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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT LAW
ON CONSTITUTIONAL COURT
OF REPUBLIC OF AZERBAÏJAN**

CHAPTER I. GENERAL PROVISIONS

Article 1. Purpose of Constitutional Court

Constitutional Court of Azerbaijan Republic (hereinafter, Constitutional Court) shall be the supreme body of constitutional justice on implementation of constitutional control.

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 and other laws.

Article 3. The Basic Objective and Tasks of Constitutional Court.

The basic objective of Constitutional Court shall be to ensure the supremacy of the Constitution of Azerbaijan Republic.

The basic tasks of Constitutional Court shall be to decide the matters provided for in Article 130.3 of the Constitution of Azerbaijan Republic, interpret the Constitution and laws of Azerbaijan Republic on the basis of petitions submitted by those bodies listed in Article 130.4 of the Constitution of Azerbaijan Republic as well as in the Constitutional Law and implement other powers envisaged in the Constitution of Azerbaijan Republic.

Article 4. Protection of Fundamental Human Rights and Freedoms by Constitutional Court

In its activity the Constitutional Court shall protect fundamental rights and freedoms of each individual.

Article 5. 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 the principles of objectivity, justice, equality of participants of constitutional proceedings, independence, collegiality and publicity.

Article 6. Foundations for the Independence of Constitutional Court

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, political parties, public associations, trade unions and their officials as well as legal entities or individuals.

Direct or indirect restriction of the constitutional proceedings by anybody or for any reason, illegal 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, STATUS OF JUDGES OF CONSTITUTIONAL COURT

Article 7. Composition, Organization and Powers of Constitutional Court

Composition, organization and powers of Constitutional Court shall be governed by Articles 86, 88, 95, 102-104, 107, 109, 125-128, 130, 153 and 154 of the Constitution of Azerbaijan Republic.

Article 8. Oath of a Judge of Constitutional Court

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

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

The powers of the Judge of Constitutional Court shall commence from the moment the Oath is taken.

Article 9. Requirements to be Met by Candidates for the Post of Judge of Constitutional Court

Judges of Constitutional Court may be those citizens of Azerbaijan Republic who meet the requirements envisaged in Article 126 of the Constitution of Azerbaijan Republic.

According to Article 126.2 of the Constitution of Azerbaijan Republic Judges of Constitutional Court may not occupy any elective or appointive posts, be engaged in business, commercial and other payable activity, except for scientific, pedagogical and creative activities. They may not be also engaged in political activity and join political parties, get remuneration other than their wages and substances for scientific, pedagogical and creative activities.

Article 10. Procedure for Nomination and Election of Judges of Constitutional Court

According to Article 109.9 of the Constitution of Azerbaijan Republic the President of Azerbaijan Republic shall submit proposals to the Milli Mejlis of Azerbaijan Republic on the appointment of Judges of Constitutional Court.

According to Article 95.10 of the Constitution of Azerbaijan Republic based on the recommendation by the President of Azerbaijan Republic the Milli Mejlis of Azerbaijan Republic shall decide the issue on the appointment of Judges of Constitutional Court.

Article 11. Terms of Office of Judges of Constitutional Court

Option 1

Judges of Constitutional Court shall be appointed for life (termless)

Option 2

Judges of Constitutional Court shall be appointed for the term of 15 years.
The re-appointment of a Judge of Constitutional Court shall be inadmissible.

Article 12. Independence of Judges of Constitutional Court

According to Article 127.1 of the Constitution of Azerbaijan Republic Judges of Constitutional Court shall be independent at fulfillment of their duties, subordinate only to Constitution of Azerbaijan Republic and the present Law as well as shall not be replaced during the term of their powers.

Judges shall not be transferred to another post without their consent.

Powers of Judges of Constitutional Court shall not be prematurely terminated, except for the grounds envisaged in Article 21 of the present Law.

Article 13. Immunity of Judges of Constitutional Court

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

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, nor he/she shall be subjected to search, bringing to court or personal examination.

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

Judge of Constitutional Court detained as a person suspected in commitment of criminal or administrative delinquency shall be released immediately after his/her identification. In this case, the body that detained the Judge of Constitutional Court shall promptly inform about it the Chairman of Constitutional Court. The detention of a Judge of Constitutional Court as a person suspected in commitment of criminal or administrative delinquency shall be implemented in accordance with the norms of criminal procedure legislation and legislation on administrative delinquencies.

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.

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

The dismissed Judge of Constitutional Court can be brought to criminal responsibility as well as arrested only on the basis of a Court resolution.

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 is terminated on justificatory grounds (absence of the criminal event; corpus delicti; non-participation in commission of crime; failure to prove the committal of delinquency).

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 14. Appointment of the Chairman and Deputy Chairman of Constitutional Court

Option 1

Following the appointment of Judges of Constitutional Court by the Milli Mejlis of Azerbaijan Republic on the recommendation of the President of Azerbaijan Republic, the matter concerning appointment of the Chairman and Deputy Chairman shall be resolved according to Article 109.32 of the Constitution of Azerbaijan Republic.

The 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.

Option 2

Upon proposal of Judges of Constitutional Court, the President of Azerbaijan Republic shall resolve according to Article 109.32 of the Constitution of Azerbaijan Republic the matter concerning the appointment of the Chairman and Deputy Chairman of Constitutional Court from the composition of the Judges.

The 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 15. Rights of Judges of Constitutional Court

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

- to participate in all sessions of Constitutional Court, express their opinion concerning the procedure of conduction of a session, request from the Judge presiding over the session to ensure the order in the session hall;

- to participate in a vote when Constitutional Court adopts decisions on matters related to its jurisdiction;

- 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;

- to request any documents or other information on matters to be examined by Constitutional Court from legislative, executive and other judicial bodies, local self-government bodies, political parties, public unions, trade unions and their officials, legal entities and individuals, as well as to listen to the explanations of the officials on these matters;

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

- to express their dissenting opinion in case of disagreement with the decision adopted by Constitutional Court;

- to request conduction of the session of Constitutional Court;

- to exercise other rights specified by the present Law;

Article 16. Responsibilities of Judges of Constitutional Court

Judges of Constitutional Court shall bear the following responsibilities:

- to be governed in their activities by the Constitution of Azerbaijan Republic and to ensure its supremacy;

- to examine cases at Constitutional Court objectively and impartially on the basis of Law and Justice;

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

- to participate in votes on matters examined by Constitutional Court;

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

- to abstain from violation of the requirements envisaged in Article 9.2 of the present Law;

- when making statements in press or other mass media and before any audience, not to give openly their opinion on the matters which can be a subject to examination by Constitutional Court as well as the matters, which are considered or have been accepted for the examination by Constitutional Court, before adoption of the decision on this matter.

Article 17. Chairman of Constitutional Court

The Chairman of Constitutional Court shall;

- represent Constitutional Court in its relations with the legislative, executive and other judicial bodies, local self-government bodies, political parties, public associations, trade unions, foreign governments and international organizations, mass media and their officials as well as other legal entities or individuals;

- arrange the work of Constitutional Court;

- bring to discussion by Constitutional Court the matters to be examined at the sessions of the Chambers and Plenum;

- convene sessions of Constitutional Court and preside over them;

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

- distribute the cases among Judges and Chambers;

- return petitions and other applications not provided for by the Constitution of Azerbaijan Republic and the present Law;
 - handle the funds allocated from the State budget for the maintenance and ensuring of the activity of Constitutional Court;
 - direct the staff of Constitutional Court;
 - fulfill other powers specified by the present Law;
- The Chairman of Constitutional Court shall have all rights and bear all the responsibilities of a Judge of Constitutional Court.

Article 18. Deputy Chairman of Constitutional Court

The Deputy Chairman of Constitutional Court shall assist to the Chairman of Constitutional Court in fulfillment of Chairman's duties envisaged in Article 17 of the present Law as well as take place of the Chairman of Constitutional Court in case of absence of the latter one or inability to fulfill his/her duties.

Article 19. Equality of Judges of Constitutional Court

Judges of Constitutional Court as well as Chairman of Constitutional Court and his/her Deputy shall have equal rights at implementation of the constitutional justice.

Article 20. Resignation of a Judge of Constitutional Court

Judge of Constitutional Court shall retire on the ground of his/her written request concerning voluntary resignation or termination of the terms of office.

Judge of Constitutional Court shall retire in case of non-fulfillment of his/her duties within a period of more than four months due to disease confirmed by the medical commission established by Constitutional Court as well as in case where his/her incapability or limited capability is declared by the court's decision entered into legal force.

After termination of the terms of office the retired Judge of Constitutional Court who reached the pension age shall be paid the pension and in cases provided for in para 2 of the present article - monthly tax-free salary for life at the rate of 80 % of the average level of the money remuneration of the functioning Judge of Constitutional Court.

Article 21. Pre-term Termination of Powers of a Judge of Constitutional Court

The powers of a Judge of Constitutional Court shall be prematurely terminated in the following cases:

- 1) death;
- 2) the Judge's renouncing from the nationality of Azerbaijan Republic, adopting the nationality of the different State or acquiring obligations to another State;
- 3) where there is a court decision in force on the Judge's guilt or if the court decision concerning compulsory medical treatment is passed;
- 4) the court's decision declaring the Judge dead or missing;
- 5) the Judge's appointment is considered invalid as the result of the revealed lack of conformity to the requirements set forth with regard to candidates for Judges of Constitutional Court by Article 126.1 of the Constitution of Azerbaijan Republic;

6) the violation of restrictions specified by Article 126.2 of the Constitution of Azerbaijan Republic;

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

8) the Judge's refusal to vote on matters examined by Constitutional Court;

Constitutional Court shall propose consideration of a matter on premature termination of powers of a Judge of Constitutional Court according to Article 109.32 of the Constitution of Azerbaijan Republic.

CHAPTER III. PRINCIPLES OF PROCEEDINGS AT CONSTITUTIONAL COURT

Article 22. Impartiality, justice and equality of the participants of constitutional proceedings

In accordance with Article 127.2 of the Constitution of Azerbaijan Republic when conducting proceedings at Constitutional Court the cases shall be considered impartially, justly, observing equality of participants of the constitutional proceedings, on basis of facts and in accordance with the Constitution of Azerbaijan Republic, interstate agreements, which Azerbaijan Republic is a party to, present Law and other laws.

Article 23. Independence

Independence of Constitutional Court shall be ensured by the special procedure of appointment and removal of Judges, their immunity, established procedure of examination of cases and matters related to jurisdiction of Constitutional Court, secret deliberation of Judges, responsibility for contempt of Constitutional Court or interference with its activity, creation of appropriate technical and organizational conditions for Court's activity and also material and social security of Judges, corresponding to their high status.

Activity of Constitutional Court concerning the matters of constitutional proceedings shall not be accountable. No one shall have the right to demand of Judges of Constitutional Court to account for fulfillment of their powers.

Article 24. Publicity

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.

The ruling concerning examination of a case in camera shall be adopted by Constitutional Court at the deliberative room.

The proceedings at Constitutional Court shall be oral, except the cases where, by decision of Constitutional Court, the consideration of a case can be implemented via written procedure.

Where the documents enclosed to the case are sufficient for the court examination via written procedure and if the parties reject the oral examination of a case then the court session with participation of parties can be not held.

Within 15 days after the notification as to consideration of a case via written procedure was received the participants of the case shall have the right to get acquainted with the materials of the case and express their opinion concerning them in written form.

Decision of Constitutional Court shall be announced publicly in all cases.

Public sessions of Constitutional Court may be attended by representatives of the mass media accredited in Constitutional Court.

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 25. Language of the Constitutional Proceedings

Constitutional proceedings shall be conducted, and the decisions adopted by Constitutional Court stated as well as announced in the 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.

Minutes of sessions of Constitutional Court shall be recorded in the official language.

Article 26. Principle of Collegiality

Sessions of Constitutional Court shall be held collectively. None of Judges of Constitutional Court may deviate from consideration of a case, except the cases preventing the Judge from participation at the session.

Inability of a Judge to participate at further consideration of a case shall not hinder from continuation of proceedings at availability of quorum but excludes participation of the dropout Judge at the consultation of Judges and adoption of the decision.

During deliberation of Constitutional Court none of Judges attending the session may abstain from voting.

Article 27. Immediacy

When considering matters related to its jurisdiction Constitutional Court shall directly examine all the documents, materials and evidences related to the case directly, as well as to hear the parties, witnesses and experts and announce the examined documents at the sessions.

CHAPTER IV. SUBJECTS ENTITLED TO ADDRESS. PETITIONS, APPLICATIONS AND COMPLAINTS TO CONSTITUTIONAL COURT

Article 28. Subjects entitled to apply to Constitutional Court

Constitutional Court shall implement constitutional proceedings on the basis of petitions and applications submitted by:

- President of Azerbaijan Republic
- Milli Mejlis of Azerbaijan Republic
- Cabinet of Ministers of Azerbaijan Republic
- Supreme Court of Azerbaijan Republic
- Prosecutor's Office of Azerbaijan Republic
- Ali Mejlis of Nakhichevan Autonomous Republic
- Ombudsman
- Courts

as well as complaints submitted by citizens and legal persons

Article 29. Grounds for Examination of Cases by Constitutional Court

Grounds for examination of cases by Constitutional Court shall be petitions, applications and complaints meeting the requirements of the present Law.

Article 30. General Requirements Concerning Petitions and Complaints

Petition or complaint shall be submitted to Constitutional Court in written and signed by the authorized person.

If the petition is submitted by a collective body then it shall be signed by its head.

The petition and complaint shall contain the following:

- 1) Constitutional Court as a body which a petition or complaint is submitted to;
- 2) The name of complainant (a citizen's complaint shall contain his/her first, middle and last names) and his/her address;
- 3) Necessary data on representative of complainant and his/her authorities, except the cases, when the representation is implemented *ex officio*;
- 4) Name and address of the state body or municipality that issued the debatable act or participating in the dispute concerning the competence;
- 5) Provisions of the Constitution and the present Law entitling to apply to Constitutional Court;
- 6) The exact name, number, date of adoption, source of publication and the other information about the debatable act or the provision of the Constitution or law to be interpreted;
- 7) Position of the applicant regarding the matter brought up by him/her and its legal proves with the reference to the relevant provisions of the Constitution;

- 8) Request submitted in connection with the petition or complaint to Constitutional Court;
- 9) List of documents enclosed to the application;

Article 31. Documents to be Enclosed to a Petition or Complaint

The following documents shall be enclosed to the petition or complaint submitted to Constitutional Court:

1) 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;

2) Translation of all documents into Azeri language submitted in other language;

The list of witnesses, specialists (experts) proposed to be called to the session of Constitutional Court as well as other documents and materials may also be enclosed to a petition or complaint

Article 32. Petition of a Court

If a court at the consideration of a case as a court of first, appeal or cassation instance comes to a conclusion that the normative legal act applied in the case does not conform to the normative legal acts of the higher legal force it shall forward a petition to Constitutional Court.

The petition shall be forwarded in the form of motivated court decision. The decision shall be adopted and signed by the judge or court considering the case.

The documents confirming the decision of the court or judge shall be enclosed to the petition. The considered case may be enclosed to the decision.

From the moment of adoption of the court's decision concerning submission of the petition to Constitutional Court and before adoption of the resolution by Constitutional Court the proceedings on a case or execution of the decision on a case adopted by the court shall be suspended.

Article 33. Constitutional Complaint

Any person who alleges that the normative legal act applied in a case has violated his/her fundamental rights guaranteed by the Constitution may submit a complaint to Constitutional Court.

The Constitutional complaint shall be submitted only after exhaustion of ordinary judicial remedies (complaint or application to the court of general jurisdiction).

If the legal protection of constitutional rights by means of courts of general jurisdiction can not prevent the imposing of serious damage to a petitioner then Constitutional Court may decide the matter concerning the acceptance of a complaint for examination.

In order to prevent the imposing of serious damage the Constitutional Court may adopt a temporary resolution on suspension of the effect of the disputed normative legal act

before adoption of the final decision on the matter. The temporary resolution shall lose its force from the moment of adoption of the final decision on the matter or from the date determined by Constitutional Court.

The constitutional complaint can be submitted to Constitutional Court within three months after the decision of the court of last instance came into force.

If Constitutional Court recognizes that the normative legal act applied in a case has violated the fundamental individual rights guaranteed by the Constitution, then the proceedings on the case in the court that adopted the final decision shall resume in accordance with provisions of the Criminal Procedure and Civil Procedure Codes.

In addition to the contents of complaint, the following shall be confirmed:

- 1) the basic constitutional rights of a complainant have been violated;
- 2) all other legal remedies have been exhausted and there are no other ones;

The following shall be enclosed to the constitutional case:

- 1) explanations and documents required in a petitioner's opinion for clarification of the circumstances of a case;
- 2) the documents confirming the fact that all other legal remedies have been exhausted;

CHAPTER V. ACCEPTION OF PETITIONS, APPLICATIONS AND COMPLAINTS TO EXAMINATION

Article 34. Preliminary Study of Petitions, Applications and Complaints

The Secretariat of Constitutional Court shall arrange the reception of citizens, preliminarily consideration of the complaints the examination of which ones by the Judges of Constitutional Court is not necessary.

The Secretariat of Constitutional Court shall assist to Judges in preparation of cases to consideration.

The Secretariat of Constitutional Court having determined that the complaint does not meet the requirements of the present Law as to its form shall return it to the petitioner with the suggestion to eliminate the existing defects. After a petitioner has eliminated defects he/she shall have the right to submit a constitutional complaint to Constitutional Court once again.

The petitioner who disagrees with notification of the Secretariat of Constitutional Court shall have the right to request adoption of a decision on his/her complaint by Constitutional Court. In this case Chairman of Constitutional Court shall refer the complaint to one or several Judges for verification of validity of the decision adopted by the Secretariat. The results of verification shall be considered at the sessions of Chambers or Plenum within 15 days.

The complaints, which are obviously not within the jurisdiction of Constitutional Court may be sent by the Secretariat of Constitutional Court to the relevant bodies and organizations for examination within their jurisdiction.

Petitions, applications and complaints meeting the requirements of the present Law shall be reported to the Chairman of Constitutional Court, who shall adopt a decision on

passing them to a Judge (Reporter Judge) or several Judges of Constitutional Court for the preliminary study.

The Reporter Judge shall arrange all measures connected with the preparation of a session on behalf of Constitutional Court.

Article 35. Drawing up the Constitutional Case

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

- 1) petition, application or complaint which served as a ground for institution of constitutional case;
- 2) materials enclosed to a petition, application or complaint which served as a ground for institution of constitutional case;
- 3) materials enclosed to the constitutional case by a Reporter Judge;
- 4) a conclusion of expert if he/she is engaged in constitutional case;
- 5) additional materials enclosed by parties or interested subjects;
- 6) other documents related to the constitutional case;
- 7) a report of the Reporter Judge;

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

Article 36. Acceptance of a Petition or Complaint to Examination by Constitutional Court

With the view of deciding as to acceptance of a case to examination, the Chairman of Constitutional Court shall refer it either to the Chambers or Plenum of Constitutional Court for consideration within their jurisdiction.

The parties shall be informed of the decision adopted by Constitutional Court.

Article 37. Refusal to Accept a Petition, Application or Complaint to Examination

Petition, application or complaint shall be rejected, if:

- 1) it is obviously not within the jurisdiction of Constitutional Court;
- 2) does not meet the requirements of the present Law as to its form and contents;
- 3) it is proceeded by the improper person;
- 4) Constitutional Court has already adopted a decision on the matter risen in a petition, application or complaint;

Article 38. Withdrawal of Petitions, Applications and Complaints Referred to Constitutional Court

The subject that submitted a petition, application or complaint to Constitutional Court shall be enabled to withdraw of a petition, application or complaint before the beginning of the session devoted to examination of this petition, application or complaint. However, if

Constitutional Court comes to conclusion that public interests are affected in a certain case, then it may continue the proceedings on that case irrespective of withdrawal of a petition, application or complaint.

CHAPTER VI. SESSIONS OF CONSTITUTIONAL COURT

Article 39. Types of Sessions of Constitutional Court

Sessions shall be usually convened by the Chairman of Constitutional Court and held in established time.

At the regulatory session of Constitutional Court there shall be considered the matters on acceptance or rejection of a petition, application or complaint to examination, fixing of the written proceedings, if this is proposed by the Reporter Judge or parties, as well as other matters connected with consideration of a case at the court session.

The concrete cases shall be examined at the court sessions.

The regulatory and court sessions shall be held in accordance with the procedures determined by the present Law.

Article 40. Organizational Forms of Implementation of the Constitutional Proceedings

Proceedings at Constitutional Court shall be implemented at the sessions of Plenum and two Chambers.

The Plenum shall be composed of all Judges. Sessions of the Plenum shall be presided over by the Chairman of Constitutional Court or acting Chairman of Constitutional Court.

Session of the Plenum shall be authorized if not less than 6 Judges are present at the session. Resolution of the Plenum shall be adopted by the majority of 5 Judges, if otherwise is not provided for by the Constitution of Azerbaijan Republic and the present Law. In case if the votes of Judges are equal then the violation of the Constitution and other norms of law can not be considered as found.

One Chamber shall be composed of 4 Judges and another – of 5 Judges of Constitutional Court.

The composition of Chambers shall be confirmed by the Plenum of Constitutional Court upon proposals of the Chairman of Constitutional Court.

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

Personal composition of the Chambers must not remain unchanged within the period for more than 3 years successively.

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

Resolution of Chamber shall be adopted by the majority of votes of 3 Judges.

If the votes of Judges for and against the decision are equal then the Chamber shall not adopt the decision and refer the case for the consideration by the Plenum.

Article 41. Matters to be Examined at the Sessions of the Plenum of Constitutional Court

The following matters shall be examined at the sessions of the Plenum of Constitutional Court:

- 1) verification of conformity of laws of Azerbaijan Republic, orders and decrees of the President of Azerbaijan Republic and the resolutions of the Milli Mejlis of Azerbaijan Republic to the Constitution of Azerbaijan Republic;
- 2) verification of conformity of decrees of the President of Azerbaijan Republic to laws of Azerbaijan Republic;
- 3) verification of conformity of interstate agreements of Azerbaijan Republic which have not come into force to the Constitution of Azerbaijan Republic and intergovernmental agreements of Azerbaijan Republic to the Constitution and laws of Azerbaijan Republic
- 4) elimination of political parties and other public associations;
- 5) settlement of disputes concerning the separation of powers among Legislature, Executive and Judiciary;
- 6) ascertainment of information concerning complete inability of the President of Azerbaijan Republic to perform his/her duties for the state of health;
- 7) resignation of the President;
- 8) removal of the President from office;
- 9) verification and confirmation of the results of elections of deputies to the Milli Mejlis of Azerbaijan Republic;
- 10) giving the opinion of Constitutional Court on proposals of the Milli Mejlis or President of Azerbaijan Republic regarding the introduction of modifications to the text of the Constitution of Azerbaijan Republic;
- 11) interpretation of the Constitution and laws of Azerbaijan Republic;
- 12) announcement of the results of the elections of the President of Azerbaijan Republic;

In addition, at the sessions of the Plenum, Constitutional Court shall:

- 1) form the personal composition of the Chambers of Constitutional Court;
- 2) confirm the Internal Regulations, Regulations concerning the emblem, robe, breastplate and seal and introduce the modifications and amendments into them;
- 3) propose consideration of the matter on pre-term suspension of powers of a Judge of Constitutional Court in cases provided for by Article 21 of the present Law;

Article 42. Matters to be Examined at the Sessions of the Chambers of Constitutional Court

At the sessions of Chambers Constitutional Court shall examine the cases covered by its jurisdiction and which are not subject to consideration exclusively in the Plenum of Constitutional Court.

The following matters shall be examined at the sessions of the Chambers:

1) verification of conformity of resolutions and orders of the Cabinet of Ministers of Azerbaijan Republic, Constitution and laws of Nakhichevan Autonomous Republic, normative legal acts of the central bodies of Executive of Azerbaijan Republic, resolutions of Supreme Assembly of Nakhichevan Autonomous Republic, resolutions of the Cabinet of Ministers of Nakhichevan Autonomous Republic to the Constitution of Azerbaijan Republic;

2) verification of conformity of resolutions of the Cabinet of Ministers of Azerbaijan Republic, laws of Nakhichevan Autonomous Republic, normative legal acts of the central bodies of Executive of Azerbaijan Republic, resolutions of the Cabinet of Ministers of Nakhichevan Autonomous Republic to the laws of Azerbaijan Republic;

3) verification of conformity of resolutions of the Cabinet of Ministers of Azerbaijan Republic, normative legal acts of the central bodies of Executive of Azerbaijan Republic, resolutions of the Cabinet of Ministers of Nakhichevan Autonomous Republic to the decrees of the President of Azerbaijan Republic;

4) verification of conformity of resolutions of the Cabinet of Ministers of Nakhichevan Autonomous Republic to the resolutions of the Cabinet of Ministers of Azerbaijan Republic;

5) in cases provided for by the Law, verification of conformity of decisions of the Supreme Court of Azerbaijan Republic to the Constitution and laws of Azerbaijan Republic;

6) on conformity of the acts of municipalities to the Constitution of Azerbaijan Republic, laws of Azerbaijan Republic, orders of the President of Azerbaijan Republic, decrees of the Cabinet of Ministers of Azerbaijan Republic;

CHAPTER VII. CONSTITUTIONAL PROCEEDINGS

Article 43. Manners and Forms of proceedings implemented by Constitutional Court

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

- 1) the constitutional proceedings;
- 2) the constitutional special proceedings;

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

- 1) 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;
- 2) proceedings on cases related to petitions on elimination of political parties and other public associations;
- 3) proceedings on cases related to petitions on distribution of powers among Legislature, Executive and Judiciary;

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

- 1) proceedings on cases related to petitions concerning interpretation of the Constitution of Azerbaijan Republic;

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

3) proceedings on cases related to consideration of resignation of the President of Azerbaijan Republic;

4) proceedings on cases related to consideration of the matter on impeachment of the President of Azerbaijan Republic;

5) proceedings on cases related to verification and confirmation of the results of elections of the Deputies of the Milli Mejlis of Azerbaijan Republic;

6) proceedings on cases concerning fixing the date of the first session of a newly elected Milli Mejlis of Azerbaijan Republic;

7) 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 44. Parties to the Constitutional Proceedings

Petitioners and Respondents shall be the parties to constitutional proceedings.

According to the Article 130.3 of the Constitution of Azerbaijan Republic the President of Azerbaijan Republic, the Milli Mejlis of Azerbaijan Republic, the Cabinet of Ministers of Azerbaijan Republic, the Supreme Court of Azerbaijan Republic, the Prosecutor's Office of Azerbaijan Republic, the Ali Mejlis of Nakhchivan Autonomous Republic can be the petitioners at the constitutional proceedings. According to the Constitutional Law, courts, Ombudsman and individuals who submitted constitutional complaint shall be the petitioners at the constitutional proceedings.

According to Article 130.3 of the Constitution of Azerbaijan Republic the following subjects may be respondents at the constitutional proceedings:

1) a State body that has adopted a normative legal act which by opinion of petitioner does not conform to the Constitution and laws of Azerbaijan Republic, decrees of the President of Azerbaijan Republic, resolutions of the Cabinet of Ministers of Azerbaijan Republic;

2) the Supreme Court of Azerbaijan Republic that has adopted the guidelines which do not conform to the Constitution and laws of Azerbaijan Republic;

3) a local self-government body that has adopted municipal act which do not conform to the Constitution and laws of Azerbaijan Republic, decrees of the President of Azerbaijan Republic, resolutions of the Cabinet of Ministers of Azerbaijan Republic (in Nakhchivan Autonomous Republic also the Constitution and laws of Nakhchivan Autonomous Republic, resolutions of the Cabinet of Ministers of Nakhchivan Autonomous Republic);

4) an official who has signed the interstate agreement on behalf of Azerbaijan Republic which has not come into force and does not conform by opinion of petitioner to the Constitution of Azerbaijan Republic;

5) an official who has signed intergovernmental agreement on behalf of Azerbaijan Republic which does not conform on opinion of the petitioner to the Constitution and laws of Azerbaijan Republic;

6) political parties and other public associations, which elimination is requested by a petitioner;

7) legislative, executive or judicial body accused by petitioner of infringement of the separation of powers;

In the constitutional proceedings the petitioners and respondents can be represented by their legal representatives.

Article 45. Interested Subjects at the Constitutional Special Proceedings.

The interested subjects of the constitutional special proceedings shall be the bodies which submitted a petition to Constitutional Court in cases provided for by the Constitution of Azerbaijan Republic, and bodies and individuals whose interests are affected by such petitions.

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

Article 46. Rights and Liabilities of Parties and Interested Subjects

The parties and interested subjects shall have the right to get acquainted with the materials of the constitutional case, take extracts from them and make copies. During consideration of the case, the parties and interested subjects may declare objections, present evidence, participate in the surveys of evidence, put questions to each other as well as to the witnesses and experts, submit petitions, answer questions put to them, object to petitions, evidences and ideas contained in statements of the other party and present the final statement or concluding remarks.

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

Article 47. Witness

A person possessing any information regarding the constitutional case examined at the session of Constitutional Court shall be 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, respondent, subject concerned or decision of Constitutional Court.

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

A witness shall respect Constitutional Court and observe 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.

Article 48. Expert

Persons possessing 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 Constitutional Court, the Reporter Judge, the parties or interested subjects. Expert shall present the written opinion on the case.

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 the requests to get acquainted with all the materials of the constitutional case and any other necessary documents. In case if expert considers that the presented materials are not sufficient to answer the questions put or unable to answer them as not sufficiently knowledgeable, then he/she must inform of it 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.

Experts must respect 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

Article 49. Responsibility of Expert and Witness

At the court sessions, experts and witnesses shall take the oath and be notified of the responsibility to be borne according to the procedure specified by legislation for the wittingly false opinion or wittingly false testimonies as well as for refusal to give opinion or testimony.

Article 50. Procedure of Constitutional Court Session

Judge presiding over session of Constitutional Court having verified that the session is authorized shall open it and announce the case to be considered at the session.

Judge presiding over session of Constitutional Court shall verify the presence of parties, interested subjects and the persons involved to a case, verify if necessary, the authorities of representatives of parties and interested subjects and then shall put a question on commencement or postponement of consideration of a case.

Judge presiding over session of Constitutional Court shall explain to parties and interested subjects their rights and obligations.

Examination of constitutional case in essence shall commence with the report of the Reporter Judge. Judges of Constitutional Court may put questions to the Reporter Judge.

After the Reporter Judge's report the parties and interested subjects shall state factual circumstances of the case and its legal grounds. Parties and interested subjects can be represented by several representatives each of whom shall have the right to speak. The petitioner shall be the first to speak. The presentation of each of participants of the case must not exceed 30 minutes. Upon the request of the participant of a case the Court can extend duration of his/her presentation.

Then if necessary, the opinions of experts, witnesses and invited persons shall be heard.

Further, the concluding statements of parties or interested subjects shall be heard.

Session of Constitutional Court shall be accomplished by the adoption of the ruling on retirement to deliberation room and information by the Judge presiding over session of Constitutional Court as to the time when the act of Constitutional Court will be declared.

Article 51. Responsibility for Breach of Procedure of Constitutional Proceedings

With the view to ensure the implementation of constitutional proceedings the administrative measures in the form of the fine at the rate from 5 to 50 minimum salaries shall be provided for:

- interference with the administration of justice by Constitutional Court and attempt to put pressure upon the Judges;
- failure to execute without a good reason the requests of the Judges of Constitutional Court as well as the resolutions of Constitutional Court;
- breach of the judicial oath;
- non-compliance with the orders of the Judge presiding over the session, breach of the order during the session as well as performance of other actions displaying the obvious contempt of Constitutional Court and the procedure of constitutional proceedings;

Measures of administrative responsibility shall be applied by the Judge presiding over the session and entered into the Minutes of the session.

Payment of the fine shall be carried out within 15 days from the date of notification of the person about the imposing of such fine.

Article 52. Expulsion of a Judge

If a Judge of Constitutional Court is expelled on the grounds of his/her concernment or if he/she self-expelled, then the Court shall adopt a decision in absentia of the expelled or self-expelled Judge of Constitutional Court. The expulsion shall be well grounded.

The expelled Judge can express his/her opinion on this matter.

If the validity of expulsion or self-expulsion of a Judge who participated in consideration of a case by one of Chambers is recognized as well grounded, then Chairman of Constitutional Court, if necessary, can substitute him/her for a Judge from another Chamber.

The expulsion of the entire composition of Judges shall be inadmissible.

Article 53. Postponement of a Session

Examination of a case may be postponed, if:

- 1) the case has not been prepared insufficiently and its further study is required;
- 2) the new evidences must be considered;
- 3) the other good reasons arose;

In this case 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 54. Resumption of Examination of a Case

If after concluding statements of parties, Constitutional Court recognizes 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.

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 55. Discontinuance of the Proceedings on a Case

Constitutional Court shall discontinue the proceedings on a case if any grounds to reject the acceptance of a petition, application or complaint are discovered during the session.

Article 56. Court Costs

Proceedings of Constitutional Court shall be free of charge

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

Article 57. Minutes of Court Sessions

Minutes of a session of Constitutional Court shall be kept by the Clerk of the court session and enclosed to materials of the case.

The parties or interested subjects shall have the right to get acquainted with the Minutes of the session of Constitutional Court and may present their comments thereto.

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

CHAPTER VIII. SPECIFIC FEATURES OF CONSTITUTIONAL PROCEEDINGS ON VARIOUS TYPES OF CONSTITUTIONAL CASES

Article 58. Procedure of Submission of Petitions and Complaints to Constitutional Court in Cases Specified in Articles 130.3.1-5 and 130.3.8 of the Constitution of Azerbaijan Republic

In cases specified by Articles 130.3.1-5 and 130.3.8 of the Constitution of Azerbaijan Republic, petitions or complaints shall be submitted to Constitutional Court in written form.

A petition or complaint shall meet the requirements of Article 30 of the present Law.

The documents indicated in Article 31 of the present Law shall be enclosed to a petition or complaint and the documents indicated in Article 33 of the present Law shall be additionally enclosed to a complaint.

Article 59. Terms of Consideration of a Petition or Complaint in Cases Provided for by Articles 130.3.1-5 and 130.3.8 of the Constitution of Azerbaijan Republic

After a petition or complaint provided for by Articles 130.3.1-5 and 130.3.8 of the Constitution of Azerbaijan Republic has been submitted to Constitutional Court, Constitutional Court shall within 15 days consider it at the session and adopt a ruling whether to accept it for or reject its examination.

The ruling on acceptance or rejection of examination of a petition or complaint shall be sent within 7 days after its adoption to a body or official who submitted a petition or a person who lodged a complaint.

The examination in essence of a petition or complaint by Constitutional Court shall be commenced within 60 days after acceptance for examination.

Article 60. Procedure for Submission of Petitions Concerning Non-Conformity of Interstate Agreements with the Constitution and Intergovernmental Agreements with the Constitution and Laws of Azerbaijan Republic

In cases provided for by Article 130.3.6 of the Constitution of Azerbaijan Republic, the petition in written form shall be submitted to Constitutional Court.

A petition should meet the requirements of Article 30 of the present Law.

The documents indicated in Article 31 of the present Law shall be enclosed to a petition.

Article 61. Terms of Consideration of Petitions Concerning Non-Conformity of Interstate Agreements with the Constitution and Intergovernmental Agreements with the Constitution and Laws of Azerbaijan Republic

After a petition provided for by Articles 130.3.6 of the Constitution of Azerbaijan Republic has been submitted to Constitutional Court, Constitutional Court shall within 15 days consider it at the session and adopt a ruling whether to accept it for or reject its examination.

The ruling on acceptance or rejection of examination of a petition shall be sent within 7 days after its adoption to a body or official who submitted the petition.

The examination in essence of a petition by Constitutional Court shall be commenced within 60 days after its acceptance for examination.

Before consideration of a petition on conformity of the interstate agreements of Azerbaijan Republic, which have not come into force to the Constitution of Azerbaijan Republic as well as intergovernmental agreements to the Constitution and laws of Azerbaijan Republic, the mentioned agreements must not be approved.

Article 62. Procedure for Submission of Petitions Concerning Elimination of Political Parties and Other Public Associations

In cases provided for by Article 130.3.7 of the Constitution of Azerbaijan Republic, a petition in written form shall be submitted to Constitutional Court.

A petition should meet the requirements of Article 30 of the present Law.

The documents indicated in Article 31 of the present Law shall be enclosed to a petition.

Article 63. Terms of Consideration of Petitions Concerning Elimination of Political Parties and Other Public Associations

After a petition on elimination of political parties and other public associations has been submitted to Constitutional Court, Constitutional Court shall within 7 days consider it at the session and adopt a ruling whether to accept for or reject its examination.

The ruling on acceptance or rejection of examination of a petition shall be sent the day of its adoption to a body or official who submitted a petition and also the political party or public association. The examination of a petition by Constitutional Court shall be commenced within 45 days after its acceptance for examination.

Article 64. Procedure for Submission of Petitions on Disputes Concerning Separation of Powers Among the Bodies of Legislature, Executive and Judiciary

In cases provided for by Article 130.3.9 of the Constitution of Azerbaijan Republic, a petition in written form shall be submitted to Constitutional Court.

A petition should meet the requirements of Article 30 of the present Law.

The documents indicated in Article 31 of the present Law shall be enclosed to a petition.

Article 65. Terms of Consideration of Petitions on Disputes Concerning Separation of Powers Among the Bodies of Legislature, Executive and Judiciary

After a petition on the disputes concerning separation of powers among Legislature, Executive and Judiciary has been submitted to Constitutional Court, Constitutional Court shall within 7 days consider it at the session and decide whether to accept for or reject its examination.

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

The examination of a petition by Constitutional Court shall be commenced within 45 days after its acceptance for examination.

Article 66. Procedure for Submission of Petitions on Interpretation of the Constitution and Laws of Azerbaijan Republic

In cases provided for by Article 130.4 of the Constitution of Azerbaijan Republic, petitions shall be submitted in written form.

A petition shall meet the requirements of Article 30 of the present Law.

The documents indicated in Article 31 of the present Law shall be enclosed to a petition.

Article 67. Terms of Consideration of a Petition Concerning Interpretation of the Constitution and Laws of Azerbaijan Republic

After a petition on interpretation of the Constitution and Laws of Azerbaijan Republic has been submitted to Constitutional Court, Constitutional Court shall within 15 days consider it at the session and adopt a ruling whether to accept for or reject its examination.

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

The examination of a petition by Constitutional Court shall be commenced within 60 days after its acceptance for examination.

Article 68. Procedure of Consideration of Petitions Submitted by the Milli Mejlis of Azerbaijan Republic as to Verification of Information Concerning Complete Inability of the President of Azerbaijan Republic to Fulfill His/Her Duties due to the State of Health

In cases specified by Article 104.3 of the Constitution of Azerbaijan Republic, the Milli Mejlis of Azerbaijan Republic shall adopt a relevant resolution on a written petition to Constitutional Court:

The petition shall include the following:

- 1) denomination of Constitutional Court;
- 2) date of the session of the Milli Mejlis of Azerbaijan Republic at which the resolution on submission of a petition of the Milli Mejlis of Azerbaijan Republic was adopted;
- 3) Article of the Constitution of Azerbaijan Republic enabling the Milli Mejlis of Azerbaijan Republic to submit a petition to Constitutional Court and approving the authorities of Constitutional Court to examine this petition;
- 4) the source of information concerning complete inability of the President of Azerbaijan Republic to fulfill his/her duties due to the state of health;
- 5) a list of documents and materials enclosed to a petition;
- 6) a list of persons who will participate at the session of Constitutional Court from the Milli Mejlis of Azerbaijan Republic;
- 7) signature of the Chairman of the Milli Mejlis of Azerbaijan Republic;

Article 69. Rejection to Consider the Petition Submitted by the Milli Mejlis of Azerbaijan Republic as to Verification of Information Concerning Complete Inability of the President of Azerbaijan Republic to Fulfill Duties due to the State of Health

Constitutional Court shall refuse to consider petitions submitted by the Milli Mejlis of Azerbaijan Republic as to verification of information concerning complete inability of the President of Azerbaijan Republic to fulfill his/her duties due to the state of health in the following cases:

- if a petition was adopted at the session of the Milli Mejlis of Azerbaijan Republic at which the quorum established by the Constitution of Azerbaijan Republic was not available or if the petition did not collect the required majority of votes;

- if a petition does not meet the requirements of Article 68 of the present Law;

Article 70. Terms of Consideration of the Petitions Submitted by the Milli Mejlis of Azerbaijan Republic as to Verification of Information Concerning Complete Inability of the President of Azerbaijan Republic to Fulfill His/Her Duties due to the State of Health

Petition submitted by the Milli Mejlis of Azerbaijan Republic as to verification of information concerning complete inability of the President of Azerbaijan Republic to fulfill his/her duties due to the state of health shall be brought for examination at the session of Constitutional Court within 3 days after its receipt by Constitutional Court and the ruling concerning the acceptance or rejection of examination of a petition in question shall be adopted.

The ruling on acceptance or rejection of examination of a petition shall be adopted by the majority of not less than 5 Judges. The ruling on acceptance or rejection to examine a petition shall be sent to the President of Azerbaijan Republic and the Milli Mejlis of Azerbaijan Republic on the day of its adoption.

Examination in essence of petition shall be commenced within 7 days from the day of its acceptance for examination.

A decision 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.

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 71. Procedure of Consideration of Application of the President of Azerbaijan Republic on Retirement

In cases specified by Article 104.2 of the Constitution of Azerbaijan Republic, the President of Azerbaijan Republic shall submit a written application to Constitutional Court.

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

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

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

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

These decisions shall be adopted by Constitutional Court by the majority of not less than 5 Judges and immediately sent to the Milli Mejlis of Azerbaijan Republic.

Article 72. Procedure of Consideration of Impeachment of the President of Azerbaijan Republic

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

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 made a session of Constitutional Court shall be called to examine this matter. If Constitutional Court finds this proposal groundless, the majority of 5 Judges shall be required to adopt the decision about that.

If the proposal is found well-grounded, Constitutional Court shall submit a matter to the Supreme Court of Azerbaijan Republic in order to receive an opinion on whether the President of Azerbaijan Republic has committed a grave crime. A decision 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.

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.

Taking into consideration the opinion of the Supreme Court of Azerbaijan Republic, Constitutional Court by majority of 7 Judges can adopt a decision 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 decision shall be immediately sent to the Milli Mejlis of Azerbaijan Republic.

If the Milli Mejlis 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 shall be immediately sent to Constitutional Court. Having received the resolution of the Milli Mejlis 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 decision of Constitutional Court supporting the resolution of the Milli Mejlis of Azerbaijan Republic shall be adopted by majority of not less than 7 Judges. The resolution of the Milli Mejlis of Azerbaijan Republic on impeachment of the President of Azerbaijan Republic shall be signed by the Chairman of Constitutional Court according to the Article 107.2 of the Constitution of Azerbaijan Republic.

If Constitutional Court does not adopt decision supporting the resolution of the Milli Mejlis 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 73. Procedure of Verification and Confirmation of the Results of the Elections to the Milli Mejlis of Azerbaijan Republic

According to Article 86 of the Constitution of Azerbaijan Republic, Constitutional Court shall verify and confirm the accuracy of the elections of deputies to the Milli Mejlis of Azerbaijan Republic. The procedure of verification and confirmation of accuracy of the

elections of deputies to the Milli Mejlis shall be determined by the legislation of Azerbaijan Republic. Constitutional Court shall not be enabled to consider the disputes regarding actual circumstances of holding the elections and calculation of votes.

Session of Constitutional Court devoted to verification of the accuracy of elections of deputies to the Milli Mejlis shall be commenced within 20 days from the day of receipt of materials.

Several Reporter Judges may be appointed for examination of this matter.

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

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

The resolution of Constitutional Court shall be adopted only after the Central Election Commission and courts of general jurisdiction resolve all disputes connected with elections.

Article 74. Procedure of Fixing the Date of the First Session of the Newly-Elected Milli Mejlis of Azerbaijan Republic

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 Mejlis of Azerbaijan Republic in case if powers of the 83 deputies have not been confirmed by the 1st February after the elections.

If Constitutional Court confirms the election of the 83 deputies of the Milli Mejlis of Azerbaijan Republic after 1st February then the date of the first session of the newly-elected Milli Mejlis shall be fixed at the same session of Constitutional Court.

Decision on this matter shall be adopted by a majority of not less than 5 Judges of Constitutional Court.

Article 75. Procedure of Consideration of a Matter Concerning the Opinions 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 Mejlis or the President of Azerbaijan Republic

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 Mejlis or the President of Azerbaijan Republic, the opinion of Constitutional Court on the proposed modifications shall be required.

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.

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

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 IX. ACTS OF CONSTITUTIONAL COURT

Article 76. Acts of Constitutional Court

Constitutional Court shall adopt resolutions and rulings

Article 77. Resolution of Constitutional Court

The resolution of Constitutional Court shall be the written document adopted at the sessions of Constitutional Court and containing the conclusions of Constitutional Court obtained as a result of examination of the constitutional case in essence.

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

Resolution of Constitutional Court shall be final and cannot be cancelled or modified by any body or official.

Resolution of Constitutional Court shall be signed by a Judge presiding over the session, at which that resolution was adopted.

Article 78. Dissenting Opinion of a Judge of Constitutional Court

Judge of Constitutional Court who disagrees with the resolution of Constitutional Court may express the dissenting opinion in written form. The dissenting opinion of the Judge of Constitutional Court shall be attached to the resolution of Constitutional Court.

The dissenting opinion of a Judge shall be enclosed to the materials of case as well as published along with the resolution of Constitutional Court.

Article 79. Announcement of Resolutions of Constitutional Court

After adoption of resolution, Judges shall return to the hall of court session and the Judge presiding over the session shall announce the resolution.

Article 80. Legal Force of Resolutions of Constitutional Court

According to Article 130.6 of the Constitution of Azerbaijan Republic, the resolutions of Constitutional Court shall have binding force through out the territory of Azerbaijan Republic.

Resolutions of Constitutional Court shall be binding after their adoption. Persons who do not comply with resolutions of Constitutional Court shall bear the responsibility according to Article 51 of the present Law as well as the criminal responsibility via the procedure specified by the legislation of Azerbaijan Republic.

Article 81. Terms of Entry Into Force of Resolution of Constitutional Court

The resolutions of Constitutional Court shall enter into legal force at the following periods of time:

1) Resolution adopted in connection with the cases specified by Article 130.3.1-6 and 130.3.8 of the Constitution of Azerbaijan Republic shall enter into force from the date specified in the resolution itself;

2) Resolution on elimination of political parties and other public associations, 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;

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

Article 82. Loss of Legal Force or Non-Entry Into Legal Force of Laws and Other Acts upon Resolutions of Constitutional Court

According to Article 130.7 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.

Article 83. Inadmissibility of Official Interpretation of Resolutions of Constitutional Court

No person or body shall be enabled to give the binding interpretation of the resolutions of Constitutional Court.

Article 84. Rulings of Constitutional Court

Constitutional Court shall adopt rulings in order to accept the matters for examination, settle matters arising during sessions of Constitutional Court as well as in other cases specified by the present Law.

Rulings of Constitutional Court shall be adopted by a majority of 5 Judges.

Rulings of Constitutional Court adopted during examination of the constitutional case shall be entered into the Minutes of the sessions of Constitutional Court while other rulings of Constitutional Court shall be published.

Article 85. Publication of Acts of Constitutional Court

The Resolutions of Constitutional Court as well as the rulings to be promulgated shall be published in the official newspaper of Azerbaijan Republic.

All resolutions and rulings of Constitutional Court, shorthand reports of public sessions of Constitutional Court and other materials connected with the activity of

Constitutional Court shall be published in "Азәрбайжан Республикасы Конституция Мящкямясинин Мялуматы" (Newsletter of Constitutional Court).

CHAPTER X. ARRANGEMENT AND MAINTENANCE OF THE ACTIVITY OF CONSTITUTIONAL COURT

Article 86. Internal Regulations of Constitutional Court

With a view to arrange its activities, Constitutional Court shall adopt the Internal Regulations to be approved by a resolution.

On the basis of the present Law, the Internal Regulations of Constitutional Court shall determine: the procedure of assignation of the personal composition of Chambers, distribution of cases among them; determination of the sequence of consideration of cases at the sessions of Plenum and Chambers; some rules of procedure and etiquette during the sessions; peculiarities of record keeping in Constitutional Court; requirements to the staff of Constitutional Court and other matters of the internal activities of Constitutional Court.

Article 87. Symbols of Constitutional Court

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.

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

Images of the official emblem of Constitutional Court and special uniform of Judges of Constitutional Court as well as Regulations on them shall be approved by a resolution of the Plenum of Constitutional Court.

Article 88. The Badge and Identity Documents of Judges of Constitutional Court

Judges of Constitutional Court shall be provided with the badges and identity documents.

Image of the badge and identity documents as well as Regulations on them shall be approved by a resolution of the Plenum of Constitutional Court

Article 89. The Seal of Constitutional Court

Constitutional Court shall possess the seal depicting the State coat of arms of Azerbaijan Republic and denomination of Constitutional Court.

Description of the seal of Constitutional Court shall be approved by a resolution of the Plenum of Constitutional Court.

Article 90. Location of Constitutional Court

Constitutional Court shall be located in Baku city.

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.

Operating mode of the building of Constitutional Court shall be determined by the Internal Regulations of Constitutional Court.

Article 91. Financing of the Activity of Constitutional Court

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.

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.

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 92. Salary and Allowances of the Judges of Constitutional Court

The material security of Judges of Constitutional Court shall consist of salary, rise, quarterly premium and other cash benefits established by the present Law.

Chairman of Constitutional Court shall receive the monthly salary equal to the official salary of Chairman of the Milli Mejlis of Azerbaijan Republic.

Deputy Chairman of Constitutional Court shall receive the monthly salary equal to the official salary of the first Deputy Chairman of the Milli Mejlis of Azerbaijan Republic.

Judge of Constitutional Court shall receive the monthly salary equal to the official salary of Deputy Chairman of the Milli Mejlis of Azerbaijan Republic.

Judge of Constitutional Court shall be paid monthly tax-free allowances with the view of compensation of expenses connected with fulfillment of his/her duties.

Article 93. Vacation of Judges of Constitutional Court

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

Judges of Constitutional Court shall be paid tax-free cash benefits at the rate of the two-month salary for the period of vacation.

The rate of vacation expenses of Judges of Constitutional Court shall be equal to the rate of expenses of the Deputy Chairman of Milli Mejlis of Azerbaijan Republic provided for by the legislation of Azerbaijan Republic.

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

Article 94. Other Guarantees for Judges of Constitutional Court

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

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 salary.

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.

With the view of ensuring the security of Judges of Constitutional Court the relevant body of the Executive of Azerbaijan Republic shall distribute office weapons to each Judge of Constitutional Court via the procedure determined by the legislation of Azerbaijan Republic.

During the entire period of fulfillment of powers, the Judges of Constitutional Court via procedure and in cases provided for by the legislation of Azerbaijan Republic shall have the right to keep, wear and use properly the office weapon. Where necessary, the Judges of Constitutional Court shall be ensured the security.

Judge of Constitutional Court who has no dwelling in Baku city shall be provided with the well-equipped apartment. Before a Judge of Constitutional Court is provided with well-equipped apartment the relevant body of the Executive must provide him/her with costs for renting a dwelling.

Judges of Constitutional Court shall be provided with state medical care. Judges of Constitutional Court shall be paid cash benefits at the rate of two-months salary for the medical treatment.

The place of permanent residence of a Judge of Constitutional Court shall be provided with the telephone communication.

Article 95. Staff of Constitutional Court

The staff of Constitutional Court composed of the Secretariat and other departments shall provide legal, organizational, informational, material and technical, financial support and logistics for the activities of Constitutional Court.

The staff of Constitutional Court shall act according to the Internal Regulations on the Staff of Constitutional Court to be approved by the Chairman of Constitutional Court.

With a view to ensuring its work Constitutional Court may create a library, printing-office and scientific research centre.

The structure, list of staff members of Constitutional Court as well as the estimate of costs and salaries of employees shall be determined by the Chairman of Constitutional Court.

The staff of Constitutional Court shall pass attestation. The staff employers of Constitutional Court shall be conferred the relevant rank upon the results of attestation.

Procedure of passing attestation and conferring the rank shall be determined by the legislation of Azerbaijan Republic.

Staff of Constitutional Court shall receive the monthly salary equal to the monthly salary of the staff of Milli Mejlis of Azerbaijan Republic as well as the rise to salaries for the class rank.

The Chairman of Constitutional Court shall manage the staff of Constitutional Court.

Article 96. Responsibilities of the Staff of Constitutional Court

The staff of Constitutional Court shall:

- ensure the activities of Constitutional Court and its Judges;
- prepare the reference papers and other informational materials necessary for the activities of Constitutional Court;
- provide Constitutional Court with Clerks of court sessions;
- arrange shorthand reports of the sessions of Constitutional Court;
- conduct the clerical work of Constitutional Court;
- ensure the registration and storage of the documents of Constitutional Court;
- resolve the material, technical, financial and domesticity matters connected with the activities of Constitutional Court and its Judges;
- fulfill various instructions of the Chairman, Deputy Chairman and Judges of Constitutional Court connected with the activities of Constitutional Court;
- fulfill other duties arising in connection with the activities of Constitutional Court;

Article 97. Rights and Responsibilities of the Staff of Constitutional Court

The staff employees of Constitutional Court shall be recruited and dismissed by the Chairman of Constitutional Court.

The rights, responsibilities and liabilities of the staff employees of Constitutional Court shall be regulated by the labour legislation of Azerbaijan Republic and the Internal Regulations on the Staff of Constitutional Court.

Article 98. Entry Into Force of the Present Law

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