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

**DRAFT RULES OF PROCEDURE  
OF THE CONSTITUTIONAL COURT  
OF THE REPUBLIC OF AZERBAIJAN**

DRAFT

**THE CONSTITUTIONAL COURT  
OF AZERBAIJAN REPUBLIC**

**RULES OF PROCEDURE**

The present Rules of Procedure are intended for strengthening the legal framework, and increasing the working efficiency of the Constitutional Court.

**Chapter One**

**General Provisions**

**Article 1. Principles of Activity of the Constitutional Court of Azerbaijan Republic**

- I. The Constitutional Court of Azerbaijan Republic (hereinafter “the Constitutional Court”) shall be the body of supreme constitutional justice on the issues attributed to its jurisdiction by the Constitution of Azerbaijan Republic.
- II. Activities of the Constitutional Court shall be built on principles of supremacy, justice, independence, collective nature and openness of the Constitution of Azerbaijan Republic.
- III. The issues attributed to jurisdiction of the Constitutional Court of Azerbaijan Republic by the Constitution of Azerbaijan Republic and the Law of Azerbaijan Republic «On Constitutional Court” shall be considered at the court sessions or through written procedures.
- IV. Except for cases of business trip, annual leave of being ill, the judges of the Constitutional Court should necessarily be present at the court sessions and voting process in determined order, during adoption of the court’s resolutions.
- V. Sessions of the Constitutional Court shall, as a rule, be held in the building of the Constitutional Court.
- VI. Special regime for the building of the Constitutional Court shall be determined by the Chairman of the Constitutional Court. No inspections or examinations can be conducted within the building of the Constitutional Court without the Chairman’s permission.
- VII. Clerical work at the Constitutional Court shall be conducted in accordance with the Guidelines “On Conduct of Clerical Work at the Constitutional Court” approved by the Chairman of the Constitutional Court.

**Article 2. Sessions of Judges**

- I. In accordance with the Law of Azerbaijan Republic “On Constitutional Court” Chairman of the Constitutional Court shall call a session of the judges of the Constitutional Court for resolution of issues provided for in Article 8.4 of the Law. The session of judges can also be called by request of any of the judges.
- II. Employees of the Staff of the Constitutional Court and other persons can be invited to attend the session of judges of the Constitutional Court.
- III. Minutes can be drafted at the session of judges of the Constitutional Court.
- IV. Resolutions of the session of judges of the Constitutional Court shall be binding for the staff of the Constitutional Court.

**Article 3. Responsibilities of the Chairman of the Constitutional Court**

- I. Except for provisions of Article 21 of the Law of Azerbaijan Republic «On Constitutional Court», the Chairman of the Constitutional Court shall undertake the following responsibilities concerning organization of activities of the Constitutional Court:
- 1) Ensure proper observance of the Rules of Procedure of the Constitutional Court;
  - 2) Determine number and composition of the Constitutional Court Chambers, as well as dates for their sessions. Taking into consideration the number of staff and other reasons, the sessions of the Constitutional Court Chambers can also be conducted on other days;
  - 3) Ensure participation of judges of one Chamber in sessions of another Chamber, when necessary;
  - 4) Organize replacing of the Reporter-Judge;
  - 5) Submit the planned schedule of the Constitutional Court for approval by the Constitutional Court. Call regular sessions of the Constitutional Court Chambers, summon extraordinary plenary sessions of the Constitutional Court or sessions of judges, at own initiative or initiative of one or more judges, chair those sessions and sessions;
  - 6) Approve service business trips of judges of the Constitutional Court;
  - 7) Approve the attestation commission, ensure attestation of the support staff of the Constitutional Court;
  - 8) Organize the work of professional development of the staff of the Constitutional Court;
  - 9) At the end of each year, provide a report on activity of the Constitutional Court, at the session of judges of the Constitutional Court, and regularly update the judges on own activity.

**Article 4. Statement of the Chairman of the Constitutional Court**

- I. Resolution of the session of judges of the Constitutional Court on providing the Chairman of the Constitutional Court with right to make statements on behalf of the Constitutional Court, shall be adopted by initiative of any of the judges, and be prepared as a separate document with the text of the statement enclosed.
- II. The Chairman of the Constitutional Court cannot evade from making statements. When adopting a resolution on making statements on behalf of the Constitutional Court the judges being in minority, should not protest in public.

**Article 5. Countdown of Deadlines**

- I. Countdown of deadlines concerning effect of legal results shall start on the day following the calendar day specified by the Law of Azerbaijan Republic «On Constitutional Court» or by a resolution of the Constitutional Court.
- II. The deadlines, which are counted by days, shall be over at 12 PM of the last day. Shall the last day of a deadline fall on a non-working day, the following day is considered the deadline.

## Chapter Two

### Acceptance of Requests, Applications and Complaints, Preparation of Issues and Determination of Their Consideration

#### **Article 6.** Registration, Consideration and Forwarding of Requests, Applications and Complaints for Examination

- I. Requests, applications, references and complaints shall be registered by the relevant department of the staff of the Constitutional Court.
- II. Deadline for consideration of requests, applications, references and complaints shall be counted from the day they are accepted by the Constitutional Court.
- III. After being registered, the requests and applications referred to jurisdiction of the Constitutional Court by provisions of the Constitution of Azerbaijan Republic and the Law of Azerbaijan Republic "On Constitutional Court" shall immediately be reported to the Chairman of the Constitutional Court.
- IV. The complaints registered by the Constitutional Court shall, in compliance with Article 36.1 of the Law of Azerbaijan Republic "On Constitutional Court" be studied by the relevant department of the staff of the Constitutional Court.

The complaints corresponding to requirements provided for in Article 34.6 of the Law of Azerbaijan Republic "On Constitutional Court", together with a reference drafted by the relevant department of the Constitutional Court as a result of the complaint examination, shall within 5 days be reported to the Chairman of the Constitutional Court".

The applications and complaints not referred to responsibilities of the Constitutional Court by provisions of the Law of Azerbaijan Republic "On Constitutional Court, shall within 5 days be forwarded to the relevant state body of Azerbaijan Republic for appropriate consideration.

- V. If the relevant department of the Constitutional Court defines that the complaint does not correspond to requirements of Article 34.6 of the Law of Azerbaijan Republic "On Constitutional Court", they shall notify the petitioner on the matter and return him/her the complaint, suggesting to eliminate the existing drawbacks. After eliminating the drawbacks, the petitioner can sent the complaint back to the Constitutional Court.

Complaint of the petitioner who does not agree with notification of the relevant department of the Constitutional Court, shall be sent by the Chairman of the Constitutional Court to the judges of the Constitutional Court for examination.

#### **Article 7.** Examination of Requests, Applications and Complaints

- I. The Chairman of the Constitutional Court, taking into consideration the complexity, volume and quantity of work to be undertaken by the judges with respect to requests, applications and complaints of individuals and legal entities corresponding to provisions of Article 34 of the Law of Azerbaijan Republic «On Constitutional Court», registered by the Constitutional Court, shall assign one or more Reporter-Judges on each issue to be considered.
- II. After receiving the requests, applications or complaints, the Reporter-Judges shall submit their copies to other judges within the Constitutional Court Chamber. Upon request by the judges of the Constitutional Court Chamber, the Reporter-Judge shall provide them with all documents and materials concerning the requests, applications and complaints.

- III. The Reporter-Judge examining the request, application or complaint can give instructions to the departments and other sections of the Constitutional Court, in the order specified in Article 36.4 of the Law of Azerbaijan Republic «On Constitutional Court». Such instruction shall be communicated to the relevant departments and other sections of the Constitutional Court through the heads of those departments and sections.
- IV. The Reporter-Judge shall, within the timeline specified in the Law of Azerbaijan Republic «On Constitutional Court», organize and ensure the implementation of his/her instructions, and examination of the requests, applications and complaints she/he deals with.
- V. If the Reporter-Judge is on business trip, annual leave or is sick, or fails to undertake his/her responsibilities for a long period due to some other reasons, the Chairman of the Constitutional Court shall at own initiative or by request of the Reporter-Judge, assign another Reporter-Judge, in order to prevent violation of deadlines specified in the Law of Azerbaijan Republic «On Constitutional Court» with respect to consideration of requests, applications or complaints.

**Article 8. Informing of Judges on Requests, Applications and Complaints Received or Submitted for Examination**

Staff of the Constitutional Court shall keep a docket of requests, applications and complaints received or submitted for examination to judges of the Constitutional Court Chambers, and at least once a month, submit it to the Chairman of the Constitutional Court and to the judges of relevant Chambers of the Constitutional Court.

**Article 9. Requiring of Necessary Documents, Materials and Cases**

- I. The necessary documents, materials and cases can be required by the Reporter-Judge, when the documents, materials and cases are being prepared to be considered at the Chamber sessions or plenary sessions of the Constitutional Court, or correspondingly, by the Chambers or Plenum of the Constitutional Court when the documents, materials and cases are considered at the Chamber sessions or plenary sessions of the Constitutional Court. In accordance with Articles 62.1 and 68.1 of the Law of Azerbaijan Republic «On Constitutional Court», the Chambers or Plenum of the Constitutional Court shall adopt a resolution on requiring of the necessary documents, materials and cases.
- II. Parties (petitioners) and interested subjects can apply to the Reporter-Judge, during examining and preparing the issue for consideration by the Chambers or plenary sessions of the Constitutional Court, or correspondingly, to the Chambers or Plenum of the Constitutional Court, when the issue is considered by the Chambers or plenary sessions of the Constitutional Court, with a petition to require the necessary documents, materials and cases.
- III. The claim of the Constitutional Court requiring the necessary documents, materials and cases shall be signed by the Reporter-Judge during preparing the issue for consideration by the Chambers or plenary sessions of the Constitutional Court, or correspondingly, by the person chairing the court sessions when the issue is considered by the Chambers or Plenary sessions of the Constitutional Court.

**Article 10. Inviting Experts and Specialists**

- I. An expert can be invited by the Reporter-Judge, during preparing the requests, applications or complaints for consideration by the Chambers or plenary sessions of the Constitutional Court, or correspondingly by the Chambers or Plenum of the Constitutional Court, when the case is considered by the Chambers or plenary sessions of the Constitutional Court.
- II. The Chambers or Plenum of the Constitutional Court, can invite an unbiased specialist (specialists) for consultations, examinations, and investigation of various documents.

**Article 11. Accept of Requests, Applications and Complaints for Execution**

- I. After the period of preparation to sessions of the Constitutional Court Chambers is over, the resolution of issues on accept of or refusal to accept the requests, applications and complaints specified in Articles 130.3 – 130.7 of the Constitution of Azerbaijan Republic and Articles 32-35 of the Law of Azerbaijan Republic «On Constitutional Court», shall be raised at sessions of the Constitutional Court Chambers, and resolution of the issue concerning applications specified in Article 58.1 of the Law of Azerbaijan Republic «On Constitutional Court» be raised at plenary sessions of the Constitutional Court.
- II. Parties (petitioners) and interested subjects concerned with accept for execution of requests, applications and complaints, shall in advance be informed on place and date the Chamber sessions or plenary sessions of the Constitutional Court are supposed to be conducted.
- III. Sessions of the Constitutional Court Chambers on accept of or refusal to accept for execution the requests, applications and complaints shall be held in private. Only judges of the relevant chamber shall be present in such sessions. When necessary, the parties (petitioners), interested subjects and other persons can be invited to the sessions of the Constitutional Court Chambers. Minutes shall be taken at sessions of the Constitutional Court Chambers.
- IV. Separate resolution shall be adopted on each request, application or complaint accepted for execution by the Chambers or Plenum of the Constitutional Court, and that resolution be shown in minutes of the session of the Constitutional Court. In the cases provided for in the Law of Azerbaijan Republic «On Constitutional Court», such resolutions shall be sent to the parties (petitioners) and interested subjects.
- V. Resolutions of the Chambers or Plenum of the Constitutional Court on refusal to accept for execution the requests, applications and complaints shall be designed as a separate documents. Resolutions of the Chambers or Plenum of the Constitutional Court on refusal to accept for execution the requests, applications and complaints shall be well-grounded.
- VI. Shall suggestion of the Reporter-Judge to accept for execution the requests, applications and complaints be declined, s/he prepares a text for resolution of the Constitutional Court on refusal to accept for execution the requests, applications and complaints, based on discussions conducted. Shall the basis for refusal to accept for execution the requests, applications and complaints be not fully clear to the Reporter-Judge, upon his request the judges that voted for such resolution, prepare their arguments in writing and submit them to the Reporter-Judge.

**Article 12. Preparation of a Constitutional Case**

- I. All documents concerning the request, application or complaint, shall be kept by the Reporter-Judge.
- II. After an issue is included in agenda of the Constitutional Court, the original copies of requests, applications or complaints, along with all enclosed documents, the opinions received with respect to the requests, applications or complaints, copies of claims and requests sent by the Reporter-Judge, answers thereto, opinions of experts and specialists, as well as the documents received additionally during the stage of preparing the case for the Plenary session of the Constitutional Court, shall be sent to the relevant department of the Constitutional Court, for preparing the constitutional case and returning all the documents to the Reporter-Judge, prior to the Plenary session of the Constitutional Court.

**Article 13. Appointing the Constitutional Case for Consideration by the Constitutional Court Plenum**

- I. Date and time of consideration of a constitutional case at the plenary session of the Constitutional Court shall be determined by the Chairman of the Constitutional Court.
- II. When determining priority of consideration of constitutional cases at the plenary sessions of the Constitutional Court, the Chairman of the Constitutional Court shall take into account regularity of requests, applications and complaints. In necessary cases, the Chairman can change succession in consideration of the cases.

**Article 14. Notification on Plenary Session of the Constitutional Court**

- I. Notification on Plenary session of the Constitutional Court shall be sent to parties (petitioners) and interested subjects in advance. In compliance with Article 43 of the Law of Azerbaijan Republic «On Constitutional Court», the parties (petitioners) and interested subjects shall get familiar with the case materials.
- II. Along with the subjects provided for in Article 130 of the Constitution of Azerbaijan Republic, other state bodies and officials can also be informed about the plenary sessions of the Constitutional Court on cases related to provision of commentaries on the Constitution of Azerbaijan Republic. Representatives of those state bodies, officials or their representatives can be heard at the plenary sessions of the Constitutional Court.

**Article 15. Proposal of the Constitutional Court Plenum on Invalidation or Termination of Validation Process of Controversial Intergovernmental Agreements**

- I. Prior to finalizing consideration of the constitutional case, the Constitutional Court Plenum can deliver a suggestion on invalidation or termination of validation process of the controversial intergovernmental agreements of Azerbaijan Republic.
- II. In such case, the Constitutional Court Plenum shall make a resolution in the determined order, and submit it to the President of Azerbaijan Republic.

**Article 16. Notification about Requests, Applications and Complaints Accepted for Execution and Constitutional Cases Appointed for Consideration**

- I. The docket of both requests, applications and complaints accepted for execution and cases appointed for consideration by the Constitutional Court, shall be sent by staff of the Constitutional Court to all judges of the Constitutional Court on the monthly basis.
- II. The Press Service of the Constitutional Court shall provide the Mass Media with information on appointment of the constitutional cases for consideration, and about date and time of the relevant consideration.

### *Chapter Three*

#### **Conduct of Plenary Sessions of the Constitutional Court**

##### **Article 17. Time of Conduct of Court Sessions**

- I. Plenary sessions of the Constitutional Court can be held on any day of week, except Saturdays and Sundays. Court sessions shall be held from 11 AM to 13 AM in mornings, and from 15 PM to 17 PM in afternoons. If consideration of a constitutional case is not completed during the specified hours, the consideration process at the plenary session of the Constitutional Court shall be continued on the next regular working day.
- II. In the cases provided for in Articles 57-58 of the Law of Azerbaijan Republic «On Constitutional Court», extraordinary plenary sessions of the Constitutional Court shall be conducted. Such sessions can be held also on Saturdays and Sundays, at hours specified in Item I of this Article.

##### **Article 18. Order of Allowing the People who Want to Participate in Open Sessions of the Court, into the Courtroom**

- I. Persons, who want to participate in open plenary sessions of the Constitutional Court, shall be allowed in the courtroom either before considering the case, or during breaks, taking into consideration vacant seats.
- II. Mass Media representatives accredited by the Constitutional Court, shall be allowed in the courtroom upon presenting their accreditation cards, and other other journalists be allowed in, taking into consideration vacant seats in the courtroom of the Constitutional Court.

##### **Article 19. Some Procedures and Rules of Courtesy in the Constitutional Court Sessions**

- I. When judges of the Constitutional Court enter the courtroom, the secretary of the court session shall make the following announcement: “All rise, the Constitutional Court of Azerbaijan Republic in session!” The people present in the courtroom shall rise in both cases when judges of the Constitutional Court enter or leave the courtroom.
- II. Parties (petitioners) to the Constitutional Court execution, subjects interested in special constitutional execution, as well as other participating persons shall speak or give explanation in standing position, after they are given the floor by the presiding person. When necessary, they can be provided with opportunity to speak, give explanation or answer the questions in sitting position, by permission of the presiding person.

- III. When applying to the Constitutional Court or its judges, any person shall use such forms of address as “Esteemed Court”, “Esteemed Judges” or “Your Honor”, corresponding to their high status. When applying to the persons, that participate during constitutional execution at the Constitutional Court meeting, the word “Esteemed” should be added before titles or surnames of those persons.
- IV. The person presiding the court session shall not be considered right, when restricting the powers provided to a judge of the Constitutional Court by Article 17 of the Law of Azerbaijan Republic «On Constitutional Court”. During the court session, the judges of the Constitutional Court should not with their comments or remarks interrupt explanations by parties (petitioner) or interested subjects, testifications by experts or witnesses, questions of other judges, instructions and orders of the presiding person.
- V. The persons present in the courtroom, including the mass media representatives, should treat the Constitutional Court, the parties to the Constitutional Court execution, the subjects interested in special Constitutional Court execution, other persons and each-other with respect, obey the orders of the presiding person on observance of the determined rules in the courtroom, not undertake actions concerning asking of guiding questions not related to the considered constitutional case, comings and leavings or conversations during the Constitutional Court session, nor hamper anyhow the course of the session.

#### **Article 20. Procedure of Plenary Sessions of the Constitutional Court**

- I. After ensuring that the plenary session of the Constitutional Court is authorized, the presiding person shall declare the session open and announce the case to be considered.
- II. The presiding person shall give the floor to the secretary of the court session to provide information on the parties (petitioner), interested subjects and other involved persons (expert, specialist, witness, translator, etc) attending the session, as well as on reasons of absence of those who failed to come.
- III. The presiding person shall announce the name of the constitutional case, the staff of the Constitutional Court participating in the plenary session, the secretary of the court session, parties (petitioner) and interested subjects, and check their powers when necessary.
- IV. The presiding person shall explain to each of the persons participating in consideration of the constitutional case, their rights and responsibilities.  
If the person supposed to participate in consideration of the constitutional case, fails to come to the plenary session of the Constitutional Court, the plenary session of the Constitutional Court shall hear comments of a party (petitioner) or interested subject on possibility of considering the case without participation of that person, and make a relevant resolution on continuing the case consideration or postponing it to another time.
- V. The presiding person shall explain to the parties (petitioners) and interested subjects the rights to object to the judges participating in the court session, or grounds to object provided for in Article 46.1 of the Law of Azerbaijan Republic «On Constitutional Court”.
- VI. Essential consideration of the constitutional case shall start with the speech of the Reporter-Judge.

- VII. After the speech of the Reporter-Judge, the floor shall be given to the parties (petitioner) or the interested subjects. The first person (petitioner) or interested subject, that makes request, shall take the floor.

After the parties (petitioner) or interested subjects make speech, the presiding person shall allow the judges to ask questions to the parties (petitioner) or interested subjects that have made speech. After that, the opportunity to ask questions shall be given to other parties (petitioner)

- VIII. The persons (witnesses, experts, specialists, etc) invited to the court in necessary cases, shall be heard.
- IX. The person presiding the session, can announce a break. If the case is not possible to be completed in one working day, the presiding person shall announce a recess and provide information on the time of the next session.
- X. Parties (petitioners) or interested subjects can make final speech
- XI. Consideration of the case at the plenary session of the Constitutional Court shall be over with making a resolution to leave for the conference room and declaring by the presiding person the date when the act of the Constitutional Court is to be announced.
- XII. After returning from the conference room, the person presiding the court session or the Reporter-Judge shall announce the resolution of the plenary session of the Constitutional Court.
- XIII. Before the final part of resolution of the plenary session of the Constitutional Court is announced, the secretary of the court session shall call the people, which are present in the courtroom, to rise.

#### **Article 21. The Person Presiding the Plenary Sessions of the Constitutional Court**

- I. Plenary sessions of the Constitutional Court shall be presided by the Chairman of the Constitutional Court, and when s/he is absent or upon her/his instruction, by the deputy Chairman of the Constitutional Court, or when s/he is absent, by the oldest judge of the Constitutional Court.
- II. A Reporter-Judge cannot preside plenary sessions of the Constitutional Court.

#### **Article 22. Rules of Objecting to Judges, or Self-Objection**

- I. Parties (petitioners) or interested subject can in any stage of the court session object to the judge, based on provisions of Article 46.1 of the Law of Azerbaijan Republic «On Constitutional Court», or the judge commit self-objection.
- II. When the judge of the Constitutional Court is objected, or the judge commits self-objection, the presiding person shall postpone the court session in compliance with Article 47.1.4 of the Law of Azerbaijan Republic «On Constitutional Court», the issue be considered in the conference room, and the resolution adopted through open voting corresponding to Article 46.1.3 of the Law of Azerbaijan Republic «On Constitutional Court», be announced at the court session by the presiding person.
- III. When objection concerning the judge of the Constitutional Court is satisfied, the court session without participation of the discharged judge, shall be continued from the moment to which it is postponed.
- IV. When objection concerning the judge of the Constitutional Court is satisfied, the Chairman of the Constitutional Court shall appoint another Reporter-Judge for the case. In such case, session concerning the postponed case shall be started again.

**Article 23. Keeping the Witnesses Out the Courtroom of the Constitutional Court Until They are Heard**

The witnesses participating in consideration of a constitutional case shall be kept out the courtroom of the Constitutional Court until they are heard.

**Article 24. Translator**

- I. In accordance with Article 29.2 of the Law of Azerbaijan Republic «On Constitutional Court», the Plenum of the Constitutional Court shall arrange participation of a translator in the constitutional execution for the persons, which participate in the session but do not speak Azerbaijani, upon petition of the parties or their representatives, or upon own initiative.
- II. Prior to participation in the court session, the presiding person shall identify personal data of the translator (name, surname, patronymic, date of birth, education, place of working or residence), explain him/her the responsibility to fully and accurately translate for the persons that participate in the session, but do not speak Azerbaijani, the content of testifications, documents named during the session, orders of the presiding person and resolutions of the Constitutional Court Plenum, and warn him/her on liability for deliberate wrong translations, noting that in minutes of the court session.
- III. Prior to starting translation, the translator shall take the following oath before the Constitutional Court Plenum, and put his/her signature under its text: “I swear to meet requirements of Article 29 of the Law of Azerbaijan Republic «On Constitutional Court», and ensure accurate and complete translation.” Text of the oath signed by the translator shall be attached to the materials of the constitutional case.

**Article 25. Speech of the Reporter-Judge**

- I. In his/her speech, the Reporter-Judge shall explain the essence of the considered issue, analyze types of a constitutional case, provide both summary of documents related to the constitutional case, and information about measures taken for preparing the case.
- II. In his/her speech, the Reporter-Judge should not express own opinion about the results of the constitutional case.
- III. Judges of the Constitutional Court can question the Reporter-Judge.

**Article 26. Appearance of Parties during the Constitutional Court Execution**

- I. If parties are represented by several representatives, all the representatives can make a speech.
- II. In his/her speech, the petitioner shall explain the essence of the issue and provide evidence to ground his/her position.
- III. In his/her speech, the defendant shall utter own position with regard to the request and provide evidence to ground his/her position.

**Article 27. Appearance of Interested Subjects during Special Constitutional Execution**

- I. If interested subjects are represented by several representatives, all the representatives can make a speech.
- II. In his/her speech, a representative of a body provided by the Constitution of Azerbaijan Republic with right to apply to the Constitutional Court, shall explain the reasons for application and express an opinion about the resolution s/he looks forward from the Constitutional Court.
- III. In their speech, the representatives of the bodies, interests of which have been infringed on the basis of such applications, or the persons themselves, whose interests have been infringed, shall express and ground their positions with regard to the application.

#### **Article 28. Hearing of Experts**

- I. Prior to appearance at the court session, the presiding person shall identify personal data of the person involved as an expert (name, surname, patronymic, work place, education, degrees, special and honorary titles), explain him/her the rights and responsibilities of the expert provided for in Article 40 of the Law of Azerbaijan Republic «On Constitutional Court», and warn him/her on liability for deliberate provision of false opinions, noting that in minutes of the court session.
- II. The expert shall take the following oath before the Constitutional Court, and put his/her signature under its text: “I swear to meet requirements of Article 45 of the Law of Azerbaijan Republic «On Constitutional Court”, and provide an unbiased opinion based on my professional knowledge.” Text of the oath signed by the expert shall be attached to the materials of the constitutional case.
- III. Hearing of experts shall commence with hearing of experts of the petitioner or experts of the subject that has obtained through the Constitution of Azerbaijan Republic the right to apply to the Constitutional Court. After that, experts of the defendant or experts of the subject whose interests have been infringed as a result of an application to the Constitutional Court in the cases provided for in the Constitution of Azerbaijan Republic, and then the experts invited by initiative of the Constitutional Court, shall be heard.
- IV. The person presiding the plenary session of the Constitutional Court shall suggest each expert to utter his/her opinion regarding the constitutional case to the Constitutional Court Plenum. The expert can be asked questions, after his/her speech. Firstly the petitioner or the subject that has obtained through the Constitution of Azerbaijan Republic the right to apply to the Constitutional Court, and then the defendant or the subjects whose interests have been infringed as a result of an application to the Constitutional Court in the cases provided for in the Constitution of Azerbaijan Republic, shall question the expert.
- V. Judges of the Constitutional Court can give questions to experts at any time they are heard.

#### **Article 29. Expert’s Opinion**

- I. The expert’s opinion shall be submitted in writing, and information about the expert, including his/her signature be displayed under the education, specialty, scientific degree and title of the person undertaking the examination, the name of the case examined for consideration, answers to questions set before the expert by resolution of the Constitutional Court, and the text of the opinion drafted in determinate order.

- II. When conduct of an examination is entrusted with a group of experts, all the experts shall sign the agreed opinion. If opinions of the experts differ, each of them shall draft own opinion.
- III. If the Constitutional Court decides that the expert's opinion is not complete or clear, it can make a resolution on conduct of additional or repeat examination with respect to the case. Additional examination shall be entrusted with the same or other expert, and the repeat examination be entrusted with other expert(s).

**Article 30. Participation of Witnesses in Court Sessions**

- I. Prior to hearing a witness at the plenary session of the Constitutional Court, the presiding person shall identify his/her personal data (name, surname, patronymic, date of birth, place of residence), explain him/her provisions of Article 44 of the Law of Azerbaijan Republic «On Constitutional Court», and warn him/her on liability for deliberately false testification, noting that in minutes of the court session.
- II. The witness shall take the following oath before the Constitutional Court Plenum, and put his/her signature under its text: "I swear to follow the requirements of Article 44 of the Law of Azerbaijan Republic «On Constitutional Court», and tell truth and nothing but truth." Text of the oath signed by the witness shall be attached to the materials of the constitutional case.
- III. Hearing of witnesses shall commence with hearing of witnesses of the petitioner or witnesses of the subject that has obtained through the Constitution of Azerbaijan Republic the right to apply to the Constitutional Court. After that, witnesses of the defendant or witnesses of the subject whose interests have been infringed as a result of an application to the Constitutional Court in the cases provided for in the Constitution of Azerbaijan Republic, and then the witnesses invited by initiative of the Constitutional Court, shall be heard.
- IV. The person presiding the plenary session of the Constitutional Court shall suggest each witness to tell the information s/he knows regarding the constitutional case to the Constitutional Court Plenum. The witness can be asked questions, after his/her speech. Firstly the petitioner or the subject that has obtained through the Constitution of Azerbaijan Republic the right to apply to the Constitutional Court, and then the defendant or the subject whose interests have been infringed as a result of an application to the Constitutional Court in the cases provided for in the Constitution of Azerbaijan Republic, shall question the witness.
- V. Judges of the Constitutional Court can give questions to witnesses at any time they are heard.

**Article 31. Announcing of Documents**

- I. The documents enclosed to the constitutional case, or submitted to the court during the court session, shall be announced at the session of the Constitutional Court. After that, the parties or interested subjects can provide explanations with regard to announcing of the documents.
- II. The documents presented at the session of the Constitutional Court shall be enclosed to the constitutional case based on the Constitutional Court resolution.

**Article 32. Resolution of Petitions**

- I. When the constitutional case is to be considered, the parties, interested subjects and experts can submit petitions to the Constitutional Court Plenum.
- II. The petitions submitted in writing shall, upon instruction of the person presiding the plenary session of the Constitutional Court, be announced and enclosed to the constitutional case by the secretary of the court session.
- III. The petition shall be approved or rejected by resolutions of the Constitutional Court plenum, adopted at that session.

**Article 33. Final Appearance of Parties and Interested Subjects**

- I. During the Constitutional Court execution, the parties can make final speech on issues covering analyzes of materials and evidence examined with respect to resolution of the constitutional case considered by the plenary session of the Constitutional Court, their legal value and importance to the considered case, as well as on the issues to be considered by the Constitutional Court Plenum when making resolutions.
- II. The Constitutional Court can allocate time to the parties for getting prepared to the final speech.
- III. During the special constitutional examination, the interested parties can make final speech concerning resolution of the constitutional case considered at the plenary session of the Constitutional Court as well as on the issues to be considered by the Constitutional Court Plenum when making resolutions.
- IV. After final appearance of the parties or interested subjects, the Constitutional Court Plenum shall make a resolution to leave for conference room.
- V. If after final appearance of the parties or interested subjects it becomes clear, that the constitutional case has not been studied completely and comprehensively, then the Constitutional Court Plenum can adopt a resolution on refreshing consideration of the case, in accordance with Article 48.2 of the Law of Azerbaijan Republic «On Constitutional Court».

**Article 34. Minutes of Court Sessions**

- I. Minutes shall be kept in all plenary sessions of the Constitutional Court. In order to ensure accuracy and completeness of minutes, shorthand writing can be used during court sessions.
- II. Minutes of private sessions of the Constitutional Court Plenum shall be recorded by the secretary of the court session. If the Constitutional Court Plenum decides to hold a session without participation of the court session secretary, then minutes of such session shall be kept by one of judges of the Constitutional Court, as instructed by the Chairman of the Constitutional Court.
- III. Only the judges of the Constitutional Court can get familiarized with the minutes of the private session. The judges participating at the court session can make remarks concerning the minutes of that session.
- IV. Minutes of a court session should display the following:
  - 1) Date of the Constitutional Court session;
  - 2) Place of the Constitutional Court session;
  - 3) Name, patronymic and surname of the person presiding the Constitutional Court session;

- 4) Names, patronymics and surnames of the judges attending the Constitutional Court session;
  - 5) Name, patronymic and surname of the secretary of the Constitutional Court session;
  - 6) Agenda of the Constitutional Court session;
  - 7) Information about parties, interested subjects and their representatives, attending the Constitutional Court session;
  - 8) Information about presence of parties, interested subjects, witnesses and experts that participated in consideration of the constitutional case;
  - 9) Information on actions of the Constitutional Court, indicating their order of succession;
  - 10) Speech of the Reporter-Judge, speeches and petitions of parties and interested subjects, questions given to them and their corresponding answers;
  - 11) Orders of the person presiding the Constitutional Court, and resolutions adopted by the Constitutional Court;
  - 12) Appearance of witnesses and experts, questions given to them and answers to such questions;
  - 13) Final appearance of parties and final words of interested subjects.
- V. Minutes of the Constitutional Court session shall be signed by the person presiding the Constitutional Court session and the secretary of the court session, and be attached to the constitutional case.

#### **Article 35. Method of Consideration of a Case through Written Procedures**

- I. in accordance with Article 27.2 of the Law of Azerbaijan Republic «On Constitutional Court», if the documents collected for the constitutional case are sufficient for essential consideration of the case, the Constitutional Court Plenum can propose to parties or interested subjects a process of considering the case through written procedures.
- II. Shall the parties or interested subjects agree with considering the case through written procedures, the Constitutional Court Plenum adopts a resolution on considering the case through written procedures, without conduct of a court session and participation of parties.
- III. Consideration of the case through written procedures shall be held in conference room.
- IV. Copy of the adopted resolution shall within 3 days be sent to the parties (petitioners) or interested subjects.

### ***Chapter Four***

#### **Resolution of the Constitutional Court Plenum**

#### **Article 36. Preparation and Adoption of Resolution of the Constitutional Court Plenum**

- I. The Reporter-Judge can draft resolution of the Constitutional Court Plenum, and depending on nature and complexity of the case, s/he can also compile a list of questions which s/he thinks are to be discussed and resolved during conference of judges on adoption of the resolution. In such case, the Reporter-Judge can offer grounded answers to those questions. The list of questions defining the essence of the resolution, prepared by the Reporter-Judge, as well as the materials concerning

the draft resolution should be submitted to the judges participating in consideration of the case, after preparing the case to consideration is over, but before the case is considered at the plenary session of the Constitutional Court.

- II. After consideration of the issue is over, the Reporter-Judge can present a draft resolution based on the materials investigated by the Constitutional Court Plenum.
- III. Shall there be a clash of opinions among the Reporter-Judges concerning all or part of the questions, each of them prepares own list of questions or a draft resolution.
- IV. Each judge participating at the plenary session of the Constitutional Court, can also provide own list of questions or a draft resolution.
- V. Even though all the judges participating in the conference agree with the draft resolution, the resolution of the Constitutional Court Plenum cannot be adopted without voting.
- VI. Resolution of the Constitutional Court Plenum shall be adopted by open voting, after asking individually all the judges about their opinions. Individual asking of all judges about their opinions during voting on amendments shall be carried out, if required by at least three judges. In all cases, the person presiding the court session shall give the final vote.
- VII. Resolution of the Constitutional Court Plenum shall be signed by the person presiding over the court session. Copy of resolution of the Constitutional Court Plenum shall be signed by all judges that have voted for that resolution, and be kept by the Chairman of the Constitutional Court.

**Article 37. Deadline for Provision of a Special Opinion by Judge of the Constitutional Court**

Special opinion of the judge of the Constitutional Court should be provided not later than 5 days from the day the resolution of the Constitutional Court is announced. The special opinion of the judge of the Constitutional Court shall be enclosed to the resolution of the Constitutional Court.

**Article 38. Adoption of Resolution of the Constitutional Court Plenum**

- I. In cases provided for in Article 68.1 of the Law of Azerbaijan Republic «On Constitutional Court», the Constitutional Court Plenum shall adopt a resolution.
- II. Voting procedures for adoption of a resolution as a separate document shall be determined by rules specified by the present Rules of Procedure for adoption of the resolution of the Constitutional Court Plenum, unless otherwise is provided by the Law of Azerbaijan Republic «On Constitutional Court» and the present Rules of Procedure.
- III. The resolution of the Constitutional Court Plenum shall be signed by the person presiding the court session.

**Article 39. Sending the Resolution and the Resolution of the Constitutional Court for Publishing**

Copies of approved resolutions or resolutions to be published of the Constitutional Court, shall be sent to official printing bodies for publishing. In such cases, the text of such resolution or resolution shall be finished with words “The Constitutional Court of Azerbaijan Republic”, and no signatures of the presiding person be displayed on those copies.

**Article 40. Summary of Practice of Implementation of the Constitutional Court Resolutions**

- I. The Constitutional Court shall regularly analyze the status of implementation of the resolutions adopted.
- II. The relevant department of the Constitutional Court shall submit semi-annual and annual information-analytic reports on implementation of resolutions of the Constitutional Court Plenum to the judges of the Constitutional Court. When necessary, the Chairman of the Constitutional Court shall give instructions on preparation of information on implementation of several concrete resolutions of the Constitutional Court Plenum.
- III. When the cases of non-implementation or partial implementation of a resolution of the Constitutional Court Plenum are revealed, the Chairman of the Constitutional Court can put forward suggestions concerning actions to ensure implementation of the resolution of the Constitutional Court Plenum.

### *Chapter Five*

#### **Peculiar Consideration of Some Requests and Applications**

**Article 41.** Official Announcement of Results of the Presidential Elections of Azerbaijan Republic

- I. After the materials concerning results of the Presidential Elections of Azerbaijan Republic are received by the Constitutional Court, the Chairman of the Constitutional Court shall put up the issue to the plenary session of the Constitutional Court and a notification about the matter be sent to the Central Election Commission of Azerbaijan Republic, within the period provided for in Article 102 of the Constitution of Azerbaijan Republic.
- II. Statement of the Chairman of the Central Election Commission on results of the Presidential Elections of Azerbaijan Republic shall be heard at the plenary session of the Constitutional Court.
- III. The Constitutional Court Plenum shall adopt a resolution on the issue related to results of the Presidential Elections of Azerbaijan Republic, as specified in Articles 56.3 or 56.4 of the Law of Azerbaijan Republic «On Constitutional Court».

**Article 42.** Consideration of the Application on Retirement of the President of Azerbaijan Republic

- I. Within at least 3 days from the day the application on retirement of the President of Azerbaijan Republic is received, the Chairman of the Constitutional Court shall put up the issue to the plenary session of the Constitutional Court.
- II. The President of Azerbaijan Republic shall be invited to the session dedicated to this issue. Witnesses, experts and specialists can also be invited to the session, when necessary.
- III. The Constitutional Court Plenum shall adopt a relevant resolution on results of consideration of the application on retirement of the President of Azerbaijan Republic.

**Article 43.** Checking and Approving the Results of Elections of the Milli Majlis Deputies of Azerbaijan Republic

- I. Within at least 10 days after the results of general elections of the Milli Majlis deputies of Azerbaijan Republic are received by the Constitutional Court, and within at least 7 days after the results of by-elections of the Milli Majlis deputies of Azerbaijan Republic are received by the Constitutional Court, the Chairman of the Constitutional Court shall bring up the issue on checking and approving the results of such elections to the plenary session of the Constitutional Court, and a notification about the matter be sent to the Central Election Commission of Azerbaijan Republic.
- II. The Chairman and members of the Central Election Commission, as well as the persons that received deputy mandates of the Milli Majlis of Azerbaijan Republic shall be heard at the plenary session of the Constitutional Court dedicated to that issue.
- III. The Constitutional Court Plenum shall adopt a relevant resolution on results of the issue consideration.

**Article 44.** Consideration of the Issue regarding Provision of an Opinion on Amendments to the Constitution of Azerbaijan Republic

- I. Within at least 7 days after the proposals on amending the Constitution of Azerbaijan Republic are published, the Chairman of the Constitutional Court shall bring up that issue to the plenary session of the Constitutional Court.
- II. Specialists, other than representatives of the body that has submitted such proposals, can also be heard at the session of the Constitutional Court.
- III. An opinion on results of the issue consideration, verified by a resolution of the Constitutional Court, shall be adopted.

### *Chapter Six*

#### **Vacations and Business Trips of Judge of the Constitutional Court**

**Article 45.** Entitling Judges of the Constitutional Court to Vacations

- I. Entitling a judge of the Constitutional Court to vacation shall be carried in the order agreed between the judge and the Chairman of the Constitutional Court.
- II. The judge of the Constitutional Court can be entitled to vacation, divided in two or three parts.
- III. If the judge of the Constitutional Court is entitled to vacation, then the relevant department of the Constitutional Court shall 3 days prior to the day the judge takes vacation, provide him/her with leave payment, money allowance in amount of two-month salary (wage and bonuses) for having rest.
- IV. Judge of the Constitutional Court can be withdrawn from vacation only if there is no quorum for holding a plenary session of the Constitutional Court, and in other necessary business-related cases.
- V. Salary for the judge of the Constitutional Court withdrawn from vacation shall be accrued from the day s/he starts working, and upon his/her request, s/he can use in future the unused days of his/her vacation without receiving leave payment.
- VI. When calculating the leave money of the judge of the Constitutional Court for the next year, the unused vacation days for the previous year shall not be taken into account and no money allowance be paid instead.

**Article 46. Business Trips of Judges of the Constitutional Court**

- I. In the order agreed with the Chairman of the Constitutional Court, a judge of the Constitutional Court can go to business trips to get acquainted with legislative and judicial practice of other countries, or to participate in legal conferences, seminars, meetings and other similar events.
- II. For going to business trip, judge of the Constitutional Court should have an invitation and personal desire.
- III. When going to business trip, judge of the Constitutional Court shall be allocated with relevant money allowance for settling travel costs.
- IV. When going to business trip, judge of the Constitutional Court shall be paid:
  - 1) allowance for settling travel, hotel and per diem expenses (when calculating the amount of per diem, coefficient of 1.5 shall be applied to the amount determined by the Cabinet of Ministers of Azerbaijan Republic) – if s/he goes to business trip at the expense of the Constitutional Court;
  - 2) only 30% of the per diem amount – if s/he goes to business trip at the expense of the inviting party;
  - 3) relevant amount of money agreed on the basis of Paragraphs 1 and 2 of this Item, for settling travel costs – if s/he goes to business trip at the expense of both the Court and the inviting party.
- V. The relevant department of the Constitutional Court shall 3 days prior to the day the judge goes to business trip, resolve all the organizational, financial and technical issues arisen with respect to the judge's business trip.

***Chapter Seven***

**Termination of Powers of Judge of the Constitutional Court**

**Article 47. Termination of Powers of Judge of the Constitutional Court in accordance with Articles 23.1.1 – 23.1.6 of the Law of Azerbaijan Republic «On Constitutional Court»**

Termination of powers of the constitutional court judge in accordance with Articles 23.1.1 – 23.1.6 of the Law of Azerbaijan Republic «On Constitutional Court» shall be carried out by the President of Azerbaijan Republic, in compliance with Article 109.32 of the Constitution of Azerbaijan Republic.

**Article 48. Termination of Powers of Judge of the Constitutional Court in accordance with Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court».**

- I. After receiving a written information on existence of one or several of the grounds provided for in Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court» for early termination of powers of judge of the Constitutional Court, the Chairman of the Constitutional Court can give instructions to one or several judges of the court to collect additional documents for checking the information and resolving the issue objectively.
- II. The judge, powers of which are intended to be terminated early in accordance with Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court», can give oral and written explanation on the matter, before the Session of judges of the Constitutional Court is summoned. Written explanatory notes of the

- judge, as well as the documents related with the issue shall be submitted to the Chairman and judges of the Constitutional Court, after the issue is developed.
- III. After reviewing the materials collected in advance, the Chairman of the Constitutional Court shall resolve the issue concerning necessity of considering the materials on early termination of powers of the judge of the Constitutional Court at the Session of judges of the Constitutional Court. The Session of judges of the Constitutional Court shall necessarily be held with participation of the judge about whom proceedings are instituted. If the judge fails to attend the Session of judges of the Constitutional Court due to health problems, his/her explanatory notes shall be read. The persons, that have provided information on existence of relevant grounds for early termination of powers of the judge, and other persons possessing significant information for resolution of the issue can be invited to the Session of judges of the Constitutional Court.
  - IV. Before the issue of early termination of powers of the judge of the Constitutional Court in accordance with Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court» is considered at the Session of judges of the Constitutional Court, the judge of the Constitutional Court can submit an application on retirement.
  - V. Shall the issue of termination of powers of judge of the Constitutional Court based on one or several of the grounds provided for in Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court» be rejected by the Session of judges of the Constitutional Court, the issue cannot be brought up again to the Session of judges of the Constitutional Court, providing the same grounds and facts.
  - VI. Shall the Session of judges of the Constitutional Court acknowledge existence of one or several of the grounds provided for in Articles 23.1.7 – 23.1.10 of the Law of Azerbaijan Republic «On Constitutional Court» for early termination of powers of the judge of the Constitutional Court, a grounded resolution shall be adopted on submitting a proposal about the issue to the President of Azerbaijan Republic.

**Article 49. Termination of Powers of Judge of the Constitutional Court in Connection with Expiration of the Term of Office**

Two months before expiration of the term of office of judge of the Constitutional Court, the Chairman of the Constitutional Court shall report about it to the President of Azerbaijan Republic.

***Chapter Eight***

**Other Issues in Activity of the Constitutional Court**

**Article 50. Reception of Petitioners**

- I. A relevant department of the Constitutional Court shall receive petitioners in the order determined by the Chairman of the Constitutional Court.
- II. Information on reception shall be posted on the place visible to petitioners.
- III. In necessary cases, petitioners can be received by the Chairman of the Constitutional Court, or upon his/her request, by judges of the Constitutional Court.

**Article 51. Commissions Established by the Constitutional Court**

The Chairman of the Constitutional Court can establish temporary or standing commissions headed by any of judges of the Constitutional Court, for amending the Rules of Procedure of the Constitutional Court, as well as for dealing with human resources, budget, financial issues and integration of judicial practices, and other purposes. Staff of the Constitutional Court can be included in such commissions.

**Article 52. Provision of Information for the Constitutional Court**

In order to ensure efficiency and completeness of information, an information system shall be created in the Constitutional Court consisting of computerized data bank, that communicates information about laws and other legal acts of Azerbaijan Republic and the Autonomous Republic of Nakhchivan, resolutions of the Constitutional Court itself and constitutional courts of foreign countries.

**Article 53. International Relations of the Constitutional Court**

The Constitutional Court shall create business relations with constitutional supervision powers of foreign countries through conclusion of agreements on cooperation, staff exchange, practical work of judges of the Constitutional Court and the staff, and exchange of resolutions and other information.

**Article 54. Relations of the Constitutional Court with Mass Media**

Relations of the Constitutional Court with Mass Media shall, as a rule, be maintained by the Press Service of the Constitutional Court.

**Article 55. Working Routine of the Staff of the Constitutional Court**

Working routine of the staff of the Constitutional Court shall be regulated by the Statute on the Staff of the Constitutional Court and the Rules on Internal Labor Discipline.

**Article 56. Amending the Rules of Procedure of the Constitutional Court**

- I. A grounded proposal on amending the Rules of Procedure of the Constitutional Court can be provided by any judge of the Constitutional Court. Proposals on amending the Rules of Procedure of the Constitutional Court shall be considered at the Session of judges of the Constitutional Court.
- II. The Session of judges shall adopt a separate resolution on each of the proposals on amending the Rules of Procedure.