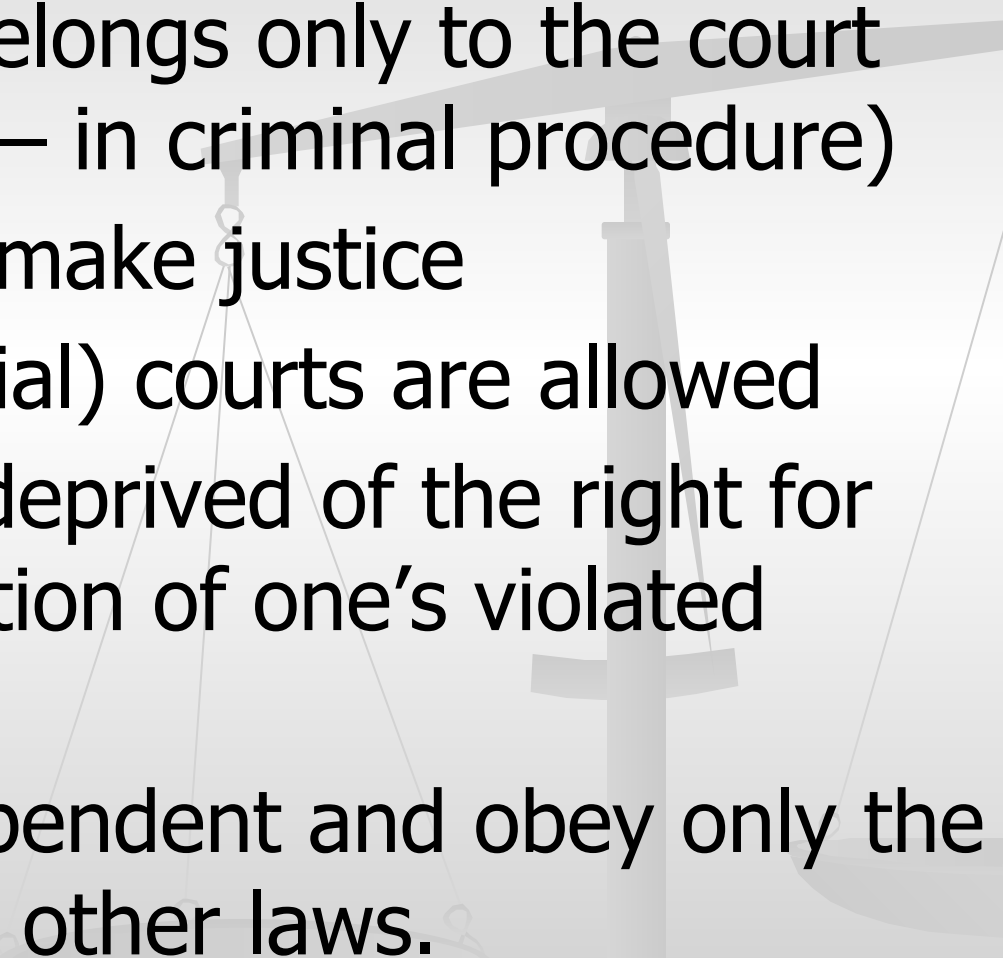




# Law in Kazakhstan

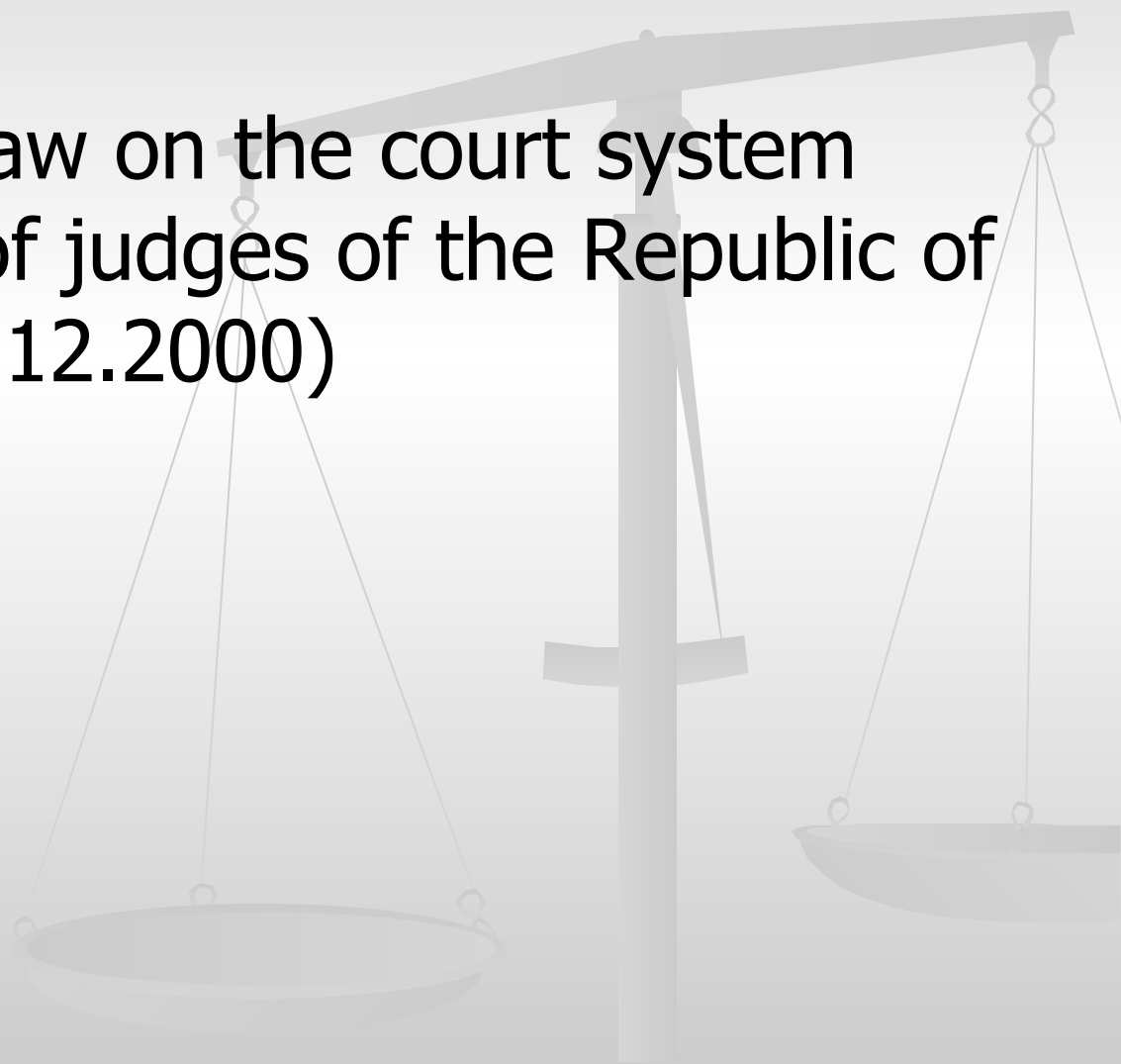
Judicial power  
Court system

# 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.





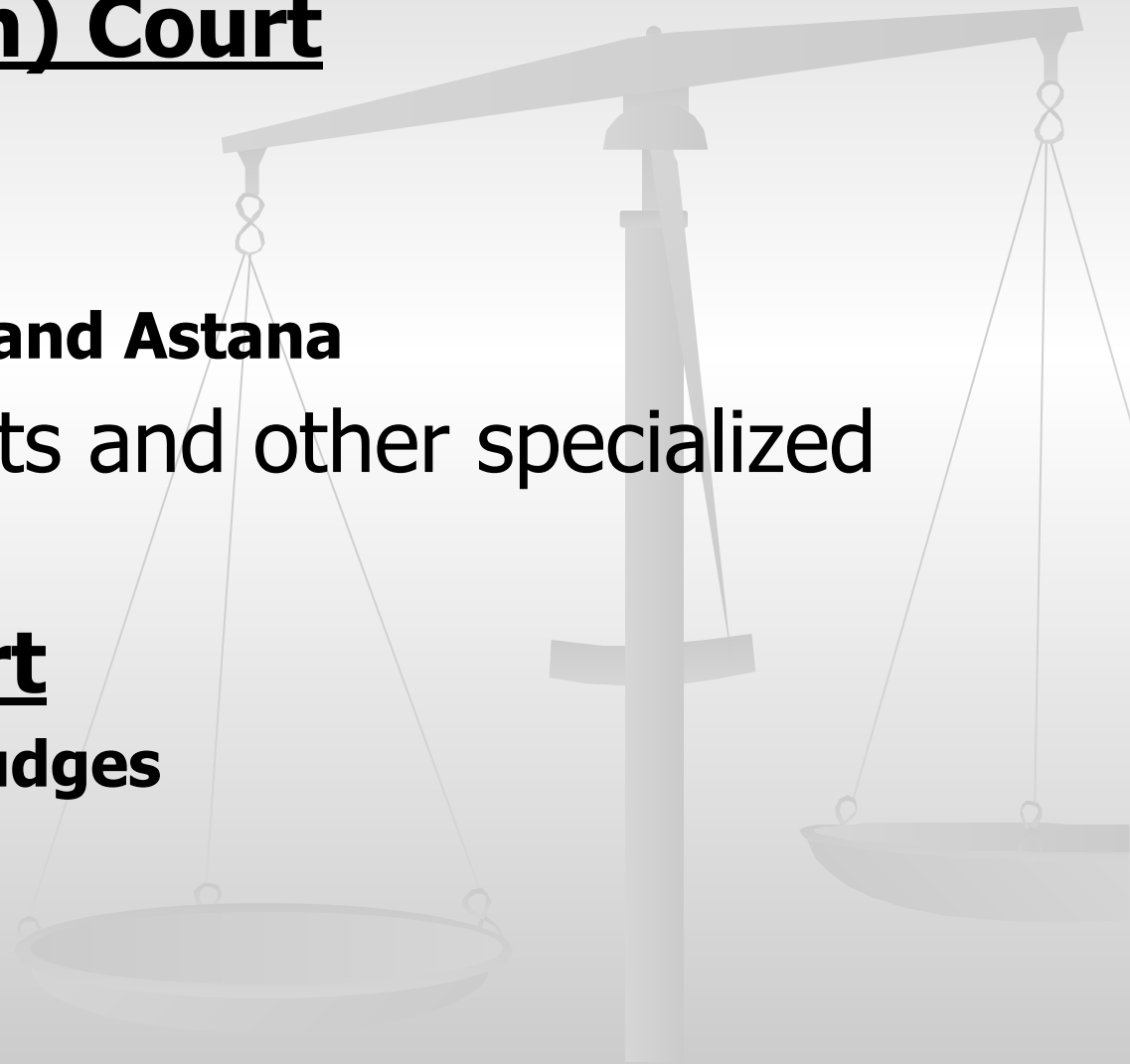


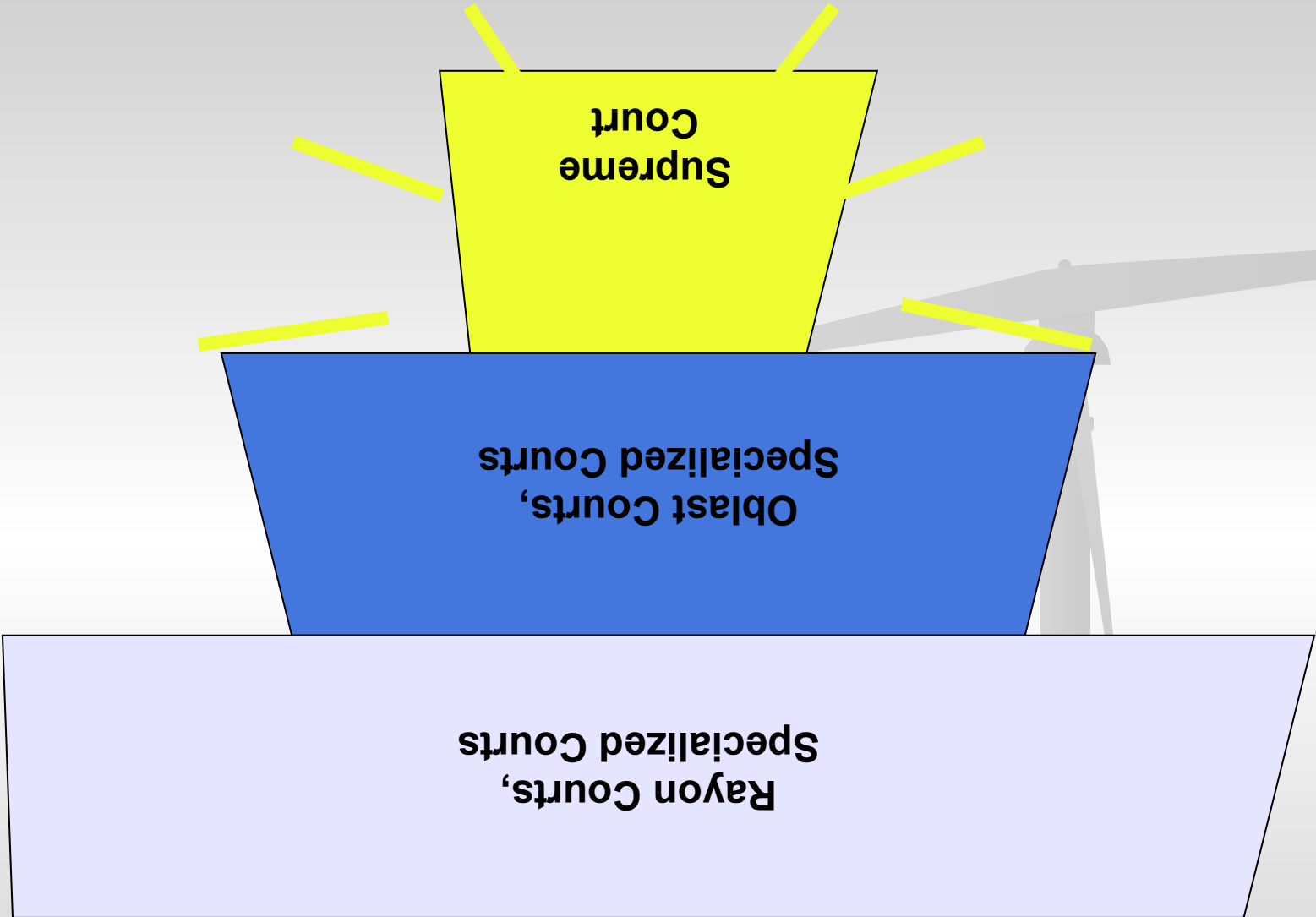
Gulmarzhan Adilsultani, Aktau



# 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

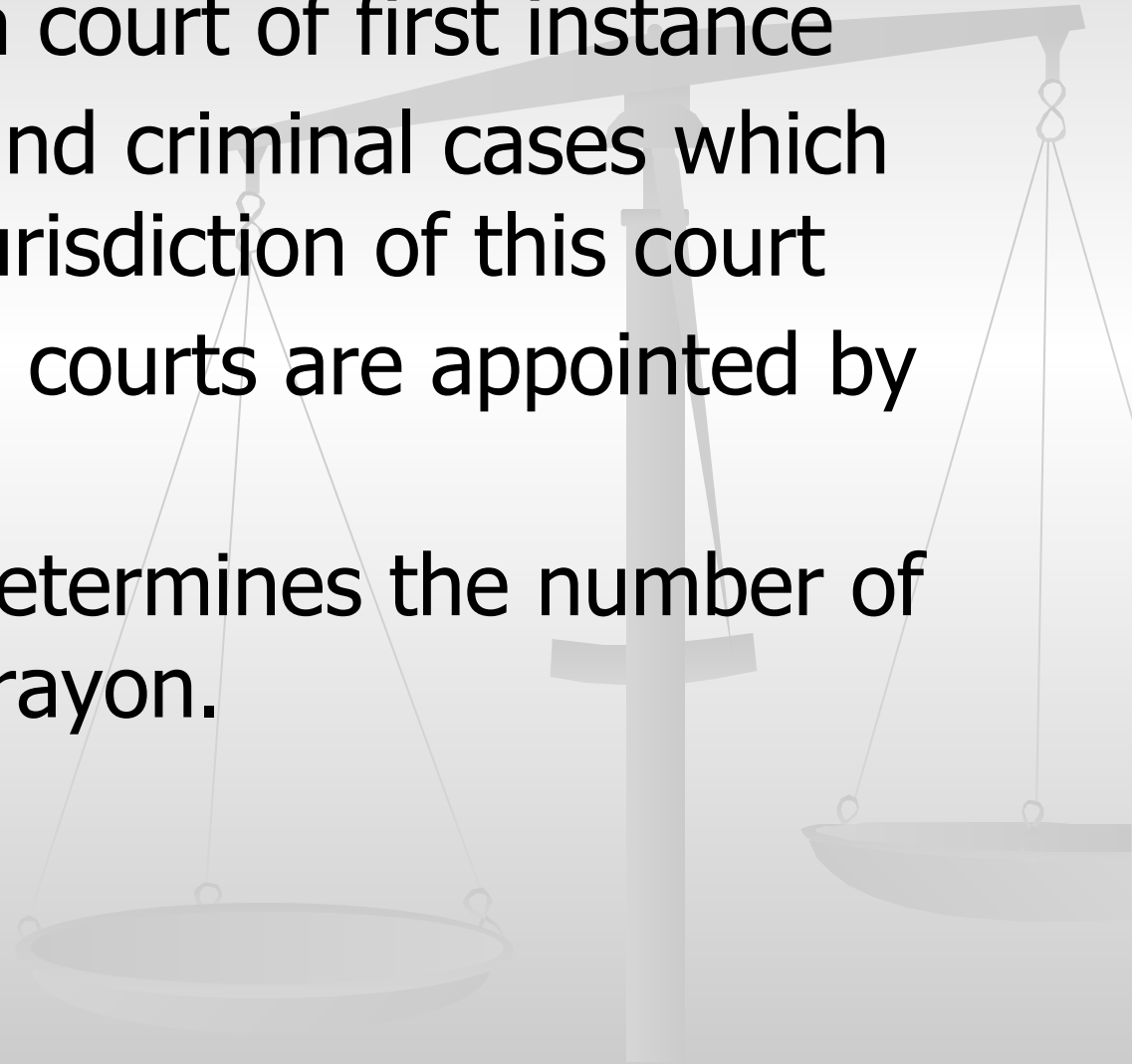






# Rayon Courts

- 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.

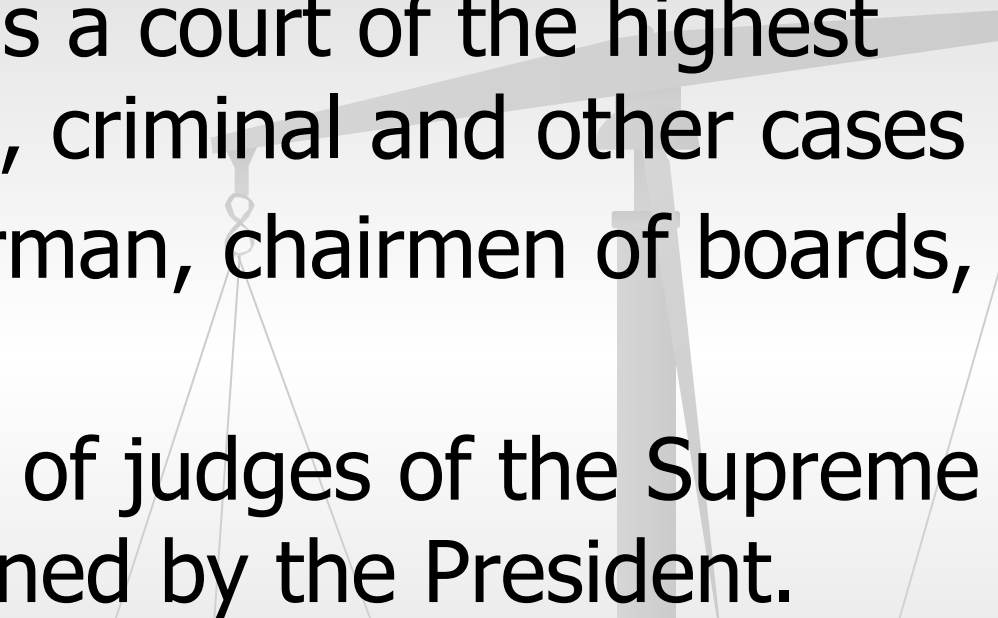


# Oblast Courts



- 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.
- 

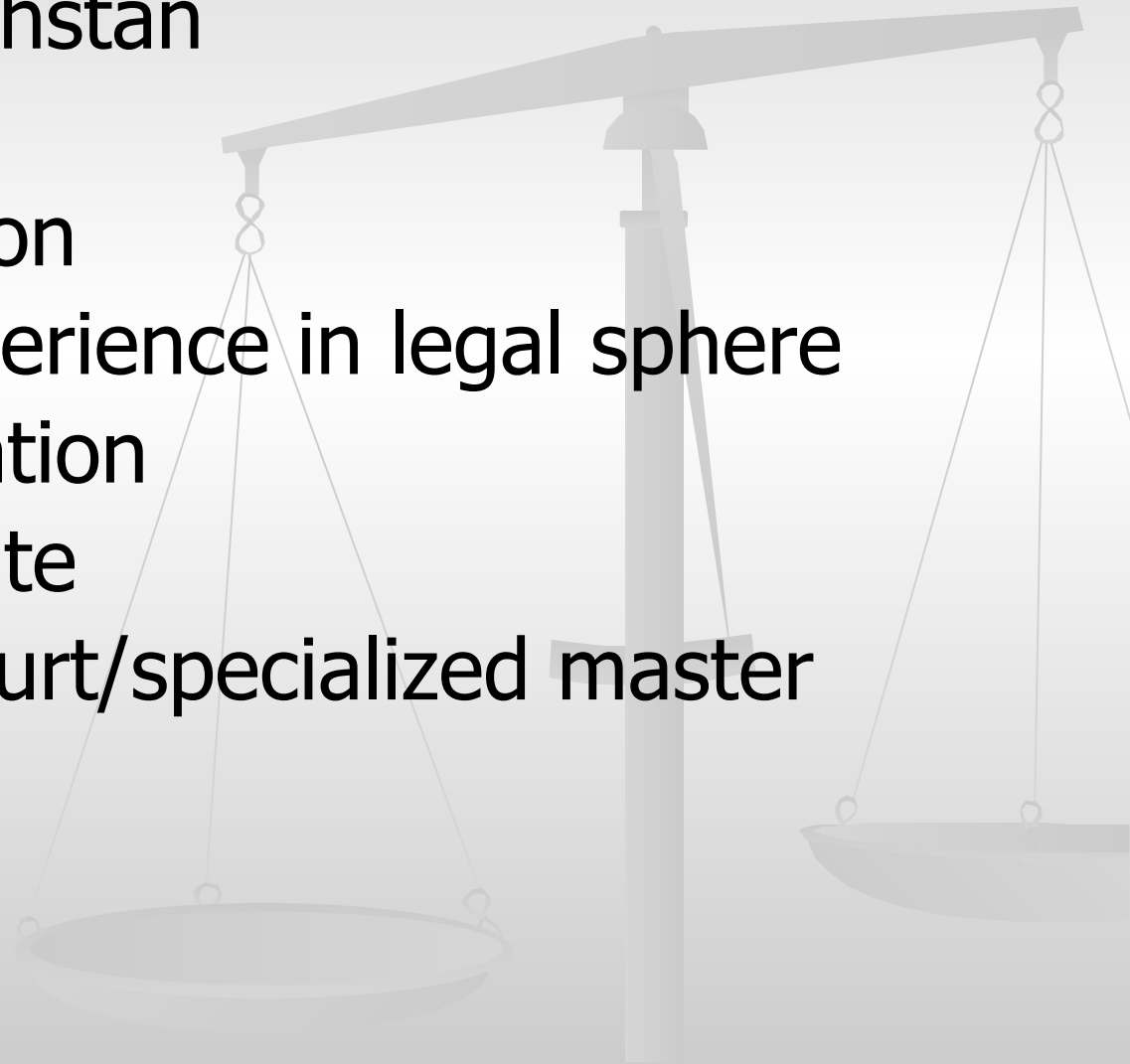
# Judge is:

- 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
- 