

# KONSTITUSIYA MƏHKƏMƏSİ HAQQINDA AZƏRBAYCAN RESPUBLİKASININ QUANUNU

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## THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

### PREAMBLE

Continuing the centuries-long statehood traditions, taking as a basis the principles expressed in the Constitution act "On the State Independence of the Republic of Azerbaijan", desiring to provide prosperity and welfare of the whole society and each individual, wishing to establish freedom and security, understanding the responsibility before the past, present and future generations, using the right of its sovereignty declares solemnly its following intentions:

- to protect the independence, sovereignty and territorial integrity of the Republic of Azerbaijan;
- to provide a democratic system within the frames of the Constitution;
- to achieve the establishment of a civil society;
- to build a law-based, secular state to provide the command of law as an expression of the will of the nation;
- to provide a worthy life level for everybody in conformity with just economic and social order;
- to remain faithful to universal human values, to live in peace and freedom with all the nations of the world and co-operate with them for this purpose.

Having in mind the above-enumerated sincere intentions the Present Constitution is adopted through the general poll of population referendum.

### FIRST CHAPTER

#### GENERAL PROVISIONS

##### Section 1

#### PEOPLE'S POWER.

##### Article 1. Source of Power.

I. The Azerbaijan people shall be the sole source of state power in the Republic of Azerbaijan.

II. The Azerbaijan people shall include citizens of the Republic of Azerbaijan which live in the territory of the Republic of Azerbaijan or outside the country and which obey the Azerbaijan State and its Laws. This shall not exclude norms defined by the International Law.

##### Article 2. People's Sovereignty.

I. The Azerbaijan people shall have the sovereign right to freely and independently decide their fate and to establish the forms of its own governance.

II. The Azerbaijan people shall implement their sovereign right via universal elections referendum and via their representatives elected on the basis of universal, direct and equal elections by secret and individual ballot.

##### Article 3. Issues solved via universal elections-referendum.

I. The Azerbaijan people can settle every issue connected with their rights and interests via referendum.

II. The below-mentioned issues can be solved solely via referendum:

- 1) The adoption of the Republic of Azerbaijan Constitution and introducing changes into it;
- 2) The change of State Borders of the Republic of Azerbaijan.

III. The following issues cannot be put on for the referendum:

- 1) Taxes and State budget;
- 2) Amnesty and pardoning;

- 3) Election, appointment and approval of officials whose election, appointment and approval are respectively under responsibilities of legislation and/or executive authorities

**Article 4. Right to Represent People.**

Nobody except authoritative representatives elected by the people shall have the right to represent, speak for and address on behalf of the people.

**Article 5. Unity of People.**

I. The Azerbaijan people shall be united.

II. The Azerbaijan people's unity shall set up the foundation of the Azerbaijan state. The Republic of Azerbaijan shall be wholly and indivisibly Homeland for all the citizens of the Republic of Azerbaijan.

**Article 6. Banning of Power Usurpation.**

I. No part of the Azerbaijan people, either an individual, or a social group or an organization shall have the right to usurp the authority of the Azerbaijan people to exercise the power.

II. Power usurpation shall be the most serious crime directed against the people.

**Section II**

**FUNDAMENTALS OF THE STATE.**

**Article 7. Azerbaijan State.**

I. The Azerbaijan State shall be democratic, legal, secular, unitary republic.

II. The Republic of Azerbaijan sovereign power in internal issues shall be confined to legal rules, while in international matters it shall be restricted to solely international agreements.

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

IV. Legislative power shall be implemented by the Parliament - Milli Majlis of the Republic of Azerbaijan.

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

VI. Judicial power shall be administered by courts.

VII. According to the Constitutional Provisions Executive, Legislative and Judicial powers shall jointly co-operate and be independent within the framework of their authority.

**Article 8. Head of Azerbaijan State.**

I. President shall be the head of the Republic of Azerbaijan. He shall represent the Azerbaijan state in home and foreign policies.

II. President of the Republic of Azerbaijan shall embody the unity of the Azerbaijan people and shall ensure the continuity of the Azerbaijan state.

III. President of the Republic of Azerbaijan shall guarantee independence, territorial integrity and fulfilment of international Agreements to which the Republic of Azerbaijan is a party.

IV. President of the Republic of Azerbaijan shall ensure independence of judicial power.

**Article 9. Armed Forces.**

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

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

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

**Article 10. Main Principles of Foreign Policy.**

The Republic of Azerbaijan forms its relations with other States on the basis of principles taken into account by universally accepted international rules.

**Article 11. Territory.**

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

the Caspian Sea (Lake) sector relating to the Republic of Azerbaijan, air space over the Republic of Azerbaijan.

II. The territory of the Republic of Azerbaijan may not be torn away. The Republic of Azerbaijan shall not yield its territory, or part of it, in any form, to anyone; borders can be specified only by the Decree of the Parliament on the basis of the will of the Azerbaijan people.

**Article 12. Supreme Aim of State.**

I. Supreme Aim of the State shall be to ensure human and civil rights and freedoms.

II. The human and civil rights and freedoms enumerated in this Constitution shall be exercised in accordance with international Agreements to which the Republic of Azerbaijan party.

**Article 13. Property.**

I. The property in the Republic of Azerbaijan shall be inviolable and prospected by the State.

II. The property can have the form of State property, private property and municipal property.

III. The property shall not be used against human and civil rights and freedoms, against interests of the society and State, against human dignity.

**Article 14. Natural Resources.**

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

**Article 15. Economic Development and State.**

I. The development of economy in the Republic of Azerbaijan based on various forms of property shall ensure the improvement of the people's wellbeing.

II. The Azerbaijan State shall create conditions for the development of economy based on market relations, shall guarantee free enterprise, shall bar the way to monopolization and unfair competition in economic relations.

**Article 16. Social Development and State.**

I. The Republic of Azerbaijan shall ensure the improvement of the wellbeing of the people and every citizen, their social protection and normal living standard.

II. The Republic of Azerbaijan shall promote the development of culture, education, medical care, science, art, shall protect the nature of the country, historical, material and spiritual values of the people.

**Article 17. Family and State.**

I. The family as the foundation of society shall be under special protection of the State.

II. To take care of the children and their upbringing shall be the obligation of the parents. The state shall see to it that this obligation be fulfilled.

**Article 18. Religion and State.**

I. Religion shall be separated from the State in the Republic of Azerbaijan. All religions shall be equal by law.

II. The spread and propaganda of religions which humiliate human dignity and contradict the principles of humanity shall be banned.

III. The State education system shall be of secular character.

**Article 19. Monetary Unit.**

I. Manat shall be the monetary unit of the Republic of Azerbaijan.

II. The National Bank of the Republic of Azerbaijan is the exclusive property of the state. The National Bank shall have the sole legal right to issue notes or to take them out of circulation. Usage of any other currency besides manat as a means of payment in the territory of the Republic of Azerbaijan shall be prohibited.

**Article 20. Restriction of State Loans.**

The Republic of Azerbaijan shall not bear responsibility and pay loans aimed at supporting mutiny or "coup d'etat" against the Azerbaijan State.

**Article 21. State Language.**

I. The Azerbaijan language shall be the State language of the Republic of Azerbaijan.

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

**Article 22. Capital.**

Baku shall be the capital of the Republic of Azerbaijan.

**Article 23. Azerbaijan State Symbols.**

I. State symbols of the Republic of Azerbaijan shall be: the Republic of Azerbaijan Flag the Republic of Azerbaijan Emblem, the Republic of Azerbaijan National Anthem.

II. The Flag of the Republic of Azerbaijan shall consist of three wide stripes. The upper stripe shall be of blue colour, the middle stripe shall be red and the lower one shall be green. There shall be a white crescent and eight pointed star in the middle of the red stripe on both sides of the Flag. The proportion of the width to the length shall be 1 by 2.

III. The design of the Republic of Azerbaijan Flag and the Republic of Azerbaijan State Emblem, the music and the text of the Republic of Azerbaijan National Anthem shall be defined by the Constitutional Law.

**SECOND CHAPTER**

**MAJOR RIGHTS, FREEDOMS AND RESPONSIBILITIES.**

**Section III**

**PRINCIPAL HUMAN AND CIVIL RIGHTS AND FREEDOMS.**

**Article 24. Main Principles of Human and Civil Rights and Freedoms.**

Every Citizen from the birth shall enjoy inviolable, undeniable and inalienable rights and freedoms. Rights and Freedoms shall also include Commitments to the Society and other Individuals.

**Article 25. Right to Equality.**

I. Every Person shall be equal to the Law and Court.

II. Men and Women shall have equal Rights and Freedoms.

III. Every Person shall have equal Rights and Freedoms irrespective of race, nationality, religion, sex, origin, property status, social position, convictions, political party, trade union organization and social unity affiliation. Limitations or recognition of Rights and Freedoms because of race, nationality, social status, language origin, convictions and religion shall be prohibited.

**Article 26. Protection of Human and Civic Rights and Freedoms.**

I. Every Person shall be authorized to defend his/her human Rights and Freedoms by accepted means

II. The State shall ensure the protection of human Rights and Freedoms.

**Article 27. Right to Live.**

I. Everyone shall have the right to Live.

II. Every citizen 's right to Live shall be inviolable with the exception of cases when as a result of the armed attack an enemy soldier is killed, capital punishment is executed according to the court's decision and other cases specified by Law.

III. Capital punishment as an extreme measure of punishment while it is still in force can be applied to an individual for committing a grave crime against the State and different Persons.

IV. Use of weapon against a human being shall be authorized in specified by Law cases of required defence, urgency, capture and detention of a criminal, prevention of a convict's escape from places of confinement, prevention of a revolt or a coup against the State, armed attack on the country.

**Article 28. Right to Freedom.**

I. Everybody shall have the right to Freedom.

II. The right to Freedom shall only be limited by detention, arrest or imprisonment via procedures stipulated by Law.

III. Legally anybody in the territory of the Republic of Azerbaijan shall be able to freely move and choose place of domicile for himself/herself and to travel outside Azerbaijan.

IV. A citizen of the Republic of Azerbaijan shall have the right to come back to his/her country hampered.

**Article 29. Right to Property.**

I. Every Person shall have the right to Property.

II. No form or kind of property shall have any advantage. The Property right, including the private property right, shall be protected by Law.

III. Every individual may possess movable and immovable Property. The Property right shall consist of the owner's right to possess, use and dispose the Property, individually or jointly.

IV. No one shall be dispossessed without the decision of court. The Property shall not be totally expropriated. The alienation of the Property for the State needs or social needs shall be allowed only upon preliminary fair reimbursement of its value.

V. The State shall secure the succession right.

**Article 30. Right to Intellectual Property.**

I. Every Person shall have the right to Intellectual Property.

II. Copyright, inventive right and other forms of intellectual property shall be guaranteed by the State.

**Article 31. Secure Life.**

I. Every Person shall have the right to Secure Life.

II. With the exception of cases specified by Law, infringement upon Person's life, his/her physical and mental health, property, residence, use of force against him/her shall be prohibited.

**Article 32. Personal Inviolability.**

I. Everyone shall have the right to Personal Inviolability.

II. Everybody shall have the right to preserve personal and family secrets. Except cases specified by Law interference into a Person's life shall not be authorized.

III. Collecting, preserving, using and spreading information relating to a Person's life without consent shall not be permitted.

IV. The State shall ensure everybody's right to keep secrets of correspondence, mail, telegraph and other postal services. This right may be limited in order to prevent a crime or while investigating a criminal case exercised in accordance with procedures specified by Law.

**Article 33. Inviolability of Residence.**

I. Every Person shall have the right to the Residence Inviolability.

II. With the exception of cases specified by Law or Court no one shall be authorized to enter the Apartment against the will of the Resident.

**Article 34. Right to Marriage.**

I. Everybody shall have the right to Marriage upon reaching the age specified by Law.

II. Marriage shall be contracted on the basis of voluntary consent. No one shall be forced to marry.

III. Family and Marriage shall be under protection of the State. Mothers, fathers, children shall be protected by Law. The State shall render assistance to large families.

IV. Husband and Wife shall have equal rights. Parents shall have both the right and the obligation to take care of Children and to raise them.

V. Children shall have the obligation to take care of their Parents. Able-bodied Children upon reaching the age of 18 shall have the right to support their invalid Parents.

**Article 35. Right to Labor.**

I. Labor shall be the basis of individual and social well-being.

II. Every Person depending on working skills shall have the right to freely choose kind of activity, qualification, position and area of employment.

III. No one shall be forced to work.

- IV. Labor contracts shall be freely signed. No one shall be forced to sign contracts.
- V. Enlisting people to hard labor, forcing them to labor in connection with the Decrees issued by authoritative officials when in active service, forcing people to fulfill required work during state of emergency and martial law shall be authorized taking into consideration conditions and terms of Court Decision.
- VI. Every Person shall have the right to work under safe and healthy conditions, to get without distinction no less than fixed by the State minimum salary for fulfilled labor.
- VII. Unemployed shall have the right to get social benefits from the State.
- VIII. The State shall do everything in its power to eradicate unemployment.

**Article 36. Right to Strike.**

- I. Every Person shall have the right to Strike either alone or together with others.
- II. The right to Strike of working on Contract basis can limited only in cases specified Law. Military and civil Persons serving in the Armed Forces other armed formations of Republic of Azerbaijan shall not on Strike
- III. Individual and group labor disputes shall be settled in order stipulated by Law.

**Article 37. Right to Rest.**

- I. Every Person shall have the right to Rest.
- II. The people working on contract basis with maximum 8-hour working day shall be guaranteed rest and holiday days, at least 21-day paid annual leave.

**Article 38. Right to Social Security.**

- I. Every Person shall have the right to Social Security.
- II. It shall be the obligation of the family members in the first place to render assistance to those people in their family who need it.
- III. Every Person shall have the right to Social Security in old age, sickness as stipulated by Law, disability, when losing work ability or the breadwinner of the family, when unemployed and in other cases specified by Law.
- IV. Minimum extent of pensions and social benefits shall be defined by Law.
- V. The State shall create possibilities for developing charity work, voluntary social insurance, and other forms of social security and shall do all the best to promote their development.

**Article 39. Right to Live in Healthy Environment.**

Every Person shall have the right to live in healthy environment. Everybody shall have the right to collect information on environmental situation and to get compensation for damage rendered to the health and property due to the violation of ecological rights.

**Article 40. Right to Culture.**

- I. Every Person shall have the right to participate in cultural life, make use of cultural institutions and cultural wealth.
- II. Every Person shall treat with respect historical, cultural and spiritual values, preserve them and protect cultural monuments.

**Article 41. Right to Health Protection.**

- I. Every Person shall have the right to Health Protection and Medical Aid.
- II. The State acting on the basis of various forms of property shall implement necessary measures to promote the development of all aspects of health services, ensure the sanitary-epidemiological security, create various forms of medical insurance.
- III. Authoritative Persons shall be made answerable for concealing the facts and cases that create danger to life and health of people.

**Article 42. Right to Education.**

- I. Every Person shall have the right to get an Education.
- II. The State shall guarantee the right to get compulsory secondary education free.
- III. Control shall be exercised on the part of the State.
- IV. Irrespective of financial position the State shall guarantee that talented merited Persons continue their education.

V. The State shall set up educational standards.

**Article 43. Right to Residence.**

I. No one shall be deprived of his/her residence.

II. The State shall give loans for the construction of houses and blocks apartments, shall take measures in to implement Residence right.

**Article 44. National and Ethnic Identity.**

I. Every Person shall have the right preserve national/ethnic identity.

II. No one can be deprived of the right to change national/ethnic identity.

**Article 45. Right to Use Native Language.**

I. Every Person shall have the right to use Native language. Everyone shall have the right to be raised and get an education, be engaged in creative activities in Native Language.

II. No one can be deprived of the right to use Native Language.

**Article 46. Protection of Honor and Dignity.**

I. Everybody shall have the right to protect his/her Honour and Dignity.

II. The State shall protect personal dignity. Nothing can justify humiliation of personal dignity.

III. Nobody can be tortured or tormented, nobody shall suffer from a treatment or punishment humiliating human dignity. Nobody shall be experimented upon- medically, scientifically or any other way without his/her volunteer consent.

**Article 47. Freedom of Thought and Speech.**

I. Every Person shall have the freedom of Thought and Speech.

II. Nobody shall be forced to identify or refuse his/her ideas and principles.

III. Propaganda inciting racial, ethnic or religious animosity or hostility shall be banned.

**Article 48. Freedom of Consciousness.**

I. Every Person shall have the right to freedom of Consciousness and Religion.

II. Everybody shall have the right to independently define his/her attitude towards Religion, to profess Religion alone or together with other, or to profess no Religion at all, to express and spread convictions.

III. Free conduct of religious rites if it doesn't violate public order or public morality shall be authorized.

IV. Violation of the freedom of Religion and self-expression shall not be justified.

**Article 49. Freedom of Gatherings.**

I. Every Person shall have the right to freely gather with others.

II. Everybody shall have the right, upon notification of corresponding government bodies in advance, to peaceful, unarmed gatherings, meetings, demonstrations, rallies, street processions, pickets together with others.

**Article 50. Freedom of Information.**

I. Every Person shall have the right to legally seek, get, pass, prepare and spread information.

II. Freedom of mass media shall be ensured. State censorship in mass media, including print media, shall be forbidden

**Article 51. Freedom of Creative Work.**

I. Every Person shall have the freedom of Creative Work.

II. The State shall ensure the realization of belles-lettres fiction, scientific-technical and other forms of creative work.

**Article 52. Right to Citizenship.**

A Person having political and judicial relation to the Republic of Azerbaijan as well as mutual rights and obligations shall be a Citizen of the Republic of Azerbaijan. A Person born a Citizen of the Republic of Azerbaijan shall be a Citizen of the Republic of Azerbaijan. A person whose one parent is a Citizen of the Republic of Azerbaijan shall be a citizen of the Republic of Azerbaijan.

**Article 53. Guarantee of the Citizenship Right.**

I. A Citizen of the Republic of Azerbaijan can under no circumstances be deprived of his/her citizenship of the Republic of Azerbaijan.

II. A Citizen of the Republic of Azerbaijan can under no circumstances be driven away from the Republic of Azerbaijan or extradited to a foreign State.

III. The Republic of Azerbaijan shall ensure the legal defense of Citizens of the Republic of Azerbaijan who reside temporarily or permanently in abroad and shall protect them.

**Article 54. Right to Participate in Political Life of Society and State.**

I. Citizens of the Republic of Azerbaijan shall have the right to participate without hindrance in the political life of society and the state.

II. Every Citizen of the Republic of Azerbaijan shall have the right to independently show resistance to the attempt of a mutiny against the State or forced change of the constitutional order.

**Article 55. Right to Participate in the State Governing.**

I. Citizens of the Republic of Azerbaijan shall have the right to participate in the Government. They can implement this right directly or via their representatives.

II. Citizens of the Republic of Azerbaijan shall have the right to serve in government bodies. Officials to government bodies shall be appointed from Citizens of the Republic of Azerbaijan. Foreign Citizens and Persons without citizenship can be taken to Government service in the order specified by Law.

**Article 56. Election Right.**

I. Citizens of the Republic of Azerbaijan shall have the right to elect and be elected to the government bodies, and to participate in referendums.

II. Persons whose incapacity has been determined by the court shall not have the right to participate in the elections as well as in the referendum.

III. Professional military persons, judges, government officials, persons sentenced to imprisonment according to court's decision brought into effect, religious people and other people mentioned in the present Constitution and Laws shall be limited in their right participate in elections.

**Article 57. Right to Address.**

I. Citizens of the Republic of Azerbaijan shall have the right to personal Address as well as the right to send individual and collective written petitions to government bodies. Response to each Address must be given within the order and terms specified by Law.

II. Citizens of the Republic of Azerbaijan shall have the right to criticize the activity of government bodies, their officials, political parties, trade unions, other public unions, and individuals. Persecution for the critics shall be banned. Insult and slander cannot be considered critics.

**Article 58. Right to Unification.**

I. Every Person shall have the right to unite with others.

II. Every Person shall have the right to set up any organization, as well as a political party, trade union and any other public amalgamations, or to enter an already existing union. Independent performing of all unions shall be guaranteed.

III. No one can be enforced to enter a union or to remain its member.

IV. The activity of unions which pursue the aim of overthrowing the legitimate State power in the whole territory of the Republic of Azerbaijan or in any part of it shall be banned. The occupation of unions which violate the Constitution and laws can be stopped solely in the order specified by court.

**Article 59. Right to Freedom of Enterprise.**

Every Person shall have the right using, his/her possibilities, abilities and property, to be independently or jointly with others engaged in business activity or in any other kind of economic activity authorized by Law.

**Article 60. Judicial Guarantee of Rights and Freedoms.**

Rights and freedoms of every Person shall be guaranteed in a court. Every Person can complain in the court of actions (or inaction) of State bodies, political parties, trade unions, other public unions and officials.

**Article 61. Right to Get Legal Help**

- I. Every Person shall have the right to get qualitative legal assistance.
- II. In cases specified by Law legal help shall be rendered free at the expense of the State.
- III. Every Person From the moment of being detained, arrested, charged with crime on the part of authoritative State bodies shall have the right to resort to the help in the defender.

**Article 62. Banning of Changes in Court Jurisdiction.**

Every Person shall have the right to have his/her case considered in a specified by Law court. Consideration of the case in another court without the Person's consent shall be prohibited.

**Article 63. Presumption of Innocence.**

- I. Every Person shall have the right to the Presumption of Every Person who is charged with crime shall be considered innocent until he/she is pleaded guilty in order specified by Law, and a verdict passed by the court has come effect. In case there are grounded suspicions concerning a Person-s guilt, it shall not be permitted to bring in a verdict of guilty with respect to the Person.
- II. A Person who is charged with crime shall not be obliged to his/her innocence.
- III. Evidence obtained via violating Law cannot be used when exercising justice.
- IV. No one can be found guilty of committing a crime without the verdict passed by the court.

**Article 64. Banning of Repeated Conviction for the Same Crime.**

No one shall be convicted repeatedly for the same crime.

**Article 65. Right of Repeated Appeal to Court.**

Every Person shall have the right to appeal to higher court on reconsideration of the verdict passed with respect to him/her in the order specified by Law as well as appeal for pardon and mitigating the punishment.

**Article 66. Banning of Forced Testifying Against Relatives.**

No one can be forced to testify against himself/herself, wife (husband), children, parents, brother, sister. A complete list of relatives against whom testifying is not imperative shall be determined by Law.

**Article 67. Rights of Detained, Arrested, and Charged Committing crime.**

Every Person who has been detained, arrested, charged with a crime on the part of authoritative State bodies must be given immediate explanation of his/her rights and the reason for being arrested and sued to court.

**Article 68. Right to Demand Compensation for Damage.**

- I. The rights of a Person who has been a victim of a crime and abuse of power, shall be protected by the State. A victim shall have the right to participate in court examination and to demand compensation for damage rendered to him/her.
- II. Every Person shall have the right to get a compensation from the State for the damage rendered to him/her as a result of illegal actions or inaction of government bodies or their officials.

**Article 69. Rights of Foreign Citizens and Persons without Citizenship.**

- I. Foreign citizens and Persons without citizenship in the Republic of Azerbaijan can enjoy all rights and freedoms and shall fulfill all the obligations together with the citizens of the Republic of Azerbaijan, if they (the letters) do not contradict the Law or International Agreement to which the Republic of Azerbaijan is a party.
- II. Rights and freedoms of foreign citizens and people without citizenship residing permanently or temporarily in the territory of the Republic of Azerbaijan can be restricted only in accordance with the international legal norms and laws of the Republic of Azerbaijan.

**Article 70. Right to Political Asylum.**

I. According to the universal international legal norms the Republic of Azerbaijan shall grant political asylum to foreign citizens and persons without citizenship.

II. Extradition to another State Persons persecuted for their political convictions and deeds which are not considered crimes in the Republic of Azerbaijan shall not be authorized.

#### **Article 71. Guarantees for Human and Civil Rights and Freedoms.**

I. Executive, Legislative and Judicial powers shall observe and protect human rights and freedoms fixed in the Constitution.

II. No one shall stop the implementation of human rights and freedoms.

III. It is on declaration of war, martial law and emergency situation, as well as mobilization that implementation of human rights and freedoms can be partially and temporary stopped taking into consideration international obligations of the Republic of Azerbaijan. The population shall be notified in advance on the temporary freezing up of human rights and freedoms implementation.

IV. No Person shall be compelled to make public religious and other convictions and thoughts and be persecuted for them.

V. None of the Provisions of the Constitution shall be interpreted as the ones directed at the Abolishment of human rights and freedoms.

VI. Human rights and freedoms shall be in force immediately in the territory of the Republic of Azerbaijan.

VII. Disputes in relation to Human Rights and Freedoms shall be solved in court.

VIII. No one can answer for the deed which at the time of being committed wasn't considered as violation of Law. If after violating the Law the new Law has removed or mitigated the responsibility for such actions the new Law shall be applied in that case.

#### **Section IV**

#### **PRINCIPAL OBLIGATIONS OF CITIZENS.**

##### **Article 72. Principal Obligations of Citizens.**

I. Every Person shall bear responsibilities to the State and the society, which directly arise from his rights and freedoms.

II. Every Person must observe the Constitution and the Laws of the Republic of Azerbaijan, respect rights and freedoms of other people, execute determined by Law other responsibilities.

III. Ignorance of the Law shall not relieve a Person of his/her responsibility.

##### **Article 73. Taxes and other State Duties.**

I. Every Person shall have a responsibility to pay imposed by the Law taxes and other State dues in full volume and without delay.

II. A Person cannot be forced to pay taxes and other State dues over and above the volume determined by the Law and if there are no specified by the Law reasons.

##### **Article 74. Loyalty to Homeland.**

I. Loyalty to Homeland shall be sacred.

II. Persons employed via election or appointment in Legislative, Executive and Judicial bodies shall bear responsibility for proper and accurate implementation of their obligations and in cases specified by the Law take oath.

III. A Person holding a position via election or appointment in Legislative Executive and Judicial bodies, who has taken the oath of allegiance to Constitution of the Republic of Azerbaijan, shall be considered to have resigned from holding position and cannot hold this position any more, if he/she is charged with the crime against the independence of the Republic of Azerbaijan, its constitutional order, mutiny against the State or overthrow of the government and if the Person is convicted on the basis of this charge.

##### **Article 75. Respect For State Symbols.**

Every citizen must respect State Symbols of the Republic of Azerbaijan- its Flag, Emblem and National Anthem.

##### **Article 76. Defense of Homeland.**

I. Defense of Homeland shall be the duty of every citizen. Citizens shall serve in the armed forces according to the order specified by the Law.

II. If serving in the armed forces runs counter to a Person's convictions then active military service can be replaced by an alternative service in the cases specified by the Law.

**Article 77. Protection of Historical and Cultural Monuments.**

To protect historical and cultural monuments shall be the duty of every Person.

**Article 78. Environmental Protection.**

Protection of Environment shall be the duty of every Person.

**Article 79. Prohibition to Execute Responsibilities Contradicting The Law.**

A Person cannot be compelled to execute responsibilities contradicting the Constitution and the Laws of the Republic of Azerbaijan.

**Article 80. Answerability.**

Violation of the present Constitution and the Laws of the Republic of Azerbaijan as well as abuse of rights and freedoms and failure to fulfill responsibilities, specified by the present Constitution and the Laws of the Republic of Azerbaijan shall entail answerability determined by the Law.

**THIRD PART**

**STATE POWER**

**Section V**

**LEGISLATIVE POWER.**

**Article 81. Execution of Legislative Power.**

The Legislative power shall be executed by the Milli Majlis of the Republic of Azerbaijan.

**Article 82. Quantitative Composition of Milli Majlis of Republic of Azerbaijan.**

The Milli Majlis of the Republic of Azerbaijan shall consist of 125 Deputies.

**Article 83. Principles of Republic of Azerbaijan Milli Majlis Elections.**

Deputies of Milli Majlis of the Republic of Azerbaijan shall be elected on the basis of majority election systems and universal, equal, direct elections by free, individual and secret ballot.

**Article 84. Term of Office for Members of Milli Majlis of the Republic of Azerbaijan.**

I. The term of office of the Milli Majlis of the Republic of Azerbaijan shall be 5 (five) years.

II. Elections of the Milli Majlis members shall be held every five years on the first Sunday of November

III. The term of office for the members of the Milli Majlis of the Republic of Azerbaijan shall be limited by the term of office of the Milli Majlis of the Republic of Azerbaijan.

IV. If the new elections are held to replace the Deputies, that have quit the Milli Majlis membership, with the new ones, the term of office of the newly elected Deputy shall be limited to the term of office of the Milli Majlis of the Republic of Azerbaijan.

**Article 85. Requirements to Candidates to Deputies of Milli Majlis of the Republic of Azerbaijan.**

I. Every citizen of the Republic of Azerbaijan who has reached the age of 25 can be elected a Deputy - member of the Milli Majlis of the Republic of Azerbaijan in the order determined by the Law.

II. Persons who have dual citizenship, are in State service in other countries, work in Executive or Judicial bodies, Persons engaged in a different paid activity with the exception of scientific, creative and teaching work, ministers of religion, Persons whose inactivity has been confirmed by court, Persons who serve their sentence in places of confinement by the court's verdict cannot be elected Deputies.

**Article 86. Check up and Confirmation of Election Results.**

The correctness of the results of the elections shall be checked and confirmed by the Constitutional Court of the Republic of Azerbaijan.

**Article 87. Expiration of Term of Office.**

I. The term of office of the members of the Milli Majlis of the Republic of Azerbaijan shall expire on the day of the first sitting of the newly elected Milli Majlis of the Republic of Azerbaijan.

II. The elections to replace the Deputies who have left the Milli Majlis of the Republic of Azerbaijan shall not be held if less than 120 days remains till the expiration of the term of office.

III. The Milli Majlis of the Republic of Azerbaijan shall have power provided the authority of 83 members be confirmed.

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

I. Two regular spring and autumn secessions of the Milli Majlis shall be held every year. After approval of authority of 83 deputies of the Milli Majlis of the Republic of Azerbaijan, the first meeting of the Milli Majlis of the Republic of Azerbaijan shall be convened not later than a week beginning from the day of the approval. If after elections to the Milli Majlis of the Republic of Azerbaijan authority of the 83 deputies has not been approved before 10th March then the time for conducting of the first meeting of the Milli Majlis of the Republic of Azerbaijan shall be determined by the Constitutional Court of Republic of Azerbaijan.

II. Special Sessions of the Republic of Azerbaijan Milli Majlis shall be convened by the Chairman of Republic of Azerbaijan Milli Majlis at the request of the President of the Republic of Azerbaijan or 42 Deputies of Milli Majlis.

III. The Agenda of the Special Session shall be worked out by those members who convened the said session. The work of the Special Session shall be completed after the consideration of agenda items

**Article 89. Disfranchisement of Membership to Milli Majlis of the Republic of Azerbaijan and Loss of Deputy Power.**

I. A member of the Azerbaijan Milli Majlis shall lose his/her power in the below-mentioned cases:

- 1) the wrong accounting of votes during the elections has been revealed;
- 2) the citizenship of the Republic of Azerbaijan has been lost or citizenship of another country has been granted;
- 3) a crime has been committed there is court's decision that has entered into effect;
- 4) a position held in government bodies, being a minister of religion, being engaged in the business, commercial of other paid activity ( excepting scientific, teaching and creative activity);
- 5) resignation of his/her own accord.

II. The rules of disfranchisement of membership to the Milli Majlis of the Republic of Azerbaijan shall be set up by the Law. The members of the Republic of Azerbaijan Milli Majlis shall be considered to have lost their power when being unable to execute their power and in other cases specified by the Law. The order of taking such a decision shall be set up by the Law.

**Article 90. Deputy Immunity.**

I. The Deputy during the term of office shall have personal immunity. With the exception of cases when he has been caught red-handed, the Deputy at the term of office cannot be brought to court, detained, administrative measures of punishment cannot be applied to the him/her, he/she cannot be arrested or punished in some other way, he cannot be searched, examined. The Deputy can be detained if caught red-handed. In this case the body which has detained the Deputy must inform the General Prosecutor of the Republic of Azerbaijan about it.

II. The Deputy immunity can be stopped only by the decision of the Milli Majlis of the Republic of Azerbaijan on the basis of the General Prosecutor's representations.

**Article 91. Prohibition against Making Deputies Answerable.**

The Deputies of the Milli Majlis of the Republic of Azerbaijan cannot be made answerable for their activity in the Milli Majlis, voting in the Milli Majlis and ideas expressed in the Milli

Majlis. Concerning these case explanations and evidence can be required only with their consent.

**Article 92. Coordination of Work of Milli Majlis of the Republic of Azerbaijan.**

The Milli Majlis of the Republic of Azerbaijan shall set up the procedure of Its work, it also shall choose the Chairperson and its Assistants, organize permanent and other commissions, sets up Counting Chamber.

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

I. The Milli Majlis of the Republic of Azerbaijan on issues relating to its sphere of competence shall pass Laws, Constitutional Laws, and Resolutions.

II. Constitutional Laws, Laws and Resolutions shall be passed by the Milli Majlis in the order specified by the present Constitution.

III. Members of the Milli Majlis shall personally exercise the voting right.

IV. Laws and Resolutions of the Republic of Azerbaijan Milli Majlis can not stipulate concrete tasks to Executive bodies and courts.

**Article 94. General Rules Determined by Milli Majlis of the Republic of Azerbaijan.**

I. The Milli Majlis of the Republic of Azerbaijan shall determine general rules on the following issues:

- 1) use of human and civil rights and freedoms. State guarantee of these rights and freedoms;
- 2) the Republic of Azerbaijan Presidential elections;
- 3) elections to the Milli Majlis of the Republic of Azerbaijan and the status of members of the Milli Majlis of the Republic of Azerbaijan
- 4) referendum;
- 5) court system and the status of judges; attorney ship; bar and notary business;
- 6) legal proceedings, implementation of court's decisions;
- 7) municipal elections and status of municipalities;
- 8) emergency situation regime; martial law regime;
- 9) State awards;
- 10) the status of physical and juridical Persons;
- 11) objects of Civil Law;
- 12) transactions; civil law Agreements, representations and inheritance;
- 13) right of ownership, including legal regime of State, private and municipal property, right of intellectual property; other property rights; obligation right;
- 14) family relations including trusteeship and guardianship.
- 15) foundations of finance activity, taxes, duties and payments;
- 16) labor relations and social security;
- 17) determination of crimes and law violations; imposing answerability for their commitment;
- 18) defense and military service;
- 19) State service;
- 20) foundations of security;
- 21) territorial set up; regime of State borders;
- 22) ratification and denunciation of international agreements;
- 23) communications and transport;
- 24) statistics, metrology and standards;
- 25) customs;
- 26) commerce and transaction;
- 27) banking, accounting, insurance.

II. On issues mentioned in items 2, 3,4 of the present paper the Laws shall be passed by a majority of 83 votes, on the remaining issues a majority of 63 votes shall be needed to pass a Law.

III. The first part of the present Article can be supplemented by the Constitutional Law.

**Article 95. Issues solved by Milli Majlis of the Republic of Azerbaijan.**

I. The Milli Majlis of the Republic of Azerbaijan shall be authorized to settle the following matters:

- 1) arrangement of work of the Republic of Azerbaijan Milli Majlis;
- 2) establishment of diplomatic representation upon the President's representation
- 3) administrative-territorial division;
- 4) ratification and denunciation Treaties, Agreements and Conventions;
- 5) ratification of the State fiscal budget on the representation of President of the Republic of Azerbaijan and exercising control over its use;
- 6) election of ombudsman of the Republic of Azerbaijan nominated by the President of the Republic of Azerbaijan
- 7) ratification of the military doctrine upon the representation of the President of the Republic of Azerbaijan;
- 8) ratification of the President's Decrees in cases specified by the present Constitution;
- 9) giving consent to the candidate being appointed to the post of the Prime-Minister of the Republic of Azerbaijan upon the representation of the President of the Republic of Azerbaijan;
- 10) appoint 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;
- 11) appointment of the General Prosecutor on the representation of the president of Republic of Azerbaijan, giving consent to release the General Prosecutor from the holding position on the representation of the President of the Republic of Azerbaijan;
- 12) to remove from holding position via impeachment the President of the Republic of Azerbaijan on the representation of the Constitutional Court;
- 13) remove judges from holding positions on the representation of the President of the Republic of Azerbaijan;
- 14) to solve the issue of confidence the Cabinet of Ministers of the Republic of Azerbaijan;
- 15) appointment to and removal from the position of the Chairperson the Board Committee of the Republic of Azerbaijan National Bank and of the Board Committee on the representations of the President of the Republic of Azerbaijan;
- 16) give consent to enlist armed forces to the fulfillment of obligations not connected with their main purpose on the basis of the representation of the President of the Republic of Azerbaijan;
- 17) give consent to declare a war in the basis of the address of the President of the Republic of Azerbaijan;
- 18) appoint referendum.
- 19) amnesty.

II. On issues pointed out in items 1-5 of the present Article Laws shall be passed by a majority of 63 votes, as for the remaining issues Resolutions shall be passed in the same order if the present Constitution doesn't stipulate another order.

III. Decisions on expressing the Milli Majlis' relation on obligatory issues, decisions related to organization of the work of the Milli Majlis of the Republic of Azerbaijan and other decisions as referred by Constitution to authorities of the Milli Majlis of the Republic of Azerbaijan shall be adopted.

IV. The first part of the present Article can be supplemented by the Constitutional Law.

#### **Article 96. Right to Legislative Initiative.**

I. The right to Legislative Initiative (the right to introduce for the Parliament discussion draft laws and other issues) in the Parliament shall belong to the Deputies, the President of the Republic of Azerbaijan, Constitutional Court of the Republic of Azerbaijan, the Public Prosecutor of the Republic of Azerbaijan and Ali Majlis of Nakhichevan Autonomous Republic.

II. Draft Laws or Orders put forward as a legislative initiative by the President of Republic of Azerbaijan, Supreme Court the Republic of Azerbaijan, the Public Prosecutor of the Republic of Azerbaijan and Ali Majlis of the Nakhichevan Autonomous Republic shall be submitted to the Milli Majlis of the Republic of Azerbaijan for discussion and put to the vote in the same form they where presented.

III. The changes in the Draft Laws or Orders shall be introduced by consent of the body that has used the right of legislative initiative.

IV. Draft Laws or Orders submitted as a Legislative Initiative by the President of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan, the Public Prosecutor of the Republic of Azerbaijan or Ali Majlis of the Nakhichevan Autonomous Republic shall be put to the vote in the Republic of Azerbaijan Parliament for the term of two months.

V. Upon declaring the Draft Laws and or Orders urgent on the part of the President of the Republic of Azerbaijan, the Constitutional Court, the Public Prosecutor of the Republic of Azerbaijan or Ali Majlis of the Nakhichevan Autonomous this term shall make 20 days.

#### **Article 97. Term of Submitting Laws for Signing.**

I. The Laws shall be submitted to the President of the Republic of Azerbaijan signing within 14 days since the day adoption.

II. The Draft Law which has been declared urgent shall be submitted to the President of the Republic of Azerbaijan for signing within 24 hours since its adoption.

#### **Article 98. Enforcement of Laws of the Republic of Azerbaijan Milli Majlis.**

The Law and the Resolutions shall come into effect since the day of publication if the Law or the Resolution itself does not specify a different order

### **Section VI.**

#### **EXECUTIVE POWER.**

#### **Article 99. Affiliation to Executive Power.**

Executive power in the Republic of Azerbaijan shall belong to the President of the Republic of Azerbaijan.

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

Every Person no younger than 35 years old, permanently residing in the territory of the Republic of Azerbaijan for more than 10 years, having election right, who has never been tried for a major crime, who has no commitments towards other States, a University Degree, exclusively a citizen of the Republic of Azerbaijan shall have the right to be elected President of the Republic of Azerbaijan.

#### **Article 101. Foundations for the Republic of Azerbaijan Presidential Elections.**

I. The President of the Republic of Azerbaijan shall be elected for the term of 5 years via universal, direct and equal elections by free, individual and secret ballot.

II. The President of the Republic of Azerbaijan shall be elected by more than half of majority votes participating in the voting.

III. If this majority is not collected during the first round of elections, then the second round of elections shall be held on the second Sunday after the elections. Two candidates only, who have polled most votes in the first round, shall participate in the second round, or in case those candidates who have polled most votes have recalled their candidacies, it shall be two candidates following the first ones.

IV. The candidate who has collected in the second round a majority vote is considered to be elected President of the Republic of Azerbaijan.

V. No Person can be elected President of the Republic of Azerbaijan more than twice.

VI. The order of applying the present article shall be set up by the Law.

**Article 102. Results of the Republic of Azerbaijan Presidential Elections.**

Information on the results of the elections shall be officially announced by the Constitutional Court of the Republic of Azerbaijan within 14 days the elections.

**Article 103. Oath of Allegiance of Person Elected President of Republic of Azerbaijan.**

I. A Person who has been elected President of the Republic of Azerbaijan within 3 days starting from announcement day of the Presidential election results with the participation of Judges of the Constitutional Court shall take the following oath: "While executing power of the President of the Republic of Azerbaijan I swear to observe the Constitution of the Republic of Azerbaijan, defend sovereignty and territorial integrity of the State, to serve the people in a dignified manner".

II. From the day of swearing in the President shall be considered to have entered upon his duties.

**Article 104. Inability of the President of the Republic of Azerbaijan to Permanent Execute his Authority.**

I. The President shall be considered to have lost his power before the appointed time when he retires, loses ability to implement for health reasons his obligations, or is removed from once in cases and in the order specified by the present Constitution.

II. When the President of the Republic of Azerbaijan retires his request on retirement shall be submitted to the Constitutional Court of the Republic of Azerbaijan. The Constitutional Court of the Republic of Azerbaijan having ascertained that the President has personally sent in his resignation shall take a decision on approving the Republic of Azerbaijan President's resignation. From that moment on the President shall be considered to have resigned from his position in connection with his retirement.

III. Upon the representation of information concerning the President's complete loss of ability for health reasons to execute his power, the Milli Majlis shall address the Constitutional Court of the Republic of Azerbaijan for elucidating the fact. The Constitutional Court of the Republic of Azerbaijan shall take a decision on this issue by a majority of 6 votes. If the Constitutional Court does not confirm this fact, then the issue shall be considered settled.

**Article 105. Execution of Obligations of the President of the Republic of Azerbaijan upon His Retirement.**

I. When the President retires from the position before the appointed time new Presidential elections shall be held within three months. In this case the Prime-Minister of the Republic of Azerbaijan shall perform duties of the President of the Republic of Azerbaijan.

II. If during this term acting the President of the Republic of Azerbaijan the Prime-Minister of the Republic of Azerbaijan resigns, completely loses for health reasons the ability to implement his power, then the obligations of the President of the Republic of Azerbaijan shall be fulfilled by the Chairperson of the Milli Majlis of the Republic of Azerbaijan.

III. When there is no possibility for the Chairperson of the Milli Majlis of the Republic of Azerbaijan to exercise power of the President of the Republic of Azerbaijan for reasons pointed out in the second half of the present Article the Milli Majlis of the Republic of

Azerbaijan shall pass a Resolution on the executing authority of the President of the Republic of Azerbaijan by another official.

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

The President of the Republic of Azerbaijan shall have the right of immunity. The honor and dignity of the president of the Republic of Azerbaijan shall be protected by Law.

**Article 107. Removing from Position of the President of the Republic of Azerbaijan.**

I. When a grave crime has been committed by the President of the Republic of Azerbaijan the issue concerning the removal of the President of the Republic of Azerbaijan from his position can be put forward before the Milli Majlis of the Republic of Azerbaijan on the initiative of the Constitutional Court of the Republic of Azerbaijan on the basis of the conclusion drawn by the Supreme Court of the Republic of Azerbaijan within 30 days.

II. The President of the Republic of Azerbaijan can be removed from office on the basis of the Resolution passed by the majority of 95 votes of the Deputies. This Resolution shall be signed by the Constitutional Court of the Republic of Azerbaijan. If within one week the Constitutional Court of the Republic of Azerbaijan does not come out in favor of signing this Resolution, the Resolution shall not come into effect.

III. The Resolution on the removal of the President from office shall be passed within 2 months since the day of the Constitutional Court addressing the Milli Majlis of the Republic of Azerbaijan. If within this term the mentioned Resolution is not passed the accusation shall be turned down.

**Article 108. Maintenance of the President of the Republic of Azerbaijan.**

The President of the Republic of Azerbaijan and his family shall be maintained at the expense of the State. Security of the President of the Republic of Azerbaijan and his family shall be ensured by special guard services.

**Article 109. Power of the President of Republic of Azerbaijan.**

The President of the Republic of Azerbaijan:

- 1) shall appoint elections to the Milli Majlis of the Republic of Azerbaijan;
- 2) shall submit the State budget of the Republic of Azerbaijan to the Milli Majlis for ratification;
- 3) approves State economic and social programs;
- 4) on co-ordination with the Milli Majlis of the Republic of Azerbaijan shall appoint the Prime-Minister of the Republic of Azerbaijan and shall remove from position the Prime-Minister of the Republic of Azerbaijan; the Milli Majlis of the Republic of Azerbaijan shall perform duties of the President of the Republic of Azerbaijan.
- 5) shall appoint to position and remove from position members of the Cabinet of Ministers of the Republic of Azerbaijan; in required cases shall preside at the meetings of the Cabinet of Ministers of the Republic of Azerbaijan;
- 6) shall take a decision on resignation of the Cabinet of Ministers;
- 7) shall set up central and local executive bodies for exercising executive pointer within the expenses planned by the State budget of the Republic of Azerbaijan;
- 8) shall annul the Resolutions and Orders of the Cabinet of Ministers of the Republic of Azerbaijan, the Cabinet of Ministers of the Nakhichevan Autonomous Republic, Acts of central and local executive bodies;
- 9) shall submit a proposal to the Milli Majlis of the Republic of Azerbaijan on the appointment and removing

from the position of judges of the Constitutional Court, the Supreme Court of the Republic of Azerbaijan and the courts of appeal of the Republic of Azerbaijan; on co-ordination with the Milli Majlis of the Republic of Azerbaijan shall appoint and remove General Prosecutor of the Republic of Azerbaijan from holding position;

appoint to the position of judges of other courts of Republic of Azerbaijan;

10) shall submit proposals to the Milli Majlis of the Republic of Azerbaijan on the appointment to the position and removal from the position the members of the Board Committee of the National Bank of the Republic of Azerbaijan;

11) shall submit military doctrine of the Republic of Azerbaijan to the Milli Majlis for ratification;

12) shall appoint and remove from position higher commanders of the Armed Forces of the Republic of Azerbaijan;

13) shall form the President's Administration and shall appoint its Head;

14) shall nominate the ombudsman of the Republic of Azerbaijan to the Milli Majlis of the Republic of Azerbaijan for his election;

15) shall submit to the Milli Majlis a proposal on establishing diplomatic representations of the Republic of Azerbaijan in foreign countries and international organizations, appoint and recall diplomatic representatives of the Republic of Azerbaijan in foreign States and international organizations;

16) shall accept credentials and letters of recall of the diplomatic representatives of foreign States;

17) shall conclude intergovernmental Treaties and Agreements, shall submit interstate Treaties, to the Milli Majlis of the Republic of Azerbaijan for ratification or denunciation; shall sign Decrees on the ratification of international Treaties and Agreements;

18) shall appoint a referendum;

19) shall sign and issue laws;

20) shall settle the issues of citizenship;

21) shall decide issues on granting political asylum;

22) shall pass Acts on Granting Mercy;

23) shall grant State awards;

24) shall confer higher military and higher special ranks;

25) shall announce total or partial mobilization and demobilization;

26) shall take a decision on calling up citizens of the Republic of Azerbaijan for urgent military service and transferring soldiers to the reserve;

27) shall found Security Council of the Republic of Azerbaijan;

28) shall introduce representation to the Milli Majlis of the Republic of Azerbaijan on giving consent to enlist armed forces to the fulfilment of obligations not connected with their main destination;

29) shall declare emergency situation and martial law;

30) shall upon consent of the Milli Majlis of the Republic of Azerbaijan declare war and conclude peace;

31) shall set up special guard services;  
32) shall in the executive order settle other issues not referred by the present Constitution to the power of the Milli Majlis of the Republic of Azerbaijan.

**Article 110. Signing Laws.**

I. The President of the Republic of Azerbaijan shall sign Laws within 56 days since the day of representation.

II. If a Law arouses objection on the part of the President of the Republic of Azerbaijan he without signing the Law shall at the appointed time send it back to the Milli Majlis of the Republic of Azerbaijan attaching his objections. If the Milli Majlis of the Republic of Azerbaijan by repeated voting passes the Laws by a majority of 95 votes which have been previously passed by a majority of 83 votes, and the Laws, previously adopted by a majority of 63 votes, by a majority of 83 votes then the Laws shall come into effect.

**Article 111. Declaration of Martial Law.**

The President of the Republic of Azerbaijan shall declare Martial Law in the whole territory of the Republic of Azerbaijan or in some of its parts and shall immediately represent the following Decree at the Milli Majlis of the Republic of Azerbaijan for ratification when a certain part of the territory of the Republic of Azerbaijan has been occupied, a foreign State has declared a war against the Republic of Azerbaijan, real danger of an armed attack against the Republic of Azerbaijan has been brought into being, a territory of the Republic of Azerbaijan has been blockaded, and if there exists real danger of such a blockade.

**Article 112. Declaration of Emergency Situation.**

The President of the Republic of Azerbaijan shall declare Emergency Situation in separate areas of the Republic of Azerbaijan when there are natural calamities, epidemics, epizootic, great ecological and other catastrophes, as well as when there actions directed at the violation of territorial integrity of the Republic of Azerbaijan, forced change of its Constitutional system, mass disturbances, accompanied by violence, rise of national conflicts creating threat for life and security of citizens, or for normal activity of State bodies. The President of the Republic of Azerbaijan within 24 hours shall submit the Decree to the Milli Majlis of the Republic of Azerbaijan for ratification.

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

I. The President of the Republic of Azerbaijan when establishing general rules shall issue Decrees, on other issues - Orders.

II. If a different order is not envisaged in Decrees and Orders, they shall come into effect from the day of publication.

**Article 114. Status of Cabinet of Ministers of Republic of Azerbaijan.**

I. With the aim of implementing Executive power the President of the Republic of Azerbaijan shall form the Cabinet of Ministers of the Republic of Azerbaijan.

II. The Cabinet of Ministers shall be the supreme Executive body of the President of the Republic of Azerbaijan.

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

IV. The order of activity of the Cabinet of Ministers of the Republic of Azerbaijan shall be determined by the President the Republic of Azerbaijan.

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

The Cabinet of Minister shall consist of the Prime Minister of the Republic of Azerbaijan, his Deputies, Ministers and Heads of other central bodies of Executive power.

**Article 116. Resignation Cabinet of Ministers.**

On the day when the newly elected President of the Republic of Azerbaijan has taken office and has entered upon his duties the Cabinet of Ministers shall resign.

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

The Prime Minister of the Republic of Azerbaijan shall preside at meetings the Cabinet of Ministers of the Republic of Azerbaijan.

**Article 118. Order of Appointment Prime- Minister of Republic of Azerbaijan.**

I. The Prime- Minister of the Republic of Azerbaijan shall be appointed by the President of the Republic of Azerbaijan in co-ordination with the Milli Majlis of the Republic of Azerbaijan.

II. The President of the Republic of Azerbaijan shall submit for discussion to the Milli Majlis of the Republic of Azerbaijan a proposal on the candidacy to the post of the Prime Minister no later than one month from the day of starting entering upon his duties or no later than a fortnight from the day of resignation of the Cabinet of Ministers of Republic of Azerbaijan.

III. The Milli Majlis of the Republic of Azerbaijan shall give consent to the candidature to the post of the Prime Minister of the Republic of Azerbaijan no later than one week from the day of the candidature representation. If the mentioned order is violated or consent is not given thrice to the appointment to the Republic of Azerbaijan Prime Minister post of the candidatures represented by the President of the Republic of Azerbaijan, then the President of the Republic of Azerbaijan can appoint the Prime Minister of the Republic of Azerbaijan without the consent of the Republic of Azerbaijan Milli Majlis.

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

The Cabinet of Ministers of the Republic of Azerbaijan:

- shall make up a draft of the State budget of the Republic of Azerbaijan and shall submit it to the President of
- the Republic of Azerbaijan;
- shall ensure the implementation of the State budget of the Republic of Azerbaijan;
- shall ensure realization of the financial and credit and monetary policy;
- shall ensure putting into life State economic programs;
- shall ensure execution of State social programs;
- shall head the Ministries and other central executive bodies, shall annul their Acts;
- shall settle other issues which are attributed by the President to the Cabinet's jurisdiction.

**Article 120. Acts of Cabinet of Ministers of Republic of Azerbaijan.**

I. The Cabinet of Ministers of the Republic of Azerbaijan when determining general rules shall pass Decrees, it shall pass Orders on other issues.

II. If a different order is not specified in Decrees and Orders of the Cabinet of Ministers they come into effect after the day of publication.

**Article 121. Requirements to Candidates for the Position of Members of the Republic of Azerbaijan Cabinet of Ministers.**

I. A citizen of the Republic of Azerbaijan no younger than 30 years old, having a University Degree, election right, having no obligation in relation to any foreign State shall be appointed Prime Minister.

II. A citizen of the Republic of Azerbaijan at the age of no less than 25 years, with a University Degree, election right, without obligations to any foreign State shall be appointed Deputy Prime Minister, Minister, Head of other central Executive bodies.

**Article 122. Requirements to Members of Cabinet of Ministers of Republic of Azerbaijan.**

The Prime Minister of the Republic of Azerbaijan, his Deputies, Ministers, Heads of other central executive bodies cannot hold any other elected or appointed position, they cannot be engaged in business, commercial and any other paid activities with the exception of scientific, teaching and creative activities, or can they get other remuneration except salary for holding position and also means received for scientific, teaching and creative works.

**Article 123. Immunity of the Prime-Minister of the Republic of Azerbaijan.**

I. During the term of office the Prime Minister shall enjoy personal immunity.

- II. The Prime Minister cannot be brought to court, detained, except the cases when he is, caught red-handed. No court measures like administrative penalty, arrest, and other suppression measures can be applied to him, he cannot be searched or inspected.
- III. The Prime Minister of the Republic of Azerbaijan can be detained if he is caught red-handed. In that case the body who has detained the above-mentioned official shall immediately inform the General Prosecutor of the Republic of Azerbaijan about it.
- IV. The immunity of the Prime Minister of the Republic of Azerbaijan can be stopped only by the President on the basis of the representation of the General Prosecutor of the Republic of Azerbaijan.

**Article 124. Local Executive Power.**

- I. Local Executive power shall be implemented by the Heads of Executive power.
- II. Heads of Executive power shall be appointed and removed from holding positions by the President of the Republic of Azerbaijan.
- III. Authority of the Local Executive power shall be determined by the President of the Republic of Azerbaijan.

**Section VII**

**JUDICIAL POWER.**

**Article 125. Execution of Judicial Power.**

- I. Judicial power shall be implemented solely judicial bodies.
- II. Judicial power shall be executed by the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, courts of appeal of the Republic of Azerbaijan, ordinary and specialized courts of the Republic of Azerbaijan.
- III. Judicial power shall be exercised via constitutional, civil, administrative and criminal legal proceedings and in other forms specified by the Law.
- IV. Attorney ship and defense of the Republic of Azerbaijan shall participate in proceedings of criminal courts.
- V. Judicial Structure and Legal Procedure shall be determined by the Law.
- VI. Use of legal means not stipulated by Law in order to change authority of judges and create extraordinary courts shall be prohibited.

**Article 126. Requirements to Candidates to the post of Judges.**

- I. Citizens of the Republic of Azerbaijan who have reached the age of 30, have a University Degree in Law and a 5-year working experience in the sphere of Law can be Judges.
- II. Judges can not hold another elected or appointed position, they can not be engaged in business, commercial and any other paid activities, excepting scientific, teaching and creative work, or can they affiliate to political parties and be engaged in political activities, or can they get any remuneration except salary and means for scientific, teaching and creative work.

**Article 127. Principles of Justice.**

- I. Judges shall be autonomous, they shall be subordinate only to the Constitution and the Laws and shall be irremovable in accordance with the Law.
- II. Judges decide the cases in an unbiased, fair way, following the legal equality of the sides, on the basis of facts and in accordance with the Law.
- III. Direct or indirect restriction of legal procedure on somebody's part and for some reason, illegal influence, pressure, threat interference shall not be permitted.
- IV. Justice shall be administered on the basis of legal equality of citizens before Law and Court.
- V. Trial in all the courts shall be public. Hearing of the case behind closed doors can be authorized in case when the court assumes that open trial can lead to revealing the State, professional or commercial secret, or when the court pursues the necessity of keeping secrecy of a personal or family life.
- VI. Legal proceeding of criminal cases by default shall not be authorized in court of first instance.

VII. Legal proceedings shall be implemented based on the principle of Controversy.

VIII. Every Person shall have the right get qualified legal help at any stage of legal proceedings.

IX. Justice is based on Presumption of Innocence.

X. Legal proceedings in the Republic of Azerbaijan shall be conducted in the official language of the Republic of Azerbaijan or in the language of the population which constitute the majority in the area concerned. Persons - participants of court examination who do not know the language in which legal proceedings are held shall be guaranteed via the interpreter the right to get fully familiarized with the materials of the case, participate in legislative enactment and speak in the native language in the court.

#### **Article 128. Immunity of Judges.**

I. Judges shall have immunity.

II. A judge can be brought to court only in the order specified by the Law.

III. Authority of Judges can be terminated only in the legal order specified by the Law.

IV. Upon commitment by judges of crimes the President of the Republic of Azerbaijan on the assumption of the conclusion of the Republic of Azerbaijan Supreme Court shall speak at the Milli Majlis of the Republic of Azerbaijan with the initiative to remove judges from holding position. Corresponding conclusion of the Republic of Azerbaijan Supreme Court must be submitted to the President of the Republic of Azerbaijan on the corresponding inquiry within 30 days.

V. Decision on removing members of the Constitutional Court, the Supreme Court of the Republic of Azerbaijan and the Economic Court of the Republic of Azerbaijan shall be made by a majority of 83 votes; decision on removing other judges shall be taken by the Milli Majlis of the Republic of Azerbaijan by a majority of 63 votes.

#### **Article 129. Court Decisions and Their Implementation.**

Judges shall take decisions on behalf of the State, implementation of these decisions shall be binding on everyone.

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

I. The Constitutional Court of the Republic of Azerbaijan shall consist of 9 judges.

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

III. On the basis of inquiry made by the President of the Republic of Azerbaijan, Milli Majlis of the Republic of Azerbaijan, the Cabinet of Ministers of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, General Prosecutor's Office of the Republic of Azerbaijan, Ali Majlis of the Nakhichevan Autonomous Republic the Constitutional Court of the Republic of Azerbaijan shall deal with the issues:

1) on conformity with the Constitution of the Republic of Azerbaijan of Laws of the Republic of Azerbaijan, Decrees and Orders of the President of the Republic of Azerbaijan, Resolutions of the Milli Majlis of the Republic of Azerbaijan, Resolutions and Orders of the Cabinet of Ministers of the Republic of Azerbaijan, normative and legal Acts of central Executive bodies,

2) on conformity with the Laws of the Republic of Azerbaijan of Decrees of the President of the Republic of Azerbaijan, Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, normative and legal Acts of central Executive bodies;

3) on conformity with the Decrees and Orders of the President of the Republic of Azerbaijan of Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan and normative and legal Acts of central Executive bodies;

4) on conformity of Acts of the Supreme Court of the Republic of Azerbaijan in cases specified by the Law with the Constitution and the Laws of the Republic of Azerbaijan;

5) on conformity of the municipal Acts of the Constitution of the Republic of Azerbaijan with the Laws of the Republic of Azerbaijan, Decrees of the President of the Republic of Azerbaijan, Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan (in the Nakhichevan Autonomous Republic also with the Constitution and the Laws of the Nakhichevan Autonomous Republic and with the Resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic);

6) on conformity of abandoned interstate Treaties of the Republic of Azerbaijan with the Constitution of the Republic of Azerbaijan, on conformity of intergovernmental Treaties of the Republic of Azerbaijan with the Constitution and the laws of the Republic of Azerbaijan;

7) on conformity with the Constitution of the Republic of Azerbaijan of the Constitution and the Laws of the Nakhichevan Autonomous Republic, Resolutions of Ali Majlis of the Nakhichevan Autonomous Republic, Resolutions and Orders of the Cabinet of Ministers of the Nakhichevan Autonomous Republic; in conformity with the Laws of the Republic of Azerbaijan of the Laws of the Nakhichevan Autonomous Republic, Resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic; on conformity of the Resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic with the Decrees and Orders of the President of the Republic of Azerbaijan and Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan.

8) on settlement of disputes connected with the division of power between Legislative and Executive branches.

IV. The Constitutional Court of the Republic of Azerbaijan shall give interpretation of the Constitution and the Laws of the Republic of Azerbaijan based on the inquiry on the part 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, General Prosecutor's Office of the Republic of Azerbaijan and Ali Majlis of the Nakhichevan Autonomous Republic. The Constitutional Court of the Republic of Azerbaijan shall perform other duties stipulated in the present Constitution.

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. The courts have the right to apply to the Constitutional Court of the Republic of Azerbaijan in accordance with rules specified in laws in connection with comments of the Constitution and laws of the Republic of Azerbaijan on issues related to implementation of human rights and freedoms.

VII. For resolution of the issues indicated in Articles 130.II.1 and 130.II.7 by the Constitutional Court of the Republic of Azerbaijan, the ombudsman 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 shall make decisions relating to its power. Decisions of the Constitutional Court of the Republic of Azerbaijan shall be binding in the whole territory of the Republic of Azerbaijan.

IX. The Laws and other Acts or their separate provisions, intergovernmental Treaties of the Republic of Azerbaijan shall lose force at the time appointed in the decision of the Constitutional Court of the Republic of Azerbaijan on their discrepancy with the Constitution of the Republic of Azerbaijan; interstate Treaties of the Republic of Azerbaijan which are

recognized as not conforming to the Constitution of the Republic of Azerbaijan shall not come into effect.

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

I. The Supreme Court of the Republic of Azerbaijan is the highest judicial body in civil, criminal, administrative and other cases, referred to the activity of general courts; it conducts justice in cassation regulations; it gives explanations related to activity of courts.

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

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

I. Courts of Appeal of the Republic of Azerbaijan shall be the courts of high instance for cases they are authorized for by laws.

II. Judges of Courts of Appeal of the Republic of Azerbaijan shall be appointed by the Milli Majlis of the Republic of Azerbaijan upon nomination by the President of the Republic of Azerbaijan.

**Article 133. General Prosecutor's Office of the Republic of Azerbaijan.**

I. In the order and cases specified by legislation, General Prosecutor's Office of the Republic of Azerbaijan shall exercise control over accurate and uniform execution and application of Laws; shall bring in an action; in cases specified by the law shall institute proceedings and hold an investigation; shall support in court State prosecution; shall register a claim; shall bring in objections to the court's decisions.

II. General Prosecutor's Office of the Republic of Azerbaijan shall be a united centralized body consisting of territorial and specialized Attorney Offices based on their subordination to the General Prosecutor of the Republic of Azerbaijan.

III. General Prosecutor of the Republic of Azerbaijan shall be appointed to and removed from holding position by the President of the Republic of Azerbaijan by consent of the Republic of Azerbaijan Milli Majlis.

IV. Deputies of General Prosecutor of the Republic of Azerbaijan, heads of the specialized republican Attorney Offices shall be appointed to and removed from the position by the President of the Republic of Azerbaijan on the representation of the General Prosecutor of the Republic of Azerbaijan.

V. Territorial and specialized Attorneys shall be appointed to the position by the General Prosecutor of the Republic of Azerbaijan in co-ordination with the President of the Republic of Azerbaijan.

**Section IX**

**NAKHICHEVAN AUTONOMOUS REPUBLIC.**

**Article 134. Status of the Nakhichevan Autonomous Republic.**

I. The Nakhichevan Autonomous Republic shall be an autonomous State forming a part of the Republic of Azerbaijan.

II. The status of the Nakhichevan Autonomous Republic shall be determined by the present Constitution.

III. Nakhichevan Autonomous Republic shall be an inalienable part of the Republic of Azerbaijan.

IV. The Constitution of the Republic of Azerbaijan, Laws of the Republic of Azerbaijan, Decrees of the President of the Republic of Azerbaijan and Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan shall be binding in the territory of the Nakhichevan Autonomous Republic.

V. The Constitution and Laws of the Nakhichevan Autonomous Republic must not contradict the Constitution and the Laws of the Republic of Azerbaijan, Resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic must not contradict the Constitution and

the Laws of the Republic of Azerbaijan, the Decrees of the President of the Republic of Azerbaijan and the Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan.  
VI. The Constitution of the Nakhichevan Autonomous Republic shall be presented to the Milli Majlis of the Republic of Azerbaijan by the President of Republic of Azerbaijan and shall be approved by Constitutional Law.

**Article 135. Division of Power in the Nakhichevan Autonomous Republic.**

I. The Legislative power in the Nakhichevan Autonomous Republic shall be executed by the Ali Majlis of the Nakhichevan Autonomous Republic, Executive power shall be implemented by the Cabinet of Ministers of the Nakhichevan Autonomous Republic, the Judicial power shall be exercised by the courts of the Nakhichevan Autonomous Republic.

II. Ali Majlis of the Nakhichevan Autonomous Republic shall independently deal with issues referred to its power by the Constitution and the Laws of the Republic of Azerbaijan; the Cabinet of Ministers of Nakhichevan Autonomous Republic shall independently deal with issues referred to its power by the Constitution and the Laws of the Republic of Azerbaijan, Decrees of the President of the Republic of Azerbaijan; the courts of the Nakhichevan Autonomous Republic shall independently deal with issues referred to its power by the Constitution and the Laws of the Republic of Azerbaijan.

**Article 136. Highest Official of Nakhichevan Autonomous Republic.**

The Chairman of the Ali Majlis of the Nakhichevan Autonomous Republic shall be the highest official of the Nakhichevan Autonomous Republic.

**Article 137. Ali Majlis of Nakhichevan Autonomous Republic.**

I. Ali Majlis of the Nakhichevan Autonomous Republic shall consist of 45 members.

II. Ali Majlis of the Nakhichevan Autonomous Republic shall elect the Chairman of Ali Majlis of the Nakhichevan Autonomous Republic and its Deputies, shall form permanent and other commissions.

III. The term of office for the Ali Majlis members of the Nakhichevan Autonomous Republic shall be 5 years.

IV. The Constitution of the Nakhichevan Autonomous Republic must not contradict the Constitution and the Laws of the Republic of Azerbaijan.

**Article 138. General Rules Set Up by Ali Majlis of Nakhichevan Autonomous Republic.**

I. The Ali Majlis of the Nakhichevan Autonomous Republic shall set up general rules on the following issues:

- 1) elections to the Ali Majlis of the Nakhichevan Autonomous Republic;
- 2) taxes;
- 3) directions of economy development of the Nakhichevan Autonomous Republic;
- 4) social security;
- 5) environment protection;
- 6) tourism;
- 7) medical care, science, culture.

II. The Ali Majlis of the Nakhichevan Autonomous Republic shall adopt Laws on issues mentioned in this Article.

**Article 139. Issues Dealing with Ali Majlis of Nakhichevan Autonomous Republic.**

I. The Ali Majlis of the Nakhichevan Autonomous Republic shall be dealing with the following issues:

- 1) work organization of the Ali Majlis of the Nakhichevan Autonomous Republic;
- 2) budget of the Nakhichevan Autonomous Republic;
- 3) approval of economic and social programs of the Nakhichevan Autonomous Republic;
- 4) appointment to the position and removal from the position of the Prime Minister of the Nakhichevan Autonomous Republic;
- 5) approval of Cabinet of Ministers composition of the Nakhichevan Autonomous Republic;

6) confidence in the Cabinet of Ministers of the Nakhichevan Autonomous Republic.  
II. The Ali Majlis of the Nakhichevan Autonomous Republic shall pass Resolutions on the issues mentioned in this Article.

**Article 140. Cabinet of Ministers of Nakhichevan Autonomous Republic.**

I. The composition of the Cabinet of Ministers of the Nakhichevan Autonomous Republic shall be determined by the Ali Majlis of the Nakhichevan Autonomous Republic on the representation of the Prime Minister of the Nakhichevan Autonomous Republic.

II. The Prime Minister of the Nakhichevan Autonomous Republic shall be appointed by the Ali Majlis of the Nakhichevan Autonomous Republic based on the representation of the president of the Republic of Azerbaijan.

III. The Cabinet of Ministers shall:

- to make a budget estimates of the Republic and shall submit it to the Ali Majlis of the Nakhichevan Autonomous Republic;
- realize the budget of the Autonomous Republic;
- ensure implementation of economic programs;
- ensure putting into life social security programs;
- deal with other issues attributed to its competence by the President of the Republic of Azerbaijan.

IV. Cabinet of Ministers of the Nakhichevan Autonomous Republic shall pass Resolutions and Orders.

**Article 141. Local Executive Power in Nakhichevan Autonomous Republic.**

Heads of local Executive power in the Nakhichevan Autonomous Republic shall be appointed by the President of the Republic of Azerbaijan on the basis of joint representations of the Chairman of the Ali Majlis and the Prime Minister of the Nakhichevan Autonomous Republic.

**FOURTH CHAPTER.**

**LOCAL SELF-GOVERNMENT.**

**Section IX**

**MUNICIPALITIES.**

**Article 142. Organization of Local Government.**

I. Local government in rural areas and towns, villages and settlements shall be exercised by municipalities.

II. Municipalities shall be formed by way of elections.

III. Basis of status of municipalities shall be determined by this Constitution and regulations of municipal elections shall be determined by law.

**Article 143. Organization of Municipality Work.**

Municipalities shall implement their activity via meetings, permanent and other commissions. Municipality meetings shall be convened by the Chairman of the Municipality.

**Article 144. Municipality Power.**

I. The following issues shall be settled at the Municipality meetings:

- 1) recognition of authority of Municipality members, termination of their authority in cases stipulated by the Law;
- 2) approving regulations; forming its mechanism;
- 3) election of the Municipality Chairman and his Deputies, permanent and other commissions;
- 4) imposing local taxes and payments;
- 5) approving a local budget and accounts for their use;
- 6) owning the municipal property, charging and using it;
- 7) approving and implementing local programs of social security and social development;
- 8) approving and implementing local programs of economic development;
- 9) approving and implementing local ecological programs.

II. Municipalities can be delegated by the Legislative and the Executive power additional authority. Municipalities must be allotted necessary financial means for executing this authority. Realization of this authority shall be controlled by the Legislative and Executive power.

**Article 145. Municipal Decisions.**

I. At the Municipality meetings decisions shall be taken on considered issues.

II. Municipal decisions shall be taken by a simple vote majority of Municipality members.

III. Decisions connected with local taxes and payments shall be taken by a majority of two thirds of votes of Municipality members.

**Article 146. Guarantee of Municipality Independence.**

Municipalities shall be guaranteed protection in court, compensation of additional expenses, brought about as a result of State bodies decisions.

**FIFTH CHAPTER**

**JUSTICE AND LAW.**

**Section X**

**LEGISLATIVE SYSTEM.**

**Article 147. Validity of the Constitution of the Republic of Azerbaijan.**

I. The Constitution of Republic of Azerbaijan shall have highest legal force in the Republic of Azerbaijan.

II. The Constitution of the Republic of Azerbaijan shall act immediately. The Constitution of the Republic of Azerbaijan shall be the foundation of the Legislative system in the Republic of Azerbaijan.

**Article 148. Acts Included in Legislative system of Republic of Azerbaijan.**

I. The Legislative system of the Republic of Azerbaijan shall consist of the following normative-legal Acts:

- 1) the Constitution;
- 2) Acts adopted via referendum;
- 3) Laws;
- 4) Decrees;
- 5) Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan;
- 6) normative Acts of central Executive bodies.

II. International Treaties, of which the Republic of Azerbaijan is a party, shall be inalienable compound part of the Legislative system of the Republic of Azerbaijan.

III. In the Nakhichevan Autonomous Republic the Constitution and the Laws of the Nakhichevan Autonomous Republic, Resolutions of the Cabinet of Ministers of the Nakhichevan Republic shall also have legal force.

IV. Legislative system in the Nakhichevan Republic should correspond to the Legislative system in the Republic of Azerbaijan.

V. Local Executive bodies within their competence can take decisions and instructions of the normative character, other Acts, which do not contradict Acts included in the Legislation system.

**Article 149. Normative and Legal Acts.**

I. Acts that have been passed via referendum must be based on Right and Justice (on equal approach to equal interests).

II. Only in case of publication of Acts, passed via referendum, their use and implementation shall be obligatory for citizens, Legislative, Executive and Judicial power, juridical Persons are the Municipalities.

III. Laws should not contradict the Constitution. Application and implementation of only published laws shall be obligatory of all citizen, legislative executive and judicial power bodes, legal entities and municipalities.

IV. Decrees of the President of the Republic of Azerbaijan must not contradict the Constitution, Laws of the Republic of Azerbaijan. Only published Decrees shall be used and implemented for citizens, executive bodies, juridical Persons.

V. Resolutions of the Cabinet of Ministers must not contradict the Constitution, Laws of the Republic of Azerbaijan, Decrees, the Right and Justice (equal attitude to equal interests). It is only when the Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan are made public that their application and realization shall be obligatory for citizens, central and local executive bodies, juridical Persons.

VI. Acts of central and local executive power shall not contradict the Constitution, the Laws of the Republic of Azerbaijan, Decrees, Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan, the Right and Justice (equal approach to equal interests). Judicial Force of the Acts of central and local executive bodies shall be defined by the President of the Republic of Azerbaijan.

VII. Normative and legal Acts, improving legal status of physical and juridical persons, removing or mitigating their legal responsibility can have the reverse force. This must be specified in the normative and legal Act itself. Other normative-legal Acts shall not have the reverse force.

#### **Article 150. Municipal Acts.**

I. Acts passed by Municipalities shall not contradict the Constitution and the Laws of the Republic of Azerbaijan, Decrees, Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan and in the Nakhichevan Autonomous Republic - also the Constitution and the laws of the Nakhichevan Autonomous Republic, Resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic, the Right and Justice (equal attitude to equal interests).

II. Implementation of Acts passed by the Municipality shall be binding for citizens, living in its territory, and for juridical Persons settled in this territory.

#### **Article 151. Legal Force of International Acts.**

When disputes, contra lotions have arisen between normative-legal Acts included in Legislation system of the Republic of Azerbaijan (excepting the Constitution of the Republic of Azerbaijan and the Acts, Passed via referendum) and International Treaties, of which the Republic of Azerbaijan is a party, the latter ones shall be applied.

### **Section XI**

#### **CHANGES IN THE CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN.**

#### **Article 152. Order of Adopting Changes in the Constitution of Republic of Azerbaijan.**

Changes in the text of the Constitution of the Republic of Azerbaijan shall be adopted only via referendum.

#### **Article 153. Initiative of introducing Changes in Constitution of Republic of Azerbaijan.**

If changes in the text of the Constitution of the Republic of Azerbaijan are proposed by the Milli Majlis of the Republic of Azerbaijan or the President of the Republic of Azerbaijan, then the conclusion of the Constitutional Court on the proposed changes must be received in advance.

#### **Article 154. Restriction of Authority of the Constitutional Court of the Republic of Azerbaijan.**

The Constitutional Court of the Republic of Azerbaijan cannot give a conclusion on the changes in the text of the Republic of Azerbaijan Constitution which are approved via referendum.

#### **Article 155 Restriction of Initiative of Introducing Changes in Constitution of the Republic of Azerbaijan.**

Proposals on changes in or cancellation of Articles 1, 2, 6, 7, 8 and on restriction or cancellation of human and citizens' rights and freedoms or for more than specified in international agreements party to which the Republic of Azerbaijan is and specified in the third Chapter of the present Constitution cannot be put on for the referendum.

## **Section XII**

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

#### **Article 156. Order of Adopting Additions to the Constitution of the Republic of Azerbaijan.**

I. Additions to the Constitution of the Republic of Azerbaijan shall be adopted as The Constitutional Laws in the Milli Majlis of the Republic of Azerbaijan by a majority of 95 votes.

II. The Constitutional Laws of the Republic of Azerbaijan on Additions to the Constitution of the Republic of Azerbaijan shall be put to the vote at the Milli Majlis of the Republic of Azerbaijan twice. The second voting shall be held 6 months after the first voting.

III. The Constitutional Laws of the Republic of Azerbaijan on Supplements to the Constitution of the Republic of Azerbaijan shall be submitted to the President of the Republic of Azerbaijan both after the first voting and after the second voting.

IV. The Constitutional Laws of the Republic of Azerbaijan on Additions to the Constitution of the Republic of Azerbaijan shall come into effect upon the President's signing them after the second voting.

V. The Constitutional Laws of the Republic of Azerbaijan shall be part and parcel of the Constitution of the Republic of Azerbaijan and they shouldn't contradict the main text of the Constitution of the Republic of Azerbaijan.

#### **Article 157. Initiative on Introducing Additions to the Constitution of the Republic of Azerbaijan.**

Additions to the Constitution of the Republic of Azerbaijan can be put forward by the President of the Republic of Azerbaijan or at least 63 Milli Majlis members of the Republic of Azerbaijan.

#### **Article 158. Restriction of Initiative on Introducing Additions to the Constitution of the Republic of Azerbaijan**

No amendments can be proposed to make in the Constitution of the Republic of Azerbaijan, regarding provisions of the First Part of this Constitution.

#### **TRANSITION PROVISIONS.**

1. The Constitution of the Republic of Azerbaijan shall come into effect on the basis of national election (referendum) on the publication day. The Constitution (Principal Law) of the Republic of Azerbaijan which was adopted on the 21 of April, 1978 loses its force on the same day.

2. The President of the Republic of Azerbaijan from the day of adopting the present Constitution and up to completing term of office shall perform duties determined by the present Constitution for the President of the Republic of Azerbaijan.

3. Paragraph 5 of Article 101 of the present Constitution shall affect the President of the Republic of Azerbaijan elected after the adoption of the present Constitution.

4. Power of the Milli Majlis composed of the people's Deputies of the Republic of Azerbaijan by the Supreme Soviet of the Republic of Azerbaijan shall expire on the day of the first meeting of the newly elected Milli Majlis of the Republic of Azerbaijan.

The first meeting of the newly elected Milli Majlis of the Republic of Azerbaijan shall be held a week after election no less than 83 Deputies of the Milli Majlis of the Republic of Azerbaijan. The first session of the Milli Majlis of the Republic of Azerbaijan shall last till 31 of May, 1996. Article 85 of the Republic of Azerbaijan Law "On Elections to the Milli Majlis of the Republic of Azerbaijan" which was adopted on the 15 of August, 1995 shall be in force till the power expiration of the Milli Majlis of the Republic of Azerbaijan of the first convocation elected on the basis of the pointed out Law.

5. The Cabinet of Ministers from the day of passing the present Constitution shall execute power, defined by the present Constitution.

6. From the day of the present Constitution entering into force the power of the local Soviets of the people's Deputies of the Republic of Azerbaijan shall expire. Power referred to local Soviets of people's Deputies of the Republic of Azerbaijan by the Legislature of the Republic of Azerbaijan shall be implemented by local bodies of Executive Power.
7. Within 2 years after the Present Constitution has entered into force a Law on local self-government shall be passed and elections to municipalities shall be held.
8. Laws and other normative and legal Acts operating in the territory of the Republic of Azerbaijan since the day of the present Constitution adoption shall remain in force in those parts that do not contradict the present Constitution.
9. Courts of the Republic of Azerbaijan shall administer justice according to the authority and principles set up by the present Constitution until the present Constitution enters into force.
10. Within one year from the day of adopting the present Constitution corresponding legislature on the status of judges, on the structure of a court and court reform shall be passed and judges of the Republic of Azerbaijan shall be reappointed. Until the pointed out legislature is adopted the appointment of judges to the position and their removal from position shall be realized on the basis of legislature which is operative until the present Constitution enters into force.
11. After the present Constitution of the Republic of Azerbaijan has become operative a Law of the Republic of Azerbaijan on the Constitutional Court of the Republic of Azerbaijan shall be passed and the Constitutional Court of the Republic of Azerbaijan shall be established. Before the Constitutional Court of the Republic of Azerbaijan has been created authority of the Constitutional Court of the Republic of Azerbaijan specified by the present Constitution shall not be implemented. The issue stipulated in item 7 Paragraph 3 of Article 130 of the present Constitution shall be settled by the Supreme Court of the Republic of Azerbaijan.
12. Since the present Constitution becoming effective the highest Arbitrary Court of the Republic of Azerbaijan shall be titled the Economic Court of the Republic of Azerbaijan and shall exercise power stipulated by the effective Legislature.