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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**THE CONSTITUTION OF TURKMENISTAN**



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## THE CONSTITUTION OF TURKMENISTAN

We, the people of Turkmenistan,  
basing ourselves on our inalienable right of self-determination,  
proceeding from our responsibility for the present and the future of our Fatherland,  
expressing our loyalty to the heritage of our forefathers to live in unity, peace, and harmony,  
having as our purpose to protect the national values and interests and to strengthen the sovereignty of the Turkmen people, guaranteeing the rights and liberties of each citizen and striving to ensure civil peace and national harmony and to establish the principles of the people's power and of a state based on law,  
adopt the present Constitution - the Fundamental Law of Turkmenistan.

### SECTION I THE FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM

Article 1. Turkmenistan shall be a democratic, law-based, and secular state in which the state rule shall be implemented in the form of a presidential republic.

Turkmenistan shall have ultimate and full power on its territory, and shall independently conduct its domestic and foreign policy. The state sovereignty and territory of Turkmenistan shall be single and indivisible.

The state shall defend the independence and territorial integrity of Turkmenistan and the constitutional system, and shall ensure legality and law and order.

Article 2. The people shall be the bearers of sovereignty and the sole source of power in Turkmenistan. The people of Turkmenistan shall exercise their power directly or through representative bodies.

No part of the people nor any organization, structure, or individual person shall have the right to appropriate power in the state.

Article 3. The human being shall be the highest value of society and the state in Turkmenistan.

The state shall be responsible to the citizen and shall ensure the creation of conditions for the free development of personality, and shall protect the life, honor, dignity and freedom, personal inviolability, and the natural and inalienable rights of the citizen.

The citizen shall be responsible to the state for the fulfillment of duties placed upon him by the Constitution and laws.

Article 4. The state shall be based on the principle of the separation of powers - the legislative, the executive, and the judiciary - which shall exercise their authority independently and interactively, checking and balancing one another.

Article 5. The state and all of its bodies and officials shall be linked together by law and the constitutional system.

The Constitution of Turkmenistan shall be the supreme Law of the state; the norms and provisions stipulated therein shall have direct effect. Laws and other legal acts that contradict the Constitution shall not have legal force.

Legal acts of state bodies shall be published for general dissemination or shall be made public in another manner, with the exception of those containing state or other secrets protected by law. Legal acts affecting the rights and freedoms of citizens that are not generally disseminated shall be invalid from the moment of their adoption.

Article 6. Turkmenistan shall recognize the priority of the generally-accepted standards of international law, shall be an equal subject of the world community, and shall adhere in its foreign policy to the principles of peaceful coexistence, rejection of the use of force, and non-interference in the internal affairs of other states.

Article 7. Turkmenistan shall have its own citizenship. Citizenship shall be acquired, retained, and forfeited in accordance with the law.

No one may be deprived of his citizenship or the right to change his citizenship. A citizen of Turkmenistan may not be turned over to another state or deported from Turkmenistan or have his right to return to his motherland restricted.

Citizens of Turkmenistan shall be guaranteed the protection and patronage of the state, both in the territory of Turkmenistan and beyond its borders.

Article 8. Foreign citizens and stateless persons shall enjoy the rights and freedoms of citizens of Turkmenistan unless otherwise prescribed by law.

Turkmenistan shall grant the right of asylum to foreign citizens persecuted in their countries for their political, national, or religious convictions.

Article 9. Property shall be inviolable. Turkmenistan shall confirm the right of private ownership of means of production, land, and other material and intellectual assets. These may likewise belong to associations of citizens and the state. Objects that are the exclusive property of the state shall be established by law. The state shall guarantee equal protection and equal conditions for the development of all types and forms of property.

The confiscation of property shall not be permitted, with the exception of property acquired through means prohibited by law.

The forced alienation of property with compensation shall be permitted only in cases prescribed by law.

Article 10. The state shall be responsible for preserving the national historical and cultural legacy and the natural environment and for ensuring equality between social and nationality groups, and shall encourage scientific and artistic creativity and the dissemination of the results thereof and shall promote the development of international relations in the realm of science, culture, upbringing, education, sport, and tourism.

Article 11. The state shall guarantee the freedom of religions and confessions and their equality before the law. Religious organizations shall be separate from the state and may not fulfill state functions. The state educational system shall be separate from religious organizations and shall be of a secular nature.

Everyone shall have the right independently to define his attitude towards religion, to profess any religion or not to profess any either individually or jointly with others, to profess and disseminate beliefs associated with his attitude to religion, and to participate in the practice of religious cults, rituals, and rites.

Article 12. In order to protect its state sovereignty, Turkmenistan shall have its own Armed Forces.

Article 13. The state language of Turkmenistan shall be the Turkmen language.

All citizens of Turkmenistan shall be guaranteed the right to use their native language.

Article 14. The symbols of Turkmenistan as a sovereign state shall be its state flag, coat of arms, and anthem.

The flag, coat of arms, and anthem shall be established and protected by law.

Article 15. The capital of Turkmenistan shall be the city of Ashkhabad.

SECTION II THE FUNDAMENTAL HUMAN AND CIVIL RIGHTS, FREEDOMS, AND DUTIES

Article 16. Human rights shall be inviolable and inalienable.

No one shall have the right to deprive a person of any rights or freedoms whatsoever or to restrict his rights, except in accordance with the Constitution and the law.

The listing of specific human rights and freedoms in the Constitution and the laws may not be used for the negation or derogation of other rights and freedoms.

Article 17. Turkmenistan shall guarantee the equality of the rights and freedoms of citizens, as well as the equality of citizens before the law irrespective of nationality, origin, property status or official position, place of residence, language, attitude towards religion, political beliefs, or party membership.

Article 18. Men and women shall have equal civil rights in Turkmenistan. The violation of equal rights based on gender shall entail liability under the law.

Article 19. The exercise of rights and freedoms must not violate the rights and freedoms of other persons or the requirements of morality or social order or cause damage to national security.

Article 20. Every person shall have the right to life. No one may be deprived of life. Capital punishment can be indicated only by the verdict of a court in the form of an exceptional means of punishment for the most serious crime.

Article 21. A citizen may not have his rights restricted or be denied the rights belonging to him, or condemned or subjected to punishment, other than in clear accordance with the law and upon the decision of a court.

No one may be subjected to torture, cruel or inhuman treatment or punishment, or treatment or punishment that is degrading to his dignity, nor may he be subjected to medical or other experiments without his permission. A citizen may be arrested only upon the decision of a court or the sanction of a procurator, given the existence of grounds clearly indicated by law. In cases that brook no delay and that are clearly indicated by law, the state bodies empowered to do so shall have the right to detain citizens temporarily.

Article 22. Every citizen shall have the right to the support of the state in receiving well-appointed living space and in individual housing construction. Housing shall be inviolable. No one shall have the right to enter into a residence or otherwise violate the sanctity of the home against the will of the persons residing therein or without legal grounds. The protection of the residence from unlawful encroachment shall be a civil right.

No one may be deprived of housing except on grounds established by law.

Article 23. Every citizen shall have the right to protection from arbitrary interference in his personal life, as well as from infringement of the secrecy of his correspondence and telephone and other communications and of his honor and reputation.

Article 24. Everyone shall have the right to free movement and to choose his place of residence within Turkmenistan.

Restrictions on movement through specific territories, or those relative to specific persons, may be established only on the basis of law.

Article 25. Women and men, upon attaining the age of marriage, shall have the right to marry and create a family upon mutual consent. Spouses shall have equal rights in family relations.

Parents or legal guardians shall have the right and obligation to raise their children, care for their health and development and education, prepare them for labor, and to instill culture and respect for laws and historical and national traditions in them. Adult children shall be obligated to care for their parents and to render them assistance.

Article 26. Citizens of Turkmenistan shall have the right to freedom of thought and to the free expression thereof, and also to obtain information, if it is not a government, service, or commercial secret.

Article 27. The freedom of assembly, meetings, and demonstrations in the manner established by legislation shall be guaranteed.

Article 28. Citizens shall have the right to create political parties and other public associations operating within the framework of the Constitution and the laws.

The creation and activity of political parties and public organizations that have the goal of forcible change in the constitutional structure, allow violence in their activity, act against the constitutional rights and freedoms of citizens, propagandize war or racial, national, social, or religious hostility, or that encroach on the health and morality of the people, and also the creation of militarized associations and political parties on a national or religious basis shall be forbidden.

Article 29. Each citizen shall have the right to participate in managing the affairs of society and the state, both directly and through his or her freely elected representatives.

Article 30. Citizens shall have the right to elect and be elected to bodies of state government.

Only citizens of Turkmenistan in accordance with their capabilities and professional training shall have equal right of access to the civil service.

Article 31. All citizens shall have the right to work, to select at their own discretion a profession, type of employment, and place of work, and to health and safe working conditions. Forced labor shall be forbidden, except in cases established by law.

Persons who work for hire shall have the right to payment corresponding to the amount and quality of their work. This

compensation shall not be less than the established minimum wage.

Article 32. Workers shall have the right to rest and leisure. For persons who work for hire, this right shall be reflected in the establishment of work weeks of limited duration, provision of paid annual vacation, and weekly days off.

The state shall create conditions that are conducive to relaxation at the place of residence and rational use of free time.

Article 33. Citizens shall have the right to health protection, including free use of a network of state health care institutions. Paid medical services shall be permitted on the basis and in the manner established by law.

Article 34. Citizens shall have the right to social security in their old age, in the case of illness, disability, loss of work capacity, loss of the bread winner, and unemployment.

Families with many children, children who lost their parents, war participants, and other persons who have lost their health while defending state or public interests shall be provided additional support and privileges from public resources.

The procedures and conditions for implementing this right shall be governed by law.

Article 35. Each citizen shall have the right to education. General secondary education is obligatory, and everyone shall have the right to obtain this for free at state educational institutions.

The state shall facilitate access for everyone in accordance with their abilities to professional, special secondary, and higher education.

Organizations and citizens shall have the right to create paid educational institutions on the basis and in the manner established by law.

Article 36. Citizens of Turkmenistan shall have the right to freedom of artistic, scientific, and technical creativity. Authors' rights and the legal interests of citizens in the area of scientific and technical creativity and artistic, literary, and cultural activity shall be protected by law.



The state shall facilitate development of national science, art, popular creativity, sport, and tourism.

Article 37. Exercise of rights and freedoms shall be inseparable from the performance by a citizen and a person of his or her obligations to the society and the state.

Each person who lives or is located in the territory of Turkmenistan shall be obliged to adhere to its constitution and laws, and to respect national traditions.

Article 38. The defense of Turkmenistan shall be the sacred duty of every person. For male citizens of Turkmenistan there shall be established universal compulsory military service.

Article 39. Citizens of Turkmenistan shall be obligated to pay state taxes and other payments in the manner and amounts established by law.

Article 40. Citizens shall be guaranteed judicial defense of their honor and dignity, personal and political rights and freedoms of individuals and citizens, stipulated by the Constitution and by laws.

Actions of state bodies, public organizations, and officials that are performed in violation of the law, exceeding their authority, or infringing on the rights of and freedom of citizens may be appealed to a court.

Article 41. Citizens shall have the right to compensation under judicial procedure for material and moral losses incurred as a result of the illegal acts of state bodies, other organizations, their employees, and also private parties.

Article 42. No one shall be forced to give evidence against himself and close relatives.

Evidence shall be recognized as invalid if it is obtained under the influence of physical or psychological pressure, and also by other illegal methods.

Article 43. A law that worsens the situation of a citizen shall not be retroactive. No one shall be liable for an act that at the moment of its occurrence was not recognized as a violation of the law.

Article 44. Exercise of the rights and freedoms of citizens that are stipulated by this Constitution shall be suspended only under conditions of extraordinary or military

situations in the manner and within the limits established by the Constitution and the law.

### SECTION III. THE SYSTEM OF STATE GOVERNMENTAL BODIES

#### CHAPTER 1. General provisions

Article 45. The highest representative body of popular power shall be the Khalk Maslakhaty (Peoples' Council) of Turkmenistan.

Article 46. Supreme executive and administrative power in Turkmenistan shall be exercised by the President, the Medzhlis, the Supreme Court, the Higher Economic Court, and the Cabinet of Ministers of Turkmenistan.

Article 47. Turkmenistan shall consist of administrative territorial elements: velayats, etraps, and shakhsers equivalent to etraps in which government administrative bodies shall be formed, and also shakhsers, villages, and obs, where local self-government bodies shall be established.

#### CHAPTER 2. The Khalk Maslakhaty of Turkmenistan

Article 48. The Khalk Maslakhaty shall include:

The President;

the deputies of the Medzhlis;

khalk vekilleri, who are elected by the people, one from each etrap;

the Chairman of the Supreme Court, the Chairman of the Higher Economic Court, the Procurator General, members of the Cabinet of Ministers, heads of administration of velayats, archyns (mayors of municipal councils) of shakhsers and also villages that are the administrative centers of etraps.

Article 49. The term of office for the khalk vekilleri shall be five years. They shall perform their duties without compensation.

Article 50. The Khalk Maslakhaty shall consider and render decisions on the following matters:

1) on the expedience of making amendments and additions to the Constitution or adopting a new Constitution;

- 2) conducting national referenda;
- 3) development of recommendations on the basic aims of the economic, social, and political development of the country;
- 4) changes in state borders and administrative territorial divisions;
- 5) ratification and denunciation of treaties on inter-state unions and other formations;
- 6) declaration of a state of war and peace;
- 7) on other matters allocated to their management by the Constitution and laws.

Article 51. Decisions of the Khalk Maslakhaty shall be implemented by the President, the Medzhlis, and other state bodies in accordance with their authority as established by the Constitution and laws.

Article 52. The Khalk Maslakhaty shall be called as necessary, but not less frequently than once a year on the initiative of the President, the Medzhlis, or one third of the established number of members of the Khalk Maslakhaty.

The President, the Medzhlis, or its Presidium, or not less than one fourth of the established number of members of the Khalk Maslakhaty shall have the right to submit proposals for the consideration of the Khalk Maslakhaty.

Article 53. The work of the Khalk Maslakhaty shall be directed by the President or any member of the Khalk Maslakhaty elected by it.

The procedure for calling the Khalk Maslakhaty and for its work shall be determined by the Standing Rules approved by it.

### CHAPTER 3. The President of Turkmenistan

Article 54. The President of Turkmenistan shall be the head of state and the executor of power, the highest official in Turkmenistan, and shall act as a guarantor of national independence, territorial integrity, and adherence to the Constitution and international agreements.

Article 55. The President shall be a citizen of Turkmenistan, not younger than 40 years old, residing in

Turkmenistan. The same person may not be President more than two terms in succession.

Article 56. The President shall be elected directly by the people of Turkmenistan for a five year term and shall take office immediately after taking his oath at a session of the Khalk Maslakhaty.

The procedure for electing a President and his assumption of office shall be established by law.

Article 57. The President of Turkmenistan shall:

1) carry out the Constitution and the laws and ensure precise compliance with them;

2) direct the implementation of foreign policy, represent Turkmenistan in relations with other states, appoint and recall ambassadors and other diplomatic representatives of Turkmenistan in foreign states, and at interstate and international organizations, to accept letters of credence and letters of recall of diplomatic representatives of foreign states;

3) be the Commander-in-Chief of the Armed Forces, give orders concerning general or partial mobilization and the utilization of the Armed Forces with subsequent confirmation of these actions by the Khalk Maslakhaty, appoints the high command of the Armed Forces;

4) submit to the Khalk Maslakhaty annual reports on the state of the country and inform it about the most important issues of domestic and foreign policy;

5) submit the state budget and a report on its execution to the Medzhlis for its consideration and approval;

6) sign laws and have the right to return the law with his objections to the Medzhlis within two weeks for repeated discussion and voting. If the Medzhlis confirms the decision it previously took by a two-thirds majority, the President shall sign the law. The President shall not have the right of a delaying veto with regard to laws concerning changes and additions to the Constitution;

7) arrange for referenda on the decision of the Khalk Maslakhaty and have the right to call an extraordinary session of the Medzhlis;

8) decide questions of conferring citizenship in Turkmenistan and granting asylum;

9) confer decorations and other awards of Turkmenistan, and confer honorary, military and other special titles;

10) with the prior consent of the Medzhlis appoint and relieve from office the Chairman of the Supreme Court, the Chairman of the Higher Economic Court, and the General Procurator;

11) grant clemency and amnesty;

12) decide other matters assigned to his responsibility by the Constitutions and the laws.

Article 58. The President shall issue edicts, decrees and instructions that are binding in the entire territory of Turkmenistan.

Article 59. The President cannot be a deputy of the Medzhlis or receive monetary compensation, with the exception of honoraria for works of science, literature, and art.

Article 60. The President shall have the right of immunity.

The President may be relieved from office in the event that it is impossible for him to perform his duties as a result of illness. The Khalk Maslakhaty, on the basis of the conclusions of an independent medical commission established by it, shall make a decision on the early removal of the President from office by not less than a two-thirds majority vote of the established numbers of members of the Khalk Maslakhaty.

In the event of a violation by the President of the Constitution and laws, the Khalk Maslakhaty can express its lack of confidence in the President and submit the question of his removal to a popular vote. The question of no confidence in the President may be considered upon the request of not less than one third of the established number of members of the Khalk Maslakhaty. A decision of no confidence in the President shall be adopted by not less than two thirds of the established number of members of the Khalk Maslakhaty.

Article 61. The President shall not have the right to transfer performance of his powers to other bodies or officials with the exception of the powers stipulated in clauses 2, 9, and 11 of Article 57 of the Constitution, which may be transferred to the Chairman of the Medzhlis.

If the President for one reason or another cannot perform his duties, then his powers shall be transferred to the Chairman of the Medzhlis until election of a new President. In this case the presidential election must be carried out no later than two months from the day his powers are transferred to the Chairman of the Medzhlis. The person performing the duties of the President cannot be voted for as a candidate for President.

#### CHAPTER 4. The Medzhlis of Turkmenistan

Article 62. The Medzhlis (Parliament) shall be the legislative organ of Turkmenistan.

Article 63. The Medzhlis shall consist of 50 deputies elected from territorial districts with approximately equal numbers of voters for a term of five years.

Article 64. The Medzhlis may be dissolved prematurely:

by decision of a referendum;

by decree of the Medzhlis adopted by a majority of not less than two thirds of the established number of deputies (self-dissolution);

by the President in the event that the executive bodies of the Medzhlis are not formed within a period of six months, or in the event no confidence in the Cabinet of Ministers is expressed twice in a period of 18 months.

Article 65. The Medzhlis shall independently establish the correctness of election and powers of deputies, elect a Chairman and his deputy from among the deputies, and form committees and commissions.

Article 66. The Medzhlis can transfer the right to issue laws on specific matters to the President with obligatory subsequent confirmation of them by the Medzhlis.

The Medzhlis cannot transfer legislative functions with regard to matters of:

- 1) the adoption and amendment of the Constitution;
- 2) criminal and administrative legislation;
- 3) legal procedure.

Article 67. The following shall be delegated to the Medzhlis:

- 1) adoption and amendment of the Constitution and laws and their interpretation;
- 2) scheduling elections of the President, the Medzhlis and members of the Khalk Maslakhaty;
- 3) forming the Central Commission on Elections and conducting referenda;
- 4) approving the program of activity of the Cabinet of Ministers and expressing lack of confidence in it;
- 5) approving or rejecting candidates for the positions of Chairman of the Supreme Court, the Chairman of the Higher Economic Court, the General Procurator, and also recommendations concerning their removal;
- 6) adopting the budget of Turkmenistan and the report on its execution;
- 7) instituting state awards, conferring state awards on the President, conferring on him honorary titles, military titles, and distinctions;
- 8) determining the conformity of normative documents of government bodies with the Constitution and laws;
- 9) other matters allocated to the responsibility of the Medzhlis by the Constitution and laws.

Article 68. The right of legislative initiative in the Medzhlis shall belong to the President, deputies of the Medzhlis, and the Cabinet of Ministers.

Article 69. Deputies of the Medzhlis shall have the right to submit oral and written questions to the Cabinet of Ministers, ministers, and directors of other state bodies.

Article 70. A deputy can be relieved of his authority as a delegate only by the Medzhlis. A decision on this matter shall be made by a majority vote of not less than two thirds of the established number of deputies in the Medzhlis.

A deputy cannot be brought to criminal liability, arrested, or be deprived of his freedom on another way without the approval of the Medzhlis, and in the period between sessions - of the Presidium of the Medzhlis.

Article 71. The Medzhlis is a permanent body. Deputies cannot simultaneously occupy positions as members of the Cabinet of Ministers, heads of administration of velayats, shakhers, and etraps, archyns, judges, procurators.

Article 72. The Chairman of the Medzhlis shall be elected by secret vote. He shall be accountable to the Medzhlis and can be removed by decision of the Medzhlis adopted by a majority of not less than two thirds of the established number of deputies.

The Deputy Chairman of the Medzhlis shall be elected by open vote, and shall perform specific functions of the Chairman on his authorization, replace the Chairman in the case of his absence or incapacity to exercise his authority.

Article 73. The Presidium of the Medzhlis shall organize the work of the Medzhlis and consider matters assigned to it by the Constitution and laws.

The Presidium shall consist of: the Chairman of the Medzhlis, his deputy, and representatives of the committees and commissions.

Article 74. The procedure for activity of the Medzhlis, its bodies and deputies, their functions and powers that are not prescribed by the Constitution shall be established by law.

#### CHAPTER 5. The Cabinet of Ministers

Article 75. The Cabinet of Ministers shall be the executive and administrative organ. The Cabinet of Ministers shall be headed by the President.

Article 76. The Cabinet of Ministers shall include: the deputy chairmen of the Cabinet of Ministers and ministers.

The Cabinet of Ministers shall be formed by the President within a month after he takes office and shall lay down its powers before the newly elected President.

Article 77. Sessions of the Cabinet of Ministers shall be conducted by the President or upon his authorization by one of the deputy chairmen of the Cabinet of Ministers.

The Cabinet of Ministers within the limits of its responsibility shall issue binding decrees and instructions.



Article 78. The Cabinet of Ministers shall:

1) organize the implementation of laws, the decrees of the President, and the decisions of the Khalk Maslakhaty;

2) carry out measures to ensure and defend the rights and freedoms of citizens, protect property, and preserve public order and national security;

3) develop and submit to the Khalk Maslakhaty proposals on the basic aims of domestic and foreign policy activity of the state and programs for the economic and social development of the country;

4) carry out state management of economic and social development and ensure the rational use and protection of natural resources;

5) take measures to strengthen the monetary and credit system;

6) form committees, main administrations and other departments attached to the Cabinet of Ministers as needed;

7) implement foreign economic policy and ensure the development of cultural ties with foreign states;

8) direct the activity of government institutions, state enterprises and organizations; have the right to rescind the acts of ministries and agencies;

9) perform other duties assigned to it by laws and other normative documents.

Article 79. The powers of the Cabinet of Ministers, the manner in which it operates, and its relations with other state bodies shall be determined by law.

#### CHAPTER 6. Local Executive Power

Article 80. Local executive power shall be exercised by: the velayat khyakimi in the velayats, the shakher khyakimi in the shakhers, and the etrap khyakimi archyns in the etraps.

Article 81. Khyakimi shall be local representatives of the head of state and shall be appointed and relieved from duty by the President and his subordinates.

Article 82. Khyakimi shall direct the activity of local administrative bodies, ensure implementation of the Constitution, laws, and acts of the President and the Cabinet of Ministers. Within the limits of their competence the khyakimi adopt decrees that are mandatory in the territory under their administration.

Article 83. The archyns shall ensure the implementation of decisions of the Gengeshi and the decrees of governmental authorities, manage municipal facilities, execute the local budget, and also deal with other matters of local significance.

Article 84. The scope of the functions and powers of the khyakimi and archyns and the procedures for their activity and interaction with other government authorities shall be established by law.

#### SECTION IV. LOCAL SELF GOVERNMENT

Article 85. The system of local self government shall be made up by the Gengeshi and bodies of territorial public self government.

The Gengeshi shall be representative bodies of popular power in the territory of shakhers, villages and obs. They shall be elected directly by the citizens for a term of five years.

Article 86. The following are the responsibility of the Gengeshi:

- 1) determining the basic lines of economic, social, and cultural development of their territories;
- 2) approving the local budget and reporting on its execution;
- 3) instituting local taxes and fees and the procedure for collecting them;
- 4) specifying measures for the rational utilization of natural resources and protection of the environment;
- 5) other matters assigned to the Gengeshi by legislation.

Within the limits of their responsibility the Gengeshi shall make decisions that are mandatory in their territory.

Article 87. The Gengeshi shall elect the Archyn, who shall direct the work of the Gengeshi and be accountable to it, from among their members.

Article 88. Members of the Gengeshi shall perform their duties without compensation. The procedures for the activity of the Gengeshi and other bodies of public self government shall be prescribed by law.

#### SECTION V. THE ELECTION SYSTEM, REFERENDUM

Article 89. Elections of the President, deputies of the Medzhlis, khalk vekilleri, and other persons elected by the people shall be universal and equal: citizens of Turkmenistan who have attained the age of 18 years shall have the right to vote, each voter having one vote.

Mentally ill citizens who have been adjudged incompetent by a court shall not participate in elections, nor shall persons imprisoned by virtue of a court sentence. Persons in preventive detention in accordance with procedure established by criminal-procedural legislation shall not take part in voting.

Any direct or indirect limitation of the voting rights of citizens in other cases shall not be permitted and shall be punishable by law.

Article 90. Citizens of Turkmenistan who have reached the age of 25 by the date of the elections may be elected as deputies of the Medzhlis, and khalk vekilleri.

The age qualification for members of the Gengeshi, archyns and other persons elected to state positions shall be prescribed by law.

Article 91. Elections shall be direct; deputies and other persons shall be elected by citizens directly.

Article 92. Voting at elections shall be secret, polling of voters during the course of voting is not permitted.

Article 93. The right to nominate candidates shall be held by the political parties, public organizations, and groups of citizens in accordance with the election law.

Article 94. To decide the most important matters of state and public life national and local referenda may be conducted.

The question of rescinding an act adopted by referendum shall be resolved only through a national referendum.

Article 95. The right to schedule a national referendum shall belong to the Khalk Maslakhaty upon the proposal of not less than one fourth of its members, or by proposal of not less than 250,000 citizens having the right to vote.

Article 96. The right to schedule local referenda shall belong to the Gengeshi on their own initiative or by proposal of not less than one fourth of the voters living in the territory concerned.

Article 97. Referenda shall be conducted by means of universal, equal, direct and secret balloting.

Citizens of Turkmenistan having the right to vote shall participate in referenda.

Article 98. The procedure for conducting elections and national and local referenda shall be prescribed by law. Elections and referenda shall not be conducted during a state of emergency.

#### SECTION VI. JUDICIAL AUTHORITY

Article 99. Judicial authority in Turkmenistan shall belong only to the courts.

Judicial authority shall be intended to defend the rights and freedom of citizens and, maintenance by law of state and public interests.

Article 100. Judicial authority shall be exercised by the Supreme Court, the Higher Economic Court, military, and other courts stipulated by law, in the form of civil, economic, administrative and criminal judicial procedure.

The creation of extraordinary courts and other structures endowed with the powers of a court shall not be permitted.

Article 101. Judges shall be independent and subordinate only to the law and shall be guided by their inner convictions. Interference in the activity of judges from any side whatsoever shall not be permitted and shall be punishable by law. The inviolability of judges shall guaranteed by law.

Article 102. Judges of all courts shall be appointed by the President for a term of five years. The procedure for appointment and removal of judges shall be determined by law.

Until the expiration of the established term judges can be removed from their position without their consent only by court order and for grounds indicated in the law.

Article 103. Judges cannot occupy any other paid position, except for teaching and scientific research; for the period of their tenure judges shall not participate in political parties or public organizations that pursue political objectives.

Article 104. Cases in courts shall be considered collegially and, in cases stipulated by law, by individual judges.

Article 105. The proceedings in all courts shall be open. Closed hearings shall be permitted only in cases stipulated by law, with adherence to all rules of judicial procedure.

Article 106. Judicial procedure shall be conducted in the state language. Persons participating in the case who do not speak the language of the judicial procedure shall be ensured the right to acquaint themselves with the materials of the case and to participate in judicial action, and also the right to testify in court in their native language.

Article 107. Justice shall be administered on the basis of contention and the equality of the parties.

The parties shall have the right to appeal decisions, sentences, and other judicial decrees of all courts of Turkmenistan.

Article 108. The right to professional juridical assistance shall be recognized at any stage of the judicial process.

Juridical assistance to citizens and organizations shall be rendered by lawyers and other persons and organizations.

Article 109. The competence, manner of formation, and activity of courts shall be determined by law.

#### SECTION VII. THE PROCURATOR'S OFFICE

Article 110. Oversight of exact and uniform compliance in the territory of Turkmenistan with laws and acts of the President by bodies of state government, administration of the Armed Forces, and local self government, by participants in economic and commercial activity, by organizations,

institutions, public associations, officials, and citizens shall be assigned to the General Procurator of Turkmenistan and his subordinate procurators.

The Procurator shall participate in consideration of cases in courts on the basis and in the manner established by law.

Article 111. The Procurator's Office shall exercise oversight over the legality of operational investigative activity and the investigation of criminal cases and materials.

Article 112. The unified and centralized system of the Procuracy shall be headed by the Procurator General, who shall be appointed by the President for five years.

Deputies of the Procurator General and procurators of velayats shall be appointed by the President. The procurators of shakhers and etraps shall be appointed by the Procurator General.

Article 113. The Procurator General and his subordinate procurators shall be governed only by the law in carrying out their powers. In his activity the Procurator General is accountable to the President.

For the period of their appointment, procurators shall not participate in political parties and other public associations that pursue political objectives.

#### SECTION VIII. FINAL PROVISIONS

Article 114. The laws and other acts of state organs of Turkmenistan shall be published on the basis of and in accordance with the Constitution.

In the case of a discrepancy between the Constitution and a law the Constitution is valid.

Article 115. The provisions of the Constitution on the republic form of government cannot be changed.

Article 116. The law on amending the Constitution shall be considered adopted if not less than two thirds of the established number of deputies of the Medzhlis vote for it.

Adopted by the Supreme Soviet and promulgated by the President on May 18, 1992 in the city of Ashkhabad.

President of Turkmenistan

S. NIYAZOV

[stamp: General Sector, Supreme Soviet, Republic of  
Turkmenistan]

City of Ashkhabad  
May 18, 1992  
No. 691-XII.