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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW ON THE CONSTITUTIONAL COURT OF AZERBAIJAN**

**ADOPTED BY THE MILLI MEJLIS  
ON 23 DECEMBER 2003**

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1. Purpose of Constitutional Court**

1.1 The Constitutional Court of Azerbaijan Republic (hereinafter, Constitutional Court) shall be the supreme body of constitutional justice on matters attributed to its jurisdiction by the Constitution of Azerbaijan Republic

1.2. Basic objectives of Constitutional Court shall be to ensure the supremacy of the Constitution of Azerbaijan Republic and protect fundamental rights and freedoms of each person.

### **Article 2. The Legal Grounds for the Activity of Constitutional Court**

The legal basis for the activity of Constitutional Court shall be the Constitution of Azerbaijan Republic, interstate agreements which Azerbaijan Republic is a party to, present Law, other laws and the Rules of Procedure of Constitutional Court.

### **Article 3. Powers of Constitutional Court**

Powers of Constitutional Court shall be determined by Articles 86, 88.1, 102, 103.1, 104.2, 104.3, 107, 130.3-7, 153 and 154 of the Constitution of Azerbaijan Republic.

### **Article 4. Basic Principles of Activity of Constitutional Court**

The activity of Constitutional Court shall be based on the principle of supremacy of the Constitution of Azerbaijan Republic as well as principles of independence, collegiality and publicity.

### **Article 5. Independence of Constitutional Court**

5.1. Constitutional Court shall be the independent body of the state power and shall not depend in its organizational, financial or any other form of activity on any legislative, executive and other judicial bodies, local self-government bodies as well as legal and physical persons.

5.2. Direct or indirect restriction of the constitutional proceedings by anybody or for any reason, impact, threat and interference as well as contempt of the Court shall be inadmissible and entail criminal responsibility in accordance with the legislation of Azerbaijan Republic.

## **CHAPTER II GROUNDS FOR ORGANIZATION AND ACTIVITY OF CONSTITUTIONAL COURT**

### **Article 6. Composition and Organization of Constitutional Court**

6.1. According to Article 130.1 of the Constitution of Azerbaijan Republic, the Constitutional Court shall be composed of nine judges.

6.2. Constitutional Court shall examine the cases at the sessions of Chambers and Plenum.

6.3. Plenum of Constitutional Court shall be composed of all judges of Constitutional Court.

6.4. Sessions of the Plenum of Constitutional Court shall be convened by Chairman of Constitutional Court as a rule and shall be held in accordance with procedure determined by the present Law and Rules of Procedure of Constitutional Court.

6.5. Sessions of the Plenum of Constitutional Court shall be presided over by the Chairman or acting Chairman of Constitutional Court.

6.6. Session of the Plenum of Constitutional Court shall be authorized if not less than 6 Judges are present thereat, if otherwise is not provided for by the present Law.

6.7. Composition of Chambers shall be determined by the Chairman of Constitutional Court.

6.8. Procedure for organization of Chambers, calling and holding of sessions shall be determined by the Rules of Procedure of Constitutional Court.

6.9. Sessions of the Chambers shall be authorized if not less than 3 Judges are present thereat.

6.10. Chairman and Deputy Chairman of Constitutional Court cannot belong to the same Chamber.

6.11. Judges of Constitutional Court shall preside over sessions of Chambers in turn. Such a queue shall be determined at the session of the Chamber.

#### **Article 7. Matters to be Examined at Sessions of the Chambers and Plenum of Constitutional Court**

7.1. Issues on admissibility of petitions, applications and complaints concerning the matters provided for in Article 130.3-7 of the Constitution of Azerbaijan Republic shall be examined at sessions of the Chambers of Constitutional Court.

7.2. Petitions, applications and complaints admitted for examination by the Constitutional Court concerning the matters provided for in Article 130.3-7 of the Constitution of Azerbaijan Republic shall be examined on the merits at the sessions of Plenum of Constitutional Court.

7.3. Issues provided for in Articles 86, 88.1, 102, 104.2, 104.3 107 and 153 of the Constitution of Azerbaijan Republic shall be immediately examined at sessions of Plenum of Constitutional Court.

#### **Article 8. Meetings of Judges of Constitutional Court**

8.1. There are meetings of judges of Constitutional Court held in order to decide issues on internal activity of Constitutional Court and other issues, except for the ones examined at the sessions of Constitutional Court.

8.2. Meetings of judges of Constitutional Court shall be convened by Chairman of Constitutional Court. They can be convened upon request of any judge of Constitutional Court as well.

8.3. Meetings of judges of Constitutional Court shall be authorized if not less than 6 judges are present thereat.

8.4. The following matters shall be decided at the meetings of judges of Constitutional Court:

8.4.1. to adopt the Rules of Procedure in order to organize activity of Constitutional Court;

8.4.2. to confirm the specimen of the official emblem of Constitutional Court, seal, robe, breastplate and identification document;

8.4.3. to make proposals concerning draft of the state budget for the maintenance of the activity of Constitutional Court;

8.4.4. to make proposals concerning consideration of a matter on premature termination of powers of judge of Constitutional Court in cases provided for by Article 23 of the present law;

8.4.5. to decide other organizational matters;

8.5. Resolutions on matters provided for in Article 8.4 of the present law shall be adopted at the meetings of judges by their majority.

### **Article 9. Symbols of Constitutional Court**

9.1. The State flag of Azerbaijan Republic, State coat of arms of Azerbaijan Republic and the official emblem of Constitutional Court shall be the symbols of Constitutional Court.

9.2 Judges of Constitutional Court shall wear special uniform (robe) at the sessions of the Court and special official clothing at the ceremony of adjuration of the President and other public measures.

### **Article 10. Location of Constitutional Court**

10.1. Constitutional Court shall be located in Baku city.

10.2 Sessions of Constitutional Court shall be held in the building of Constitutional Court. In case if for any reasons the session of Constitutional Court cannot be held in the building of Constitutional Court, the sessions may be held at another place following instructions of the Chairman of Constitutional Court.

10.3. Operating mode of the building of Constitutional Court shall be determined by the Rules of Procedure of Constitutional Court.

## **CHAPTER III STATUS OF JUDGES OF CONSTITUTIONAL COURT**

### **Article 11. Requirements to be Met by Candidates for the Post of Judge of Constitutional Court**

11.1. According to Article 126.1 of the Constitution of Azerbaijan Republic citizen of Azerbaijan Republic not younger than 30, having voting right, higher juridical education and at least 5-year working experience in the sphere of law can be judge of Constitutional Court.

11.2. According to Article 126.2 of the Constitution of Azerbaijan Republic judges may not occupy any other posts, irrespective of the procedure – elections or appointment, may not be involved in business, commercial and other payable activity, except scientific, pedagogical and creative activity, may not be involved in political activity and join political parties, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

## **Article 12. Appointment of Judges of Constitutional Court**

12.1. According to Article 130.2 of the Constitution of Azerbaijan Republic judges of Constitutional Court shall be appointed by the Milli Majlis of Azerbaijan Republic upon proposals of the President of Azerbaijan Republic.

12.2. Constitutional Court may commence implementation of its powers upon appointment of not less than 7 judges.

## **Article 13. Oath of Judge of Constitutional Court**

13.1. On the day of appointment of the Judge of Constitutional Court he/she shall take the following Oath at the session of the Milli Majlis of Azerbaijan Republic:

"I do swear to fulfill properly and honestly the duties of the Judge of Constitutional Court, protect supremacy of the Constitution of Azerbaijan Republic and make decisions on examined matters on the basis of law, impartiality and justice".

13.2. Powers of judge of Constitutional Court shall commence from the moment the Oath is taken.

## **Article 14. Terms of Office of Judges of Constitutional Court**

14.1. Judges of Constitutional Court shall be appointed for the term of 15 years.

14.2. The re-appointment of judge of Constitutional Court shall be inadmissible

## **Article 15. Independence of Judges of Constitutional Court**

15.1. Judges of Constitutional Court shall be independent, subordinate only to Constitution and laws of Azerbaijan Republic.

15.2. Independence of judges of Constitutional Court shall be provided for by unchangeable term of office and immunity, specific procedure for appointment, bringing to criminal responsibility, premature termination of powers and dismissal from the office, inadmissibility to contempt of the Court and interference into its activity. Judges shall be granted with financial and social security according to their high status.

## **Article 16. Immunity of Judges of Constitutional Court**

16.1. According to Article 128.1-3 of the Constitution of Azerbaijan Republic judges of Constitutional Court shall be inviolable.

16.2. Judge of Constitutional Court shall not be brought to criminal responsibility, detained or arrested, nor measures of administrative penalty determined by a court shall be applied to him/her, neither he/she shall be subjected to search, bringing to court or personal examination.

16.3. Judge of Constitutional Court detained as a person suspected in commitment of criminal or administrative delinquency shall be released immediately after his/her identification, except for the cases when judge of Constitutional Court is taken in the act of crime. The body that detained judge of Constitutional Court shall promptly inform of this the Constitutional Court and Prosecutor General of Azerbaijan Republic in written.

16.4. Judge of Constitutional Court whose activity contains signs of crime can be dismissed via the procedure provided for by Article 128.4 and 128.5 of the Constitution of Azerbaijan Republic.

16.5. Powers of the dismissed judge of Constitutional Court shall be suspended until entrance of the court decision against him/her into legal force or adoption of the final decision by the body administrating criminal procedure in pre-trial period.

16.6. The dismissed Judge of Constitutional Court shall only receive the wages set for a Judge of Constitutional Court.

16.7. After dismissal of judge of Constitutional Court he/she can be brought to criminal responsibility and arrested according to the procedure determined by the criminal-procedure legislation with the consent of Constitutional Court on the basis of resolution of the Prosecutor General of Azerbaijan Republic.

16.8. Powers of the dismissed Judge of Constitutional Court shall be restored in case, if a "not guilty" verdict is passed regarding him/her or if the proceedings on the preliminary investigation of the case have been terminated on justificatory grounds.

16.9. Immunity of Judge spreads upon his/her apartment, office, means of transportation and communication, postal and telegraph correspondence, private property and documents.

16.10. No legal proceedings can be instituted against Judge of Constitutional Court for his/her activity, votes, opinions expressed at Constitutional Court as well as no testimonies or explanations can be claimed from him/her in this matter.

### **Article 17. Rights of the Judges of Constitutional Court**

17. Judges of Constitutional Court shall be invested with the following rights:

17.1. to participate in all sessions of Constitutional Court, express their opinion concerning the procedure of conduction of a session;

17.2. to participate in resolution of the matters related to jurisdiction of Constitutional Court;

17.3. during consideration of a matter by Constitutional Court to ask questions from the Judge presiding over the session, Reporter Judge, parties involved in the case, interested subjects, witnesses and experts;

17.4. to request any documents or other information on matters to be examined by Constitutional Court from legislative, executive and judicial bodies, local self-government bodies, legal and physical persons as well as to listen to explanations of the officials on these matters;

17.5. to get acquainted with the solicitations and other documents presented at the session of Constitutional Court;

17.6. to express their opinions concerning resolution to be adopted by Constitutional Court in judges' deliberative room, to vote for or against the resolution;

17.7. to express their dissenting opinion in case of disagreement with descriptive, declaration or conclusive parts of resolution adopted by Constitutional Court;

17.8. to request conduction of sessions of Constitutional Court in terms provided for by the legislation of Azerbaijan Republic;

17.9. to exercise other rights specified by the present law;

### **Article 18. Responsibilities of Judges of Constitutional Court**

18. Judges of Constitutional Court shall bear the following responsibilities in their activity:

18.1. to be governed by the Constitution of Azerbaijan Republic and the present law;

18.2. to examine cases at Constitutional Court impartially on the basis of Law and Justice;

18.3. not to miss any session of Constitutional Court without a good reason;

18.4. to participate in votes on matters examined by Constitutional Court;

18.5. to abstain from acts or statements discrediting high status of Judge of Constitutional Court;

18.6. to abstain from violation of the requirements envisaged in Article 11.2 of the present law;

18.7. not to give openly their opinion on the matters which have been admitted for examination by Constitutional Court, before adoption of the resolution on this matter;

#### **Article 19. Equality of Judges of Constitutional Court**

19.1. Judges of Constitutional Court shall have equal rights in resolution of issues connected to jurisdiction of Constitutional Court

19.2. Chairman of Constitutional Court and his/her Deputy shall have all rights and bear all responsibilities of Judge of Constitutional Court.

#### **Article 20. Appointment and Dismissal of the Chairman and Deputy Chairman of Constitutional Court**

20.1. Chairman and Deputy Chairman of Constitutional Court shall be appointed out of composition of judges of Constitutional Court in accordance with Article 109.32 of the Constitution of Azerbaijan Republic.

20.2. Chairman and Deputy Chairman of Constitutional Court shall be removed from their offices at their own request only. In this case, they remain in office as Judges of Constitutional Court.

#### **Article 21. Chairman of Constitutional Court**

21. Chairman of Constitutional Court shall:

21.1. represent Constitutional Court in its relations with the legislative, executive and judicial bodies, local self-government bodies, foreign governments and international organizations as well as legal and physical persons;

21.2. arrange the work of Constitutional Court;

21.3. bring to discussion by Constitutional Court the matters to be examined at the sessions of the Plenum;

21.4. convene sessions of Plenum of Constitutional Court and preside over them;

21.5. determine a range of matters to be considered by the Deputy Chairman of Constitutional Court;

21.6. determine composition of Chambers;

21.7. appoint one or few Reporter Judges out of composition of judges taking into account the volume and number of cases;

21.8. give orders concerning the funds allocated from the State budget for the maintenance and ensuring of the activity of Constitutional Court;

21.9 direct the staff of Constitutional Court;

21.10. appoint and dismiss employees of Constitutional Court, reward them and resolve issues concerning their disciplinary penalty;

21.11. fulfill other powers specified by the legislation of Azerbaijan Republic;

## **Article 22. Deputy Chairman of Constitutional Court**

Deputy Chairman of Constitutional Court shall resolve issues determined by Chairman of Constitutional Court as well as shall substitute the Chairman of Constitutional Court in case of absence of the latter or inability to fulfill his/her duties.

## **Article 23. Pre-term Termination of Powers of a Judge of Constitutional Court**

23.1. Powers of Judge of Constitutional Court shall be prematurely terminated in the following cases:

23.1.1. death;

23.1.2. submission of the written statement on voluntary resignation;

23.1.3. the Judge's renouncing from the nationality of Azerbaijan Republic, adopting the nationality of the different State or acquiring obligations to another State;

23.1.4. when there are no justificatory grounds for prematurely termination or where there is a court decision in force on the Judge's guilt or if the court decision concerning compulsory medical treatment is passed;

23.1.5. the court's decision on incapability or limited capability to fulfill his/her duties;

23.1.6. the court's decision declaring the Judge dead or missing;

23.1.7. revealed violation of the requirements set forth with regard to candidates for Judges of Constitutional Court by Article 11 of the present law;

23.1.8. the groundless non-participation at three sessions of Constitutional Court successively or at ten sessions within the period of one year;

23.1.9. the Judge's refusal to vote on matters examined by Constitutional Court;

23.1.10. non-fulfillment of his/her duties due to disease within a period of not less than 6 months and presence of the reference of especial medical commission confirming the disease;

23.2. The issue concerning prematurely termination of powers of judge of Constitutional Court in cases envisaged in Article 23.1.1-23.1.6 of the present law shall be resolved in accordance with Article 109.32 of the Constitution of Azerbaijan Republic

23.3. Constitutional Court shall propose consideration of a matter on premature termination of powers of judge of Constitutional Court in cases envisaged in Article 23.1.7-23.1.10 of the present law in accordance with Article 109.32 of the Constitution of Azerbaijan Republic.

## **Article 24. Retired Judge of Constitutional Court**

24.1. In case of termination of office of Judge of Constitutional Court or in case of his/her resignation due to reasons envisaged in Articles 23.1.2, 23.1.5 or 23.1.10 of the present law, he/she shall be considered as retired judge of Constitutional Court.

24.2. No legal proceedings can be instituted against retired judge of Constitutional Court for his/her activity, votes, opinions expressed during his/her activity in capacity of judge of Constitutional Court as well as no testimonies or explanations can be claimed from him/her in this regard.

## **CHAPTER IV PRINCIPLES OF PROCEEDINGS AT CONSTITUTIONAL COURT**

### **Article 25. Impartiality and Justice**

When conducting proceedings at Constitutional Court judges shall consider cases independently, impartially and justly.

### **Article 26. Equality of all persons before Constitutional Court**

Constitutional justice shall be implemented on the basis of equality of all persons before law and Constitutional Court.

### **Article 27. Publicity**

27.1. Proceedings of cases in Constitutional Court shall be public. The hearing of a case in camera shall be admissible only when Constitutional Court assumes that public sessions can become a reason of disclosure of the state, professional or commercial secret or when it reveals the necessity to protect private or family life of citizens.

27.2. Proceedings at Constitutional Court shall be oral. In case of consent by parties and interested subjects, Plenum of Constitutional Court can hold written proceedings via procedure provided for by Rules of Procedure of Constitutional Court.

27.3. Information concerning the forthcoming session of Constitutional Court shall be published in the official state newspaper at least 5 days prior to the session. In urgent cases when it is impossible to observe this regulation, the information concerning the time of the session of Constitutional Court shall be announced by TV and Radio.

### **Article 28. Legal equality of parties and adversary**

28.1. Constitutional proceedings shall be held on the basis of principles of legal equality of parties and adversary.

28.2. Constitutional Court is not bound with arguments and proofs of parties of constitutional proceedings and shall strive for complete investigation.

### **Article 29. Language of Constitutional Proceedings**

Proceedings at Constitutional Court shall be conducted in official language of Azerbaijan Republic.

Participants to cases considered by Constitutional Court who do not speak the language of proceedings shall be provided with the translation of all materials of the case into language they speak and ensured with the opportunity to speak at the proceedings in their native language.

### **Article 30. Principle of Collegiality**

Sessions of Constitutional Court shall be held collectively.

## **CHAPTER V**

### **COMMENCEMENT OF PROCEEDINGS AT CONSTITUTIONAL COURT**

#### **Article 31. Reasons for Commencement of Proceedings at Constitutional Court**

31. The following shall be the reasons for commencement of proceedings at Constitutional Court:

31.1. Petitions, applications and complaints which meet the requirements provided for in Articles 32-35 of the present law on the matters envisaged in Articles 104.3 and 130.3-7 of the Constitution of Azerbaijan Republic;

31.2. Cases provided for by Articles 86, 88.1, 102, 104.2, 107 and 153 of the Constitution of Azerbaijan Republic;

#### **Article 32. Petitions**

32.1. Petition can be submitted to Constitutional Court by the President of Azerbaijan Republic, Milli Majlis of Azerbaijan Republic, Cabinet of Ministers of Azerbaijan Republic, Supreme Court of Azerbaijan Republic, Prosecutor's Office of Azerbaijan Republic and Ali Majlis of Nakhichevan Autonomous Republic on the matters provided for by Article 130.3 and 130.4 of the Constitution of Azerbaijan Republic as well as by Ombudsman of Azerbaijan Republic on the matters provided for by Article 130.7 of the Constitution of Azerbaijan Republic.

32.2. Petitions by Ombudsman of Azerbaijan Republic on the matter provided for by Article 130.3.4 of the Constitution of Azerbaijan Republic can be examined by Constitutional Court in following cases:

32.2.1. If the normative legal act which should have been applied was not applied by a court;

32.2.2. If normative legal act which should not have been applied was applied by a court;

32.2.3. If normative legal act was not properly interpreted by a court;

32.3. Petition envisaged in Article 32.2. of the present law can be submitted within 6 months from the moment of entrance of the relevant court act into legal force.

32.4. Petitions shall be submitted to Constitutional Court in written form. Petition shall be signed by the authorized person. If the petition is submitted by a collective body then it shall be signed by its head.

32.5. Petition shall contain the following:

32.5.1. Name of Constitutional Court;

32.5.2. Name and address of the petitioner;

32.5.3. Necessary data on representative of the petitioner and his/her authorities, except for the cases, when the representation is implemented *ex officio*;

32.5.4. Name and address of the state body or municipality that issued the contested normative legal act, court or municipal act or participating in the dispute concerning the competences;

32.5.5. Provisions of the Constitution of Azerbaijan Republic entitling to submit a petition to Constitutional Court and confirming the competences of Constitutional Court to examine this petition;

32.5.6. The exact name, date of adoption, number, source of publication and other information on the contested normative legal act, court or municipal act as well as the normative legal act to be interpreted;

32.5.7. Position of the petitioner regarding the matter and its legal proves with the reference to the relevant provisions of the Constitution of Azerbaijan Republic or other normative legal acts;

32.5.8. Request submitted in connection with the petition to Constitutional Court;

32.5.9. List of documents enclosed to petition;

### **Article 33. Applications**

33.1. Applications can be submitted to Constitutional Court by the Milli Majlis of Azerbaijan Republic on the matters provided for by Article 104.3 of the Constitution of Azerbaijan Republic and by courts of Azerbaijan Republic on the matters provided for by Article 130.6 of the Constitution of Azerbaijan Republic.

33.2. Applications shall be submitted to Constitutional Court in written form. Application shall be signed by the authorized person. If the application is submitted by a collective body then it shall be signed by its head.

33.3. Application shall contain as follows:

33.3.1. Name of Constitutional Court;

33.3.2. Name and address of the applicant;

33.3.3. Necessary data on representative of the applicant and his/her authorities, except for the cases when the representation is implemented *ex officio*;

33.3.4. Provisions of the Constitution of Azerbaijan Republic entitling to submit application to Constitutional Court and confirming the competences of Constitutional Court to examine this application;

33.3.5. Request submitted in connection with application to Constitutional Court;

33.3.6. List of documents enclosed to application;

33.4. Besides the requirements envisaged in Articles 33.3.1-33.3.6 of the present law, the following must be indicated in application as well:

33.4.1. Application of the Milli Majlis of Azerbaijan Republic concerning complete inability of the President of Azerbaijan Republic to perform his/her duties for the state of health shall contain the source of this information;

33.4.2. Application submitted by a court must contain exact name, date of adoption, number, source of publication and other information on the normative legal act to be interpreted;

### **Article 34. Complaints**

34.1. Any person who alleges that his/her rights and freedoms have been violated by the normative legal act of the Legislative and Executive, act of municipality and courts may submit complaint to Constitutional Court to resolve matters provided for by Article 130.3.1-7 of the Constitution of Azerbaijan Republic in order to restore his/her human rights and freedoms.

34.2. Complaints on the matters provided for by Article 130.3.4 of the Constitution of Azerbaijan Republic can be examined by Constitutional Court in following cases:

34.2.1. If the normative legal act which should have been applied was not applied by a court;

34.2.2. If normative legal act which should not have been applied was applied by a court;

34.2.3. If normative legal act was not properly interpreted by a court;

34.3. In cases provided for by Article 34.2 of the present law the examination of facts of the case examined by the Supreme Court of Azerbaijan Republic shall be inadmissible.

34.4. Complaints can be submitted to Constitutional Court in following cases:

34.4.1. After exhaustion of all remedies within six months from the moment of entrance of the decision of the court of last instance into force;

34.4.2. Within three months from the moment of violation of complainant's right to apply to court;

34.5. If the legal protection of constitutional rights by means of courts of general jurisdiction cannot prevent the imposing of serious and irreplaceable damage to complainant then application can be submitted directly to Constitutional Court.

34.6. Complaint must contain the following:

34.6.1. Name of Constitutional Court;

34.6.2. First, middle and last names of a person and his/her address;

34.6.3. Necessary data on representative of the complainant and his/her authorities;

34.6.4. Name and address of the state body of local self-government authority that adopted the contested normative legal act, court or municipal act;

34.6.5. Norms of the Constitution of Azerbaijan Republic and the present law entitling with the right to submit complaints to Constitutional Court;

34.6.6. The exact name, date of adoption, number, source of publication and other information on the contested normative legal act;

34.6.7. Position of the complainant regarding the matter and its legal proves with the reference to the relevant provisions of the Constitution of Azerbaijan Republic or other normative legal acts;

34.6.8. Request submitted in connection with complaint to Constitutional Court;

34.6.9. List of documents enclosed to complaint;

34.7. The following must be proved within complaint:

34.7.1. Violation of the rights and freedoms of complainant by the contested normative legal act, court or municipal act;

34.7.2. Exhaustion of all judicial remedies for challenging of the court act, violation of the right to apply to court or impossibility to prevent the imposing of serious and irreplaceable damage to a complainant by means of other courts;

### **Article 35. Documents to be Enclosed to Petition, Application or Complaint**

35.1. The following documents shall be enclosed to petition, application or complaint submitted to Constitutional Court:

35.1.1. Explanations and documents which by opinion of petitioner, complainant or applicant are necessary for clarification of details of the case;

35.1.2. Letter of attorney or other document, confirming the authorities of the representative except the cases when representation is implemented *ex officio* as well as copies of documents confirming the right of a person to speak at Constitutional Court as a representative;

35.1.3. Copy of the contested normative legal act, act of court or municipality as well as copy of the normative legal act to be interpreted;

35.1.4. Translation of all documents into Azeri language submitted in other language;

35.2. Documents which certify that the collective body, that submitted the application or petition, had a quorum at its session and that these documents were adopted by required majority of votes should also be enclosed to the submitted application or petition.

35.3. Documents certifying the exhaustion of all judicial remedies for complaint and or violation of the right to apply to court should also be enclosed to complaint.

### **Article 36. Study of petitions, applications or complaints**

36.1. The preliminary study of submitted complaints as to their conformity with requirements provided for in Article 34.6 of the Law shall be implemented by the Staff of the Constitutional Court via the procedure specified in the Rules of Procedure of Constitutional Court.

36.2. In connection with petitions and applications submitted to Constitutional Court as well as in accordance with Article 36.1 one or several Reporter Judges shall be appointed for preparation of session on preliminary study of complaints.

36.3. Reporter Judge shall carry out the following measures:

36.3.1. collect the documents and materials which are necessary for examination of a matter by Constitutional Court;

36.3.2. require the state and self-government bodies' documents, materials and cases which relevant to the matter;

36.3.3. submit the petition or complaint to parties, or other type of document to the interested subjects and get their written opinion on the matter concerned;

36.3.4. organize the summon of witnesses, experts or other persons for session;

36.3.5. realize other necessary measures for examination of matter;

36.3.6. prepare the report on the matter concerned;

36.4. In connection with the case to be examined by Constitutional Court the Reporter Judge can give a task to the Staff of Constitutional Court.

36.5. In connection with preparation of session the Reporter Judge shall carry out all measures on behalf of Constitutional Court.

### **Article 37. Rejection to admit a petition, application or complaint for examination**

37. Petition, application or complaint shall be rejected for examination by Constitutional Court in following circumstances:

37.1. if the drawing up of a petition, application or complaint does not meet the requirements of the present Law;

37.2. if the matter does not fall within the jurisdiction of Constitutional Court;

37.3. if a petition, application or complaint was submitted by a body or person who has not such right;

37.4. if the collective body, which adopted the decision to submit the petition or complain to Constitutional Court had no quorum and necessary majority of votes at its session;

37.5. if the documents certifying the exhaustion of the right to challenge the judicial act or violation of the right to apply to court have not been submitted;

37.6. if the Constitutional Court had already adopted a resolution on the matter concerned.

### **Article 38. Withdrawal of Petitions, Applications and Complaints**

In case of withdrawal of petition, application and complaint till its admission for examination of Constitutional Court the same petition, application and complaint shall not be examined by Constitutional Court.

**Article 39. Drawing up of constitutional case**

39.1. Upon completion of preparation to the session of Constitutional Court there shall be drawn up the constitutional case that shall include as follows:

39.1.1. petition, application or complaint which served as a ground for commencement of constitutional case;

39.1.1. materials enclosed to a petition, application or complaint;

39.1.3. materials enclosed to the constitutional case by a Reporter Judge;

39.1.4. a conclusion of expert on constitutional case;

39.1.5. additional materials enclosed by parties or interested subjects;

39.1.6. other documents related to the constitutional case;

39.1.7. report of Reporter Judge;

39.2. Once the constitutional case has been drawn up the Judges of Constitutional Court can get acquainted with it.

**CHAPTER 6  
CONSTITUTIONAL PROCEEDINGS****Article 40. The modes and types of proceedings implemented by Constitutional Court**

40.1. The proceedings at Constitutional Court shall be carried out in following ways:

40.1.1. the constitutional proceedings;

40.1.2. the constitutional special proceedings;

40.2. The constitutional proceedings on the cases examined by Constitutional Court shall be held in following forms:

40.2.1. the proceedings on cases related to consideration of petitions regarding the matters specified by Article 130.3.1-6 and 130.3.8 of the Constitution of Azerbaijan Republic;

40.2.2. the proceedings on cases related to the petitions on distribution of powers among Legislature, Executive and Judiciary;

40.3. the special constitutional proceedings on the cases examined by Constitutional Court shall be held in following types:

40.3.1. the proceedings on cases related to verification and confirmation of the results of elections of the Deputies of the Milli Majlis of Azerbaijan Republic;

40.3.2. the proceedings on cases concerning fixing the date of the first session of a newly elected Milli Majlis of Azerbaijan Republic;

40.3.3. the proceedings on cases related to official declaration of elections of the President of Azerbaijan Republic;

40.3.4. the proceedings on cases related to consideration of resignation of the President of Azerbaijan Republic;

40.3.5. the proceedings on cases related to petitions of the Milli Mejlis of Azerbaijan Republic held with the view to ascertain the information regarding the complete inability of the President of Azerbaijan Republic to perform his/her duties due to the state of health;

40.3.6. the proceedings on cases related to consideration of the matter on impeachment of the President of Azerbaijan Republic;

40.3.7. the proceedings on cases related to petitions and complaints concerning interpretation of the Constitution and laws of Azerbaijan Republic;

40.3.8. the proceedings on cases related to giving the opinion of Constitutional Court regarding the introduction of modifications to the Constitution of Azerbaijan Republic as proposed by the Milli Mejlis of Azerbaijan Republic or the President of Azerbaijan Republic;

**Article 41. Parties to the constitutional proceedings**

41.1. Petitioners and Respondents shall be the parties to constitutional proceedings. 41.2. The subjects indicated in Articles 130.3 and 130.7 of the Constitution of Azerbaijan Republic shall be the petitioners at the constitutional proceedings.

41.3. Persons indicated in Articles 130.3 and 130.7 of the Constitution of Azerbaijan Republic shall be named as “applicant” party to constitutional proceedings.

41.4. The following subjects may be respondents at the constitutional proceedings:

41.4.1. State or local self-government body that has adopted the contested normative-legal, judicial or municipal act;

41.4.2. Official who has signed the contested interstate or intergovernmental agreement of Azerbaijan Republic which has not come into force;

41.4.3. State body which is alleged to have infringed the separation of powers between legislative, executive and judicial organs.

41.5. In the constitutional proceedings the petitioners (applicants) and respondents can be represented by their legal representatives.

**Article 42. Interested Subjects at the Constitutional Special Proceedings.**

42.1. The interested subjects of the constitutional special proceedings shall be the bodies which submitted a petition or complaint to Constitutional Court or bodies and persons whose interests are affected by such petitions or complaints in cases provided for by Articles 86, 88.1, 102, 104.2 and 104.3, 107, 130.4 and 130.6 and 153 of the Constitution of Azerbaijan Republic.

42.2. The interested subjects may be represented by their legal representatives in constitutional special proceedings.

**Article 43. Rights and Liabilities of Parties and Interested Subjects**

43.1. Parties and interested subjects shall have the following rights;

43.1.1. to participate and speak at the sessions of Constitutional Court;

43.1.2. to present the evidences and other materials;

43.1.3. to give solicitation and proposals on examination of case;

43.1.4. to answer the given questions;

43.1.5. to estop the judges;

43.1.6. to ask for invitation of witnesses and experts;

43.1.7. to get acquainted with the minutes of the session of Constitutional Court and make references on it;

43.1.8. to present the final statement.

43.2. Besides those, which are indicated in Article 43.1 the parties shall have the following rights:

43.2.1. to get acquainted with the materials of constitutional case, take extracts from them and make copies.

43.2.2. to participate in investigation of evidences;

43.2.3. to answer the questions posed to them;

43.2.4. to object to solicitations, evidences and speeches stated by other parties.

43.3. The parties and interested subjects shall respect the Constitutional Court and comply with the requirements of constitutional proceedings. The parties and interested subjects must appear before Constitutional Court in due time, observe the order adopted by the Rules of Procedure of Constitutional Court and comply immediately with the orders of the Judge presiding over the session of Constitutional Court.

#### **Article 44. The witness**

44.1. A person possessing any information regarding the constitutional case examined at the session of Constitutional Court shall be named as a "witness". A witness may be summoned to the session of Constitutional Court with the view to give witness testimonies upon proposals of the petitioner, applicant or subject concerned or resolution of Constitutional Court.

44.2. A witness shall present testimonies concerning the facts known to him/her which are to be ascertained within the constitutional case.

44.3. A witness shall respect the Constitutional Court and observe the requirements of constitutional proceedings. A witness shall respect the procedure established in Constitutional Court and execute immediately the orders of the Judge presiding over the session of Constitutional Court.

44.4 For the wittingly false testimonies or deviation from testimonies a witness shall be brought to responsibility provided for by the legislation of Azerbaijan Republic.

#### **Article 45. Expert**

45.1. Persons possessing the scientific or other specialized knowledge on the constitutional case examined at the session of Constitutional Court may be invited in their capacity as experts by initiative of the Constitutional Court or request of the parties or interested subjects. Expert shall present the written opinion on the case.

45.2. Expert shall provide impartial and well-grounded answers to the questions put to him/her. In order to answer the questions, experts may apply to Constitutional Court with solicitation to get acquainted with all the materials of constitutional case and any other necessary documents. In case if expert considers that the presented materials are not sufficient to answer the questions posed or unable to answer them because of their insufficient knowledge, then he/she must inform of it the Constitutional Court. In order to answer the questions posed, experts may with the permission of the Judge presiding over session of Constitutional Court put questions to the parties, interested subjects and witnesses.

45.3. Experts must respect the Constitutional Court and observe the requirements of the constitutional proceedings. Experts must appear promptly to the summons of Constitutional Court, respect the procedure adopted by Constitutional Court and execute immediately the orders of the Judge presiding over the session of Constitutional Court.

45.4. For the wittingly false opinion expert shall be brought to responsibility provided for by the legislation of Azerbaijan Republic.

#### **Article 46. Estoppel to judge and self-estoppel**

46.1. The judge of the Constitutional Court cannot participate in examination of cases or can be estopped in following cases:

46.1.1. if he/she before participated in adoption of resolution by virtue of the duty post occupied.

46.1.2. if he/she is one of the parties or close relative of one of the parties or his/her representative.

46.2. The estoppel should be grounded.

46.3. In case of estoppel on grounds provided for by Article 46.1. of the present Law or self-estoppel of judge the Court shall study the opinion of estopped judge and other party, and studying this matter it shall adopt the resolution without participation of estopped or self-estopped judge.

**Article 47. Postponement of a session**

47.1. Court session may be postponed in following cases:

47.1.1. if additional study of the matter is required;

47.1.2. if new evidences should be considered;

47.1.3. in case of absence of quorum;

47.1.4. in other cases, which impede to the complete study of the matter concerned;

47.2. In cases provided for by Article 47.1 the Constitutional Court shall appoint a new date of a session. The session on a case, which examination is postponed shall start from the beginning or the moment it was postponed from.

**Article 48. Resumption of examination of a case**

48.1. If after concluding statements of parties, the Constitutional Court considers as necessary to ascertain additional circumstances, which are essential for the case or examine the new evidences, it shall adopt the ruling on resumption of examination of the case.

48.2. Upon completion of additional examination, the parties shall have the right to repeated concluding statements but only in connection with the newly examined circumstances and evidences.

**Article 49. Termination of the proceedings on a case**

The Plenum of the Constitutional Court shall terminate the proceedings on a case if any grounds to reject the admission of a petition, application or complaint are discovered during the session or petition, application or complaint are recalled.

**Article 50. Court costs at the Constitutional Court.**

50.1. Proceedings of Constitutional Court shall be free of charge

50.2. The costs for proceedings of Constitutional Court on a case shall be reimbursed by the State budget.

**Article 51. Minutes of court session**

51.1. The minutes of the session of Constitutional Court shall be kept by the clerk of the court session. Minutes of court session are enclosed to materials of the constitutional case.

51.2. Constitutional Court shall examine within a period of 10 days the comments concerning the minutes of Constitutional Court and adopt a well-grounded resolution as to enclosure or rejection of the comments to the minutes.

**CHAPTER 7**  
**SPECIFIC FEATURES OF CONSTITUTIONAL PROCEEDINGS**  
**ON VARIOUS TYPES OF CONSTITUTIONAL CASES**

**Article 52. Features of examination of petitions and complaints connected with the matters specified in Articles 130.3.1-7, 130.5 and 130.7 of the Constitution of Azerbaijan Republic**

52.1. As a rule the petition or complaint connected with the matters provided for by Articles 130.3.1-7, 130.5 and 130.7 shall be brought to session of the Panel of Constitutional Court within 30 days, and there shall be adopted a ruling as to admissibility or rejection of petition or complaint.

52.2. The ruling on admissibility or rejection of a petition or complaint shall be sent to petitioner (applicant) within 7 days after its adoption.

52.3. As a rule, the examination on the merits of a petition or complaint by Constitutional Court shall be commenced within 60 days after admission for examination.

52.4. Before adoption of the resolution on merits in order to prevent the serious and irreparable damage the Plenum of Constitutional Court may adopt resolution to suspend the implementation of contested normative legal act or municipal act and may propose to parties the friendly settlement of dispute.

**Article 53. Features of consideration of petitions on disputes concerning separation of powers among bodies of legislature, executive and judiciary**

53.1. The matter concerning with a petition on the disputes concerning the separation of powers among Legislature, Executive and Judiciary shall be brought to sessions of the Panels of Constitutional Court within 15 days and ruling on admissibility or rejection for examination shall be adopted.

53.2. The ruling on admissibility or rejection for examination of a petition shall be sent on the day of its adoption to the body or official who submitted a petition.

53.3. The examination of a petition on the merits by Constitutional Court shall be commenced within 30 days after its admission for proceedings.

**Article 54. Features on verification and confirmation of the results of the elections to the Milli Majlis of Azerbaijan Republic**

54.1. According to Article 86 of the Constitution of Azerbaijan Republic, the Constitutional Court shall verify and confirm the accuracy of the results of elections of deputies to the Milli Majlis of Azerbaijan Republic. The procedure of verification and confirmation of accuracy of the results of elections of deputies to the Milli Majlis shall be determined by the Electoral Code of Azerbaijan Republic.

54.2. Session of the Plenum of Constitutional Court on verification of the accuracy of the results of elections of deputies to the Milli Majlis shall be commenced within 10 days from the day of receipt of materials.

54.3. Session of the Plenum of Constitutional Court on verification of the accuracy of the repeated results of elections of deputies to the Milli Majlis shall be commenced within 7 days from the day of receipt of materials

54.4. The Constitutional Court shall require rights from Supreme Court or Court of Appeal of Azerbaijan Republic the information on examined petitions concerning the protection of electoral.

54.5. Chairman and members of the Central Election Commission as well as other persons invited by Constitutional Court may participate at the session of the Plenum of Constitutional Court held with the view to verify the accuracy of the results of elections of the Deputies to the Milli Majlis of Azerbaijan Republic.

54.6. Following the results of verification, the Plenum of Constitutional Court may by a majority of not less than 5 Judges adopt a resolution on complete confirmation, partial confirmation or non-confirmation of the results of the elections of deputies to the Milli Majlis of Azerbaijan Republic.

#### **Article 55. Features of fixing the date of the first session of the newly elected Milli Majlis of Azerbaijan Republic.**

55.1. According to Article 88.1 of the Constitution of Azerbaijan Republic Constitutional Court shall fix the date of the first session of the newly elected Milli Majlis of Azerbaijan Republic in case if powers of the 83 deputies have not been confirmed by the 10<sup>th</sup> March after elections.

55.2. If the Plenum of Constitutional Court confirms the election of the 83 deputies of the Milli Mejlis of Azerbaijan Republic after 10<sup>th</sup> March then the date of the first session of the newly elected Milli Majlis shall be fixed at the same session of Constitutional Court.

55.3. Resolution on this matter shall be adopted by a majority of not less than 5 Judges of the Plenum of Constitutional Court.

#### **Article 56. Features of proceedings on official declaration of the results of the elections of the President of Azerbaijan Republic**

56.1. The matter on results of elections of the President of Azerbaijan Republic shall be examined at the Plenum of Constitutional Court.

56.2. The Plenum of Constitutional Court shall study the documents on the results of elections of the President of Azerbaijan Republic presented by the Central Election Commission and shall require from Supreme Court or Court of Appeal of Azerbaijan Republic information on examined petitions concerning the protection of electoral rights.

56.3. In case of establishment of conformity of documents of Central Election Commission with requirements of Electoral Code the Plenum of Constitutional Court shall adopt resolution on confirmation of results of election of the President of Azerbaijan Republic.

56.4. Once the cases provided for by Electoral Code are established the Plenum of Constitutional Court shall adopt the resolution on recognition of the results of elections as a null and void.

56.5. Resolutions specified by Articles 56.3 and 56.4 of the present Law shall be adopted by a majority of not less than 5 Judges of the Plenum of Constitutional Court.

56.6. The Constitutional Court shall officially declare the information on results of elections of the President of Azerbaijan Republic within 14 days from the day of voting.

**Article 57. Features of consideration of application of the President of Azerbaijan Republic on retirement.**

57.1. In case specified by Article 104.2 of the Constitution of Azerbaijan Republic, the President of Azerbaijan Republic shall submit application to Constitutional Court.

57.2. Constitutional Court shall not be enabled to reject the consideration of written and signed application of the President of Azerbaijan Republic on retirement.

57.3. The application of the President of Azerbaijan Republic on retirement shall be examined on the merits by the Plenum of Constitutional Court within 3 days after its receipt.

57.4. In case if the Plenum of Constitutional Court is confident in voluntary character of the application of the President of Azerbaijan Republic it shall adopt a resolution concerning the acceptance of retirement of the President of Azerbaijan Republic.

57.5. In case if the Plenum of Constitutional Court is not convinced that the application on retirement of the President of Azerbaijan Republic was submitted voluntarily, the resolution on non-acceptance of retirement of the President of Azerbaijan Republic shall be adopted.

57.6. Resolutions specified by Articles 57.4 and 57.5 of the present Law shall be adopted by the Plenum of Constitutional Court by the majority of not less than 5 Judges.

57.7. The resolution specified by Article 57.4 of the present Law shall be immediately sent to the Prime-Minister of Azerbaijan Republic. The resolution specified by Article 57.5 of the present Law shall be immediately sent to the Milli Majlis of Azerbaijan Republic.

**Article 58. Features of consideration of petition submitted by the Milli Majlis of Azerbaijan Republic as to ascertainment of information concerning complete inability of the President of Azerbaijan Republic to fulfill his/her duties due to the state of health**

58.1. In case specified by Article 104.3 of the Constitution of Azerbaijan Republic the petition submitted by the Milli Majlis of Azerbaijan Republic shall be brought for examination at the session of the Plenum of Constitutional Court within 3 days after its receipt, and the ruling concerning admissibility or rejection for examination shall be adopted by the majority of not less than 5 Judges and be sent to the President of Azerbaijan Republic and the Milli Majlis of Azerbaijan Republic on the day of its adoption.

58.2. Examination of petition on the merits by the Plenum of Constitutional Court shall be commenced within 7 days from the day of its admission for proceedings.

58.3. Resolution of Constitutional Court on impeachment of the President of Azerbaijan Republic in connection with his/her complete inability to fulfill his/her duties due to the state of health shall be adopted by the majority of 6 Judges.

58.4. In case if Constitutional Court does not confirm the fact of complete inability of the President of Azerbaijan Republic to fulfill his/her duties due to the state of health the matter shall be considered as settled and written information about that shall be sent immediately to the Milli Mejlis of Azerbaijan Republic.

**Article 59. Features of consideration of the matter on impeachment of the President of Azerbaijan Republic.**

59.1. According to Article 107.1 of the Constitution of Azerbaijan Republic, in case if the President commits the grave crime the Constitutional Court may bring an initiative to dismiss the President of Azerbaijan Republic from office.

59.2. The proposal concerning impeachment of the President of Azerbaijan Republic shall be submitted by not less than 3 Judges of Constitutional Court. This proposal shall be submitted in written form to the Chairman of Constitutional Court. Within the period of 3 days

after proposal was submitted the session of the Plenum of Constitutional Court shall be called to examine this matter. If Constitutional Court finds this proposal groundless, the majority of 5 Judges shall adopt a resolution about that.

59.3. If the proposal is found well-grounded, the Plenum of Constitutional Court shall submit a matter to the Supreme Court of Azerbaijan Republic in order to receive an opinion as to whether the President of Azerbaijan Republic has committed the grave crime. Resolution on this matter shall be adopted by the majority of 6 Judges of Constitutional Court. Within 30 days after receipt of a matter, the Supreme Court of Azerbaijan Republic shall examine it and provide Constitutional Court with the written opinion.

59.4. If Constitutional Court comes to conclusion that no grave crime was found in the actions of the President of Azerbaijan Republic, the matter shall be considered as settled.

59.5. Taking into consideration the opinion of the Supreme Court of Azerbaijan Republic, the Plenum of Constitutional Court by majority of 7 Judges can adopt a resolution as to bringing an initiative on impeachment of the President of Azerbaijan Republic in connection with the presence of a grave crime in his/her actions. This resolution shall be immediately sent to the Milli Majlis of Azerbaijan Republic.

59.6. If the Milli Majlis of Azerbaijan Republic according to the procedure specified by Article 107.2 of the Constitution of Azerbaijan Republic adopts a resolution on impeachment of the President of Azerbaijan Republic, then this resolution and petition on the base of this resolution shall be immediately sent to Constitutional Court. Having received the resolution of the Milli Majlis of Azerbaijan Republic, Constitutional Court shall verify within 7 days whether the requirements of the Constitution and relevant laws of Azerbaijan Republic were observed at the adoption of this resolution. The resolution of Constitutional Court supporting the resolution of the Milli Majlis of Azerbaijan Republic shall be adopted by majority of not less than 7 Judges. According to Article 107.2 of the Constitution of Azerbaijan Republic the resolution of the Milli Majlis of Azerbaijan Republic on impeachment of the President of Azerbaijan Republic shall be signed by the Chairman of Constitutional Court.

59.7. If the Plenum of Constitutional Court does not adopt resolution supporting the resolution of the Milli Majlis of Azerbaijan Republic, then the resolution of the Milli Mejlis of Azerbaijan Republic on impeachment of the President of Azerbaijan Republic shall not enter into force.

#### **Article 60. Features of consideration of a petition or application concerning interpretation of the Constitution and laws of Azerbaijan Republic.**

60.1. After a petition or application on interpretation of the Constitution and laws of Azerbaijan Republic has been submitted to Constitutional Court, the Panel of Constitutional Court shall within 15 days consider it at the session and adopt a ruling as to admissibility or rejection of petition or application for examination.

60.2. The ruling on admissibility or rejection for examination of petition or application shall be sent within 7 days from the date of its adoption to a body or official who submitted the petition.

60.3. The examination of petition or application on merits by the Plenum of Constitutional Court shall be commenced within 60 days after its admission for examination.

#### **Article 61. Features of consideration of a matter concerning the opinion of Constitutional Court with regard to proposals on introduction of modifications to the text of the constitution of Azerbaijan Republic set forth by the Milli Majlis or the President of Azerbaijan Republic**

61.1. According to Article 153 of the Constitution of Azerbaijan Republic in case if the proposals on introduction of modifications to the text of the Constitution of Azerbaijan Republic are set forth by the Milli Majlis or the President of Azerbaijan Republic, the opinion of Constitutional Court on the proposed modifications shall be required.

61.2. The Constitutional Court cannot reject in giving opinion with regard to proposals on introduction of modifications to the text of the constitution of Azerbaijan Republic set forth by the Milli Majlis or the President of Azerbaijan Republic

61.3. The Plenum of Constitutional Court shall bring the matter on introduction of modifications for discussion at the session of Constitutional Court within 7 days from the day of receipt of the text of proposed modifications.

61.4. Constitutional Court shall adopt a well-grounded opinion as to conformity or non-conformity of the proposed modifications to the requirements of the Constitution of Azerbaijan Republic.

61.5. If a referendum on introduction of modifications to the text of the Constitution of Azerbaijan Republic is held, then a summary of the opinion of Constitutional Court shall be included into a voting-paper.

## **CHAPTER VIII ACTS OF CONSTITUTIONAL COURT**

### **Article 62. Acts of Constitutional Court**

62.1. The rulings shall be adopted at the sessions of the Chambers of Constitutional Court and the resolutions and rulings shall be adopted at the sessions of the Plenum of Constitutional Court

62.2. Acts of Constitutional Court shall be adopted at judges' deliberation room

### **Article 63. Resolution of Plenum of Constitutional Court**

63.1. Resolution of the Plenum of Constitutional Court shall be the written document adopted at the sessions of Plenum of Constitutional Court and containing the conclusions of Constitutional Court obtained as a result of examination of the constitutional case on merits.

63.2. Resolution of the Plenum of Constitutional Court shall be adopted by the majority of 5 judges if otherwise is not provided for by the Constitution of Azerbaijan Republic and present law.

63.3. Resolution of the Plenum of Constitutional Court shall be adopted on behalf of Azerbaijan Republic.

63.4. Resolution of the Plenum of Constitutional Court shall be final and cannot be cancelled, modified or officially interpreted by any body or official.

63.5. Resolution of the Plenum of Constitutional Court shall be signed by a Judge presiding over the session of the plenum, at which that resolution was adopted and as a rule shall be declared within 15 days at the session of Constitutional Court.

### **Article 64. Dissenting Opinion of the Judge of Constitutional Court**

64.1. Judge of Constitutional Court who disagrees with descriptive-declaration or conclusive parts of the resolution of Constitutional Court may express the dissenting opinion in written form.

64.2. The dissenting opinion of a Judge shall be published along with the resolution of Constitutional Court.

### **Article 65. The Content of Resolution of Plenum of Constitutional Court**

65.1. Resolution of the Plenum of Constitutional Court shall consist of introductory, descriptive-declaratory and conclusive parts

65.2. Introductory part of resolution of the Plenum of Constitutional Court shall contain as follows:

65.2.1. Name of resolution

65.2.2. Date and place of adoption of resolution

65.2.3. Composition of judges of Constitutional Court, registrar of court session, parties, interested subjects and other persons who participate at the session

65.2.4. Type of constitutional proceedings and reasons for commencement of the proceedings

65.3. Descriptive-declaratory part of resolution of the Plenum of Constitutional Court shall contain as follows:

65.3.1. Short description of petition, application or complaint and request addressed to Constitutional Court

65.3.2. Information concerning the materials of constitutional case

65.3.3. The aspects established during examination of constitutional case

65.3.4. Provisions of the Constitution of Azerbaijan Republic and other laws of Azerbaijan Republic which were guided by at adoption of resolution

65.3.5. Arguments which motivated the conclusions of Constitutional Court concerning a case

65.4. Conclusive part of resolution of the Plenum of Constitutional Court shall consist of as follows:

65.4.1. Conclusion of Constitutional Court concerning constitutional case

65.4.2. Time for publication and entrance into force of resolution.

### **Article 66. Legal Force of Resolutions of Constitutional Court**

66.1. According to Article 130.9 of the Constitution of Azerbaijan Republic, the resolutions of Constitutional Court shall have binding force through out the territory of Azerbaijan Republic.

66.2. Resolutions of Constitutional Court shall be binding after their adoption. Officials who do not comply with resolutions of Constitutional Court shall bear the responsibility according to procedure specified by the legislation of Azerbaijan Republic.

66.3. According to Article 130.10 of the Constitution of Azerbaijan Republic, laws and other legal acts or their specific provisions and intergovernmental agreements of Azerbaijan Republic shall lose their legal force and the interstate agreements of Azerbaijan Republic shall not enter into force in terms specified in the resolution of Constitutional Court

66.4. Court acts recognized as not conforming to the Constitution and laws of Azerbaijan Republic shall not be executed as well as relevant judicial cases shall be re-examined in accordance with procedure specified by procedural legislation of Azerbaijan Republic

66.5. If provision of the Constitution of Azerbaijan Republic which had been guided by at adoption of resolution by Constitutional Court is changed as a result of referendum then this resolution of Constitutional Court shall partially or completely lose its legal force.

### **Article 67. Terms of Entry Into Force of Resolutions of Constitutional Court**

67. Resolutions of Constitutional Court shall enter into legal force at the following periods of time:

67.1 Resolution adopted on the matters specified by Articles 130.3.1-7, 130.5 and 130.7 of the Constitution of Azerbaijan Republic shall enter into force from the date specified in the resolution itself

67.2 Resolution on separation of powers between the Legislature, Executive and Judiciary as well as on interpretation of the Constitution and laws of Azerbaijan Republic shall enter into force from the date of its publication

67.3 Resolution on other matters within the jurisdiction of Constitutional Court shall enter into force from the date of its announcement

### **Article 68. Rulings of Constitutional Court**

68.1. Rulings shall be adopted by Chambers of Constitutional Court in order to admit petitions, applications and complaints for examination and by Plenum of Constitutional Court in order to resolve matters arising during sessions of Constitutional Court as well as in other cases specified by present law.

68.2. Rulings of the Plenum of Constitutional Court shall be adopted by a majority of 5 judges and rulings of Chambers of Constitutional Court shall be adopted by a majority of votes of judges

68.3. Rulings of Constitutional Court adopted during examination of constitutional case shall be entered into the Minutes of sessions of Constitutional Court

68.4. Resolutions of the Plenum and Chambers of Constitutional Court shall be signed by the presiding judge and shall be announced within 5 days at sessions of Constitutional Court.

### **Article 69. Publication of Acts of Constitutional Court**

69.1. Resolutions of Plenum of Constitutional Court shall be published in official newspaper of Azerbaijan Republic.

69.2. Resolutions of Plenum of Constitutional Court and rulings which publication is considered by Constitutional Court as necessary as well as other materials connected with the activity of Constitutional Court shall be published in "Азярбайжан Республикасы Конституция Мяшкямясинин Мялуматы" (Newsletter of Constitutional Court).

## **CHAPTER IX ORGANIZATION AND MAINTENANCE OF THE ACTIVITY OF CONSTITUTIONAL COURT**

### **Article 70. Financing of Activity of Constitutional Court**

70.1. Activities of Constitutional Court shall be financed from the State budget of Azerbaijan Republic. The means allocated annually for the activities of Constitutional Court shall not be reduced as compared to those ones allocated for the previous fiscal year.

70.2. The annual means allocated for the activities of Constitutional Court shall provide for the means to cover the expenses directed at ensuring the normal activities of Constitutional Court.

70.3. Proposals of Constitutional Court regarding the volume of expenses for maintenance of Constitutional Court for the next year shall be submitted to the relevant body of Executive with the view to be included into the draft of the State budget.

### **Article 71. Post salary of Judges of Constitutional Court**

71.1. The post salary of judge of Constitutional Court shall consist of wages, additions to wages determined by the relevant body of the Executive, other cash benefits and monthly tax free material guarantees equal to the sum received by the Deputy of the Milli Majlis of Azerbaijan Republic to cover expenses connected with implementation of powers of judge of Constitutional Court.

71.2. Chairman of Constitutional Court shall receive monthly wages equal to monthly wages of Chairman of the Milli Majlis of Azerbaijan Republic.

71.3. Deputy Chairman of Constitutional Court shall receive monthly wages equal to monthly wages of the first Deputy Chairman of the Milli Majlis of Azerbaijan Republic.

71.4. Judge of Constitutional Court shall receive monthly wages equal to monthly wages of Deputy Chairman of the Milli Majlis of Azerbaijan Republic.

### **Article 72. Vacation of the Judges of Constitutional Court**

72.1. Judge of Constitutional Court shall be annually granted a vacation for a period of 40 calendar days.

72.2. Judges of Constitutional Court shall be paid cash benefits from the state budget at the rate of the two-months wages for the period of vacation.

72.3. Vacation for Judge of Constitutional Court shall be given by the Chairman of Constitutional Court.

### **Article 73. Other Guarantees for the Judges of Constitutional Court**

73.1. Judge of Constitutional Court shall be free from the military call-up and musters.

73.2. Health and life of Judge of Constitutional Court shall be insured at the expense of the State budget on sum equal to his/her 5 years wages.

73.3. The detriment caused to the Judge of Constitutional Court or members of his/her family in connection with Judge's activity, as a result of destruction or damage of his/her property shall be indemnified to the Judge or members of his/her family in full. This detriment shall be indemnified for the expenses of State budget of Azerbaijan Republic via the procedure specified by the legislation of Azerbaijan Republic with further deduction of means from guilty persons.

73.4. When necessary the security for judges of Constitutional Court shall be provided via the same procedure of legislation of Azerbaijan Republic as for other judges.

73.5. Judge of Constitutional Court who has no dwelling in Baku city shall be provided with an apartment.

73.6. Judges of Constitutional Court shall be paid cash benefits at the rate of two-months wages for the medical treatment via procedure provided for by the relevant body of the Executive.

73.7. The retired judge of Constitutional Court who reached the pension age shall be paid the monthly pension at the rate of 80 % of monthly wages of the functioning judge of Constitutional Court. And any increasing of [functioning judge's] wages shall also cover the wages of retired judge.

73.8. The retired judge of Constitutional Court who had not reached the pension age shall be paid monthly cash benefits from the state budget within two years at the rate of 80 % of monthly wages of the functioning judge of Constitutional Court until he/she gets employed.

#### **Article 74. Staff of Constitutional Court**

74.1. Legal, organizational and informational maintenance of the activity of Constitutional Court shall be provided for by the staff of Constitutional Court

74.2. Staff of Constitutional Court shall act according to the Statute on the Staff of Constitutional Court to be approved by the Chairman of Constitutional Court.

74.3. The structure as well as the list of employees provided for within the framework of the costs allocated from the state budget for the maintenance of the activity of Constitutional Court, as the estimate of costs and salaries of employees shall be determined by the Chairman of Constitutional Court.

#### **Article 75. Responsibilities of the Staff of Constitutional Court**

75. The staff of Constitutional Court shall:

75.1. Ensure the activities of Constitutional Court and its judges

75.2. Prepare the reference papers and other informational materials necessary for the activities of Constitutional Court

75.3. Provide Constitutional Court with Clerks of court sessions

75.4. Conduct the clerical work of Constitutional Court

75.5. Organize the receipt of citizens

75.6. Preliminarily study via specified procedure the complaints submitted to Constitutional Court

75.7. Ensure the registration and storage of documents of Constitutional Court

75.8. Fulfill various instructions of the Chairman, Deputy Chairman and Judges of Constitutional Court connected with activities of Constitutional Court

75.9. Fulfill other duties arising in connection with activities of Constitutional Court

#### **Article 76. Logistics of Constitutional Court**

76.1. Material and technical support, logistics and financial support for activity of Constitutional Court shall be provided for by the Logistics of Constitutional Court

76.2. Logistics of Constitutional Court shall act according to the Statute on Logistics of Constitutional Court to be approved by the Chairman of Constitutional Court

#### **Article 77. Rights and Responsibilities of Employees of Staff and Logistics of Constitutional Court**

77.1. Employees of Staff and Logistics of Constitutional Court shall be recruited and dismissed by the Chairman of Constitutional Court

77.2. Rights, responsibilities and liabilities of the employees of Staff and Logistics of Constitutional Court shall be regulated by the state service legislation of Azerbaijan Republic, Statute on Staff of Constitutional Court and Statute on Logistics of Constitutional Court respectively

**Article 78. Entry Into Force of the Present Law**

The present Law shall enter into legal force from the date of its publication

**Article 79. Concluding Provisions**

79.1. Article 14 of the present law shall apply to judges appointed after the entrance of the present law into legal force. The term of office of judges of Constitutional Court appointed before entrance of the present law into legal force shall be 10 years according to the law “On Constitutional Court” of 21 October 1997, which was in force before this one.

79.2. Judges of Constitutional Court appointed before entrance of the present law into legal force can be re-appointed according to provisions of the present law.

79.3. To consider as null and void the Law of Azerbaijan Republic “On Constitutional Court” of 21 October 1997 (Collection of Legislation of Azerbaijan Republic, 1998, N1, Article 19; 2001, N5, Article 292; 2002, N1 Article 4; N8, Article 463; N12, Article 701) from the day of entrance of the present law into legal force.