

## **KEY LITIGATION AMENDMENTS IN KAZAKHSTAN**

### **ESTABLISHMENT OF CASSATION COURTS**

#### **General**

5 July 2024 marked signing of the [Constitutional Law](#) No. 109-VIII of the Republic of Kazakhstan "On Introduction of Amendments into Certain Constitutional Laws of the Republic of Kazakhstan" (the "Constitutional Law"), according to which new cassation courts have been established.

The cassation instance's functions have been previously performed by the Supreme Court of the Republic of Kazakhstan, which ensured conducting of cassation proceedings by the boards for civil, administrative and criminal cases.

According to the Edict No. 748 of the President of the Republic of Kazakhstan "On Establishment of Cassation Courts and Introduction of Amendments into Certain Edicts of the Republic of Kazakhstan" dated 27 December 2024, independent cassation courts for civil, criminal and administrative cases have started functioning since 1 July 2025. The said courts are inter-regional courts.

#### **Procedural Changes**

The key novelty is the introduction of the mechanism of "complete cassation" in civil and criminal litigations. This means that, from now on, all cassation appeals are subject to mandatory consideration on the merits without any prior selection previously conducted solely by a judge (in civil cases) or collectively (in criminal cases) when deciding on referring a case to a relevant case consideration board.

Access to cassation consideration was previously limited. Thus, appeals were rejected if a case related, for example, to the category of disputes with small amounts of claims, cases considered under a simplified procedure, etc.

The amendments also affected terminology. From now on, the term "cassation appeal" is used instead of the previously used "motion for reconsideration of case".

The amendments also provide for a time limit for considering a cassation appeal – no more than 6 months of the date of accepting the claim by court.

#### **Role of the Supreme Court of Kazakhstan**

After adoption of the amendments, the Supreme Court of Kazakhstan no longer performs the functions of the cassation instance. Its role has been transformed into supervisory: Supreme Court reconsiders the judicial acts, which have already entered into legal force, upon a submission from a judge of the Supreme Court or a protest of the Prosecutor General in exceptional cases only, specifically:

- if judicial acts may entail severe and irreversible consequences for life and health of people, economy or national security of the Republic of Kazakhstan;
- if judicial acts affect the rights and legitimate interests of an indefinite range of persons or public interests; and

- if judicial acts contradict uniform construction and application of the rules of law.

Thus, in fact, the Supreme Court performs the function of supervision over the judicial system, ensuring stable and predictable judicial practice.

## Conclusion

Although, at first sight, the introduced amendments are of limited or insignificant nature, they demonstrate the intention of the Republic of Kazakhstan to harmonize the cassation proceedings in all key branches of procedural law. Introduction of separate cassation courts and ensuring of greater access to the cassation appeal give rise to prerequisites for more transparent and uniform application of law.

In light of the fact that the new courts have started working since 1 July 2025, it is still premature to draw any conclusions at this stage on practical consequences of this reform. Nevertheless, we keep a close watch on updates in the judicial practice development and are ready to provide all-round support in resolving disputes at the cassation stage.

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