

REPUBLIC OF AZERBAIJAN

DRAFT LAW ON THE CONSTITUTIONAL COURT

Chapter I GENERAL PROVISIONS

Article 1. Purpose of the Constitutional Court of the Azerbaijani Republic

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

In the implementation of its authority, the Constitutional Court shall rule solely on legal questions.

Article 2. Legislation on the Constitutional Court

The legal basis of the activities of the Constitutional Court shall be the Constitution of the Azerbaijani Republic and the present law.

Article 3. Objective and Tasks of the Constitutional Court

The fundamental objective of the Constitutional Court shall be to ensure the supremacy of the Constitution of the Azerbaijani Republic.

The fundamental tasks of the Constitutional Court shall be to decide matters laid out in Article 130, paragraph 3, of the Constitution of the Azerbaijani Republic, to interpret the Constitution and laws of the Azerbaijani Republic on the basis of petitions made by those bodies listed in Article 130, paragraph 4, of the Constitution of the Azerbaijani Republic and to implement other powers envisaged in the Constitution of the Azerbaijani Republic.

Article 4. Fundamental Principles of Activity of the Constitutional Court

Activities of the Constitutional Court shall be based on the fundamental principles of the supremacy of the Constitution of the Azerbaijani Republic, justice, independence, collective responsibility, publicity, objectivity and the adversarial nature of proceedings.

Article 5. Basis of the Independence of the Constitutional Court

The Constitutional Court shall be an independent state body and shall not depend for its organisational, financial nor any other form of activity on any governmental or non-governmental body, official, organisation, institution, political party, social association, trade union or individual.

The actions of the Constitutional Court of Azerbaijani shall be governed solely by the Constitution of the Azerbaijani Republic and considerations of justice.

Chapter II FOUNDATIONS FOR THE ORGANISATION AND ACTIVITIES OF THE CONSTITUTIONAL COURT

Article 6. Composition, Organisation and Powers of the Constitutional Court

The composition, organisation and powers of the Constitutional Court shall be governed by Articles 86, 88, 95, 104, 107, 109, 125, 130, 153 and 154 of the Constitution of the Azerbaijani Republic.

Article 7. Oath of a Judge of the Constitutional Court

On a day appointed at a session of the National Assembly of the Azerbaijani Republic, a judge of the Constitutional Court shall take the following oath: I do swear to carry out honestly and conscientiously the duties of judge of the Constitutional Court of the Azerbaijani Republic, to defend the Constitution of the Azerbaijani Republic and to decide those matters which I examine fairly and in accordance with my conscience.@

The powers of a judge of the Constitutional Court shall commence from the moment this oath is taken.

Article 8. Requirements to be Met by Candidates for the Position of Judge of the Constitutional Court

Citizens of the Azerbaijani Republic of at least thirty years of age, with electoral rights, with higher juridical education and at least 15 years experience in the legal profession may be appointed as judges of the Constitutional Court. Judges of the Constitutional Court may not carry out other elected or appointed functions, may not conduct any paid activities apart from teaching, academic and other creative activities and may not belong to any political party or movement.

Article 9. Term of Office of Judges of the Constitutional Court

VARIANT A: Judges of the Constitutional Court shall be appointed for a period of 15 years. After the expiration of the term of office, a judge of the Constitutional Court may not be re-appointed for a second term.

VARIANT B: Judges of the Constitutional Court shall be irremovable during their term of office. On attaining 75 years of age judges of the Constitutional court shall retire.

Article 10. Independence of Judges of the Constitutional Court

Judges of the Constitutional Court shall be independent in the exercise of their powers and shall be subordinate only to the Constitution of the Azerbaijani Republic.

Article 11. Immunity of Judges of the Constitutional Court

Judges of the Constitutional Court, unless detained at the scene of a crime, may not be brought to criminal responsibility, detained or arrested, nor may measures of administrative penalty determined by a court be applied to them, nor may they be subjected to a search or personal examination.

Judges of the Constitutional Court may only be detained if discovered at the scene of a crime. In this case, the body which has detained the judge of the Constitutional Court shall be required to notify promptly the General Prosecutor of the Azerbaijani Republic.

A judge of the Constitutional Court accused of a criminal offence may be removed from office in accordance with the procedure specified in Article 128, paragraphs 4 and 5, of the Constitution of the Azerbaijani Republic.

If a judge of the Constitutional Court is removed from office the judge's powers shall be suspended until the legal enforcement of the sentence in the criminal case pertaining to the judge.

During the period of the suspension of powers, the judge of the Constitutional Court shall receive only the salary stipulated for judges of the Constitutional Court.

In a case where an innocent verdict is returned regarding the judge of the Constitutional Court removed from office, the judge's powers shall be restored.

A judge of the Constitutional Court may not be held legally responsible for activities, votes or opinions expressed in the Constitutional Court and may not be asked for explanations or evidence in connection with these.

Article 12. Appointment (Election) of the Chair and Deputy Chair of the Constitutional Court

VARIANT A: After the appointment of the judges of the Constitutional Court, the oldest judge of the Constitutional Court shall be considered as the Chair of the Constitutional Court for a period of one year. The second oldest judge shall be considered as the Deputy Chair of the Constitutional Court.

At the end of each yearly term of office, the Deputy Chair of the Constitutional Court shall be considered to be the Chair and the next oldest member of the Court shall be the Deputy Chair of the Constitutional Court.

If a judge of the Constitutional Court does not wish to become Chair or Deputy Chair of the Constitutional Court, or the Chair or the Deputy Chair of the Constitutional Court wishes to leave office voluntarily, the next oldest judges of the Constitutional Court shall be considered to be Chair and Deputy Chair of the Constitutional Court. In such cases, the outgoing Chair or Deputy Chair of the Constitutional Court shall remain in the office of judge.

VARIANT B: Following the appointment by the National Assembly of the Azerbaijani Republic of the judges of the Constitutional Court on the nomination of the President of the Azerbaijani Republic, the President of the Azerbaijani Republic shall, from the appointed judges of the Constitutional Court of the Azerbaijani Republic, present candidates for the post of Chair and Deputy Chair. The National Assembly shall examine these nominations and appoint the Chair and Deputy Chair of the Constitutional Court.

The Chair and Deputy Chair of the Constitutional Court may be removed from office at their own request by the National Assembly of the Azerbaijani Republic. If this occurs, they shall remain in office as judges of the Constitutional Court.

VARIANT C: Following their appointment, the judges of the Constitutional Court shall at their first session and on a nomination by the President of the Azerbaijani Republic, by a majority vote of no less than five judges, elect the Chair and Deputy Chair of the Constitutional Court from the composition of the Constitutional Court.

The Chair and Deputy Chair of the Constitutional Court may be removed from their offices by the Constitutional Court at their own request. If this occurs, they remain in office as judges of the Constitutional Court.

VARIANT D: Following their appointment, The judges of the Constitutional Court shall at the first session of the Constitutional Court, by a majority of votes of no less than five judges, elect from the composition of the Constitutional Court the Chair and Deputy Chair of the Constitutional Court.

The Chair and Deputy Chair of the Constitutional Court may be removed from office by the Constitutional Court at their own request. If this occurs, they shall remain in office as judges of the Constitutional Court.

Article 13. Powers of Judges of the Constitutional Court

Judges of the Constitutional Court shall be empowered to:

- participate in all sessions of the Constitutional Court;
- participate in a vote when the Constitutional Court adopts decisions on matters under its jurisdiction;
- during the consideration of matters by the Constitutional Court ask questions of the parties in the case and interested subjects;
- request from governmental and non-governmental bodies, institutions, associations, enterprises, officials, municipalities, political parties, social organisations, trade union organisations and citizens any document or other information on matters in preparation for examination by the Constitutional Court and also hear explanations from officials on these matters;
- register their own opinion in cases of disagreement with a decision of the Constitutional Court;
- exercise other powers accorded to them by this law.

Article 14. Obligations of Judges of the Constitutional Court

Judges of the Constitutional Court shall:

- be governed in their activities by the Constitution of the Azerbaijani Republic and ensure its supremacy;
- examine cases before the Constitutional Court objectively, in an unbiased and just manner;
- not miss a session of the Constitutional Court without good reason;
- participate in votes to decide matters examined by the Constitutional Court;
- not commit acts or make statements bringing the high reputation of judges of the Constitutional Court into disrepute;

not hold any other elected or appointed office, conduct any paid activities apart from teaching, academic and other creative activities or be involved in any political activity;

not express opinions on the substance of matters under examination until the Constitutional Court has adopted a decision.

Article 15. Chair of the Constitutional Court

The Chair of the Constitutional Court shall:

- represent the Constitutional Court in its relations with the legislative, executive and other judicial bodies, political parties, trade union organisations, social associations, foreign governments and international organisations, the mass media and also any other legal entity or individual;
- organise the work of the Constitutional Court;
- bring matters relevant to the powers of the Constitutional Court to sessions of the Constitutional Court;
- convene sessions of the Constitutional Court and preside over them;
- determine a range of matters to be decided by the Deputy Chair of the Constitutional Court;
- distribute to the judges of the Constitutional Court tasks in connection with the preparation for and examination of matters relative to the competence of the Constitutional Court;
- return petitions and other matters not provided for in the Constitution of the Azerbaijani Republic and the present law;
- make appropriate allocation of resources accorded from the state budget for the salaries and ensuring the activities of the Constitutional Court;
- direct the staff of the Constitutional Court;
- exercise other powers envisaged in the present law.

The Chair of the Constitutional Court shall be endowed with all rights and bear all the responsibilities of a judge of the Constitutional Court.

Article 16. Deputy Chair of the Constitutional Court

The Deputy Chair of the Constitutional Court shall decide on all matters defined by the Chair of the Constitutional Court, the Deputy shall carry out specific functions on delegation by the Chair and shall stand in in the absence of the Chair of the Constitutional Court or in case of the Chair=s incapacity to carry out official responsibilities.

Article 17. Equality of Rights of Judges of the Constitutional Court

In ruling on all matters relative to the competence of the Constitutional Court, the rights of all judges of the Constitutional Court, including the Chair and Deputy Chair, shall be equal.

Article 18. Early Termination of the Powers of a Judge of the Constitutional Court

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

- 1) in the event of death;
- 2) in the event of the judge resigning;
- 3) in the event of the judge not participating in sessions of the Constitutional Court three times in a row or at ten sessions in the course of a year for insufficient reasons;
- 4) in the event of the judge not participating in votes on matters before the Constitutional Court;
- 5) in the event of the judge committing a crime and the legal enforcement of a court sentence relative to the judge;
- 6) if the judge violates the limits envisaged in Article 8 of the present law;
- 7) if the judge adopts the nationality of a different state or acquires obligations to another state;
- 8) through persistent incapacity of the judge to fulfil a judge=s obligations for health or any other reasons.

In those cases provided for in points 1 and 2 of paragraph 1 of this Article the decision on the premature termination of the powers of a judge of the Constitutional Court shall be taken by the President of the Azerbaijani Republic.

In those cases provided for in points 3 to 8 of paragraph 1 of this Article the decision on the premature termination of the powers of a judge of the Constitutional Court shall be taken by the National Assembly of the Azerbaijani Republic by a majority of votes from no fewer than 83 deputies following a presentation by the President of the Azerbaijani Republic.

Chapter III **FUNDAMENTALS OF CONSTITUTIONAL PROCEEDINGS**

Article 19. Methods of Constitutional Proceedings

Constitutional proceedings shall be carried out in the following two ways:

- 1) constitutional judicial proceedings;
- 2) special constitutional proceedings.

Article 20. Independence of Constitutional Proceedings

Only the Constitutional Court shall carry out constitutional proceedings independently.

Legislative, executive and other judicial bodies, their officials, political parties, social associations, trade union organisations, the mass media and its officials and also other legal entities and individuals shall not have the right to interfere in the activities of the Constitutional Court, nor directly or indirectly exert influence on the judges of the Constitutional Court. Persons committing such acts bear legal responsibility in the established legal order.

Article 21. Collective Responsibility of the Constitutional Court

Sessions of the Constitutional Court shall have authority with the participation of no fewer than 6 judges. On various matters decisions of the Constitutional Court shall be adopted by a majority of votes as envisaged by the Constitution of the Azerbaijani Republic and the present law.

Article 22. Principles of Constitutional Proceedings

The rights and obligations of the parties and interested subjects participating in the constitutional proceedings shall be equal.

The constitutional proceedings shall take place on the basis of the principles of the adversarial nature of the proceedings, their fully representative, complete and impartial nature.

The Constitutional Court shall not be constrained by evidence and arguments from the parties and interested subjects and shall be bound to strive for a fully representative, complete and impartial examination of matters under consideration.

Article 23. Publicity of Constitutional Proceedings

Sessions of the Constitutional Court shall, as a rule, be open. Open sessions of the Constitutional Court may be attended by representatives of the mass media. Information on sessions of the Constitutional Court, except where other procedures are provided for by this law, should be published in the official state newspaper after a minimum period of five days.

By a decision of the Constitutional Court, sessions of the Constitutional Court may take place in camera.

Constitutional proceedings shall be oral, however sessions of the Constitutional Court shall be taken down in shorthand.

Article 24. Immediate Publication of Constitutional Judicial Proceedings

In the course of consideration of matters under its jurisdiction, the Constitutional Court has a duty to investigate documents, materials and evidence relative to the case, hear the parties, witnesses and experts and make public at the session the documents analysed.

Article 25. Language of the Constitutional Proceedings

Constitutional proceedings shall be conducted in the Azerbaijani language.

Chapter IV

SESSIONS OF THE CONSTITUTIONAL COURT

Article 26. Authority of Sessions of the Constitutional Court

Sessions of the Constitutional Court shall have authority with the participation of no fewer than 6 judges.

Article 27. Basic Rules for the Conduct of a Session of the Constitutional Court

As the judges of the Constitutional Court enter the room of the court session, the clerk of the court session shall announce: All rise for the Constitutional Court of the Azerbaijani Republic. Those present in the room of the court session must stand until invited to sit by the judge presiding over the court session.

The session of the Constitutional Court shall be conducted by the presiding judge for the session. The presiding judge opens the court session and announces the agenda of matters to be considered. On completion of considerations of the matters listed on the agenda of the session of the Constitutional Court, the presiding judge shall declare the session closed.

As the judges of the Constitutional Court leave the room of the session those present in the room shall stand.

Article 28. Types of Session of the Constitutional Court

The following types of session may take place in the Constitutional Court:

- 1) sessions at which petitions as to the conformity of normative legal acts, international and intergovernmental treaties with the Constitution and laws of the Azerbaijani Republic are considered;
- 2) sessions at which petitions on the prohibition of political parties and other social associations are considered;
- 3) sessions at which petitions on disputes about the delimitation of powers between the legislative, executive and judicial authorities are considered;
- 4) sessions at which inquiries on the interpretation of the Constitution and laws of the Azerbaijani Republic are considered;
- 5) sessions at which an inquiry by the National Assembly of the Azerbaijani Republic is considered with the aim of elucidating information on the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President;
- 6) sessions at which a declaration by the President of the Azerbaijani Republic on retirement is considered;
- 7) sessions at which questions of removing the President of the Azerbaijani Republic from office are considered;
- 8) sessions held pertinent to the verification and approval of the results of elections of deputies to the National Assembly of the Azerbaijani Republic;

- 9) sessions held with the aim of deciding the date of the first session of the re-elected National Assembly of the Azerbaijani Republic;
- 10) sessions held in connection with the organisation of the activities of the Constitutional Court, the adoption of material for proceedings of the Constitutional Court and the resolution of other matters envisaged in this law.

Article 29. Withdrawal of Petitions or Inquiries sent to the Constitutional Court

Any body which referred a petition or inquiry to the Constitutional Court shall have the right to withdraw it before the start of the session dedicated to a consideration of the said petition or inquiry.

Article 30. Postponement or Adjournment of a Session of the Constitutional Court

The postponement of a scheduled session of the Constitutional Court or the adjournment of the said session shall be possible in the following circumstances:

- 1) in the light of the non-appearance of one of the parties, an interested subject, witness, expert, if their non-appearance reflects on the fully representative, complete and impartial nature of the consideration of the matter;
- 2) in the absence of a quorum of the Constitutional Court;
- 3) in the event of documents and materials requested by the Constitutional Court not being received or not being received at the appointed time;
- 4) in the event of the Constitutional Court being satisfied with justified applications from the parties or interested subjects for the postponement or adjournment of the session;
- 5) in the presence of other circumstances influencing the fully representative, complete and impartial consideration of matters at the session of the Constitutional Court.

Article 31. Preparation for a Session of the Constitutional Court

After an inquiry is submitted to the Constitutional Court, for matters to be decided which are entrusted to the Constitutional Court by the Constitution of the Azerbaijani Republic, the Chair of the Constitutional Court shall appoint a judge-rapporteur for the said matter.

The judge-rapporteur shall study all sides of the matter under consideration and in a period of time envisaged by this law shall prepare for a session of the Constitutional Court: the judge-rapporteur shall collect the necessary documents and materials; present the petition to the parties and a second document to the interested subjects and establish their opinions on the given matter; organise the summons for witnesses, experts and other persons; undertake other necessary measures to ensure the fully representative, complete and impartial consideration of the matter; prepare a report on the matter in question.

In carrying out all the measures in preparation for the session, the judge-rapporteur shall act in the name of the Constitutional Court.

Article 32. The Preparation of the Constitutional Case

Once the preliminary stage for the session of the Constitutional Court shall have been completed the constitutional case is prepared. The following documents shall be included in a constitutional case:

- 1) the petition, inquiry, declaration or other document serving as the basis for the preparation of the constitutional case;
- 2) materials associated with the petition, inquiry, declaration or other document serving as the basis for the preparation of the constitutional case;
- 3) documents associated with the constitutional case by the judge-rapporteur;
- 4) expert opinions applicable to the constitutional case;
- 5) materials presented by the parties or interested subjects;
- 6) other documents relating to the constitutional case;
- 7) the judge-rapporteur's report.

Following the preparation of the constitutional case, judges of the Constitutional Court may acquaint themselves with the case.

Article 33. Judge Presiding at the Session of the Constitutional Court

The Chair of the Constitutional Court, or in the Chair's absence or on authority of the Chair the Deputy Chair of the Constitutional Court, or in their absence the oldest judge of the Constitutional Court shall preside over sessions of the Constitutional Court. The judge-rapporteur may not preside over the session of the Constitutional Court.

The judge presiding over the session of the Constitutional Court shall:

- conduct the session;
- create the conditions necessary for the parties or interested subjects to freely express their opinions;
- create the conditions necessary for a fully representative, complete and impartial examination of the case;
- organise the hearing of witnesses and experts;
- allow the parties and interested subjects to put questions to each other and to witnesses and experts;
- bring forward for discussion in the Constitutional Court pleas submitted at the session by the parties or interested subjects;

interrupt or take the floor away from parties or interested subjects, witnesses or experts if they do not talk on the essence of the constitutional case in question;

ensure that order is maintained in the room of the session;

give the command for persons disrupting the order of the session to be removed from the room;

organise the vote of the judges of the Constitutional Court in the deliberation room;
announce the decision adopted by the Constitutional Court.

Article 34. Authority of a Judge of the Constitutional Court at a Session of the Constitutional Court

Judges of the Constitutional Court shall at a session of the Constitutional Court :

have the right to put questions to the judge presiding over the session of the Constitutional Court;

with the permission of the judge presiding over the session of the Constitutional Court, be allowed to put questions to the judge-rapporteur, the parties, interested subjects, witnesses and experts;

acquaint themselves with the pleas and other materials presented at the session of the Constitutional Court;

express their opinion on the conduct of the session;

require that the judge presiding over the session of the Constitutional Court ensures order in the room of the session.

In the deliberation room, judges of the Constitutional Court shall express their opinions regarding the decision to be adopted by the Constitutional Court and vote for or against the decision.

Chapter V CONSTITUTIONAL PROCEEDINGS

Article 35. Types of Constitutional Judicial Proceedings

In connection with the Constitutional Court exercising its authority as defined in the Constitution of the Azerbaijani Republic, the following types of constitutional judicial proceedings exist for the consideration of constitutional cases:

- 1) proceedings on cases related to petitions on the conformity of normative legal acts, international and intergovernmental treaties with the Constitution and laws of the Azerbaijani Republic;
- 2) proceedings on cases related to petitions on the cessation of the activities of political parties and other social associations;
- 3) proceedings on cases related to petitions on the delimitation of powers of the legislative, executive and judicial authorities.

Article 36. Types of Special Constitutional Proceedings

In connection with the exercise by the Constitutional Court of its authority as defined in the Constitution of the Azerbaijani Republic for the consideration of constitutional cases, the following types of special constitutional proceedings shall exist:

- 1) proceedings on cases related to petitions on the interpretation of the Constitution and laws of the Azerbaijani Republic;
- 2) proceedings on cases related to petitions from the National Assembly of the Azerbaijani Republic for the elucidation of information on the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President;
- 3) proceedings on cases related to the consideration of a declaration by the President of the Azerbaijani Republic on retirement;
- 4) proceedings on cases related to the consideration of the question of removing the President of the Azerbaijani Republic from office;
- 5) proceedings on cases related to verifying and approving the results of elections for deputies of the National Assembly of the Azerbaijani Republic;
- 6) proceedings on cases related to setting the date at which the first session of a newly re-elected National Assembly of the Azerbaijani Republic shall be held.

Article 37. Parties in Constitutional Judicial Proceedings

The petitioner and the respondent shall be the parties in constitutional judicial proceedings.

Petitioners shall be state bodies submitting a petition to the Constitutional Court in conformity with Article 130, paragraph 3, of the Constitution of the Azerbaijani Republic and their legal representatives.

Respondents shall be a body which has adopted a normative legal act and its legal representatives, if a petition has been submitted as to the non conformity of this act with the Constitution and laws of the Azerbaijani Republic; officials who have signed international and intergovernmental treaties and their legal representatives, if a petition has been submitted as to the non conformity of these treaties with the Constitution and laws of the Azerbaijani Republic; political parties and social associations and their legal representatives, if a petition has been submitted on the cessation of their activities; authorities and their legal representatives accused of violating the delimitation of powers in the event of a dispute on competencies.

Article 38. Rights and Obligations of the Parties

The parties shall have the right to become acquainted with the material of the constitutional case, take notes from this and make copies. In the course of the consideration of the case, the parties may declare objections, present evidence, participate in the search for evidence, put questions to each other, the witnesses and experts, submit pleas, answer questions put to them, object to pleas, evidence and statements from the other party and present a final statement.

The parties must respect the Constitutional Court and comply with the requirements of the constitutional judicial proceedings. The parties must appear punctually in response to the summons of the Constitutional Court, observe the order adopted in the Constitutional Court and comply with the

orders of the judge presiding over the Constitutional Court without delay.

Article 39. Interested Subjects during Special Constitutional Proceedings

Bodies which, pursuant to the Constitution of the Azerbaijani Republic, shall have the right to address themselves to the Constitutional Court and bodies and persons whose interests are affected by these petitions and their legal representatives shall be called interested subjects during special constitutional judicial proceedings.

Article 40. Rights and Obligations of Interested Subjects

Interested subjects shall have the right to acquaint themselves with the material of the constitutional case, take notes from it and make copies. When the constitutional case is under consideration in the session of the Constitutional Court the interested subjects may object, present evidence, participate in the search for evidence, put questions to each other, to witnesses and experts, submit pleas, answer questions put to them, express their objection to pleas submitted, evidence presented and opinions expressed by the other parties and present a final statement.

Interested subjects must respect the Constitutional Court and comply with the requirements of the special constitutional proceedings. Interested subjects must appear promptly in response to the summons from the Constitutional Court, act with respect towards the procedure adopted by the Constitutional Court and comply with orders by the judge presiding over the session of the Constitutional Court without delay.

Article 41. Witnesses

A person with information on the constitutional case under consideration at the session of the Constitutional Court shall be called a witness. In order to testify witnesses may be summoned to the session of the Constitutional Court on the suggestion of the petitioner, the respondent, an interested subject or on a decision of the Constitutional Court. In order to reveal necessary circumstances for the decision of the Constitutional Court, witnesses must testify on facts known to them.

A witness must respect the Constitutional Court and comply with the requirements of special constitutional proceedings. The witness must appear promptly on a summons from the Constitutional Court, act respectfully towards the procedure adopted by the Constitutional Court and comply with orders from the judge presiding over the session of the Constitutional Court without delay.

Article 42. Experts

Persons with scientific or other specialised knowledge on the constitutional case under consideration at the session of the Constitutional Court may be invited by the Constitutional Court, the judge-rapporteur, the parties or interested subjects in their capacity as experts.

Experts must provide impartial and justified answers to questions delivered to them. In order to answer questions, experts may address the Constitutional Court with requests to acquaint themselves with all the material of the constitutional case and other necessary materials. In the event of experts deciding that the material in their possession is not sufficient for them to be able to answer the questions delivered, or when they are unable to answer them as they are not sufficiently knowledgeable, they should inform the Constitutional Court. In order to answer questions delivered, experts may, with the permission of the judge presiding over the Constitutional Court put questions to the parties, interested subjects and witnesses.

An expert must respect the Constitutional Court and comply with the requirements of the special constitutional proceedings. The expert must appear promptly to the summons of the Constitutional Court, act respectfully to the procedure adopted by the Constitutional Court and comply with orders from the judge presiding over the session of the Constitutional Court without delay.

Article 43. Start of Consideration of a Constitutional Case in the Constitutional Court.

The consideration of a constitutional case in the Constitutional Court shall commence with a verification of the presence of the participants in court.

The judge presiding over the session of the Constitutional Court shall give the floor to his clerk for the court session to bear witness to the presence in court of the parties, interested subjects, witnesses and experts and to the reasons for the absence of those persons not present.

The judge presiding over the session of the Constitutional Court shall announce the appellation of the constitutional case and also the composition of the Constitutional Court participating in the session, the clerk of the court session, the parties, interested subjects and if need be verify the authority of the parties and the interested subjects.

Article 44. Explanation for the Persons Participating in the Consideration of the Constitutional Case of their Rights and Obligations

The judge presiding over the session of the Constitutional Court shall explain their rights and obligations to those persons participating in the consideration of the constitutional case.

Article 45. Consequences of the Non-Appearance at the Session of the Constitutional Court of a Person Participating in the Consideration of a Constitutional Case

In the event of the non-appearance at a session of the Constitutional Court of any person participating in the consideration of a constitutional case, the Constitutional Court shall hear the opinions of the parties and interested subjects on the possibility of examining the case in the absence of the person who has not appeared and shall make a decision on continuing the consideration of the case or postponing the consideration to a different date.

Article 46. Removal of Witnesses from the Room of the Session of the Constitutional Court before they Testify

Prior to witnesses participating in the consideration of a constitutional case testifying, they shall be removed from the room of the session of the Constitutional Court.

Article 47. Statement by the Judge-rapporteur

Consideration of the merits of a constitutional case shall commence with the report of the judge-rapporteur, which shall expose the essence of the matter under consideration, analyse the circumstances of the constitutional case, briefly give a summary of the contents of the documents in the constitutional case and the measures adopted to prepare the matter for consideration.

The judge-rapporteur shall not have the right to express an opinion on the resolution of the constitutional case. Judges of the Constitutional Court may be asked questions by the judge-rapporteur.

Article 48. Permission for Pleas

In the course of the consideration of the constitutional case at a session of the Constitutional Court the parties, interested subjects and experts shall have the right to announce pleas.

Pleas submitted in a written form shall on the authority of the judge presiding over the session of the Constitutional Court be read out by the clerk to the court session and shall be appended to the constitutional case.

A decision on the plea shall be adopted at the same session of the Constitutional Court.

Article 49. Right of the Constitutional Court to Obtain New Evidence on Demand

While considering the constitutional case, the Constitutional Court may introduce a decision to summon and question new witnesses and experts and add new documents and materials.

Article 50. Presentations by the Parties in the Course of Constitutional Judicial Proceedings

In the course of constitutional judicial proceedings, following the presentation by the judge-rapporteur, the judge presiding over the session of the Constitutional Court shall give the floor to the parties. The petitioner shall speak first, then the respondent shall have the floor.

The parties may introduce several legal representatives and each of these shall have the right to speak at the session.

The petitioner shall explain the essence of the matter and shall present evidence in order to support the arguments.

The respondent shall express a position relative to the petition and shall present evidence in order to support this position.

Following the statement by each of the parties, the judge presiding over the session of the Constitutional Court shall present the judges with the opportunity to put questions to the party speaking. Then the same opportunity shall be granted to the other party.

The judge presiding over the session of the Constitutional Court should not allow questions which have no relevance to the essence of the case under consideration.

It shall be inadmissible to ask leading questions.

Article 51. Presentations by Interested Subjects in the Course of Special Constitutional Proceedings

In the course of special constitutional judicial proceedings, after the presentation by the judge-rapporteur, the judge presiding over the session of the Constitutional Court shall give the floor to the interested subjects. The first to speak shall be the representatives of the subjects which in the Constitution of the Azerbaijani Republic have the right to address the Constitutional Court. Next the floor shall be given to the representatives of bodies or persons whose interests are affected by the petition.

Interested subjects may present several representatives, each of whom shall have the right to speak at the session.

The representative of bodies which in the Constitution of the Azerbaijani Republic have the right to address the Constitutional Court shall explain the essence of the request and express an opinion as to the desirable decision of the Constitutional Court.

Representatives of bodies and persons whose interests are affected by the petition shall express and support their position in their speeches during the special constitutional proceedings.

Following the presentations of each of the interested subjects, the judge presiding over the session of the Constitutional Court shall give the judges the opportunity to put questions to the interested subject. Then the other interested subject shall be given the same opportunity.

The judge presiding over the session of the Constitutional Court should not allow questions which are not relevant to the essence of the case under consideration. Leading questions should not be allowed.

Article 52. Examination of Witnesses

The examination of witnesses shall commence with questions to the witnesses of the petitioner or the interested subject which in the Constitution of the Azerbaijani Republic has the right to address the Constitutional Court. Then questions shall be asked of the witnesses for the respondent or the subject whose interests are affected by the petition and in conclusion witnesses called on the initiative of the Constitutional Court shall be examined.

The judge presiding over the session of the Constitutional Court shall invite the witnesses to retell circumstances of the case under consideration known to them. After the presentation by the witness questions may be asked of the witness. The witnesses shall be asked the first questions by the petitioner or the subject who in the Constitution of the Azerbaijani Republic has the right to address the Constitutional Court, then the respondent or the subject whose interests are affected by the petition. The judge presiding over the session of the Constitutional Court shall not allow questions which are not relevant to the essence of the case and also leading questions.

During the examination of witnesses, the judges of the Constitutional Court may at any time put questions to the witnesses.

Article 53. Reading Out of Documents

Documents appended to the material of the constitutional case and also documents presented in the course of the court session shall be read out. After this, the parties and interested subjects may explain the documents read out.

The ruling on the addition of documents presented in the court to the material of the constitutional case shall be made by a decision of the Constitutional Court.

Article 54. Hearing of Experts

The hearing of experts shall commence with the hearing of the experts of the petitioner or the subject who in the Constitution of the Azerbaijani Republic has the right to address the Constitutional Court. Then the experts for the respondent or the subject whose interests are affected by the petition shall be heard and finally the experts called on the initiative of the Constitutional Court shall be heard.

The judge presiding over the session of the Constitutional Court shall invite the experts to express their opinion to the Constitutional Court on the case under consideration. After an expert has expressed an opinion questions may be asked. Firstly the expert shall be asked questions by the petitioner or the subject who in the Constitution of the Azerbaijani Republic has the right to address the Constitutional Court, then the respondent or the subject whose interests are affected by the petition. The judge presiding over the session of the Constitutional Court shall not allow questions which are not

relevant to the essence of the case nor leading questions.

During the hearing of the experts, the judges of the Constitutional Court may ask them questions at any time.

Article 55. Closing Statements by the Parties

In the course of constitutional judicial proceedings, the parties shall have the right to deliver closing statements on the constitutional case under consideration, in which they shall analyse the researched material and evidence, give a legal evaluation of this evidence and material, its importance for the case and for the decision to be taken by the Constitutional Court.

The Constitutional Court may grant the parties time to prepare their closing statements.

Following the closing statements by the parties, the Constitutional Court shall retire to the deliberation room.

Article 56. Final Statements by Interested Subjects

In the process of special constitutional proceedings, the interested subjects shall have the right to deliver final statements on the constitutional case under consideration, in which they may express their opinion on an acceptable decision and on matters, which should be borne in mind by the Constitutional Court.

Following the final statements by the interested subjects, the Constitutional Court shall retire to the deliberation room.

Article 57. Record of a Court Session

The clerk of the court session of the Constitutional Court shall draw up the record of the court session.

The record of the court session shall state:

- 1) the time of the session of the Constitutional Court;
- 2) the place of the session of the Constitutional Court;
- 3) the surname, forename and patronymic of the judge presiding over the session of the Constitutional Court;
- 4) the surnames, forenames and patronymics of the judges of the Constitutional Court participating in the session of the Constitutional Court;
- 5) the surname, forename and patronymic of the clerk of the court session of the Constitutional Court;
- 6) the agenda of the Constitutional Court;
- 7) information about the parties, interested subjects and their representatives participating in the consideration of the constitutional case;
- 8) information on the presence of the parties, interested subjects, witnesses and experts participating in the consideration of the constitutional case;
- 9) information on the actions of the Constitutional Court in the order that they occur;
- 10) presentations and pleas by the parties, interested subjects, questions and answers;
- 11) orders of the judge presiding over the session of the Constitutional Court and decisions made by the Constitutional Court;
- 12) presentations by witnesses and experts, questions and answers;
- 13) closing statements by the parties or final statements by the interested subjects.

Each itemised record of a session of the Constitutional Court shall be signed by the judge presiding over the session of the Constitutional Court and the clerk of the court session and the record shall be appended to the material of the constitutional case.

The parties or interested subjects shall have the right of access to the record of the session of the Constitutional Court and to comment on the record.

The Constitutional Court should examine these comments on the record of the session of the Constitutional Court and make a reasoned decision on the addition of these comments to the record or their rejection within a period of 10 days.

Chapter VI

SPECIFIC CHARACTERISTICS OF CONSTITUTIONAL PROCEEDINGS REGARDING THE VARIOUS TYPES OF CONSTITUTIONAL CASE

Article 58. Procedure for Addressing the Constitutional Court with a Petition on the Conformity of Normative Legal Acts, International and Intergovernmental Treaties with the Constitution and Laws of the Azerbaijani Republic

In cases provided for in Article 130, paragraph 3, points 1, 2, 3, 4, 5, 6 and 8, of the Constitution of the Azerbaijani Republic, petitions in the Constitutional Court shall be presented in written form.

The following should be detailed in the petition:

- 1) the designation of the Constitutional Court;
- 2) the designation and address of the body submitting the petition;
- 3) the title, date of adoption and signature and the publication source of the normative legal act, international or intergovernmental treaty, compliance of which with the Constitution and laws of the Azerbaijani Republic is contended in the petition;

- 4) the Articles of the Constitution of the Azerbaijani Republic giving the right to address the Constitutional Court and affirming the authority of the Constitutional Court to examine this petition;
- 5) the grounds for the request of the body submitting the petition;
- 6) the request of the body submitting the petition;
- 7) a list of documents and material appended to the petition;
- 8) a list of persons from the body submitting the petition who will participate in the session of the Constitutional Court;
- 9) the signature of the director of the body submitting the petition.

The following documents should be attached to the petition:

- 1) a copy of the normative legal act, international or intergovernmental treaty, the compliance of which with the Constitution and laws of the Azerbaijani Republic is contended;
- 2) a document attesting to the authority of the representative of the body submitting the petition to participate in the session of the Constitutional Court.

Article 59. Refusal to take into Consideration a Petition on the Compliance of a Normative Legal Act, International and Intergovernmental Treaty with the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic

In the cases laid out below, the Constitutional Court shall adopt a decision to refuse to examine a petition on the compliance of a normative legal act, international and international treaty with the Constitution and laws of the Azerbaijani Republic:

- if the resolution of the petition does not come under the jurisdiction of the Constitutional Court;
- if the petition is submitted by a body or an official who does not have the right to submit such a petition to the Constitutional Court;
- if there is a decision of the Constitutional Court already in force on a similar petition submitted previously;
- if the petition does not comply with the requirements of Article 58 of the present law.

Article 60. Period of Consideration of Petitions on the Compliance of Normative Legal Acts, International and Intergovernmental Treaties with the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic

The matter of the petition submitted on the compliance of normative legal acts, international and intergovernmental treaties with the Constitution of the Azerbaijani Republic and the laws of the Azerbaijani Republic shall be introduced within one week into a session of the Constitutional Court and a decision on the acceptance or rejection of the petition shall be adopted.

The decision to accept or refuse to accept a petition for consideration shall be sent to the body or official which submitted the petition within one week from the day of its adoption.

The consideration of the merits of the case in the Constitutional Court shall commence no later than two months from the day of its adoption.

Before consideration in the Constitutional Court of the petition on the compliance of international treaties of the Azerbaijani Republic with the Constitution of the Azerbaijani Republic and of intergovernmental treaties with the Constitution of the Azerbaijani Republic and the laws of the Azerbaijani Republic, these treaties cannot be ratified.

Article 61. Procedure for Submitting Petitions on the Cessation of the Activities of Political Parties and Other Social Associations

In the cases laid out in Article 130, paragraph 3, point 7, of the Constitution of the Azerbaijani Republic a written petition shall be submitted.

The petition should detail:

- 1) the designation of the Constitutional Court;
- 2) the designation and address of the body submitting the petition;
- 3) the designation and address of the political party or social association which is the respondent to the petition;
- 4) the Article of the Constitution of the Azerbaijani Republic which gives the right to address the Constitutional Court and affirms the authority of the Constitutional Court to examine this petition;
- 5) the grounds for the request of the body submitting the petition to prohibit the political party or social association;
- 6) request of the body submitting the petition for the cessation of the activities of the political party or social association;
- 7) a list of documents and materials appended to the petition;
- 8) a list of persons from the body submitting the petition who will participate in the session of the Constitutional Court;
- 9) the signature of the director of the body submitting the petition.

A document attesting to the authority of the representative of the body submitting the petition to participate in the session of the Constitutional Court should be attached.

Article 62. Refusal to Accept for Consideration a Petition on the Cessation of Activities of a Political Party or Social Association

In the cases set down below, the Constitutional court shall refuse to accept for consideration a petition on the cessation of activities of a political party or social association:

- if the petition concerns the cessation of activities of a political party or social association which has not completed the registration

procedure laid down by the legislation of the Azerbaijani Republic;

- if the petition has been submitted by a body or official which does not have the right to submit such a matter to the Constitutional Court;
- if the petition does not conform to the requirements of Article 61 of the present law.

Article 63. Period for Consideration of a Petition on the Prohibition of a Political Party or Social Association

The matter of the petition entered on the cessation of activities of a political party or social association shall be examined at a session of the Constitutional Court within three weeks and a decision shall be adopted on the acceptance or refusal to accept it for consideration.

The decision to accept or refuse to accept the petition for consideration shall on the day on which the decision is adopted be delivered to the body or official which has presented the petition and also to the political party or social association.

Consideration in the Constitutional Court of the merits of the petition shall commence no later than two weeks from the day on which the decision is adopted.

Article 64. Procedure for Submitting Petitions on the Settlement of Disputes on the Delimitation of Powers between the Legislative, Executive and Judicial Authorities

In those cases laid out in Article 130, paragraph 3, point 9, of the Constitution of the Azerbaijani Republic a written petition shall be submitted.

The petition should detail:

- 1) the designation of the Constitutional Court;
- 2) the designation and address of the body submitting the petition;
- 3) the designation and address of the authority which shall be the respondent to the petition;
- 4) the Article of the Constitution of the Azerbaijani Republic giving the right to submit a petition to the Constitutional Court and affirming the authority of the Constitutional Court to examine the petition;
- 5) the grounds for the petition of the body submitting the petition on the violation of the delimitation of powers by the body which shall be the respondent to the petition;
- 6) the demand made by the body submitting the petition to the body which is the respondent to the petition;
- 7) a list of the documents and materials adjoined to the petition;
- 8) a list of the persons participating in the session of the Constitutional Court on the side of the body submitting the petition;
- 9) the signature of the director of the body submitting the petition.

A document shall be appended to the petition asserting the authority of the representative of the body submitting the petition to participate in the session of the Constitutional Court.

Article 65. Refusal to Accept for Consideration a Petition on the Settlement of a Dispute on the Delimitation of Powers between the Legislative, Executive and Judicial Authorities

In the following cases the Constitutional Court shall refuse to accept a petition on a dispute about the delimitation of powers between the legislative, executive and judicial authorities:

if the petition does not concern the delimitation of powers between the legislative, executive and judicial authorities;

if the petition has been submitted by a body or official which does not have the right to submit such a petition to the Constitutional Court;
if the petition does not meet the requirements of Article 64 of the present law.

Article 66. Period for Consideration of a Petition on the Settlement of a Dispute on the Delimitation of Powers between the Legislative, Executive and Judicial Authorities

The matter of the petition submitted on the settlement of a dispute on the delimitation of powers between the legislative, executive and judicial authorities shall be entered in a session of the Constitutional Court within a week and a decision shall be taken to accept or refuse to accept the petition for consideration.

The decision to accept or refuse to accept a petition for consideration shall be delivered to the body or official which submitted the petition on the day of its adoption.

The consideration of the merits of the petition shall commence no later than twenty days from the date of its acceptance.

Article 67. Procedure for Submitting Petitions on the Interpretation of the Constitution of the Azerbaijani Republic and the Laws of the Azerbaijani Republic.

In those cases laid out in Article 130, paragraph 4, of the Constitution of the Azerbaijani Republic, a petition shall be in written form.

The petition should detail:

- 1) the designation of the Constitutional Court;
- 2) the designation and address of the body submitting the petition;
- 3) the designation and address of the body which adopted the interpretative normative legal act;
- 4) the Article of the Constitution of the Azerbaijani Republic giving the right to submit a petition to the Constitutional Court and affirming the authority of the Constitutional Court to consider the petition;

- 5) the title and date of adoption of the interpretative normative legal act;
- 6) the contents of the request of the body submitting the petition;
- 7) a list of the documents and materials appended to the petition;
- 8) a list of the persons who shall participate in the session of the Constitutional Court on the side of the body submitting the petition;
- 9) the signature of the director of the body submitting the petition.

The following documents should be appended to the petition:

- 1) a copy of the interpretative normative legal act;
- 2) a document affirming the authority of the representative of the body submitting the petition to participate in the session of the Constitutional Court.

Article 68. Refusal to Accept for Consideration a Petition on the Interpretation of the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic

In the cases laid out below the Constitutional Court shall refuse to accept for consideration a petition on the interpretation of the Constitution of the Azerbaijani Republic and the laws of the Azerbaijani Republic:

- if the petition does not relate to the authority of the Constitutional Court;
- if the petition is submitted by a body or official which does not have the right to submit such a petition to the Constitutional Court;
- if the petition does not meet the requirements laid out in Article 67 of the present law.

Article 69. Period for the Consideration of a Petition on the Interpretation of the Constitution of the Azerbaijani Republic and laws of the Azerbaijani Republic

The matter of the petition entered on the interpretation of the Constitution of the Azerbaijani Republic or the laws of the Azerbaijani Republic shall be brought before a session of the Constitutional Court within two weeks and a decision shall be adopted on whether to accept or refuse the petition for consideration.

The decision to accept or refuse to accept the petition for consideration shall be delivered to the body or official which submitted the petition no later than one week after the decision.

Consideration of the merits of the petition shall commence no later than two months from the day of its adoption.

Article 70. Procedure for the Consideration of Inquiries from the National Assembly of the Azerbaijani Republic for an Explanation of Information on the Complete Loss for Health Reasons of the President of the Azerbaijani Republic's Ability to Perform the Duties of President

In those cases laid out in Article 104, paragraph 3, of the Constitution of the Azerbaijani Republic, the National Assembly of the Azerbaijani Republic shall address itself to the Constitutional Court in writing.

The inquiry should detail:

- 1) the designation of the Constitutional Court;
- 2) the date of the session of the National Assembly of the Azerbaijani Republic at which the inquiry from the National Assembly of the Azerbaijani Republic was adopted;
- 3) the Article of the Constitution of the Azerbaijani Republic giving the right to submit an inquiry to the Constitutional Court and affirming the authority of the Constitutional Court to examine the inquiry;
- 4) the source of information on the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President;
- 5) a list of documents and materials attached to the inquiry;
- 6) a list of persons participating in the session of the Constitutional Court from the National Assembly of the Azerbaijani Republic;
- 7) the signature of the Chair of the National Assembly of the Azerbaijani Republic.

Article 71. Refusal to Accept for Consideration an Inquiry from the National Assembly of the Azerbaijani Republic for an Explanation of Information on the Complete Loss for Health Reasons of the President of the Republic of Azerbaijan's Ability to Perform the Duties of President

In the following cases the Constitutional Court shall refuse to accept for consideration an inquiry from the National Assembly of the Azerbaijani Republic for an explanation of information on the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President:

- if the inquiry was adopted at a session of the National Assembly of the Azerbaijani Republic at which the quorum established by the Constitution of the Azerbaijani Republic was not present or if the inquiry did not acquire the required majority of votes;
- if the inquiry does not meet the requirements of Article 70 of the present law.

Article 72. Period for the Consideration of an Inquiry from the National Assembly of the Azerbaijani Republic for an Explanation of Information on the Complete Loss for Health Reasons of the President of the Azerbaijani Republic's Ability to Perform the Duties of President

An inquiry from the National Assembly of the Azerbaijani Republic for an explanation of information on the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President shall be brought before a session of the Constitutional Court on the day after it is received and a decision on the acceptance or refusal to accept the inquiry for consideration shall be adopted.

The decision to accept or refuse to accept the inquiry for consideration shall be adopted by a majority of votes of no fewer than 5 judges. The decision on the acceptance or refusal to accept the inquiry for consideration shall be delivered to the President of the Azerbaijani Republic and the National Assembly of the Azerbaijani Republic on the day of its adoption.

The consideration of the merits of the inquiry shall commence no later than three days from the day of its acceptance.

A decision of the Constitutional Court on the removal of the President of the Azerbaijani Republic from office in connection with the complete loss for health reasons of the President's ability to perform the duties of President shall be adopted by a majority of votes of no fewer than 5 judges.

In the event of the Constitutional Court not affirming the fact of the complete loss for health reasons of the President of the Azerbaijani Republic's ability to perform the duties of President, this matter shall be considered to be closed and written notice of this shall be delivered without delay to the National Assembly of the Azerbaijani Republic.

Article 73. Procedure for the Consideration of a Declaration by the President of the Azerbaijani Republic on Retirement

In those cases envisaged in Article 104, paragraph 2, of the Constitution of the Azerbaijani Republic, the President of the Azerbaijani Republic shall deliver a written announcement to the Constitutional Court.

The Constitutional Court of the Azerbaijani Republic shall not have the right to refuse to consider the announcement from the President of the Azerbaijani Republic on retirement.

The announcement from the President of the Azerbaijani Republic on retirement shall be considered on its merits by the Constitutional Court no later than three days after it has been received.

The Constitutional Court, having satisfied itself that the President of the Azerbaijani Republic submitted the announcement voluntarily, shall adopt a decision on the acceptance of the retirement of the President of the Azerbaijani Republic.

If the Constitutional Court is not convinced that the announcement of retirement by the President of the Azerbaijani Republic was given voluntarily, then the Constitutional Court shall make a decision on the non-acceptance of the retirement of the President of the Azerbaijani Republic.

The decision on this shall be adopted by the Constitutional Court through a majority of votes of no fewer than 5 judges and shall be delivered without delay to the National Assembly of the Azerbaijani Republic.

Article 74. Procedure for the Consideration of the Matter of the Removal of the President of the Azerbaijani Republic from Office

Pursuant to Article 107, paragraph 1, of the Constitution of the Azerbaijani Republic, the Constitutional Court may bring an initiative to remove the President of the Azerbaijani Republic from office.

The question of removing the President of the Azerbaijani Republic from office may be submitted by judges of the Constitutional Court. This proposal shall be submitted in writing to the Chair of the Constitutional Court. In the three days following the submittal of the proposal a session of the Constitutional Court shall be called, at which this question shall be considered. If the Constitutional Court acknowledges this proposal to be unfounded, then a majority of votes of no fewer than 5 judges shall confirm the decision.

If the proposal is acknowledged to be well founded, the Constitutional Court, in order to receive a decision on whether the President of the Azerbaijani Republic has committed a grave crime, shall direct the question to the Supreme Court of the Azerbaijani Republic. A decision on this shall be adopted by a majority of votes of no fewer than 6 judges. Within thirty days from receiving the question, the Supreme Court of the Azerbaijani Republic should consider it and direct a written opinion to the Constitutional Court.

If the Constitutional Court comes to the conclusion that there are no signs of such a grave crime in the actions of the President of the Azerbaijani Republic, the matter shall be considered to be exhausted and for this a majority of votes of no fewer than 5 judges shall carry the decision.

Bearing in mind the opinion of the Supreme Court of the Azerbaijani Republic, the Constitutional Court by a majority of votes of no fewer than 7 judges may adopt a resolution bringing an initiative to remove the President of the Azerbaijani Republic from office in connection with the presence in his actions of signs of a grave crime. The given resolution shall be delivered without delay to the National Assembly of the Azerbaijani Republic.

If the National Assembly of the Azerbaijani Republic in the procedure envisaged in Article 107, paragraph 2, of the Constitution of the Azerbaijani Republic, adopts a resolution on the removal of the President of the Azerbaijani Republic from office, then this resolution shall without delay be sent to the Constitutional Court.

On receiving the resolution of the National Assembly of the Azerbaijani Republic, the Constitutional Court must consider the question of its agreement with the resolution within one week. The decision of the Constitutional Court on its agreement with the resolution of the National Assembly of the Azerbaijani Republic must be adopted by a majority of votes of no fewer than 7 judges. The resolution of the National Assembly of the Azerbaijani Republic shall be signed by the Chair of the Constitutional Court.

If the Constitutional Court does not adopt a decision agreeing with the resolution of the National Assembly of the Azerbaijani Republic on the removal of the President of the Azerbaijani Republic from office, then the given resolution shall not enter into force.

Article 75. Procedure for the Consideration of the Question of Verifying and Approving the Results of the Elections of Deputies to the National Assembly of the Azerbaijani Republic.

Pursuant to Article 86 of the Constitution of the Azerbaijani Republic, the Constitutional Court shall check and confirm the fairness of the results of the elections of members (deputies) to the National Assembly of the Azerbaijani Republic.

No later than one month from the day of the announcement of the results of the elections to the National Assembly of the Azerbaijani Republic, a session of the Constitutional Court shall be called to verify the fairness of the elections.

No later than one week from the day of the announcement of the results of the repeated elections to the National Assembly of the Azerbaijani Republic, a session of the Constitutional Court shall be called to verify the fairness of the elections.

Several judge-rapporteurs may be designated to consider this matter.

At the session of the Constitutional Court held in order to verify the fairness of the elections of deputies to the National Assembly of the Azerbaijani Republic, the Chair and members of the Central Election Committee shall participate and also persons who received approval from the electorate as deputies, or their representatives, may participate.

Following the results of the check, the Constitutional Court shall by a majority of votes of no fewer than 5 judges adopt a decision on complete approval, partial approval or indeed non-approval of the results of the elections of deputies to the National Assembly of the Azerbaijani Republic.

Article 76. Procedure for Consideration of the Question of Deciding the Date at which the First Session of National Assembly of the Azerbaijani Republic Shall be Held

Pursuant to Article 88, paragraph 1, of the Constitution of the Azerbaijani Republic, if in the period from the elections to the National Assembly of the Azerbaijani Republic to 1 February the authority of the 83 deputies is not confirmed, then the date of the first session of the National Assembly of the Azerbaijani Republic shall be decided by the Constitutional Court.

If the Constitutional Court confirms the election of the 83rd deputy after 1 February, then at this session the Constitutional Court must decide on a date for the first session of the newly elected National Assembly of the Azerbaijani Republic to be held.

A decision on this shall be adopted by a majority of votes of no fewer than 5 judges of the Constitutional Court.

Chapter VII
RESOLUTIONS AND DECISIONS OF THE CONSTITUTIONAL COURT

Article 77. Resolution of the Constitutional Court

The decisions at which the Constitutional Court shall have arrived as a result of the consideration of a constitutional case shall be called resolutions of the Constitutional Court.

Resolutions of the Constitutional Court shall be adopted by a majority of votes of no fewer than 5 judges unless otherwise envisaged in the Constitution of the Azerbaijani Republic or the present law.

A resolution of the Constitutional Court shall be passed in the name of the Azerbaijani Republic.

A resolution of the Constitutional Court shall be definitive and may not be removed or amended by any body or official.

A resolution of the Constitutional Court shall be signed by the judge presiding over the session of the Constitutional Court.

Article 78. Procedure for Passing a Resolution of the Constitutional Court

A resolution of the Constitutional Court shall be passed in the deliberation room. On completion of the examination of the constitutional case by the Constitutional Court, the judges retire to the deliberation room in order to pass a resolution. Only those judges participating in the consideration of the specific constitutional case may be in the deliberation room. The presence of other persons shall not be permitted in the deliberation room.

The meeting shall be presided over by the judge presiding over the session of the Constitutional Court. After an exchange of opinions by the judges, an open vote shall be conducted. The Chair of the Constitutional Court shall be the last to vote.

A judge of the Constitutional Court should not disclose any information concerning any aspect of discussions or votes in the deliberation room.

The resolution of the Constitutional Court shall be prepared by the judge-rapporteur or on the authorisation of the Chair of the Constitutional Court by a different judge.

Article 79. Dissenting Opinion of a Judge of the Constitutional Court

A judge of the Constitutional Court who disagrees with the resolution of the Constitutional Court may state the dissenting opinion in writing. The dissenting opinion of the judge of the Constitutional Court shall be attached to the resolution of the Constitutional Court.

Article 80. Composition of a Resolution of the Constitutional Court

A resolution of the Constitutional Court shall be composed of three parts: an introduction, a description and the decision.

The introduction of the resolution of the Constitutional Court shall include:

the designation of the resolution;

the date and place of the passing of the resolution;

the composition of the Constitutional Court, the clerk of the court session, the parties or interested subjects.

The description of the resolution of the Constitutional Court shall include:

the factual circumstances of the constitutional case;

information on the documents in the constitutional case;

the facts as established in the process of considering the constitutional case;

information on the normative legal acts used in the consideration of the constitutional case.

The decision of the resolution of the Constitutional Court shall include:

the Articles of the Constitution of the Azerbaijani Republic or other laws of the Azerbaijani Republic by which the Constitutional Court was governed when adopting the resolution;

arguments in support of the decision adopted by the Constitutional Court;

the procedure for publishing the resolution and the date on which the resolution shall enter into force.

A resolution of the Constitutional Court must be well founded.

Article 81. Announcement of the Resolution of the Constitutional Court

Following the adoption of the resolution, the Constitutional Court shall return to the room of the court session and the judge presiding over the session shall announce the decision.

Article 82. Legal Force of the Resolution of the Constitutional Court

Pursuant to Article 130, paragraph 6, of the Constitution of the Azerbaijani Republic, decisions of the Constitutional Court shall have binding force across the entire territory of the Azerbaijani Republic.

Decisions of the Constitutional Court which have entered into legal force must be executed. Persons not implementing the resolutions of the Constitutional Court in cases provided for and in the procedure laid down by legislation shall bear criminal responsibility.

Article 83. Entry into Force of a Resolution of the Constitutional Court

Resolutions of the Constitutional Court shall enter into legal force according to the following procedure:

- 1) resolutions on the compliance of normative legal acts or international and intergovernmental treaties with the Constitution of the Azerbaijani Republic and laws of the Azerbaijani Republic - from the time specified in the resolution itself;
- 2) resolutions on the prohibition of political parties and other social associations, on the delimitation of powers between the legislative, executive and judicial authorities, on the interpretation of the Constitution and laws of the Azerbaijani Republic - on the day of the resolution's publication;
- 3) other resolutions on matters which come under the jurisdiction of the Constitutional Court - on the day of their announcement.

Article 84. Loss of Force or the Non-Entry into Force in Compliance with a Resolution of the Constitutional Court of Laws and Normative Legal Acts, International and Intergovernmental Treaties of the Azerbaijani Republic

Pursuant to Article 130, paragraph 7, of the Constitution of the Azerbaijani Republic, laws and other acts or their specific provisions and intergovernmental treaties of the Azerbaijani Republic shall lose force after a period specified in the decision of the Constitutional Court and international treaties of the Azerbaijani Republic shall not enter into force.

Article 85. Unacceptability of Interpreting Resolutions of the Constitutional Court

No one may provide an official interpretation of the resolutions of the Constitutional Court.

Article 86. Decisions of the Constitutional Court

The Constitutional Court may pass decisions in order to accept material into the proceedings, to settle questions arising in the course of the court investigation and also in other cases provided for by the present law.

Decisions of the Constitutional Court shall be adopted by a majority of votes of no fewer than 5 judges.

Decisions of the Constitutional Court adopted in the process of considering a constitutional case shall be entered into the record of the court session; other decisions of the Constitutional Court shall be published.

Article 87. Publication of Resolutions and Decisions of the Constitutional Court

Resolutions of the Constitutional Court and decisions of the Constitutional Court acknowledged as necessary for publication shall be published in the official state newspaper of the Azerbaijani Republic.

Resolutions and decisions of the Constitutional Court taken down by stenographers at open sessions of the Constitutional Court and other materials linked to the activities of the Constitutional Court shall be published in the *Avedomosty Konstitutsionno Suda Azerbajjanskoi Respublika* (Bulletins of the Constitutional Court of the Azerbaijani Republic).

Chapter VIII

ORGANISATION AND GUARANTEES OF THE ACTIVITIES OF THE CONSTITUTIONAL COURT

Article 88. Rules of Procedure of the Constitutional Court

With a view to organising its work, the Constitutional Court shall adopt the rules of procedure of the Constitutional Court.

The rules of procedure of the Constitutional Court shall be adopted by a majority of votes of no fewer than 5 judges.

Article 89. Symbols of the Constitutional Court

The symbols of the Constitutional Court shall be the state flag of the Azerbaijani Republic, the state coat of arms of the Azerbaijani Republic and the official emblem of the Constitutional Court.

On the occasion of the newly elected President of the Azerbaijani Republic taking the oath and at sessions of the Constitutional Court, a judge of the Constitutional Court should wear special robes.

The official emblem of the Constitutional Court and the special robes of judges of the Constitutional Court and also how they should be worn shall be affirmed by a resolution of the Constitutional Court adopted by a majority of votes of no fewer than 5 judges.

Article 90. Badge and Proof of Identity of Judges of the Constitutional Court

A badge and proof of identity shall be given to a judge of the Constitutional Court.

A description of the badge and proof of identity and where they should be worn shall be affirmed by a resolution of the Constitutional Court

adopted by a majority of no fewer than 5 judges.

Article 91. Seal of the Constitutional Court

The Constitutional Court shall possess a seal with the depiction of the state coat of arms of the Azerbaijani Republic and the designation of the Constitutional Court.

A description of the seal of the Constitutional Court shall be adopted by a resolution of the Constitutional Court by a majority of no fewer than 5 judges.

Article 92. Seat of the Constitutional Court

The seat of the Constitutional Court of the Azerbaijani Republic shall be the city of Baku. Sessions of the Constitutional Court shall be held in the Constitutional Court building. If for any reason whatsoever it shall not be possible to hold sessions of the Constitutional Court in the Constitutional Court building, then by a decision of the Chair of the Constitutional Court, sessions of the Constitutional Court may be held in a different place.

The regime governing the Constitutional Court building shall be defined by the rules of procedure of the Constitutional Court.

Article 93. Funding of the Activities of the Constitutional Court

Activities of the Constitutional Court shall be financed from the State budget of the Azerbaijani Republic. The resources allocated for the annual activities of the Constitutional Court may not be reduced as compared to those resources allocated for the preceding financial year.

Article 94. Social, Material and Other Guarantees for Judges of the Constitutional Court

From the point of view of social, material and other guarantees, the status of judges of the Constitutional Court shall be equal to the status of deputies of the National Assembly of the Azerbaijani Republic.

Article 95. Secretariat of the Constitutional Court

The legal, organisational, information, material and technical, financial and maintenance activities of the Constitutional Court shall be ensured by the secretariat of the Constitutional Court.

The secretariat of the Constitutional Court shall act in compliance with the regulations on the staff of the Constitutional Court, approved by the Chair of the Constitutional Court.

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

The structure, permanent staff of the Constitutional Court, estimate of expenses for running costs and salaries of workers shall be defined by the Chair of the Constitutional Court.

Direction of the staff of the Constitutional Court shall be carried out by the Chair of the Constitutional Court.

Article 96. Obligations of the Staff of the Constitutional Court

Staff of the Constitutional Court shall:

guarantee the work of the Constitutional Court and its judges;

prepare the necessary questionnaires and other information necessary for the work of the Constitutional Court;

provide the Constitutional Court with clerks for court sessions;

organise stenographers for sessions of the Constitutional Court;

conduct the servicing of the Constitutional Court;

ensure the recording and the preservation of documents of the Constitutional Court;

decide on material and technical, financial and maintenance matters connected to the activities of the Constitutional Court;

carry out specific tasks designated by the Chair of the Constitutional Court, his Deputy and the judges connected with the activities of the Constitutional Court;

carry out other duties connected with the activities of the Constitutional Court.

Article 97. Rights and Obligations of Members of Staff of the Constitutional Court

Members of staff of the Constitutional Court shall be hired and dismissed by the Chair of the Constitutional Court.

The rights, obligations and responsibilities of the members of staff of the Constitutional Court shall be regulated by the labour legislation of the Azerbaijani Republic and the regulations on the staff of the Constitutional Court.

Article 98. Entry into Force of this Law

The present law shall enter into force on the day designated for the swearing in of a minimum of 6 judges as the first organised Constitutional Court.