, *etc.*

The most important transitional rules are those concerning the executive authorities that allow them to legally function. The

Constitution provides, “Until the formation of the government as provided by the Constitution, the president appoints the prime minister with the consent of the Zhogorku Kenesh.” In addition:

- members of the government are proposed by the prime minister and appointed by the president;
- the president is entitled to accept the resignation of the prime minister, the government or a member of the government;
- until the Zhogorku Kenesh has been formed according to the Constitution, the president determines the structure of the government as proposed by the prime minister and the acting members of the Zhogorku Kenesh are confirmed by law; and
- heads of administrative agencies within the government and other executive bodies and heads of local government administrations appointed prior to the adoption of the new Constitution retain their powers.<sup>54</sup>

## Conclusion

The November and January amendments to the Kyrgyz Constitution were essentially the result of a power struggle. This is a normal process in the search for political compromise, despite the difficulties inherent in any conflict of this kind. What is disconcerting is the way in which the law was devalued and used as a tool for social regulation. The blatant violations in the amendments to the Constitution were not clearly explained to the public by politicians or legal professionals and this, of course, undermines trust in the law. It also reduces the level of trust among foreign and domestic investors doing business in the Kyrgyz Republic. Rather than being conducted in a civilized manner, Constitutional reform in the Kyrgyz Republic resulted in a Constitutional crisis that may have long-term economic effects.

## NOTES

- 1 Clause 3 of Article 2 of the January 15, 2007, version of the Constitution.
- 2 Clause 4 of Article 11 of the February 18, 2003, version of the Constitution.
- 3 Clause 1 of Article 15 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 4 Clause 2 of Article 15 of the January 15, 2007, version of the Constitution.
- 5 See, e.g., *Staley III v. Greiner*, 2003 WL 470568 (SDNY February 6, 2003).
- 6 NYS Criminal Procedure Law Sec. 120.90, 140.20.
- 7 Clause 3 of Article 14 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 8 Clause 10 of Article 16 of the February 18, 2003, version of the Constitution.
- 9 Clause 4 of Article 18 of the February 18, 2003, version of the Constitution.
- 10 Clause 3 of Article 20 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 11 Clause 4 of Article 20 of the January 15, 2007, version of the Constitution.
- 12 Clause 1 of Article 40 of the January 15, 2007, version of the Constitution.
- 13 Article 51 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 14 Article 53 of the February 18, 2003, version of the Constitution.
- 15 Clause 3 of Article 43 of the November 9, 2006, version of the Constitution.
- 16 Clause 2 of Article 44 of the January 15, 2007, version of the Constitution.
- 17 Clause 1 of Article 44 of the January 15, 2007, version of the Constitution.

- 18 Clause 1 of Article 52 of the January 15, 2007, version of the Constitution.
- 19 Clause 2 of Article 54 of the January 15, 2007, version of the Constitution.
- 20 Clause 1 of Article 70 of the Electoral Code of the Kyrgyz Republic of October 14, 2001 (no longer in force).
- 21 Clause 1 of Article 56 of the February 18, 2003, version of the Constitution.
- 22 Clause 2 of Article 54 of the January 15, 2007, version of the Constitution.
- 23 Clause 2 of Article 57 of the January 15, 2007, version of the Constitution.
- 24 Clause 1 of Article 69 of the January 15, 2007, version of the Constitution.
- 25 Article 71 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 26 Clause 5 of Article 62 of the February 18, 2003, version of the Constitution.
- 27 Clause 5 of Article 62 of the November 9, 2006, version of the Constitution.
- 28 Clause 1 of Article 61 of the February 18, 2003, version of the Constitution.
- 29 Clause 4 of Article 63 of the November 9, 2006, version of the Constitution.
- 30 Clause 3 of Article 65 of the January 15, 2007, version of the Constitution.
- 31 Article 66 of the February 18, 2003, version of the Constitution.
- 32 Clause 4 of Article 66 of the January 15, 2007, version of the Constitution.
- 33 Article 68 of the February 18, 2003, version of the Constitution.
- 34 Clause 1 of Article 69 of the January 15, 2007, version of the Constitution.
- 35 Clause 3 of Article 69 of the November 9, 2006, version of the Constitution.
- 36 Article 69 of the January 15, 2007, version of the Constitution.
- 37 Article 71 of the January 15, 2007, version of the Constitution.
- 38 Clause 1 of Article 72 of the February 18, 2003, version of the Constitution.
- 39 Clause 1 of Article 71 of the January 15, 2007, version of the Constitution.
- 40 Clause 2 of Article 72 of the January 15, 2007, version of the Constitution.
- 41 Clause 5 of Article 79 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 42 Clause 6 of Article 79 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 43 Clause 5 of Article 83 of the January 15, 2007, version of the Constitution.
- 44 Clause 6 of Article 83 of the January 15, 2007, version of the Constitution.
- 45 Clause 5 of Article 83 of the January 15, 2007, version of the Constitution.
- 46 Clause 4 of Article 83 of the old version of the Constitution.
- 47 Clause 5 of Article 83 of the January 15, 2007, version of the Constitution.
- 48 Clause 5 of Article 84 of the January 15, 2007, version of the Constitution.
- 49 Clause 3 of Article 85 of the January 15, 2007, version of the Constitution.
- 50 Clause 3 of Article 82 of the November 9, 2006, version of the Constitution.
- 51 Clause 2 of Article 87 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 52 Article 91 of the January 15, 2007, version of the Constitution.
- 53 Clause 1 of Article 94 of the January 15, 2007, version of the Constitution (originally included in the November version).
- 54 Section III of the Law “On the New Version of the Constitution of the Kyrgyz Republic” of January 15, 2007.