

## CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

The people of Azerbaijan, continuing their centuries-long tradition of statehood and governed by the principles laid down in the Constitutional Act «On the State Independence of the Republic of Azerbaijan», desiring to ensure the well-being and prosperity of the whole society and every individual, wishing to establish justice, freedom and security, acknowledging their responsibility before past, present and future generations, and exercising their sovereign right, hereby solemnly declare the following intentions:

- to protect the independence, sovereignty and territorial integrity of the Republic of Azerbaijan;
- to guarantee a democratic system within the framework of the Constitution;
- to achieve the establishment of a civil society;
- to build a secular state based on the rule of law that guarantees the supremacy of the law as an expression of the will of the people;
- to provide a proper standard of living for all people in conformity with just economic and social order;
- to remain faithful to universal human values, to live in friendship, peace and security with all the nations of the world, and to cooperate with them for this purpose.

Having in mind the above enumerated noble intentions, the present Constitution is hereby adopted by nationwide popular vote – referendum.

### SECTION I

#### GENERAL PROVISIONS

##### Chapter I

##### PEOPLE'S POWER

## Article 1. Source of power

- I. The sole source of state power in the Republic of Azerbaijan shall be the people of Azerbaijan.
- II. The people of Azerbaijan shall include citizens of the Republic of Azerbaijan living within and beyond the territory of the Republic of Azerbaijan, who are subordinate to the State of Azerbaijan and its laws. This shall not exclude norms defined by international law.

## Article 2. Sovereignty of the people

- I. The people of Azerbaijan shall have the sovereign right to freely and independently determine their destiny and to establish their own form of governance.
- II. The people of Azerbaijan shall exercise their sovereign right directly by nationwide popular vote – referendum, and through their representatives elected on the basis of universal, equal and direct suffrage by free, secret and personal ballot.

## Article 3. Issues solved by nationwide popular vote – referendum

- I. The people of Azerbaijan may resolve any issue related to their rights and interests by means of a referendum.
- II. The following issues may be resolved only by referendum:

- 1) the adoption of the Constitution of the Republic of Azerbaijan and introduction of changes thereto;

- 2) the alteration of state borders of the Republic of Azerbaijan.

- III. No referendum may be held with respect to the following issues:

- 1) taxation and state budget;

- 2) amnesty and pardon;

- 3) election, appointment or approval of the officials, whose election, appointment or approval is assigned to the competence of the legislative and (or) executive bodies respectively.

#### Article 4. Right to represent the people

No one except authorised representatives elected by the people has the right to represent the people, to speak on behalf of the people and to make statements on behalf of the people.

#### Article 5. Unity of the people

I. The people of Azerbaijan shall be united.

II. The unity of the Azerbaijani people shall constitute the basis for the State of Azerbaijan. The Republic of Azerbaijan shall be the common and indivisible homeland for all of the citizens of the Republic of Azerbaijan.

#### Article 6. Inadmissibility of usurpation of power

I. No part of the Azerbaijani people, no social group or organisation, and no individual may usurp the authority to exercise the power.

II. Usurpation of power shall be the most serious crime against the people.

## Chapter II

### FUNDAMENTALS OF THE STATE

## Article 7. The State of Azerbaijan

I. The State of Azerbaijan shall be a democratic, secular and unitary republic based on the rule of law.

II. In internal affairs, state power in the Republic of Azerbaijan shall be restricted only by law, and in foreign affairs – by provisions of international treaties to which the Republic of Azerbaijan is a party.

III. State power in the Republic of Azerbaijan shall be based on the principle of separation of powers:

- legislative power shall be exercised by the Milli Majlis of the Republic of Azerbaijan;

- executive power shall be vested in the President of the

Republic of Azerbaijan;

- judicial power shall be exercised by the courts of the

Republic of Azerbaijan.

IV. In accordance with the provisions of the present Constitution, the legislature, executive and judiciary shall interact and be independent within the limits of their respective powers.

## Article 8. Head of the State of Azerbaijan

I. The President of the Republic of Azerbaijan shall be the head of the State of Azerbaijan. He shall represent the State of Azerbaijan both within the country and in its external relations.

II. The President of the Republic of Azerbaijan shall embody the unity of the Azerbaijani people and ensure continuity of the Azerbaijani statehood.

III. The President of the Republic of Azerbaijan shall be the guarantor of the independence and territorial integrity of the State of Azerbaijan, and of its observance of international treaties to which the Republic of Azerbaijan is a party.

IV. The President of the Republic of Azerbaijan shall be the guarantor of the independence of the judiciary.

## Article 9. Armed Forces

I. The Republic of Azerbaijan shall establish its Armed Forces and other armed formations to ensure its security and protection.

II. The Republic of Azerbaijan shall reject a war as a means of encroaching on the independence of other states and settling international conflicts.

III. The President of the Republic of Azerbaijan shall be the Commander-in-Chief of the Armed Forces of the Republic of Azerbaijan.

#### Article 10. Principles of international relations

The Republic of Azerbaijan shall build its relations with other states on the basis of the principles enshrined in universally accepted international legal rules.

#### Article 11. Territory

I. The territory of the Republic of Azerbaijan shall be united, inviolable and indivisible.

II. The internal waters of the Republic of Azerbaijan, the sector of the Caspian Sea (Lake) belonging to the Republic of Azerbaijan, and the air space over the Republic of Azerbaijan shall be integral parts of the territory of the Republic of Azerbaijan.

III. The territory of the Republic of Azerbaijan shall be inalienable. The Republic of Azerbaijan shall not yield any part of its territory, in any form, to anyone; state borders may be altered only in accordance with the will of the people of Azerbaijan, by means of a referendum held by a decision of the Milli Majlis of the Republic of Azerbaijan among the entire population of Azerbaijan.

#### Article 12. The highest objective of the state

I. The highest objective of the state shall be to ensure rights and freedoms of man and citizen, and a proper standard of living to the citizens of the Republic of Azerbaijan.

II. The rights and freedoms of man and citizen enumerated in the present Constitution shall be applied in accordance with international treaties to which the Republic of Azerbaijan is a party.

#### Article 13. Property

I. Property in the Republic of Azerbaijan shall be inviolable and protected by the state.

II. Property may be in the form of state property, private property and municipal property.

III. Property may not be used to infringe upon rights and freedoms of man and citizen, interests of society and state, and the dignity of the human person.

#### Article 14. Natural resources

Natural resources shall belong to the Republic of Azerbaijan, without damaging rights and interests of any physical or legal person.

#### Article 15. Economic development and the state

I. The development of economy in the Republic of Azerbaijan based on various forms of property shall serve to improve the well-being of the people.

II. The State of Azerbaijan shall, on the basis of market relationships, create conditions for the development of a socially oriented economy, guarantee free enterprise, and prevent monopoly and unfair competition in economic relations.

#### Article 16. Social development and the state

I. The State of Azerbaijan shall take care of the improvement of the well-being of the people and every citizen, their social protection and proper standard of living.

II. The State of Azerbaijan shall promote the development of culture, education, public health, science, the arts, and protect the nature and the historical, material and spiritual heritage of the people.

#### Article 17. Family, Children and the state

I. The family, as the basic unit of the society, shall be under the special protection of the state.

II. Taking care of the children and their upbringing shall be the duty of the parents. The state shall supervise the fulfilment of this duty.

III. Children who do not have parents or guardians, or who are deprived of parental care shall be under the protection of the state.

IV. It shall be prohibited to involve children in activities that may cause threat to their life, health, and morality.

V. Children under the age of 15 may not be employed for work.

VI. The state shall supervise the implementation of rights of a child.

#### Article 18. Religion and the state

I. Religion in the Republic of Azerbaijan shall be separate from the state. All religions shall be equal before the law.

II. The dissemination and propagandising of religions (religious movements) that humiliate human dignity and contradict the principles of humanism shall be prohibited.

III. The state education system shall be of a secular character.

#### Article 19. Monetary unit

I. The monetary unit of the Republic of Azerbaijan shall be the manat.

II. Only the Central Bank shall have the right to issue banknotes and to withdraw them from circulation. The Central Bank of the Republic of Azerbaijan shall be the exclusive property of the state.

III. The use of monetary units other than the manat as a means of payment within the territory of the Republic of Azerbaijan shall be prohibited.

#### Article 20. Restrictions on state debts

Debts incurred with the intention of assisting insurrection against the State of Azerbaijan and coups d'état may not be acknowledged as liabilities of the Republic of Azerbaijan and paid.

#### Article 21. Official language

I. The official language of the Republic of Azerbaijan shall be the Azerbaijani language. The Republic of Azerbaijan shall guarantee the development of the Azerbaijani language.

II. The Republic of Azerbaijan shall guarantee the free use and development of other languages spoken by the population.

#### Article 22. The capital

The capital of the Republic of Azerbaijan shall be the city of Baku.

#### Article 23. Symbols of the State of Azerbaijan

I. The state symbols of the Republic of Azerbaijan shall be the State flag of the Republic of Azerbaijan, the State emblem of the Republic of Azerbaijan and the State anthem of the Republic of Azerbaijan.

II. The State flag of the Republic of Azerbaijan shall consist of three horizontal stripes of the same width. The upper stripe shall be blue, the middle stripe shall be red, and the lower stripe shall be green, with a white crescent and eight-pointed star in the middle of the red stripe on both sides of the flag. The ratio of the width of the flag to its length shall be

1:2.

III. The description of the State flag of the Republic of Azerbaijan and the State emblem of the Republic of Azerbaijan, and the music and text of the State anthem of the Republic of Azerbaijan shall be specified by a Constitutional Law.

## SECTION II

### FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES



## Chapter III

### FUNDAMENTAL RIGHTS AND FREEDOMS OF MAN AND CITIZEN

#### Article 24. Main principle of rights and freedoms of man and citizen

I. Everyone shall, as from the moment of birth, enjoy inviolable and inalienable rights and freedoms.

II. Rights and freedoms shall also include the responsibilities and duties of everyone to the society and to other persons.

#### Article 25. Right to equality

I. Everyone shall be equal before the law and the courts. II. Men and women shall have equal rights and freedoms. III. The state shall guarantee the equality of rights and free-

doms to everyone, irrespective of race, nationality, religion,

language, sex, origin, property, occupation, beliefs, or affiliation with political parties, trade unions or other public associations. It shall be prohibited to restrict rights and freedoms of man and citizen on the grounds of race, nationality, religion, language, sex, origin, beliefs, or political or social affiliation.

IV. No one may be harmed, granted advantages or privileges, or refused to be granted advantages or privileges on the grounds laid down in Paragraph III of the present Article.

V. Everyone shall be guaranteed equal rights in any proceedings before state authorities and bearers of public authority that decide upon his rights and duties.

#### Article 26. Protection of rights and freedoms of man and citizen

I. Everyone has the right to protect his rights and freedoms using ways and means not prohibited by law.

II. The state shall guarantee the protection of rights and freedoms of everyone.

## Article 27. Right to life

I. Everyone has the right to life.

II. Everyone's right to life shall be inviolable, except in the event of armed attacks on the state by enemy soldiers, in the case of execution of capital punishment pursuant to a court judgement that has become effective, and in other cases as provided by law.

III. Until it has been completely abolished, capital punishment may be envisaged by law as an exclusive penalty only for particularly serious crimes against the state, or against the life and health of another human being.

IV. Weapons may not be used against a person, except as provided by law in cases of: self-defence, necessity, the apprehension and arrest of criminals, preventing the escape from a place of detention, suppressing insurrection against the state or preventing coups d'état, or military aggression against the country.

## Article 28. Right to liberty

I. Everyone has the right to liberty.

II. Right to liberty may be restricted only in accordance with the procedure established by law by detention, arrest or imprisonment.

III. Everyone lawfully present within the territory of the Republic of Azerbaijan may freely move, choose a place of residence, and leave the territory of the Republic of Azerbaijan.

IV. A citizen of the Republic of Azerbaijan has the right to freely return to the country at any time.

## Article 29. Right to property

I. Everyone has the right to property.

II. No one form of property shall take precedence over others. The right to property, including the right to private property shall be protected by law.

III. Everyone may have movable and immovable property. The right to property shall include the right to possess, use, and dispose of property individually or jointly with others.

IV. No one may be deprived of his property without a court decision. The outright confiscation of property shall be prohibited. The expropriation of property for the needs of the state may be permitted only on condition of fair compensation in advance.

V. The state shall guarantee the right of inheritance.

#### Article 30. Right to intellectual property

I. Everyone has the right to intellectual property.

II. Copyright, patent rights and other forms of the right to intellectual property shall be protected by law.

#### Article 31. Right to live in safety

I. Everyone has the right to live in safety.

II. Except in cases provided by law, it shall be prohibited to infringe upon a person's life, physical and mental health, property, living premises, and to commit violence against him.

#### Article 32. Right to inviolability of private life

I. Everyone has the right to the inviolability of private life. II. Everyone has the right to confidentiality of his private

and family life. Except in cases provided by law, it shall be

prohibited to interfere with private or family life. Everyone shall be entitled to protection against unlawful interference with his private and family life.

III. The collection, storage, use and dissemination of information concerning a person's private life shall not be permitted without his consent. Except in cases specified by law, no one may be followed, filmed, photographed, recorded, or subjected to any other similar actions without his knowledge or despite his disapproval.

IV. The state shall guarantee everyone's right to confidentiality of correspondence, of telephone conversations, and of information delivered by mail, telegraph and other means of communication. This right may be restricted, as provided by law, in order to prevent crime or to determine the truth in the course of investigation of a criminal case.

V. Except in cases provided by law, everyone may become familiar with the data collected with respect to him. Everyone shall be entitled to demand correction or elimination of the data collected with respect to him, which do not correspond to the truth or is incomplete, or collected in violation of provisions of the law.

### Article 33. Right to inviolability of home

- I. Everyone has the right to inviolability of home.
- II. Except in cases specified by law, or a court decision, no one shall have the right to enter home against the will of the inhabitants thereof.

### Article 34. Right to marriage

- I. Everyone has the right to marry upon attaining the age specified by law.
- II. Marriages shall be entered into with the free consent. No one may be forced to marry.
- III. Marriage and the family shall be under the protection of the state. Maternity, paternity and childhood shall be protected by law. The state shall render assistance to families with multiple children.
- IV. Husband and wife shall have equal rights. The care and upbringing of children shall be both the right and the duty of their parents.
- V. Children shall have the duty to respect and care for their parents. Children who have attained eighteen years of age and who are capable of working shall be responsible for the care of their parents if the latter are not capable of working.

### Article 35. Right to work

- I. Labour shall be the foundation of individual and public welfare.
- II. Everyone has the right to freely choose an activity, profession, occupation and place of work on the basis of his abilities.
- III. No one may be forced to work.
- IV. Employment contracts shall be freely concluded. No one may be forced to conclude an employment contract.
- V. A court may order forced labour, the terms and duration of which are prescribed by law; there may be forced labour in connection with the execution of orders given by an authorised person during military service, or in connection with the performance of work assigned during times of emergency or martial law.

VI. Everyone has the right to work in safe and healthy conditions, to receive remuneration for his work without any discrimination whatsoever, and for no less than the minimum wage prescribed by the state.

VII. Unemployed persons shall have the right to receive social allowances from the state.

VIII. The state shall apply all of its resources for the elimination of unemployment.

#### Article 36. Right to strike

I. Everyone has the right to strike, whether individually and together with others.

II. The right to strike for persons working on the basis of an employment contract may be restricted only in cases prescribed by law. Soldiers and civilians serving in the Armed Forces and other armed formations of the Republic of Azerbaijan shall not have the right to strike.

III. Individual and collective labour disputes shall be settled in accordance with the procedure established by law.

#### Article 37. Right to rest

I. Everyone has the right to rest.

II. Persons working on the basis of an employment contract shall be guaranteed the legally prescribed work period of no more than eight hours per working day, days off and public holidays and a paid leave, at least once a year, of no less than twenty-one calendar days.

#### Article 38. Right to social security

I. Everyone has the right to social security.

II. Family members, in the first instance, shall be duty-bound to render assistance to their needy kin.

III. Everyone has the right to social security upon attaining the age provided by law, in case of sickness, disability, loss of breadwinner, loss of work capacity, unemployment, or in other cases provided by law.

IV. Minimum pensions and social allowances shall be prescribed by law.

V. The state shall facilitate the development of charity activity, voluntary social insurance and other forms of social security.

#### Article 39. Right to live in a healthy environment

I. Everyone has the right to live in a healthy environment. II. Everyone has the right to obtain information regarding

the true state of the environment and to receive compensation

for damage caused to his health and property by environmental violations.

III. No one may cause threat or damage to the environment and natural resources beyond the limits set by law.

IV. The state shall guarantee the preservation of ecological balance and protection of the species of wild plants and wild animals determined by law.

#### Article 40. Right to culture

I. Everyone has the right to participate in cultural life, to use cultural institutions and to have access to cultural values.

II. Everyone shall be obliged to respect and care for historical, cultural and spiritual heritage, and to protect historical and cultural monuments.

#### Article 41. Right to protection of health

I. Everyone has the right to protection of his health and to medical assistance.

II. The state shall take necessary measures to develop all kinds of health services based on various forms of property, secure hygienic and epidemiological welfare, and facilitate various types of medical insurance.

III. Officials who conceal facts and circumstances that threaten the life and health of people shall be accountable under the law.

#### Article 42. Right to education

I. Every citizen has the right to education.

II. The state shall guarantee the right to free and compulsory secondary education.

III. The education system shall be controlled by the state. IV. The state shall guarantee the continued education of tal-

ented persons, regardless of their financial status.

V. The state shall set minimum educational standards.

#### Article 43. Right to housing

I. No one may be unlawfully deprived of his home.

II. The state shall promote the construction of residential premises and take special measures for the realisation of the right to housing.

#### Article 44. Right to national identity

I. Everyone has the right to preserve his national identity. II. No one may be forced to change his national identity.

#### Article 45. Right to use native language

I. Everyone has the right to use his native language. Every- one has the right to upbringing, education and creative activity in any language of his own choice.

II. No one may be deprived of the right to use his native language.

#### Article 46. Right to protect honour and dignity

I. Everyone has the right to protect his honour and dignity. II. The dignity of the human person shall be protected by

the state. No circumstances can justify the humiliation of the dignity of the human person.

III. No one may be subjected to torture. No one may be subjected to degrading treatment or punishment. No one may be subjected without his free consent to medical, scientific, or other experimentation.

#### Article 47. Freedom of thought and speech

I. Everyone has the right to freedom of thought and speech. II. No one shall be forced to proclaim or to repudiate his

thoughts and beliefs.

III. Agitation and propaganda inciting racial, national, religious and social discord and animosity shall be prohibited.

#### Article 48. Freedom of conscience

I. Everyone has the right to freedom of conscience.

II. Everyone has the right to freely determine his own approach to religion, to profess individually or together with others any religion or to profess no religion, and to express and disseminate his beliefs concerning his approach to religion.

III. Religious rituals may be freely performed if they do not disturb public order and are not contrary to public morals.

IV. Religious faith and belief shall not excuse violations of the law.

V. No one may be forced to express (to demonstrate) his religious faith and belief, and to perform religious rituals or to participate in religious rituals.

#### Article 49. Freedom of assembly

I. Everyone has the right to freely assemble together with others.



II. Upon giving advance notice to the appropriate government bodies, everyone has the right together with others to assemble peacefully, without arms, to hold rallies, meetings, demonstrations, street marches, and pickets.

#### Article 50. Freedom of information

I. Everyone has the right legally seek, receive, impart, produce, and disseminate any information.

II. The freedom of mass information shall be guaranteed. State censorship of the mass media, including the press, shall be prohibited.

III. Everyone's right to refute or reply to information published in the mass media and violating his rights or damaging his interests shall be guaranteed.

#### Article 51. Freedom of creative activity

I. Everyone has the right to creative activity.

II. The state shall guarantee the free realisation of literary, artistic, scientific, technical, and other types of creative activity.

#### Article 52. Right to citizenship

A person having political and legal relationship to the Republic of Azerbaijan, with reciprocal rights and duties, shall be considered to be a citizen of the Republic of Azerbaijan. A person born on the territory of the Republic of Azerbaijan or to the citizens of the Republic of Azerbaijan shall be a citizen of the Republic of Azerbaijan. A person one of whose parents is a citizen of the Republic of Azerbaijan shall be a citizen of the Republic of Azerbaijan.

#### Article 53. Guarantee of the right to citizenship

I. A citizen of the Republic of Azerbaijan may under no circumstances be deprived of the citizenship of the Republic of Azerbaijan.

II. A citizen of the Republic of Azerbaijan may under no circumstances be expelled from the Republic of Azerbaijan or extradited to a foreign state.

II. The Republic of Azerbaijan shall guarantee legal protection and assistance to its citizens living temporarily or permanently outside its territory.

Article 54. Right to participate in the political life of society and the state

I. Citizens of the Republic of Azerbaijan have the right to freely participate in the political life of society and the state.

II. Every citizen of the Republic of Azerbaijan has the right to independently oppose insurrection against the state or coups d'état.

Article 55. Right to participate in the administration of the state

I. Citizens of the Republic of Azerbaijan have the right to participate in the administration of the state. They may exercise this right directly or through their representatives.

II. Citizens of the Republic of Azerbaijan have the right to serve in state bodies. Officials of state bodies shall be appointed from among citizens of the Republic of Azerbaijan. Foreigners and stateless persons may be accepted into the public service in accordance with the procedure established by law.

Article 56. The right to elections

I. Citizens of the Republic of Azerbaijan have the right to elect and to be elected to state bodies, and to participate in referendum.

II. Persons, whose incapacity has been determined by a court decision, shall have no right to participate in elections and referendum.

III. The right of military servicemen, judges, civil servants, religious officials, persons imprisoned pursuant to a court judgement that has become effective, and of other persons specified in the present Constitution and by law, to participate in elections may be restricted by law.

Article 57. Right to petition

I. Citizens of the Republic of Azerbaijan have the right to personally address and to submit individual and collective written petitions to state bodies. Every petition shall receive a written reply in accordance with the procedure and within the time prescribed by law.

II. Citizens of the Republic of Azerbaijan have the right to criticise the activities or work of state bodies and their officials, political parties, trade unions, other public associations, and the activities or work of individual citizens. Persecution for criticism shall be prohibited. Insult or defamation may not be considered as criticism.

#### Article 58. Right to association

I. Everyone has the right to associate with others.

II. Everyone has the right to establish any association, including political party, trade union and other public association or to join an already existing association. Freedom of activity of all associations shall be guaranteed.

III. No one may be forced to join any association or remain a member thereof.

IV. Associations, the purpose of which is the forcible overthrow of legitimate state authority on the whole or part of the territory of the Republic of Azerbaijan, shall be prohibited. The activities of associations that violate the Constitution and laws may be prohibited only by a court decision.

#### Article 59. Right to free enterprise

Everyone may, in accordance with the procedure established by law, freely use his resources, abilities and property to engage, individually or together with others, in entrepreneurial activity or other kinds of economic activity not prohibited by law.

#### Article 60. Judicial guarantee of rights and freedoms

I. The protection of rights and freedoms in a court of law shall be guaranteed.

II. Everyone may appeal to a court of law against decisions and actions or omissions of state bodies, political parties, trade unions and other public associations, and officials.

#### Article 61. Right to legal assistance

- I. Everyone has the right to receive qualified legal assistance.
- II. In cases envisaged by law, legal assistance shall be provided free of charge, at the expense of the state.
- III. Everyone has the right to receive assistance of a lawyer as from the moment of detention, arrest or being accused of a crime by competent state bodies.

#### Article 62. Inadmissibility of change of court jurisdiction

Everyone has the right to have his case considered by a court determined by law. A person's case shall not be considered in another court without his consent.

#### Article 63. Presumption of innocence

- I. Everyone has the right to the presumption of innocence. Everyone accused of a crime shall be presumed innocent so long as his guilt has not been proven according to law and the respective court judgment has not become effective.
- II. A person may not be declared guilty if there are well-grounded suspicions regarding his guilt.
- III. A person accused of a crime shall not be obliged to prove his innocence.
- IV. Evidence obtained in violation of law may not be used in the administration of justice.
- V. No one may be considered guilty without a court judgment.

#### Article 64. Inadmissibility of double jeopardy

No one may be convicted twice for the same crime.

#### Article 65. Right of appeal

Everyone convicted by a court of law has the right to have his sentence reviewed, in accordance with the procedure established by law, by a higher court, and to appeal for pardon, or mitigation of punishment.

#### Article 66. Inadmissibility of testifying against relatives

No one may be forced to testify against himself or against his spouse, children, parents, or siblings. The full list of relatives against whom a person is not required to testify shall be specified by law.

#### Article 67. Rights of persons detained, arrested, or accused of a crime

I. Everyone who has been detained, arrested, or accused of a crime by a competent state body shall be immediately informed of his rights, and of the reasons for his detention, arrest, or for the initiation of criminal proceedings against him.

II. Everyone accused of a crime shall be heard before being sentenced.

#### Article 68. Right to demand compensation of loss

I. The rights of victims of crime or abuse of power shall be protected by law. Victims have the right to participate in the administration of justice and to demand compensation of loss.

II. Everyone has the right to be compensated by the state for damages suffered as a result of illegal actions or omissions of state bodies or their officials.

#### Article 69. Rights of foreigners and stateless persons

I. Foreigners and stateless persons staying in the Republic of Azerbaijan shall enjoy all rights and fulfil all duties equally with citizens of the Republic of Azerbaijan, unless otherwise provided by law or international treaty to which the Republic of Azerbaijan is a party.

II. The rights and freedoms of foreigners and stateless persons residing permanently or temporarily in the territory of the Republic of Azerbaijan may only be restricted in accordance with international legal rules and laws of the Republic of Azerbaijan.

#### Article 70. Right to political asylum

I. The Republic of Azerbaijan shall grant political asylum to foreigners and stateless persons in accordance with universally accepted international legal rules.

II. The extradition of persons persecuted for their political convictions, and for acts which are not considered a crime in the Republic of Azerbaijan shall be prohibited.

#### Article 71. Guarantees for rights and freedoms of man and citizen

I. The legislature, executive and judiciary shall have the duty to observe and to protect the rights and freedoms of man and citizen set forth in the Constitution.

II. No one may restrict the exercise of rights and freedoms of man and citizen. Everyone's rights and freedoms shall be restricted on the grounds provided for in the present Constitution and laws, as well as by the rights and freedoms of others.

III. Rights and freedoms of man and citizen may be partially and temporarily restricted in time of war, martial law and

state of emergency, as well as the mobilisation, subject to the international obligations of the Republic of Azerbaijan. The population shall be notified in advance of the restrictions on the rights and freedoms.

IV. Under no circumstances may a person be forced to proclaim his religion, thoughts and beliefs, and persecuted for them.

V. No provision of the present Constitution may be interpreted as aiming at the destruction of rights and freedoms of man and citizen.

VI. Rights and freedoms of man and citizen shall have direct effect on the territory of the Republic of Azerbaijan.

VII. Disputes concerning the violation of rights and freedoms of man and citizen shall be resolved by courts of law.

VIII. No one shall be liable for an act which did not constitute an offence at the time when it was committed. If, after the commission of an offence, a new law abolishes or diminishes liability for such an offence, the new law shall be applied.

IX. Everyone may perform actions not prohibited by law and no one may be forced to perform actions not envisaged by law.

X. State bodies may function only on the basis of the present Constitution, in the manner and within the boundaries prescribed by law.

## Chapter IV

### FUNDAMENTAL DUTIES OF CITIZENS

#### Article 72. Basis of duties of citizens

I. Everyone shall have duties to the state and society that derive directly from his rights and freedoms. Duties may be established for anyone only by the present Constitution or law.

II. Everyone shall observe the Constitution and laws of the Republic of Azerbaijan, respect the rights and freedoms of others, and fulfil other duties as defined by law.

III. Ignorance of the law shall not release a person from liability.

#### Article 73. Taxes and other state duties

I. Every person shall have the duty to pay taxes and other state duties in a timely manner and in the full amount as provided by law.

II. No one may be required to pay taxes and other state duties if not envisaged by law, and in excess of amount specified therein.

#### Article 74. Allegiance to the motherland

I. Allegiance to the motherland shall be sacred.

II. Persons serving in the legislature, executive or judiciary, who were elected or appointed to their position, shall be liable for not fulfilling their duties in a precise and proper manner, and, in cases provided by law, shall take an oath.

III. A person serving in the legislature, executive or judiciary, who was elected or appointed to his position, and swore an oath to observe the Constitution of the Republic of Azerbaijan, shall be dismissed from, and henceforth considered incapable of holding such a position if accused and convicted of a crime against the state, including insurrection against the state and coup d'état.

#### Article 75. Respect for State symbols

I. Every citizen shall respect the State symbols of the Republic of Azerbaijan – its flag, state emblem, and anthem.

II. An expression of disrespect to the State symbols shall involve liability as determined by law.

#### Article 76. Defence of the motherland

I. Defence of the motherland shall be the duty of every citizen. The citizens shall serve in the Armed Forces as provided by law.

II. If military service is contrary to a person's convictions, then, in cases provided by law, it may be permissible to replace regular military service with alternative service.

#### Article 77. Protection of historical and cultural monuments

Every citizen shall have the duty to protect historical and cultural monuments.

#### Article 78. Protection of environment

Every citizen shall have the duty to protect the environment.

#### Article 79. Inadmissibility of fulfilment of duties contrary to law

No one may be required to fulfil duties contrary to the Constitution and laws of the Republic of Azerbaijan.



#### Article 80. Responsibility

Violation of the Constitution and laws, including the abuse of rights and the failure to fulfil duties as provided therein, shall entail responsibility as prescribed by law.

### SECTION III

#### STATE POWER

#### Chapter V

#### LEGISLATIVE POWER

#### Article 81. Exercise of legislative power

Legislative power in the Republic of Azerbaijan shall be exercised by the Milli Majlis of the Republic of Azerbaijan.

#### Article 82. Number of deputies in the Milli Majlis

The Milli Majlis shall consist of 125 deputies.

#### Article 83. Foundations of elections of deputies of the

Milli Majlis

Deputies of the Milli Majlis shall be elected on the basis of majoritarian electoral system and universal, equal and direct suffrage by free, secret and personal ballot.

#### Article 84. Term of office of convocation of the Milli Ma- jlis

I. The term of office of each convocation of the Milli Majlis shall be five years. In case the conduct of elections to the Milli Majlis may not be held due to military operations under a state of war, the term of office of convocation of the Milli Majlis shall be extended until the end of military operations. A deci- sion on this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of an application of the state body organising elections (referendum).

II. The elections for each convocation of the Milli Majlis shall be held every five years, on the first Sunday of November.

III. The term of office of deputies of the Milli Majlis shall be limited by the term of office of convocation of the Milli Majlis.

IV. If by-elections are held to replace those who have ceased to be deputies of the Milli Majlis, the term of office of a newly elected deputy shall be limited to the remainder of the former deputy's term.

#### Article 85. Requirements regarding candidates for the

##### Milli Majlis

I. Every citizen of the Republic of Azerbaijan not younger than 25 years of age may be elected, as provided by law, as a deputy of the Milli Majlis.

II. Persons having dual citizenship; persons having obliga- tions to other states; persons serving in the executive or judi- ciary; persons engaged in other paid activity, with the excep- tion of scientific, pedagogical and creative activity; religious officials; persons whose incapacity has been determined by a court of law; persons convicted of serious crimes; and persons serving their sentences in places of imprisonment pursuant to a court judgement that has become effective, may not be elected as deputies of the Milli Majlis.

#### Article 86. Verification and validation of results of elec- tions of deputies of the Milli Majlis

The integrity of election results shall be verified and vali- dated, as provided by law, by the Constitutional Court of the Republic of Azerbaijan.

Article 87. Termination of office of deputies of the Milli

Majlis

I. The term of office of deputies of the Milli Majlis shall terminate on the day of the first meeting of a new convocation of the Milli Majlis.

II. Elections to replace those who have ceased to be deputies of the Milli Majlis of the Republic of Azerbaijan shall not be held if less than 120 days remain to the termination of office of the current Milli Majlis.

III. The Milli Majlis shall be legally constituted upon the confirmation of office of 83 of its deputies.

Article 88. Sessions of the Milli Majlis

I. The Milli Majlis shall assemble for two ordinary sessions

(spring and autumn sessions) every year.

The first sitting of the Milli Majlis shall be summoned not later than one week as from the day after the confirmation of office of 83 deputies of the Milli Majlis.

If the offices of 83 deputies have not been confirmed by the

10th of March after the election of deputies to the Milli Majlis, then the Constitutional Court shall determine the date of the first sitting of the Milli Majlis.

II. Extraordinary sessions of the Milli Majlis shall be summoned by the Chairman of the Milli Majlis at the request of the President of the Republic of Azerbaijan or of 42 deputies of the Milli Majlis.

III. The agenda of an extraordinary session of the Milli Majlis shall be determined by those who have requested the summoning of that session. The work of the extraordinary session shall end when the issues on its agenda have been considered.

IV. Sittings of the Milli Majlis shall be held in public. At the request of 83 deputies of the Milli Majlis or upon proposal by the President of the Republic of Azerbaijan, a sitting of the Milli Majlis may be held in camera.

Article 89. Forfeiture of the mandate of deputies of the Milli Majlis and loss of the mandate of deputies of the Milli Majlis

I. The mandate of a deputy of the Milli Majlis may be forfeited in the following cases:

- 1) if it is found that the votes during the election were improperly counted;
- 2) in the case of surrendering the citizenship of the Republic of Azerbaijan or accepting the citizenship of another state;
- 3) in the case of the commission of a crime, the court judgment for which has become effective;
- 4) upon assuming a position in a state body, becoming a religious official, engaging in entrepreneurial, commercial or other paid activity, with the exception of scientific, pedagogical and creative activity;
- 5) upon surrendering the mandate.

A decision regarding the forfeiture of the mandate of a deputy of the Milli Majlis shall be taken in accordance with the procedure established by law.

II. In cases where deputies of the Milli Majlis become unable to perform their duties and in other cases established by law, their mandate shall be lost. The procedure for rendering an appropriate decision shall be defined by law.

#### Article 90. Immunity of deputies of the Milli Majlis

I. A deputy of the Milli Majlis shall enjoy personal immunity during his tenure. With the exception of being caught red-handed, a deputy of the Milli Majlis may not, during his tenure, be subject to criminal proceedings, detained, subject to administrative sanctions by a court of law, searched, or inspected. A deputy of the Milli Majlis may be arrested if caught red-handed. In that case, the body that arrested the deputy of the Milli Majlis shall immediately notify the General Prosecutor of the Republic of Azerbaijan of the arrest.

II. The immunity of a deputy of the Milli Majlis may be revoked only by a decision of the Milli Majlis upon the submission of the General Procurator of the Republic of Azerbaijan.

#### Article 91. Prohibition on initiating proceedings against a deputy of the Milli Majlis

Deputies of the Milli Majlis may not be subject to any proceedings for their activities, votes cast and opinions expressed in the Milli Majlis of the Republic of Azerbaijan. No explanations and testimony related to such cases may be demanded from them without their consent.

#### Article 92. Organisation of work of the Milli Majlis

The Milli Majlis shall establish its operating procedures, and set up its relevant bodies, including the election of its Chairman and his deputies, the organisation of committees and commissions, and the establishing of the Accounting Chamber.

#### Article 93. Acts of the Milli Majlis

I. The Milli Majlis shall adopt Constitutional laws, laws and resolutions concerning issues falling under its competence.

II. The Milli Majlis shall adopt Constitutional laws, laws and resolutions in accordance with the procedure established by the present Constitution.

III. Deputies of the Milli Majlis shall exercise their voting right personally.

IV. The Milli Majlis may not adopt laws and resolutions that specify concrete tasks to the executive and the judiciary.

#### Article 94. General rules established by the Milli Majlis

I. The Milli Majlis shall establish general rules with respect to the following issues:

1) the exercise of rights and freedoms of man and citizen set forth in the present Constitution, and the state guarantees with respect to these rights and freedoms;

2) the election of the President of the Republic of Azerbaijan;

3) the elections to the Milli Majlis and the status of deputies of the Milli Majlis;

4) referendum;

5) the judicial system and the status of judges; the Prosecution; legal advocacy and notaries;

6) court proceedings, and the execution of judgements;

7) municipal elections and the status of municipalities;

8) state of emergency and martial law;

9) state awards;

10) the status of physical and legal persons;

11) objects of civil law;

- 12) transactions, civil law contracts, representation and inheritance;
- 13) property law, including the legal regime of state, private and municipal property, and intellectual property law; other proprietary rights; law of obligations;
- 14) family relations, including guardianship and trusteeship;
- 15) foundations of financial activities, taxes, duties and levies;
- 16) labour relations and social security;
- 17) defining crimes and other violations of law, and establishing liability for the commission thereof;
- 18) defence and military service;
- 19) the civil service;
- 20) foundations of security;
- 21) territorial structure; the regime of state borders;
- 22) the ratification and denunciation of international treaties;
- 23) communications and transportation;
- 24) statistics, metrology and standards;
- 25) customs;
- 26) trade and stock exchanges;
- 27) banking, accounting, and insurance.

II. Laws with respect to the issues referred to in items 2, 3 and 4 of the present Article shall be adopted by a majority of 83 votes, whereas, laws with respect to the other issues – by a majority of 63 votes.

III. Paragraph I of the present Article may be supplemented by means of a Constitutional law.

#### Article 95. Issues decided by the Milli Majlis

I. The Milli Majlis shall be empowered to decide the following issues:

- 1) organisation of the work of the Milli Majlis;
- 2) the establishment of diplomatic representations of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;

- 3) the administrative and territorial division;
- 4) the ratification and denunciation of inter-state treaties, and of those inter-governmental agreements that contain rules contradicting the laws of the Republic of Azerbaijan;
- 5) the approval of the state budget, upon the submission of the President, and supervision over its implementation;
- 6) the election of the Human Rights Commissioner of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
- 7) the approval of the military doctrine of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
- 8) the approval of decrees of the President of the Republic of Azerbaijan in cases provided for in the present Constitution;
- 9) giving consent to the appointment of the Prime Minister of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
- 10) the appointment of judges of the Constitutional Court, Supreme Court and appellate courts of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
- 11) giving consent to the appointment and dismissal of the General Prosecutor, upon the submission of the President of the Republic of Azerbaijan;
- 12) the dismissal of the President of the Republic of Azerbaijan by means of impeachment, upon the submission of the Constitutional Court;
- 13) the dismissal of judges, upon the submission of the President of the Republic of Azerbaijan;
- 14) the resolution of the issue of confidence in the Cabinet of Ministers of the Republic of Azerbaijan;
- 15) the appointment and dismissal of the members of the Governing Board of the Central Bank of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
- 16) giving consent, upon the submission of the President of the Republic of Azerbaijan, to the use of the Armed Forces of the Republic of Azerbaijan for performing tasks not related to their assignment;
- 17) giving consent to declaration of war and conclusion of peace, upon the appeal of the President of the Republic of Azerbaijan;
- 18) the calling of a referendum;
- 19) amnesty;
- 20) hearing of municipality reports.

II. Laws with respect to the issues referred to in items 1-5 of the present Article shall be adopted by a majority of 63 votes, whereas, with respect to the other issues, resolutions shall be adopted in the same manner, unless otherwise specified in the present Constitution.

III. Resolutions shall also be adopted on other issues falling under the competence of the Milli Majlis under the present Constitution, on issues related to the organisation of work of the Milli Majlis, and on issues in respect of which the Milli Majlis deems necessary to express its position.

IV. Paragraph I of the present Article may be supplemented by means of a Constitutional law.

#### Article 96. Right to legislative initiative

I. Deputies of the Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan entitled to the right to elections, the Prosecutor's Office of the Republic of Azerbaijan, and the Ali Majlis of the Autonomous Republic of Nakhchivan shall have the right to legislative initiative in the Milli Majlis, that is, the right to submit draft laws and other questions for the consideration of the Milli Majlis.

II. Draft laws or resolutions submitted for the consideration of the Milli Majlis at the legislative initiative of the President, the Supreme Court, 40 thousand citizens of the Republic of Azerbaijan entitled to the right to elections, the Prosecutor's Office, or the Ali Majlis of the Autonomous Republic of Nakhchivan shall be submitted for discussion and voted upon in the form in which they are presented.

III. Amendments to such draft laws or resolutions may be made with the consent of the subject exercising the right to legislative initiative.

IV. Draft laws or resolutions submitted for the consideration of the Milli Majlis at the legislative initiative of the President, the Supreme Court, 40 thousand citizens of the Republic of Azerbaijan entitled to the right to elections, the Prosecutor's Office, or the Ali Majlis of the Autonomous Republic of Nakhchivan shall be voted upon within two months.

V. If the President, the Supreme Court, the Prosecutor's Office, or the Ali Majlis of the Autonomous Republic of Nakhchivan declares a draft law or resolution to be a matter of urgency, then the above term shall be 20 days.

VI. The manner in which 40 thousand citizens of the Republic of Azerbaijan entitled to the right to elections may exercise their right to legislative initiative shall be defined by law.

VII. Draft laws and resolutions shall be substantiated, and the purposes of their adoption shall be indicated.



Article 97. Term for submitting laws for signature

I. Laws shall be submitted to the President of the Republic of Azerbaijan for signature within 14 days of the day of their adoption.

II. A draft law that is declared to be a matter of urgency shall be submitted to the President of the Republic of Azerbaijan for signature within 24 hours of the day of its adoption.

Article 98. Entry into force of acts of the Milli Majlis

A law or resolution of the Milli Majlis shall enter into force on the day of their publication, unless otherwise specified therein.

Chapter VI

EXECUTIVE POWER

Article 99. Vesting of executive power

Executive power in the Republic of Azerbaijan shall be vested in the President of the Republic of Azerbaijan.

Article 100. Requirements regarding candidates for

President

Any citizen of the Republic of Azerbaijan not younger than

35 years of age, who has resided permanently on the territory of the Republic of Azerbaijan for longer than 10 years, has the right to participate in elections, and has not been previously convicted of a serious crime, has no obligations to other states, has higher education, and who has no dual citizenship may be elected President of the Republic of Azerbaijan.

#### Article 101. Foundations of elections of President

I. The President of the Republic of Azerbaijan shall be elected for a term of five years on the basis of universal, equal and direct suffrage by free, secret and personal ballot.

II. The President of the Republic of Azerbaijan shall be elected by an absolute majority of the votes cast.

III. If the required majority is not obtained in the first round of voting, a second round shall be held on the second Sunday after the first round. Only the first two candidates who polled the most votes in the first round, or, if they withdraw their candidacies, then the next two candidates with the most votes shall participate in the second round of elections.

IV. The candidate who receives a simple majority of the votes in the second round of elections shall be considered to be elected President of the Republic of Azerbaijan.

V. In case the conduct of elections of President of the Republic of Azerbaijan may not be held due to military operations under a state of war, the term of office of the President of the Republic of Azerbaijan shall be extended until the end of military operations. A decision on this matter shall be adopted by the Constitutional Court on the basis of an application of the state body organizing elections (referendum).

VI. The procedure for the implementation of the present Article shall be prescribed by law.

#### Article 102. Results of elections of President

Results of elections of President of the Republic of Azerbaijan shall be officially announced by the Constitutional Court within 14 days after the day of voting.

#### Article 103. Oath of a person elected President of the

Republic of Azerbaijan

I. Within three days of the announcement of the results of the presidential elections, a person elected President of the Republic of Azerbaijan shall take the following oath in the presence of the judges of the Constitutional Court: "I swear that, in exercising powers of the President of the Republic of Azerbaijan, I will observe the Constitution of the Republic of Azerbaijan, protect the sovereignty and territorial integrity of the state, and honourably serve the people".

II. The President of the Republic of Azerbaijan shall be considered to enter on the execution of his office upon having taken the presidential oath.

#### Article 104. Inability of the President to regularly exercise his powers

I. The President of the Republic of Azerbaijan shall be deemed to have vacated office before the completion of his term upon resignation, complete inability to exercise his powers due to poor health, or upon dismissal in cases and according to the procedure as provided for in the present Constitution.

II. Upon resigning from office, the President shall submit his notice of resignation to the Constitutional Court. Upon confirming that the President personally submitted the notice of resignation, the Constitutional Court shall take a decision on the acceptance of the resignation. Thereafter, the President shall be considered to have vacated office by reason of resignation.

III. Upon receiving information concerning the inability of the President to exercise his powers due to poor health, the Milli Majlis shall apply to the Constitutional Court for clarification thereof. The Constitutional Court shall decide the issue with a majority of six votes. If the Constitutional Court does not confirm this fact, then the issue shall be deemed to be exhausted.

#### Article 105. Implementation of powers of the President on his resignation

I. If the President of the Republic of Azerbaijan resigns from office before the completion of his term, then extraordinary presidential elections shall be held within three months. In such cases, the Prime-Minister of the Republic of Azerbaijan shall exercise the powers of the President of the Republic of Azerbaijan until a new President is elected.

II. If the Prime-Minister serving as Acting President of the Republic of Azerbaijan resigns or becomes incapable of exercising his powers during the said term due to poor health, then the Chairman of the Milli Majlis shall exercise the powers of the President.

III. Upon the inability of the Chairman of the Milli Majlis to exercise the powers of the President for the reasons provided for in Paragraph II of the present Article, the Milli Majlis shall issue a resolution on the exercise of the President's powers by another official.

#### Article 106. Immunity of the President

The President of the Republic of Azerbaijan shall have the right of immunity. The honour and dignity of the President of the Republic of Azerbaijan shall be protected by law.

#### Article 107. Removal of the President from office

I. If the President of the Republic of Azerbaijan commits a serious crime, the issue of his removal from office may be submitted to the Milli Majlis at the initiative of the Constitutional Court on the basis of an opinion of the Supreme Court presented within 30 days.

II. The President may be removed from office by a resolution of the Milli Majlis passed by a majority of 95 deputy votes. The said resolution shall be signed by the Chairman of the Constitutional Court. If the Constitutional Court within one week does not support the signing of the resolution, the latter shall not enter into force.

III. A resolution on the removal of the President from office shall be adopted within 2 months of the Constitutional Court's submission to the Milli Majlis. If the resolution is not adopted within the said term, then the accusations against the President shall be considered to have been rejected.

#### Article 108. Guarantees for the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan and his family shall be provided at the expense of the state. The security of the President and his family shall be provided by the special security services.

II. Guarantees for former presidents of the Republic of Azerbaijan shall be established by a Constitutional law.

#### Article 109. Powers of the President

The President of the Republic of Azerbaijan shall have the following powers:

1) to call the elections to the Milli Majlis of the Republic of

Azerbaijan;

2) to submit the state budget of the Republic of Azerbaijan to the Milli Majlis for approval;

3) to approve state economic and social programmes;

- 4) to appoint the Prime Minister of the Republic of Azerbaijan with the consent of the Milli Majlis; to dismiss the Prime Minister;
- 5) to appoint and dismiss members of the Cabinet of Ministers of the Republic of Azerbaijan; and to preside over meetings of the Cabinet of Ministers when necessary;
- 6) to take decisions regarding the resignation of the Cabinet of Ministers;
- 7) to establish central and local executive bodies within the limits of the expenses allotted for the executive in the state budget;
- 8) to repeal resolutions and orders of the Cabinet of Ministers of the Republic of Azerbaijan and the Cabinet of Ministers of the Autonomous Republic of Nakhchivan, and acts of central and local executive bodies;
- 9) to make submissions to the Milli Majlis regarding the appointment of judges of the Constitutional Court, the Supreme Court and the appellate courts of the Republic of Azerbaijan; to appoint judges to the other courts of the Republic of Azerbaijan; and to appoint and dismiss the General Prosecutor of the Republic of Azerbaijan with the consent of the Milli Majlis;
- 10) to make submissions to the Milli Majlis regarding the appointment and dismissal of the members of the Governing Board of the Central Bank of the Republic of Azerbaijan; and to appoint the Chairman of the Central Bank from among the members of the Governing Board of the Central Bank.
- 11) to submit the military doctrine of the Republic of Azerbaijan to the Milli Majlis for approval;
- 12) to appoint and dismiss the Supreme Command of the Armed Forces of the Republic of Azerbaijan;
- 13) to establish the Administration of the President of the Republic of Azerbaijan and to appoint its head;
- 14) to make submissions to the Milli Majlis regarding the election of the Human Rights Commissioner of the Republic of Azerbaijan;
- 15) to make submissions to the Milli Majlis regarding the establishment of diplomatic representations of the Republic of Azerbaijan in foreign countries and in international organisations, and to appoint and recall diplomatic representatives of the Republic of Azerbaijan in foreign countries and in international organisations;
- 16) to receive the credentials and letters of recall from the diplomatic representatives of foreign countries;
- 17) to conclude inter-state and inter-governmental treaties; to submit inter-state treaties and those inter-governmental agreements that contain rules contradicting the laws of the Republic of Azerbaijan to the Milli Majlis for ratification and denunciation; and to sign acts of ratification;
- 18) to call a referendum;

- 19) to sign and publish laws;
- 20) to settle issues of citizenship;
- 21) to settle issues regarding the granting of political asylum;
- 22) to grant pardons;
- 23) to confer state awards;
- 24) to award supreme military and supreme special ranks;
- 25) to declare general and partial mobilisation, and demobilisation;
- 26) to make decisions regarding the conscription of citizens of the Republic of Azerbaijan into active military service, and regarding the transfer of active military servicemen to the reserves;
- 27) to appoint the Security Council of the Republic of Azerbaijan;
- 28) to make submissions to the Milli Majlis for its consent to the use of the Armed Forces of the Republic of Azerbaijan for performing tasks not related to their assignment;
- 29) to declare a state of emergency and martial law;
- 30) to declare war and conclude peace with the consent of the Milli Majlis;
- 31) to form special security services within the limits of the expenses allotted by the state budget;
- 32) to settle other issues that do not fall under the competence of the Milli Majlis and of the judiciary under the present Constitution.

#### Article 110. Signing of laws

I. The President of the Republic of Azerbaijan shall sign laws within 56 days of their presentation. If the President has objections to a law, he may, within the said term, return it to the Milli Majlis without his signature, together with his objections.

II. Constitutional laws shall not enter into force until signed by the President. If the Milli Majlis adopts for a second time a law by a majority of 95 votes, which was previously adopted by a majority of 83 votes, and a law by a majority of 83 votes, which was previously adopted by a majority of 63 votes, then the said laws shall enter into force after the second vote.

#### Article 111. Declaration of martial law

In the event of an actual occupation of part of the territory of the Republic of Azerbaijan, a declaration of war against it by a foreign country or countries, a real danger of an armed attack against the Republic of Azerbaijan, a blockade of its territory, or in the event of a real threat of such a blockade, the President shall declare martial law throughout the territory of the Republic of Azerbaijan, or within its separate regions, and shall, within 24 hours, submit the appropriate decree to the Milli Majlis for approval.

#### Article 112. Declaration of state of emergency

In the event of natural disasters or epidemic, epizootic, severe ecological and other disasters; the commission of acts directed at violating the territorial integrity of the Republic of Azerbaijan, insurrections or coups d'état; mass disorders accompanied by violence; other conflicts threatening the lives and security of citizens, or the normal activities of state bodies, the President shall declare a state of emergency in separate regions of the Republic of Azerbaijan and shall, within 24 hours, submit the appropriate decree to the Milli Majlis for approval.

#### Article 113. Acts of the President

I. The President shall issue decrees for the establishing of general rules, and issue orders for other matters.

II. Decrees and orders of the President shall enter into force on the day of their publication, unless otherwise provided therein.

#### Article 114. Status of the Cabinet of Ministers

I. The President shall appoint the Cabinet of Ministers for the purpose of exercising executive power.

II. The Cabinet of Ministers shall be the higher executive body of the President.

III. The Cabinet of Ministers shall be subordinate and accountable to the President.

IV. The President shall determine the operating procedures of the Cabinet of Ministers.

#### Article 115. Composition of the Cabinet of Ministers

The Cabinet of Ministers shall consist of the Prime Minister, his deputies, ministers and heads of other central executive bodies.

#### Article 116. Resignation of the Cabinet of Ministers

On the day a newly elected President of the Republic of Azerbaijan takes up office, the Cabinet of Ministers shall resign.

#### Article 117. Meetings of the Cabinet of Ministers

As a rule, the Prime Minister of the Republic of Azerbaijan shall preside over the meetings of the Cabinet of Ministers.

#### Article 118. Procedure for appointment of the Prime

Minister

I. The Prime Minister shall be appointed by the President of the Republic of Azerbaijan with the consent of the Milli Majlis.

II. The President shall submit to the Milli Majlis for its consideration a proposal naming a candidate for the position of Prime Minister not later than one month as from the day the President took office, or not later than two weeks as from the day the Cabinet of Ministers resigned.

III. The Milli Majlis shall take its decision regarding the proposed candidate to the position of Prime Minister not later than one week as from the day the proposal was submitted. If this procedure is violated, or if the candidates proposed by the President are rejected three times, then the President may appoint a Prime Minister without the consent of the Milli Majlis.

#### Article 119. Powers of the Cabinet of Ministers

The Cabinet of Ministers shall:

– prepare and submit to the President the draft of the state budget;



- ensure the implementation of the state budget;
- ensure the implementation of financial crediting and monetary policy;
- ensure the implementation of state economic programmes;
- ensure the implementation of state social security programmes;
- manage the ministries and other central executive bodies, and repeal their acts;
- decide other issues assigned to its competence by the President of the Republic of Azerbaijan.

#### Article 120. Acts of the Cabinet of Ministers

I. The Cabinet of Ministers shall issue resolutions for the establishing of general rules, and orders for other matters.

II. Resolutions and orders of the Cabinet of Ministers shall enter into force on the day of their publication, unless otherwise provided therein.

#### Article 121. Requirements regarding candidates to members of the Cabinet of Ministers

I. The Prime Minister shall be a citizen of the Republic of Azerbaijan who is not younger than 30 years of age, has the right to participate in elections, has higher education, and who has no obligations to other states.

II. Deputy Prime Minister, minister, and head of other central executive body shall be a citizen of the Republic of Azerbaijan who is not younger than 25 years of age, has the right to participate in elections, has higher education, and who has no obligations to other states.

#### Article 122. Requirements regarding members of the

##### Cabinet of Ministers

The Prime Minister, his deputies, ministers, and heads of other central executive bodies may not occupy any other elected or appointed position; engage in entrepreneurial, commercial and other paid activity, with the exception of scientific, pedagogical and creative activity; receive remuneration other than their salaries and funds received from scientific, pedagogical and creative activity.

#### Article 123. Immunity of the Prime Minister

- I. The Prime Minister of the Republic of Azerbaijan shall enjoy immunity during his tenure.
- II. With the exception of being caught red-handed, the Prime Minister may not be detained, subject to criminal proceedings, subject to administrative sanctions by a court of law, searched, or inspected.
- III. The Prime Minister may be arrested if caught red-handed. In that case, the body that arrested the Prime Minister shall immediately notify the General Prosecutor of the Republic of Azerbaijan of the arrest.
- IV. The immunity of the Prime Minister may be revoked only by the President of the Republic of Azerbaijan upon the submission of the General Prosecutor.

#### Article 124. Local executive authority

- I. The heads of local executive bodies shall exercise local executive authority.
- II. The President of the Republic of Azerbaijan shall appoint and dismiss the heads of local executive bodies.
- III. The President of the Republic of Azerbaijan shall determine the powers of local executive bodies.

### Chapter VII

#### JUDICIAL POWER

#### Article 125. Exercise of judicial power

- I. Judicial power in the Republic of Azerbaijan shall be exercised by the courts of law, through the administration of justice.

II. Judicial power shall be exercised by the Constitutional Court, the Supreme Court, the appellate courts, general courts and other specialised courts of the Republic of Azerbaijan.

III. Judicial power shall be exercised through constitutional, civil and criminal proceedings, and through other means provided by law.

IV. The Prosecutor's Office and the defendant shall participate in criminal proceedings.

V. The judicial system and judicial proceedings shall be prescribed by law.

VI. The use of legal means that are not provided by law, for the purpose of altering the powers of the courts, and the establishment of extraordinary emergency courts shall be prohibited.

VII. Judicial proceedings shall secure the discovery of the truth.

#### Article 126. Requirements regarding candidates to judges

I. Judges shall be citizens of the Republic of Azerbaijan who

are not younger than 30 years of age, have the right to participate in elections, have higher legal education and at least 5 years of experience in specialised legal work.

II. Judges may not occupy any other elected or appointed position; engage in entrepreneurial, commercial and other paid activity, with the exception of scientific, pedagogical and creative activity; be involved in political activities or join political parties; receive remuneration other than their salaries and funds from scientific, pedagogical and creative activity.

#### Article 127. Independence of judges, and fundamental principles and prerequisites of the administration of justice

I. Judges shall be independent and shall be subordinate only

to the Constitution and laws of the Republic of Azerbaijan, and

may not be replaced during their term of office.

II. Judges shall consider cases impartially and fairly, observing equality between the parties, on the basis of facts and in conformity with the law.

III. The application of illegal influence, threats and interference, and direct or indirect obstruction in court proceedings, by any person and for any reason, shall be prohibited.

IV. Justice shall be administered on the basis of equality of citizens before the law and the courts.

V. Proceedings in all courts of law shall be conducted in public. A closed hearing shall be permitted only if a court decides that an open hearing could result in the disclosure of state, professional, or commercial secrets, or that it is necessary to protect the confidentiality of personal or family life.

VI. Except in cases provided by law, the conducting of criminal proceedings in absentia shall be prohibited.

VII. Court proceedings shall be conducted on the basis of the adversarial principle.

VIII. Everyone's right to defence shall be guaranteed at any stage of court proceedings.

IX. Justice shall be based on the presumption of innocence. X. Court proceedings in the Republic of Azerbaijan shall

be conducted in the official language of the Republic of Azer-

baijan or in a language of the majority of the population of the specific region. Participants in court proceedings, who do not know the language of the proceedings, have the right to be acquainted with materials of proceedings, and to take part in proceedings using an interpreter, and to make statements in the court in their native language.

#### Article 128. Immunity of judges

I. Judges shall enjoy immunity.

II. A judge may be subject to criminal proceedings only in accordance with the procedure established by law.

III. The office of a judge may be terminated only in accordance with the grounds and rules as provided by law.

IV. When judges commit a crime, the President of the Republic of Azerbaijan, on the basis of the conclusions of the Supreme Court, may address the Milli Majlis with the purpose of removing the judges from office. The respective conclusions of the Supreme Court shall be presented to the President within

30 days after his request.

V. Decisions regarding the removal from office of judges of the Constitutional Court, the Supreme Court, and the appellate courts of the Republic of Azerbaijan shall be taken by the Milli Majlis with a majority of 83 votes; decisions regarding the removal from office of other judges shall be taken by the Milli Majlis with a majority of 63 votes.

#### Article 129. Court judgements and their execution

I. The courts of law shall render judgements on behalf of the state, and the execution thereof shall be obligatory.

II. Failure to execute a court judgement shall entail liability as provided by law.

III. A court judgement shall be grounded in law and evidence.

#### Article 130. Constitutional Court

I. The Constitutional Court of the Republic of Azerbaijan shall be comprised of nine judges.

II. Judges of the Constitutional Court shall be appointed by the Milli Majlis upon the submission of the President of the Republic of Azerbaijan.

III. The Constitutional Court, based on a request submitted by the President, the Milli Majlis, the Cabinet of Ministers, the Supreme Court, the Prosecutor's Office of the Republic of Azerbaijan, and the Ali Majlis of the Autonomous Republic of Nakhchivan shall resolve the following issues:

1) the conformity of laws of the Republic of Azerbaijan, decrees and orders of the President, resolutions of the Milli Majlis, resolutions and orders of the Cabinet of Ministers, and normative legal acts of central executive bodies with the Constitution of the Republic of Azerbaijan;

2) the conformity of decrees of the President, resolutions of the Cabinet of Ministers, and normative legal acts of central executive bodies with the laws of the Republic of Azerbaijan;

3) the conformity of resolutions of the Cabinet of Ministers and normative legal acts of central executive bodies with the decrees of the President of the Republic of Azerbaijan;

4) in cases provided by law, the conformity of judgements of the Supreme Court with the Constitution and laws of the Republic of Azerbaijan;

5) the conformity acts of municipalities with the Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, resolutions of the Cabinet of Ministers of the Republic of Azerbaijan (and in the Autonomous Republic of Nakhchivan, with the Constitution and laws of the Autonomous Republic of Nakhchivan and resolutions of the Cabinet of Ministers of the Autonomous Republic of Nakhchivan);

6) the conformity of inter-state treaties of the Republic of Azerbaijan that are not yet in force in respect thereof, with the Constitution of the Republic of Azerbaijan; the conformity of inter-governmental agreements of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan;

7) the conformity of the Constitution and laws of the Autonomous Republic of Nakhchivan, resolutions of the Ali Majlis and the Cabinet of Ministers of the Autonomous Republic of Nakhchivan with the Constitution of the Republic of Azerbaijan; the conformity of laws of the Autonomous Republic of Nakhchivan and resolutions of the Cabinet of Ministers of the Autonomous Republic of Nakhchivan with the laws of the Republic of Azerbaijan; the conformity of resolutions of the Cabinet of Ministers of the Autonomous Republic of Nakhchivan with the decrees of the President of the Republic of Azerbaijan and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan;

8) disputes regarding the division of competences between the legislature, the executive and the judiciary.

IV. The Constitutional Court shall interpret the Constitution and laws of the Republic of Azerbaijan on the basis of requests submitted by the President, the Milli Majlis, the Cabinet of Ministers, the Supreme Court, and the Prosecutor's Office of the Republic of Azerbaijan, and by the Ali Majlis of the Autonomous Republic of Nakhchivan.

V. Everyone shall have the right to lodge, as provided by law, complaints with the Constitutional Court against normative acts of the legislature and the executive, acts of municipalities, and judicial acts infringing upon his rights and freedoms, for resolving by the Constitutional Court the issues referred to in items 1-7 of Paragraph III of the present Article, for the purpose of restoration of his violated rights and freedoms.

VI. Courts of law may address the Constitutional Court, as provided by the laws of the Republic of Azerbaijan, with respect to the interpretation of the Constitution and laws of the Republic of Azerbaijan in connection with the issues of the implementation of human rights and freedoms.

VII. The Human Rights Commissioner of the Republic of Azerbaijan may submit, as provided by law, a request to the Constitutional Court in relation to normative acts of the legislature and the executive, acts of municipalities, and judicial acts infringing upon human rights and freedoms, for resolving by the Constitutional Court the issues referred to in items 1-7 of Paragraph III of the present Article.

VIII. The Constitutional Court shall also exercise other powers as provided for in the present Constitution.

IX. The Constitutional Court shall render judgements regarding issues within its jurisdiction. Judgements of the Constitutional Court shall be binding throughout the entire territory of the Republic of Azerbaijan. Judgements of the Constitutional Court shall be published.

X. Laws and other acts, or the individual provisions thereof, and inter-governmental agreements of the Republic of Azerbaijan shall be null and void on the date specified by a judgement of the Constitutional Court, and inter-state agreements of the Republic of Azerbaijan shall not enter into force in respect thereof.

#### Article 131. Supreme Court

I. The Supreme Court of the Republic of Azerbaijan shall be the highest judicial body with respect to civil, criminal and other cases falling under the jurisdiction of the general and specialised courts of law; shall administer justice as a court of cassation instance; and shall provide clarifications on the issues related to the judicial practice.

II. Judges of the Supreme Court shall be appointed by the Milli Majlis upon submission by the President of the Republic of Azerbaijan.

III. Judgements of the Supreme Court shall be published.

#### Article 132. Appellate courts

I. The appellate courts of the Republic of Azerbaijan shall be courts of higher instance with respect to cases falling under their jurisdiction according to the law.

II. Judges of the appellate courts shall be appointed by the Milli Majlis upon the submission of the President of Republic of Azerbaijan.

#### Article 133. Procurator's Office of the Republic of Azerbaijan

I. The Prosecutor's Office shall, in cases and within the procedure as provided by law, exercise control over the execution and application of laws; shall, in cases provided by law, institute criminal cases and conduct investigations; shall prosecute on behalf of the state in courts of law; shall initiate court suits; and shall institute appeals against court judgements.

II. The Prosecutor's Office shall serve as a single centralised body based on the subordination of territorial and specialised procurators to the General Prosecutor of the Republic of Azerbaijan.

III. The General Prosecutor shall be appointed and dismissed by the President of the Republic of Azerbaijan, with the consent of the Milli Majlis.

IV. Deputies of the General Prosecutor, prosecutors heading specialised republican prosecutor's offices, and the Prosecutor of the Autonomous Republic of Nakhchivan shall be appointed and dismissed by the President of the Republic of Azerbaijan upon the proposal of the General Prosecutor.

V. Territorial and specialised prosecutors shall be appointed and dismissed by the General Prosecutor with the consent of the President of the Republic of Azerbaijan.

#### Chapter VIII.

#### AUTONOMOUS REPUBLIC OF NAKHCHIVAN

#### Article 134. Status of Autonomous Republic of Nakhchivan

I. The Autonomous Republic of Nakhchivan shall be an autonomous state within the Republic of Azerbaijan.

II. The status of the Autonomous Republic of Nakhchivan shall be defined in the present Constitution.

III. The Autonomous Republic of Nakhchivan shall be an integral part of the Republic of Azerbaijan.

IV. The Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan shall be binding within the territory of the Autonomous Republic of Nakhchivan.

V. The Constitution and laws of the Autonomous Republic of Nakhchivan that are adopted by the Ali Majlis of the Autonomous Republic of Nakhchivan shall not contradict, respectively, the Constitution and laws of the Republic of Azerbaijan; resolutions adopted by the Cabinet of Ministers of the Autonomous Republic of Nakhchivan shall not contradict the Constitution and laws of the Republic of Azerbaijan, the decrees of the President of the Republic of Azerbaijan, and the resolutions of the Cabinet of Ministers of the Republic of Azerbaijan.

VI. The Constitution of the Autonomous Republic of Nakhchivan shall be submitted to the Milli Majlis of the Republic of Azerbaijan by the President of the Republic of Azerbaijan and approved by means of a Constitutional Law.

#### Article 135. Separation of powers in the Autonomous

##### Republic of Nakhchivan

I. In the Autonomous Republic of Nakhchivan, legislative power shall be exercised by the Ali Majlis of the Autonomous Republic of Nakhchivan, executive power shall be exercised by the Cabinet of Ministers of the Autonomous Republic of Nakhchivan, and judicial power shall be exercised by the courts of the Autonomous Republic of Nakhchivan.

II. The Ali Majlis of the Autonomous Republic of Nakhchivan shall independently resolve issues falling under its competence according to the Constitution and laws of the Republic of Azerbaijan; the Cabinet of Ministers of the Autonomous Republic of Nakhchivan shall independently resolve issues falling under its competence according to the Constitution and laws of the Republic of Azerbaijan, and decrees of the President of the Republic of Azerbaijan; the courts of the Autonomous Republic of Nakhchivan shall independently resolve issues falling under their jurisdiction according to the Constitution and laws of the Republic of Azerbaijan.



Article 136. Supreme official of the Autonomous Republic of Nakhchivan

The Chairman of the Ali Majlis of the Autonomous Republic of Nakhchivan shall be the supreme official of the Autonomous Republic of Nakhchivan.

Article 137. Ali Majlis of the Autonomous Republic of Nakhchivan

I. The Ali Majlis of the Autonomous Republic of Nakhchivan shall be comprised of 45 members.

II. The term of office of the Ali Majlis shall be 5 years.

III. The Ali Majlis shall elect the Chairman and Deputy Chairmen of the Ali Majlis, and establish standing and other commissions.

Article 138. General rules established by the Ali Majlis of the Autonomous Republic of Nakhchivan

I. The Ali Majlis shall establish general rules with respect to the following issues:

1) elections to the Ali Majlis of the Autonomous Republic of Nakhchivan;

2) taxes;

3) directions for the economic development of the Autonomous Republic of Nakhchivan;

4) social security;

5) environmental protection;

6) tourism;

7) health, science and culture.

II. The Ali Majlis shall adopt laws concerning the issues specified in the present Article.

Article 139. Issues decided by the Ali Majlis of the Autonomous Republic of Nakhchivan

I. The Ali Majlis of the Autonomous Republic of Nakhchi- van shall decide the following issues:

- organisation of work of the Ali Majlis;
- the approval of the budget of the Autonomous Republic of Nakhchivan;
- the approval of economic and social programmes of the Autonomous Republic of Nakhchivan;
- the appointment and dismissal of the Prime Minister of the Autonomous Republic of Nakhchivan;
- the approval of the composition of the Cabinet of Minis- ters of the Autonomous Republic of Nakhchivan;
- the expressing of confidence in the Cabinet of Ministers of the Autonomous Republic of Nakhchivan.

II. The Ali Majlis shall adopt resolutions with respect to the issues specified in the present Article.

Article 140. Cabinet of Ministers of the Autonomous Re- public of Nakhchivan

I. The composition of the Cabinet of Ministers of the Au- tonomous Republic of Nakhchivan shall be approved by the Ali Majlis of the Autonomous Republic of Nakhchivan upon the proposal of the Prime Minister of the Autonomous Repub- lic of Nakhchivan.

II. The Prime Minister of the Autonomous Republic of Nakhchivan shall be appointed by the Ali Majlis of the Au- tonomous Republic of Nakhchivan upon the submission of the President of the Republic of Azerbaijan.

III. The Cabinet of Ministers of the Autonomous Republic of Nakhchivan shall:

- prepare a draft budget of the Autonomous Republic of Nakhchivan and submit it for approval to the Ali Majlis of the Autonomous Republic of Nakhchivan;
- implement the budget of the Autonomous Republic;
- ensure the implementation of the economic programmes of the Autonomous Republic;
- ensure the implementation of the social programmes of the Autonomous Republic;
- decide other issues assigned to its competence by the President of the Republic of Azerbaijan.

IV. The Cabinet of Ministers of the Autonomous Republic of Nakhchivan shall adopt resolutions and orders.

Article 141. Local executive authority in the Autono- mous Republic of Nakhchivan

Heads of local executive bodies in the Autonomous Republic of Nakhchivan shall be appointed by the President of the Republic of Azerbaijan upon the submission of the Chairman of the Ali Majlis of the Autonomous Republic of Nakhchivan.

## SECTION 4

### LOCAL SELF-GOVERNMENT

#### Chapter IX

#### MUNICIPALITIES

##### Article 142. Organisation of local self-government

- I. Local self-government shall be exercised by the municipalities.
- II. Municipalities shall be formed on the basis of elections. III. The foundations of the status of municipalities shall be determined by the present Constitution, and the procedure for elections to municipalities shall be prescribed by law.

##### Article 143. Organisation of work of municipalities

- I. Municipalities shall conduct their activities through meetings, and standing and other commissions.
- II. Meetings of a municipality shall be summoned by the chairman of the municipality.

##### Article 144. Powers of municipalities

- I. The following issues shall be decided at the meetings of municipalities:

- recognition of the authority of municipality members, and loss and termination of their authority in cases provided by law;
- approval of the rules of procedure of the municipality;
- the election of the chairman and deputy chairmen of the municipality, and the election of its standing and other com- missions;
- the fixing of local taxes and duties;
- approval of the local budget and reports on the implemen- tation thereof;
- possession of municipal property, and the use and disposal thereof;
- adoption and implementation of local social security and social development programmes;
- adoption and implementation of local economic develop- ment programmes;
- adoption and implementation of local ecological pro- grammes.

II. The legislature and the executive may grant municipali- ties additional powers. Corresponding funds shall be allocated for the exercise of these powers. The exercise of these powers shall be controlled, respectively, by the legislature and the ex- ecutive.

#### Article 145. Decisions of municipalities

- I. Decisions shall be taken on matters considered at the meetings of a municipality.
- II. Decisions of a municipality shall be taken by a simple majority of the votes of municipality members.
- III. Decisions with respect to local taxes and duties shall be taken by a majority of two thirds of the votes of municipality members.

#### Article 146. Guarantees for the independence of munici- palities

- I. Municipalities shall be independent in the exercise of their powers, but this shall not exclude their responsibility before the citizens residing in the territory of the municipality. The procedures for the election of municipality members, loss and termination of their powers, and cases of and procedures for early dissolution of municipalities shall be prescribed by law.
- II. The independent exercise by municipalities of their pow- ers may not damage the sovereignty of the state of Azerbaijan.

III. The state shall supervise the activities of municipalities. IV. Municipalities shall submit reports about their activities

to the Milli Majlis of the Republic of Azerbaijan in cases and in the manner prescribed by law.

V. The judicial protection of municipalities, and compensation for additional expenditures resulting from the decisions of state bodies, shall be guaranteed.

## SECTION V

### LAW AND LEGISLATION

#### Chapter X

##### LEGISLATIVE SYSTEM

Article 147. Legal effect of the Constitution of the Republic of Azerbaijan

I. The Constitution of the Republic of Azerbaijan shall have the highest legal authority within the Republic of Azerbaijan.

II. The Constitution shall have direct effect.

III. The Constitution shall be the foundation of the legislative system of the Republic of Azerbaijan.

Article 148. Acts constituting the legislative system of the Republic of Azerbaijan

I. The legislative system shall be comprised of the following normative legal acts:

1) the Constitution;

2) acts adopted by referendum;

3) laws;

4) decrees;

5) resolutions of the Cabinet of Ministers of the Republic of Azerbaijan;

6) normative acts of central executive bodies.

II. International treaties to which the Republic of Azerbaijan is a party shall be an integral part of the legislative system of the Republic of Azerbaijan.

III. In the Autonomous Republic of Nakhchivan, the Constitution and laws of the Autonomous Republic of Nakhchivan, and resolutions of the Cabinet of Ministers of the Autonomous

Republic of Nakhchivan shall also have legal effect.

IV. The legislative system of the Autonomous Republic of Nakhchivan shall conform to the legislative system of the Republic of Azerbaijan.

V. Local executive bodies may, within the limits of their authority, adopt acts of normative nature which do not contradict acts constituting the legislative system.

#### Article 149. Normative legal acts

I. Normative legal acts shall be based on law and equity

(equal approach to equal interests).

II. The application and execution of acts adopted by referendum shall be obligatory for citizens, the legislature, the executive and the judiciary, legal entities and municipalities only upon the publication thereof.

III. Laws shall not contradict the Constitution. The application and execution of laws, only if published, shall be obligatory for all citizens, the legislature, the executive and the judiciary, legal entities and municipalities.

IV. Decrees of the President of the Republic of Azerbaijan shall not contradict the Constitution and laws of the Republic of Azerbaijan. The application and execution of decrees, only if published, shall be obligatory for all citizens, the executive, and legal entities.

V. Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan shall not contradict the Constitution and laws of the Republic of Azerbaijan, and decrees of the President of the Republic of Azerbaijan. The application and execution of resolutions of the Cabinet of Ministers, only if published, shall be obligatory for citizens, the central and local executive bodies, and legal entities.

VI. Acts of central executive bodies shall not contradict the Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan.

VII. Normative legal acts that improve the legal situation of physical and legal persons, and which eliminate or mitigate their legal liability, shall have a retroactive effect. Other normative legal acts shall have no retroactive effect.

VIII. Normative legal acts shall be published. No one may be forced to execute (to abide by) a normative legal act that has not been published, and subject to legal proceedings for failing to execute (to abide by) such an act. The procedure for publication of normative legal acts shall be prescribed by a Constitutional law.

#### Article 150. Acts of municipalities

I. Acts adopted by municipalities shall be based on law and equity (equal approach to equal interests), and not contradict the Constitution and laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, and resolutions of the Cabinet of Ministers of the Republic of Azerbaijan (in the Autonomous Republic of Nakhchivan, also the Constitution and laws of the Autonomous Republic of Nakhchivan, and resolutions of the Cabinet of Ministers of the Autonomous Republic of Nakhchivan).

II. Acts adopted by a municipality shall be binding on citizens living in its territory and legal entities located within that territory.

#### Article 151. Legal effect of international acts

If a conflict arises between normative legal acts of the legislative system of the Republic of Azerbaijan (with the exception of the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and inter-state treaties to which the Republic of Azerbaijan is a party, the international treaties shall apply.

### Chapter XI

## CHANGES IN THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

#### Article 152. Procedure for making changes in the Constitution

Changes in the text of the Constitution may only be made by referendum.

#### Article 153. Procedure for proposing changes to the text of the Constitution

The Constitutional Court shall be requested in advance to give its opinion with respect to the changes to the text of the Constitution that are proposed by the Milli Majlis or the President of the Republic of Azerbaijan.

#### Article 154. Limits on authority of the Constitutional

Court

The Constitutional Court may not take decisions with respect to changes in the text of Constitution that are adopted by referendum.

#### Article 155. Limits on initiative to propose changes to the Constitution

Proposals to change or delete Articles 1, 2, 6, 7, 8 and 21 of the present Constitution, and to eliminate the rights and freedoms of man and citizen set forth in its Chapter III or to limit them to a greater extent than is provided for in international treaties to which the Republic of Azerbaijan is a party, may not be put to a referendum.

### Chapter XII

#### ADDITIONS TO THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

#### Article 156. Procedure for adopting additions to the

Constitution



I. Additions to the Constitution shall be adopted in the Milli Majlis by a majority of 95 votes in the form of Constitutional laws.

II. Constitutional laws on additions to the Constitution shall be put to the vote twice in the Milli Majlis. The second voting shall be held 6 months after the first.

III. Constitutional laws on additions to the Constitution shall be submitted to the President of the Republic of Azerbaijan for signature after both the first and second voting, in accordance with the procedure prescribed in the present Constitution for laws.

IV. Constitutional laws on additions to the Constitution shall enter into force upon being signed by the President of the Republic of Azerbaijan after the second voting.

V. Constitutional laws shall be an integral part of the Constitution and shall not contradict the main text of the Constitution.

Article 157. Initiative for proposing additions to the Constitution

Additions to the Constitution may be proposed by the President of the Republic of Azerbaijan or by at least 63 deputies of the Milli Majlis.

Article 158. Limits on initiative for proposing additions to the Constitution

No additions to the Constitution may be proposed regarding the provisions contained in Chapter I of the present Constitution.

## TRANSITIONAL PROVISIONS

1. The Constitution of the Republic of Azerbaijan shall enter into force, after its adoption by referendum, as from the day of its official publication. The Constitution (Basic Law) of the Republic

of Azerbaijan adopted on 21 April 1978 shall become null and void as from the day the present Constitution enters into force.

2. The President of the Republic of Azerbaijan elected prior to the entering into force of the present Constitution shall exercise the powers assigned to the President of the Republic of Azerbaijan by the present Constitution.

3. Paragraph V of Article 101 of the present Constitution shall apply to the President of the Republic of Azerbaijan who is elected after the adoption of the present Constitution.

4. The powers of people's deputies of the Republic of Azerbaijan and of the Milli Majlis established by the Supreme Council of the Republic of Azerbaijan shall expire on the day of the first meeting of the newly elected Milli Majlis of the Republic of Azerbaijan. The first meeting of the newly elected Milli Majlis shall be held one week after the election of at least

83 deputies of the Milli Majlis. The first session of the Milli Majlis shall last till 31 May 1996. Article 85 of the law of the Republic of Azerbaijan "On elections to the Milli Majlis," adopted on 15 August 1995, shall remain in force until the expiration of the authority of the first convocation of the Milli Majlis elected in accordance with the said law.

5. As from the day the present Constitution enters into force, the Cabinet of Ministers of the Republic of Azerbaijan shall exercise the powers provided for therein.

6. As from the day the present Constitution enters into force, the authority of local councils of people's deputies of the Republic of Azerbaijan shall terminate. The powers vested by the legislation of the Republic of Azerbaijan in local councils of people's deputies of the Republic of Azerbaijan shall be exercised by local executive bodies.

7. The law on local self-government shall be adopted and municipal elections shall be held within two years of the entering into force of the present Constitution.

8. Laws and other normative legal acts, which are in force on the territory of the Republic of Azerbaijan when the present Constitution is adopted, shall remain in force if they do not contradict the present Constitution.

9. The courts of law of the Republic of Azerbaijan, functioning until the adoption of the present Constitution, shall administer justice in accordance with the authority and principles provided for in the present Constitution.

10. Within one year of the entering into force of the present Constitution, legislation with respect to the status of judges, the judicial system and judicial reform shall be adopted in conformity with the present Constitution, and judges of the Republic of Azerbaijan shall be re-appointed. Until the said legislation is adopted, the appointment and dismissal of judges shall be conducted on the basis of legislation that existed prior to the entering into force of the present Constitution.

11. Within one year of the entering into force of the present Constitution, the Law on the Constitutional Court of the Republic of Azerbaijan shall be adopted, and the Constitutional Court shall be established. The authority of the Constitutional Court provided for in the present Constitution shall not be exercised until the Constitutional Court is established. The Supreme

Court of the Republic of Azerbaijan shall resolve the issue referred to in Article 130, paragraph III, item 7 of the present Constitution.

12. As from the day the present Constitution enters into force, the Higher Arbitration Court of the Republic of Azerbaijan shall be called the Economic Court of the Republic of Azerbaijan and shall exercise the powers provided for by the legislation in force.