

# CONSTITUTION OF THE AZERBAIJAN REPUBLIC

*As amended by the Referendums of 24.08.2002 and of 18.03.2009.*

## **First Section. General**

### **Chapter I. People's power**

#### Article 1. The source of power

- I. The sole source of state power in the Azerbaijan Republic are the people of Azerbaijan.
- II. People of Azerbaijan are citizens of the Azerbaijan Republic living on the territory of the Azerbaijan Republic and outside it who are subordinate to the Azerbaijan state and its laws which does not exclude standards of international legislation.

#### Article 2. Sovereignty of people

- I. Sovereign right of the Azerbaijanian people is the right of free and independent determination of their destiny and establishment of their own form of governance.
- II. The people of Azerbaijan exercise their sovereign right directly - by way of nation-wide voting - referendum, and through their representatives elected based on universal, equal and direct suffrage by way of free, secret and personal ballot.

#### Article 3. Questions solved by way of nation-wide voting – referendum

*As amended by the Referendum Act of 24.08.2002 (new paragraph III added).*

- I. People of Azerbaijan may solve any questions involving their rights and interests by way of referendum.
- II. The following questions may be solved only by way of referendum.
  1. acceptance of the Constitution of the Azerbaijan Republic and introduction of amendments thereto;
  2. change of state borders of the Azerbaijan Republic.
- III. The referendum can not be held with respect to the following issues:
  1. Taxation and state budget
  2. Amnesty and pardon

- a) "Election, appointment or approval of the officials, whose election, appointment or approval has been accordingly referred to the competences of the legislative and (or) executive bodies".

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

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

#### Article 5. Unity of people

- I. The people of Azerbaijan are united.
- II. Unity of the Azerbaijanian people constitutes the basis of the Azerbaijanian state. Azerbaijan Republic is mutual and indivisible motherland for all citizens of the Azerbaijan Republic.

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

- I. No part of people of Azerbaijan, no social group or organization, no individual may usurp the right for execution of power.
- II. Usurpation of power is the most grave crime against the people.

### **Chapter II. Basis of state**

#### Article 7. Azerbaijanian state

- I. Azerbaijanian state is democratic, legal, secular, unitary republic.
- II. In terms of internal problems state power in the Azerbaijan Republic is limited only by law, in terms of foreign policy - by provisions resulting from international agreements, wherein the Azerbaijan Republic is one of the parties.
- III. State power in the Azerbaijan Republic is based on a principle of division of powers:
  - Milli Majlis of the Azerbaijan Republic exercises legislative power;
  - executive power belongs to the President of the Azerbaijan Republic;
  - law courts of the Azerbaijan Republic exercise judicial power.
- IV. According to provisions of the present Constitution legislative, executive and judicial power interact and are independent within the limits of their authority.

## Article 8. The Head of the Azerbaijanian state

- I. The President of the Azerbaijan Republic is the Head of the Azerbaijanian state. He represents Azerbaijanian state both within the country and in its relations with foreign countries.
- II. The President of the Azerbaijan Republic represents unity of Azerbaijanian people and provides continuity of the Azerbaijanian statehood.
- III. The President of the Azerbaijan Republic is guarantor of independence and territorial integrity of the Azerbaijanian state, observance of international agreements wherein the Azerbaijan Republic is one of the parties.
- IV. The President of the Azerbaijan Republic is guarantor of independence of judicial power.

## Article 9. Military forces

- I. In order to provide its safety and defend itself the Azerbaijan Republic establishes Military forces and other military troops.
- II. The Azerbaijan Republic rejects a war as a means of infringement on independence of other states and way of settlement of international conflicts.
- III. The President of the Azerbaijan Republic is the Supreme Commander-in-Chief of Military Forces of the Azerbaijan Republic.

## Article 10. Principles of international relations

Azerbaijan Republic develops its relations with other countries based on principles recognized in international legal standards.

## Article 11. Territory

- I. The territory of the Azerbaijan Republic is sole, inviolable and indivisible.
- II. Internal waters of the Azerbaijan Republic, sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic, air space over the Azerbaijan Republic are integral parts of the territory of the Azerbaijan Republic.
- III. No part of territory of the Azerbaijan Republic may be estranged. The Azerbaijan Republic will not give any part of its territory to anybody; state borders of the Azerbaijan Republic might be changed only by free decision of its peoples made by way of referendum declared by Milli Majlis of the Azerbaijan Republic.

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

*Art. 12 para 1 as amended by the 2009 referendum. Previous text:*

*"I. The highest priority objective of the state is to provide rights and liberties of a person and citizen."*

- I. Ensuring the rights and liberties of a person and a citizen, appropriate (adequate) standard of living for the citizens of the Republic of Azerbaijan is the highest objective of the State.
- II. Rights and liberties of a person and citizen listed in the present Constitution are implemented in accordance with international treaties wherein the Azerbaijan Republic is one of the parties.

## Article 13. Property

- I. The property in the Azerbaijan Republic is inviolable and is protected by state.
- II. The property may be state, private and municipal.
- III. The property may not be used for restriction of rights and liberties of a person and citizen, interests of society and state, dignity of a person.

## Article 14. Natural resources

Without prejudice to rights and interests of any physical persons and legal entities natural resources belong to the Azerbaijan Republic.

## Article 15. Economic development and state

*Art. 15 para 2 as amended by the 2009 referendum. Previous text:*

*"II. Based on market relationships the Azerbaijanian state creates conditions for development of economy, guarantees free business activity, prevents monopoly and unfair competition in economic relations."*

- I. Development of economy based on various forms of property in the Azerbaijan Republic is aimed to prosperity of people.
- II. Based on market relationships the Azerbaijani state creates conditions for the development of a socially oriented economy, guarantees free business activity, prevents monopoly and unfair competition in economic relations.

## Article 16. Social development and state

- I. Azerbaijanian state takes care about improvement of prosperity of all people and each citizen, their social protection and proper living conditions.

- II. Azerbaijanian state participates in development of culture, education, public health, science, arts, protects environment, historical, material and spiritual heritage of people.

#### Article 17. Family and state

*Art. 17 as amended by the 2009 referendum. Previous text:*

- I. Family as a basic element of society is under special protection of the state.*
- II. Parents must take care of their children and their education. The state controls implementation of this responsibility."*

- I. Family as a basic element of society is under special protection of the state.
- II. Parents must take care of their children and their education. The state controls implementation of this responsibility.
- III. Children who do not have parents or guardians and are deprived of parental care are under the protection of the State.
- IV. It is prohibited to involve children in activities that may cause threat to their lives, health, and morality.
- V. Children under the age of 15 may not be employed for work.
- VI. The State supervises the implementation of rights of child.

#### Article 18. Religion and state

*Art. 18 as amended by the 2009 referendum.*

- I. Religion in the Azerbaijan Republic is separated from state. All religions are equal before the law.
- II. Spreading and propaganda of religions humiliating people's dignity and contradicting the principles of humanism are prohibited.
- III. State educational system is secular.

#### Article 19. Monetary unit

*Art. 19 as amended by the 2009 referendum. Previous text:*

- I. Monetary unit of the Azerbaijan Republic is manat.*
- II. Only National Bank has the right of introducing money into circulation and withdrawal them from circulation. National Bank of the Azerbaijan Republic belongs exclusively to the state.*
- III. Use of other monetary units, besides manat, on the territory of the Azerbaijan Republic is prohibited."*

- I. Monetary unit of the Azerbaijan Republic is manat.
- II. Only Central Bank has the right of introducing money into circulation and withdrawal them from circulation. Central Bank of the Azerbaijan Republic belongs exclusively to the state.

- III. Use of other monetary units, besides manat, on the territory of the Azerbaijan Republic is prohibited.

#### Article 20. Restrictions concerning state debts

Debts made with intention of assisting in revolts against the Azerbaijanian state or coup shall not be accepted by the Azerbaijan Republic as liabilities and paid.

#### Article 21. Official language

- I. Azerbaijanian language is official language of the Azerbaijan Republic. Azerbaijan Republic provides development of the Azerbaijanian language.
- II. Azerbaijan Republic ensures free use and development of other languages spoken by the people.

#### Article 22. Capital

Baku is the capital of the Azerbaijan Republic.

#### Article 23. Symbols of the Azerbaijanian state

- I. State flag of the Azerbaijan Republic, State Emblem of the Azerbaijan Republic and State hymn of the Azerbaijan Republic are state symbols of the Azerbaijan Republic. State flag of the Azerbaijan Republic consists of three horizontal stripes of same width. Upper stripe is blue, middle stripe is red, and the lower one is green; in the middle of red stripe on both sides of the flag white crescent with eight-pointed star are depicted. Width of the flag constitutes half of its length.
- II. Appearance of state flag of the Azerbaijan Republic and State Emblem of the Azerbaijan Republic, music and text of State hymn of the Azerbaijan Republic are specified by Constitutional Law of the Azerbaijan Republic.

## **Second Section. Basic rights, liberties and responsibilities**

### **Chapter III. Basic rights and liberties of a person and citizen**

#### Article 24. Main principle of rights and liberties of a person and citizen

- I. Everyone, from the moment when they are born possess inviolable and inalienable rights and liberties.
- II. Rights and liberties envisage also responsibility and obligations of everyone to the society and other persons.

## Article 25. Right for equality

*Art. 25 as amended by the 2009 referendum. Previous text:*

*"I. All people are equal with respect to the law and law court.*

*II. Men and women possess equal rights and liberties.*

*III. The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging."*

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II. Men and women possess equal rights and liberties.

III. The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging.

IV. No one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of the grounds laid down in Part III of this Article.

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

## Article 26. Protection of rights and liberties of a person and citizen

I. Everyone has the right to protect his/her rights and liberties using means and methods not prohibited by law.

II. The state guarantees protection of rights and liberties of all people.

## Article 27. Right for life

*As amended by the Referendum Act of 28.08.2002.*

*Previous text of the paragraph IV:*

*"IV. Arms shall not be used against human beings except cases of necessary defence, urgent situations, whenever a criminal should be caught, to prevent a prisoner from running away, to prevent revolt against the state or coup, to carry out orders given by authorized persons during martial law or state of emergency, military aggression."*

I. Everyone has the right for life.

II. Except extermination of enemy soldiers in a case of military aggression, when executing the sentence and in other cases envisaged by law, right of every person for life is inviolable.

- III. Death penalty, until it is completely annulled, may be applied legally only in cases of especially grave crime against the state, life and health of a human being.
- IV. Arms shall not be used against human beings except cases of necessary defence, urgent situations, whenever a criminal should be caught, to prevent a prisoner from running away, to prevent revolt against the state or coup, military aggression.

#### Article 28. Right for freedom

- I. Everyone has the right for freedom.
- II. Right for freedom might be restricted only as specified by law, by way of detention, arrest or imprisonment.
- III. Everyone legally being on the territory of the Azerbaijan Republic may travel without restrictions, choose the place of residence and travel abroad.
- IV. Any citizen of the Azerbaijan Republic has the right to return to his/her country whenever he/she so desires.

#### Article 29. Ownership right

*Art. 29 as amended by the 2009 referendum. Previous text:*

*"IV. Nobody shall be deprived of his/her property without decision of law court. Total confiscation of the property is not permitted. Alienation of the property for state or public needs is permitted only after preliminary fair reimbursement of its cost."*

- I. Everyone has the right to own property.
- II. Neither kind of property has priority. Ownership right including right for private owners is protected by law.
- III. Everyone might possess movable and real property. Right of ownership envisages the right of owner to possess, use and dispose of the property himself/herself or jointly with others.
- IV. Nobody shall be deprived of his/her property without decision of law court. Total confiscation of the property is not permitted. Alienation of the property for state needs is permitted only after preliminary fair reimbursement of its cost.
- V. The state guarantees succession rights.

#### Article 30. Right for intellectual property

- I. Everyone has the right for intellectual property.
- II. Copyright, patent rights and other rights for 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 envisaged by law it is prohibited to infringe on anybody's life, physical and spiritual health, property, living premises, to commit acts of violence.

## Article 32. Right for personal immunity

*Art. 32 as amended by the 2009 referendum. Previous text:*

*"I. Everyone has the right for personal immunity.*

*II. Everyone has the right for confidentiality concerning personal and family life. Except cases envisaged by legislation interference in personal life is prohibited.*

*III. Gaining, storing, use and spreading information about the person private life without his/her consent is not permitted.*

*IV. The state guarantees everyone the right for confidentiality with respect to correspondence, telephone communications, post, telegraph messages and information sent by other communication means. This right might be restricted, as specified by legislation, to prevent crime or to find out true facts when investigating criminal case."*

- I. Everyone has the right of personal immunity.
- II. Everyone has the right to keep secret private or family life. It is prohibited to interfere with private or family life, except in cases established by law. Everyone has the right of protection from unlawful interference in his or her private and family life.
- III. It is not allowed to obtain, keep, use and disseminate information about a person's private life without his or her consent. No one shall be followed, filmed, photographed, recorded, or subjected to any other similar actions without his or her knowledge or despite his or her disapproval, except when such actions are prescribed by law.
- IV. The State ensures everyone's right to keep secret correspondence, telephone conversations, information delivered by mail, telegraph or other communication means.
- V. Everyone may become familiar with the materials collected in regards to him or her save in cases prescribed by law. Everyone has a right to demand correction or elimination of the information collected in regards to him or her, which does not correspond to the truth or is incomplete or collected through violation of the provisions of law.

### Article 33. Right for sanctity of home

- I. Everyone has the right for sanctity of his/her home.
- II. Except cases specified by law or decision of law court nobody has the right to enter private home against the will of its inhabitants.

### Article 34. Right for marriage

- I. Everyone has the right to marry on reaching the age specified by legislation.
- II. Marriages shall be concluded voluntarily. Nobody should be forced into marriage.
- III. Family and marriage are protected by state. Maternity, paternity and childhood are protected by the law. The state provides support to large families.
- IV. Rights of wife and husband are equal. Care and education of children constitute both right and responsibility of parents.
- V. Responsibility of children is to respect parents, look after them. Children who are of age (18) and capable of working must support disabled parents.

### Article 35. Right to work

- I. Labor is the basis of personal and public prosperity.
- II. Everyone has the right to choose independently, based on his/her abilities, kind of activity, profession, occupation and place of work.
- III. Nobody might be forced to work.
- IV. Labor agreements are concluded voluntarily. Nobody may be forced to conclude labor agreement.
- V. Based on decisions of the law court there might be cases of forced labor, terms and conditions being specified by legislation; forced labor is permissible due to orders of authorized persons during the term of army service, state of emergency or martial law.
- VI. Everyone has the right to work in safe and healthy conditions, to get remuneration for his/her work without any discrimination, not less than minimum wages rate established by the state.
- VII. Unemployed persons have the right to receive social allowances from the state.
- VIII. The state will do its best to liquidate unemployment.

## Article 36. Right for strikes

- I. Everyone has the right to be on strike, both individually and together with others.
- II. Right for strike for those working based on labor agreements might be restricted only in cases envisaged by the law. Soldiers and civilians employed in the Army and other military formations of the Azerbaijan Republic have no right to go on strike.
- III. Individual and collective labor disputes are settled in line with legislation.

## Article 37. Right for rest

- I. Everyone has the right for rest.
- II. For those working based on labor agreements 8-hour working day, national holidays and at least one paid vacation with duration of at least 21 calendar days are guaranteed.

## Article 38. Right for social protection

- I. Everyone has the right for social protection.
- II. Most vulnerable persons must get support, in the first place, from members of their families.
- III. Everyone has the right for social protection on reaching specific age according to legislation, in case of illness, disability, loss of bread-winner in the family, due to unemployment and in other cases envisaged by legislation.
- IV. Minimum sum of pensions and social allowances is specified by law.
- V. The state creates possibilities for development of charitable activity, voluntary social insurance and other forms of social protection.

## Article 39. Right to live in healthy environment

*Art. 39 as amended by the 2009 referendum. Previous text:*

*I. Everyone has the right to live in 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 because of violation of ecological requirements."*

- I. Everyone has the right to live in 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 because of violation of ecological requirements.
- III. No one may cause threat or damage to the environment and natural resources beyond the limits set by law.

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

#### Article 40. Right for culture

- I. Everyone has the right to take part in cultural life, to use organizations and values of culture.
- II. Everyone must respect historical, cultural and spiritual inheritance, take care of it, protect historical and cultural memorials.

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

- I. Everyone has the right for protection of his/her health and for medical care.
- 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, creates possibilities for various forms of medical insurance.
- III. Officials concealing facts and cases dangerous for life and health of people will bear legal responsibility.

#### Article 42. Right for education

- I. Every citizen has the right for education.
- II. The state guarantees free obligatory secondary education.
- III. The system of education is under the state control.
- IV. The state guarantees continuation of education for most gifted persons irrespective of their financial position.
- V. The state establishes minimum educational standards.

#### Article 43. Right for home

- I. Nobody might be deprived of his/her home.
- II. The state assists in construction of living premises, takes special measures for realization of right for home.

#### Article 44. Right for nationality

- I. Everyone has the right to keep his/her nationality.
- II. Nobody may be forced to change his/her nationality.

#### Article 45. Right to use mother tongue

- I. Everyone has the right to use his/her mother tongue. Everyone has the right to be educated, 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 defend the honor and dignity

- I. Everyone has the right to defend his/her honor and dignity.
- II. Dignity of a person is protected by state. Nothing must lead to humiliation of dignity of human being.
- III. Nobody must be subject to tortures and torment, treatment or punishment humiliating the dignity of human beings. Medical, scientific and other experiments must not be carried out on any person without his/her consent.

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

- I. Everyone may enjoy freedom of thought and speech.
- II. Nobody should be forced to promulgate his/her thoughts and convictions or to renounce his/her thoughts and convictions.
- III. Propaganda provoking racial, national, religious and social discord and animosity is prohibited.

#### Article 48. Freedom of conscience

*Art. 48 as amended by the 2009 referendum. Previous text:*

*I. Everyone enjoys the freedom of conscience.*

*II. Everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one's beliefs concerning religion.*

*III. Everyone is free to carry out religious rituals, however this should not violate public order and contradict public morals.*

*IV. Religious beliefs and convictions do not excuse infringements of the law."*

- I. Everyone enjoys the freedom of conscience.
- II. Everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one's beliefs concerning religion.
- III. Everyone is free to carry out religious rituals, however this should not violate public order and contradict public morals.
- IV. Religious beliefs and convictions do not excuse infringements of the law.
- V. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals or participate in religious ceremonies.

## Article 49. Freedom of meetings

- I. Everyone has the right for meetings.
- II. Everyone has the right, having notified respective governmental bodies in advance, peacefully and without arms, meet with other people, organize meetings, demonstrations, processions, place pickets.

## Article 50. Freedom of information

*Art. 50 as amended by the 2009 referendum. Previous text:*

*"I. Everyone is free to look for, acquire, transfer, prepare and distribute information.*

*II. Freedom of mass media is guaranteed. State censorship in mass media, including press is prohibited."*

- I. Everyone is free to look for, acquire, transfer, prepare and distribute information.
- II. Freedom of mass media is guaranteed. State censorship in mass media, including press is prohibited.
- III. Everyone's right to refute or reply to the information published in the media and violating his or her rights or damaging his or 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 for citizenship

A person having political and legal relations with the Azerbaijan Republic and also mutual rights and obligations is the citizen of the Azerbaijan Republic. A person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic is the citizen of the Azerbaijan Republic. A person is the citizen of the Azerbaijan Republic if one of his/her parents is the citizen of the Azerbaijan Republic.

## Article 53. Guarantee of right for citizenship

- I. In no circumstances a citizen of the Azerbaijan Republic may be deprived of citizenship of the Azerbaijan Republic.
- II. In no circumstances a citizen of the Azerbaijan Republic may be expelled from the Azerbaijan Republic or extradited to foreign state.

- III. The Azerbaijan Republic ensures legal protection and patronizes citizens of the Azerbaijan Republic temporarily or permanently living outside the Republic.

Article 54. Right to take part in political life of society and state

- I. Citizens of the Azerbaijan Republic have the right to take part in political life of society and state without restrictions.
- II. Any citizen of the Azerbaijan Republic has the right himself to stand up to the attempt of rebellion against the state or state coup.

Article 55. Right to take part in governing the state

- I. Citizens of the Azerbaijan Republic have the right to take part in governing the state. They may exercise said right themselves or through their representatives.
- II. Citizens of the Azerbaijan Republic have the right to work in governmental bodies. Officials of state bodies are appointed from citizens of the Azerbaijan Republic. Foreign citizens and stateless citizens may be employed into state organizations in an established order.

Article 56. Electoral right

- I. Citizens of the Azerbaijan Republic have the right to elect and be elected to state bodies and also to take part in referendum.
- II. Those recognized incapable by law court have no right to take part in elections and in referendum.
- III. Participation in elections of military personnel, judges, state employees, religious officials, persons imprisoned by decision of law court, other persons specified in the present Constitution and laws might be restricted by law.

Article 57. Right to appeal

- I. Citizens of the Azerbaijan Republic have the right to appeal personally and also to submit individual and collective written applications to state bodies. Each application should be responded to in an established order and term.
- II. Citizens of the Azerbaijan Republic have the right to criticize activity or work of state bodies, their officials, political parties, trade unions, other public organizations and also activity or work of individuals. Prosecution for criticism is prohibited. Insult or libel shall not be regarded as criticism.

#### Article 58. Right for joining

- I. Everyone is free to join other people.
- II. Everyone has the right to establish any union, including political party, trade union and other public organization or enter existing organizations. Unrestricted activity of all unions is ensured.
- III. Nobody may be forced to join any union or remain its member.
- IV. Activity of unions intended for forcible overthrow of legal state power on the whole territory of the Azerbaijan Republic or on a part thereof is prohibited. Activity of unions which violates the Constitution and laws might be stopped by decision of law court.

#### Article 59. Right for business activity

Everyone may, using his/her possibilities, abilities and property, according to existing legislation, individually or together with other citizens, carry out business activity or other kinds of economic activity not prohibited by the law.

#### Article 60. Guarantee of rights and liberties by law court

- I. Legal protection of rights and liberties of every citizen is ensured.
- II. Everyone may appeal to law court regarding decisions and activity (or inactivity) of state bodies, political parties, trade unions, other public organizations and officials.

#### Article 61. Right for legal advice

- I. Everyone has the right for obtaining qualified legal advice.
- II. In specific cases envisaged by legislation legal advice shall be rendered free, at the governmental expense.
- III. Every citizen has the right for the lawyer's advice from the moment of detention, arrest or accusation with crime by competent state bodies.

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

Everyone has the right for consideration of his/her case in the law court specified by the legislation. Case of the person shall not be considered in other law court without the person's consent.



### Article 63. Presumption of innocence

- I. Everyone is entitled for presumption of innocence. Everyone who is accused of crime shall be considered innocent until his guilt is proved legally and if no verdict of law court has been brought into force.
- II. A person under suspicion of crime must not be considered guilty.
- III. A person accused of crime does not need to prove his/her innocence.
- IV. Proofs received against the law must not be used when administering justice.
- V. Nobody may be accused of crime without the verdict of law court.

### Article 64. Inadmissibility of repeated conviction for one and the same crime

Nobody may be repeatedly sentenced for one and the same crime.

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

Every person convicted by the law court has the right to appeal, as specified by the law, to the higher law court asking for reconsideration of the verdict and also for pardon and mitigation of the sentence.

### Article 66. Inadmissibility of testifying against relations

Nobody may be forced to testify against him/herself, wife (husband) children, parents, brother, sister. Complete list of relations against whom testifying is no obligatory is specified by law.

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

*Art. 67 as amended by the 2009 referendum.*

Every person, detained, arrested, accused in crime should be immediately advised by competent state bodies about his/her rights, reasons of his arrest and institution of criminal proceeding against him/her.

### Article 68. Right for compensation of losses

- I. Rights of the person suffered from crime and also from usurpation of power are protected by law. Suffered person has the right to take part in administration of justice and demand for compensation of losses.
- II. Everyone has the right for compensation by the state of losses borne as a result of illegal actions or non-action of state bodies or their officials.

## Article 69. Right of foreign citizens and stateless persons

- I. Foreign citizens and stateless persons staying in the Azerbaijan Republic may enjoy all rights and must fulfill all obligations like citizens of the Azerbaijan Republic if not specified by legislation or international agreement in which the Azerbaijan Republic is one of the parties.
- II. Rights and liberties of foreign citizens and stateless persons permanently living or temporarily staying on the territory of the Azerbaijan Republic may be restricted only according to international legal standards and laws of the Azerbaijan Republic.

## Article 70. Right for political refuge

- I. In accordance with recognized international legal standards the Azerbaijan Republic grants political refuge to foreign citizens and stateless persons.
- II. Extradition of persons persecuted for their political beliefs and also for acts which are not regarded as crime in the Azerbaijan Republic is not permitted.

## Article 71. Protection of rights and liberties of a human being and citizen

*Art. 71 as amended by the 2009 referendum.*

*Art. 71 was also amended by the Referendum Act of 28.08.2002.*

*Previous text of the paragraph III:*

*"III. Rights and liberties of a human being and citizen may be partially and temporarily restricted only on announcement of war, martial law and state of emergency, and also mobilization, taking into consideration international obligations of the Azerbaijan Republic. Population of the Republic shall be notified in advance about restrictions as regards their rights and liberties."*

- I. To observe and to protect rights and liberties of a human being and citizen specified in the Constitution - is responsibility of bodies of legislative, executive and legal power.
- II. No one may restrict implementation of rights and liberties of a human being and citizen.
- III. Rights and liberties of a human being and citizen may be partially and temporarily restricted on announcement of war, martial law and state of emergency, and also mobilization, taking into consideration international obligations of the Azerbaijan Republic. Population of the Republic shall be notified in advance about restrictions as regards their rights and liberties.
- IV. Nobody, in no circumstances may be forced to promulgate his/her religious and other beliefs, thoughts and to be persecuted for such.
- V. None of the provisions of Constitution may be interpreted as regulation directed to prohibition of rights and liberties of a human being and citizen.

- VI. Rights and liberties of a human being and citizen act on the territory of the Azerbaijan Republic by themselves.
- VII. . Any arguments related to violation of rights and liberties of a human being and citizen are settled in law courts.
- VIII. No one will be responsible for acts which were not considered criminal at the moment of their implementation. If after the crime new law was introduced envisaging no responsibility or mitigation of responsibility, said new law shall apply.

## **Chapter IV. Main responsibilities of citizens**

### Article 72. Main responsibilities of citizens

*Art. 72 as amended by the 2009 referendum.*

Everyone has obligations to the state and society directly resulting from his/her rights and liberties.

Everyone must follow provisions of the Constitution and Laws of the Azerbaijan Republic, respect rights and liberties of other persons, fulfil other obligations envisaged by the law.

Not knowing the law does not release from responsibility.

### Article 73. Taxes and other state duties

- I. Everyone must pay taxes and other state duties in-time and in full volume as required.

Nobody may be forced to pay taxes and other state duties if they are not envisaged in the law and in excess of amount specified therein.

### Article 74. Loyalty to motherland

- I. Loyalty to motherland is sacred.
- II. Persons working in legislative, executive or judicial power bodies who were elected and appointed to their posts are responsible for accurate and conscientious fulfilment of their obligations and, whenever required by the law, make an oath.
- III. Person working in legislative, executive or judicial power bodies who was elected and appointed to his/her post and made an oath regarding the Constitution of the Azerbaijan Republic shall be considered dismissed and will not be able to take this position if he/she was accused in crime against

the state, including rebellion or state coup and has been sentenced based on this accusation.

#### Article 75. Respect for state symbols

*Art. 75 as amended by the 2009 referendum.*

Every citizen must respect state symbols of the Azerbaijan Republic its banner, state emblem and hymn.

#### Article 76. Defence of motherland

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"II. If beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative military service instead of regular army service is permitted."*

- I. Defence of motherland is duty of any citizen. Citizens of the Republic serve in the army according to legislation.
- II. If beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted.

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

Every citizen is responsible for protection of historical and cultural memorials.

#### Article 78. Protection of environment

Every citizen is responsible for protection of environment.

#### Article 79. Inadmissibility of fulfilment of obligations contradicting the legislation

No one may be forced to carry out obligations contradicting the Constitution and laws of the Azerbaijan Republic.

#### Article 80. Responsibility

Violation of provisions of the present Constitution and laws of the Azerbaijan Republic including usurpation of rights and liberties and also failure to fulfil responsibilities specified in the present Constitution and laws of the Azerbaijan Republic are persecuted.

## **Third Section. State power**

### **Chapter V. Legislative power**

#### Article 81. Implementation of legislative power

Legislative power in the Azerbaijan Republic is implemented by Milli Majlis of the Azerbaijan Republic.

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

Milli Majlis of the Azerbaijan Republic consists of 125 deputies.

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

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"Deputies of Milli Majlis of the Azerbaijan Republic are elected based on majority and proportional voting systems and general, equal and direct elections by way of free, individual and secret voting."*

Deputies of Milli Majlis of the Azerbaijan Republic are elected based on majority voting system and general, equal and direct elections by way of free, individual and secret voting.

#### Article 84. Term of authority of a calling of Milli Majlis of the Azerbaijan Republic

*Art. 84 as amended by the 2009 referendum.*

- I. Term of authority of each calling of Milli Majlis of the Azerbaijan Republic is 5 years.
- II. Elections for each calling of Milli Majlis of the Azerbaijan Republic take place every 5 years on a first Sunday of November.
- III. Term of authority of deputies of Milli Majlis of the Azerbaijan Republic is restricted by term of authority of respective calling of Milli Majlis of the Azerbaijan Republic.
- IV. If new elections of deputies to replace retired deputies of Milli Majlis of the Azerbaijan Republic are: carried out, then term of authority of newly elected deputy corresponds to remaining term of authority of respective retired deputy.

#### Article 85. Requirements to candidates to the posts of deputies of Milli Majlis of the Azerbaijan Republic

- I. Every citizen of the Azerbaijan Republic not younger than 25 may be elected the deputy of Milli Majlis of the Azerbaijan Republic in an established order.
- II. Persons having double citizenship, those having obligations to other states, those working in the bodies of executive or judicial power, persons involved in other payable activity except scientific, pedagogical and creative activity, religious men, persons whose incapacity has been confirmed by law court, those condemned for grave crime, serving a sentence due to verdict of law court may not be elected the deputies of Milli Majlis of the Azerbaijan Republic.

#### Article 86. Inspection and approval of results of elections of deputies of Milli Majlis of the Azerbaijan Republic

Accuracy of results of elections is checked and approved by Constitutional Court of the Azerbaijan Republic as specified in the law.

#### Article 87. End of the term of authority of deputies of Milli Majlis of the Azerbaijan Republic

- I. Term of authority of deputies of Milli Majlis of the Azerbaijan Republic ends on a day of first meeting of new calling of Milli Majlis of the Azerbaijan Republic.
- II. Elections of deputies to replace those who left Milli Majlis of the Azerbaijan Republic shall not be held if less than 25 days remains to the end of term of authority of Milli Majlis of the Azerbaijan Republic.
- III. Milli Majlis of the Azerbaijan Republic will have powers after authority of 83 of its deputies has been approved.

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

*Art. 88 as amended by the 2009 referendum. Previous text:*

*"I. Two regular spring and autumn sessions of Milli Majlis of the Azerbaijan Republic are held every year.*

*After approval of authority of 83 deputies of Milli Majlis of the Azerbaijan Republic the first meeting of Milli Majlis of the Azerbaijan Republic shall be summoned within 1 week beginning from the day of approval.*

*If after elections to Milli Majlis of the Azerbaijan Republic, authority of 83 its deputies has not been approved before 10 March or 10 October then day of opening of the first meeting of Milli Majlis of the Azerbaijan Republic will be established by Constitutional Court of the Azerbaijan Republic.*

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

*III. Agenda of extraordinary session will be prepared by those who summoned said session. After the questions of agenda have been discussed extraordinary session ends."*

*As amended by the Referendum Act of 24.08.2002.*

*Previous text:*

*"I. Every year two sessions of Milli Majlis of the Azerbaijan Republic are held.*

*Spring session begins on 1 st February and continues until 31st May.*

*Autumn session begins on 30th September and continues until 30th December.*

*If 1st February and 30th September fall on holidays the session will begin on the following working day.*

*After approval of authority of 83 deputies of Milli Majlis of the Azerbaijan Republic the first meeting of Milli Majlis of the Azerbaijan Republic shall be summoned within 1 week beginning from the day of approval.*

*If after elections to Milli Majlis of the Azerbaijan Republic, authority of 83 its deputies has not been approved before 1 st February then day of opening of the first meeting of Milli Majlis of the Azerbaijan Republic will be established by Constitutional Court of the Azerbaijan Republic.*

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

*III. Agenda of extraordinary session will be prepared by those who summoned said session. After the questions of agenda have been discussed extraordinary session ends."*

- I. The Milli Majlis of the Republic of Azerbaijan shall assemble for two - spring and autumn - sessions annually.  
The first meeting of the Milli Majlis of the Republic of Azerbaijan shall be called from the date when the mandates of 83 members of the Milli Majlis of the Republic of Azerbaijan are approved, but no later than a week.  
The date of the first meeting of the Milli Majlis of the Republic of Azerbaijan shall be determined by the Constitutional Court if the mandates of 83 members are not approved by October 10 or March 10 after the elections to the Milli Majlis of the Republic of Azerbaijan.
- II. Extraordinary sessions of the Milli Majlis of the Republic of Azerbaijan shall be called by the Chairperson of the Milli Majlis of the Republic of Azerbaijan based on the demand of the President of the Republic of Azerbaijan or of 42 members of the Milli Majlis of the Republic of Azerbaijan.
- III. The agenda for an extraordinary session of the Milli Majlis of the Republic of Azerbaijan shall be determined by those who demand such a session.  
The work of an extraordinary session shall be considered finished upon completion of the issues on the agenda.
- IV. The assemblies of the sessions of the Milli Majlis of the Republic of Azerbaijan are open to the public. An assembly of the session of the Milli Majlis 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. Deprivation of deputies of Milli Majlis of the Azerbaijan Republic of their mandates and loss of powers by the deputy of Milli Majlis of the Azerbaijan Republic

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. The deputy of Milli Majlis of the Azerbaijan Republic loses his/her mandate in the following cases:*

- 1. whenever during the elections there was falsification in calculation of votes;*
- 2. on giving up the citizenship of the Azerbaijan Republic or accepting other citizenship;*
- 3. on commitment of crime and whenever there is valid verdict of law court;*
- 4. on taking position in state bodies, post in religious organizations, involvement in business, commercial or other paid activity (except scientific, pedagogical and creative activity);*
- 5. on a voluntary basis;*
- 6. on abolition of a party the deputy belongs to.*

*Decision about deprivation of the deputy of Milli Majlis of the Azerbaijan Republic of his mandate is taken as specified in legislation.*

*II. Whenever deputies of Milli Majlis of the Azerbaijan Republic are not able to fulfil their obligations and in other cases specified by law their authority is considered terminated. Procedure of taking respective decision is determined by the law."*

I. The deputy of Milli Majlis of the Azerbaijan Republic loses his/her mandate in the following cases:

1. whenever during the elections there was falsification in calculation of votes;
2. on giving up the citizenship of the Azerbaijan Republic or accepting other citizenship;
3. on commitment of crime and whenever there is valid verdict of law court;
4. on taking position in state bodies, post in religious organizations, involvement in business, commercial or other paid activity (except scientific, pedagogical and creative activity);
5. on a voluntary basis;

Decision about deprivation of the deputy of Milli Majlis of the Azerbaijan Republic of his mandate is taken as specified in legislation.

II. Whenever deputies of Milli Majlis of the Azerbaijan Republic are not able to fulfil their obligations and in other cases specified by law their authority is considered terminated. Procedure of taking respective decision is determined by the law.



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

- I. A deputy of Milli Majlis of the Azerbaijan Republic enjoys immunity during the whole term of his powers. Except cases when the deputy may be caught in the act of crime, the deputy of Milli Majlis of the Azerbaijan Republic may not be called to criminal responsibility during the whole term of his/her authority, arrested, disciplinary measures may not be applied to him by law court, he may not be searched. The deputy of Milli Majlis of the Azerbaijan Republic may be arrested only if he/she has been caught at a place of crime. In such case the body which detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.
- II. Immunity of deputy of Milli Majlis of the Azerbaijan Republic might be stopped only by decision of Milli Majlis of the Azerbaijan Republic based on application of General Procurator of the Azerbaijan Republic.

## Article 91. Prohibition on institution of proceedings against deputies of Milli Majlis of the Azerbaijan Republic

Deputies of Milli Majlis of the Azerbaijan Republic cannot be made responsible for their activity in Milli Majlis of the Azerbaijan Republic, voting in Milli Majlis of the Azerbaijan Republic and statements made in Milli Majlis of the Azerbaijan Republic. Without the deputies' consent, in connection with such cases, they are not obliged to give explanations and evidence.

## Article 92. Organization of work of Milli Majlis of the Azerbaijan Republic

*Art. 92 as amended by the 2009 referendum. Previous text:*

*"Milli Majlis of the Azerbaijan Republic determines procedure of its activity, elects its chairman and his deputies, organizes permanent and other commissions, establishes Counting Chamber."*

The Milli Majlis of the Republic of Azerbaijan shall determine its regulations of work and establish its bodies including election of chairperson and deputies, organization of committees standing and other commissions, establishment of counting chamber.

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

- I. Milli Majlis of the Azerbaijan Republic accepts Constitutional laws and decrees regarding the questions of its competence.
- II. Constitutional laws, laws and decrees are taken in Milli Majlis of the Azerbaijan Republic in an order specified in the present Constitution.

- III. Deputies of Milli Majlis of the Azerbaijan Republic exercise their voting right personally.
- IV. Specific orders to the bodies of executive power and law courts cannot be envisaged in laws and decrees of Milli Majlis of the Azerbaijan Republic.

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

- I. Milli Majlis of the Azerbaijan Republic establishes general rules concerning the following matters:
  - 1. use of rights and liberties of a person and citizen specified in the present Constitution, state guarantees of these rights and liberties;
  - 2. elections of the President of the Azerbaijan Republic;
  - 3. elections to Milli Majlis of the Azerbaijan Republic and status of deputies of Milli Majlis of the Azerbaijan Republic;
  - 4. referendum;
  - 5. judicial system and status of judges; procurator's office, the bar and notary's offices;
  - 6. legal proceedings, execution of court verdicts;
  - 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-legal agreements, representation and inheritance;
  - 13. right of property, including legal regime of state, private and municipal property, right of intellectual property, other proprietary rights; liability right;
  - 14. family relationships, including guardianship and trusteeship;
  - 15. basis of financial activity - taxes, duties and charges;
  - 16. labor relationships and social maintenance;
  - 17. interpretation of crime and other violations of law; establishment of responsibility for these acts;
  - 18. defence and military service;
  - 19. governmental employment;
  - 20. basis of security;
  - 21. territorial arrangement; regime of state borders;
  - 22. ratification and denunciation of international treaties;
  - 23. communications and transport;
  - 24. statistics; metrology and standards;
  - 25. customs;
  - 26. commerce and stock exchange activity;

27. banking business, accounting, insurance.
- II. As per questions specified in paragraphs 2, 3, 4 of the present Article the laws are approved by majority of 83 votes, as per other questions - by majority of 63 votes.
- III. The first part of the present Article might be supplemented with the Constitutional law.

## Article 95. Competence of Milli Majlis of the Azerbaijan Republic

*Art. 95 as amended by the 2009 referendum. Previous text:*

*"I. The following questions fall under the competence of Milli Majlis of the Azerbaijan Republic:*

- 1) organization of work of Milli Majlis of the Azerbaijan Republic;*
- 2) based on recommendation by the President of the Azerbaijan Republic establishment of diplomatic representations of the Azerbaijan Republic;*
- 3) administrative-territorial division;*
- 4) ratification and denunciation of international agreements;*
- 5) based on recommendation by the President of the Azerbaijan Republic approval of state budget of the Azerbaijan Republic and control over its execution;*
- 6) election of Ombudsman of Azerbaijan Republic upon recommendation of the President of Azerbaijan Republic;*
- 7) based on recommendation by the President of the Azerbaijan Republic approval of military doctrine of the Azerbaijan Republic;*
- 8) in cases specified in the present Constitution approval of decrees of the President of the Azerbaijan Republic;*
- 9) based on recommendation by the President of the Azerbaijan Republic giving consent for appointment of Prime-minister of the Azerbaijan Republic;*
- 10) based on recommendation by the President of the Azerbaijan Republic appointment of judges of Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic and the Courts of Appeal of the Azerbaijan Republic;*
- 11) based on recommendation by the President of the Azerbaijan Republic giving consent for appointment and dismissal of General Procurator of the Azerbaijan Republic;*
- 12) dismissal of the President of the Azerbaijan Republic by way of impeachment based on recommendation of Constitutional Court of the Azerbaijan Republic;*
- 13) based on recommendation by the President of the Azerbaijan Republic dismissal of judges;*
- 14) taking decision regarding a vote of confidence in the Cabinet of Ministers of the Azerbaijan Republic;*
- 15) based on recommendation by the President of the Azerbaijan Republic appointment and dismissal of members of Administration Board of National Bank of the Azerbaijan Republic;*
- 16) based on recommendation by the President of the Azerbaijan Republic giving consent for enlistment of Military Forces of the Azerbaijan Republic to operations other than their normal duties;*
- 17) based on request of the President of the Azerbaijan Republic giving consent for announcement of war and conclusion of peace treaty;*
- 18) announcement of referendum;*
- 19) amnesty.*

*II. As per questions specified in paragraphs 1-5 of the present Article the laws are approved by majority of 63 votes, as per other questions decrees are approved in the same order if not specified otherwise by the present Constitution.*

*III. Resolutions shall be also adopted with respect to other issues which, according to the present Constitution, fall within the competence of Milli Majlis of Azerbaijan Republic, the issues connected with the organization of the activity of Milli Majlis of Azerbaijan Republic as well as the issues where the opinions of Milli Majlis of Azerbaijan Republic are required."*

*As amended by the Referendum Act of 24.08.2002.*

*Previous text:*

*"I. The following questions fall under the competence of Milli Majlis of the Azerbaijan Republic:*

- 1. organization of work of Milli Majlis of the Azerbaijan Republic;*
- 2. based on recommendation by the President of the Azerbaijan Republic establishment of diplomatic representations of the Azerbaijan Republic;*
- 3. administrative-territorial division;*
- 4. ratification and denunciation of international agreements;*
- 5. based on recommendation by the President of the Azerbaijan Republic approval of state budget of the Azerbaijan Republic and control over its execution;*
- 6. amnesty;*
- 7. based on recommendation by the President of the Azerbaijan Republic approval of military doctrine of the Azerbaijan Republic;*
- 8. in cases specified in the present Constitution approval of decrees of the President of the Azerbaijan Republic;*
- 9. based on recommendation by the President of the Azerbaijan Republic giving consent for appointment of Prime-minister of the Azerbaijan Republic;*
- 10. based on recommendation by the President of the Azerbaijan Republic appointment of judges of Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic and Economic Court of the Azerbaijan Republic;*
- 11. based on recommendation by the President of the Azerbaijan Republic giving consent for appointment and dismissal of General Procurator of the Azerbaijan Republic;*
- 12. dismissal of the President of the Azerbaijan Republic by way of impeachment based on recommendation of Constitutional Court of the Azerbaijan Republic;*
- 13. based on recommendation by the President of the Azerbaijan Republic dismissal of judges;*
- 14. taking decision regarding a vote of confidence in the Cabinet of Ministers of the Azerbaijan Republic;*
- 15. based on recommendation by the President of the Azerbaijan Republic appointment and dismissal of members of Administration Board of National Bank of the Azerbaijan Republic;*
- 16. based on recommendation by the President of the Azerbaijan Republic giving consent for enlistment of Military Forces of the Azerbaijan Republic to operations other than their normal duties;*
- 17. based on request of the President of the Azerbaijan Republic giving consent for announcement of war and conclusion of peace treaty;*
- 18. announcement of referendum;*
- 19. establishment of Auditor Chamber.*

*II. As per questions specified in paragraphs 1-5 of the present Article the laws are approved by majority of 63 votes, as per other questions decrees are approved in the same order if not specified otherwise by the present Constitution.*

*III. Decrees are also taken regarding other questions which due to the present Constitution fall under the competence of Milli Majlis of the Azerbaijan Republic.*

*IV. The first part of the present Article may be supplemented with the Constitutional law."*

- I. Resolution of the following issues shall be responsibilities of the Milli Majlis of the Republic of Azerbaijan:
  1. organization of work of the Milli Majlis of the Republic of Azerbaijan;
  2. establishment of diplomatic representations upon recommendation of the President of the Republic of Azerbaijan;
  3. administrative-territorial division;
  4. approval and termination of interstate and intergovernmental agreements containing rules contrary to the laws of the Republic of Azerbaijan;
  5. approval of the state budget upon recommendation of the President of the Republic of Azerbaijan, and control over its implementation;
  6. electing human rights commissioner of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
  7. approval of military doctrine of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
  8. approval of the decrees of the President of the Republic of Azerbaijan in the cases established by this Constitution;
  9. giving consent to appoint Prime Minister of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan;
  10. appointing judges of the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and Court of Appeal of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
  11. giving consent to appoint or to dismiss General Prosecutor of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
  12. dismissing the President of the Republic of Azerbaijan based on presidential impeachment upon recommendation of the Constitutional Court of the Republic of Azerbaijan;
  13. dismissing judges upon recommendation of the President of the Republic of Azerbaijan;
  14. resolution of the issue on trust to the Cabinet of Ministers of the Republic of Azerbaijan;
  15. appointing and dismissing the members of the Board of Directors of the Central National Bank of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;

16. giving consent to the Armed Forces of the Republic of Azerbaijan being involved in implementation of duties that are not related to their assignment;
17. giving consent to announcement of war or to peace agreements upon request of the President of the Republic of Azerbaijan;
18. determination of referendum;
19. amnesty; and
20. hearing of the municipality reports.

*(Additions made by Constitutional Law No. 7-IIIKQD dated December 13, 2005)  
Resolution of the following issues shall be under the responsibilities of the Milli Majlis of the Republic of Azerbaijan in conformity with Part IV of this Article:*

1. appointing members of the Central Election Commission;
  2. electing a part of members of the Council of Administration of Public Service;
  3. electing a part of members of Commission on Combating Corruption within the Council of Administration of Public Service;
  4. electing a part of members of the Judicial Legal Council of the Republic of Azerbaijan; and
  5. appointing members of the Council of Broadcast of the Public Television and Radio Broadcasting institution.
- II. The laws on issues mentioned in paragraphs 1-5 of this Article shall pass with majority of votes of 63 members of the Milli Majlis, and decisions on other issues shall be made with the same rule if other rules are not considered by this Constitution.
- III. Decisions shall also be made on other issues under responsibilities of the Milli Majlis established by this Constitution, issues on organization of work of the Milli Majlis of the Republic of Azerbaijan, issues on which position of the Milli Majlis of the Republic of Azerbaijan is necessary to be stated.
- IV. The first part of this Article can be amended by Constitutional law.

#### Article 96. Right of legislative initiative

*Art. 96 as amended by the 2009 referendum. Previous text:*

*"I. Right of legislative initiative in Milli Majlis of the Azerbaijan Republic (right to submit for consideration by Milli Majlis of the Azerbaijan Republic drafts of laws and other questions) belongs to deputies of Milli Majlis of the Azerbaijan Republic, the President of the Azerbaijan Republic,*

*Supreme Court of the Azerbaijan Republic, the Prosecutor's Office of Azerbaijan Republic and Ali Majlis of Nakhichevan Autonomous Republic.*

*II. Drafts of laws or decrees submitted for consideration by Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, the Prosecutor's Office of Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic, as legislative initiative, are put to the vote as they are.*

*III. Amendments in such drafts of laws or decrees are introduced by consent of the body which used the right of legislative initiative.*

*IV. Drafts of laws or decrees submitted for consideration by Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, the Prosecutor's Office of Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic, as legislative initiative, are put to the vote in Milli Majlis of the Azerbaijan Republic within two months.*

*V. If draft of the law or decree has been declared by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, the Prosecutor's Office of Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic urgent, then above specified term shall constitute 20 days."*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

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

*II. Drafts of laws or decrees submitted for consideration by Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic, as legislative initiative, are put to the vote as they are.*

*III. Amendments in such drafts of laws or decrees are introduced by consent of the body which used the right of legislative initiative.*

*IV. Drafts of laws or decrees submitted for consideration by Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic, as legislative initiative, are put to the vote in Milli Majlis of the Azerbaijan Republic within two months.*

*V. If draft of the law or decree has been declared by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic or Ali Majlis of Nakhichevan Autonomous Republic urgent, then above specified term shall constitute 20 days."*

- I. Right of legislative initiative (the right to submit draft laws and other issues to the discussion of the Milli Majlis of the Republic of Azerbaijan) belongs to the members of the Milli Majlis of the Republic of Azerbaijan, President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan and Supreme Majlis of Nakhchivan Autonomous Republic.
- II. Draft laws or decisions submitted to the discussion of the Milli Majlis of the Republic of Azerbaijan in the manner of legislative initiative by the President of the Republic of Azerbaijan, Supreme Court of the Republic of

- Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic shall be brought to discussion the way they have been submitted and shall be voted on.
- III. Changes to such laws or decisions can be made with the consent of the subject body enjoying the right of legislative initiative.
  - IV. Draft laws or decisions submitted by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic shall be voted on within a two-month period.
  - V. In case of an urgent announcement of a draft law or decision by the President of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic, this period shall be 20 days.
  - VI. The manner in which 40 thousand citizens of the Republic of Azerbaijan enjoying suffrage exercise their right to initiate legislation shall be defined by law.
  - VII. Draft laws and resolutions shall be substantiated and the purposes for their adoption shall be indicated.

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

- I. Drafts of the laws are submitted to the President of the Azerbaijan Republic for signing within 14 days from the day of their acceptance.
- II. Urgent draft of the law is submitted to the President of the Azerbaijan Republic for signing within 24 hours from the moment of its acceptance.

#### Article 98. Validity of acts of Milli Majlis of the Azerbaijan Republic

If not specified otherwise in the law and decree of Milli Majlis of the Azerbaijan Republic themselves the law and decree become valid from the date of their publication.

### **Chapter VI. Executive power**

#### Article 99. Belonging of executive power

Executive power in the Azerbaijan Republic belongs to the President of the Azerbaijan Republic.



## Article 100. Requirements to candidates to the post of the President of the Azerbaijan Republic

Citizen of the Azerbaijan Republic not younger than 35, permanently living on the territory of the Azerbaijan Republic longer than 10 years, possessing voting right, without previous conviction, having no liabilities in other states, with university degree, not having double citizenship may be elected the President of the Azerbaijan Republic.

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

*Art. 101 as amended by the 2009 referendum. Previous text:*

*"I. The President of the Azerbaijan Republic is elected for a 5-year term by way of general, direct and equal elections, with free, personal and secret ballot.*

*II. The President of the Azerbaijan Republic is elected by the majority of more than the half of 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 elected the President of the Azerbaijan Republic.*

*V. No one may be elected the President of the Azerbaijan Republic repeatedly, more than two times."*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. The President of the Azerbaijan Republic is elected for a 5-year term by way of general, direct and equal elections, with free, personal and secret ballot.*

*II. The President of the Azerbaijan Republic is elected by majority of two thirds of 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 simple majority of votes in the second round of elections is considered elected the President of the Azerbaijan Republic.*

*V. No one may be elected the President of the Azerbaijan Republic repeatedly, more than two times.*

*VI. Procedure of implementation of the present Article is specified in legislation."*

- I. The President of the Republic of Azerbaijan shall be elected for a five year term based on general, equal and direct suffrage by means of a secret and personal vote.
- II. The President of the Republic of Azerbaijan shall be elected with a majority of the votes of half the voters who participated in the voting.
- III. If such majority of votes has not been achieved during the first round of voting, the second round of voting shall be held on the second Sunday

after the voting day. Only the two candidates who collected most of the votes, or the two candidates next in order to those who collected most of the votes and withdrew their candidacies shall participate in the second round.

- IV. The person who collects majority of votes during the second round shall be considered elected 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. Rules for implementation of this Article shall be defined by the law.

Article 102. Results of elections of the President of the Azerbaijan Republic  
*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"Results of elections of the President of the Azerbaijan Republic are officially announced by Constitutional Court of the Azerbaijan Republic within 7 days from the day of voting."*

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

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

- I. A person elected the President of the Azerbaijan Republic, within 3 days from the day when results of elections of the President of the Azerbaijan Republic have been announced, with participation of judges of Constitutional Court of the Azerbaijan Republic takes an oath: "Carrying out powers of the President of the Azerbaijan Republic I swear to follow the Constitution of the Azerbaijan Republic, protect sovereignty and territorial integrity of the state, to serve people".
- II. It is considered that the President of the Azerbaijan Republic began carrying out his official powers from the day when he took his oath.

Article 104. Inability of the President of the Azerbaijan Republic to carry out his powers

- I. The President of the Azerbaijan Republic is considered having left his position ahead of time on resignation, complete inability to fulfil his

powers due to illness, dismissal from his post in cases and in an order envisaged in the present Constitution.

- II. When the President of the Azerbaijan Republic is going to resign, his application concerning resignation is presented to Constitutional Court of the Azerbaijan Republic. Constitutional Court of the Azerbaijan Republic, having confirmed that the President of the Azerbaijan Republic himself sent in his resignation makes decision to accept such resignation. From that moment the President is considered having left his post due to resignation.
- III. Having received notifications about complete inability of the President of the Azerbaijan Republic to fulfil his powers due to poor health, Milli Majlis of the Azerbaijan Republic applies to the Constitutional Court of the Azerbaijan Republic for clarification of this fact. Should the Constitutional Court of the Azerbaijan Republic confirm this fact the question is settled.

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

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

- I. Whenever the President of the Azerbaijan Republic resigns from his post ahead of time, extraordinary elections of the President of the Azerbaijan Republic are held within three months. In such case, until new President of the Azerbaijan Republic is elected, the Chairman of Milli Majlis of the Azerbaijan Republic will carry out powers of the President of the Azerbaijan Republic.*
- II. If during said term the Chairman of Milli Majlis of the Azerbaijan Republic carrying out powers of the President of the Azerbaijan Republic resigns, becomes incapable of carrying out his powers due to illness, Prime-minister of the Azerbaijan Republic will carry out powers of the President of the Azerbaijan Republic.*
- III. If Prime-minister of the Azerbaijan Republic is unable to fulfil powers of the President of the Azerbaijan Republic due to reasons given in paragraph II of the Present Article, Milli Majlis of the Azerbaijan Republic takes decree about delegation of powers of the President of the Azerbaijan Republic to other official."*

- I. Whenever the President of the Azerbaijan Republic resigns from his post ahead of time, extraordinary elections of the President of the Azerbaijan Republic are held within three months. In such case, until new President of the Azerbaijan Republic is elected, the Prime Minister of the Azerbaijan Republic will carry out powers of the President of the Azerbaijan Republic.
- II. If during said term the Prime Minister of the Azerbaijan Republic carrying out powers of the President of the Azerbaijan Republic resigns, becomes incapable of carrying out his powers due to illness, the Chairman the Milli

Majlis of the Azerbaijan Republic will carry out powers of the President of the Azerbaijan Republic.

- III. If the Chairman of the Milli Majlis of the Azerbaijan Republic is unable to fulfil powers of the President of the Azerbaijan Republic due to reasons given in paragraph II of the Present Article, Milli Majlis of the Azerbaijan Republic takes decree about delegation of powers of the President of the Azerbaijan Republic to other official.

#### Article 106. Immunity of the President of the Azerbaijan Republic

The President of the Azerbaijan Republic enjoys the right of personal immunity. Honour and dignity of the President of the Azerbaijan Republic are protected by law.

#### Article 107. Dismissal of the President of the Azerbaijan Republic from his post

- I. In case of grave crime done by the President of the Azerbaijan Republic the question of dismissal of the President may be submitted to Milli Majlis of the Azerbaijan Republic on initiative of Constitutional Court of the Azerbaijan Republic based on conclusions of Supreme Court of the Azerbaijan Republic presented within 30 days.
- II. The President of the Azerbaijan Republic may be dismissed from his post by decree of Milli Majlis of the Azerbaijan Republic taken by majority of 95 votes of deputies. This decree is signed by the Chairman of Constitutional Court of the Azerbaijan Republic. If Constitutional Court of the Azerbaijan Republic fails to sign said decree within one week it shall not come into force.
- III. Decree about dismissal of the President of the Azerbaijan Republic from his post must be accepted within 2 months from the date of application of Constitutional Court of the Azerbaijan Republic to Milli Majlis of the Azerbaijan Republic. If said decree is not taken within said term, then accusation against the President of the Azerbaijan Republic is considered rejected.

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

*Art. 108 as amended by the 2009 referendum. Previous text:*

*"The President of the Azerbaijan Republic and his family are provided for by the state Security of the President of the Azerbaijan Republic and his family is ensured by special security teams."*

- I. The President of the Republic of Azerbaijan and his or her family shall be secured materially by the state. Security of the President of the Republic of Azerbaijan and his or her family shall be provided by a special security

service.

- II. Regulations for the material security of the person who was elected President of the Republic of Azerbaijan in the past shall be defined by a Constitutional law.

#### Article 109. Competence of the President of the Azerbaijan Republic

*Art. 109 as amended by the 2009 referendum. Previous text:*

*"The President of the Azerbaijan Republic:*

- 1) announces elections to Milli Majlis of the Azerbaijan Republic;*
- 2) submits for approval by Milli Majlis of the Azerbaijan Republic state budget of the Azerbaijan Republic;*
- 3) approves state economic and social programs;*
- 4) by consent of Milli Majlis of the Azerbaijan Republic appoints Prime-minister of the Azerbaijan Republic, dismisses Prime-minister of the Azerbaijan Republic;*
- 5) appoints and dismisses members of Cabinet of Ministers of the Azerbaijan Republic; whenever necessary takes chair at the meetings of Cabinet of Ministers of the Azerbaijan Republic;*
- 6) takes decision about resignation of Cabinet of Ministers of the Azerbaijan Republic;*
- 7) establishes central and local executive power bodies within the limits of sums allotted in state budget of the Azerbaijan Republic;*
- 8) cancels decrees and orders of Cabinet of Ministers of the Azerbaijan Republic and Cabinet of Ministers of Nakhichevan Autonomous Republic, acts of central and local executive power bodies;*
- 9) submits proposals to Milli Majlis of the Azerbaijan Republic about appointment of judges of Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic and the Courts of Appeal of the Azerbaijan Republic; appoints judges of other courts of the Azerbaijan Republic; by consent of Milli Majlis of the Azerbaijan Republic appoints and dismisses General procurator of the Azerbaijan Republic;*
- 10) submits recommendations to Milli Majlis of the Azerbaijan Republic about appointment and dismissal of members of Administration Board of National Bank of the Azerbaijan Republic;*
- 11) submits to Milli Majlis of the Azerbaijan Republic for approval military doctrine of the Azerbaijan Republic;*
- 12) appoints and dismisses officers of higher rank to Military Forces of the Azerbaijan Republic;*
- 13) forms the executive office of the President of the Azerbaijan Republic, appoints its head;*
- 14) Shall recommend to the Milli Majlis of Azerbaijan Republic as regards the election of the Ombudsman of Azerbaijan Republic;*
- 15) submits recommendations to Milli Majlis of the Azerbaijan Republic about establishment of diplomatic representations of the Azerbaijan Republic in foreign countries and under international organizations, appoints and dismisses diplomatic representatives of the Azerbaijan Republic in foreign countries and in international organizations;*
- 16) receives credential papers and letters of recall from diplomatic representatives of foreign countries;*
- 17) concludes interstate and intergovernmental agreements, presents interstate agreements to Milli Majlis of the Azerbaijan Republic for ratification and denunciation; signs decrees on ratification of international agreements;*
- 18) announces referendum;*
- 19) signs and issues laws;*
- 20) settles questions concerning citizenship;*

- 21) settles questions concerning granting political refuge;
  - 22) grants pardon;
  - 23) gives state awards;
  - 24) assigns higher military and higher special ranks;
  - 25) announces total or partial mobilization and also demobilization;
  - 26) takes decision about calling up citizens of the Azerbaijan Republic to urgent military service and transfer to the reserve of soldiers of urgent military service;
  - 27) forms Security Council of the Azerbaijan Republic;
  - 28) submits recommendation to Milli Majlis of the Azerbaijan Republic about consent for use of Military Forces of the Azerbaijan Republic in implementation of duties other than their normal duties;
  - 29) announces state of emergency and martial law;
  - 30) on consent of Milli Majlis of the Azerbaijan Republic announces a war and concludes peace agreements;
  - 31) forms special security bodies within the limits of sums allotted from state budget of the Azerbaijan Republic;
  - 32) settles other questions which under the present Constitution do not pertain to the competence of Milli Majlis of the Azerbaijan Republic and law courts of the Azerbaijan Republic;"
- As amended by the Referendum Act of 28.08.2002.

Previous text:

"The President of the Azerbaijan Republic:

1. announces elections to Milli Majlis of the Azerbaijan Republic;
2. submits for approval by Milli Majlis of the Azerbaijan Republic state budget of the Azerbaijan Republic;
3. approves state economic and social programs;
4. by consent of Milli Majlis of the Azerbaijan Republic appoints Prime-minister of the Azerbaijan Republic, dismisses Prime-minister of the Azerbaijan Republic;
5. appoints and dismisses members of Cabinet of Ministers of the Azerbaijan Republic; whenever necessary takes chair at the meetings of Cabinet of Ministers of the Azerbaijan Republic;
6. takes decision about resignation of Cabinet of Ministers of the Azerbaijan Republic;
7. establishes central and local executive power bodies within the limits of sums allotted in state budget of the Azerbaijan Republic;
8. cancels decrees and orders of Cabinet of Ministers of the Azerbaijan Republic and Cabinet of Ministers of Nakhichevan Autonomous Republic, acts of central and local executive power bodies;
9. submits proposals to Milli Majlis of the Azerbaijan Republic about appointment of judges of Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic and Economic Court of the Azerbaijan Republic; appoints judges of other courts of the Azerbaijan Republic; by consent of Milli Majlis of the Azerbaijan Republic appoints and dismisses General procurator of the Azerbaijan Republic;
10. submits recommendations to Milli Majlis of the Azerbaijan Republic about appointment and dismissal of members of Administration Board of National Bank of the Azerbaijan Republic;
11. submits to Milli Majlis of the Azerbaijan Republic for approval military doctrine of the Azerbaijan Republic;
12. appoints and dismisses officers of higher rank to Military Forces of the Azerbaijan Republic;
13. forms the executive office of the President of the Azerbaijan Republic, appoints its head;
14. appoints and dismisses authorized representatives of the President of the Azerbaijan Republic;
15. submits recommendations to Milli Majlis of the Azerbaijan Republic about establishment of

*diplomatic representations of the Azerbaijan Republic in foreign countries and under international organizations, appoints and dismisses diplomatic representatives of the Azerbaijan Republic in foreign countries and in international organizations;*

- 16. receives credential papers and letters of recall from diplomatic representatives of foreign countries;*
- 17. concludes interstate and intergovernmental agreements, presents interstate agreements to Milli Majlis of the Azerbaijan Republic for ratification and denunciation; signs decrees on ratification of international agreements;*
- 18. announces referendum;*
- 19. signs and issues laws;*
- 20. settles questions concerning citizenship;*
- 21. settles questions concerning granting political refuge;*
- 22. grants pardon;*
- 23. gives state awards;*
- 24. assigns higher military and higher special ranks;*
- 25. announces total or partial mobilization and also demobilization;*
- 26. takes decision about calling up citizens of the Azerbaijan Republic to urgent military service and transfer to the reserve of soldiers of urgent military service;*
- 27. forms Security Council of the Azerbaijan Republic;*
- 28. submits recommendation to Milli Majlis of the Azerbaijan Republic about consent for use of Military Forces of the Azerbaijan Republic in implementation of duties other than their normal duties;*
- 29. announces state of emergency and martial law;*
- 30. on consent of Milli Majlis of the Azerbaijan Republic announces a war and concludes peace agreements;*
- 31. forms special security bodies within the limits of sums allotted from state budget of the Azerbaijan Republic;*
- 32. settles other questions which under the present Constitution do not pertain to the competence of Milli Majlis of the Azerbaijan Republic and law courts of the Azerbaijan Republic;"*

The President of the Republic of Azerbaijan:

- 1) Determines elections to the Milli Majlis of the Republic of Azerbaijan;
- 2) Submits the state budget of the Republic of Azerbaijan to the Milli Majlis for approval;
- 3) Approves state economic and social programs;
- 4) With the consent of the Milli Majlis of the Republic of Azerbaijan appoints the Prime Minister of the Republic of Azerbaijan; dismisses the Prime Minister of the Republic of Azerbaijan;
- 5) Appoints and dismisses members of the Cabinet of Ministers of the

Republic of Azerbaijan; chairs the meetings of the Cabinet of Ministers if necessary;

6) Makes a decision on the resignation of the Cabinet of Ministers of the Republic of Azerbaijan;

7) Establishes central and local executive bodies within the expenses allocated for executive authorities from the state budget of the Republic of Azerbaijan;

8) Terminates decisions and ordinances of the Cabinet of Ministers and Cabinet of Ministers of Nakhchivan Autonomous Republic; and acts of the central and local authorities;

9) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing judges to the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the courts of appeal; appoints judges to other courts of the Republic of Azerbaijan; appoints the Attorney General of the Republic of Azerbaijan with the consent of the Milli Majlis of the Republic of Azerbaijan;

10) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing or dismissing the members of the Board of Directors of the Central Bank of the Republic of Azerbaijan; appoints the Chairman of the Central Bank of the Republic of Azerbaijan from the members of the Governing Board of the Central Bank of the Republic of Azerbaijan.

11) Submits the military doctrine of the Republic of Azerbaijan to the Milli Majlis for approval;

12) Appoints and dismisses the staff for high command of Armed Forces of the Republic of Azerbaijan;

13) Organizes the Administration of the President of the Republic of Azerbaijan and appoints its Heads;

14) Recommends the Milli Majlis of the Republic of Azerbaijan on electing human rights commissioner of the Republic of Azerbaijan;

15) Recommends the Milli Majlis of the Republic of Azerbaijan on establishment of diplomatic representations abroad in international



organizations, appoints and withdraws diplomatic representatives abroad and in international organizations;

16) Accepts credentials of diplomatic representatives of foreign countries;

17) Signs interstate and intergovernmental international agreements; submits interstate and intergovernmental agreements containing rules contrary to the laws of the Republic of Azerbaijan, to the Milli Majlis of the Republic of Azerbaijan for approval or termination; signs the certificates;

18) Determines referendum;

19) Signs laws and publishes them;

20) Resolves issues on citizenship;

21) Resolves issues on granting political asylum;

22) Pardons;

23) Awards with state awards;

24) Grants highest military and highest special ranks;

25) Announces general or partial military mobilization, as well as demobilizes those who were mobilized;

26) Makes decisions on the call of citizens of the Republic of Azerbaijan to limited military service, and on release of military servants who were on limited military service;

27) Establishes the Security Council of the Republic of Azerbaijan;

28) Recommends to the Milli Majlis of the Republic of Azerbaijan on giving consent to the Armed Forces to implement duties that are not under its responsibilities;

29) Declares emergency and military situations;

30) Declares war and concludes peace agreements with the consent of the Milli Majlis of the Republic of Azerbaijan;

31) Establishes special security services within the expenses allocated for such purposes from the state budget of the Republic of Azerbaijan;

32) Resolves other issues not under the responsibilities of the Milli Majlis of the Republic of Azerbaijan and of the judiciary established by this Constitution.

#### Article 110. Signing of the laws

- I. The President of the Azerbaijan Republic signs the laws within 56 days after their presentation. If the President of the Azerbaijan Republic has objections against a law he may return it to Milli Majlis of the Azerbaijan Republic within specified term without signing, together with his comments.
- II. Should the President of the Azerbaijan Republic fail to sign Constitutional laws they will not come into force. If Milli Majlis of the Azerbaijan Republic accepts by majority of 95 votes laws that have been accepted previously by majority of 83 votes, and by majority of 83 votes the laws that have been accepted previously by majority of 63 votes, said laws come into force after repeated voting.

#### Article 111. Declaration of martial law

In cases of actual occupation of some part of the territory of the Azerbaijan Republic, announcement of war by foreign country or countries against the Azerbaijan Republic, blockade of the territory of the Azerbaijan Republic and also whenever there is real danger of armed attack against the Azerbaijan Republic, blockade of the territory of the Azerbaijan Republic and also in case of real threat of such blockade the President of the Azerbaijan Republic announces martial law all over the territory of the Azerbaijan Republic or in individual areas, and within 24 hours submits re- respective decree for approval by Milli Majlis of the Azerbaijan Republic.

#### Article 112. State of emergency

Whenever natural calamities take place, epidemic, epizootic, grave ecological and other disasters and also on accomplishment of acts aimed to violation of territorial integrity of the Azerbaijan Republic, revolt or state coup, with mass disorders accompanied by violence, other conflicts threatening life and safety of

citizens, or normal activity of state bodies, the President of the Azerbaijan Republic announces state of emergency in individual areas of the Azerbaijan Republic and within 24 hours submits respective decree for approval by Milli Majlis of the Azerbaijan Republic.

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

- I. Establishing general procedures the President of the Azerbaijan Republic issues decrees, as per all other questions he issues orders.
- II. If not specified otherwise in decrees and orders of the President of the Azerbaijan Republic they become valid from the day of their publication.

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

- I. For implementation of executive powers the President of the Azerbaijan Republic establishes Cabinet of Ministers of the Azerbaijan Republic.
- II. Cabinet of Ministers of the Azerbaijan Republic is the highest body of executive power of the President of the Azerbaijan Republic.
- III. Cabinet of Ministers of the Azerbaijan Republic is subordinate to the President of the Azerbaijan Republic and reports to him.
- IV. Procedure of activity of Cabinet of Ministers of the Azerbaijan Republic is defined by the President of the Azerbaijan Republic.

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

Cabinet of Ministers of the Azerbaijan Republic includes Prime-minister of the Azerbaijan Republic, his deputies, ministers and heads of other central bodies of executive power.

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

On a day when newly elected President of the Azerbaijan Republic comes into his rights and begins carrying out his powers Cabinet of Ministers of the Azerbaijan Republic resigns.

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

As a rule, Prime-minister of the Azerbaijan Republic takes chair at the meetings of the Cabinet of Ministers of the Azerbaijan Republic.

#### Article 118. Procedure of appointment of Prime-minister of the Azerbaijan Republic

- I. Prime-minister of Azerbaijan Republic is appointed by the President of the Azerbaijan Republic on consent of Milli Majlis of the Azerbaijan Republic.
- II. Proposed candidature for the post of Prime-minister of the Azerbaijan Republic is submitted for consideration to Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic not later than one month from the day when the President begins carrying out his powers, or not later than two weeks from the day of resignation of Cabinet of Ministers of the Azerbaijan Republic.
- III. Milli Majlis of the Azerbaijan Republic takes decision concerning the candidate to the post of Prime-minister of the Azerbaijan Republic not later than within one week from the day when such candidature has been proposed. Should said procedure be violated, or candidatures proposed by the President of the Azerbaijan Republic for the post of Prime-minister of the Azerbaijan Republic be rejected three times, then the President of the Azerbaijan Republic may appoint Prime-minister of the Azerbaijan Republic without consent of Milli Majlis of the Azerbaijan Republic.

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

##### Cabinet of Ministers of the Azerbaijan Republic:

- prepares draft of state budget of the Azerbaijan Republic and submits it to the President of the Azerbaijan Republic;
- provides implementation of state budget of the Azerbaijan Republic;
- provides implementation of financial-credit and monetary policy;
- provides implementation of state economic programs;
- provides implementation of state social programs;
- carries out control over ministries and other central bodies of executive power, annuls their acts;
- solves other questions delegated to it by the President of the Azerbaijan Republic.

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

- I. Establishing general procedures Cabinet of Ministers of the Azerbaijan Republic issues decrees, as per all other questions it issues orders.
- II. If not specified otherwise in decrees and orders of Cabinet of Ministers of the Azerbaijan Republic, they become valid from the day of their publication.

#### Article 121. Requirements to candidates to the posts of members of Cabinet of Ministers of the Azerbaijan Republic

- I. Prime-minister of the Azerbaijan Republic shall be a citizen of the Azerbaijan Republic not younger than 30, having voting right, with university degree, having no liabilities in other states.
- II. Deputy Prime-minister of the Azerbaijan Republic, minister, head of other central body of executive power shall be a citizen of the Azerbaijan Republic not younger than 25, having voting right, with university degree, having no liabilities in other states.

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

Prime-minister of the Azerbaijan Republic, his deputies, ministers, heads of other central bodies of executive power may not occupy any posts, irrespective of the procedure elections or ap appointment, may not be involved in business, commercial and other payable activity except scientific, pedagogical and creative activity, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

#### Article 123. Immunity of Prime-minister of the Azerbaijan Republic

- I. Prime-minister of the Azerbaijan Republic enjoys immunity during the whole term of his powers.
- II. Prime-minister of the Azerbaijan Republic may not be arrested, called to criminal responsibility except cases when he has been caught in the act of crime, disciplinary measures may not be applied to him by law court, he may not be searched.
- III. Prime-minister of the Azerbaijan Republic may be arrested if he has been caught in the act of crime. In such case body detained the deputy of Milli Majlis of the Azerbaijan Republic must immediately notify General Procurator of the Azerbaijan Republic about the fact.
- IV. Immunity of Prime-minister of the Azerbaijan Republic might be stopped only by the President of the Azerbaijan Republic, based on application of General Procurator of the Azerbaijan Republic.

#### Article 124. Local bodies of executive power

- I. Heads of executive power bodies carry out executive power locally.
- II. Heads of executive power bodies are appointed to their posts and dismissed by the President of the Azerbaijan Republic.
- III. Limits of authority of local executive power bodies are determined by the President of the Azerbaijan Republic.

## Chapter VII. Judicial power

### Article 125. Judicial power

*Art. 125 as amended by the 2009 referendum. Previous text:*

- I. Judicial power in Azerbaijan is implemented by law courts.*
- II. Judicial power is implemented through the Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Courts of Appeal of the Azerbaijan Republic, ordinary and specialized law courts of the Azerbaijan Republic.*
- III. Judicial power is implemented by way of constitutional, civil and criminal legal proceedings and other forms of legislation provided for by law.*
- IV. In the criminal legal proceedings, Procurator's Office of the Azerbaijan Republic and lawyers take part.*
- V. Judicial system and legal proceedings in the Azerbaijan Republic are determined by law.*
- VI. Use of legal means aimed to change of authority of law courts and establishment of extraordinary law courts which are not envisaged by the law are prohibited."*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

- I. Judicial power in Azerbaijan is implemented by law courts.*
- II. Judicial power is implemented through the Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Economic Court of the Azerbaijan Republic, ordinary and specialized law courts of the Azerbaijan Republic.*
- III. Judicial power is implemented by way of constitutional, civil and criminal legal proceedings and other forms of legislation provided for by law.*
- IV. In all legal proceedings, except constitutional proceedings, Procurator's Office of the Azerbaijan Republic and lawyers take part.*
- V. Judicial system and legal proceedings in the Azerbaijan Republic are determined by law.*
- VI. Use of legal means aimed to change of authority of law courts and establishment of extraordinary law courts which are not envisaged by the law are prohibited."*

- I. Judicial power of the Republic of Azerbaijan can only be exercised by courts through a fair trial.
- II. Judicial power shall be exercised by the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, courts of appeal of the Republic of Azerbaijan, general courts and other specialized courts of the Republic of Azerbaijan.
- III. Judicial power shall be exercised by the Constitution, through civil and criminal court proceedings and through other means provided by the law.
- IV. The Prosecutor's Office of the Republic of Azerbaijan and the defense shall be parts of the criminal court proceeding.
- V. Structure of the court and rules for court proceedings shall be defined by the law.
- VI. Implementation of legal methods that are not established for changing the responsibilities of courts, and establishment of emergency courts shall be prohibited.
- VII. Court proceeding shall provide for the discovery of the truth.

## Article 126. Requirements to candidates to judges posts

- I. Judges shall be citizens of the Azerbaijan Republic not younger than 30, having voting right, higher juridical education and at least 5-year working experience in the sphere of law.
- II. Judges may not occupy any other posts, irrespective of the procedure elections or appointment, may not be involved in business, commercial and other payable activity, except scientific, pedagogical and creative activity, may not be involved in political activity and join political parties, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

## Article 127. Independence of judges, main principles and conditions of implementation of justice

- I. Judges are independent, they are subordinate only to Constitution and laws of the Azerbaijan Republic, they cannot be replaced during the term of their authority.
- II. In consideration of legal cases judges must be impartial, fair, they should provide juridical equality of parties, act based on facts and according to the law.
- III. Direct and indirect restriction of legal proceedings from somebody's part and due to some reason, illegal influence, threats and interference are not allowed.
- IV. Justice shall be implemented based on equality of citizens before the law and law court.
- V. In all law courts hearing of legal cases shall be open.
- VI. It is allowed to have closed hearing of legal cases only if the law court decides that open hearings may result in disclosure of state, professional or commercial secrets, or that it is necessary to keep confidentiality with respect to personal or family life.
- VII. Except cases envisaged by law it is prohibited to carry out legal proceedings by correspondence.
- VIII. Law proceedings are carried out based on the principle of contest.
- IX. Everyone has the right for defence at all stages of legal proceedings.
- X. Justice is based on presumption of innocence. In the Azerbaijan Republic legal proceedings are carried out in state language of the Azerbaijan Republic or in a language of majority of population in specific area. Persons - participants of legal proceedings not knowing the language of proceedings have the right to be acquainted with materials of proceedings, to take part in legal proceedings using interpreter, to make statements in the law court in their native language.

## Article 128. Immunity of judges

- I. Judges are immune.
- II. A judge may be called to criminal responsibility only in accordance with law.
- III. Authority of judges might be stopped only based on reasons and rules envisaged by the law.
- IV. Whenever judges commit crime, the President of the Azerbaijan Republic, based on conclusions of Supreme Court of the Azerbaijan Republic, may make statement in Milli Majlis of the Azerbaijan Republic with the initiative to dismiss judges from their posts. Respective conclusions of Supreme Court of the Azerbaijan Republic must be presented to the President of the Azerbaijan Republic within 30 days after his request.
- V. Decision about dismissal of judges of Constitutional Court of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic and Economic Court of the Azerbaijan Republic is taken by Milli Majlis of the Azerbaijan Republic with majority of 83 votes; decision about dismissal of other judges is taken by Milli Majlis of the Azerbaijan Republic with majority of 63 votes.

## Article 129. Decisions of law courts and their implementation

*Art. 129 as amended by the 2009 referendum. Previous text:*

*"Law courts take decisions on behalf of the state; implementation of these decisions is obligatory."*

- I. Court decisions shall be made on behalf of the state and their implementation shall be mandatory.
- II. Failure to execute a court decisions entails liability prescribed by law.
- III. A court decision shall be grounded in law and evidence.

## Article 130. Constitutional Court of the Azerbaijan Republic

*Art. 130 as amended by the 2009 referendum. Previous text:*

*I. Constitutional Court of the Azerbaijan Republic consists of 9 judges.*

*II. Judges of Constitutional Court of the Azerbaijan Republic are appointed by Milli Majlis of the Azerbaijan Republic on recommendation by the President of the Azerbaijan Republic.*

*III. Constitutional Court of the Azerbaijan Republic based on inquiry of the President of the Azerbaijan Republic, Milli Majlis of the Azerbaijan Republic, Cabinet of Ministers of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Procurator's Office of the Azerbaijan Republic, Ali Majlis of Nakhichevan Autonomous Republic takes decisions regarding the following:*

- 1. correspondence of laws of the Azerbaijan Republic, decrees and orders of the President of the Azerbaijan Republic, decrees of Milli Majlis of the Azerbaijan Republic, aecrees and orders of Cabinet of Ministers of the Azerbaijan Republic, normative-legal acts of central bodies of executive power to Constitution of the Azerbaijan Republic;*



2. *correspondence of decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic, normative-legal acts of central bodies of executive power to the laws of the Azerbaijan Republic;*
3. *correspondence of decrees of Cabinet of Ministers of the Azerbaijan Republic and normative-legal acts of central bodies of executive power to decrees of the President of the Azerbaijan Republic;*
4. *in cases envisaged by law, correspondence of decisions of Supreme Court of the Azerbaijan Republic to Constitution and laws of the Azerbaijan Republic;*
5. *correspondence of acts of municipalities to Constitution of the Azerbaijan Republic, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic (in Nakhichevan Autonomous Republic - also to Constitution and laws of Nakhichevan Autonomous Republic and decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic);*
6. *correspondence of interstate agreements of the Azerbaijan Republic, which have not yet become valid, to Constitution of the Azerbaijan Republic; correspondence of intergovernmental agreements of the Azerbaijan Republic to Constitution and laws of the Azerbaijan Republic;*
7. *correspondence of Constitution and laws of Nakhichevan Autonomous Republic, decrees of Ali Majlis of Nakhichevan Autonomous Republic, decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to Constitution of the Azerbaijan Republic; correspondence of laws of Nakhichevan Autonomous Republic, decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to laws of the Azerbaijan Republic; correspondence of decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to decrees of the President of the Azerbaijan Republic and decrees of Cabinet of Ministers of the Azerbaijan Republic;*
8. *settlement of disputes connected with division of authority between legislative, executive and judicial powers.*

*IV. Constitutional Court of the Azerbaijan Republic gives interpretation of the Constitution and laws of the Azerbaijan Republic based on inquiries of the President of the Azerbaijan Republic, Milli Majlis of the Azerbaijan Republic, Cabinet of Ministers of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Procurator's Office of the Azerbaijan Republic and Ali Majlis of Nakhichevan Autonomous Republic.*

*V. Everyone claiming to be the victim of a violation of his/her rights and freedoms by the decisions of legislative, executive and judiciary, municipal acts set forth in the items 1-7 of the Para III of this Article may appeal, in accordance with the procedure provided for by law, to the Constitutional Court of the Republic of Azerbaijan with the view of the restoration of violated human rights and freedoms.*

*VI. In accordance with the procedure provided for by the laws of Azerbaijan Republic the courts may file the Constitutional Court of Azerbaijan Republic a request on interpretation of the Constitution and the laws of Azerbaijan Republic as regards the matters concerning the implementation of human rights and freedoms.*

*VII. Ombudsman of Azerbaijan Republic in accordance with the procedure provided for by the laws of the Republic of Azerbaijan for solving the matters indicated in items 1-7, para III of the given Article shall apply to the Constitutional Court of the Republic of Azerbaijan in cases where the rights and freedoms of a person had been violated by legislative acts in force, normative acts of executive power, municipalities as well as the court decisions.*

*VIII. Constitutional Court of the Azerbaijan Republic exercises also other authorities envisaged in the present Constitution.*

*IX. Constitutional Court of the Azerbaijan Republic takes decisions as regards the questions of its competence. Decisions of Constitutional Court of the Azerbaijan Republic are obligatory all over the territory of the Azerbaijan Republic.*

*X. Laws and other acts, individual provisions of these documents, intergovernmental agreements of the Azerbaijan Republic cease to be valid in term specified in the decision of Constitutional Court of the Azerbaijan Republic, and interstate agreements of the Azerbaijan Republic do not come into force."*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. Constitutional Court of the Azerbaijan Republic consists of 9 judges.*

*II. Judges of Constitutional Court of the Azerbaijan Republic are appointed by Milli Majlis of the Azerbaijan Republic on recommendation by the President of the Azerbaijan Republic.*

*III. Constitutional Court of the Azerbaijan Republic based on inquiry of the President of the Azerbaijan Republic, Milli Majlis of the Azerbaijan Republic, Cabinet of Ministers of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Procurator's Office of the Azerbaijan Republic, Ali Majlis of Nakhichevan Autonomous Republic takes decisions regarding the following:*

*1. correspondence of laws of the Azerbaijan Republic, decrees and orders of the President of the Azerbaijan Republic, decrees of Milli Majlis of the Azerbaijan Republic, decrees and orders of Cabinet of Ministers of the Azerbaijan Republic, normative-legal acts of central bodies of executive power to Constitution of the Azerbaijan Republic;*

*2. correspondence of decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic, normative-legal acts of central bodies of executive power to the laws of the Azerbaijan Republic;*

*3. correspondence of decrees of Cabinet of Ministers of the Azerbaijan Republic and normative-legal acts of central bodies of executive power to decrees of the President of the Azerbaijan Republic;*

*4. in cases envisaged by law, correspondence of decisions of Supreme Court of the Azerbaijan Republic to Constitution and laws of the Azerbaijan Republic;*

*5. correspondence of acts of municipalities to Constitution of the Azerbaijan Republic, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic (in Nakhichevan Autonomous Republic - also to Constitution and laws of Nakhichevan Autonomous Republic and decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic);*

*6. correspondence of interstate agreements of the Azerbaijan Republic, which have not yet become valid, to Constitution of the Azerbaijan Republic; correspondence of intergovernmental agreements of the Azerbaijan Republic to Constitution and laws of the Azerbaijan Republic;*

*7. prohibition of political parties or other public unions;*

*8. correspondence of Constitution and laws of Nakhichevan Autonomous Republic, decrees of Ali Majlis of Nakhichevan Autonomous Republic, decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to Constitution of the Azerbaijan Republic; correspondence of laws of Nakhichevan Autonomous Republic, decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to laws of the Azerbaijan Republic; correspondence of decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic to decrees of the President of the Azerbaijan Republic and decrees of Cabinet of Ministers of the Azerbaijan Republic;*

*9. settlement of disputes connected with division of authority between legislative, executive and judicial powers.*

*IV. Constitutional Court of the Azerbaijan Republic gives interpretation of the Constitution and laws of the Azerbaijan Republic based on inquiries of the President of the Azerbaijan Republic, Milli*

*Majlis of the Azerbaijan Republic, Cabinet of Ministers of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic, Procurator's Office of the Azerbaijan Republic and Ali Majlis of Nakhichevan Autonomous Republic.*

*V. Constitutional Court of the Azerbaijan Republic exercises also other authorities envisaged in the present Constitution.*

*VI. Constitutional Court of the Azerbaijan Republic takes decisions as regards the questions of its competence. Decisions of Constitutional Court of the Azerbaijan Republic are obligatory all over the territory of the Azerbaijan Republic.*

*VII. Laws and other acts, individual provisions of these documents, intergovernmental agreements of the Azerbaijan Republic cease to be valid in term specified in the decision of Constitutional Court of the Azerbaijan Republic, and interstate agreements of the Azerbaijan Republic do not come into force."*

- I. The Constitutional Court of the Republic of Azerbaijan shall be comprised of nine members.
- II. Judges of the Constitutional Court of the Republic of Azerbaijan shall be appointed by the Milli Majlis of the Republic of Azerbaijan with recommendation of the President of the Republic of Azerbaijan.
- III. The Constitutional Court of the Republic of Azerbaijan shall resolve the following issues based upon the request of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan, Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Prosecutor's Office of the Republic of Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic:
  1. compliance of the laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, decisions of the Milli Majlis of the Republic of Azerbaijan, decisions and orders of the Cabinet of Ministers of the Republic of Azerbaijan, normative legal acts of the central executive authority bodies with the Constitution of the Republic of Azerbaijan;
  2. compliance of the decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan, normative legal acts of the central executive authority bodies with the laws of the Republic of Azerbaijan;
  3. compliance of decisions of the Cabinet of Ministers, normative legal acts of the central executive authority bodies with decrees of the President of the Republic of Azerbaijan;
  4. compliance of decisions of the Supreme Court of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan, in cases considered by the law;
  5. compliance of municipal acts with the Constitution of the Republic of Azerbaijan, laws of the Republic of Azerbaijan, decrees of the

- President of the Republic of Azerbaijan, decision of the Cabinet of Ministers of the Republic of Azerbaijan (in Nakhchivan Autonomous Republic, as well as with the Constitution and laws of Nakhchivan Autonomous Republic, decisions of the Cabinet of Ministers of Nakhchivan Autonomous Republic);
6. compliance of interstate agreements of the Republic of Azerbaijan that are not in force with the Constitution of the Republic of Azerbaijan; compliance of intergovernmental agreements of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan;
  7. compliance of the Constitution of Nakhchivan Autonomous Republic, laws, decisions of the Supreme Majlis and Cabinet of Ministers of Nakhchivan Autonomous Republic with the Constitution of the Republic of Azerbaijan; compliance of laws of Nakhchivan Autonomous Republic, decision of the Cabinet of Ministers of Nakhchivan Autonomous Republic with the laws of the Republic of Azerbaijan; compliance of decision of the Cabinet of Ministers of Nakhchivan Autonomous Republic with decrees of the President of the Republic of Azerbaijan and with decisions of the Cabinet of Ministers of the Republic of Azerbaijan;
  8. disputes regarding the division of powers between legislative, executive and judiciary powers.
- IV. The Constitutional Court of the Republic of Azerbaijan shall interpret the Constitution and laws of the Republic of Azerbaijan at the request of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan, the Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Prosecutor's Office of the Republic of Azerbaijan, the Supreme Majlis of Nakhchivan Autonomous Republic.
- V. For resolution of issues indicated in Articles 130.III.1 and 130.III.7 by the Constitutional Court of the Republic of Azerbaijan, everyone has the right to file complaints to the Constitutional Court of the Republic of Azerbaijan, in accordance with rules specified by laws, against legal and normative acts of executive authorities and municipalities, as well as rulings of courts which violate individuals' rights and freedoms, in order to restore the violated rights and freedoms.
- VI. Within the rules established by the laws of the Republic of Azerbaijan, the courts may request the Constitutional Court of the Republic of Azerbaijan to interpret the Constitution and laws of the Republic of Azerbaijan regarding enjoying human rights and freedoms.

- VII. For resolution of the issues indicated in Articles 130.II.1 and 130.III.7 by the Constitutional Court of the Azerbaijan Republic, the human rights commissioner of the Republic of Azerbaijan can file an inquiry to the Constitutional Court of the Republic of Azerbaijan regarding legal and normative acts of executive authorities and municipalities as well as rulings of courts, which violate human rights and freedoms in accordance with rules specified by laws.
- VIII. The Constitutional Court of the Republic of Azerbaijan may implement other duties established by this Constitution.
- IX. The Constitutional Court of the Republic of Azerbaijan shall make the decisions under its competence. The decision of the Constitutional Court shall have mandatory force within the territory of the Republic of Azerbaijan. The decisions of the Constitutional Court of the Republic of Azerbaijan shall be published.
- X. Laws and other acts, or their separate provisions, intergovernmental agreements of the Republic of Azerbaijan shall lose their force within the timeframe established in the decision of the Constitutional Court of the Republic of Azerbaijan. But interstate agreements of the Republic of Azerbaijan do not come into force.

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

*Art. 131 as amended by the 2009 referendum. Previous text:*

*"I. Supreme Court of the Azerbaijan Republic is the highest judicial body on civil, criminal, administrative and other cases directed to general and specialized law courts; it, via the cassation procedure, shall administer the justice; gives explanations as per practices in activity of law courts in an order envisaged by legislation;*

*II. Judges of Supreme Court of the Azerbaijan Republic are appointed by Milli Majlis of the Azerbaijan Republic on recommendation of the President of the Azerbaijan Republic"*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. Supreme Court of the Azerbaijan Republic is the highest judicial body on civil, criminal, administrative and other cases directed to general and specialized law courts; it exercises control over activity of general and specialized law courts; gives explanations as per practices in activity of law courts in an order envisaged by legislation;*

*II. Judges of Supreme Court of the Azerbaijan Republic are appointed by Milli Majlis of the Azerbaijan Republic on recommendation of the President of the Azerbaijan Republic."*

- I. The Supreme Court of the Republic of Azerbaijan is the supreme judicial body on civil, criminal and other issues that are under general and specialized court proceedings; it implements fair trials by way of cassation; gives explanations regarding the practice of the courts.
- II. With the recommendation of the President of the Republic of Azerbaijan, the Milli Majlis of the Republic of Azerbaijan shall appoint the judges of the Supreme Court of the Republic of Azerbaijan.

- III. The decisions of the Supreme Court of the Republic of Azerbaijan shall be published.

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

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. Economic Court of the Azerbaijan Republic is the highest law court on settlement of economic disputes. It carries out control over activity of respective specialized law courts in an order envisaged by legislation.*

*II. Judges of Economic Court of the Azerbaijan Republic are appointed by Milli Majlis of the Azerbaijan Republic on recommendation by the President of the Azerbaijan Republic."*

- I. The Courts of Appeal of Azerbaijan Republic shall be the higher courts considering the issues falling within their competences according to the legislation.
- II. Judges of the Courts of Appeal of Azerbaijan Republic shall be appointed by the Milli Majlis of Azerbaijan Republic upon the recommendation of the President of Azerbaijan Republic.

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

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. In an order specified by legislation, Procurator's Office of the Azerbaijan Republic exercises control over accurate and uniform fulfilment and application of laws; in cases envisaged by legislation it undertakes prosecution and carries out investigation; supports state incrimination in the law court; brings in an action in the law court; remonstrates against decisions of law court.*

*II. Procurator's Office of the Azerbaijan Republic is an integral centralized body based on subordination of territorial and specialized procurators to General Procurator of the Azerbaijan Republic.*

*III. General Procurator of the Azerbaijan Republic is appointed to his post and dismissed from it by the President of the Azerbaijan Republic, on consent of Milli Majlis of the Azerbaijan Republic.*

*IV. Deputies of General Procurator of the Azerbaijan Republic, procurators supervising specialized republican procurator's offices, procurator of Nakhichevan Autonomous Republic are appointed to their posts and dismissed from their posts by the President of the Azerbaijan Republic on recommendation of General Procurator of the Azerbaijan Republic.*

*V. Territorial and specialised procurators are appointed to their posts and dismissed by General Procurator of the Azerbaijan Republic on agreement with the President of the Azerbaijan Republic."*

- I. Via procedure and in cases specified by legislation, Procurator's Office of the Azerbaijan Republic exercises control over fulfilment and application of laws; in cases envisaged by legislation it undertakes prosecution and carries out investigation; supports state incrimination in the law court; brings in an action in the law court; remonstrates against decisions of law court.

- II. Procurator's Office of the Azerbaijan Republic is an integral centralized body based on subordination of territorial and specialized procurators to General Procurator of the Azerbaijan Republic.
- III. General Procurator of the Azerbaijan Republic is appointed to his post and dismissed from it by the President of the Azerbaijan Republic, on consent of Milli Majlis of the Azerbaijan Republic.
- IV. Deputies of General Procurator of the Azerbaijan Republic, procurators supervising specialized republican procurator's offices, procurator of Nakhichevan Autonomous Republic are appointed to their posts and dismissed from their posts by the President of the Azerbaijan Republic on recommendation of General Procurator of the Azerbaijan Republic.
- V. Territorial and specialised procurators are appointed to their posts and dismissed by General Procurator of the Azerbaijan Republic on agreement with the President of the Azerbaijan Republic

## **Chapter VIII. Nakhichevan Autonomous Republic**

### Article 134. Status of Nakhichevan Autonomous Republic

*As amended by the Referendum Act of 28.08.2002: new paragraph VI added.*

- I. Nakhichevan Autonomous Republic is autonomous state within the Azerbaijan Republic.
- II. Status of Nakhichevan Autonomous Republic is defined in the present Constitution.
- III. Nakhichevan Autonomous Republic is an integral part of the Azerbaijan Republic.
- IV. Constitution of the Azerbaijan Republic, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic and decrees of Cabinet of Ministers of the Azerbaijan Republic are obligatory on the territory of Nakhichevan Autonomous Republic.
- V. Constitution and laws of Nakhichevan Autonomous Republic accepted by Ali Majlis of Nakhichevan Autonomous Republic shall not contradict respectively to Constitution and laws of the Azerbaijan Republic; decrees accepted by Cabinet of Ministers of Nakhichevan Autonomous Republic - to Constitution and laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic and decrees of Cabinet of Ministers of the Azerbaijan Republic.
- VI. The Constitution of the Nakhichevan Autonomous Republic shall be submitted to the Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic and shall be approved by the Constitutional Law.

## Article 135. Division of powers in Nakhichevan Autonomous Republic

- I. Legislative power in Nakhichevan Autonomous Republic is implemented by Ali Majlis of Nakhichevan Autonomous Republic, executive power - by the Cabinet of Ministers of Nakhichevan Autonomous Republic, judicial power - by law courts of Nakhichevan Autonomous Republic.
- II. Ali Majlis of Nakhichevan Autonomous Republic independently settles questions which according to Constitution and laws of the Azerbaijan Republic fall under its competence; Cabinet of Ministers of Nakhichevan Autonomous Republic independently settles questions which according to Constitution and laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic fall under its competence; law courts of Nakhichevan Autonomous Republic independently settle questions which according to Constitution and laws of the Azerbaijan Republic fall under their competence.

## Article 136. The highest official of Nakhichevan Autonomous Republic

Chairman of Ali Majlis of Nakhichevan Autonomous Republic is the highest official of Nakhichevan Autonomous Republic.

## Article 137. Ali Majlis of Nakhichevan Autonomous Republic

- I. Ali Majlis of Nakhichevan Autonomous Republic consists of 45 members.
- II. Term of authority of Ali Majlis of Nakhichevan Autonomous Republic is 5 years.
- III. Ali Majlis of Nakhichevan Autonomous Republic elects chairman of Ali Majlis of Nakhichevan Autonomous Republic and his deputies, establishes permanent and other commissions.

## Article 138. Competence of Ali Majlis of Nakhichevan Autonomous Republic

- I. Ali Majlis of Nakhichevan Autonomous Republic establishes general procedures concerning the following:
  1. elections to Ali Majlis of Nakhichevan Autonomous Republic;
  2. taxes;
  3. routes of economic development of Nakhichevan Autonomous Republic;
  4. social maintenance;
  5. protection of environment;
  6. tourism;
  7. protection of health, science, culture.



- II. Ali Majlis of Nakhichevan Autonomous Republic accepts laws related to questions specified in the present Article.

Article 139. Questions solved by Ali Majlis of Nakhichevan Autonomous Republic

- I. Ali Majlis of Nakhichevan Autonomous Republic takes decisions concerning the following questions:
  8. organisation of work in Ali Majlis of Nakhichevan Autonomous Republic;
  9. approval of the budget of Nakhichevan Autonomous Republic;
  10. approval of economic and social programs of Nakhichevan Autonomous Republic;
  11. appointment and dismissal of Prime-minister of Nakhichevan Autonomous Republic;
  12. approval of composition of Cabinet of Ministers of Nakhichevan Autonomous Republic;
  13. decisions concerning vote of confidence in Cabinet of Ministers of Nakhichevan Autonomous Republic.

- II. Ali Majlis of Nakhichevan Autonomous Republic issues decree concerning questions specified in the present Article.

Article 140. Cabinet of Ministers of Nakhichevan Autonomous Republic

- I. Composition of Cabinet of Ministers of Nakhichevan Autonomous Republic recommended by Prime-minister of Nakhichevan Autonomous Republic is approved by Ali Majlis of Nakhichevan Autonomous Republic.
- II. Prime-minister of Nakhichevan Autonomous Republic is appointed by Ali Majlis of Nakhichevan Autonomous Republic on recommendation by the President of the Azerbaijan Republic.
- III. Cabinet of Ministers of Nakhichevan Autonomous Republic:
  - prepares draft of budget of Autonomous Republic and presents it for approval by Ali Majlis of Nakhichevan Autonomous Republic;
  - implements the budget of Autonomous Republic; provides implementation of economic programs of Autonomous Republic;
  - provides implementation of social programs of Autonomous Republic; o settles other questions delegated to it by the President of the Azerbaijan Republic.
- IV. Cabinet of Ministers of Nakhichevan Autonomous Republic issues orders and decrees.

## Article 141. Local executive power in Nakhichevan Autonomous Republic

In Nakhichevan Autonomous Republic heads of local executive power bodies are appointed by the President of the Azerbaijan Republic on recommendation of the Chairman of Ali Majlis of Nakhichevan Autonomous Republic.

## **Fourth Section. Local self-government**

### **Chapter IX. Municipalities**

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

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

- I. Local self-government is carried out by municipalities.*
- II. Municipalities are formed based on elections.*
- III. Procedure of elections to municipalities and status of municipalities are specified in laws."*

- I. Local self-government is carried out by municipalities.
- II. Municipalities are formed based on elections.
- III. The foundations of the status of municipalities shall be determined by given Constitution. The regulations of elections to the municipalities shall be determined by law.

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

- I. Activity of municipalities is carried out by way of meetings, permanent and other commissions.
- II. Meetings of municipalities are summoned by their chairmen.

#### Article 144. Authority of municipalities

- I. The following questions are settled at the meetings of municipalities:
  - 1. recognition of authority of municipality members, loss of their authority and termination of their authority according to legislation;
  - 2. approval of in-house regulations of municipality;
  - 3. elections of the chairman of municipality, his deputies, permanent and other commissions;
  - 4. establishment of local taxes and duties;
  - 5. approval of local budget and reports on its implementation;
  - 6. possession of municipal property, use and disposal thereof;
  - 7. acceptance and implementation of local programs of social protection and social development;

8. acceptance and implementation of local programs of economic development;
  9. acceptance and implementation of local ecological programs.
- II. Municipalities may be given additional authorities of legislative and executive power. To implement these authorities respective financing is required.

Implementation of such authorities will be controlled respectively by legislative and executive power bodies.

#### Article 145. Decisions of municipalities

- I. Concerning the agenda of the meetings of municipality decisions shall be taken.
- II. Decisions at the meetings of municipality are taken by simple majority of voting members of municipality.
- III. Decisions related to local taxes and duties are taken by majority of two thirds of votes of municipality members.

#### Article 146. Guarantee of inviolability of municipalities

*Art. 146 as amended by the 2009 referendum. Previous text:*

*"Legal protection of municipalities, compensation of additional expenditures resulted from decisions made by state bodies are guaranteed."*

- I. Municipalities are independent to exercise their power; nevertheless it does not exclude their responsibility before the citizens residing in the territory of the municipality. Regulations and order for selection of the municipality members, termination of their power, and regulation for early dissolution of municipalities shall be set forth by law.
- II. Independent execution by the municipalities of their powers may not damage the sovereignty of the Azerbaijani state.
- III. The state oversees the activities of municipalities.
- IV. Municipalities submit reports to the Milli Majlis of the Republic of Azerbaijan in cases and in the manner prescribed by law.
- V. Municipalities shall be ensured protection by the court, and ensured reimbursement of additional expenses caused by decisions of the state bodies.

## **Fifth Section. The right and the law**

### **Chapter X. Legislative system**

#### Article 147. Legal force of Constitution of the Azerbaijan Republic

- I. Constitution of the Azerbaijan Republic possesses highest legal power.
- II. Constitution of the Azerbaijan Republic possesses direct legal power.
- III. Constitution of the Azerbaijan Republic is the basis of legislative system of the Azerbaijan Republic.

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

- I. Legislative system consists of the following normative-legal acts:
  1. Constitution;
  2. acts accepted by referendum;
  3. laws;
  4. orders;
  5. decrees of Cabinet of Ministers of the Azerbaijan Republic;
  6. normative acts of central executive power bodies.
- II. International agreements wherein the Azerbaijan Republic is one of the parties constitute an integral part of legislative system of the Azerbaijan Republic.
- III. In Nakhichevan Autonomous Republic Constitution and laws of Nakhichevan Autonomous Republic, decrees of the Cabinet of Ministers of Nakhichevan Autonomous Republic also possess legal power.
- IV. Legislative system of Nakhichevan Autonomous Republic should conform to legislative system of the Azerbaijan Republic.
- V. Within the limits of their authority local bodies of executive power may accept normative acts not contradicting acts constituting the legislative system.

#### Article 149. Normative-legal acts

*Art. 149 as amended by the 2009 referendum. Previous text:*

- I. Normative-legal acts should be based on law and justice (same attitude to equal interests).*
- II. Use and implementation of acts taken by referendum is obligatory for citizens, legislative, executive and judicial power bodies, legal entities and municipalities only after their publication.*
- III. The laws should not contradict the Constitution. Use and implementation of published laws is obligatory for all citizens, legislative, executive and judicial power bodies, legal entities and municipalities.*
- IV. Decrees of the President of the Azerbaijan Republic should not contradict the Constitution and laws of the Azerbaijan Republic. Use and implementation of published decrees is obligatory for all citizens, executive power bodies, legal entities.*

V. *Decrees of Cabinet of Ministers of the Azerbaijan Republic should not contradict the Constitution, laws of the Azerbaijan Republic and decrees of the President of the Azerbaijan Republic. Use and implementation of published decrees of the Cabinet of Ministers is obligatory for citizens, central and local executive power bodies, legal entities.*

VI. *Acts of central bodies of executive power should not contradict the Constitution, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic.*

VII. *Normative-legal acts improving legal situation of physical persons and legal entities, eliminating or mitigating their legal responsibility have reverse power. Other normative-legal acts have no reverse power."*

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"I. Normative-legal acts should be based on law and justice (same attitude to equal interests).*

*II. Use and implementation of acts taken by referendum is obligatory for citizens, legislative, executive and judicial power bodies, legal entities and municipalities only after their publication.*

*III. The laws should not contradict the Constitution. Use and implementation of published laws is obligatory for all citizens, executive and judicial power bodies, legal entities and municipalities.*

*IV. Decrees of the President of the Azerbaijan Republic should not contradict the Constitution and laws of the Azerbaijan Republic. Use and implementation of published decrees is obligatory for all citizens, executive power bodies, legal entities.*

*V. Decrees of Cabinet of Ministers of the Azerbaijan Republic should not contradict the Constitution, laws of the Azerbaijan Republic and decrees of the President of the Azerbaijan Republic. Use and implementation of published decrees of the Cabinet of Ministers is obligatory for citizens, central and local executive power bodies, legal entities.*

*VI. Acts of central bodies of executive power should not contradict the Constitution, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic.*

*VII. Normative-legal acts improving legal situation of physical persons and legal entities, eliminating or mitigating their legal responsibility have reverse power. Other normative-legal acts have no reverse power."*

- I. Normative legal acts must be based on law and justice (equal benefit, equal attitude).
- II. Application and implementation of acts adopted by referendum shall be mandatory for citizens, legislative, executive bodies and judiciary, legal entities and municipalities only upon their publication.
- III. Laws must not contradict the Constitution. Application and implementation of only published laws shall be mandatory for all citizens, legislative, executive bodies and judiciary, legal entities and municipalities.
- IV. Decrees of the President of the Republic of Azerbaijan must not contradict Constitution of the Republic of Azerbaijan and the laws of the Republic of Azerbaijan. Application and implementation of only published laws are mandatory for all citizens, executive authority bodies, and legal entities.
- V. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan must not contradict the Constitution and laws of the Republic of Azerbaijan, and

decrees of the President of the Republic of Azerbaijan. Application and implementation of decisions of the Cabinet of Ministers shall be mandatory for citizens, central and local executive authority bodies, legal entities only upon their publication.

- VI. Acts of the central executive authority bodies must not contradict the Constitution of the Republic of Azerbaijan, laws, decrees of the President of the Republic of Azerbaijan and decisions of the Cabinet of Ministers of the Republic of Azerbaijan.
- VII. The normative acts that improve legal conditions of individuals and legal entities, that lift or mitigate the legal responsibilities shall have retroactive force. Other normative legal acts shall not have retroactive force.
- VIII. Normative legal acts shall be published. No one may be forced to execute (to adhere to) a regulation that was not published and held liable for failing to execute (to adhere to) such regulation. An order for publication of regulations shall be set forth by a Constitutional law.

#### Article 150. Acts of municipalities

- I. Acts taken by municipalities should be based on law and fairness (same attitude and equal interests), should not contradict the Constitution and laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, decrees of Cabinet of Ministers of the Azerbaijan Republic (in Nakhichevan Autonomous Republic also to Constitution and laws of Nakhichevan Autonomous Republic, decrees of Cabinet of Ministers of Nakhichevan Autonomous Republic).
- II. Implementation of act taken by the municipality is obligatory for citizens living on this territory and legal entities located on this territory.

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

Whenever there is disagreement between normative-legal acts in legislative system of the Azerbaijan Republic (except Constitution of the Azerbaijan Republic and acts accepted by way of referendum) and international agreements wherein the Azerbaijan Republic is one of the parties, provisions of international agreements shall dominate.

### **Chapter XI. Changes in Constitution of the Azerbaijan Republic**

#### Article 152. Procedure of introduction of changes into Constitution of the Azerbaijan Republic

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

Article 153. Procedure of submit of proposals on changes in the text of Constitution of the Azerbaijan Republic

If proposals about changes in the text of Constitution of the Azerbaijan Republic are presented by Milli Majlis of the Azerbaijan Republic or the President of the Azerbaijan Republic, then Constitutional Court of the Azerbaijan Republic should give its conclusion beforehand.

Article 154. Limitations on authority of Constitutional Court of the Azerbaijan Republic

Constitutional Court of the Azerbaijan Republic shall not take decisions concerning changes in the text of Constitution of the Azerbaijan Republic made by way of referendum.

Article 155. Limitations on initiative on introduction of changes into Constitution of the Azerbaijan Republic

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"Proposals about changes in Articles 1, 2, 6, 7, 8 and 21, about restriction of provisions envisaged in Chapter 3 of the present Constitution are not subject to referendum"*

Proposals about changes or abolition in Articles 1, 2, 6, 7, 8 and 21, about restriction or abolition of human and citizen's rights and freedoms envisaged in Chapter III of the present Constitution or to higher degree than it is specified in international treaties Azerbaijan Republic is a party too.

## **Chapter XII. Amendments to the Constitution of the Azerbaijan Republic**

Article 156. Procedure of introduction of amendments to the Constitution of the Azerbaijan Republic

- I. Amendments to the Constitution of the Azerbaijan Republic are taken in the form of Constitutional laws in Milli Majlis of the Azerbaijan Republic, by majority of 95 votes.
- II. Constitutional laws on amendments to Constitution of the Azerbaijan Republic are put to the vote in Milli Majlis of the Azerbaijan Republic twice. The second voting shall be held 6 months after the first one.
- III. Constitutional laws on amendments to Constitution of the Azerbaijan Republic are submitted to the President of the Azerbaijan Republic for

signing in an order envisaged in the present Constitution for laws, both after the first and after the second voting.

- IV. Constitutional laws and amendments to the Constitution of the Azerbaijan Republic become valid after they have been signed by the President of the Azerbaijan Republic after the second voting.
- V. Constitutional laws on amendments are integral part of Constitution of the Azerbaijan Republic and should not contradict main text of Constitution of the Azerbaijan Republic.

#### Article 157. Initiative on introduction of amendments to Constitution of the Azerbaijan Republic

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

#### Article 158. Limitations on initiative on introduction of amendments to the Constitution of the Azerbaijan Republic

*As amended by the Referendum Act of 28.08.2002.*

*Previous text:*

*"Neither the President of the Azerbaijan Republic nor deputies of Milli Majlis of the Azerbaijan Republic may propose amendments to Constitution of the Azerbaijan Republic as per provisions contained respectively in chapters VI and V of the present Constitution."*

There cannot be proposed the introduction of additions to the Constitution of Azerbaijan Republic with respect to provisions envisaged in Chapter I of the present Constitution.

#### **Transitional clauses**

1. Constitution of the Azerbaijan Republic comes into force after it has been accepted by referendum, from the day of its official publication. Constitution (Main Law) of the Azerbaijan Republic accepted on 21 April, 1978 becomes null and void from the day when the present Constitution came into force.
2. The President of the Azerbaijan Republic elected before the present Constitution of the Azerbaijan Republic came into force shall carry out powers delegated to the President of the Azerbaijan Republic by the present Constitution.
3. Paragraph 5 of Article 101 of the present Constitution is valid for the President of the Azerbaijan Republic elected after the acceptance of the present Constitution.



4. Powers of people's deputies of the Azerbaijan Republic and Milli Majlis formed by Supreme Council of the Azerbaijan Republic expire on a day of the first meeting of newly elected Milli Majlis of the Azerbaijan Republic. The first meeting of newly elected Milli Majlis of the Azerbaijan Republic shall be held a week after at least 83 deputies of Milli Majlis of the Azerbaijan Republic have been elected. The first session of Milli Majlis of the Azerbaijan Republic will continue till 31 May, 1996.  
Article 85 of the Law of the Azerbaijan Republic "On elections to Milli Majlis of the Azerbaijan Republic" accepted on 15 August, 1995 remains valid till expiration of powers of the first calling of Milli Majlis of the Azerbaijan Republic elected based on said law.
5. From the day of acceptance of the present Constitution Cabinet of Ministers of the Azerbaijan Republic carries out powers delegated to it by the present Constitution.
6. From the day when the present Constitution comes into force authority of local Councils of people's deputies of the Azerbaijan Republic are terminated.  
Authority delegated by legislation of the Azerbaijan Republic to local Councils of people's deputies of the Azerbaijan Republic are carried out by local executive power bodies.
7. After the present Constitution comes into force, the law on local self-government should be taken and elections to municipalities must take place within 2 years.
8. Provisions of laws and other normative-legal acts acting on the territory of the Azerbaijan Republic before acceptance of the present Constitution remain valid if they do not contradict the present Constitution.
9. Law courts of the Azerbaijan Republic acting before acceptance of the present Constitution shall carry out justice in accordance with authority and principles specified in the present Constitution.
10. From the day when the present Constitution comes into force, within one year laws on status of judges, judicial system and judicial reform should be taken in line with the present Constitution and judges of the Azerbaijan Republic must be appointed anew.  
Until said laws are taken appointment of judges to their posts and their dismissal will be done based on legislation which existed before the present Constitution came into force.
11. From the day when the present Constitution comes into force, within one year the Law of the Azerbaijan Republic about Constitutional Court of the Azerbaijan Republic shall be taken and Constitutional Court of the Azerbaijan Republic shall be established. Until the Constitutional Court of the Azerbaijan Republic is established authority of Constitutional Court of

the Azerbaijan Republic envisaged by the present Constitution shall not be implemented. Question envisaged in paragraph 7, clause 3 of Article 130 of the present Constitution will be solved by Supreme Court of the Azerbaijan Republic.

12. From the day when the present Constitution comes into force the Higher Arbitration Court of the Azerbaijan Republic is called Economical Court of the Azerbaijan Republic and carries out powers defined by existing legislation.