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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT AMENDMENTS
TO THE CONSTITUTION
OF THE REPUBLIC OF AZERBAIJAN***

* *Unofficial translation, largely based on the translation provided by IFES.*

**Proposed Amendments to the Constitution of the Republic of Azerbaijan
(Referendum to be held on 18 March 2009)**

Font	Indication
Regular	Existing language (providing context for the amendments)
<i>Italic</i>	New language based on official publication of the amendments
Strikethrough	Deletions based on official publication of the amendments

Article 12. The Highest Objective of the State

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

Article 15. Economic Development and the State

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

Article 17. Family, *Children*, and the State

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

Article 18. Religion and the State

- I. Religion in the Republic of Azerbaijan is separated from the State. All religions are equal before the law.
- II. Spreading of and propagandizing religion (*religious movements*), humiliating people's dignity and contradicting the principles of humanism are prohibited.
- III. The State education system is of a secular nature.

Article 19. Monetary Unit

- I. The monetary unit of the Republic of Azerbaijan is the manat.
- II. Only the ~~Central National~~ Bank has the right to introduce money into and to withdraw money from circulation. The ~~Central National~~ Bank of the Republic of Azerbaijan belongs exclusively to the State.
- III. Utilizing other monetary units besides manat as a means of payment within the territory of the Republic of Azerbaijan is prohibited.

Article 25. Right of Equality

- I. All people are equal with respect to the law and court.
- II. Men and women have equal rights and liberties.
- III. The State guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, gender, origin, property status, occupation, beliefs, affiliation with political parties, trade unions or other public associations. It is prohibited to limit human and civil rights and liberties due to race, nationality, religion, language, gender, origin, belief, political or social affiliation.
- IV. *No one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of the grounds laid down in Part III of this Article.*
- V. *Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties.*

Article 29. Right of Ownership

- I. Everyone has the right to own property.
- II. No type of property shall be granted superiority. Ownership rights, including the rights for private owners, is protected by law.
- III. Everyone might have movable and immovable assets in property. Right of ownership envisages the rights of owner to own property on his or her own or together with others, to use the property and to make arrangements for it.
- IV. No one can be deprived of his or her property without a decision of the court. Absolute confiscation of property is not allowed. Alienation of the property for state ~~or public~~ needs is allowed only after the cost of property is fairly reimbursed.

- V. The State ensures the right of inheritance.

Article 32. Right of Personal Immunity

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

Article 39. Right of Living in Healthy Environment

- I. Everyone has the right to live in a healthy environment.
- II. Everyone has the right to obtain information about the real condition of the environment and to receive compensation for the health or property damage caused by the violation of ecological law.
- III. *No one may cause threat or damage to the environment and natural resources beyond the limits set by law.*
- IV. *The state guarantees the preservation of ecological balance and protection of the species of wild plants and animals determined by law.*

Article 48. Freedom of Conscience

- I. Everyone has the right of conscience.
- II. Everyone has the right to determine his or her attitude towards a religion independently, to have faith in any religion by himself or herself or together with others, or not to have faith in any religion, to express or disseminate views regarding the attitude towards religion.
- III. Performance of religious ceremonies shall be permitted if they do not violate the public order or are not against public morals.
- IV. Religious belief and faith do not excuse violation of the law.

- V. *No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals or participate in religious ceremonies.*

Article 50. Freedom of Information

- I. Everyone has the freedom to search, obtain, pass, prepare, and disseminate information as he or she wants.
- II. Freedom of mass information is ensured. State censorship in mass media as well as in print media is prohibited.
- III. *Everyone's right to refute or reply to the information published in the media and violating his or her rights or damaging his or her interests shall be guaranteed.*

Article 67. Rights of Those Detained, Arrested and Accused ~~charged~~ of a Crime

- I. Every person who has been detained, arrested, ~~accused charged~~ of a crime by an authorized state body shall be informed immediately about his or her rights, and reasons for the detention, arrest, and institution of criminal proceedings shall be explained.
- II. *Every person accused of a criminal offence shall be heard before being sentenced.*

Article 71. Guarantees of Human and Civil Rights and Freedoms

- I. To observe and to protect the human and civil rights and freedoms established by the Constitution is the duty of legislative, executive and judicial bodies.
- II. No one can limit the implementation of human and civil rights and freedoms. *Everyone's rights and freedoms are restricted on the grounds provided for in this Constitution and laws, as well as by the rights and freedoms of others.*
- III. Implementation of human and civil rights and freedoms can be limited partially and temporarily, taking into account international obligations of the Republic of Azerbaijan, when a war, state of martial law and state of emergency, as well as military mobilization is announced. The population shall be informed in advance about the rights and freedoms that have been limited.
- IV. Under no circumstances can anyone be forced to state his or her religion, religious beliefs, thoughts and views, and cannot be charged for doing so.
- V. None of the provisions of this Constitution can be interpreted as a provision targeting the revocation of human and civil rights and freedoms.
- VI. Human and civil rights and freedoms are expressly enforced within the territory of the Republic of Azerbaijan.
- VII. Disputes related to violation of human and civil rights and freedoms shall be resolved by courts.
- VIII. No one bears responsibility for the action that was not a violation of the law when committed. If a new law, adopted after the violation took place, introduces no accountability for such actions or mitigates them, the new law shall apply.

- IX. *Everyone may conduct actions not prohibited by law and no one may be forced to conduct actions not envisaged by law.*
- X. *The state institutions may function only on the basis of this Constitution, in the manner and within the boundaries prescribed by law.*

Article 72. Basis of Citizens' Duties

- I. Every person bears duties, followed from rights and freedoms, to the state and society. *Duties may be established for anyone only by this Constitution or law.*
- II. Every person must follow the Constitution and the laws of the Republic of Azerbaijan, respect other persons' rights and freedoms, and implement other duties defined by the law.
- III. Lack of awareness of the law does not relieve one of one's responsibility.

Article 75. Respect to State Symbols

- I. Every citizen must respect the state symbols of the Republic of Azerbaijan – its flag, state emblem, and anthem.
- II. *Expression of disrespect to the state symbols shall involve liability as determined by law.*

Article 84. Term of Office of the Call of the Milli Majlis of the Republic of Azerbaijan

- I. The term of office of each call of the Milli Majlis of the Republic of Azerbaijan is five years. *In case the conduct of elections to the Milli Majlis of the Republic of Azerbaijan may not be held due to military operations under a state of war, the term of office of the Milli Majlis of the Republic of Azerbaijan shall be extended until the end of military operations. The decision of this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum).*
- II. Elections to each call of the Milli Majlis of the Republic of Azerbaijan are held every five years, on the first Sunday of November.
- III. The term of office of the members of the Milli Majlis is limited with the term of office of the call of the Milli Majlis of the Republic of Azerbaijan.
- IV. If by-elections are held to replace the dismissed members of the Milli Majlis of the Republic of Azerbaijan, the term of office of the newly elected member shall be limited to the remaining term of office of the dismissed member.

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

- I. The Milli Majlis of the Republic of Azerbaijan shall assemble for two – spring and autumn - sessions annually.

The first meeting of the Milli Majlis of the Republic of Azerbaijan shall be called from the date when the mandates of 83 members of the Milli Majlis of the Republic of Azerbaijan are approved, but no later than a week.

The date of the first meeting of the Milli Majlis of the Republic of Azerbaijan shall be determined by the Constitutional Court if the mandates of 83 members are not

approved by October 10 or March 10 after the elections to the Milli Majlis of the Republic of Azerbaijan.

- II. Extraordinary sessions of the Milli Majlis of the Republic of Azerbaijan shall be called by the Chairperson of the Milli Majlis of the Republic of Azerbaijan based on the demand of the President of the Republic of Azerbaijan or of 42 members of the Milli Majlis of the Republic of Azerbaijan.
- III. The agenda for an extraordinary session of the Milli Majlis of the Republic of Azerbaijan shall be determined by those who demand such a session. The work of an extraordinary session shall be considered finished upon completion of the issues on the agenda.
- IV. *The assemblies of the sessions of the Milli Majlis of the Republic of Azerbaijan are open to the public. An assembly of the session of the Milli Majlis may be closed to the public upon the claim of 83 members of parliament or the proposal by the President of the Republic of Azerbaijan.*

Article 92. Organization of Work of the Milli Majlis of the Republic of Azerbaijan

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

Article 95. Issues Resolved by the Milli Majlis of the Republic of Azerbaijan

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

13. dismissing judges upon recommendation of the President of the Republic of Azerbaijan;
14. resolution of the issue on trust to the Cabinet of Ministers of the Republic of Azerbaijan;
15. appointing and dismissing the members of the Board of Directors of the ~~Central National~~ Bank of the Republic of Azerbaijan upon recommendation of the President of the Republic of Azerbaijan;
16. giving consent to the Armed Forces of the Republic of Azerbaijan being involved in implementation of duties that are not related to their assignment;
17. giving consent to announcement of war or to peace agreements upon request of the President of the Republic of Azerbaijan;
18. determination of referendum;
19. amnesty; and
20. *hearing of the municipality reports.*

(Additions made by Constitutional Law No. 7-IIIKQD dated December 13, 2005)

Resolution of the following issues shall be under the responsibilities of the Milli Majlis of the Republic of Azerbaijan in conformity with Part IV of this Article:

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

Article 96. Right of Legislative Initiative

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

Azerbaijan, Supreme Majlis of Nakhchivan Autonomous Republic shall be brought to discussion the way they have been submitted and shall be voted on.

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

Article 101. Basis of the Elections to the President of the Republic of Azerbaijan

- I. The President of the Republic of Azerbaijan shall be elected for a five year term based on general, equal and direct suffrage by means of a secret and personal vote.
- II. The President of the Republic of Azerbaijan shall be elected with a majority of the votes of half the voters who participated in the voting.
- III. If such majority of votes has not been achieved during the first round of voting, the second round of voting shall be held on the second Sunday after the voting day. Only the two candidates who collected most of the votes, or the two candidates next in order to those who collected most of the votes and withdrew their candidacies shall participate in the second round.
- IV. The person who collects majority of votes during the second round shall be considered elected President of the Republic of Azerbaijan.
- V. ~~No one can be elected as the President of the Republic of Azerbaijan more than twice.~~ *In case the conduct of the Presidential Election of the Republic of Azerbaijan is not held due to military operations under a state of war, the term of office of the President of the Republic of Azerbaijan shall be extended until the end of military operations. The decision on this matter shall be adopted by the Constitutional Court of the Republic of Azerbaijan on the basis of the application of the state body organizing elections (referendum).*
- VI. Rules for implementation of this Article shall be defined by the law.

Article 108. Material Security of the President of the Republic of Azerbaijan

- I. The President of the Republic of Azerbaijan and his or her family shall be secured materially by the state. Security of the President of the Republic of Azerbaijan and his or her family shall be provided by a special security service.
- II. *Regulations for the material security of the person who was elected President of the Republic of Azerbaijan in the past shall be defined by a Constitutional law.*

Article 109. Responsibilities of the President of the Republic of Azerbaijan

The President of the Republic of Azerbaijan:

- 1) Determines elections to the Milli Majlis of the Republic of Azerbaijan;
- 2) Submits the state budget of the Republic of Azerbaijan to the Milli Majlis for approval;
- 3) Approves state economic and social programs;
- 4) With the consent of the Milli Majlis of the Republic of Azerbaijan appoints the Prime Minister of the Republic of Azerbaijan; dismisses the Prime Minister of the Republic of Azerbaijan;
- 5) Appoints and dismisses members of the Cabinet of Ministers of the Republic of Azerbaijan; chairs the meetings of the Cabinet of Ministers if necessary;
- 6) Makes a decision on the resignation of the Cabinet of Ministers of the Republic of Azerbaijan;
- 7) Establishes central and local executive bodies within the expenses allocated for executive authorities from the state budget of the Republic of Azerbaijan;
- 8) Terminates decisions and ordinances of the Cabinet of Ministers and Cabinet of Ministers of Nakhchivan Autonomous Republic; and acts of the central and local authorities;
- 9) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing judges to the Constitutional Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan and the courts of appeal; appoints judges to other courts of the Republic of Azerbaijan; appoints the Attorney General of the Republic of Azerbaijan with the consent of the Milli Majlis of the Republic of Azerbaijan;
- 10) Recommends the Milli Majlis of the Republic of Azerbaijan on appointing or dismissing the members of the Board of Directors of the ~~Central National~~ Bank of the Republic of Azerbaijan; *appoints the Chairman of the Central Bank of the Republic of Azerbaijan from the members of the Governing Board of the Central Bank of the Republic of Azerbaijan.*
- 11) Submits the military doctrine of the Republic of Azerbaijan to the Milli Majlis for approval;
- 12) Appoints and dismisses the staff for high command of Armed Forces of the Republic of Azerbaijan;

- 13) Organizes the ~~Administration Executive Apparatus~~ of the President of the Republic of Azerbaijan and appoints its Heads;
- 14) Recommends the Milli Majlis of the Republic of Azerbaijan on electing human rights commissioner of the Republic of Azerbaijan;
- 15) Recommends the Milli Majlis of the Republic of Azerbaijan on establishment of diplomatic representations abroad in international organizations, appoints and withdraws diplomatic representatives abroad and in international organizations;
- 16) Accepts credentials of diplomatic representatives of foreign countries;
- 17) Signs interstate and intergovernmental international agreements; submits interstate ~~international~~ *and intergovernmental* agreements *containing rules contrary to the laws of the Republic of Azerbaijan*, to the Milli Majlis of the Republic of Azerbaijan for approval or termination; signs the certificates;
- 18) Determines referendum;
- 19) Signs laws and publishes them;
- 20) Resolves issues on citizenship;
- 21) Resolves issues on granting political asylum;
- 22) Pardons;
- 23) Awards with state awards;
- 24) Grants highest military and highest special ranks;
- 25) Announces general or partial military mobilization, as well as demobilizes those who were mobilized;
- 26) Makes decisions on the call of citizens of the Republic of Azerbaijan to limited military service, and on release of military servants who were on limited military service;
- 27) Establishes the Security Council of the Republic of Azerbaijan;
- 28) Recommends to the Milli Majlis of the Republic of Azerbaijan on giving consent to the Armed Forces to implement duties that are not under its responsibilities;
- 29) Declares emergency and military situations;
- 30) Declares war and concludes peace agreements with the consent of the Milli Majlis of the Republic of Azerbaijan;
- 31) Establishes special security services within the expenses allocated for such purposes from the state budget of the Republic of Azerbaijan;
- 32) Resolves other issues not under the responsibilities of the Milli Majlis of the Republic of Azerbaijan and of the judiciary established by this Constitution.

Article 125. Judicial Power

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

Article 129. Court Decisions and their Implementation

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

Article 130. Constitutional Court of the Republic of Azerbaijan

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

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

and municipalities as well as rulings of courts, which violate human rights and freedoms in accordance with rules specified by laws.

- VIII. The Constitutional Court of the Republic of Azerbaijan may implement other duties established by this Constitution.
- IX. The Constitutional Court of the Republic of Azerbaijan shall make the decisions under its competence. The decision of the Constitutional Court shall have mandatory force within the territory of the Republic of Azerbaijan. *The decisions of the Constitutional Court of the Republic of Azerbaijan shall be published.*
- X. Laws and other acts, or their separate provisions, intergovernmental agreements of the Republic of Azerbaijan shall lose their force within the timeframe established in the decision of the Constitutional Court of the Republic of Azerbaijan. But interstate agreements of the Republic of Azerbaijan do not come into force.

Article 131. Supreme Court of the Republic of Azerbaijan

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

Article 146. Guarantees for Independence of Municipalities

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

Article 149. Normative Legal Acts

- I. Normative legal acts must be based on law and justice (equal benefit, equal attitude).

- II. Application and implementation of acts adopted by referendum shall be mandatory for citizens, legislative, executive bodies and judiciary, legal entities and municipalities only upon their publication.
- III. Laws must not contradict the Constitution. Application and implementation of only published laws shall be mandatory for all citizens, legislative, executive bodies and judiciary, legal entities and municipalities.
- IV. Decrees of the President of the Republic of Azerbaijan must not contradict Constitution of the Republic of Azerbaijan and the laws of the Republic of Azerbaijan. Application and implementation of only published laws are mandatory for all citizens, executive authority bodies, and legal entities.
- V. Decisions of the Cabinet of Ministers of the Republic of Azerbaijan must not contradict the Constitution and laws of the Republic of Azerbaijan, and decrees of the President of the Republic of Azerbaijan. Application and implementation of decisions of the Cabinet of Ministers shall be mandatory for citizens, central and local executive authority bodies, legal entities only upon their publication.
- VI. Acts of the central executive authority bodies must not contradict the Constitution of the Republic of Azerbaijan, laws, decrees of the President of the Republic of Azerbaijan and decisions of the Cabinet of Ministers of the Republic of Azerbaijan.
- VII. The normative acts that improve legal conditions of individuals and legal entities, that lift or mitigate the legal responsibilities shall have retroactive force. Other normative legal acts shall not have retroactive force.
- VIII. *Normative legal acts shall be published. No one may be forced to execute (to adhere to) a regulation that was not published and held liable for failing to execute (to adhere to) such regulation. An order for publication of regulations shall be set forth by a Constitutional law.*