

CONSTITUTION OF THE AZERBAIJAN REPUBLIC
As amended on August 24, 2002

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TRANSITIONAL PROVISIONS

The Azerbaijan people, continuing the traditions of many centuries of its Statehood, guided by the principles which are reflected in the constitutional Act “The State Independence of Azerbaijan Republic”, wishing to provide welfare for all and everyone, and to establish justice, freedom, security, and being aware of its own responsibility before the past, present, and future generations, using its own sovereign right, solemnly declare the following goals:

- to protect the independence, sovereignty, and the territorial integrity of the Azerbaijan Republic;
- to guarantee the democratic system within the framework of the Constitution;
- to achieve the realization of a civil society;
- to establish a law-governed, secular state which assures the supremacy of the law as an expression of the will of the people;
- to assure to all a decent level of life in accordance with a just economic and social order;
- to live under conditions of friendship, peace, and safety with other people, keeping the devotion to general human values, and to implement mutually a beneficial collaboration for these purposes.

For the sake of the above stated high intentions, this Constitution is adopted through the nationwide voting—Referendum.

FIRST PART GENERAL PROVISIONS

CHAPTER I The Power of the People

Article 1 Source of Power

- I. The Azerbaijan people are the sole source of State power in the Azerbaijan Republic.
- II. The Azerbaijan people include citizens of the Azerbaijan Republic that live in the territory of the Azerbaijan Republic or outside the country and that obey the Azerbaijan State and its Laws. This does not exclude norms defined by the international law.
- III. A referendum cannot be held concerning the following matters:
 1. Taxes the state budget;
 2. Amnesty and pardon;
 3. The election, appointment or confirmation of officials, whose election, appointment or confirmation are within the competence of the legislative organs and (or) the executive power.

Article 2 The Sovereignty of the People

- I. The Azerbaijan people have the sovereign right to freely and independently decide their fate and to establish the form of its own governance.
- II. The Azerbaijan people implement their sovereign right by universal elections—referendum and by their representatives elected on the basis of universal, direct and equal elections by secret and individual ballot.

Article 3

Matters Solved by Universal Elections—Referendum

I. The Azerbaijan people can settle every matter connected with their rights and interests by referendum.

II. The below-mentioned matters can only be solved by referendum:

1. The adoption of the Constitution of the Azerbaijan Republic and the introduction of changes to it.

2. The change of State borders of the Azerbaijan Republic.

III. A referendum cannot be held concerning the following matters:

1. Taxes and the state budget;

2. Amnesty and pardon;

3. The election, appointment or confirmation of officials, whose election, appointment or confirmation are within the competence of the legislative organs and (or) the executive power.”

Article 4

The Right to Represent the People

No one except authoritative representatives elected by the people have the right to represent, speak for and address on behalf of the people.

Article 5

The Unity of the People

I. The Azerbaijan people are united.

II. The unity of the Azerbaijan people constitutes the foundation of the Azerbaijan State. The Azerbaijan Republic is wholly and indivisibly the Homeland for all the citizens of the Azerbaijan Republic.

Article 6

Banning of Power Usurpation

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

II. Power usurpation is the most serious crime directed against the people.

CHAPTER II

Foundation of the State

Article 7

The Azerbaijan State

- I. The Azerbaijan State is a democratic, law-governed, secular, unitary republic.
- II. The Azerbaijan Republic sovereign power in internal matters is confined to legal rules, while in international matters it is restricted to solely international agreements.
- III. State power in the Azerbaijan Republic is based on the principle of division of powers:
 - Legislative power is exercised by the Milli Mejlis of the Azerbaijan Republic.
 - Executive power is vested in a President of the Azerbaijan Republic.
 - Judicial power is administered by courts.
- IV. According to the constitutional provisions, executive, legislative and judicial powers cooperate and are independent within the framework of their authority.

Article 8

The Head of the Azerbaijan State

- I. The President is the Head of the Azerbaijan Republic. He represents the Azerbaijan State in home and foreign policies.
- II. The President of the Azerbaijan Republic embodies the unity of the Azerbaijan people and ensures the continuity of the Azerbaijan State.
- III. The President of the Azerbaijan Republic guarantees independence, territorial integrity and fulfillment of international agreements to which the Azerbaijan Republic is a party.
- IV. The President of the Azerbaijan Republic ensures the independence of the judicial power.

Article 9

The Armed Forces

- I. The Azerbaijan Republic establishes its Armed Forces and formations to ensure its security and protection.
- II. The Azerbaijan Republic rejects war as a means of encroaching on the independence of other States and of settling international conflicts.
- III. The President of the Azerbaijan Republic is the Commander in Chief of the Armed Forces.

Article 10

Principles of Foreign Policy

The Azerbaijan Republic 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 Azerbaijan Republic is unitary, inviolable and indivisible.
- II. The Azerbaijan Republic territory includes the Azerbaijan Republic inner waters, the Caspian Sea (Lake) sector relating to the Azerbaijan Republic, [and] the air space over the Azerbaijan Republic.
- III. The territory of the Azerbaijan Republic may not be torn away. The Azerbaijan Republic shall not yield its territory, or part of it, in any form, to anyone; borders can be specified only by the Decree of the Milli Mejlis of the Azerbaijan Republic on the basis of the will of the people of Azerbaijan.

Article 12
The Supreme Aim of the State

- I. The 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 Azerbaijan Republic is a party.

Article 13
Property

- I. The property in the Azerbaijan Republic is inviolable and protected by the State.
- II. The property can have the form of State property, private property and municipal property.
- III. The property cannot 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 belong to the Azerbaijan Republic, without damage to the rights and interests of any physical or juridical person.

Article 15
Economic Development and the State

- I. The development of the economy in the Azerbaijan Republic, based on various forms of property ensures the improvement of the well-being of the people.
- II. The Azerbaijan State creates conditions for the development of [an] economy based on market relations, guarantees free enterprise, bars the way to monopolization and unfair competition in economic relations.

Article 16
Social Development and the State

I. The Azerbaijan Republic ensures the improvement of the well-being of the people and every citizen, their social protection and normal living standard.

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

Article 17 Family and the State

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

II. To take care of the children and their upbringing is the obligation of the parents. The State sees to it that this obligation is fulfilled.

Article 18 Religion and the State

I. In the Azerbaijan Republic religion is separated from the State. All religions are equal by law.

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

III. The State education system is of secular character.

Article 19 Monetary Unit

I. The monetary unit of the Azerbaijan Republic is the manat.

II. The National Bank of the Azerbaijan Republic is the exclusive property of the State. The National Bank has the sole legal right to issue notes or to take them out of circulation.

III. Usage of any other currency besides the manat as a means of payment in the territory of the Azerbaijan Republic is prohibited.

Article 20 Restriction of State Loans

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

Article 21 State Language

I. The State language of the Azerbaijan Republic is the Azerbaijan language. The Azerbaijan Republic shall ensure the development of the Azerbaijan language.

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

Article 22
The Capital

Baku is the capital of the Azerbaijan Republic.

Article 23
The Symbols of the Azerbaijan State

I. The State symbols of the Azerbaijan Republic are the Azerbaijan Republic Flag, the Azerbaijan Republic Emblem, and the Azerbaijan Republic National Anthem.

II. The State Flag of the Azerbaijan Republic consists of three wide stripes. The upper stripe is of blue color, the middle stripe is red and the lower one is green. There is 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 is 1 by 2.

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

SECOND PART
MAJOR RIGHTS, FREEDOMS AND RESPONSIBILITIES

CHAPTER III
Principal Human and Civil Rights and Freedoms

Article 24
Main Principles of Human and Civil Rights and Freedoms

I. Every citizen from birth enjoys inviolable, undeniable and inalienable rights and freedoms.

II. Rights and freedoms also include commitments to society and other individuals.

Article 25
Right to Equality

I. Everyone is equal before the law and the court.

II. Men and women have equal rights and freedoms.

III. Everyone has 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 are prohibited.

Article 26
Protection of Human and Civil Rights and Freedoms

I. Everyone is authorized to defend his human rights and freedoms by accepted means.

II. The State ensures the protection of human rights and freedoms.

Article 27

Right to Life

I. Everyone has the right to life.

II. Every citizen's right to life is 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. Except in case of necessary defense, dire necessity, apprehension and detention of a criminal, prevention of an escape by a prisoner, prevention of a revolt or coup against the State, an armed attack against the country, the use of a weapon against a human is not permitted.

Article 28

Right to Freedom

I. Everybody has the right to freedom.

II. The right to freedom is only limited by detention, arrest or imprisonment by procedures specified by law.

III. Anyone who is legally in the territory of the Azerbaijan Republic can freely move and choose a place of domicile for himself and to travel from the Azerbaijan Republic.

IV. A citizen of the Azerbaijan Republic has the right to come back to his country unhampered.

Article 29

Right to Property

I. Everyone has the right to property.

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

III. Every individual may possess moveable and immoveable property. The property right consists of the owner's right to possess, use and dispose of the property, individually or jointly.

IV. No one is dispossessed without a decision of the court. Complete confiscation is inadmissible. The alienation of property for State needs or social needs is allowed only upon preliminary fair reimbursement of its value.

V. The State secures the right of succession.

Article 30

Right to Intellectual Property

I. Everyone has the right to intellectual property.

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

Article 31

The Right to a Secure Life

I. Everyone has the right to a secure life.

II. With the exception of cases specified by law, infringement upon a person's life, his physical and mental health, property, residence, the use of force against him is prohibited.

Article 32

Personal Inviolability

I. Everyone has the right to personal inviolability.

II. Everybody has the right to preserve personal and family secrets. Except in cases specified by law, interference into a person's life is prohibited.

III. The collecting, preserving, using and spreading of information relating to a person's life without consent is not permitted.

IV. The State ensures 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. Everyone has the right to inviolability of the residence.

II. With the exception of cases specified by law or court no one is authorized to enter a residence against the will of the resident.

Article 34

Right to Marriage

I. Everybody has the right to marriage upon reaching the age specified by law.

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

III. Family and marriage are under the protection of the State. Mothers, fathers, children shall be protected by law. The State renders assistance to large families.

IV. The rights of husband and wife are equal. The care and raising of children is the right and obligation of both parents.

V. Children have the obligation to take care of their parents. Able-bodied children upon reaching the age of 18 have the duty to support their invalid parents.

Article 35

Right to Labor

I. Labor is the basis of individual and social well being.

II. Everyone, depending on working skills, has the right to freely choose the activity, profession, position and area of employment.

III. No one can be forced to work.

IV. Labor contracts are freely signed. No one can be forced to sign contracts.

V. On the basis of [a] court decision, it is permissible under conditions specified by law to impose hard labor, forcing them to work under orders issued by authorized officials to perform required work during a state of emergency or martial law.

VI. Everyone has the right to work under safe and healthy conditions, to receive without distinction no less than the minimum salary fixed by the State for fulfilled labor.

VII. The unemployed have the right to receive social benefits from the State.

VIII. The State shall do everything in its power to eradicate unemployment.

Article 36

Right to Strike

I. Everyone has the right to strike either alone or together with others.

II. The right to strike of people working on [a] contract basis can be limited only in cases specified by law. Military and civil persons serving in the Armed Forces and other armed formations of the Azerbaijan Republic shall not go on strike.

III. Individual and collective labor disputes are settled in the order established by law.

Article 37

Right to Rest

I. Everyone has the right to rest.

II. To people working on contract with [a] maximum 8-hour working day, rest and holiday days, at least 21-day paid annual leave is guaranteed.

Article 38

Right to Social Security

I. Everyone has the right to social security.

II. It is the obligation of the family members initially to render assistance to those in their family who need it.

III. Everyone has the right to social security in old age, sickness specified by law, disability, when losing work ability or the breadwinner of the family, when unemployed and in other cases specified by law.

IV. Minimal pensions and social benefits are established by law.

V. The State creates possibilities for developing charity work, voluntary social insurance, and other forms of social security and shall promote their development.

Article 39

Right to Life in a Healthy Environment

I. Everyone has the right to live in a healthy environment.

II. Everyone has the right to collect information on the 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. Everyone has the right to participate in cultural life, make use of cultural institutions and cultural wealth.

II. Everyone must treat with respect historical, cultural and spiritual values, preserve them and protect cultural monuments.

Article 41

Right to Health Protection

I. Everyone has the right to health protection and medical aid.

II. The State, acting on the basis of various forms of property, implements necessary measures to promote the development of all aspects of health services, ensures the sanitary-epidemiological well being, creates various forms of medical insurance.

III. Authorized persons are made answerable for concealing the facts and cases that create danger to life and health of people.

Article 42

Right to Education

I. Everyone has the right to an education.

II. The State guarantees the right to free compulsory secondary education.

III. The system of education is controlled by the State.

IV. Regardless of material conditions, the State guarantees [that] talented and merited persons continue their education.

V. The State establishes minimum educational standards.

Article 43

Right to Residence

I. No one can be deprived of his residence.

II. The State provides loans for the construction of houses and blocks of apartments, takes measures in order to implement [the] right to residence.

Article 44

National and Ethnic Identity

I. Everyone has the right to preserve one's national identity.

II. No one can be deprived of the right to change one's national identity.

Article 45

Right to Use the Mother Tongue

I. Everyone has the right to use the mother tongue. Everyone has the right to be raised and get an education, be engaged in creative activities in one's mother tongue.

II. No one can be deprived of the right to use the mother tongue.

Article 46

Protection of Honor and Dignity

I. Everyone has the right to protect his honor 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 a treatment or punishment humiliating human dignity. Nobody can be experimented upon—medically, scientifically or in any other way—without his consent.

Article 47

Freedom of Thought and Speech

I. Everyone has the freedom of thought and speech.

II. Nobody may be forced to identify or refuse his ideas and principles.

III. Propaganda inciting racial, ethnic or religious animosity or hostility is inadmissible.

Article 48
Freedom of Conscience

I. Everyone has the right to freedom of conscience and religion.

II. Everyone has the right to independently define his attitude towards religion, to profess religion alone or together with others, or to profess no religion at all, to express and spread religious convictions.

III. The free conduct of religious rites if it does not violate public order or public morality is authorized.

IV. The violation of the freedom of religion and self-expression is not allowed.

Article 49
Freedom of Assembly

I. Everyone has the right to freely gather with others.

II. Everyone has the right, upon notification in advance of responsible government organs, to peaceful, unarmed gatherings, meetings, demonstrations, rallies, street processions, pickets together with others.

Article 50
Freedom of Information

I. Everyone has the right to legally seek, receive, pass, prepare and disseminate information.

II. The freedom of mass media is guaranteed. State censorship of mass media, including print media, is forbidden.

Article 51
Freedom of Creative Work

I. Everyone has the freedom of creative work.

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

Article 52
Right to Citizenship

A person having political and legal relationship to the Azerbaijan Republic as well as mutual rights and obligations is a citizen of the Azerbaijan Republic. A person born on the territory of the Azerbaijan Republic is a citizen of the Azerbaijan Republic. A person whose one parent is a citizen of the Azerbaijan Republic is a citizen of the Azerbaijan Republic.

Article 53
Guarantee of the Citizenship Right

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

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

III. The Azerbaijan Republic guarantees the legal defense and protection of citizens of the Azerbaijan Republic who reside temporarily or permanently abroad.

Article 54

Right to Participate in the Political Life of Society and the State

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

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

Article 55

Right to Participate in the State Government

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

II. Citizens of the Azerbaijan Republic have the right to serve in government organs. Officials to government organs are appointed from the citizens of the Azerbaijan Republic. Foreign citizens and persons without citizenship can be accepted into government service in the order specified by law.

Article 56

Election Right

I. Citizens of the Azerbaijan Republic have the right to elect and be elected to the government organs, and also to participate in referenda.

II. The right to participate in the elections as well as in the referenda does not belong to persons whose incapacity has been determined by court.

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

Article 57

Right to Address

I. Citizens of the Azerbaijan Republic have the right to personally address as well as the right to send individual and collective written petitions to government organs. Response to each address must be given within the order and terms specified by law.

II. Citizens of the Azerbaijan Republic have the right to criticize the activity of government organs, their officials, political parties, professional unions, other public unions, and individuals. Persecution for the criticism is prohibited. Insult and slander cannot be considered criticism.

Article 58
Right to Association

I. Everyone has the right to associate freely with others.

II. Everyone has the right to set up any organization, including a political party, professional union and any other public association or to enter an already existing association. The independent activity of all associations is guaranteed.

III. No one can be forced to enter an association or to remain its member.

IV. The activity of associations which pursue the aim of overthrowing the legitimate State power in the whole territory of the Azerbaijan Republic or in any part of it is prohibited. The activities of associations which violate the Constitution and laws can be curtailed solely by a court order.

Article 59
Right to Freedom of Enterprise

Everyone has the right to use his opportunities, 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

I. Rights and freedoms of every person are guaranteed in a court.

II. Everyone can challenge in the court concerning actions (or inactions) of State organs, political parties, professional unions, other public associations and officials.

Article 61
Right to Receive Legal Help

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

II. In cases specified by law, legal help shall be rendered free at the expense of the State.

III. Everyone from the moment of being detained, arrested, charged with a crime on the part of authorized State organs has the right to seek the help of the Defender [*zaschitnika*].

Article 62
Prohibition of Changes of Court Jurisdiction

Everyone has the right to have his case considered in a court specified by law. It is prohibited to have the case considered in another court without his consent.

Article 63

Presumption of Innocence

I. Everyone has the right to the presumption of innocence. Everyone who is charged with a crime shall be considered innocent until his guilt has been proven in the order specified by law, and a verdict, passed by the court, has come into effect.

II. In case there are grounded suspicions concerning a person's guilt, it is not permitted to bring in a verdict of guilty with respect to the person.

III. A person who is charged with a crime is not obliged to prove his innocence.

IV. Evidence obtained by violating the law cannot be used when administering justice. Without a verdict passed by the court, no one can be found guilty of committing a crime.

Article 64

Inadmissibility 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

Everyone has the right to appeal to a higher court for reconsideration of the verdict passed with respect to him in the order specified by law as well as appeal for pardon and for mitigating the punishment.

Article 66

Inadmissibility of Forced Testifying Against Relatives

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

Article 67

Rights of the Detained, Arrested, and Charged with Committing a Crime

Everyone who has been detained, arrested, charged with a crime on the part of competent State organs must be given immediate explanation of his rights and the reason for being arrested and brought to justice.

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 has the right to participate in court examination and to demand compensation for damage caused to him.

II. Everyone has the right to receive compensation from the State for the damage caused to him as a result of illegal actions or inaction of government organs or their officials.

Article 69

Rights of Foreign Citizens and Persons without Citizenship

I. Foreign citizens and persons without citizenship when in the Azerbaijan Republic can enjoy all rights and freedoms and shall fulfill all the obligations together with citizens of the Azerbaijan Republic, if they do not contradict the law or an international agreement to which the Azerbaijan Republic is a party.

II. Rights and freedoms of foreign citizens and people without citizenship residing permanently or temporarily in the territory of the Azerbaijan Republic can be restricted only in accordance with the international legal norms and laws of the Azerbaijan Republic.

Article 70

Right to Political Asylum

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

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

Article 71

Protection of Human and Civil Rights and Freedoms

I. The legislative, executive, and judicial powers shall observe and protect human rights and freedoms fixed in the Constitution.

II. No one can curtail the implementation of the rights and freedoms of man and citizen.

III. Upon declaration of war, martial law and exceptional situation, as well as mobilization that the implementation of human rights and freedoms can be partially and temporarily curtailed taking into consideration international obligations of the Azerbaijan Republic. The population shall be notified in advance on the temporary suspension of human rights and freedoms.

IV. No one 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 may be used to abolish human and civil rights and freedoms.

VI. On the territory of the Azerbaijan Republic, human rights and freedoms are immediately in force.

VII. Disputes in relation to human rights and freedoms shall be resolved in court.

VIII. No one can be responsible for a deed which at the time of being committed was not considered a violation of law. If after violating the law a new law removed or mitigated the responsibility for such actions the new law is applied in that case.

CHAPTER IV

Principal Obligations of Citizens

Article 72

Principal Obligations of Citizens

I. Everyone bears responsibilities to the State and society, which result directly from his rights and freedoms.

II. Everyone must abide by the Constitution and the laws of the Azerbaijan Republic, respect the rights and freedoms of other people, execute other obligations specified by law.

III. Ignorance of the law shall not relieve a person of his responsibility.

Article 73

Taxes and Other State Duties

I. Everyone has the responsibility to pay taxes and other State dues imposed by the law in full and without delay.

II. No one can be forced to pay taxes and other State dues over and above the amount determined by the law and if there are no reasons specified by the law.

Article 74

Loyalty to the Homeland

I. Loyalty to the Homeland is sacred.

II. Persons employed by election or appointment in the legislative, executive and judicial organs bear responsibility for proper and accurate implementation of their obligations and in cases specified by the law take an oath.

III. A person holding a position by election or appointment in the legislative, executive and judicial organs, who has taken the oath of allegiance to the Constitution of the Azerbaijan Republic, shall be considered to have resigned from holding the position and cannot hold this position any more, if he is charged with a crime against the independence of the Azerbaijan Republic, 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 the State Symbols

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

Article 76
Defense of the Homeland

I. The Defense of the Homeland is the duty of every citizen. Citizens shall serve in the Armed Forces according to the order specified by 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 one in the cases specified by the law.

Article 77
Protection of Historical and Cultural Monuments

To protect historical and cultural monuments is the duty of everyone.

Article 78
Environmental Protection

Protection of the environment is the duty of everyone.

Article 79
Prohibition to Execute Responsibilities Contradicting the Law

No one can be compelled to execute responsibilities contradicting the Constitution and the laws of the Azerbaijan Republic.

Article 80
Answerability

Violation of the present Constitution and the laws of the Azerbaijan Republic as well as abuse of rights and freedoms and failure to fulfill responsibilities specified by the present Constitution and the laws of the Azerbaijan Republic entails answerability determined by the law.

THIRD PART
STATE POWER

CHAPTER V
Legislative Power

Article 81
Execution of Legislative Power

The legislative power is executed by the Milli Mejlis of the Azerbaijan Republic.

Article 82
Quantitative Composition of the Milli Mejlis of the Azerbaijan Republic

The Milli Mejlis of the Azerbaijan Republic consists of 125 Deputies.

Article 83

Principles of the Elections to the Milli Mejlis of the Azerbaijan Republic

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

Article 84

Term of Office for Deputies of the Milli Mejlis of the Azerbaijan Republic

- I. The term of the office of the Milli Mejlis of the Azerbaijan Republic [is] 5 years.
- II. Elections of the Deputies of the Milli Mejlis of the Azerbaijan Republic are held every five years on the first Sunday of November.
- III. The term of office for the Deputies of the Milli Mejlis of the Azerbaijan Republic are limited by the term of office of the Milli Mejlis of the Azerbaijan Republic.
- IV. If the new elections are held to replace the Deputies that have ended the membership with new ones, the term of office of the newly elected Deputy is limited to the term of office of the Milli Mejlis of the Azerbaijan Republic.

Article 85

Requirements of Candidates for Deputy of the Milli Mejlis of the Azerbaijan Republic

- I. Every citizen of the Azerbaijan Republic who has reached the age of 25 can be elected a Deputy of the Milli Mejlis of the Azerbaijan Republic in the order determined by law.
- II. Persons cannot be elected Deputies of the Milli Mejlis of the Azerbaijan Republic who have dual citizenship, are in State service in other countries, work in the executive or juridical organs, persons engaged in a different paid activity with the exception of scientific, creative and teaching work, ministers of religion, persons whose incapacity has been confirmed by a court, persons who serve their sentence in places of confinement based on a court verdict.

Article 86

Certification and Confirmation of Election Results

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

Article 87

Expiration of Term of Office of the Deputies

- I. The term of office of the Deputies of the Milli Mejlis of the Azerbaijan Republic expires on the day of the first sitting of the newly elected Milli Mejlis of the Azerbaijan Republic.
- II. The elections to replace the Deputies who have left the Milli Mejlis of the Azerbaijan Republic shall not be held if less than 120 days remain until the expiration of the term of office.

III. The Milli Mejlis of the Azerbaijan Republic shall have power when the authority of 83 members is confirmed.

Article 88

Sessions of the Milli Mejlis of the Azerbaijan Republic

I. Every year, Milli Majlis of the Azerbaijan Republic holds two regular, spring and autumn, sessions.

The first session of Milli Majlis of the Azerbaijan Republic is called no later than one week from the day of confirmation of the authority of 83 deputies of Milli Majlis of the Azerbaijan Republic.

If after the confirmation of the authority of 83 deputies of Milli Majlis of the Azerbaijan Republic is not confirmed by the 10th of October or the 10th of March, then the Constitutional Court of the Azerbaijan Republic determines the time of the first session of Milli Majlis of the Azerbaijan Republic.

II. Special sessions of the Milli Mejlis of the Azerbaijan Republic shall be summoned by the Chairperson of the Milli Mejlis of the Azerbaijan Republic at the request of the President of the Azerbaijan Republic, or 42 Deputies of the Milli Mejlis.

III. The agenda of the special session is worked out by those members who required its convocation. After consideration of the agenda items the work of the special session shall be completed.

Article 89

Termination of the Mandate of a Deputy of the Milli Mejlis of the Azerbaijan Republic and Loss of Deputy Power

I. A Deputy of the Milli Mejlis of the Azerbaijan Republic loses his power in the following cases:

- 1) the wrong counting of votes during the elections has been established;
- 2) the citizenship of the Azerbaijan Republic has been lost or citizenship of another country has been acquired;
- 3) a crime has been committed and a court decision has come into effect;
- 4) a position held in government organs, being a minister of religion, being engaged in the business, commercial or other paid activity (excepting scientific, teaching and creative activity);
- 5) resignation of his own accord;

The rules of termination of the membership to the Milli Mejlis of the Azerbaijan Republic are established by law.

II. The Deputies of the Milli Mejlis of the Azerbaijan Republic shall be considered to have lost their power when unable to execute their power and in other cases specified by law. The order of making such a decision is established by law.

Article 90

The Immunity of the Deputy of the Milli Mejlis of the Azerbaijan Republic

I. The Deputy of the Milli Mejlis of the Azerbaijan Republic during the term of office has personal immunity. With the exception of cases when he has been caught in flagrante delicto, the Deputy during the term of office cannot be brought to court, detained, administrative measures of punishment cannot be applied to him. He cannot be arrested or punished in some other way, he cannot be searched, examined. The Deputy of the Milli Mejlis of the Azerbaijan Republic can be detained if caught in flagrante delicto. In this case the organ which has detained the Deputy of the Milli Mejlis of the Azerbaijan Republic must inform the General Procurator of the Azerbaijan Republic.

II. The immunity of the Deputy of the Milli Mejlis of the Azerbaijan Republic can be terminated only by the decision of the Milli Mejlis of the Azerbaijan Republic on the basis of proposals of the Milli Mejlis of the Azerbaijan Republic by the General Procurator.

Article 91

Prohibition of Making Deputies of the Milli Mejlis of the Azerbaijan Republic Answerable

The Deputies of the Milli Mejlis of the Azerbaijan Republic cannot be made answerable for their activity in the Milli Mejlis, voting in the Milli Mejlis and ideas expressed in the Milli Mejlis. Concerning these cases clarifications and evidence can be required only with their consent.

Article 92

Organization of the Work of the Milli Mejlis of the Azerbaijan Republic

The Milli Mejlis of the Azerbaijan Republic establishes the procedure of its work, it also chooses the Chairperson and its Assistants, organizes permanent and other commissions, sets up a Counting Chamber.

Article 93

Acts of the Milli Mejlis of the Azerbaijan Republic

I. The Milli Mejlis of the Azerbaijan Republic on matters relating to its area of competence passes constitutional laws, laws, and resolutions.

II. Constitutional laws, laws and resolutions are passed by the Milli Mejlis in the order specified by the present Constitution.

III. Members of the Milli Mejlis of the Azerbaijan Republic personally exercise the voting right.

IV. In the laws and resolutions the Milli Mejlis of the Azerbaijan Republic cannot specify concrete tasks to executive organs and courts.

Article 94

General Rules Determined by the Milli Mejlis of the Azerbaijan Republic

I. The Milli Mejlis of the Azerbaijan Republic determines general rules on the following matters:

- 1) the use of human and civil constitutional rights and freedoms, State guarantee of these rights and freedoms;
- 2) Presidential elections of the Azerbaijan Republic;
- 3) elections to the Milli Mejlis of the Azerbaijan Republic and the status of Deputies of the Milli Mejlis of the Azerbaijan Republic;
- 4) referendum;
- 5) the court system and the status of judges, procuracy; attorneyship; and notary business;
- 6) legal procedures, implementation of court's decisions;
- 7) municipal elections and the status of municipalities;
- 8) the regime in exceptional situations; 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 the legal regime of the 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 responsibility for their commitment;
- 18) defense and military service;
- 19) State service;
- 20) foundations of security;
- 21) territorial organization; 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 the matters mentioned in items 2, 3, 4 of the present Article the laws are passed by a majority of 83 votes; on the remaining matters—a majority of 63 votes are required to pass a law.

III. The first part of the present Article can be supplemented by a constitutional law.

Article 95

Matters Undertaken by the Milli Mejlis of the Azerbaijan Republic

I. The Milli Mejlis of the Azerbaijan Republic is authorized to settle the following matters:

1) the arrangement of the work of the Milli Mejlis of the Azerbaijan Republic;

2) the establishment of diplomatic representation upon the proposal of the President of the Azerbaijan Republic;

3) the administrative-territorial division;

4) the ratification and denunciation of treaties, agreements and conventions;

5) the ratification of the State fiscal budget on the proposal of the President of the Azerbaijan Republic and exercising control over its use;

6) the election of a commissioner for human rights of the Azerbaijan Republic upon presentation by the President of the Azerbaijan Republic;

7) upon the proposal of the President of the Azerbaijan Republic, ratification of the military doctrine of the Azerbaijan Republic;

8) ratification in cases specified by the present Constitution of the decrees of the President of the Azerbaijan Republic;

9) upon the proposal of the President of the Azerbaijan Republic, giving consent to the candidate being appointed to the post of the Prime Minister of the Azerbaijan Republic;

10) on the proposal of the President of the Azerbaijan Republic appointment of the members of the Constitutional Court and Supreme Court of the Azerbaijan Republic and the Courts of the Appeal of the Azerbaijan Republic;

11) appointment of the General Procurator on the proposal of the President of the Azerbaijan Republic, giving consent to release the General Procurator from holding position on the proposal of the President of the Azerbaijan Republic;

12) to remove from holding position by impeachment the President of the Azerbaijan Republic on the proposal of the Constitutional Court;

13) remove judges from holding positions on the proposal of the President of the Azerbaijan Republic;

14) to resolve the matter of confidence in the Cabinet of Ministers of the Azerbaijan Republic;

15) appointment to and removal from the position of the Chairperson of the Board Committee of the Azerbaijan Republic National Bank and members of the Board Committee on the proposal of the President of the Azerbaijan Republic;

16) give consent to the use of the Armed Forces to the fulfillment of obligations not connected with their main purpose on the basis of the proposal of the President of the Azerbaijan Republic;

17) on the basis of the proposal of the President of the Azerbaijan Republic, give consent to declare a war and conclude peace;

18) schedule a referendum;

19) amnesty.

II. Matters specified in items 1-5 of the present Article laws are passed by a majority of 63 votes; as for the remaining matters, resolutions are passed in the same order if the present Constitution does not stipulate another order.

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

IV. The first part of the present Article can be supplemented by a constitutional law.

Article 96

The Right of Legislative Initiative in the Milli Mejlis of the Azerbaijan Republic

I. The right of legislative initiative (the right to introduce discussion draft laws and other matters) in the Milli Mejlis of the Azerbaijan Republic belongs to the Deputies of the Milli Mejlis of the Azerbaijan Republic, the President of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic and Ali Mejlis of the Nakhichevan Autonomous Republic.

II. Draft laws put forward as a legislative initiative by the President of the Azerbaijan Republic, Supreme Court of the Azerbaijan Republic or Ali Mejlis of the Nakhichevan

Autonomous Republic are submitted to the Milli Mejlis of the Azerbaijan Republic for discussion and put to the vote the way they are presented.

III. The changes in the draft laws shall be introduced by consent of the organ that has used the right of legislative initiative.

IV. Draft laws presented as a legislative initiative by the President of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic or the Ali Mejlis of the Nakhichevan Autonomous Republic are put to the vote in the Milli Mejlis of the Azerbaijan Republic in the course of two months.

V. Upon declaring draft law urgent on the part of the President of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic or Ali Mejlis of the Nakhichevan Autonomous Republic this term is 20 days.

Article 97

Term of Submitting Laws for Signing

I. The laws are submitted to the President of the Azerbaijan Republic for signing with 14 days from the day of adoption.

II. A draft law which has been declared urgent is submitted to the President of the Azerbaijan Republic for signing within 24 hours from its adoption.

Article 98

Coming into Force of Laws of the Milli Mejlis of the Azerbaijan Republic

The law and the resolutions shall come into effect from the day of publication if the law or the resolution itself does not specify a different order.

CHAPTER VI

Executive Power

Article 99

Competence of the Executive Power

The executive power in the Azerbaijan Republic belongs to the President of the Azerbaijan Republic.

Article 100

Requirements of Candidates for the President of the Azerbaijan Republic

The President of the Azerbaijan Republic can be any citizen of the Azerbaijan Republic no younger than 35 years old, permanently residing on the territory of the Azerbaijan Republic for more than 10 years, having election right, who has never been tried for a major crime, who has no commitments towards other States, having higher education, who does not have dual citizenship.

Article 101

Foundations for the Election of the President of the Azerbaijan Republic

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

II. The President of the Azerbaijan Republic is elected by the majority of two-thirds of votes participating in the voting.

III. If this majority is not achieved 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 withdrawn their candidacies, it shall be [the] two candidates following the first ones.

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

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

VI. The order of applying the present article is established by law.

Article 102

Results of the Elections of the President of the Azerbaijan Republic

The results of the elections shall be officially announced by the Constitutional Court of the Azerbaijan Republic within 7 days after the elections.

Article 103

Oath of Allegiance of the Person Elected President of the Azerbaijan Republic

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

II. The President of the Azerbaijan Republic is considered to have assumed his duties from the day of swearing in.

Article 104

Incapacity of the President of the Azerbaijan Republic to Permanently Execute His Authority

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

II. When the President of the Azerbaijan Republic retires, his request for retirement is submitted to the Constitutional Court of the Azerbaijan Republic. The Constitutional Court of

the Azerbaijan Republic, having ascertained that the President has personally sent in his resignation makes a decision on approving the resignation of the President of the Azerbaijan Republic. From that moment the President shall be considered to have resigned from his position in connection with his retirement.

III. Upon the presentation of information concerning the complete loss of ability of the President of the Azerbaijan Republic for health reasons to execute his power, the Milli Mejlis of the Azerbaijan Republic addresses the Constitutional Court of the Azerbaijan Republic for confirming the fact. The Constitutional Court of the Azerbaijan Republic makes a decision on this matter by a majority of 6 votes. If the Constitutional Court of the Azerbaijan Republic does not confirm this fact, then the matters are considered settled.

Article 105

Execution of Obligations of the President of the Azerbaijan Republic and His Retirement

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

II. If during this term the Prime Minister acting as President resigns, completely loses the ability to exercise his authority due to his health condition, then the Chairman of the Milli Majlis of the Azerbaijan Republic carries out the powers of the President.

III. When the Chairman of the Milli Majlis of the Azerbaijan Republic is unable to exercise the authority of the President for reasons listed in paragraph II of the present article, Milli Majlis adopts a resolution regarding the fulfillment of the powers of the President of the Azerbaijan Republic by another official.

Article 106

Immunity of the President of the Azerbaijan Republic

The President of the Azerbaijan Republic has the right of immunity.

The honor and dignity of the President of the Azerbaijan Republic is protected by law.

Article 107

Removal of the President of the Azerbaijan Republic from Position

I. The matter of the removal of the President of the Azerbaijan Republic from his position when a grave crime has been committed by the President of the Azerbaijan Republic can be presented before the Milli Mejlis of the Azerbaijan Republic on the initiative of the Constitutional Court of the Azerbaijan Republic on the basis of a decision reached by the Supreme Court of the Azerbaijan Republic within 30 days.

II. The President of the Azerbaijan Republic can be removed from office on the basis of a resolution passed by the majority of 95 votes of the Deputies. This resolution shall be signed by the Constitutional Court of the Azerbaijan Republic. If within one week the Constitutional

Court of the Azerbaijan Republic does not support the 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 from the day of the Constitutional Court addressing the Milli Mejlis of the Azerbaijan Republic. If within this term the mentioned resolution is not passed the accusation shall be rejected.

Article 108

Maintenance of the President of the Azerbaijan Republic

The President of the Azerbaijan Republic and his family are maintained at the expense of the State. The security of the President of the Azerbaijan Republic and his family is ensured by special guard services.

Article 109

Powers of the President of the Azerbaijan Republic

The President of the Azerbaijan Republic:

- 1) schedules elections to the Milli Mejlis of the Azerbaijan Republic;
- 2) presents the State budget of the Azerbaijan Republic to the Milli Mejlis for ratification;
- 3) approves State economic and social programs;
- 4) with the consent of the Milli Mejlis of the Azerbaijan Republic appoints the Prime Minister of the Azerbaijan Republic and removes from position the Prime Minister of the Azerbaijan Republic;
- 5) appoints to and removes from position members of the Cabinet of Ministers of the Azerbaijan Republic; in special cases presides at the meetings of the Cabinet of Ministers of the Azerbaijan Republic;
- 6) makes a decision on the resignation of the Cabinet of Ministers of the Azerbaijan Republic;
- 7) establishes central and local executive organs for exercising executive power within the expenses planned by the State budget of the Azerbaijan Republic;
- 8) annuls the resolutions and orders of the Cabinet of Ministers of the Azerbaijan Republic, the Cabinet of Ministers of the Nakhichevan Autonomous Republic, acts of central and local executive organs;
- 9) presents a proposal to the Milli Mejlis of the Azerbaijan Republic on the appointment and removal from the position of judges of the Constitutional Court of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic and the Courts of Appeal of the Azerbaijan Republic; in agreement with the Milli Mejlis of the Azerbaijan Republic appoints and removes the General Procurator of the Azerbaijan Republic from his position; appoints to the position judges of other courts of the Azerbaijan Republic;

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

11) presents the military doctrine of the Azerbaijan Republic to the Milli Mejlis of the Azerbaijan Republic for ratification;

12) appoints and removes from position higher commanders of the Armed Forces of the Azerbaijan Republic;

13) forms the administrative apparatus of the President of the Azerbaijan Republic and appoints its Head;

14) makes recommendation to the Milli Majlis of the Azerbaijan Republic for the election of the commissioner for human rights.

15) presents to the Milli Mejlis of the Azerbaijan Republic a proposal on establishing diplomatic representations of the Azerbaijan Republic in foreign countries and international organizations, appoints and recalls diplomatic representatives of the Azerbaijan Republic in foreign States and international organizations;

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

17) concludes intergovernmental treaties and agreements, presents interstate treaties to the Milli Mejlis of the Azerbaijan Republic for ratification or denunciation; signs decrees on the ratification of international treaties and agreements;

18) schedules a referendum;

19) signs and issues laws;

20) settles matters of citizenship;

21) decides matters on granting political asylum;

22) passes acts on granting mercy;

23) grants State awards;

24) confers higher military and higher special ranks;

25) announces total or partial mobilization and demobilization;

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

27) establishes the Security Council of the Azerbaijan Republic;

28) introduces a proposal to the Milli Mejlis of the Azerbaijan Republic on giving consent to enlist Armed Forces of the Azerbaijan Republic for the fulfillment of obligations not connected with their main obligation;

29) declares an emergency situation and martial law;

30) with the consent of the Milli Mejlis of the Azerbaijan Republic declares war and concludes peace;

31) establishes special protective services, provided for in the budget of the Azerbaijan Republic;

32) in the executive order settles other matters not referred by the present Constitution to the power of the Milli Mejlis of the Azerbaijan Republic.

Article 110 Signing Laws

I. The President of the Azerbaijan Republic signs laws within 56 days from the day of presentation. If law engenders objection on the part of the President of the Azerbaijan Republic, he, without signing the law, shall at the appointed time, attaching his objections, send it back to the Milli Mejlis of the Azerbaijan Republic.

II. If the Milli Mejlis of the Azerbaijan Republic 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

When a certain part of the territory of the Azerbaijan Republic has been occupied, when a foreign State has declared a war against the Azerbaijan Republic, a real danger of an armed attack against the Azerbaijan Republic has been brought into being, a territory of the Azerbaijan Republic has been blockaded, and if there exists real danger of such a blockade, the President of the Azerbaijan Republic declares martial law on the entire territory of the Azerbaijan Republic or in some of its parts and within 24 hours presents the decree to the Milli Mejlis to the Azerbaijan Republic for ratification.

Article 112 Declaration of an Exceptional State

The President of the Azerbaijan Republic declares an exceptional state in separate areas of the Azerbaijan Republic when there are natural calamities, epidemics, epizootics, great ecological and other catastrophes, as well as when there are actions directed at the violation of the territorial integrity of the Azerbaijan Republic, 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 organs.

The President of the Azerbaijan Republic within 24 hours presents the decree to the Milli Mejlis of the Azerbaijan Republic for ratification.

Article 113

Acts of the President of the Azerbaijan Republic

The President of the Azerbaijan Republic when establishing general rules shall issue decrees, on other matters—orders.

If a different order is not envisaged in decrees and orders, they come into effect from the day of publication.

Article 114

The Status of the Cabinet of the Ministers of the Azerbaijan Republic

I. With the aim of the implementation of executive competence the President of the Azerbaijan Republic forms the Cabinet of Ministers of the Azerbaijan Republic.

II. The Cabinet of Ministers is the supreme executive organ of the executive power of the President of the Azerbaijan Republic.

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

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

Article 115

Composition of the Cabinet of Ministers of the Azerbaijan Republic

The Cabinet of Ministers consists of the Prime Minister of the Azerbaijan Republic, his Deputy, Ministers and the heads of other central organs of executive power.

Article 116

Resignation of the Cabinet of Ministers

On the day when the newly elected President of the Azerbaijan Republic has taken office and has assumed his duties the Cabinet of Ministers resigns.

Article 117

Meetings of the Cabinet of Ministers of the Azerbaijan Republic

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

Article 118

Order of Appointment of the Prime Minister of the Azerbaijan Republic

I. The Prime Minister of the Azerbaijan Republic is appointed by the President of the Azerbaijan Republic with the consent of the Milli Mejlis of the Azerbaijan Republic.

II. The President of the Azerbaijan Republic presents for discussion to the Milli Mejlis of the Azerbaijan Republic a proposal on the candidacy to the post of the Prime Minister no later than one month from the day of assuming his duties or no later than two weeks from the day of resignation of the Cabinet of Ministers of the Azerbaijan Republic.

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

Article 119

The Competence of the Cabinet of Ministers of the Azerbaijan Republic

The Cabinet of Ministers of the Azerbaijan Republic:

- prepares a draft of the State budget of the Azerbaijan Republic and submits it to the President of the Azerbaijan Republic;
- ensures the implementation of the State budget of the Azerbaijan Republic;
- ensures realization of the financial credit and monetary policy;
- ensures the execution of the State social program;
- guides the Ministries and other central organs of the executive organs, annuls their acts;
- settles other matters which are assigned by the President to the competence of the Cabinet.

Article 120

Acts of the Cabinet of Ministers of the Azerbaijan Republic

I. The Cabinet of Ministers of the Azerbaijan Republic when determining general rules issues decrees, it issues orders on other matters.

II. If a different order is not specified in decrees and orders of the Cabinet of Ministers of the Azerbaijan Republic they come into effect after the day of publication.

Article 121

Requirements for Candidates for the Positions of Members of the Cabinet of Ministers of the Azerbaijan Republic

I. The appointment to be Prime Minister of the Azerbaijan Republic can be a citizen of the Azerbaijan Republic no younger than 30 years old, possessing higher education, election right, no obligation to other States.

II. The appointment to be Deputy Prime Minister, Minister, Head of the other central organs of the executive power, can be a citizen of the Azerbaijan Republic no younger than 25 years old, possessing higher education, election right, no obligations to other States.

Article 122

Requirements for Members of the Cabinet of Ministers of the Azerbaijan Republic

I. The Prime Minister of the Azerbaijan Republic, his Deputies, Ministers, Heads of other central organs of the executive power cannot hold any other elected or appointed position, they cannot be engaged in business, commercial and other paid activity with the exception of scientific, teaching and creative activity, they cannot receive remuneration other than the position salary and means received for scientific, teaching and creative work.

Article 123

The Immunity of the Prime Minister of the Azerbaijan Republic

I. During the term of office the Prime Minister enjoys personal immunity.

II. The Prime Minister cannot be brought to court, detained, except in cases when he is caught flagrante delicto, no court measures, administrative penalty, arrest, and other suppression measures can be applied to him, he cannot be searched or inspected.

III. The Prime Minister of the Azerbaijan Republic can be detained if he is caught flagrante delicto. In that case the organ which has detained him shall immediately inform the General Procurator of the Azerbaijan Republic.

IV. The immunity of the Prime Minister of the Azerbaijan Republic can be interrupted only by the President on the basis of the presentation of the General Procurator of the Azerbaijan Republic.

Article 124

Local Executive Power

I. Local executive power is implemented by the Heads of executive power.

II. Heads of executive power are appointed and removed from holding positions by the President of the Azerbaijan Republic.

III. The competence of the local executive power is determined by the President of the Azerbaijan Republic.

CHAPTER VII

Judicial Power

Article 125

The Exercise of Judicial Power

I. Judicial power is exercised solely by judicial organs.

II. Judicial power is exercised by the Constitutional Court of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic, the Courts of Appeal of the Azerbaijan Republic, general and specialized courts of the Azerbaijan Republic.

III. Judicial power is exercised in constitutional, civil, administrative and criminal legal proceedings and in other forms specified by law.

IV. In the implementation of judicial power with the exception of the Constitutional jurisdiction, the Prokuratura of the Azerbaijan Republic and the defense participate.

V. Judicial structure and legal procedure are determined by law.

VI. The use of legal means not specified by law in order to change the competence of judges and create extraordinary courts is prohibited.

Article 126

Requirements of Candidates for the Post of Judges

I. Citizens of the Azerbaijan Republic who have reached the age of 30 years, have a university degree in Law and a 5-year working experience in the field of law can be judges.

II. Judges cannot hold other elected or appointed position, they cannot be engaged in business, commercial and any other paid activity, excepting scientific, teaching and creative work, nor can they affiliate with political parties and be engaged in political activity, nor can they get any remuneration except salary and means for scientific, teaching and creative work.

Article 127

Principles of Justice

I. Judges are autonomous, they are subordinate only to the Constitution and the laws of the Azerbaijan Republic and are irremovable during their term of office.

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 someone's part and for some reason, illegal influence, pressure, threat, interference is not permitted.

IV. Justice is administered on the basis of legal equality of citizens before the law and the court.

V. Trial in all the courts is public.

Hearing of the case behind closed doors can be authorized in case the court assumes that open trial can lead to revealing a State, professional or commercial secret, or when the court deems it necessary to keep a secret of personal or family life.

VI. Legal proceeding of criminal cases by default is not authorized in the court of first instance.

VII. Legal proceedings are conducted based on the principle of controversy.

VIII. Everyone has the right to receive qualified legal help at any stage of the legal proceedings.

IX. Justice is based on the presumption of innocence.

X. Legal proceedings in the Azerbaijan Republic are conducted in the official language of the Azerbaijan Republic or in the language of the population which constitute the majority in the area concerned. Persons—participants in court examination who do not know the language in which legal proceedings are held—are guaranteed the right to familiarize themselves with the matter, to participate in the Court with the help of an interpreter, to speak in their native language.

Article 128
Immunity of Judges

I. Judges have immunity.

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

III. The competence of judges can be terminated only in the legal order specified by law.

IV. Upon commitment of crimes by judges, the President of the Azerbaijan Republic on the basis of the conclusion of the Supreme Court of the Azerbaijan Republic appears before the Milli Mejlis of the Azerbaijan Republic with the initiative to remove judges from holding position. Corresponding conclusions by the Supreme Court of the Azerbaijan Republic must be presented to the President of the Azerbaijan Republic within 30 days from the request.

V. Decisions on the removal of members of the Constitutional Court of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic and the Economic Court of the Azerbaijan Republic shall be made by a majority of 83 votes; decisions on removing other judges are taken by the Milli Mejlis of the Azerbaijan Republic by a majority of 63 votes.

Article 129
Court Decisions and their Implementation

Judges make decisions on behalf of the State, implementation of these decisions are binding on everyone.

Article 130
The Constitutional Court of the Azerbaijan Republic

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

II. Members of the Constitutional Court of the Azerbaijan Republic are appointed by the Milli Mejlis of the Azerbaijan Republic upon the proposal of the President of the Azerbaijan Republic.

III. The Constitutional Court of the Azerbaijan Republic on the basis of inquiry made by the President of the Azerbaijan Republic, the Milli Mejlis of the Azerbaijan Republic, the Cabinet of Ministers of the Azerbaijan Republic, the Supreme Court of the Azerbaijan Republic, General Procurator's Office of the Azerbaijan Republic, the Ali Mejlis of the Nakhichevan Autonomous Republic, deals with the following matters:

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

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

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

4) on conformity of acts of the Supreme Court of the Azerbaijan Republic in cases specified by the law with the Constitution and the laws of the Azerbaijan Republic;

5) on conformity of the acts of the municipalities with the Constitution of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, resolutions of the Cabinet of Ministers of the Azerbaijan Republic (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 non-ratified interstate treaties of the Azerbaijan Republic with the Constitution of the Azerbaijan Republic, on conformity of intergovernmental treaties of the Azerbaijan Republic with the Constitution and the laws of the Azerbaijan Republic;

7) on conformity with the Constitution of the Azerbaijan Republic of the Constitution and the laws of the Nakhichevan Autonomous Republic, resolutions of the Ali Mejlis of the Nakhichevan Autonomous Republic, resolutions and orders of the Cabinet of Ministers of the Nakhichevan Autonomous Republic; on conformity with the laws of the Azerbaijan Republic 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 decrees and orders of the President of the Azerbaijan Republic and resolutions of the Cabinet of Ministers of the Azerbaijan Republic;

8) on settlement of disputes connected with the division of power between the legislative and executive powers.

IV. The Constitutional Court of the Azerbaijan Republic gives interpretation of the Constitution and the laws of the Azerbaijan Republic based on the inquiry on the part of the President of the Azerbaijan Republic, the Milli Mejlis of the Azerbaijan Republic, the Cabinet of Ministers of the Azerbaijan Republic, Office of the General Procurator of the Azerbaijan Republic and Ali Mejlis of the Nakhichevan Autonomous Republic.

V. According to the Constitutional Court of Azerbaijan Republic resolution of issues in point 1–7 in part III of this article, everyone with the goal of restoring violated human rights and freedoms, in accordance with an order established by law, can appeal to the Constitutional

Court of the Azerbaijan Republic regarding normative acts of legislative and executive organs, municipalities, and court acts violating his rights and freedoms.

VI. In accordance with order provided by laws of the Azerbaijan Republic, courts may turn to the Constitutional Court of the Azerbaijan Republic for interpretation of the Constitution and laws of the Azerbaijan Republic in connection to the issues of the implementation of human rights and freedoms.

VII. The Commission for Human Rights of the Azerbaijan Republic, according to the Constitutional Court of the Azerbaijan Republic resolution of issues defined specified in point 1–7 in part III of this article, in accordance with an order established by law, can file an inquiry with the Constitutional Court of the Azerbaijan Republic regarding normative acts of legislative and executive organs, municipalities and court acts violating human rights and freedoms.

VIII. The Constitutional Court of the Azerbaijan Republic performs other duties specified in the present Constitution.

IX. The Constitutional Court of the Azerbaijan Republic makes decisions relating to its competence. Decisions of the Constitutional Court of the Azerbaijan Republic are binding on the whole territory of the Azerbaijan Republic.

X. The laws and other acts or their separate provisions, intergovernmental treaties of the Azerbaijan Republic lose force at the time specified in the decision of the Constitutional Court of the Azerbaijan Republic on their discrepancy with the Constitution of the Azerbaijan Republic; interstate treaties of the Azerbaijan Republic which are recognized as not conforming to the Constitution of the Azerbaijan Republic do not come into effect.

Article 131

The Supreme Court of the Azerbaijan Republic

I. The Supreme Court of the Azerbaijan Republic is the highest judicial organ on civil, criminal and other cases belonging to general and specialized courts; it administers justice by cassation procedure; it provides explanations concerning the practice of courts by cassation.

II. Judges of the Supreme Court of the Azerbaijan Republic are appointed by the Milli Mejlis of the Azerbaijan Republic on the proposal of the President of the Azerbaijan Republic.

Article 132

The Economic Court of the Azerbaijan Republic

I. The Courts of Appeal of the Azerbaijan Republic are the courts of highest instance in matters assigned to them by law.

II. Judges of the Courts of Appeal are appointed by the Milli Majlis on the recommendation of the President of the Republic.

Article 133

The General Procurator of the Azerbaijan Republic

I. The Office of the Procurator of the Azerbaijan Republic, in the order and cases specified by law, exercises control over the accurate and uniform execution and application of laws; supports in court State prosecution; brings in an action; institutes and proceedings and holds investigations; brings objections to the court's decisions.

There appears to be no attempt to curb the power of the Prosecutor, which has remained one of the several authoritarian features of the former Soviet regime.

II. The Office of the Procurator of the Azerbaijan Republic is a united centralized organ consisting of territorial and specialized Procurator Offices based on their subordination to the Procurator of the Azerbaijan Republic.

III. The Procurator of the Azerbaijan Republic is appointed to and removed from holding the position by the President of the Azerbaijan Republic with the consent of the Milli Mejlis of the Azerbaijan Republic.

IV. Deputies of the Procurator of the Azerbaijan Republic, heads of the specialized republican offices of the Procurator are appointed to and removed from the position by the President of the Azerbaijan Republic on the proposal of the Procurator of the Azerbaijan Republic.

V. Territorial and specialized procurators are appointed to the positions by the Procurator of the Azerbaijan Republic in agreement with the President of the Azerbaijan Republic.

CHAPTER VIII

The Nakhichevan Autonomous Republic

Article 134

The Status of the Nakhichevan Autonomous Republic

I. The Nakhichevan Autonomous Republic is an autonomous State [*Gosudarstvom*] forming a part of the Azerbaijan Republic.

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

III. The Nakhichevan Autonomous Republic is an inalienable part of the Azerbaijan Republic.

IV. The Constitution of the Azerbaijan Republic, laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic and resolutions of the Cabinet of Ministers of the Azerbaijan Republic are 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 Azerbaijan Republic, resolutions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic must not contradict the Constitution and the laws of the Azerbaijan Republic, the decrees of the President of the Azerbaijan Republic and the resolutions of the Cabinet of Ministers of the Azerbaijan Republic.

VI. The Constitution of the Nakhichevan Autonomous Republic shall be presented to the Milli Majlis of the Azerbaijan Republic by the President of the Azerbaijan Republic and is confirmed by a Constitutional Law.

Article 135

Division of Power in the Nakhichevan Autonomous Republic

I. The legislative power in the Nakhichevan Autonomous Republic is exercised by the Ali Mejlis of the Nakhichevan Autonomous Republic, the executive power is exercised by the Cabinet of Ministers of the Nakhichevan Autonomous Republic, the judicial power is exercised by the courts of the Nakhichevan Autonomous Republic.

II. The Ali Mejlis of the Nakhichevan Autonomous Republic deals independently with matters referred to its power by the Constitution and the laws of the Azerbaijan Republic; the Cabinet of Ministers of Nakhichevan Autonomous Republic deals independently with matters referred to its power by the Constitution and the laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic; the courts of the Nakhichevan Autonomous Republic deal independently with matters referred to its power by the Constitution and the laws of the Azerbaijan Republic.

Article 136

The Highest Official of the Nakhichevan Autonomous Republic

The Chairman of the Ali Mejlis of the Nakhichevan Autonomous Republic is the highest official of the Nakhichevan Autonomous Republic.

Article 137

The Ali Mejlis of the Nakhichevan Autonomous Republic

I. The Ali Mejlis of the Nakhichevan Autonomous Republic consists of 45 members.

II. The term of office for the Ali Mejlis members of the Nakhichevan Autonomous Republic is 5 years.

III. The Ali Mejlis of the Nakhichevan Autonomous Republic elects the Chairman of the Ali Mejlis of the Nakhichevan Autonomous Republic and its Deputies form permanent and other commissions.

Article 138

General Rules Established by the Ali Mejlis of the Nakhichevan Autonomous Republic

I. The Ali Mejlis of the Nakhichevan Autonomous Republic establishes general rules on the following matters:

- 1) elections to the Ali Mejlis of the Nakhichevan Autonomous Republic;
- 2) taxes;
- 3) directions of the economic development of the Nakhichevan Autonomous Republic;
- 4) social security;
- 5) protection of the environment;

6) tourism;

7) health care, science, culture.

II. The Ali Mejlis of the Nakhichevan Autonomous Republic adopts laws on matters specified in this Article.

Article 139

Matters Dealt with by the Ali Mejlis of the Nakhichevan Autonomous Republic

I. The Ali Mejlis of the Nakhichevan Autonomous Republic deals with the following matters:

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

II. The Ali Mejlis of the Nakhichevan Autonomous Republic passes resolutions on the matters mentioned in this Article.

Article 140

The Cabinet of Ministers of the Nakhichevan Autonomous Republic

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

II. The Prime Minister of the Nakhichevan Autonomous Republic is appointed by the Ali Mejlis of the Nakhichevan Autonomous Republic based on the proposal of the President of the Azerbaijan Republic.

III. The Cabinet of Ministers of the Nakhichevan Autonomous Republic:

- makes budget estimates of the Republic and submits them to the Ali Mejlis of the Nakhichevan Autonomous Republic;
- realizes the budget of the Autonomous Republic;
- ensures the implementation of economic programs;
- ensures social security programs;
- deals with other matters attributed to its competence by the President of the Azerbaijan Republic.

IV. The Cabinet of Ministers of the Nakhichevan Autonomous Republic adopts resolutions and orders.

Article 141

Local Executive Power in Nakhichevan Autonomous Republic

Heads of local executive power in the Nakhichevan Autonomous Republic are appointed by the President of the Azerbaijan Republic on the basis of joint presentations by the Chairperson of the Ali Mejlis and the Prime Minister of the Nakhichevan Autonomous Republic.

FOURTH PART

LOCAL SELF-GOVERNMENT

CHAPTER IX

Municipalities

Article 142

The Organization of Local Government

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

II. Municipalities are formed on the basis of elections.

III. The foundation of the status of municipalities is established by the Constitution and the rules of elections to municipalities by law.

Article 143

Organization of the Work of Municipalities

I. The municipalities implement their activity by meetings, permanent and other commissions.

II. Meetings of the municipalities are convened by the Chairperson of the Municipality.

Article 144

The Competence of Municipalities

I. The following matters are settled at the meetings of the municipalities:

1) the recognition of the authority of municipality members, termination of their authority in cases specified by law;

2) the approval of regulations;

3) the election of the Chairman of the Municipality and his deputies, permanent and other commissions;

4) the determination of local taxes and payments;

5) the approval of the local budget and accounts for their use;

- 6) the ownership of the municipal property, charging and using it;
- 7) the approval and implementation of local programs of social security and social development;
- 8) the approval and implementation of local programs of economic development;
- 9) the approval and implementation of local ecological programs.

II. Municipalities can be delegated additional authority by the legislative and the executive power. Municipalities must be allotted necessary financial means for executing this authority. The realization of this authority shall be controlled by the legislative and the executive power.

Article 145

Decisions of Municipalities

- I. Decisions on matters are taken at the meetings of municipalities.
- II. Decisions of municipalities are made by a simple majority vote of municipality members.
- III. Decisions connected with local taxes and payments are made by a majority of two-thirds of votes of the municipality members.

Article 146

Guarantee of the Independence of Municipalities

Municipalities are guaranteed protection in court, compensation of additional expenses brought about as a result of decisions of State organs.

FIFTH PART

LAW AND STATUTE

CHAPTER X

Legislative System

Article 147

The Validity of the Constitution of the Azerbaijan Republic

- I. The Constitution of the Azerbaijan Republic is the highest juridical force in the Azerbaijan Republic.
- II. The Constitution of the Azerbaijan Republic has immediate juridical force.
- III. The Constitution of the Azerbaijan Republic is the foundation of the legislative system in the Azerbaijan Republic.

Article 148

Acts Included in the Legislative System of the Azerbaijan Republic

I. The legislative system of the Azerbaijan Republic consists of the following normative-legal Acts:

- 1) the Constitution;
- 2) Acts adopted by referendum;
- 3) Laws;
- 4) Decrees;
- 5) Resolutions of the Cabinet of Ministers of the Azerbaijan Republic;
- 6) Normative acts of central organs of the executive power.

II. International treaties, to which the Azerbaijan Republic is a party, are an inalienable substantive part of the legislative system of the Azerbaijan Republic.

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 Autonomous Republic also have juridical force.

IV. The legislative system in the Nakhichevan Autonomous Republic must correspond to the legislative system in the Azerbaijan Republic.

V. Within their competence, the local organs of the executive power can take decisions and instructions of a normative character, other acts, which do not contradict acts included in the legislation system.

Article 149

Normative Legal Acts

I. Acts that have been passed by referendum must be based on law and justice (on equal relationship to equal interests).

II. Only in case of publication of acts, passed by referendum, is their use and implementation obligatory for citizens, legislative, executive and judicial power, juridical persons and the municipalities.

III. Laws must not contradict the Constitution. The application and fulfillment is obligatory only for published laws for all citizens, legislative, executive and judicial powers, juridical persons and municipalities.

IV. Decrees must not contradict the Constitution or laws of the Azerbaijan Republic. Only published decrees are used and implemented for citizens, executive organs, juridical persons.

V. Resolutions of the Cabinet of Ministers must not contradict the Constitution, Laws of the Azerbaijan Republic, decrees of the Azerbaijan Republic. It is only when the resolutions of the Cabinet of Ministers of the Azerbaijan Republic are made public that their application and

realization are obligatory for citizens, central and local organs of the executive power, juridical persons.

VI. Acts of central and local organs of the executive power must not contradict the Constitution, the laws of the Azerbaijan Republic, decrees of the President of the Azerbaijan Republic, resolutions of the Cabinet of Ministers of the Azerbaijan Republic.

VII. Normative legal acts, altering the legal status of physical and juridical persons, removing or mitigating their legal responsibility can have retroactive force. Other normative-legal acts do not have retroactive force.

Article 150

Acts of Municipalities

I. Acts passed by municipalities must not contradict the Constitution and the laws of the Azerbaijan Republic, decrees, resolutions of the Cabinet of Ministers of the Azerbaijan Republic (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).

II. The implementation of acts passed by the municipality is binding for citizens living in its territory, and for juridical persons settled in this territory.

Article 151

Juridical Force of International Acts

When disputes, contradictions arise between normative-legal acts included in the legislation system of the Azerbaijan Republic (excepting the Constitution of the Azerbaijan Republic and the acts, passed by way of referendum) and international treaties, of which the Azerbaijan Republic is a party, the international treaties apply.

CHAPTER XI

Changes in the Constitution of the Azerbaijan Republic

Article 152

Order of Adopting Changes in the Constitution of the Azerbaijan Republic

Changes in the text of the Constitution of the Azerbaijan Republic are adopted only by referendum.

Article 153

Order of Introducing Changes in the Constitution of the Azerbaijan Republic

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

Article 154

Restriction of the Competence of the Constitutional Court of the Azerbaijan Republic

The Constitutional Court of the Azerbaijan Republic cannot give an opinion on the changes in the text of the Azerbaijan Republic Constitution approved by referendum.

Article 155

Proposals for a referendum cannot be introduced concerning Articles 1, 2, 6, 7, 8 and 12, regarding restrictions or the abolition of the rights and freedoms of man and citizens, provided for in Chapter III of the present Constitution, to a higher degree than is provided for by international agreements to which the Azerbaijan Republic is a party.

CHAPTER XII

Additions to the Constitution of the Azerbaijan Republic

Article 156

Order of Adopting Additions to the Constitution of the Azerbaijan Republic

I. Additions to the Constitution of the Azerbaijan Republic are adopted as Constitutional Laws in the Milli Mejlis of the Azerbaijan Republic by a majority of 95 votes.

II. Constitutional Laws of the Azerbaijan Republic on additions to the Constitution of the Azerbaijan Republic are put to a vote in the Milli Mejlis of the Azerbaijan Republic twice. The second voting is held 6 months after the first voting.

III. Constitutional Laws of the Azerbaijan Republic on additions to the Constitution of the Azerbaijan Republic are submitted to the President of the Azerbaijan Republic both after the first voting and after the second voting.

IV. Constitutional Laws of the Azerbaijan Republic on additions to the Constitution of the Azerbaijan Republic come into force upon the signing, after the second voting by the President of the Azerbaijan Republic.

V. Constitutional Laws of the Azerbaijan Republic are an integral part of the Constitution of the Azerbaijan Republic and they must not contradict the main text of the Constitution of the Azerbaijan Republic.

Article 157

Initiative on Introducing Additions to the Constitution of the Azerbaijan Republic

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

Article 158

There cannot be proposed any amendment to the Constitution of the Azerbaijan Republic regarding the provisions concerning the first section of the present Constitution.

TRANSITIONAL PROVISIONS

1. The Constitution of the Azerbaijan Republic shall come into force after the acceptance by (referendum) on the day of official publication. The Constitution (Fundamental Law) of the Azerbaijan Republic which was adopted on the 21st of April, 1978 loses its force on the same day.

2. The President of the Azerbaijan Republic from the day of adopting the present Constitution and up to completing the term of office exercises the powers specified by the present Constitution for the President of the Azerbaijan Republic.

3. Paragraph V of Article 101 of the present Constitution affects the President of the Azerbaijan Republic elected after the adoption of the present Constitution.

4. The power of the Milli Mejlis composed of the People's Deputies of the Azerbaijan Republic by the Supreme Soviet of the Azerbaijan Republic expires on the day of the first meeting of the newly elected Milli Mejlis of the Azerbaijan Republic.

The first meeting of the newly elected Milli Mejlis of the Azerbaijan Republic shall be held a week after election of no less than 83 Deputies of the Milli Mejlis of the Azerbaijan Republic. The first session of the Milli Mejlis of the Azerbaijan Republic shall last until May 31, 1996.

Article 85 of the Azerbaijan Republic law "On Elections to the Milli Mejlis of the Azerbaijan Republic" which was adopted on August 15, 1995 shall be in force until the expiration of the power of the Milli Mejlis of the Azerbaijan Republic of the first convocation elected on the basis of the pertinent law.

5. The Cabinet of Ministers from the day of the adoption of the present Constitution has the powers specified by the present Constitution.

6. From the day of the entering into force of the present Constitution, the power of the local Soviets of the People's Deputies of the Azerbaijan Republic expires.

Powers assigned by the legislature of the Azerbaijan Republic to the local Soviets of People's Deputies of the Azerbaijan Republic are implemented by local organs of the executive power.

7. Within 2 years after the present Constitution has entered into force a law on local self-government must be passed and elections to municipalities must be held.

8. Laws and other normative-legal acts operating on the territory of the Azerbaijan Republic from the day of the adoption of the present Constitution remain in force in the parts that do not contradict the present Constitution.

9. The courts of the Azerbaijan Republic administer justice according to the authority and principles of the present Constitution until the present [new] Constitution enters into force.

10. Within one year from the day of the adoption of the present Constitution corresponding legislation on the status of judges, on the structure of court and court reform must be passed and judges of the Azerbaijan Republic must be newly appointed.

Until the pertinent legislation is adopted the appointment of judges to the position and their removal are realized on the basis of legislation which is operative until the present [new] Constitution enters into force.

11. After the present Constitution of the Azerbaijan Republic has become operative, within one year a law of the Azerbaijan Republic on the Constitutional Court of the Azerbaijan Republic must be passed and the Constitutional Court of the Azerbaijan Republic established. Before the Constitutional Court of the Azerbaijan Republic has been created the authority of the Constitutional Court of the Azerbaijan Republic specified by the present Constitution shall not be implemented. The matter specified in item 7 paragraph III of Article 130 of the present Constitution is settled by the Supreme Court of the Azerbaijan Republic.

12. The highest court of arbitration of the Azerbaijan Republic until the day the present Constitution comes into force, shall be titled the Economic Court of the Azerbaijan Republic and exercises the competence specified by legislation.