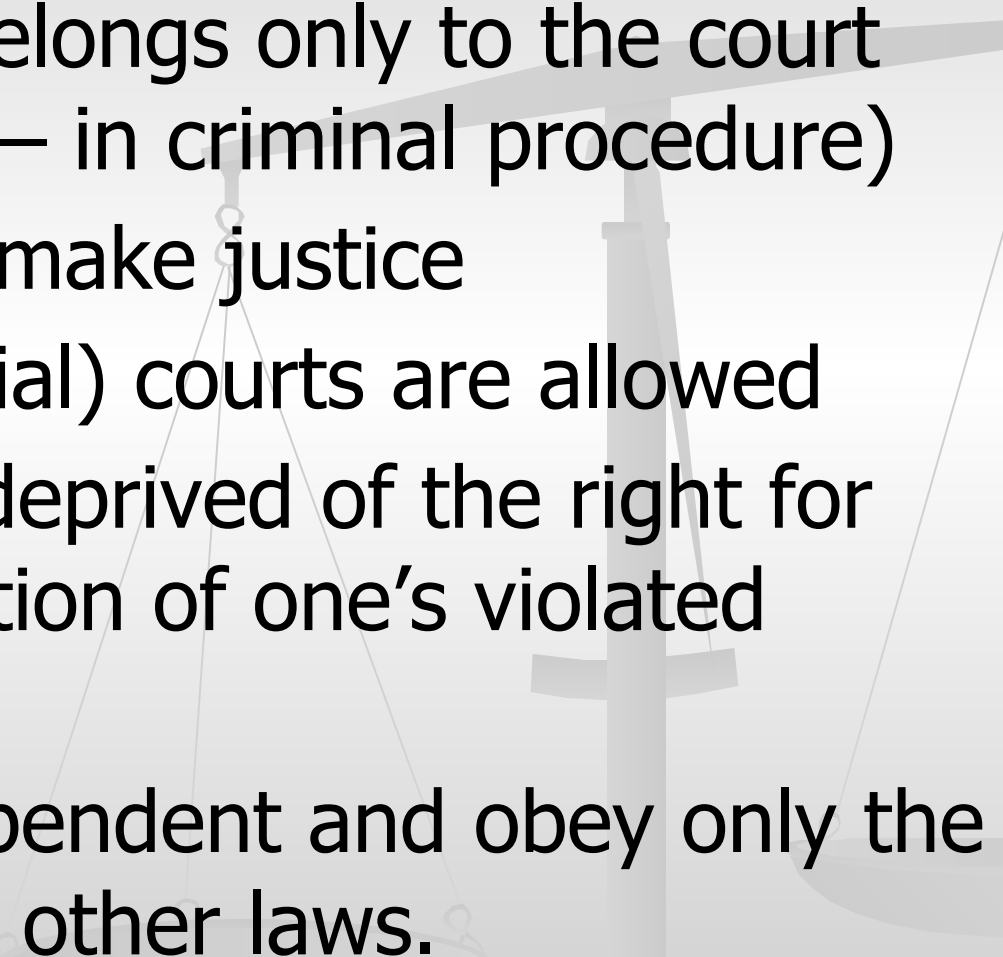




Law in Kazakhstan

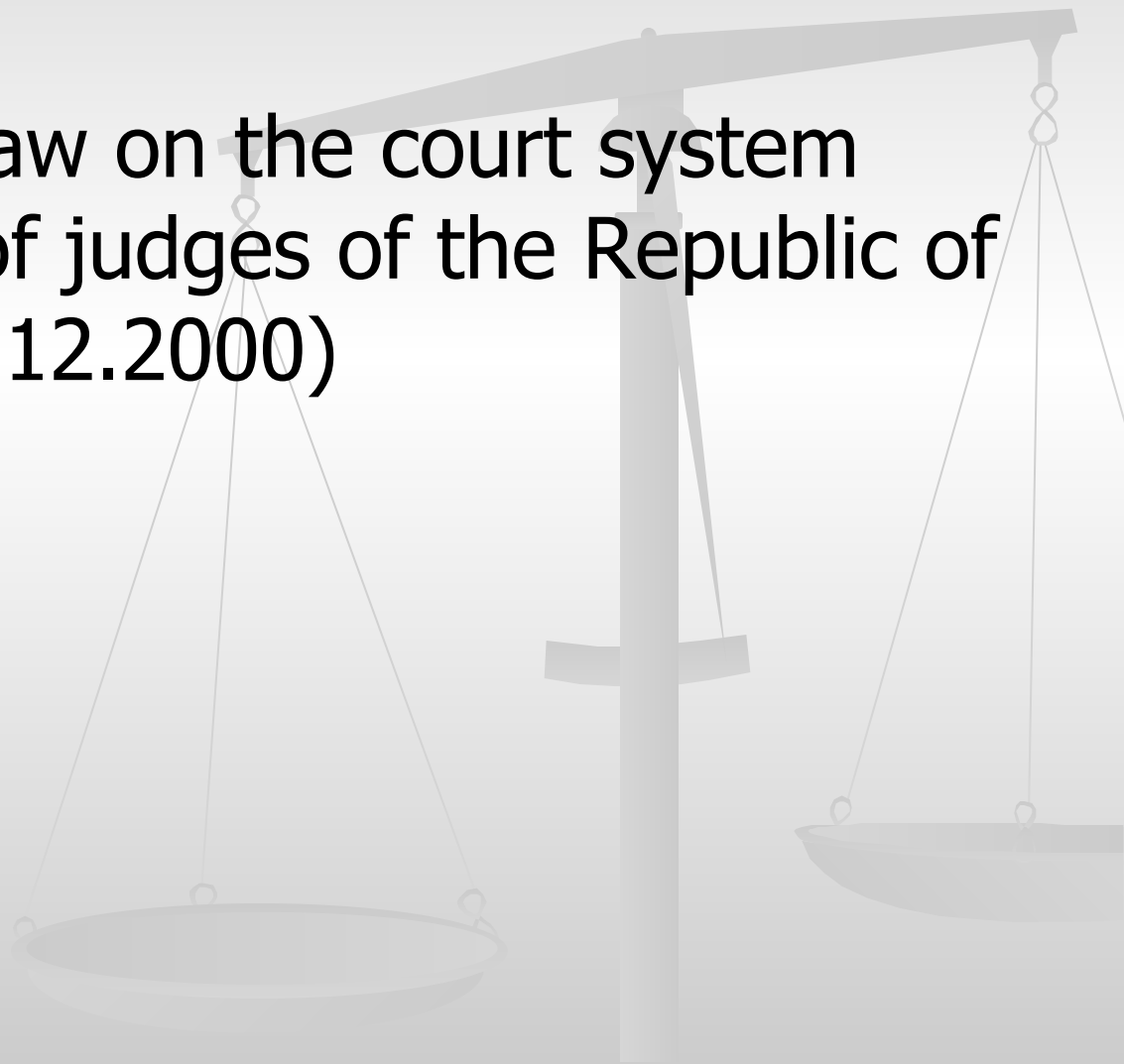
Judicial power
Court system

Principles of judicial power

- Judicial power belongs only to the court (and to the jury – in criminal procedure)
 - Only courts can make justice
 - No *ad hoc* (special) courts are allowed
 - Nobody can be deprived of the right for the court protection of one's violated rights
 - Judges are independent and obey only the Constitution and other laws.
- 

Sources:

- Constitution
- Constitutional Law on the court system and the status of judges of the Republic of Kazakhstan (25.12.2000)



State symbols

- Art.2 of the Law on CSSJ: in the courtroom there must be a flag and the emblem of the RK. The judge wears gown.



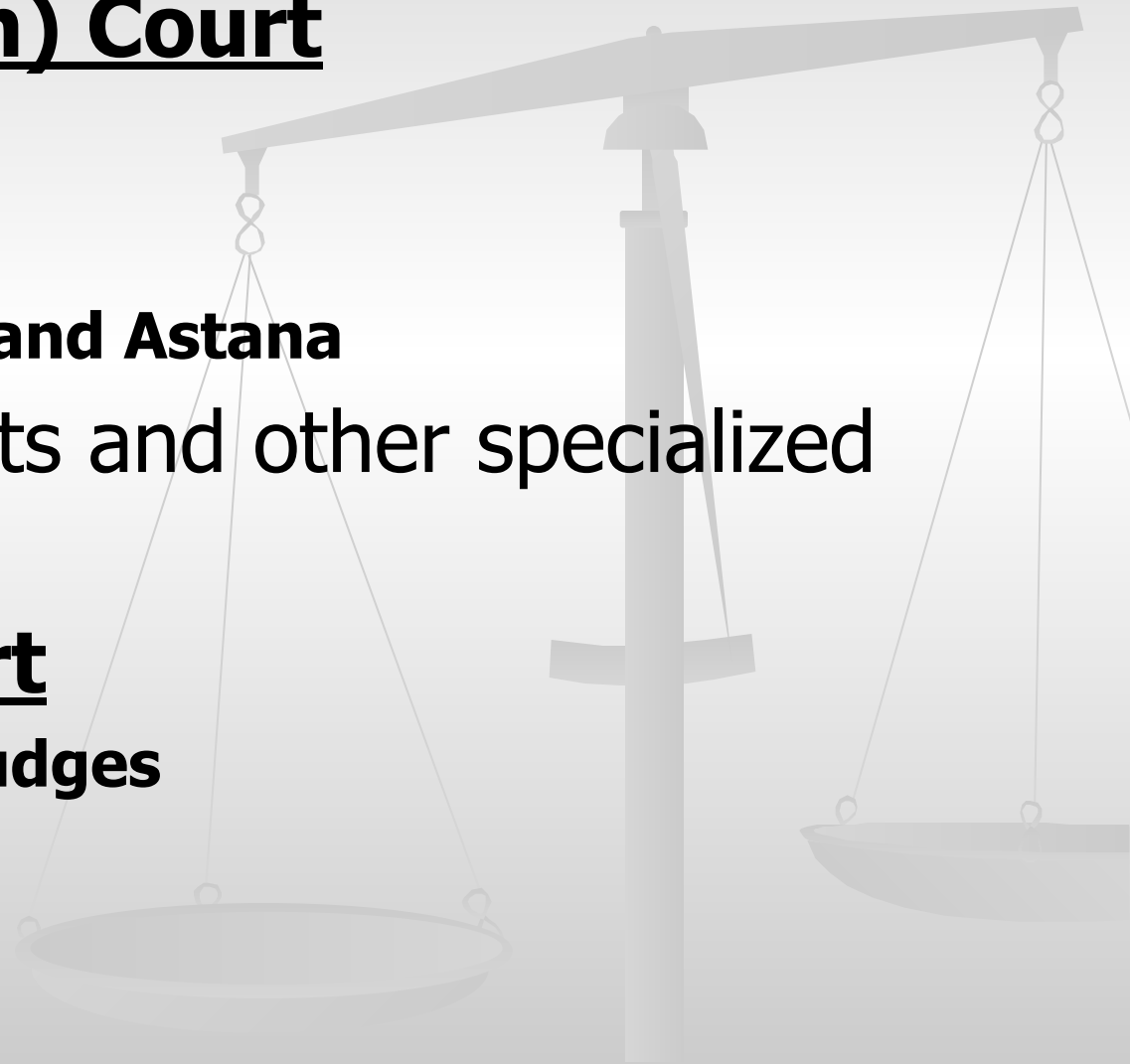


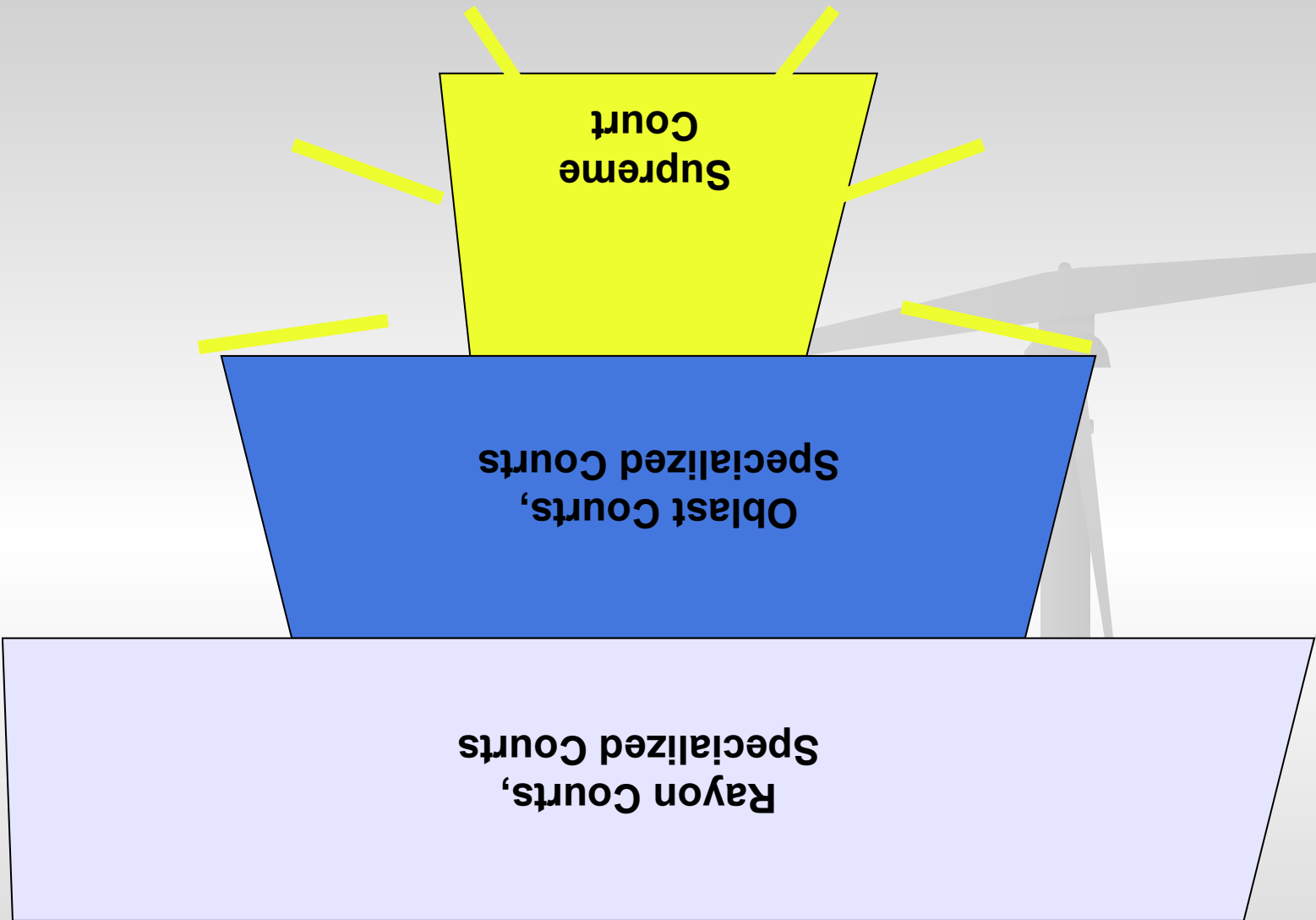


Gulmarzhan Adilsultani, Aktau Assistant Minister (DPE/RL)

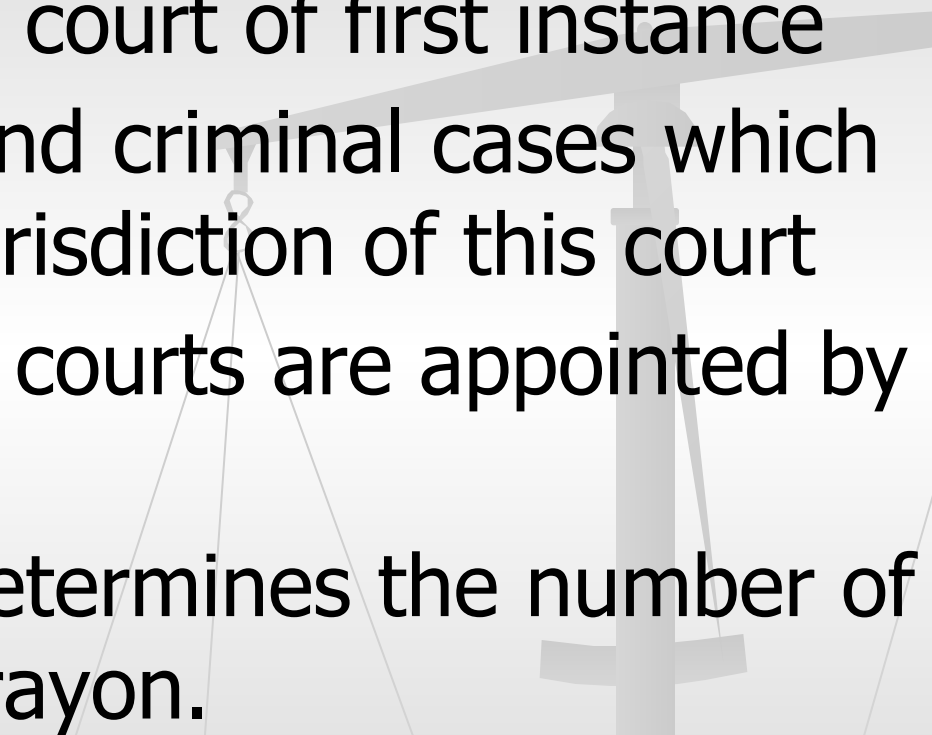
Part 1: Courts system of the RK

- **District (rayon) Court**
 - Around 260
- **Oblast Court**
 - 14 + Almaty and Astana
- [Economic Courts and other specialized courts]
- **Supreme Court**
 - 1 court, 48 Judges

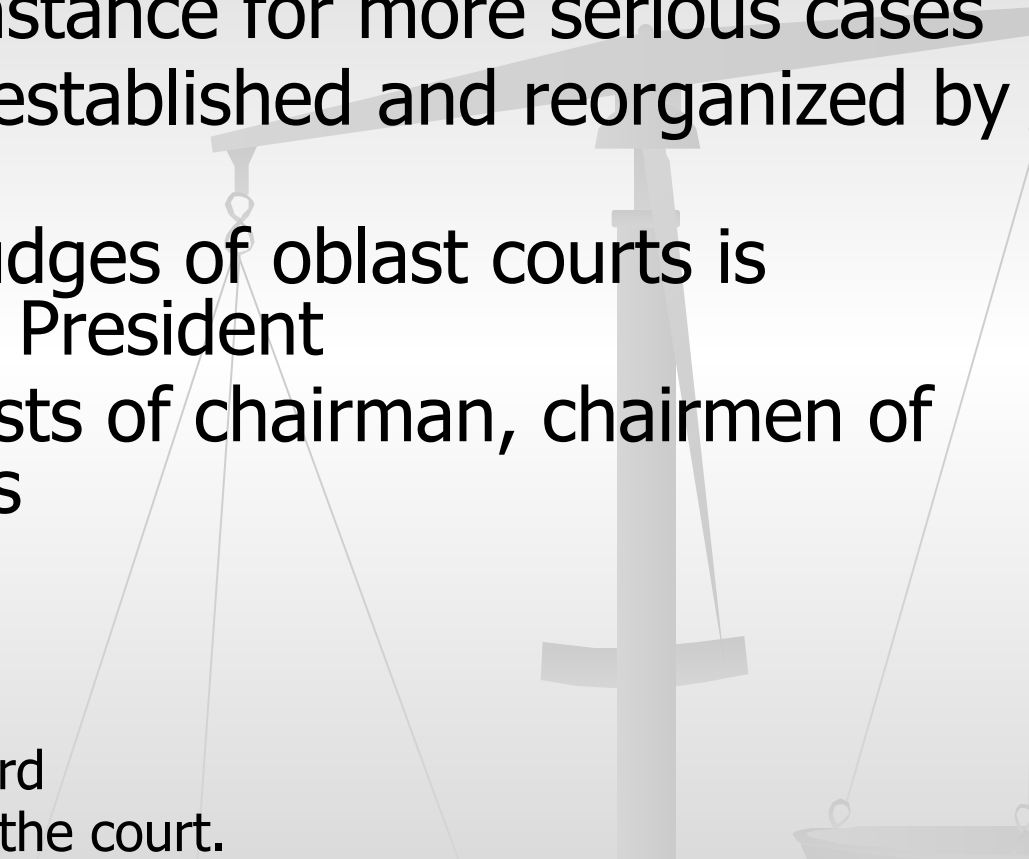




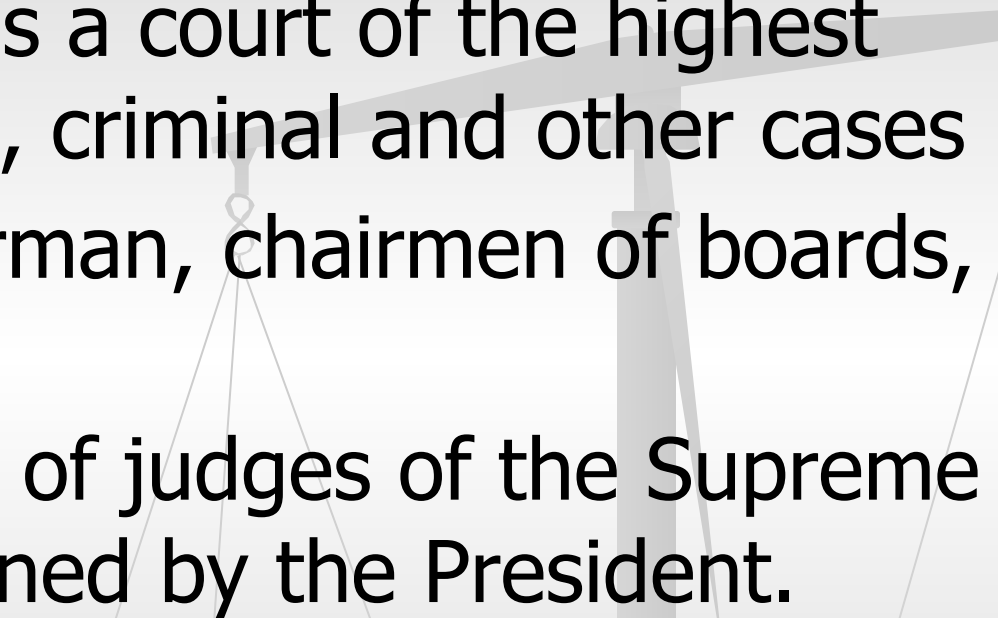
Rayon Courts

- Rayon court is a court of first instance
 - Considers civil and criminal cases which are under the jurisdiction of this court
 - Judges of rayon courts are appointed by the President
 - The President determines the number of courts in every rayon.
- 

Oblast Courts

- Oblast Courts are the courts of second (appeal) instance, or first instance for more serious cases
 - Oblast Courts are established and reorganized by the President
 - Total number of judges of oblast courts is determined by the President
 - Oblast Court consists of chairman, chairmen of boards, and judges
 - Boards:
 - Supervising board
 - Civil cases board
 - Criminal cases board
 - Plenary session of the court.
- 

Supreme Court

- Supreme Court is a court of the highest instance for civil, criminal and other cases
 - Consists of chairman, chairmen of boards, and judges
 - General number of judges of the Supreme Court is determined by the President.
- 

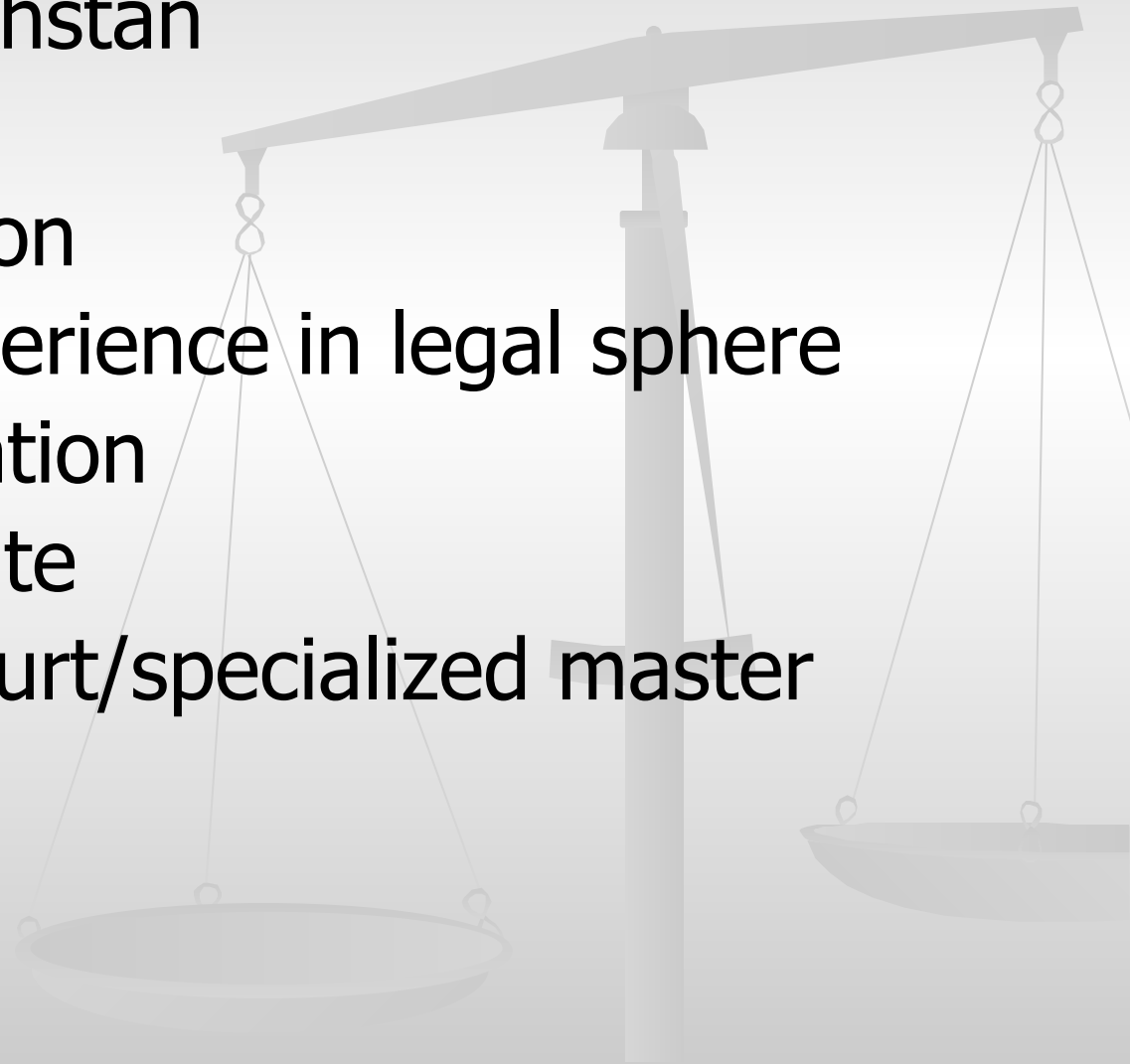
Judge is:

- Irremovable
- Independent
- Immune.



Judge of rayon court:

- Citizen of Kazakhstan
- >25 years old
- Perfect reputation
- >2 years of experience in legal sphere
- Special examination
- Medical certificate
- Internship in court/specialized master certificate.



Judge of oblast/Supreme Court

- The same [requirements](#), but
- >10/15 years of experience in legal sphere, >5/10 of which as a judge.



Rights guaranteed by the Constitution:

Article 77(3)

- Innocent until proven guilty (presumption of innocence)
 - Double Jeopardy prohibited
 - Jurisdiction can not be changed
 - Right to be heard in Court
 - *Ex Post Facto* prohibited
 - Defendant not required to testify against himself, spouse or close relatives
 - Religious minister is not required to testify against a person who made a confession
 - All doubts are to be interpreted in favor of the accused
 - The proofs acquired in an illegal way are invalid
 - Nobody can be executed only on the basis of own admission of guilt
- 