

# The Constitution of the Republic of Azerbaijan

The people of Azerbaijan, continuing their centuries-long statehood traditions, guided by the principles laid down in the Constitutional Act on the State Independence of the Republic of Azerbaijan, desiring to ensure welfare 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 constitutional and secular state that guarantees the supremacy of law as an expression of the will of the people;
- to provide a proper standard of living for everybody in conformity with just economic and social order;
- by maintaining commitment to universal human values, to live in friendship, peace and safety with all the nations of the world and co-operate with them for this purpose.

Having in mind the above- stated noble intentions the Present Constitution is adopted - by nationwide popular vote – referendum.



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## TRANSITIONAL PROVISIONS



# SECTION I: GENERAL PROVISIONS

## Chapter I. PEOPLE'S POWER

### Article 1. The source of power

- I. The sole source of state power in the Republic of Azerbaijan shall be vested in the people of Azerbaijan.
- II. The People of Azerbaijan shall be 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, which do not exclude norms defined by international law.

### Article 2. Sovereignty of the people

- I. Freely and independently determining their destiny and establishing their own form of governance is the sovereign right of the people of Azerbaijan.
- II. The people of Azerbaijan shall exercise their sovereign right directly by nation-wide 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. The issues solved by nation-wide popular vote-referendum

- I. The people of Azerbaijan may resolve any issue related to their rights and interests by means of referendum.
- II. The following issues may be resolved by referendum only:
  1. adoption of the Constitution of the Republic of Azerbaijan and introduction of amendments thereto;
  2. 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 authorized representatives elected by the people has the right to represent the people, speak on behalf of the people and to make statements on behalf of the people.



## Article 5. Unity of people

I. The people of Azerbaijan shall be united.

II. Unity of the Azerbaijani people shall constitute the basis of the State of Azerbaijan. The Republic of Azerbaijan shall be the common and indivisible motherland 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, no individual may usurp the authority to exercise the power.

II. Usurpation of power is the most serious crime against the people.

## Chapter II. FUNDAMENTALS OF THE STATE

### Article 7. The state of Azerbaijan

I. The state of Azerbaijan is a democratic, law-governed, secular, unitary republic.

II. In internal affairs the state power of the Republic of Azerbaijan is restricted only by law, and in foreign affairs – only 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 legislative, executive and judicial power interact and are independent within the limits of their respective authority.

### Article 8. The Head of the State of Azerbaijan

I. The President of the Republic of Azerbaijan is the Head of the state of Azerbaijan. He/she represents the state of Azerbaijan both within the country and in its foreign relations.

II. The President of the Republic of Azerbaijan embodies unity of the Azerbaijani people and ensures continuity of the Azerbaijani statehood.

III. The President of the Republic of Azerbaijan is the guarantor of 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 is the guarantor of independence of judicial power.



#### Article 9. Armed forces

I. The Republic of Azerbaijan establishes the Armed Forces to ensure its security and protection. The Armed Forces are composed of the Azerbaijani army and other armed formations.

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

III. The President of the Republic of Azerbaijan is the Supreme Commander-in-Chief of the Armed Forces of the Republic of Azerbaijan.

#### Article 10. Principles of international relations

Republic of Azerbaijan builds 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 is united, inviolable and indivisible.

II. Internal waters of the Republic of Azerbaijan, sector of the Caspian Sea (lake) belonging to the Republic of Azerbaijan, air space over the Republic of Azerbaijan are integral parts of the territory of the Republic of Azerbaijan.

III. No part of territory of the Republic of Azerbaijan may be estranged. The Republic of Azerbaijan shall not yield any part of its territory, in any form, to anybody; state borders of the Republic of Azerbaijan may be altered only in accordance with the will of its people by means of a referendum held by Milli Majlis of the Republic of Azerbaijan.

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

I. The highest objective of the State is to ensure rights and liberties of a person and a citizen and a proper standard of living for the citizens of the Republic of Azerbaijan.

II. Rights and liberties of a person and a citizen listed in the present Constitution are applied in accordance with international treaties to which the Republic of Azerbaijan is a party.

#### Article 13. Property

I. The property in the Republic of Azerbaijan is inviolable and is protected by the state.

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

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

#### Article 14. Natural resources

Natural resources belong to the Republic of Azerbaijan without damaging rights and interests of any physical persons or legal entities.



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

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

II. The State of Azerbaijan on the basis of market relationships creates conditions for the development of a socially oriented economy, guarantees free enterprise and prevents monopolies and unfair competition in economic relations.

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

I. The State of Azerbaijan takes care of improvement of well-being of all people and each citizen, their social protection and proper standard of living.

II. The State of Azerbaijan promotes development of culture, education, public health, science, arts, protects nature of the country, historical, material and spiritual heritage of the people.

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

I. Family as a kernel of society is under special protection of the state.

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

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

IV. It is prohibited to involve children in activities that may threaten their lives, health, or morality.

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

VI. The State supervises the implementation of children's rights.

#### Article 18. Religion and the state

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

II. The spread and propaganda of religions (religious movements) which 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 is manat.

Only the Central Bank possesses the right to issue banknotes and to withdraw them from circulation. The Central Bank of the Republic of Azerbaijan is 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 is prohibited.



#### Article 20. Restrictions on state debts

Debts incurred with the intention of assisting insurrection against the state of Azerbaijan and coup 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 is Azerbaijani Language. The Republic of Azerbaijan guarantees the development of Azerbaijani Language.

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

#### Article 22. The Capital

The capital of the Republic of Azerbaijan is the city of Baku

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

I. The state symbols of the Republic of Azerbaijan are the State flag of the Republic of Azerbaijan, State Emblem of the Republic of Azerbaijan and State anthem of the Republic of Azerbaijan

II. The state flag of the Republic of Azerbaijan consists of three horizontal stripes of the same width. The upper stripe is blue, the middle stripe is red, and the lower stripe is green, with a white crescent and eight-pointed star depicted in the middle of the red stripe on both sides of the flag. The ratio of the width of the flag to its length is 1:2.

III. The appearance of the State flag of the Republic of Azerbaijan and the State Emblem of the Republic of Azerbaijan, and the music and text of 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. Human dignity is protected and respected.

II. Everyone, as from the moment of birth, enjoys inviolable and inalienable rights and freedoms.

III. Rights and freedoms shall also include the responsibilities and duties of everyone to the society and to other persons. Abuse of rights is not allowed.



#### Article 25. Right to equality

I. Everyone shall be equal before the law and the courts.

II. Men and women possess equal rights and freedoms.

III. The State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organisations or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social affiliation are prohibited.

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

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

VI. Persons with impaired health are entitled to all rights and carry all duties enshrined in this Constitution, except in cases when enjoyment of rights and performance of duties is impeded by their limited abilities.

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

I. Everyone has the right to protect his/her 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. Except extermination of enemy soldiers in a case of military aggression, when executing the sentence and in other cases prescribed by law, right of every person for life is inviolable.

Everyone's right to life shall be inviolable, except in the event of killing of enemy soldiers during their armed attacks, in the case of execution of capital punishment pursuant to a court judgment that has become effective, and in other cases as prescribed by law.

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

IV. Weapons may not be used against a person except as prescribed by law in cases of self-defense, necessity, 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 prescribed by law, by detention, arrest or imprisonment.

III. Everyone lawfully present within the territory of the Republic of Azerbaijan may freely move, choose the 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 his/her country whenever he/she so desires.





#### 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 possess movable and immovable property. Right to property includes the right to possess, use and dispose of property individually or jointly with others.

IV. Nobody may be deprived of his/her property without a court decision. The outright confiscation of the property is prohibited. Expropriation of property for state needs is permitted only on condition of fair compensation in advance.

V. Private property shall entail social responsibility.

VI. Land ownership may be restricted by law for social justice and the purposes of efficient use of the land.

VII. The state guarantees the right of inheritance.

#### Article 30. Right to intellectual property

I. Everyone has the right to intellectual property.

II. Copyright, patent rights and other rights to intellectual property are protected by law.

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

I. Everyone has the right to live in safety.

II. Except cases prescribed by law it is prohibited to infringe upon a person's life, physical and mental health, property, living premises, and to commit acts of violence against him/her.

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

I. Everyone has the right to the inviolability of private life.

II. Everyone has the right for confidentiality of his/her private and family life. Except in cases prescribed by law, interference with private or family life is prohibited. Everyone is entitled to protection against unlawful interference with his/her private or family life.

III. Gaining, storing, using and spreading information about the person's private life without his/her consent is not permitted. The collection, storage, use and dissemination of information concerning a person's private life is not permitted without his consent. Except in cases prescribed 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 guarantees everyone's right to confidentiality with respect to correspondence, telephone communications, post, telegraph messages and information sent by other communication means. This right might be restricted, as prescribed by law, in order to prevent crime or to determine the facts in the course of investigation of a criminal case.

V. Everyone may become familiar with the materials collected in regards to him/her except in cases prescribed by law. Everyone has a right to demand correction or elimination of the information collected in regard to him/her, which does not correspond to the truth or is incomplete or collected through violation of the provisions of law.



VI. Except in the cases prescribed by law, it is prohibited to access information resources carried on the paper or in electronic form in order to obtain information on a third party.

VII. Information technologies may not be used for disclosing information about private life, including beliefs, religion and ethnic identity except in the cases when the concerned person has openly expressed his/her consent or when the statistical data of anonymous nature is being processed without discrimination and in other cases prescribed by law.

VIII. Scope of the personal information, as well as the conditions of their processing, collection, passing, use and protection is prescribed by law.

#### Article 33. Right to inviolability of home

I. Everyone has the right. to inviolability of his/her home

II. Except in cases prescribed by law or decision of a court no one has the right to enter private home against the will of its inhabitants.

#### Article 34. Right to marriage

I. Everyone has the right to marry upon attaining the age prescribed by law.

II. Marriages shall be entered into with free consent. Nobody may be forced to marry.

III. Family and marriage are under protection of the state. Maternity, paternity and childhood are protected by law. The state renders support to families with multiple children.

IV. Rights of wife and husband are equal. Care and upbringing of children constitute both right and responsibility of parents.

V. Children 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. Labor is the foundation of individual and public welfare.

II. Everyone has the right to freely choose activity, profession, occupation and place of work, based on his/her abilities.

III. Nobody may be forced to work.

IV. Employment contracts shall be concluded voluntarily. Nobody 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 authorized person during military service, or in connection with the performance of work assigned during times of emergency or marital law.

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

VII. Unemployed persons 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, both individually and together with others.
- II. Right to strike for persons working based on employment contracts may be restricted only in cases prescribed by law. Soldiers and civilians employed in the Armed Forces of the Republic of Azerbaijan have no right to go on strike.
- III. Individual and collective labor disputes are settled in accordance with procedure prescribed by law.
- IV. Except as prescribed by law, a lockout is prohibited.

#### Article 37. Right to rest

- I. Everyone has the right to rest.
- II. Person working based on employment contracts 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 are the first to be duty-bound to render assistance to their needy kin.
- III. Everyone has the right to social security upon attaining the age prescribed by law, in case of illness, disability, loss of bread-winner in the family, loss of work capacity, unemployment or in other cases prescribed by law.
- IV. Minimum pensions and social allowances are prescribed by law.
- V. The state facilitates 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 gain information about true ecological situation and to get compensation for damage done to his/her health and property by violation of ecological requirements.
- III. No one may cause threat or damage to the environment and natural resources beyond the limits prescribed by law.
- IV. The state guarantees the preservation of ecological balance and protection of the species of wild plants and wild animals prescribed by law.

#### Article 40. Right to culture

- I. Everyone has the right to take part in cultural life, to use cultural institutions and cultural values.
- II. Everyone must respect and care for historical, cultural and spiritual heritage, protect historical and cultural monuments.



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

- I. Everyone has the right to protection of his/her health and to medical assistance.
- II. The state takes all necessary measures for development of all forms of health services based on various forms of property, guarantees sanitary-epidemiological safety, facilitates various forms of medical insurance.
- III. Officials who conceal facts and circumstances threatening life and health of people are accountable under the law.

#### Article 42. Right to education

- I. Every citizen has the right to education.
- II. The state guarantees the right to free and obligatory secondary education.
- III. The education system is controlled by the state.
- IV. The state guarantees continued education of talented persons irrespective of their financial position.
- V. The state sets minimum educational standards.

#### Article 43. Right to housing

- I. Nobody may be unlawfully deprived of his/her home.
- II. The state promotes construction of residential premises, and takes special measures for realization of right to housing.

#### Article 44. Right to national identity

- I. Everyone has the right to preserve his/her national identity.
- II. Nobody may be forced to change his/her national identity.

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

- I. Everyone has the right to use his/her native language. Everyone has the right to upbringing, education, carry out creative activity in any language, as desired.
- II. Nobody may be deprived of right to use his/her mother tongue.

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

- I. Everyone has the right to protect his/her honor and dignity.
- II. Dignity of a person shall be protected by the state. No circumstances can justify the humiliation of the dignity of a person.
- III. No one may be subject to torture. No one may be subject to degrading treatment or punishment. Medical, scientific and other experiments may not be carried out on any person without his/her consent.



#### 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/her thoughts and beliefs.
- III. Agitation and propaganda inciting racial, national, religious, social discord and animosity or relying on any other criteria is inadmissible

#### 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 do not excuse violations of the law.
- V. No one shall be forced to express (or demonstrate) his/her religious faith and belief, to perform religious rituals or participate in religious ceremonies.

#### 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, provided that public order and public morals are not violated.

#### Article 50. Freedom of information

- I. Everyone is free to legally seek, receive, impart, produce, and disseminate any information.
- II. Freedom of mass information is guaranteed. State censorship in mass media, including the press is prohibited.
- III. Everyone's right to refute or reply to the information published in mass media and violating his/her rights or damaging his/her interests shall be guaranteed.

#### Article 51. Freedom of creative activity

- I. Everyone is free to carry out creative activity.
- II. The state guarantees freedom in literary-artistic, scientific-technical and other kinds 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 is 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 is the citizen of the Republic of Azerbaijan. A person is the citizen of the Republic of Azerbaijan if one of his/her parents is the citizen of the Republic of Azerbaijan.

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

I. A citizen of the Republic of Azerbaijan may not be deprived of the citizenship of the Republic of Azerbaijan (except for cases of its loss prescribed by law).

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

III. The Republic of Azerbaijan guarantees legal protection and patronizes citizens of the Republic of Azerbaijan temporarily or permanently living outside its territory.

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

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

II. Any 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 administration of the state

I. Citizens of the Republic of Azerbaijan have the right to freely participate in 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 are appointed from among citizens of the Republic of Azerbaijan. Foreign citizens and stateless persons may be accepted into the public service in accordance with the procedure prescribed by law.

#### Article 56. Right to elections

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

II. Persons, whose incapacity has been determined by a court decision, have not right to participate in elections and referendum.

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



#### Article 57. Right to appeal

Citizens of the Republic of Azerbaijan have the right to personally address and to submit individual and collective written applications to state bodies. Military servants may enjoy this right only on an individual basis. Each application shall receive a written response in accordance with the procedure and within the time prescribed by law.

II. Citizens of the Republic of Azerbaijan have the right to criticize activity or work of state bodies, their officials, political parties, trade unions, other public organisations and also activity or work of individual citizens. Persecution for criticism is prohibited. Insult or libel shall not be regarded as criticism.

#### Article 58. Right to association

I. Everyone is free 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 is guaranteed.

III. Nobody may be forced to join any association or to remain its member.

IV. Activity of associations the purpose of which is the forcible overthrow of legitimate state authority on the whole territory of the Republic of Azerbaijan or in any part thereof, as well as those having objectives which are considered a crime, or which use criminal methods are prohibited. Activity of associations which violate the Constitution and laws may be prohibited only by a court decision.

#### Article 59. Right to free enterprise

I. Everyone may, using freely his/her possibilities, abilities and property, engage individually or together with others in entrepreneurial activity or other kinds of economic activity not prohibited by the law.

II. Only protection of state interests, human life and health is regulated by the state in entrepreneurial activity.

#### Article 60. Administrative and judicial guarantee of rights and freedoms

I. Everyone is guaranteed protection of his/her rights and liberties through the administrative remedies and in court.

II. Everyone has the right to an unbiased approach to their case and to consideration of the case within a reasonable time period in the administrative proceedings and court.

III. Everyone has the right to be heard in administrative proceedings and courts.

IV. Everyone may appeal against the actions and inaction of state bodies, political parties, legal entities, municipalities and their officials in administrative manner or in courts.

#### Article 61. Right to legal assistance

I. Everyone has the right to receive qualified legal assistance.

II. In specific cases envisaged by legislation legal assistance shall be provided free of charge, at the expense of the state.

III. Every citizen has the right to receive assistance of a lawyer as from the moment of detention, arrest or accusation 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 prescribed by law. Case of a person shall not be considered in another court without the person's consent.

#### Article 63. Presumption of innocence

I. Everyone has the right to presumption of innocence. Everyone who is accused of crime shall be considered innocent until his/her guilt has been proven according to law and verdict of law court has been brought into force.

II. A person under well-grounded suspicions of crime may not be considered guilty.

III. A person accused of crime shall not be obliged to prove his/her innocence.

IV. Evidence obtained in violation of law may not be used in the administration of justice.

V. Nobody may be considered guilty in committing a crime without a court judgment.

#### Article 64. Inadmissibility of double jeopardy

Nobody may be repeatedly convicted for the same crime.

#### Article 65. Right for repeated appeal to the law court

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

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

Nobody may be forced to testify against himself/herself, wife (husband), children, parents, or siblings. The full list of relatives against whom testifying is not obligatory is prescribed by law.

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

I. Every person, who has been detained, arrested, accused in crime by a competent state body should be immediately informed about his/her rights, reasons of his/her detention, arrest and for initiation of criminal proceedings against him/her.

II. Every person accused of a criminal offence shall be heard before being sentenced.

#### Article 68. The right to protection from arbitrariness and conscientious treatment

I. Everyone has the right to the conscientious treatment that excludes arbitrariness by state bodies.

II.. The rights of a person who has been a victim of a crime and abuse of power shall be protected by the law. A victim has the right to take part in administration of justice and demand for compensation of losses.

III. Everyone has the right to compensation from the state for damages suffered as a result of the illegal actions or misconduct of state bodies or their officials.





IV. The state, together with civil servants, shall bear civil liability for damage caused to human rights and liberties and for the violation of their guarantees as a result of unlawful actions and inaction of public servants.

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

I. Foreigners and stateless persons staying in the Republic of Azerbaijan shall enjoy all rights and fulfill all duties equally with citizens of the Republic of Azerbaijan, unless otherwise prescribed 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 foreign and stateless persons in accordance with universally accepted international legal rules.

II. 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 exercise of rights and freedoms of a 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. Restriction of rights and liberties shall be proportional to the result expected by the state.

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 mobilization, subject to the international obligations of the Republic of Azerbaijan. The population shall be notified in advance about restrictions as regards their rights and liberties.

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 abolition 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 prescribed 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. The basis of duties of citizens

- I. Everyone has duties to the state and society that derive directly from his/her rights and freedoms. Duties may be established for anyone only by this Constitution or by law.
- II. Everyone shall observe the Constitution and laws of the Republic of Azerbaijan, respect the rights and freedoms of others, and fulfill other duties as prescribed 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 prescribed by law.
- II. No one may be required to pay taxes and other state duties if not prescribed 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 prescribed 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 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 must respect state symbols of the Republic of Azerbaijan - its banner, state emblem and hymn.
- II. Expression of disrespect to the state symbols shall entail liability as prescribed by law

### Article 76. Defence of motherland

- I. Defence of Motherland is the duty of every citizen. The citizens shall serve in the Armed Forces as prescribed by law.
- II. If military service is contrary to a person's convictions, then, in cases prescribed 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 of historical and cultural monuments.



#### Article 78. Protection of environment

Every citizen shall have the duty to protect environment.

#### Article 79. Inadmissibility of fulfilment of duties contradicting law

No one may be forced to fulfill duties contradicting the Constitution and laws of the Republic of Azerbaijan.

#### Article 80. Responsibility

Violation of provisions of the present Constitution and laws of the Republic of Azerbaijan including abuse of rights and failure to fulfil duties specified in the present Constitution and laws of the Republic of Azerbaijan shall entail responsibility prescribed by law.

## SECTION III: STATE POWER

### Chapter V. LEGISLATIVE POWER

#### Article 81. Exercise of legislative power

Legislative power in the Republic of Azerbaijan is exercised by Milli Majlis of the Republic of Azerbaijan

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

Milli Majlis of the Republic of Azerbaijan consists of 125 deputies.

#### Article 83. Foundations of elections of deputies of Milli Majlis of the Republic Azerbaijan

Deputies of Milli Majlis of the Republic of Azerbaijan 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 Majlis of the Republic of Azerbaijan

I. The term of office of each convocation of the Milli Majlis is five years. In case the conduct of elections to the Milli Majlis of the Republic of Azerbaijan cannot be held due to military operations under a state of war, the term of office of the Milli Majlis of the Republic of Azerbaijan shall be extended until the end of military operations. The decision 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 organizing elections (referendum).

II. Elections for each convocation of Milli Majlis of the Republic of Azerbaijan shall be held every five years on the first Sunday of November.

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

IV. If by-elections are held to replace those who have ceased to be deputies of the Milli Majlis of the Republic of Azerbaijan, 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 to the posts of deputies of Milli Majlis of the Republic of Azerbaijan

I. Every citizen of the Republic of Azerbaijan enabled with the right to participation in election may be elected, as prescribed by law, as a deputy of the Milli Majlis of the Republic of Azerbaijan.

II. Persons having dual citizenship; persons having obligations to other states; persons serving in the executive or judiciary; persons engaged in other paid activity, with the exception 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 of the Republic of Azerbaijan.

#### Article 86. Verification and validation of results of elections of deputies of the Milli Majlis of the Republic of Azerbaijan

The integrity of election results shall be verified and validated, as prescribed by law, by the Constitutional Court of the Republic of Azerbaijan.

#### Article 87. Termination of office of deputies of the Milli Majlis of the Republic of Azerbaijan

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

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 of the Republic of Azerbaijan.

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

#### Article 88. Sessions of Milli Majlis of the Republic of Azerbaijan

I. The Milli Majlis shall assemble for two ordinary sessions (spring and autumn sessions) every year. The first sitting of Milli Majlis of the Republic of Azerbaijan is summoned no later than one week as from the day of confirmation of the office of 83 deputies of Milli Majlis of the Republic of Azerbaijan. If the offices of 83 deputies have not been confirmed by the 10th of March after the election of deputies to the Milli Majlis of the Republic of Azerbaijan, then the Constitutional Court of the Republic of Azerbaijan shall determine the date of the first sitting of the Milli Majlis of the Republic of Azerbaijan.

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

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

IV. The sittings of the sessions of the Milli Majlis of the Republic of Azerbaijan shall be open to the public. An assembly of the session of the Milli Majlis of the Republic of Azerbaijan may be closed to the public upon the claim of 83 members of parliament or the proposal by the President of the Republic of Azerbaijan.



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

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

1. 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 judgement 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. on a voluntary basis;
6. in case of violation of the requirement of Part III of Article 93 of this Constitution;
7. in flagrant violation of ethical conduct of deputies prescribed by law.

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

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

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

I. A deputy of Milli Majlis of the Republic of Azerbaijan enjoys personal immunity during his tenure. With the exception of being caught in the act of crime, a deputy of the Milli Majlis of the Republic of Azerbaijan 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 of the Republic of Azerbaijan may be arrested if caught in the act of crime. In that case, the body that arrested the deputy of the Milli Majlis of the Republic of Azerbaijan shall immediately notify the General Prosecutor of the Republic of Azerbaijan of the arrest.

II. Immunity of deputy of Milli Majlis of the Republic of Azerbaijan may be revoked only by decision of Milli Majlis of the Republic of Azerbaijan upon the submission of the General Prosecutor of the Republic of Azerbaijan.

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

Deputies of the Milli Majlis of the Republic of Azerbaijan 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 Milli Majlis of the Republic of Azerbaijan

The Milli Majlis of the Republic of Azerbaijan establishes its operating procedures, and sets up its relevant bodies, including the election of its Chairman and his deputies, the organisation of committees and commissions, and establishment of the Accounting Chamber.

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

I. Milli Majlis of the Republic of Azerbaijan adopts the Constitutional laws, laws and resolutions concerning the issues falling under its competence.

II. The Milli Majlis of the Republic of Azerbaijan adopts Constitutional laws, laws and resolutions in accordance with the procedure established by this Constitution.



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

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

#### Article 94. General rules established by Milli Majlis of the Republic of Azerbaijan

I. Milli Majlis of the Republic of Azerbaijan establishes the general rules with respect to the following matters:

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. elections of the President of the Republic of Azerbaijan;
3. elections to Milli Majlis of the Republic of Azerbaijan and status of deputies of Milli Majlis of the Republic of Azerbaijan;
4. referendum;
5. judicial system and status of judges; prosecutor's office, the bar and notary's offices;
6. court proceedings, execution of court judgments;
7. elections to municipalities and status of municipalities;
8. state of emergency; martial law;
9. state awards;
10. status of physical persons and legal entities;
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. labor relations and social security;
17. definition of crimes and other violations of law; establishment of liability for commitment of these acts;
18. defense and military service;
19. civil service;
20. foundations of security;
21. territorial structure; regime of state borders;
22. ratification and denunciation of international treaties;
23. communications and transportation;
24. statistics; metrology and standards;
25. customs;
26. trade and stock exchange activity;
27. banking, accounting, insurance.

II. Laws with respect to the issues referred to in items 2, 3, 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 Constitutional law.



## Article 95. Issues decided by the Milli Majlis of the Republic of Azerbaijan

I. The following issues fall under the competence of Milli Majlis of the Republic of Azerbaijan the Milli Majlis of the Republic of Azerbaijan shall be empowered to decide the following issues:

1. organisation of work of Milli Majlis of the Republic of Azerbaijan;
2. establishment of diplomatic representations of the Republic of Azerbaijan upon the submission of the President of the Republic of Azerbaijan;
3. administrative-territorial division;
4. ratification and denunciation of inter-state agreements and of those intergovernmental agreements that contain rules contradicting the laws of the Republic of Azerbaijan;
5. approval of state budget of the Republic of Azerbaijan upon the submission of the President of the Republic of Azerbaijan and supervision over its implementation;
6. election of the Human Rights Commissioner of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
7. approval of the military doctrine of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
8. approval of decrees of the President of the Republic of Azerbaijan in cases specified 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 Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the Courts of Appeal 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 of the Republic of Azerbaijan, upon the submission of the President of the Republic of Azerbaijan;
12. dismissal of the President of the Republic of Azerbaijan by means of impeachment, upon the submission of the Constitutional Court of the Republic of Azerbaijan;
13. dismissal of judges of the Republic of Azerbaijan, 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. calling of referendum;
19. amnesty;
20. hearing of the municipality reports.

II. 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 with respect to other issues, which, according to the present Constitution, fall within the competence of the Milli Majlis of the Republic of Azerbaijan, the issues connected with the organisation of the activity of the Milli Majlis of the Republic of Azerbaijan, as well as the issues on which the opinion of the Milli Majlis of the Republic of Azerbaijan is required Resolutions shall also be adopted on other issues falling under the competence of the Milli Majlis of the Republic of Azerbaijan under the present Constitution, on issues related to the organisation of work of the Milli Majlis of the Republic of Azerbaijan, and on issues in respect of which the Milli Majlis of the Republic of Azerbaijan deems necessary to express its position.

IV. Paragraph 1 of the present Article may be supplemented by means of a Constitutional law.

## Article 96. Right to legislative initiative

I. Right to legislative initiative in Milli Majlis of the Republic of Azerbaijan (the right to submit draft laws and other questions for the consideration of the Milli Majlis of the Republic of Azerbaijan) belongs to deputies of Milli Majlis of the Republic of Azerbaijan, the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, forty 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 Nakhichevan Autonomous Republic.



II. Draft laws or resolutions submitted to the discussion of the Milli Majlis of the Republic of Azerbaijan at the legislative initiative of the President of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, forty 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 Nakhchivan Autonomous Republic are submitted to the Milli Majlis of the Republic of Azerbaijan for discussion and voted upon in the form in which they have been 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 consideration by Milli Majlis of the Republic of Azerbaijan by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, forty thousand citizens of the Republic of Azerbaijan entitled to the right to elections, the Prosecutor's Office of Republic of Azerbaijan or Ali Majlis of Nakhchivan Autonomous Republic, as legislative initiative, are voted upon in Milli Majlis of the Republic of Azerbaijan within two months.

V. If the adoption of a draft of law or resolution has been declared a matter of urgency by the President of the Republic of Azerbaijan, the Supreme Court of the Republic, the Prosecutor's Office of the Republic of Azerbaijan or the Ali Majlis of the Nakhchivan Autonomous Republic 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 exercise their right legislative initiative shall be prescribed by law.

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

#### Article 97. Term for submitting laws for signature

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

II. Draft law that is declared to be a matter of urgency is submitted to the President of the Republic of Azerbaijan for signature within 24 hours from the moment of its adoption.

#### Article 98. Entry into force of acts of Milli Majlis of the Republic of Azerbaijan

If not specified otherwise in the law and resolution of Milli Majlis of the Republic of Azerbaijan themselves the law and resolution enter into force on the day of their publication.

#### Article 98<sup>1</sup>. The dissolution of the Milli Majlis of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan is empowered to dissolve the Milli Majlis if the same convocation of the Milli Majlis of the Republic of Azerbaijan expresses twice during the year no-confidence to the Cabinet of Ministers of the Republic of Azerbaijan or if the Milli Majlis of the Republic of Azerbaijan fails to appoint during the statutory period the candidates nominated for the membership of the Constitutional Court, the Supreme Court and the Board of the Central Bank of the Republic of Azerbaijan upon a double submission of the President of Azerbaijan, as well as if the Milli Majlis of the Republic of Azerbaijan fails to fulfill its obligations specified in Articles 94, 95 and 97, as well as in Parts II, III, IV and V of Article 96 due to unavoidable reasons.

II. The term of office of the Milli Majlis of the Republic of Azerbaijan elected via extraordinary elections of Milli Majlis's convocation may be less than five years. In such case the regular elections to the Milli Majlis of the Republic of Azerbaijan shall be held on the first Sunday of November of the fifth year of a term of office of the Milli Majlis of the Republic of Azerbaijan elected on extraordinary elections of Milli Majlis's convocation.





## 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 to candidates to the post of the President of the Republic of Azerbaijan

Any citizen of the Republic of Azerbaijan, 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 for a serious crime, has no obligations to other states, has higher education, and who has no dual citizenship may be elected the President of the Republic of Azerbaijan.

### Article 101. Foundations of elections of the President of the Republic of Azerbaijan

I. The President of the Republic of Azerbaijan is elected for a 7-year term by way of universal, direct and equal suffrage, by free, personal and secret ballot. The President of the Republic of Azerbaijan may call extraordinary elections of the President of the Republic of Azerbaijan.

II. The President of the Republic of Azerbaijan is elected by a majority of half of the votes.

III. If required majority has not achieved in the first round of voting, then second round will be held on second Sunday after the first round. Only two candidates who gained more votes than others in the first round, or two candidates following closely the first ones, should they recall their candidatures, will take part in the second round of elections.

IV. The candidate having collected majority of votes in the second round of elections is considered to be elected the President of the Republic of Azerbaijan.

V. In case the conduct of the Presidential Election of the Republic of Azerbaijan is not 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. The decision on this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum).

VI. Procedure of implementation of the present Article is prescribed by law.

### Article 102. Results of elections of the President of the Republic of Azerbaijan

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

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

I. A person elected the President of the Republic of Azerbaijan, within 3 days of announcement of results of elections of the President of the Republic of Azerbaijan, takes an oath with participation of judges of Constitutional Court of the Republic of Azerbaijan: "Carrying out powers of the President of the Republic of Azerbaijan I swear to follow the Constitution of the Republic of Azerbaijan, protect sovereignty and territorial integrity of the state, to serve 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 103<sup>1</sup>. Vice-presidents of the Republic of Azerbaijan

I. The First Vice-President and Vice-Presidents of the Republic of Azerbaijan are appointed and dismissed by the President of the Republic of Azerbaijan.

II. A citizen of the Republic of Azerbaijan who has the right to participate in elections, has higher education and has no obligations to other states may be appointed to the position of Vice-President of the Republic of Azerbaijan.

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

III. Upon receiving information concerning the inability of the President of the Republic of Azerbaijan to exercise his powers due to poor health, the Milli Majlis of the Republic of Azerbaijan shall apply to the Constitutional Court of the Republic of Azerbaijan 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 60 days. In such a case, the First Vice-President 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 First Vice-President of the Republic of Azerbaijan serving as Acting President of the Republic of Azerbaijan resigns or becomes entirely incapable of exercising his powers during the said term due to poor health, the Vice-President of the Republic of Azerbaijan receives the status of First Vice-President in a sequence prescribed by the President of the Republic of Azerbaijan and shall carry out the powers of the President.

III. Upon the inability of the Vice-President of the Republic of Azerbaijan to exercise the powers of the President of the Republic of Azerbaijan for the reasons provided for in Paragraph II of the present Article, the powers of the President of the Republic of Azerbaijan shall be carried out by Prime-Minister of the Republic of Azerbaijan.

IV. Upon the inability of the Prime-Minister of the Republic of Azerbaijan to exercise the powers of the President of the Republic of Azerbaijan for the reasons provided for in Paragraph II of the present Article, the powers of the President of the Republic of Azerbaijan shall be carried out by Chairman of the Milli Majlis of the Republic of Azerbaijan. If the Chairman of the Milli Majlis of the Republic of Azerbaijan is unable to fulfill the powers of the President of the Republic of Azerbaijan due to aforementioned reasons, the Milli Majlis of the Republic of Azerbaijan passed a resolution about the fulfillment of the powers of the President of the Republic of Azerbaijan by other 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 106<sup>1</sup>. Immunity of the Vice-Presidents of the Republic of Azerbaijan

I. The Vice-President of the Republic of Azerbaijan enjoys immunity during the whole term of his/her powers.

II. The Vice-President of the Republic of Azerbaijan may not be detained, brought to criminal responsibility except cases when he/she has been caught red-handed, disciplinary measures may not be applied to him/her by court, he/she may not be searched.

III. The Vice-President of the Republic of Azerbaijan may be detained if he/she has been caught red-handed. In such case the body which detained the vice-president must immediately notify Prosecutor-General of the Azerbaijan Republic about the fact.

IV. Immunity of the Vice-President of the Republic of Azerbaijan might be stopped only by the President of the Azerbaijan Republic, based on application of Prosecutor-General of the Republic of Azerbaijan.

#### 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/her removal from office may be submitted to the Milli Majlis of the Republic of Azerbaijan at the initiative of the Constitutional Court of the Republic of Azerbaijan on the basis of an opinion of the Supreme Court of the Republic of Azerbaijan presented within 30 days.

II. The President may be removed from office by a resolution of the Milli Majlis of the Republic of Azerbaijan passed by a majority of 95 deputy votes. The said resolution shall be signed by the Chairman of the Constitutional Court of the Republic of Azerbaijan. If the Constitutional Court of the Republic of Azerbaijan 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 of the Republic of Azerbaijan from office shall be adopted within 2 months of the Constitutional Court's submission to the Milli Majlis of the Republic of Azerbaijan. If the resolution is not adopted within the said term, then the accusations against the President of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 108<sup>1</sup>. Guarantees for the First Vice-President of the Republic of Azerbaijan

The First Vice-President of the Republic of Azerbaijan and his/her family are provided for by the state. Security of the First Vice-President of the Republic of Azerbaijan and his/her family is ensured by special security services.

#### 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan; 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 meeting of the Cabinet of Ministers of the Republic of Azerbaijan when necessary;
- 6) to take decisions regarding the resignation of the Cabinet of Ministers of the Republic of Azerbaijan;
- 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 of the Republic of Azerbaijan regarding the appointment of judges of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the courts of appeal 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 of the Republic of Azerbaijan;
- 10) to make submissions to the Milli Majlis of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan regarding the election of the Human Rights Commissioner of the Republic of Azerbaijan;
- 15) to make submissions to the Milli Majlis of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 mobilization, and demobilization;
- 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan;
- 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan has objections to a law, he may, within the said term, return it to the Milli Majlis of the Republic of Azerbaijan without his signature, together with his objections.

II. Constitutional laws shall not enter into force until signed by the President of the Republic of Azerbaijan. If the Milli Majlis of the Republic of Azerbaijan 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 110<sup>1</sup>. Delegation of authority to conclude international interstate and intergovernmental treaties

The President of the Republic of Azerbaijan can delegate the authority to the Vice-President, Members of the Cabinet of Ministers of the Republic of Azerbaijan and other officials, appointed by the President of the Republic of Azerbaijan to conclude international interstate and intergovernmental treaties.

#### 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 of the Republic of Azerbaijan for approval.

#### Article 113. Acts of the President of the Republic of Azerbaijan

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

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

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

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

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

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

IV. The President of the Republic of Azerbaijan shall determine the Operating procedures of the Cabinet of Ministers of the Republic of Azerbaijan.

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

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



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

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

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

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

#### Article 118. Procedure for appointment of the Prime Minister of the Republic of Azerbaijan

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

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

III. The Milli Majlis of the Republic of Azerbaijan shall take its decision regarding the proposed candidate to the position of Prime Minister of the Republic of Azerbaijan 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 of the Republic of Azerbaijan are rejected three times, then the President may appoint a Prime Minister of the Republic of Azerbaijan without the consent of the Milli Majlis of the Republic of Azerbaijan.

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

The Cabinet of Ministers of the Republic of Azerbaijan shall:

- prepare and submit to the President of the Republic of Azerbaijan 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 of the Republic of Azerbaijan

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

II. Resolutions and orders of the Cabinet of Ministers of the Republic of Azerbaijan 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 of the Republic of Azerbaijan

A citizen of the Republic of Azerbaijan, having voting right, with higher education, having no liabilities in other states can be appointed to be Prime-Minister of the Republic of Azerbaijan, Deputy Prime-Minister, Minister, head of other central body of executive power.



#### Article 122. Requirements regarding members of the Cabinet of Ministers of the Republic of Azerbaijan

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 of the Republic of Azerbaijan

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 of the Republic of Azerbaijan may not be detained, subject to criminal proceedings, subject to administrative sanctions by a court of law, searched, or inspected.

III. The Prime Minister of the Republic of Azerbaijan may be arrested if caught red-handed. In that case, the body that arrested the Prime Minister of the Republic of Azerbaijan shall immediately notify the General Prosecutor of the Republic of Azerbaijan of the arrest.

IV. The immunity of the Prime Minister of the Republic of Azerbaijan may be revoked only by the President of the Republic of Azerbaijan upon the Submission of the General Prosecutor of the Republic of Azerbaijan.

#### 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

1. 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 courts of appeal, 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 prescribed 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 prescribed 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 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.

111. 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 prescribed 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 defense 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 Azerbaijan 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 prescribed by law.

III. The office of a judge may be terminated only in accordance with the grounds and rules as prescribed 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 of the Republic of Azerbaijan, may address the Milli Majlis with the purpose of removing the judges from office. The respective conclusions of the Supreme Court of the Republic of Azerbaijan shall be presented to the President of the Republic of Azerbaijan within 30 days after his/her request.





V. Decisions regarding the removal from office of judges of the Constitutional Court, the Supreme Court, and the courts of appeal 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 prescribed by law.
- III. A court judgement shall be grounded in law and evidence.

#### Article 130. Constitutional Court of the Republic of Azerbaijan

- I. The Constitutional Court of the Republic of Azerbaijan shall be comprised of nine judges.
- II. Judges of the Constitutional Court of the Republic of Azerbaijan shall be appointed by the Milli Majlis of the Republic of Azerbaijan upon the submission of the President of the Republic of Azerbaijan.
- III. The Constitutional Court of the Republic of Azerbaijan, 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 of the Republic of Azerbaijan, resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, 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 prescribed by law, the conformity of judgements of the Supreme Court of the Republic of Azerbaijan 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 of the Republic of Azerbaijan 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 prescribed by law, complaints with the Constitutional Court of the Republic of Azerbaijan against normative acts of the legislature and the executive, acts of municipalities, and judicial acts infringing upon his/her rights and freedoms, for resolving by the Constitutional Court of the Republic of Azerbaijan the issues referred to in items 1-7 of Paragraph III of the present Article, for the purpose of restoration of his/her violated rights and freedoms.

VI. Courts of law may address the Constitutional Court of the Republic of Azerbaijan, as prescribed 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 prescribed by law, a request to the Constitutional Court of the Republic of Azerbaijan 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 of the Republic of Azerbaijan shall also exercise other powers as provided for in the present Constitution.

IX. The Constitutional Court of the Republic of Azerbaijan shall render judgements regarding issues within its jurisdiction. Judgements of the Constitutional Court of the Republic of Azerbaijan 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 of the Republic of Azerbaijan, and inter-state agreements of the Republic of Azerbaijan shall not enter into force in respect thereof.

#### Article 131. Supreme Court of the Republic of Azerbaijan

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 of the Republic of Azerbaijan shall be appointed by the Milli Majlis of the Republic of Azerbaijan upon submission by the President of the Republic of Azerbaijan.

III. Judgements of the Supreme Court of the Republic of Azerbaijan shall be published.

#### Article 132. Courts of appeal of the Republic of Azerbaijan

I. The courts of appeal 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 of the Republic of Azerbaijan upon the submission of the President of Republic of Azerbaijan.



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

I. The Prosecutor's Office of the Republic of Azerbaijan shall, in cases and within the procedure as prescribed by law, exercise control over the execution and application of laws; shall, in cases prescribed 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 prosecutors to the General Prosecutor of the Republic of Azerbaijan.

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

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 of the Republic of Azerbaijan.

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 Nakhchivan 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 Ministers of the Autonomous Republic of Nakhchivan;
  - the expressing of confidence in the Cabinet of Ministers of the Autonomous Republic of Nakhchivan.
- II. The All Majlis shall adopt resolutions with respect to the issues specified in the present Article.

#### Article 140. Cabinet of Ministers of the Autonomous Republic of Nakhchivan

- I. The composition of the Cabinet of Ministers of the Autonomous 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 Republic of Nakhchivan.
- II. The Prime Minister of the Autonomous Republic of Nakhchivan shall be appointed by the All Majlis of the Autonomous 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 Autonomous 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 prescribed 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 commissions;
- the fixing of local taxes and duties;



- approval of the local budget and reports on the implementation 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 development programmes;
- adoption and implementation of local ecological programmes.

II. The legislature and the executive may grant municipalities 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 executive.

#### 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 municipalities

- 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 powers 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.

#### Article 146<sup>1</sup>. Responsibility of municipalities

The municipalities and municipal servants shall bear civil responsibility for the damage caused to human rights and liberties, as well as the guarantees thereto, in the result of the activity or inactivity, which contradicts the legislation, committed by municipal servants.



## 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 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.

VI. 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 of the Republic of Azerbaijan

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

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

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

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

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 of the Republic of Azerbaijan

I. Additions to the Constitution shall be adopted in the Milli Majlis of the Republic of Azerbaijan 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 of the Republic of Azerbaijan. 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 of the Republic of Azerbaijan

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

### Article 158. Limits on initiative for proposing additions to the Constitution of the Republic of Azerbaijan

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.

