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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT CONSTITUTIONAL LAW
“ON THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF TAJIKISTAN”

CHAPTER 1. GENERAL PROVISIONS

Article 1. Constitutional Court of the Republic of Tajikistan

The Constitutional Court the Republic of Tajikistan as an independent judicial authority responsible for constitutional review shall be established for the purpose of defending the Constitution of the Republic of Tajikistan, ensuring the primacy and direct effect of the provisions thereof and protecting human and civil rights and freedoms.

Article 2. Legislation of the Republic of Tajikistan on the Constitutional Court of the Republic of Tajikistan

The legislation of the Republic of Tajikistan on the Constitutional Court of the Republic of Tajikistan shall be based on the Constitution of the Republic of Tajikistan and shall consist of the present Constitutional Law and other regulatory legal instruments of the Republic of Tajikistan.

Article 3. Equality of all before the law and the courts

The Constitutional Court of the Republic of Tajikistan shall administer constitutional justice according to the principles of equality of all before the law and the courts, irrespective of nationality, race, gender, language, religious beliefs, political convictions, education, social and financial status.

Article 4. Equal rights of judges of the Constitutional Court of the Republic of Tajikistan

Judges of the Constitutional Court of the Republic of Tajikistan shall enjoy equal rights when considering cases and examining and assessing evidence.

Article 5. Collegiality in the consideration of cases in the Constitutional Court of the Republic of Tajikistan

1. The consideration of cases, the adoption of judicial acts and the consideration of matters relating to the suspension of judges' powers and other matters provided for in the present Constitutional Law shall be carried out by the Constitutional Court of the Republic of Tajikistan on a collegial basis, with at least two thirds of the total number of judges in attendance.

2. Acts of the Constitutional Court shall be adopted by a majority of the votes of the judges present at the court session.

Article 6. Limits of adjudication by the Constitutional Court of the Republic of Tajikistan

The Constitutional Court of the Republic of Tajikistan shall determine and decide only questions of law.

CHAPTER 2.
COMPOSITION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN
AND PROCEDURE GOVERNING ITS ELECTION

Article 7. Composition of the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan shall consist of seven judges, one of which shall be a representative of Gorno-Badakhshan Autonomous Oblast.
2. The Constitutional Court of the Republic of Tajikistan may commence work if at least two thirds of its members have been elected.

Article 8. Procedure for electing the President, Vice-President and judges of the Constitutional Court of the Republic of Tajikistan and the requirements applicable to them

1. The President, Vice-President and judges of the Constitutional Court of the Republic of Tajikistan shall be elected individually by the Majlisi milli Majlisi Oli of the Republic of Tajikistan on a proposal from the President of the Republic of Tajikistan.
2. The person who secured the majority of the votes of the total number of members of the Majlisi milli Majlisi Oli of the Republic of Tajikistan shall be deemed to have been elected as President, Vice-President or judge of the Constitutional Court of the Republic of Tajikistan.
3. Lawyers who are not younger than 30 years and not older than 65 years and who possess at least 10 years' professional experience shall be eligible for election to the office of judge of the Constitutional Court of the Republic of Tajikistan.
4. Judges of the Constitutional Court of the Republic of Tajikistan shall have a good **command** of the state language.

Article 9. Term of office of judges of the Constitutional Court of the Republic of Tajikistan

1. Judges of the Constitutional Court of the Republic of Tajikistan shall be elected for a period of 10 years.
2. If the term of office of a judge of the Constitutional Court of the Republic of Tajikistan expires during consideration of a case in which he or she is involved, he or she shall remain in office until consideration of the case has been completed.

Article 10. Oath to be sworn by judges of the Constitutional Court of the Republic of Tajikistan

Persons who have been elected to the office of judge of the Constitutional Court of the Republic of Tajikistan for the first time shall swear the following oath following election at a session of the Majlisi milli Majlisi Oli of the Republic of Tajikistan:

"I do solemnly swear to carry out honestly and conscientiously the duties assigned to me, to scrupulously observe and defend the Constitution of the Republic of Tajikistan and in so doing to be governed solely by it".

CHAPTER 3.
STATUS OF JUDGES OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF
TAJKISTAN

Article 11. Independence of judges of the Constitutional Court of the Republic of Tajikistan

1. In performing their duties and considering cases, judges of the Constitutional Court of the Republic of Tajikistan shall be independent and shall be governed by the Constitution of the Republic of Tajikistan and the present Constitutional Law. Other regulatory legal instruments shall not be binding on them in the course of judicial proceedings. They shall assess evidence according to their own inner convictions.

2. Any interference in the activities of judges and any exercise of influence over them in any form whatsoever for the purpose of hindering their activities shall be prohibited.

3. Judges of the Constitutional Court of the Republic of Tajikistan shall not express publicly anywhere except at a court session their own personal opinions concerning a matter which may be subject to consideration by the Constitutional Court or which has been accepted for examination or consideration by the Constitutional Court pending the adoption of a decision on the matter.

4. Judges of the Constitutional Court shall not be entitled to express opinions or to give advice on matters being considered by the Constitutional Court until consideration of the matter has been completed and the relevant decision adopted on the constitutionality or non-constitutionality of the impugned law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan. Nor may anyone require a judge of the Constitutional Court to perform such actions.

5. Judges of the Constitutional Court shall not hold another office, serve on representative bodies, be members of political parties or associations or engage in entrepreneurial activities except for academic, artistic and teaching activities.

6. Judges of the Constitutional Court shall not act as defence counsel or provide representation, except for lawful representation in court or other law enforcement agencies, or provide patronage to any persons whomsoever in the acquisition of rights or exemption from obligations.

7. During their term of office, judges of the Constitutional Court shall be irremovable. They may not be deprived of their powers, restricted in their powers or removed from office save as otherwise provided in the present Constitutional Law.

8. In their activities in matters concerning constitutional proceedings, the Constitutional Court of the Republic of Tajikistan and its judges shall not be accountable.

9. No one may require a judge of the Constitutional Court to report on matters relating to his or her involvement in the consideration of a case.

Article 12. Immunity of judges of the Constitutional Court of the Republic of Tajikistan

1. Judges of the Constitutional Court of the Republic of Tajikistan shall have the right of immunity.

2. The immunity enjoyed by judges of the Constitutional Court of the Republic of Tajikistan shall apply to their lives, honour and dignity, home, office, vehicles and means of communication of which they have the use, as well as to correspondence, personal possessions and documents.

3. No criminal or administrative proceedings may be instituted against judges of the Constitutional Court of the Republic of Tajikistan without the consent of the Majlisi milli Majlisi Oli of the Republic of Tajikistan. Nor may such judges be held criminally liable, arrested, placed under

house arrest or subjected to administrative penalties imposed by a court of law save as otherwise provided in the present Constitutional Law.

4. Criminal and administrative proceedings against judges of the Constitutional Court may be instituted only by the Procurator General of the Republic of Tajikistan. Preliminary investigations in criminal cases and administrative proceedings shall be carried out in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan. Criminal cases and administrative cases against judges of the Constitutional Court of the Republic of Tajikistan shall be considered by the Supreme Court of the Republic of Tajikistan.

5. Detentions, arraignments, body searches and searches of property, vehicles and communication devices of judges of the Constitutional Court of the Republic of Tajikistan and which are used by them shall be permitted only where they are detained at the scene of a crime, and in other instances shall be carried out only in connection with criminal proceedings against the relevant judge of the Constitutional Court of the Republic of Tajikistan, in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan.

6. Any judge of the Constitutional Court of the Republic of Tajikistan who has been detained or delivered into the custody of the internal affairs bodies or other state body in connection with an administrative offence shall be released immediately after his or her identity has been established.

7. Entry into homes, offices, private or official vehicles, searches of such premises, body searches, searches of documents containing information about deposits and bank accounts, and seizures thereof, seizures of property, inspections of correspondence, seizures and confiscations thereof from communications organisations, temporary removal from office, interception and recording of telephone conversations of judges of the Constitutional Court of the Republic of Tajikistan may be carried out, with due regard to the provisions of paragraph 3 of the present article, at the request of the Procurator General of the Republic of Tajikistan and by order of a judge of the Supreme Court of the Republic of Tajikistan in connection with criminal proceedings against the judge concerned.

8. No action may be taken against judges of the Constitutional Court of the Republic of Tajikistan for opinions expressed by them.

Article 13. Suspension of powers of judges of the Constitutional Court of the Republic of Tajikistan

1. The powers of judges of the Constitutional Court shall be suspended by the Constitutional Court of the Republic of Tajikistan if:

- the relevant judge of the Constitutional Court was elected in breach of the prescribed procedure;
- consent has been given in accordance with the prescribed procedure for the judge to be arrested or prosecuted.

2. The powers of judges of the Constitutional Court of the Republic of Tajikistan shall be suspended by means of a ruling of the Constitutional Court of the Republic of Tajikistan until such time as the grounds specified in paragraph 1 of the present article have ceased to exist.

Article 14. Recall of judges of the Constitutional Court of the Republic of Tajikistan

Judges of the Constitutional Court of the Republic of Tajikistan shall be recalled by the Majlisi milli Majlisi Oli of the Republic of Tajikistan on a proposal from the President of the Republic of Tajikistan in the following circumstances:

- 1) where the judge's written notice of resignation has been accepted;
- 2) where a final judgment of conviction has been rendered against the judge by the Supreme Court of the Republic of Tajikistan;

- 3) where he or she has been declared fully or partially incapable, missing without trace or deceased by means of a final court ruling;
- 4) where the judge is deceased;
- 5) where the judge has engaged in activity incompatible with his or her office;
- 6) where the judge has ceased to be a citizen of the Republic of Tajikistan;
- 7) where the judge has committed an act which discredits the honour and dignity of judges;
- 8) where the judge has failed to attend court sessions or failed to vote on a decision more than twice in succession without a valid reason;
- 9) where the judge is unable for health or other valid reasons to perform his or her judicial duties for an extended period (at least four consecutive months);
- 10) where his or her term of office has expired;
- 11) where he or she has been transferred to another job;
- 12) where he or she has retired;
- 13) in the event of a breach of the procedure prescribed by the legislation of the Republic of Tajikistan regulating traditions, ceremonies and rites.

Article 15. Retirement of judges of the Constitutional Court of the Republic of Tajikistan

1. Judges who retire from the Constitutional Court of the Republic of Tajikistan shall be considered to have been honourably discharged from office. Retired judges shall retain the title of judge of the Constitutional Court of the Republic of Tajikistan, the guarantees of personal immunity and membership of the judicial community, and shall be issued with a certificate confirming their status as retired judges of the Constitutional Court of the Republic of Tajikistan.

2. All judges of the Constitutional Court of the Republic of Tajikistan shall have the right to retire of their own accord, irrespective of age.

3. Judges of the Constitutional Court of the Republic of Tajikistan shall be deemed to have retired if they are recalled on the following grounds:

- acceptance of a written notice of resignation submitted by them;
- expiration of their term of office;
- issuance of a final court ruling declaring them fully or partially incapable;
- inability, for health or other valid reasons, to perform their duties for an extended period (at least four consecutive months).

4. A retired judge of the Constitutional Court of the Republic of Tajikistan who has served in the legal profession for a total of thirty-five years, including at least fifteen years as a judge of the Constitutional Court of the Republic of Tajikistan, shall receive a monthly lifetime allowance equal to sixty per cent of his or her remuneration as a judge of the Constitutional Court of the Republic of Tajikistan.

The monthly lifetime allowance shall be increased in an amount equal to one per cent of the remuneration of the judge of the Constitutional Court for each subsequent year served as a judge of the Constitutional Court but may not exceed sixty-five per cent of the remuneration of the judge of the Constitutional Court of the Republic of Tajikistan.

5. Time served as head of the Executive of the President of the Republic of Tajikistan, minister of justice of the Republic of Tajikistan or chair of the Council of Justice of the Republic of Tajikistan or as their deputies, as a member of the Majlisi namoyandagon Majlisi Oli of the Republic

of Tajikistan or as state advisor to the President of the Republic of Tajikistan on legal policy shall count towards length of service as a judge of the Constitutional Court of the Republic of Tajikistan, if the individual concerned previously served as a judge of the Constitutional Court for at least five years.

6. Judges of the Constitutional Court of the Republic of Tajikistan who have retired shall receive a lump-sum payment in an amount equal to three months' remuneration.

7. The monthly lifetime allowances and pensions payable to judges of the Constitutional Court of the Republic of Tajikistan shall be financed from the national budget.

CHAPTER 4.

POWERS OF THE PRESIDENT, VICE-PRESIDENT AND JUDGE-SECRETARY OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 16. Powers of the President of the Constitutional Court of the Republic of Tajikistan

1. The President of the Constitutional Court of the Republic of Tajikistan:

- shall oversee the preparation of court sessions and shall convene and chair them;
- submit for discussion matters to be considered at sessions of the Constitutional Court;
- once a year shall send to the President of the Republic of Tajikistan, the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan a message from the Constitutional Court of the Republic of Tajikistan on the situation with regard to compliance with the Constitution in the Republic;
- shall represent the Constitutional Court of the Republic of Tajikistan in its dealings with state and public bodies, organisations, institutions, enterprises and officials;
- shall determine the official duties of the Vice-President of the Constitutional Court of the Republic of Tajikistan;
- shall organise the work of judges of the Constitutional Court of the Republic of Tajikistan;
- shall have overall charge of the administrative apparatus of the Constitutional Court of the Republic of Tajikistan;
- shall take measures to ensure the safe-keeping of any state property assigned for the use of the Constitutional Court of the Republic of Tajikistan;
- shall take measures to step up the fight against corruption and to ensure that the provisions of the Code of Judicial Ethics of the Republic of Tajikistan are observed;
- shall submit Rules of Procedure for adoption by the Constitutional Court of the Republic of Tajikistan;
- shall nominate the secretary of the Constitutional Court from among the judges of the Constitutional Court of the Republic of Tajikistan;
- shall take measures to ensure the security of participants in court sessions;
- shall nominate judges of the Constitutional Court for state honours of the Republic of Tajikistan and for qualification grades;
- shall appoint and dismiss administrative staff of the Constitutional Court of the Republic of Tajikistan, shall nominate them for state honours of the Republic of Tajikistan and shall reward them with sectoral honours and class and qualification ranks;
- shall sign judicial acts and records of court sessions;
- shall exercise other powers.

2. Within the limits of his or her powers, the President of the Constitutional Court of the Republic of Tajikistan shall issue instructions and orders.

3. The President of the Constitutional Court of the Republic of Tajikistan shall have the right to attend joint sessions of the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan, sessions of the Majlisi milli, the Majlisi namoyandagon, the Government of the Republic of Tajikistan and other state and public bodies and plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan.

Article 17. Powers of the Vice-President of the Constitutional Court of the Republic of Tajikistan

The Vice-President of the Constitutional Court of the Republic of Tajikistan shall stand in for the President of the Constitutional Court of the Republic of Tajikistan in the event that he or she is absent or unable to perform his or her duties and, with the authorisation of the President of the Constitutional Court of the Republic of Tajikistan, shall perform certain of his or her duties.

Article 18. Powers of the judge-secretary of the Constitutional Court of the Republic of Tajikistan

1. The judge-secretary of the Constitutional Court shall be elected by the Constitutional Court of the Republic of Tajikistan from among the judges of the Constitutional Court.

2. As well as acting as a judge of the Constitutional Court of the Republic of Tajikistan, the judge-secretary of the Constitutional Court:

- shall carry out organisational work relating to the preparation of court sessions and shall take measures to execute the decisions adopted by the Constitutional Court of the Republic of Tajikistan;

- shall arrange for records of court sessions to be drawn up in good time;

- shall sign judicial acts and records of court sessions;

- shall arrange for copies of any judicial acts adopted to be sent to the relevant bodies, organisations and institutions, officials and private individuals, as appropriate.

CHAPTER 5.

BASIC PRINCIPLES OF CONSTITUTIONAL PROCEEDINGS IN THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 19. Transparency of constitutional proceedings in the Constitutional Court of the Republic of Tajikistan

1. Hearings of cases in the Constitutional Court of the Republic of Tajikistan shall take place in public, unless this is contrary to the interests of state secrecy, public security, privacy and public morals.

2. Decisions of the Constitutional Court of the Republic of Tajikistan shall be pronounced publicly in all instances.

3. With the leave of the Constitutional Court of the Republic of Tajikistan, it shall be permitted to use photographic and audio-visual recording equipment and to broadcast court sessions on radio and television. Participants in court sessions shall be entitled to inspect any such recordings.

Article 20. Direct nature of the consideration given to cases by the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan shall not adopt a decision on the merits of a case without hearing it directly, in accordance with the procedure prescribed by the present Constitutional Law.

2. Judges of the Constitutional Court of the Republic of Tajikistan shall participate in person in the consideration of cases from the time the proceedings are declared open until such time as they are declared closed.

3. No judge may decline to participate in the consideration of a case, save as otherwise provided in the present Constitutional Law.

4. If a new judge appears at a court session, the hearing of the case shall begin anew.

5. The inability of a judge to further participate in the consideration of a case shall not be a bar to the continuation of the court session if a quorum of judges is present, but shall preclude the judge in question from participating in the judges' deliberations and the adoption of a decision.

6. During deliberations of the Constitutional Court of the Republic of Tajikistan, none of the judges participating in the court session may abstain from voting. Each judge shall be bound to personally express his or her opinion on the case before a decision is adopted.

Article 21. Equality of arms in constitutional proceedings

1. Constitutional proceedings in the Constitutional Court of the Republic of Tajikistan shall be conducted according to the principle of equality of arms.

2. The parties to constitutional proceedings shall enjoy equal rights to file objections and petitions, to present evidence and to participate in the examination thereof, to speak in judicial debates, to present the court with arguments and pleadings and to exercise other procedural rights and duties provided for in the present Constitutional Law.

Article 22. Adversarial proceedings

The parties shall have equal rights and opportunities to assert their positions according to the principle of adversarial proceedings.

Article 23. Oral nature of constitutional proceedings

Court sessions shall be conducted orally. During consideration of a case, the Constitutional Court shall hear the pleadings and statements of participants in the court session, testimonies of witnesses and specialists and expert findings and shall read out documents, expert reports, records and other written evidence contained in the case-file and submitted by the participants in the proceedings.

Article 24. Language of constitutional proceedings in the Constitutional Court of the Republic of Tajikistan

1. Constitutional proceedings in the Constitutional Court of the Republic of Tajikistan and any acts adopted by it shall be presented and pronounced in the state language of the Republic of Tajikistan.

2. For participants in the court session who are not conversant with the language of the proceedings, the Constitutional Court with the help of an interpreter shall arrange for the proceedings to be translated into their native language or another language with which they are conversant.

3. Individuals, witnesses, specialists and experts participating in the case and who are not conversant with the language of the proceedings may provide explanations in their mother tongue or in a language with which they are conversant, and shall have access to the services of an interpreter.

4. Records of court sessions in the Constitutional Court of the Republic of Tajikistan shall be kept in the state language.

Article 25. Secrecy of deliberations of judges of the Constitutional Court of the Republic of Tajikistan

1. No outsiders may be present when judges of the Constitutional Court meet in the conference room to deliberate on the merits of a case.

2. It shall be prohibited to disclose any opinions expressed during judges' deliberations.

Article 26. Solemnity of proceedings in the Constitutional Court of the Republic of Tajikistan

1. In the Constitutional Court of the Republic of Tajikistan, court sessions shall be conducted in public, in a solemn setting, with due regard for all the requirements of judicial etiquette.

2. Persons present in the courtroom shall obey the instructions of the presiding judge concerning the maintenance of order during the court session. Any disruption in the courtroom shall be suppressed by the presiding judge.

3. Whenever a judge of the Constitutional Court enters or leaves the courtroom, all persons present shall rise.

4. Each participant in the court session shall stand when addressing the court, speaking or presenting explanations, pleadings or testimony. A judge or judges of the Constitutional Court of the Republic of Tajikistan shall be addressed as "Your honour" or "Your honours".

5. Judgments and findings of the Constitutional Court of the Republic of Tajikistan on the merits of cases shall be delivered in the name of the Republic of Tajikistan, with all persons present being required to stand.

Article 27. Disqualification or self-disqualification of judges of the Constitutional Court of the Republic of Tajikistan

1. Judges of the Constitutional Court of the Republic of Tajikistan may be disqualified from participating in the consideration of a case if:

- by virtue of their official duties, they were previously involved in the adoption of the regulatory legal instrument which is being considered by the Constitutional Court of the Republic of Tajikistan;

- they are related to one of the parties or to a representative of one of the parties; if they have a direct or indirect interest in the outcome of the case or if there are other circumstances which might cast doubt on their objectivity and impartiality.

2. The disqualification or self-disqualification of a judge of the Constitutional Court of the Republic of Tajikistan may be requested by the parties to constitutional proceedings and by the judge at any stage of the constitutional proceedings.

3. The disqualification or self-disqualification of a judge of the Constitutional Court of the Republic of Tajikistan shall be approved by a majority of the judges present at the session

through the delivery of a ruling to this effect. In the event of a tied vote, the judge shall be deemed to have been disqualified.

4. Any disqualification or self-disqualification of a judge of the Constitutional Court of the Republic of Tajikistan which is requested in the course of an open court session shall be decided in the conference room without the judge concerned. Before the judges withdraw to the conference room, the judge concerned shall be entitled to publicly state his or her case with regard to his or her disqualification.

5. It shall be prohibited for all the members of the Constitutional Court of the Republic of Tajikistan to be disqualified or to disqualify themselves.

CHAPTER 6. PARTICIPANTS IN CONSTITUTIONAL PROCEEDINGS, THEIR RIGHTS AND DUTIES

Article 28. Participants in constitutional proceedings

1. The participants in constitutional proceedings shall be the parties and their representatives, witnesses, experts and interpreters.

2. Representatives of other state law enforcement agencies which have a connection to the regulatory legal instruments being challenged may be invited to the court session. With the leave of the Constitutional Court of the Republic of Tajikistan, they shall state their views on the regulatory legal instrument in question.

Article 29. The parties and their representatives

1. The parties to constitutional proceedings shall be:

- persons and bodies entitled under Article 41 of the present Constitutional Law to apply to the Constitutional Court of the Republic of Tajikistan;

- the bodies and officials who adopted, approved and signed the law or other regulatory legal instrument which is to be reviewed for compliance with the Constitution of the Republic of Tajikistan;

- the state bodies whose competence is being challenged.

2. Representatives shall be persons who, for the purpose of defending the rights and interests of the parties, appear in the Constitutional Court of the Republic of Tajikistan.

3. Lawyers, specialists and other persons, whose mandate shall be determined by a power of attorney issued by the parties, may act as representatives of the parties at a court session.

4. Parties may have more than one representative.

5. The following may act as representatives of the parties in the Constitutional Court of the Republic of Tajikistan on an ex officio basis:

- the head of the body which applied to the Constitutional Court of the Republic of Tajikistan;

- the head of the body or the official who adopted, approved or signed the regulatory legal instrument whose compliance with the Constitution of the Republic of Tajikistan has been called into question.

Article 30. Rights and duties of parties and their representatives

1. The parties and their representatives, within the limits of their powers, shall have equal procedural rights.

2. They shall have the right:

- to peruse all materials received during the preparations for the court session on the matter under consideration, to take extracts therefrom, to make copies, to submit evidence, to participate in the examination of evidence and to present their arguments and observations on any matters arising in the course of the court session;

- to file written petitions, to present the judges with oral and written pleadings and to express their opinion on any petitions filed;

- to present pleadings in their mother tongue or in a language with which they are conversant, and to employ the services of an interpreter;

- to put questions to the other party, witnesses, experts and specialists;

- to participate in the judicial debates and to make a closing statement on the matter under consideration;

- to petition for clarification of a judgment of the Constitutional Court of the Republic of Tajikistan.

3. The party on whose application constitutional proceedings have been instituted shall have the right to change the grounds or subject-matter of their claims, to increase or reduce the amount thereof and to renounce claims before the court withdraws to the conference room.

4. The party by whom the claims were filed shall have the right to acknowledge them in full or in part or to raise objections to them.

5. The parties and their representatives shall be bound:

- to appear in response to a summons issued by the Constitutional Court of the Republic of Tajikistan;

- to treat with due respect, at the court session, one another and the rules and procedures adopted in the Constitutional Court, and to answer any questions put by the presiding judge, judge or participants in the court session;

- to obey the instructions of the presiding judge concerning the maintenance of order during the court session;

- to accurately and truthfully state the circumstances known to them concerning the case, to submit evidence and to prove any circumstances relied on by them in support of their claims and objections.

6. The parties and their representatives shall be held liable under the law for any knowingly false information which they may submit to the judges.

Article 31. Witnesses and their duties

1. Where it is necessary to investigate factual circumstances, the determination of which falls within the jurisdiction of the Constitutional Court of the Republic of Tajikistan, persons who possess information and materials pertaining to the facts of the case and the matter at issue may be summoned to appear at the court session as witnesses.

2. Witnesses shall be warned about their liability for giving knowingly false testimony, refusing to appear in response to a court summons or refusing to testify.

3. Witnesses shall be bound to appear at a session of the Constitutional Court, to communicate any information known to them concerning the matter under consideration, and to answer any questions put by the judges and participants in the court session.

Article 32. Experts, their rights and duties

1. Persons who possess specialised knowledge relevant to the case under consideration may be summoned to appear at the court session as experts. The matters on which the expert is to provide findings shall be determined by the judge rapporteur or by the Constitutional Court.

2. Experts shall be warned about their liability for providing knowingly false findings, refusing to appear in response to a court summons or refusing to provide findings.

3. Experts shall have the right to peruse the case-file, to put questions to the parties and witnesses, to file petitions for obtaining additional materials and to record or copy any information required in order to provide findings.

4. After presenting their findings, experts shall be bound to answer additional questions put by the presiding judge, judges, parties or participants in the court session.

Article 33. Specialists, their rights and duties

1. Persons who possess specialised knowledge and experience concerning particular matters shall be invited to the Constitutional Court to act as specialists.

2. For the purpose of forming an opinion, specialists shall have the right to peruse the case-file, and at the court session, with the leave of the presiding judge, to put questions to the other participants in the court session.

3. In the event of failure to appear without good reason or refusal to perform their duties, specialists shall be liable under the legislation of the Republic of Tajikistan.

Article 34. Interpreters, their rights and duties

1. Persons who are fluent in the language of the proceedings and the language of participants in the judicial proceedings who are not conversant with the language of the proceedings and who possess communication and interpreting skills shall be invited to the court session to act as interpreters.

2. Interpreters shall be bound to appear in response to a summons issued by the Constitutional Court and to translate accurately and in full the materials assigned to them.

3. In the event that an interpreter fails to appear at the court session or fails to perform the duties assigned to him or her, or provides a knowingly inaccurate translation, he or she shall be liable under the legislation of the Republic of Tajikistan.

CHAPTER 7.

POWERS OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 35. Powers of the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan shall be vested with the constitutional powers provided for in Article 89 of the Constitution of the Republic of Tajikistan and the present Constitutional Law.

2. The Constitutional Court of the Republic of Tajikistan shall consider cases concerning compliance with the Constitution of the Republic of Tajikistan:

- draft amendments and additions made to the Constitution of the Republic of Tajikistan, draft laws and other matters submitted to national referendum;

- laws, joint resolutions of the Majlisi milli and the Majlisi namoyandagon, legal instruments of the Majlisi milli, the Majlisi namoyandagon, the President, the Government, other state and public bodies, directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan;

- international treaties of Tajikistan which have not yet entered into legal force;

- regulatory legal instruments of ministries, state committees and other state bodies;

- regulatory legal instruments of the Majlisis of people's deputies of Gorno-Badakhshan Autonomous Oblast, oblasts and the city of Dushanbe and of chairpersons of Gorno-Badakhshan Autonomous Oblast, oblasts and the city of Dushanbe;

- regulatory legal instruments of the Majlisis of people's deputies of towns and districts and of chairpersons of towns and districts;

- regulatory legal instruments of self-government bodies of settlements and villages.

3. The Constitutional Court of the Republic of Tajikistan shall likewise consider:

- disputes between state bodies concerning their competence;

- petitions from citizens concerning the constitutionality of laws, other regulatory legal instruments, directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, which have been applied to them in specific cases by state or public bodies or by the courts and which, in their opinion, violate their constitutional rights and freedoms;

- exercise other powers determined by the Constitution and laws.

4. In the event that the President of the Republic of Tajikistan commits an act of high treason, the Constitutional Court of the Republic of Tajikistan shall adopt findings.

Article 36. Other powers of the Constitutional Court of the Republic of Tajikistan

1. At its sessions, the Constitutional Court of the Republic of Tajikistan shall:

- adopt the Rules of Procedure of the Constitutional Court of the Republic of Tajikistan;

- discuss and adopt the text of the annual Message from the Constitutional Court of the Republic of Tajikistan on the situation with regard to compliance with the Constitution in the Republic of Tajikistan;

- elect the secretary of the Constitutional Court of the Republic of Tajikistan from among the judges of the Constitutional Court;

- decide matters relating to the suspension of powers of judges of the Constitutional Court of the Republic of Tajikistan;

- decide matters relating to the imposition of fines and other penalties on persons who have committed breaches of judicial procedure;

- consider the work of the administrative apparatus of the Constitutional Court of the Republic of Tajikistan and hear its reports on financial and operational activities;

- decide matters relating to rewards and the nomination of judges of the Constitutional Court of the Republic of Tajikistan and its administrative staff for state honours;

- approve the composition of and regulations on the scientific advisory council of the Constitutional Court of the Republic of Tajikistan;

- consider other matters related to the activities of the Constitutional Court of the Republic of Tajikistan.

2. When preparing cases for consideration at court sessions, the Constitutional Court of the Republic of Tajikistan may request and obtain the necessary information from any state bodies, organisations, institutions, enterprises, public associations and academic institutions and engage, in accordance with the prescribed procedure, specialists for expert evaluations and scientific advisory work.

Article 37. Rules of Procedure of the Constitutional Court of the Republic of Tajikistan

Any internal matters relating to the activities of the Constitutional Court of the Republic of Tajikistan which are not governed by the present Constitutional Law shall be governed by the Rules of Procedure of the Constitutional Court of the Republic of Tajikistan.

Article 38. Message from the Constitutional Court of the Republic of Tajikistan

1. Once a year the Constitutional Court of the Republic of Tajikistan shall send to the President of the Republic of Tajikistan, the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan a Message concerning the situation with regard to compliance with the Constitution in the Republic of Tajikistan.

2. The Constitutional Court of the Republic of Tajikistan may likewise apply to the President of the Republic of Tajikistan on other matters, including matters relating to ensuring the primacy of the Constitution of the Republic of Tajikistan and protecting constitutional human and civil rights and freedoms within the territory of the republic.

3. The Message shall be discussed at a session of the Constitutional Court of the Republic of Tajikistan and shall be adopted by a majority of the judges present at the session, by open ballot. It shall be signed by the President of the Constitutional Court of the Republic of Tajikistan.

4. The adoption of the Message of the Constitutional Court of the Republic of Tajikistan shall be formalised through the adoption of the appropriate ruling for the record.

**CHAPTER 8.
JURISDICTION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN
OVER CASES**

Article 39. Jurisdiction of the Constitutional Court of the Republic of Tajikistan over cases

1. The Constitutional Court of the Republic of Tajikistan shall have jurisdiction over cases which fall within its powers, as provided for in Article 35 of the present Constitutional Law.

2. The Constitutional Court of the Republic of Tajikistan shall likewise have jurisdiction over regulatory legal acts which are of a secret nature.

Article 40. Jurisdiction over several interrelated claims

Where several interrelated claims have been joined and some of them fall within the jurisdiction of the Constitutional Court of the Republic of Tajikistan and others fall within the jurisdiction of other state authorities, the Constitutional Court shall consider only those issues which are within its jurisdiction.

Article 41. Persons and bodies entitled to apply to the Constitutional Court of the Republic of Tajikistan

The right to apply to the Constitutional Court of the Republic of Tajikistan shall be vested in:

1) the President of the Republic of Tajikistan, the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan concerning the constitutionality of any amendments and additions made to the Constitution of the Republic of Tajikistan, draft laws or other matters submitted to national referendum;

2) the President of the Republic of Tajikistan, joint sessions of the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan, the Majlisi milli and the Majlisi namoyandagon, the Government of the Republic of Tajikistan, members of the Majlisi milli and members of the Majlisi namoyandagon, the Supreme Court of the Republic of Tajikistan, the Supreme Economic Court of the Republic of Tajikistan, the Procurator General of the Republic of Tajikistan, the Majlisis of people's deputies of Gorno-Badakhshan Autonomous Oblast, oblasts and the city of Dushanbe concerning the constitutionality of laws, joint legal instruments of the Majlisi milli and the Majlisi namoyandagon, legal instruments of the Majlisi milli, the Majlisi namoyandagon, the President of the Republic of Tajikistan, the Government of the Republic of Tajikistan, international treaties of Tajikistan which have not yet entered into legal force, directives of plenums of the Supreme Court and the Supreme Economic Court;

3) the Procurator General of the Republic of Tajikistan, the Majlisis of people's deputies of Gorno-Badakhshan Autonomous Oblast, oblasts and the city of Dushanbe and chairpersons of Gorno-Badakhshan Autonomous Oblast, oblasts and the city of Dushanbe concerning the constitutionality of legal instruments of ministries, state committees and other state administrative bodies and local state authorities;

4) the Government of the Republic of Tajikistan, ministries, state committees and departments operating under the Government of the Republic of Tajikistan, the Majlisis of people's deputies of Gorno-Badakhshan Autonomous Oblast, oblasts, the city of Dushanbe, towns and districts, chairpersons of Gorno-Badakhshan Autonomous Oblast, oblasts, the city of Dushanbe, towns and districts with regard to any disputes which may arise between them concerning their competence;

5) the Commissioner for Human Rights concerning the constitutionality of laws, other regulatory legal instruments, directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, which have been applied to citizens in specific cases by state or public bodies or by the courts and which, in their opinion, violate their constitutional rights and freedoms;

6) citizens concerning the constitutionality of laws, other regulatory legal instruments and directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, which have been applied to them in specific cases by state or public bodies or by the courts and which, in their opinion, violate their constitutional rights and freedoms;

7) legal entities concerning the constitutionality of laws, other regulatory legal instruments, directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, which have been applied against them in specific cases by state or public bodies or by the courts and which, in their opinion, violate their constitutional rights and interests;

8) judges of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, other courts and judges of courts of the Republic of Tajikistan (except for judges of the Constitutional Court of the Republic of Tajikistan) concerning the constitutionality of laws, other regulatory legal instruments or directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan, which have been applied or are to be applied by them in respect of citizens or legal entities in specific cases.

**CHAPTER 9.
PROCEDURE FOR INSTITUTING CONSTITUTIONAL PROCEEDINGS AND THE
PREPARATION OF CASES FOR CONSIDERATION**

Article 42. Form and content of applications to the Constitutional Court of the Republic of Tajikistan

1. Applications to the Constitutional Court of the Republic of Tajikistan shall be made in writing.

2. The bodies and officials specified in Article 41, paragraphs 1) – 4), of the present Constitutional Law shall make submissions to the Constitutional Court of the Republic of Tajikistan, and the persons specified in paragraphs 5) – 8) of the same article shall file petitions.

3. Submissions and petitions shall indicate:

- the name of the Constitutional Court of the Republic of Tajikistan;
- the name, address and other relevant details of the applicant;
- the name, address and other details of the applicant's representative and their powers, except in cases of ex officio representation;
- the name and address of the state body or official who adopted, approved or signed the regulatory legal instrument whose constitutionality is to be considered;
- the exact title, date of adoption and reference number, sources of publication and other details of the regulatory legal instrument being challenged;
- the circumstances and concrete facts concerning the unconstitutionality of specific provisions of the regulatory legal instrument on which the applicant's claims and evidence are based;
- an indication of the substantive connection between specific provisions of the regulatory legal instrument being challenged and the relevant provisions of the Constitution of the Republic of Tajikistan;
- the violation of specific constitutional rights and freedoms as a result of the application of a regulatory legal instrument which the applicant considers to be unconstitutional;
- concrete reasons justifying the view that the regulatory legal instrument being challenged is unconstitutional;
- the substance of the applicant's claim;
- those provisions of the Constitution of the Republic of Tajikistan and the present Constitutional Law which entitle the person or body concerned to apply to the Constitutional Court of the Republic of Tajikistan;
- a list of appendices and a list of the persons to be summoned to the Constitutional Court of the Republic of Tajikistan and their addresses.

4. The submission or petition shall be signed by the relevant applicant, as specified in Article 41 of the present Constitutional Law. The following documents shall be appended thereto:

- a copy of the text of the regulatory legal instrument whose constitutionality is being wholly or partially challenged by the applicant;
- documents confirming the authority of the representative, save where representation is to be provided ex officio.

5. Any documents drawn up in another language shall be accompanied by a translation thereof in the language of the proceedings.

6. The submission or petition and any appendices thereto shall be filed with the Constitutional Court in at least 10 copies. If so required by the judge, the applicant shall be bound to submit a different number of copies of the said documents.

7. A receipt confirming payment of state duty shall be appended to the submission or petition.

Article 43. Time-limit for filing a petition with the Constitutional Court of the Republic of Tajikistan

Within six months as from the date on which the relevant decision is adopted in respect of them, applicants may apply to the Constitutional Court of the Republic of Tajikistan with a petition to determine the constitutionality of the law, other regulatory legal instrument or directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan applied therein.

Article 44. Consequences of consideration of a submission or petition in the Constitutional Court of the Republic of Tajikistan

1. The submission or petition filed shall be sent by the President of the Constitutional Court of the Republic of Tajikistan to the judge or judges for examination and review.

2. Having reviewed the submission or petition, the judge or judges shall, within one month, make a proposal to the Constitutional Court of the Republic of Tajikistan, recommending that it institute constitutional proceedings or decline to institute constitutional proceedings.

3. The Constitutional Court of the Republic of Tajikistan, having considered the judge's or judges' proposal, shall either deliver a ruling to institute constitutional proceedings and shall instruct the judge or judges to prepare the case for consideration at a court session or shall deliver a ruling declining to institute constitutional proceedings. The applicant shall be notified accordingly in writing.

4. A copy of any ruling to institute constitutional proceedings shall be sent to the parties and to the applicant, and a copy of any ruling declining to institute constitutional proceedings shall be sent to the applicant.

5. In the event of a repeat application to the Constitutional Court of the Republic of Tajikistan on a matter on which the Constitutional Court has already made a ruling declining to institute constitutional proceedings, the applicant shall be sent a copy of the ruling and at the same time shall be informed that there is to be no further correspondence with the applicant on this matter.

6. Where constitutional proceedings are instituted, the Constitutional Court of the Republic of Tajikistan may, by means of a ruling prior to considering the case, suspend the operation of the regulatory legal instrument being challenged.

Article 45. Basis and grounds for consideration of a case in the Constitutional Court of the Republic of Tajikistan

1. An application to the Constitutional Court of the Republic of Tajikistan in the form of a submission or petition which meets the requirements of the present Constitutional Law shall constitute a basis for consideration of a case in the Constitutional Court of the Republic of Tajikistan.

2. The discovery of an uncertainty as to the constitutionality of laws, joint resolutions of the Majlisi milli and the Majlisi namoyandagon, legal instruments of the Majlisi milli, the Majlisi

namoyandagon, the President, the Government, other state and public bodies, directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan;

- disputes between state bodies concerning their competence and;
- other circumstances arising from the powers of the Constitutional Court of the Republic of Tajikistan

shall constitute grounds for considering a case in the Constitutional Court of the Republic of Tajikistan.

3. A submission from the President of the Republic of Tajikistan or the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan shall constitute grounds for consideration of a case in the Constitutional Court of the Republic of Tajikistan concerning the constitutionality of draft amendments and additions made to the Constitution of the Republic of Tajikistan or of draft laws and other matters submitted to national referendum.

Article 46. Refusal to accept a submission or petition for consideration in the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan shall decline to institute constitutional proceedings if:

- in terms of its form and content, the submission or petition does not meet the requirements of Article 42 of the present Constitutional Law or if there are no grounds for considering the case in the Constitutional Court;

- the submission or petition emanates from an inappropriate body or person;

- the claim set out in the submission or petition does not fall within the jurisdiction of the Constitutional Court and is not subject to its consideration;

- the Constitutional Court of the Republic of Tajikistan has previously considered the constitutionality of the matter referred to in the submission or petition and has given a decision thereon;

- the six-month time-limit for filing a petition with the Constitutional Court has expired;

- the law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court, whose constitutionality is being challenged, has been annulled.

2. The Constitutional Court of the Republic of Tajikistan shall consider and determine the compliance of existing laws and other regulatory legal instruments with the current Constitution of the Republic of Tajikistan.

Article 47. Preparation of cases for consideration by the Constitutional Court of the Republic of Tajikistan

1. In the constitutional proceedings instituted, the judge shall be bound to prepare the case for consideration at a court session within two months. To this end, he or she shall:

- identify the parties to the case, explain to them their procedural rights and duties, as provided for in the present Constitutional Law, and provide them with assistance in obtaining evidence and arranging for them to be represented in the Constitutional Court of the Republic of Tajikistan;

- question the applicant;

- request and obtain the necessary documents and other information relating to the case;

- question the relevant officials;

- where necessary, engage academics and practitioners as specialists and experts, issue instructions for checks, investigations and expert evaluations to be carried out;
- determine who are to act as witnesses, specialists and experts;
- decide whether to join in a single set of proceedings several interrelated claims which are within the jurisdiction of the Constitutional Court of the Republic of Tajikistan or to sever claims which fall within the jurisdiction of other state bodies;
- propose that the Constitutional Court of the Republic of Tajikistan suspend the operation of the regulatory legal instrument being challenged pending consideration of the case, and terminate the judicial proceedings if the applicant voluntarily withdraws the case or if the regulatory legal instrument whose constitutionality is being challenged is repealed or annulled;
- not later than ten days prior to the commencement of the court session, deliver copies of the relevant case documents to the judges of the Constitutional Court of the Republic of Tajikistan, to the parties and if necessary to other participants in the constitutional proceedings;
- propose that the Constitutional Court of the Republic of Tajikistan assign the case for consideration at a court session;
- notify the participants in the court session of the court session and ensure that they attend;
- take any other measures to ensure that the case is considered in a timely manner.

2. The President of the Constitutional Court of the Republic of Tajikistan may entrust the task of preparing the case for consideration to several judges, and the time-limit for preparing it may be extended by up to one month.

Article 48. Assignment of cases for consideration by the Constitutional Court of the Republic of Tajikistan

The Constitutional Court of the Republic of Tajikistan, having declared a case to be sufficiently prepared for it to be considered at a court session, shall adopt a ruling assigning it for consideration or may terminate the proceedings if the applicant voluntarily withdraws the matter or in the event of the repeal or annulment of the law or other regulatory legal instrument or directives of plenums of the Supreme Court of the Republic of Tajikistan and the Supreme Economic Court of the Republic of Tajikistan whose constitutionality is being challenged, save where constitutional civil rights and freedoms were violated by the operation of this instrument.

CHAPTER 10. CONSIDERATION OF CASES BY THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 49. Time-limit for consideration of cases in the Constitutional Court of the Republic of Tajikistan

Consideration of a case shall be completed in the Constitutional Court of the Republic of Tajikistan within six months as from the date on which the application (submission or petition) is filed.

Article 50. Procedure for considering cases in the Constitutional Court of the Republic of Tajikistan

1. Cases shall be considered at a court session under the chairmanship of the President of the Constitutional Court. The procedure to be followed during the session shall be determined by the presiding judge.

2. At the appointed time, the presiding judge shall:

- open the session of the Constitutional Court of the Republic of Tajikistan;
- announce the case which is to be considered;
- satisfy himself or herself that a sufficient number of judges are present and that arrangements have been for record-keeping;
- give the floor to the **judge-secretary** of the Constitutional Court of the Republic of Tajikistan in order that he or she may report on the presence of participants in the court session, witnesses, specialists and experts and the reasons for any failure to appear;
- explain to the parties their rights and duties, and to persons invited to the session their duties and liability;
- inquire of the participants in the court session whether they have any petitions to call additional witnesses and experts, or to obtain additional evidence, or concerning other matters raised in the course of the session, and shall submit them to the court for resolution;
- announce that consideration of the case on the merits has commenced.

3. During consideration of a case:

- consideration of each case shall begin with a speech by the judge rapporteur, who shall set out the substance of the case, the basis and grounds for its consideration, the content of the available materials, and his or her replies to any questions raised by the judges of the Constitutional Court;
- the pleadings of the parties shall then be heard. Questions may be put to the parties;
- where necessary, the Constitutional Court of the Republic of Tajikistan shall hear witnesses and experts and shall put questions to them. Before hearing the witnesses and experts, the presiding judge shall warn them about their liability;
- at the court session, documents may be read out and statements by persons invited to the session may be heard;
- on completion of the examination of the pleadings, testimonies and documents, the closing statements of the parties shall be heard, if they wish to address the court;
- if the court considers the examination to be complete, the presiding judge shall declare the hearing closed;
- in the course of the deliberations held in the conference room, each judge shall freely express his or her own position on the matter under consideration and shall request that any other judges who have not yet done so likewise clarify their position on the matter under consideration;
- after the decision adopted by the Constitutional Court of the Republic of Tajikistan has been signed, it shall be announced by the presiding judge or one of the judges in the courtroom.

4. If in the course of the consideration of the case it is found that the case does not fall within the jurisdiction of the Constitutional Court, the constitutional proceedings shall be terminated.

Article 51. Termination of judicial proceedings

1. The Constitutional Court of the Republic of Tajikistan shall terminate proceedings in the following instances:

- if in the course of the session it is found that the matter governed by a law, other regulatory legal instrument or international treaty of the Republic of Tajikistan which has not yet entered into force, directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan, whose constitutionality is to be reviewed or the dispute between state bodies concerning their competence is not addressed in the Constitution of the Republic of Tajikistan or by its nature and significance may not be considered a constitutional matter;

- if the applicant voluntarily renounces the claims made in the application;

- in the event of the appeal or annulment of the law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan whose constitutionality is being considered in the Constitutional Court;

- other circumstances arising from the present Constitutional Law.

2. Any renunciation by the applicant of the claims made in his or her application shall be accepted at the court session before the court withdraws to the conference room.

3. Any termination of judicial proceedings shall be recorded by means of a ruling of the Constitutional Court of the Republic of Tajikistan;

4. Constitutional proceedings shall be terminated in the event of the repeal or annulment of the law, other regulatory legal instrument or directive of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan whose constitutionality has become the subject of a dispute, save where constitutional civil rights and freedoms were violated by the operation of this instrument.

Article 52. Adjournment of sessions of the Constitutional Court of the Republic of Tajikistan

1. Court sessions may be adjourned in the following instances:

- if the court considers that the case is insufficiently prepared or that it requires further examination;

- if one of the judges or a representative of the parties insists that consideration of the case be adjourned, and the arguments adduced by them are found to be convincing;

- if the quorum of judges required to hold the court session is not met;

- if one of the parties files a petition for further examination of documents submitted by the other party;

- if one or more of the parties, witnesses, specialists or experts, whose attendance was deemed compulsory, fails to appear or if it has become necessary to order an expert evaluation or to obtain additional evidence;

- in the event of failure to submit requested materials in good time, if such materials are of material relevance to the consideration of the case;

- if there are objective reasons which have been found by the court to be legitimate;

- in such other instances as the court shall consider justified.

2. A ruling shall be adopted adjourning the court session.

3. The judicial hearing of the case shall resume from the point at which it was adjourned once the grounds for the adjournment have ceased to exist.

Article 53. Suspension of sessions of the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan may suspend court sessions in the following instances:

- if circumstances arise which hamper the normal course of consideration of the case;
- if a party fails to appear at the court session because they are absent on business;
- if a party fails to appear at the court session because of illness;
- such other circumstances as the court shall deem justified.

2. The suspended court session shall resume from the point at which it was suspended once the circumstances on the grounds of which it was suspended have ceased to exist and a ruling for the record shall be adopted to this effect.

Article 54. Consequences of non-appearance of parties and their representatives at sessions of the Constitutional Court of the Republic of Tajikistan

The non-appearance of a party or their representative who has been duly notified of the time and place of the court session shall not prevent the case from being considered. At the same time, if consideration of the case is not possible without the participation of a party or their representative or if a party has announced their intention to be present during consideration of the case, the court session shall be adjourned.

Article 55. Consequences of non-appearance of witnesses, experts, specialists or interpreters at sessions of the Constitutional Court of the Republic of Tajikistan

1. Where witnesses, experts, specialists or interpreters fail to appear at a court session, the court shall hear the opinion of the participants in the court session concerning the possibility of considering the case without the participation of the witnesses, experts, specialists or interpreters and shall make one of the following rulings for the record:

- case to be considered on the merits without the participation of the witnesses, experts, specialists or interpreters;
- court to recess and measures to be taken to ensure the appearance of the witnesses, experts, specialists or interpreters;
- consideration of the case to be adjourned owing to the impossibility of settling it without the witnesses, experts, specialists or interpreters being present.

2. Once the impediments on the basis of which consideration of the case was adjourned have been removed, the court shall make a ruling for the record, to the effect that consideration of the case is to resume.

**CHAPTER 11.
ACTS OF THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF TAJIKISTAN**

Article 56. Acts of the Constitutional Court of the Republic of Tajikistan

1. Judgments, findings and rulings shall be considered acts of the Constitutional Court of the Republic of Tajikistan.

2. The Constitutional Court of the Republic of Tajikistan shall adopt judgments on the merits of the cases considered.

3. Judgments shall be adopted in the name of the Republic of Tajikistan and shall be signed by the presiding judge and the judge-secretary of the Constitutional Court.

4. Where the Constitution of the Republic of Tajikistan and the present Constitutional Law so provide, the Constitutional Court shall adopt findings. Findings of the Constitutional Court shall be adopted and pronounced in accordance with the procedure laid down for the adoption of judgments of the Constitutional Court of the Republic of Tajikistan.

5. Other acts of the Constitutional Court shall be adopted in the form of a ruling for the record or a separate ruling.

Article 57. Binding force of acts of the Constitutional Court of the Republic of Tajikistan

1. Acts of the Constitutional Court of the Republic of Tajikistan shall enter into force from the date on which they are adopted, unless otherwise stipulated therein.

2. Acts of the Constitutional Court shall be final and shall not be subject to appeal.

3. Acts of the Constitutional Court of the Republic of Tajikistan shall be binding on all state bodies, organisations, institutions, public associations, officials and citizens to whom they are addressed.

4. Findings adopted by the Constitutional Court of the Republic of Tajikistan shall be adopted by the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan as a basis.

5. Any laws, other regulatory legal instruments, directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan or individual provisions thereof which have been found by the Constitutional Court to be unconstitutional shall be annulled. Any other regulatory legal instruments which are based on the act found to be unconstitutional or which reproduce it or contain the same provisions as those referred to in the application shall be repealed at the same time.

6. Decisions of courts and other bodies based on a law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court found to be unconstitutional shall not be executed.

7. Where a concrete violation of the Constitution and laws of the Republic of Tajikistan is discovered, the Constitutional Court of the Republic of Tajikistan shall send a ruling to the relevant bodies and officials which committed the violations, drawing their attention to the violation discovered and to the need to remedy it and to notify the Constitutional Court of the measures taken within the prescribed period.

8. Findings adopted by the Constitutional Court of the Republic of Tajikistan under Article 35, paragraph 4, of the present Constitutional Law shall be adopted by the Majlisi milli and the Majlisi namoyandagon as a basis.

9. Where treaties of the Republic of Tajikistan which have not yet entered into force are found by the Constitutional Court of the Republic of Tajikistan to be unconstitutional, these treaties or individual provisions thereof shall be invalid in respect of the Republic of Tajikistan.

Article 58. Adoption of decisions of the Constitutional Court of the Republic of Tajikistan

1. Decisions of the Constitutional Court of the Republic of Tajikistan shall be adopted by open ballot.

2. Judges shall not have the right to abstain from or not participate in ballots.

3. The presiding judge shall cast his or her vote last in all instances.

4. A decision of the Constitutional Court of the Republic of Tajikistan shall be deemed to have been adopted if the majority of the judges present at the court session voted for it. If none of the proposals secured a majority of the votes, the presiding judge shall put the two proposals which secured the greatest number of votes to a second ballot.

5. In the event of a tied vote, a decision shall be adopted in favour of the constitutionality of the impugned law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan.

6. Judgments and findings of the Constitutional Court of the Republic of Tajikistan shall be pronounced immediately upon their adoption.

Article 59. Dissenting opinions of judges of the Constitutional Court of the Republic of Tajikistan

1. Any judge of the Constitutional Court of the Republic of Tajikistan who does not agree with the decision of the Constitutional Court shall be entitled to state his or her dissenting opinion in writing.

2. The judge's dissenting opinion shall be appended to the case-file and shall be published as an appendix to the decision of the Constitutional Court of the Republic of Tajikistan.

Article 60. Content of judgments of the Constitutional Court of the Republic of Tajikistan

Depending on the nature of the matter under consideration, judgments of the Constitutional Court of the Republic of Tajikistan set out in the form of a separate act shall contain the following information:

- the title of the judgment and the date and place of delivery;
- the names of the judges of the Constitutional Court who adopted the judgment and the name of the secretary of the court session;
- the names of the parties and their representatives;
- the subject-matter of the claim;
- the provisions of the Constitution of the Republic of Tajikistan and of the present Constitutional Law establishing the authority of the Constitutional Court of the Republic of Tajikistan to consider the said matter;
- the applicant's claims;
- the circumstances established by the Constitutional Court of the Republic of Tajikistan;

- the exact title of the law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan whose constitutionality was reviewed, with an indication of the sources of their publication or adoption;
- the decision of the relevant state or public body or official which, in the opinion of the applicant, was adopted on the basis of an unconstitutional law, other regulatory legal instrument or directives of plenums of the Supreme Court and the Supreme Economic Court of the Republic of Tajikistan, with an indication of the source of their publication or adoption;
- the evidence on which the Constitutional Court judgment is based and, where necessary, evidence refuting the assertions made by the parties;
- the provision of the Constitution of the Republic of Tajikistan by which the Constitutional Court of the Republic of Tajikistan was guided in adopting the judgment;
- a synopsis of the judgment;
- the procedure for the entry into force of the judgment, and the procedure and time-limits for its execution;
- a reference to the final nature of the judgment;
- publication of the judgment.

Article 61. Additional judgments of the Constitutional Court of the Republic of Tajikistan

1. The Constitutional Court of the Republic of Tajikistan shall adopt an additional judgment of its own motion or on a petition by the participants in the constitutional proceedings or on a petition by the persons responsible for executing the judgment.
2. The Constitutional Court shall adopt an additional judgment if:
 - a question arises as to the interpretation of a judgment adopted by it;
 - there is a need to rectify inaccuracies in the Constitutional Court judgment in terms of names, designations, descriptions, clerical and other manifest drafting errors.
3. The additional judgment shall not contradict the content and substance of the judgment of the Constitutional Court of the Republic of Tajikistan.

Article 62. Execution of judgments and findings of the Constitutional Court of the Republic of Tajikistan

1. Judgments and findings of the Constitutional Court of the Republic of Tajikistan shall enter into force from the date of their adoption or from the date specified in these acts, and other judicial acts of the Constitutional Court of the Republic of Tajikistan shall enter into force from the date of their adoption.
2. Judgments and findings of the Constitutional Court shall be published in the mass media. At the discretion of the Constitutional Court, other judicial acts adopted by it may likewise be published.
3. Judgments and findings of the Constitutional Court of the Republic of Tajikistan shall be sent to the following state bodies and persons:
 - the President of the Republic of Tajikistan;
 - the Majlisi milli Majlisi Oli of the Republic of Tajikistan;
 - the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan;
 - the Government of the Republic of Tajikistan;

- the Ministry of Justice of the Republic of Tajikistan;
- the Supreme Court of the Republic of Tajikistan;
- the Supreme Economic Court of the Republic of Tajikistan;
- the Procurator General of the Republic of Tajikistan;
- the Commissioner for Human Rights of the Republic of Tajikistan;
- the Council of Justice of the Republic of Tajikistan;
- the parties;
- other state bodies, officials and citizens on the instructions of the President of the Constitutional Court of the Republic of Tajikistan.

4. The state bodies and officials to whom it falls to execute the judicial act shall notify the Constitutional Court within the time-limit stipulated by it of the measures taken to execute the judgment or finding of the Constitutional Court of the Republic of Tajikistan.

Article 63. Consequences of failure to execute acts of the Constitutional Court of the Republic of Tajikistan

Any non-execution, improper execution of or interference with the execution of acts of the Constitutional Court of the Republic of Tajikistan shall give rise to liability under the legislation of the Republic of Tajikistan.

Article 64. Interpretation of acts of the Constitutional Court of the Republic of Tajikistan

1. An official interpretation of acts of the Constitutional Court shall be provided only by the Constitutional Court of the Republic of Tajikistan itself.

2. An official interpretation of an act may be provided by the Constitutional Court of its own motion or on petition by the participants in the court session or the bodies and persons to which it was sent or who are responsible for its execution.

3. An act (ruling) interpreting an act of the Constitutional Court of the Republic of Tajikistan shall be adopted by the judges in the conference room according to the rules governing the adoption of acts of the Constitutional Court, and shall enter into force from the date of its adoption.

4. Copies of the act (ruling) interpreting an act of the Constitutional Court of the Republic of Tajikistan shall be sent to the bodies and persons who applied for an interpretation of the relevant act of the Constitutional Court, to the bodies and officials provided for in Article 62, paragraph 3, of the present Constitutional Law, and also to the print media in which the act adopted by the Constitutional Court of the Republic of Tajikistan was published.

Article 65. Records of sessions of the Constitutional Court of the Republic of Tajikistan

1. Sessions of the Constitutional Court of the Republic of Tajikistan shall be recorded in full from the time they commence until they close.

2. Records of courts sessions shall contain:

- an indication of the place and date of the court session, the time at which it commenced and closed;
- the names of the judges present;

- the surname, first name and patronymic of the secretary of the court session;
- the surname, first name, patronymic and position of each participant in the court session;
- the title of the case under consideration;
- details of the actions occurring at the court session in the order in which they took place, and their outcome;
- details of the submission or petition, the pleadings of the participants in the court session, testimony of witnesses and specialists, findings provided by experts, the questions put to them and the replies received;
- details of the witnesses, specialists and experts.

3. In order to ensure a full record of the court session, it shall be permitted to use shorthand and technical media: audio tapes, video tapes and film. The use of technical media shall be noted in the record of the court session. The record of the court session and any technical media employed shall be included in the case-file.

4. A record of the court session shall be drawn up not later than five days after the close of the session.

5. The record of the court session shall be compiled by the secretary of the court session and shall be signed by the presiding judge and the judge-secretary of the Constitutional Court of the Republic of Tajikistan.

CHAPTER 12.

PROCEDURAL PROTECTION MEASURES TO SAFEGUARD THE ACTIVITIES OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 66. Right of the Constitutional Court of the Republic of Tajikistan to apply procedural protection measures

1. In order to protect the honour and dignity of judges of the Constitutional Court of the Republic of Tajikistan and of participants in judicial proceedings and to ensure the normal course of judicial proceedings, the Constitutional Court may remove a person from the proceedings and, in accordance with the procedure prescribed by the Code of Administrative Offences of the Republic of Tajikistan, impose fines on citizens in the amount of two to five accounting indicators, on officials in the amount of five to ten accounting indicators and on legal entities in the amount of ten to fifteen accounting indicators for each violation committed in the form of:

- failure to appear at judicial proceedings without a valid reason;
- disruption of judicial proceedings, failure to obey the presiding judge, judges or support staff;
- insulting a judge of the Constitutional Court or other participants in the judicial proceedings;
- any other actions which cause a disruption of judicial proceedings.

2. Procedural protection measures shall be applied immediately upon a ruling for the record of the Constitutional Court of the Republic of Tajikistan if the violations specified in the present article occurred at a court session.

3. Other procedural protection measures shall be applied in the instances and in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan.

4. Fines shall be paid by those responsible for disrupting judicial proceedings not later than five days as from the date on which they are notified of the fine. In the event of failure to pay the

fine within the prescribed time-limit, the fine shall be levied compulsorily, in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan.

Article 67. Court costs

1. Court costs shall consist of a state duty and expenses entailed in the consideration of a case.

2. The amount of and procedure for paying state duty shall be determined in accordance with the provisions of the Law of the Republic of Tajikistan "On state duty" with due regard for the grounds provided for in the present Constitutional Law.

3. The President of the Republic of Tajikistan, the Majlisi milli and the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan, members of the Majlisi milli and members of the Majlisi namoyandagon, the Government of the Republic of Tajikistan, the Commissioner for Human Rights of the Republic of Tajikistan, the Supreme Court of the Republic of Tajikistan, the Supreme Economic Court of the Republic of Tajikistan and the Procurator General of the Republic of Tajikistan shall be exempt from the payment of state duty.

4. Where an application is not considered or judicial proceedings are terminated, the state duty shall be returned to the applicant.

5. Expenses entailed in the consideration of a case shall consist of costs incurred by witnesses, specialists, experts and interpreters called upon by the Constitutional Court of the Republic of Tajikistan, any monies expended by them on expert evaluations and other costs entailed in the preparation and consideration of the case, and on a ruling of the Constitutional Court of the Republic of Tajikistan shall be defrayed from the national budget.

6. Any expenses in connection with compliance with mandatory requirements of the Constitutional Court of the Republic of Tajikistan shall be borne by the state bodies, legal entities and individuals responsible for compliance with the relevant requirements.

7. A party which has incurred costs entailed in the consideration of a case in the Constitutional Court of the Republic of Tajikistan may claim reimbursement of such costs from specific persons in accordance with the procedure prescribed by the legislation of the Republic of Tajikistan.

CHAPTER 13.

SOCIAL PROVISION FOR JUDGES OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 68. Social provision for judges of the Constitutional Court of the Republic of Tajikistan

1. The remuneration payable to judges of the Constitutional Court of the Republic of Tajikistan shall consist of an official salary plus additional payments for qualification grade and length of service.

2. The official salary and the amounts of and procedures for calculating additional payments for qualification grades and length of service to judges of the Constitutional Court shall be determined by the President of the Republic of Tajikistan.

3. In terms of social welfare, medical and technical support, the President of the Constitutional Court of the Republic of Tajikistan, the Vice-President and judges of the Constitutional Court of the Republic of Tajikistan shall be treated in the same way as the Prime Minister of the Republic of Tajikistan, his or her first deputy and deputy prime ministers of the Republic of Tajikistan respectively.

4. Judges of the Constitutional Court of the Republic of Tajikistan and members of their families shall be provided with comfortable housing in the city of Dushanbe not later than three months after their election.

5. Judges of the Constitutional Court of the Republic of Tajikistan shall be issued with diplomatic passports for the duration of their service.

Article 69. Other material guarantees for judges of the Constitutional Court of the Republic of Tajikistan

1. The executive authorities of the city of Dushanbe shall be bound not later than three months following the election of a judge of the Constitutional Court of the Republic of Tajikistan or in the event that it should be necessary to improve his or her living conditions to provide him or her, on a priority basis, with comfortable housing, with due regard to the judge's right to additional living space in an amount equal to not less than 20 square metres.

2. Upon completion of 10 years' service, ownership of housing occupied by judges in State Housing Fund properties shall pass to them free of charge and they and members of their families living with them shall be granted a 50% discount on housing charges in State Housing Fund properties as well as a 50% discount on all utilities (central heating, water, etc.) and telephone charges, excluding long-distance calls.

3. With the consent of a judge of the Constitutional Court of the Republic of Tajikistan, in lieu of housing, in accordance with the prescribed procedure and within the period stipulated in the relevant regulatory legal instruments, he or she shall be granted an interest-free loan from the national budget for the purpose of purchasing or building a home.

4. Judges of the Constitutional Court of the Republic of Tajikistan shall likewise be entitled to priority treatment when placing their children in pre-school institutions and having home telephones installed.

5. Judges of the Constitutional Court of the Republic of Tajikistan and members of their families may continue to receive health care from the same medical institutions with which they were registered prior to moving or being transferred to a new state position or retiring. Stays in rest homes and sanatoria for serving judges of the Constitutional Court and retired judges shall be funded from the budget of the Constitutional Court of the Republic of Tajikistan.

6. In the event that a judge of the Constitutional Court of the Republic of Tajikistan is removed from office or recalled on the grounds provided for in Article 14, paragraph 1, sub-paragraphs 3) and 4), of the present Constitutional Law, his or her family shall receive a lump-sum benefit in an amount equal to five times the judge's monthly remuneration.

7. Judges of the Constitutional Court of the Republic of Tajikistan shall have the right to priority treatment when reserving and being allocated hotel rooms and purchasing tickets for all forms of transport, and shall be entitled to use government lounges or VIP lounges in airports free of charge.

8. Where a judge of the Constitutional Court of the Republic of Tajikistan retires because of disability, he or she shall receive a lump-sum benefit in an amount equal to three times his or her monthly remuneration.

Article 70. Social protection measures for judges of the Constitutional Court of the Republic of Tajikistan and members of their families

1. Judges of the Constitutional Court of the Republic of Tajikistan shall be subject to compulsory state life and health insurance funded from the national budget in an amount equal to eight times the monthly remuneration payable to judges of the Constitutional Court of the Republic of Tajikistan.

2. The state insurance bodies shall pay the insured amounts:

- where a judge of the Constitutional Court of the Republic of Tajikistan dies in service, as a result of bodily injuries or other damage to health sustained in the course of his or her official duties, to his or her heirs in an amount equal to eight times the judge's monthly remuneration;

- where a judge of the Constitutional Court of the Republic of Tajikistan, in the course of his or her official duties, sustains an injury or other damage to health such as to prevent him or her from continuing to engage in professional activity, in an amount equal to six times the judge's monthly remuneration.

3. Where, in the course of his or her professional duties, a judge of the Constitutional Court of the Republic of Tajikistan sustains an injury or other damage to health such as to prevent him or her from continuing to engage in professional activity, the judge concerned shall receive monthly compensation in the form of the difference between his or her remuneration and the pension awarded, less the sum of any payments received by way of state insurance.

4. Where a judge, including a retired judge, of the Constitutional Court of the Republic of Tajikistan dies as a result of bodily injuries or other damage to health sustained in the course of his or her official duties, any dependant members of his or her family who are unable to work shall receive monthly compensation in the form of the difference between the portion of the deceased person's remuneration due to them and the pension awarded to them for loss of breadwinner, less any payments received by way of state insurance.

5. Judges of the Constitutional Court of the Republic of Tajikistan and members of their families shall be compensated in full for any loss occasioned by the destruction of or damage to property belonging to the judges or members of their families in connection with the judges' official activities.

6. Any payments in compensation for damage referred to in paragraphs three, four and five of the present article shall be funded from the national budget.

7. Families of deceased judges shall retain the right to be provided with comfortable housing on the terms and grounds which applied at the time of the judge's death.

Article 71. Qualification grades of judges of the Constitutional Court of the Republic of Tajikistan and class ranks of administrative staff of the Constitutional Court of the Republic of Tajikistan

1. The President of the Constitutional Court, the Vice-President and judges of the Constitutional Court of the Republic of Tajikistan shall be awarded qualification grades, and administrative staff of the Constitutional Court of the Republic of Tajikistan shall be awarded class ranks.

2. Qualification grades for judges of the Constitutional Court of the Republic of Tajikistan and class ranks for administrative workers of the Constitutional Court of the Republic of Tajikistan shall be established by the Majlisi namoyandagon Majlisi Oli of the Republic of Tajikistan.

3. The regulations on the procedure for awarding qualification grades to judges of the Constitutional Court of the Republic of Tajikistan and class ranks to administrative workers of the Constitutional Court of the Republic of Tajikistan shall be approved by the President of the Republic of Tajikistan.

4. Civil servants employed in the administrative apparatus of the Constitutional Court of the Republic of Tajikistan shall likewise be awarded qualification ranks, the procedure for the award of which shall be laid down by the legislation on the civil service.

Article 72. Leave for judges of the Constitutional Court of the Republic of Tajikistan

1. The President, Vice-President and judges of the Constitutional Court of the Republic of Tajikistan shall be granted not less than 35 calendar days of annual paid leave.

2. Depending on the total number of years served in the legal profession, judges of the Constitutional Court of the Republic of Tajikistan shall be granted additional paid leave, as follows:

- after 5 years' service – 3 calendar days;
- after 10 years' service – 5 calendar days;
- after 15 years' service – 10 calendar days;

after 20 years' service – 15 calendar days.

3. If a judge of the Constitutional Court of the Republic of Tajikistan so wishes, leave may be granted in blocks, with no single block being less than 14 calendar days.

4. Judges of the Constitutional Court of the Republic of Tajikistan shall be entitled to unpaid leave for a period of not more than 60 calendar days.

Article 73. Retention of employment rights of judges of the Constitutional Court of the Republic of Tajikistan

1. Judges of the Constitutional Court of the Republic of Tajikistan whose term of office has expired or been terminated following acceptance of their resignation shall be reinstated in their former position or job or an equivalent one.

2. Periods served as a judge of the Constitutional Court of the Republic of Tajikistan shall count towards length of service in the profession.

Article 74. Payment of costs arising from the activities of the Constitutional Court of the Republic of Tajikistan

1. The activities of the Constitutional Court of the Republic of Tajikistan shall be funded from the national budget.

2. The budget of the Constitutional Court of the Republic of Tajikistan shall be approved by the President of the Constitutional Court of the Republic of Tajikistan.

Article 75. Pension provision for judges of the Constitutional Court of the Republic of Tajikistan

Pension provision for judges of the Constitutional Court of the Republic of Tajikistan shall be made in accordance with the procedure prescribed by the Law of the Republic of Tajikistan "On pension provision for citizens of the Republic of Tajikistan".

Article 76. Security arrangements for judges of the Constitutional Court of the Republic of Tajikistan

Judges of the Constitutional Court of the Republic of Tajikistan, members of their families and their property shall be under the special protection of the state.

Protection of the buildings and property of judges of the Constitutional Court of the Republic of Tajikistan and, where necessary, at the judge's request, protection of the judges themselves and members of their families, their homes and any property belonging to them shall be the responsibility of the internal affairs bodies and shall be provided free of charge.

Judges of the Constitutional Court of the Republic of Tajikistan shall have the right to carry, keep and use a weapon, the procedure for which shall be determined by law.

Article 77. Liability for contempt of the Constitutional Court of the Republic of Tajikistan and its judges

Contempt of court and likewise the commission of acts which display a flagrant disregard for the court shall give rise to liability under the legislation of the Republic of Tajikistan.

CHAPTER 14.
OTHER MATTERS RELATED TO THE ORGANISATION OF AND OPERATIONAL SUPPORT
FOR THE CONSTITUTIONAL COURT OF THE REPUBLIC OF TAJIKISTAN

Article 78. Administrative apparatus of the Constitutional Court of the Republic of Tajikistan

1. Informational, research, advisory, organisational and auxiliary work and operational support for the Constitutional Court of the Republic of Tajikistan and its judges shall be provided by the administrative apparatus of the Constitutional Court of the Republic of Tajikistan.

2. The regulations on the administrative apparatus of the Constitutional Court of the Republic of Tajikistan [by the President of the Constitutional Court of the Republic of Tajikistan].

3. The total complement of administrative staff of the Constitutional Court of the Republic of Tajikistan shall be approved by the President of the Republic of Tajikistan on a proposal from the President of the Constitutional Court of the Republic of Tajikistan.

4. The official salary, the amount, terms and procedure governing the payment of remuneration to civil servants employed in the administrative apparatus of the Constitutional Court of the Republic of Tajikistan shall be determined by the Law of the Republic of Tajikistan "On the civil service".

Article 79. Representatives of the Constitutional Court of the Republic of Tajikistan

1. In order to ensure that citizens and other persons entitled to apply to the Constitutional Court of the Republic of Tajikistan have access to constitutional justice, representatives shall be appointed in the regional centres of the Republic from among the administrative staff of the Constitutional Court of the Republic of Tajikistan.

Article 80. Scientific advisory council of the Constitutional Court of the Republic of Tajikistan

1. A scientific advisory council may be set up under the auspices of the Constitutional Court of the Republic of Tajikistan from among academics and specialists in law.

2. The composition of the scientific advisory council and the regulations governing it shall be determined and approved by the Constitutional Court of the Republic of Tajikistan.

Article 81. Seat of the Constitutional Court of the Republic of Tajikistan

1. The permanent seat of the Constitutional Court of the Republic of Tajikistan shall be in the city of Dushanbe, the capital of the Republic of Tajikistan.

2. Sessions of the Constitutional Court of the Republic of Tajikistan shall be conducted at its permanent seat. The Constitutional Court of the Republic of Tajikistan may conduct its sessions elsewhere whenever it considers this appropriate.

Article 82. Symbols of state authority in the Constitutional Court of the Republic of Tajikistan

1. The state flag of the Republic of Tajikistan shall be raised over the building of the Constitutional Court of the Republic of Tajikistan and the state emblem and flag of the Republic of Tajikistan shall be displayed in the courtroom and in the chambers of judges of the Constitutional Court of the Republic of Tajikistan.

2. During constitutional proceedings, judges of the Constitutional Court of the Republic of Tajikistan shall wear a special type of clothing and a lapel badge, the characteristics and design of which shall be approved by the Government of the Republic of Tajikistan on a proposal from the Constitutional Court of the Republic of Tajikistan.

3. Judges of the Constitutional Court of the Republic of Tajikistan shall be issued with identity cards, the design of which shall be prescribed by the Government of the Republic of Tajikistan on a proposal from the Constitutional Court of the Republic of Tajikistan.

Article 83. Seal of the Constitutional Court of the Republic of Tajikistan

The Constitutional Court of the Republic of Tajikistan shall have its own seal featuring the state emblem of the Republic of Tajikistan and the name of the court.

Article 84. Official publication of the Constitutional Court of the Republic of Tajikistan

The official publication of the Constitutional Court of the Republic of Tajikistan shall be the “Bulletin of the Constitutional Court of the Republic of Tajikistan”.

CHAPTER 15. FINAL PROVISIONS

Article 85. On the annulment of the Constitutional Law of the Republic of Tajikistan “On the Constitutional Court of the Republic of Tajikistan”

The Constitutional Law of the Republic of Tajikistan No. 84 of 3 November 1995 “On the Constitutional Court of the Republic of Tajikistan” (Akhbori Majlisi Oli of the Republic of Tajikistan, 1995, No. 21, p. 223; 1997, No. 9, p. 110; 1998, No. 10, p. 111, 115; 2000, No. 6, p. 349; 2001, No. 4, p. 200; 2004, No. 2, p. 43; 2006, No. 3, p. 142; 2007, No. 7, p. 650; 2008, No. 3, p. 180, No. 10, p.794; 2009, No. 7-8, p. 488; 2011, No. 6, p. 427) shall be annulled.

Article 86. Procedure governing the entry into force of the present Constitutional Law

The present Constitutional Law shall enter into force following its official publication.