

**THE LAW OF AZERBAIJAN REPUBLIC**  
**ON CONSTITUTIONAL COURT**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Basic Objectives and Designation of Constitutional Court**

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

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

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

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

**Article 3. Authorities of Constitutional Court**

Authorities of Constitutional Court shall be determined by Article 86, part I of Article 88, Article 102, part I of Article 103, part II and III of Article 104, Article 107, parts III-VII of Article 130, Articles 153 and 154 of the Constitution of Azerbaijan Republic.

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

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

**Article 5. Independence of Constitutional Court**

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

5.2. Direct or indirect restriction of the constitutional proceedings by any person or for any reason, impact, threat and interference as well as contempt of the Court shall be

inadmissible and entail criminal responsibility in accordance with the legislation of Azerbaijan Republic.

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

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

6.1. According to part I of Article 130 of the Constitution of Azerbaijan Republic, the Constitutional Court shall be composed of nine judges.

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

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

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

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

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

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

6.8. Procedure for organization of Chambers, calling and convening of sessions shall be determined by the Internal Charter of Constitutional Court.

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

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

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

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

7.1. Issues on admissibility of inquiries, applications and complaints concerning the matters provided for in parts III-VII of Article of the Constitution of Azerbaijan Republic shall be examined at sessions of the Panels of Constitutional Court.

7.2. Inquiries, applications and complaints found admissible by the Constitutional Court concerning the matters provided for in parts III-VII of Article 130 of the Constitution of Azerbaijan Republic shall be examined on the merits at the sessions of Plenum of Constitutional Court.

7.3. Issues provided for in Article 86, part I of Article 86, part I of Article 88, Article 102, part II of Article 104, part III of Article 104, Article 107 and Article 153 of the Constitution of Azerbaijan Republic shall be immediately examined at sessions of Plenum of Constitutional Court.

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

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

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

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

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

8.4.1. to adopt the Internal Charter in order to organize the activity of Constitutional Court.

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

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

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

8.4.5. to decide other organizational matters.

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

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

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

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

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

10.1. Constitutional Court shall be located in Baku city.

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

10.3. Operation mode of the building of Constitutional Court shall be determined by the Internal Charter of Constitutional Court.

## **CHAPTER III**

## **STATUS OF JUDGES OF CONSTITUTIONAL COURT**

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

11.1. According to part I of Article 126 of the Constitution of Azerbaijan Republic citizen of Azerbaijan Republic not younger than 30, having voting right, higher juridical education and at least 5-year work experience in the sphere of law can be judge of Constitutional Court.

11.2. According to part II of Article 126 of the Constitution of Azerbaijan Republic judges may not occupy any other posts, irrespective of the procedure – elections or appointment, may not be involved in business, commercial and other payable activity, except scientific, pedagogical and creative activity, may not be involved in political activity and join political parties, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

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

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

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

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

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

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

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

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

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

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

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

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

15.2. Independence of judges of Constitutional Court shall be provided for by unchangeable term of office and immunity, specific procedure for appointment, bringing to criminal responsibility, premature termination of authorities and dismissal from the office,

inadmissibility to contempt of the Court and interference with its activity. Judges shall be granted with financial and social security according to their high status.

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

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

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

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

16.4. Judge of Constitutional Court whose activity contains signs of crime can be dismissed via the procedure provided for by part IV of Article 128 and part V of Article 128 of the Constitution of Azerbaijan Republic.

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

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

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

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

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

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

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

17.0. Judges of Constitutional Court shall be vested with the following rights:

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

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

17.0.3. during consideration of a matter by Constitutional Court to put questions to , Reporter Judge, parties involved in the case, interested subjects, witnesses and experts

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

17.0.5. to get acquainted with the motions and other documents presented at the session of Constitutional Court

17.0.6. to express their opinions concerning decision to be adopted by Constitutional Court in judges' deliberation room, to vote for or against the decision

17.0.7. to express their dissenting opinion in case of disagreement with descriptive-motivational or conclusive parts of decision adopted by Constitutional Court

17.0.8. to demand conduction of sessions of Constitutional Court within terms provided for by the legislation of Azerbaijan Republic

17.0.9. to exercise other rights specified by present law

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

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

18.0.1. to be governed by the Constitution of Azerbaijan Republic and present Law

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

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

18.0.4. to participate in voting on matters examined by Constitutional Court

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

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

18.0.7. not to give their opinion on the merits of matter to be examined by Constitutional Court before adoption of decision on this matter.

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

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

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

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

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

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

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

21.0. Chairman of Constitutional Court shall:

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

21.0.2. arrange the work of Constitutional Court

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

21.0.4. convene the sessions of Plenum of Constitutional Court and preside over them

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

21.0.6. determine the composition of Panels

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

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

21.0.9. direct the staff of Constitutional Court

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

21.0.11. fulfill other authorities specified by the legislation of Azerbaijan Republic

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

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

### **Article 23. The Premature Termination of Authorities of a Judge of Constitutional Court**

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

23.1.1. death

23.1.2. submission of the written statement on voluntary resignation

23.1.3. the Judge's renunciation from the nationality of Azerbaijan Republic, adoption of the nationality of other State or undertaking the obligations before to another State

23.1.4. when there are has been ceased a criminal case on him/her without justificatory grounds or where there is a court decision in force on the Judge's guilt or if there was adopted a court decision concerning compulsory medical treatment

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

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

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

23.1.8. the non-participation without excuse at three sessions of Constitutional Court successively or at ten sessions within the period of one year

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

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

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

23.3. Constitutional Court shall propose the consideration of a matter on premature termination of authorities of judge of Constitutional Court in cases envisaged in Article 23.1.7-23.1.10 of the present law in accordance with paragraph 32 of Article 109 of the Constitution of Azerbaijan Republic.

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

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

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

### **CHAPTER IV**

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

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

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

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

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

#### **Article 27. Publicity**

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

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

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

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

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

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

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

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

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

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

Sessions of Constitutional Court shall be held via collective nature.

## **CHAPTER V**

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

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

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

31.0.1. Inquiries, requests and complaints which meet the requirements provided for in Articles 32-35 of the present law on the matters envisaged in part III of Articles 104 and parts III-VII of Article 130 of the Constitution of Azerbaijan Republic.

31.0.2. Cases provided for by Article 86 and part I of Articles 88, 102, part II of Article of 104, Articles 107 and 153 of the Constitution of Azerbaijan Republic.

#### **Article 32. Inquiries**

32.1. The inquiry can be submitted to Constitutional Court by the President of Azerbaijan Republic, Milli Majlis of Azerbaijan Republic, Cabinet of Ministers of

Azerbaijan Republic, Supreme Court of Azerbaijan Republic, Prosecutor's Office of Azerbaijan Republic and Ali Majlis of Nakhichevan Autonomous Republic on the matters provided for by part III of Article 130 and part IV of Article 130 of the Constitution of Azerbaijan Republic as well as by Ombudsman of Azerbaijan Republic on the matters provided for by part VII of Article 130 of the Constitution of Azerbaijan Republic.

32.2. Inquiries by Ombudsman of Azerbaijan Republic on the matter provided for by parts III and IV of Article 130 of the Constitution of Azerbaijan Republic can be examined by Constitutional Court in following cases:

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

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

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

32.3. Inquiry envisaged in part II of Article 32 of the present law can be submitted within 6 months from the moment of entrance of the relevant judicial act into legal force.

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

32.5. Inquiry shall contain the following:

32.5.1. Name of Constitutional Court

32.5.2. Name and address of the inquirer

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

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

32.5.5. Provisions of the Constitution of Azerbaijan Republic entitling to submit an inquiry to Constitutional Court and confirming the competences of Constitutional Court to examine this inquiry.

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

32.5.7. Position of the inquirer regarding the matter and his legal argumentation with the reference to the relevant provisions of the Constitution of Azerbaijan Republic or other normative legal acts

32.5.8. An application in connection with the inquiry submitted to Constitutional Court

32.5.9. List of documents enclosed to inquiry.

### **Article 33. Requests**

33.1. Requests can be submitted to Constitutional Court by the Milli Majlis of Azerbaijan Republic on the matters provided for by part III of Article 104 of the Constitution of Azerbaijan Republic and by courts of Azerbaijan Republic on the matters provided for by part VI of Article 130 of the Constitution of Azerbaijan Republic.

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

33.3. Requests shall contain the following:

33.3.1. name of Constitutional Court

33.3.2. name and address of the applicant

33.3.3. necessary data on representative of the requestor and his authorities, except for the cases when the representation is implemented *ex officio*

33.3.4. provisions of the Constitution of Azerbaijan Republic entitling to submit a request to Constitutional Court and confirming the authorities of Constitutional Court to examine this request

33.3.5. An application submitted in connection with request to Constitutional Court

33.3.6. List of documents enclosed to the request

33.4. Beside the requirements envisaged in Articles 33.3.1-33.3.6 of the present law, the following must be indicated in request:

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

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

## **Article 34. Complaints**

34.1. Any person who alleges that his/her rights and freedoms have been violated by the normative legal act of the Legislative and Executive, act of municipality and courts may submit complaint to Constitutional Court to resolve matters provided for by paragraphs 1-3 of part III of Article 130 of the Constitution of Azerbaijan Republic in order to restore his/her human rights and freedoms.

34.2. Complaints on the matters provided for by paragraph 4, part 3 of Article 130 of the Constitution of Azerbaijan Republic can be examined by Constitutional Court in following cases:

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

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

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

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

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

34.4.1. After exhaustion of all remedies within six months from the moment of entrance of the decision of the court of last instance (the Supreme Court of Azerbaijan Republic) into force

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

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

34.6. Complaint must contain the following:

34.6.1. Name of Constitutional Court

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

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

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

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

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

34.6.7. Position of the complainant regarding the matter and his/her legal argumentation with the reference to the relevant provisions of the Constitution of Azerbaijan Republic or other normative legal acts

34.6.8. Application submitted in connection with complaint to Constitutional Court

34.6.9. List of documents enclosed to complaint

34.7. The following must be substantiated within complaint:

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

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

### **Article 35. Documents to be Enclosed to Inquiry, Request or Complaint**

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

35.1.1. Explanations and documents which by opinion of inquirer, requestor or complainant are necessary for clarification of details of the case

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

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

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

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

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

### **Article 36. The study of inquiries, requests or complaints**

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

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

36.3. Reporter-Judge shall carry out the following measures:

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

36.3.2. demand documents of state and self-government bodies, materials and cases which are relevant to the matter;

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

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

36.3.5. realize other necessary measures for examination of matter;

36.3.6. prepare the report on the matter concerned;

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

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

### **Article 37. Refusal to find admissible an inquiry, request or complaint**

37.0. Inquiry, request or complaint shall not be admitted by Constitutional Court in following circumstances:

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

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

37.0.3. if an inquiry, request or complaint was submitted by a body or person who does not have such a right;

37.0.4. if the collective body, which adopted the decision to submit an inquiry or request to Constitutional Court had no quorum and necessary majority of votes at its session;

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

37.0.6. if the Constitutional Court had already adopted a decision on the matter concerned.

### **Article 38. Withdrawal of Inquiries, Requests and Complaints**

In case of withdrawal of inquiry, request and complaint before it is admitted for examination of Constitutional Court the same inquiry, request and complaint shall not be examined by Constitutional Court.

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

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

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

39.1.1. materials enclosed to an inquiry, request or complaint;

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

39.1.4. a conclusion of expert on constitutional case;

39.1.5. additional materials enclosed by parties or interested subjects;

39.1.6. other documents related to the constitutional case;

39.1.7. report of Reporter-Judge;

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

## ***CHAPTER 6***

### **THE CONSTITUTIONAL PROCEEDINGS**

#### **Article 40. The modes and types of proceedings implemented by Constitutional Court**

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

40.1.1. the constitutional proceedings;

40.1.2. the constitutional special proceedings;

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

40.2.1. the proceedings on cases related to consideration of inquiries and complaints regarding the matters specified by paragraphs 1-7, part III of Article 130 and parts V and VII Article 130 of the Constitution of Azerbaijan Republic

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

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

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

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

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

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

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

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

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

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

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

41.1. Inquirer and respondents shall be the parties to constitutional proceedings.

41.2. The subjects indicated in part III of Article 130 and part VII of Article 130 of the Constitution of Azerbaijan Republic shall be the inquirer at the constitutional proceedings.

41.3 Persons indicated in part III of Articles 130 and part V of Article 130 of the Constitution of Azerbaijan Republic shall be named as “applicant” party to constitutional proceedings.

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

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

41.4.2 an official person who has signed the contested interstate agreement which has not come into force or intergovernmental agreement of Azerbaijan Republic;

41.4.3 a state body which is alleged to have infringed the separation of authorities between legislative, executive and judicial organs.

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

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

42.1. The interested subjects of the constitutional special proceedings shall be the bodies which submitted an inquiry or request to Constitutional Court or bodies and persons whose interests are affected by such inquiries or requests in cases provided for by Article 86, part I of Article 88, Article 102, part II of Article 104 and part III of Article 104, Article 107, part IV of Article 130 and part VI of Article 130 and Article 153 of the Constitution of Azerbaijan Republic.

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

#### **Article 43. Rights and Duties of Parties and Interested Subjects**

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

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

43.1.2. to present the evidences and other materials;

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

43.1.4. to answer the given questions;

43.1.5. to reject the judges;

43.1.6. to ask for invitation of witnesses and experts;

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

43.1.8. to present the final statement.

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

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

43.2.2. to participate in investigation of evidences;

43.2.3. to answer the questions posed to them;

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

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

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

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

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

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

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

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

45.1. Persons possessing the academic or other specialized knowledge on the constitutional case examined at the session of Constitutional Court may be invited in their

capacity as experts by initiative of the Constitutional Court or request of the parties or interested subjects. Expert shall present the written opinion on the case.

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

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

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

#### **Article 46. Rejection to judge and self-rejection**

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

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

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

46.2. The rejection should be grounded.

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

#### **Article 47. Postponement of a session**

47.1. Court session may be postponed in following cases:

47.1.1. if additional study of the matter is required;

47.1.2. if the new evidences should be investigated;

47.1.3. in case of absence of quorum;

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

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

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

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

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

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

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

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

50.1. Proceedings of Constitutional Court shall be free of charge

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

#### **Article 51. Minutes of court session**

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

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

### **CHAPTER 7**

#### **SPECIFIC FEATURES OF CONSTITUTIONAL PROCEEDINGS ON VARIOUS TYPES OF CONSTITUTIONAL CASES**

**Article 52. Features of examination of inquiry ~~petition~~ and complaints connected with the matters specified in paragraphs 1-7, part III of Article 130 and parts V and VII of Article 130 of the Constitution of Azerbaijan Republic**

52.1. As a rule the inquiry or complaint connected with the matters provided for by, paragraphs 1-7, part III of Article 130, parts V and VII of Article 130 shall be brought to session of the Panel of Constitutional Court within 30 days, and there shall be adopted a ruling as to admissibility or inadmissibility of inquirer or complaint.

52.2. The ruling on admissibility or rejection of an inquiry or complaint shall be sent to inquirer (applicant) within 7 days after its adoption.

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

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

**Article 53. Features of consideration of inquiries on disputes concerning separation of authorities among bodies of among legislative, executive and judicial branches of power**

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

53.2. The ruling (decision) on admissibility or inadmissibility for examination of an inquiry shall be sent on the day of its adoption to the body or official person who submitted an inquiry.

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

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

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

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

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

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

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

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

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

55.1. According to part I of Article 88 of the Constitution of Azerbaijan Republic Constitutional Court shall fix the date of the first session of the newly elected Milli Majlis of Azerbaijan Republic in case if authorities of the 83 deputies have not been confirmed by the 10<sup>th</sup> March after elections.

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

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

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

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

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

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

56.4. In case of revelation of facts provided for by Electoral Code the Plenum of Constitutional Court shall adopt the decision on recognition of the results of elections as a null and void.

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

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

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

57.1. In a case specified by part II of Article 104 of the Constitution of Azerbaijan Republic, the President of Azerbaijan Republic shall submit application to Constitutional Court.

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

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

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

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

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

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

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

58.1. In case specified by part III of Article 104 of the Constitution of Azerbaijan Republic the application submitted by the Milli Majlis of Azerbaijan Republic shall be brought for examination at the session of the Plenum of Constitutional Court within 3 days after its receipt, and the ruling concerning admissibility or inadmissibility for examination shall be adopted by the majority of not less than 5 Judges and be sent to the President of Azerbaijan Republic and the Milli Majlis of Azerbaijan Republic on the day of its adoption.

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

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

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

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

59.1. According to part I of Article 107 of the Constitution of Azerbaijan Republic, in case if the President commits the grave crime the Constitutional Court may bring an initiative to dismiss the President of Azerbaijan Republic from office.

59.2. The proposal concerning impeachment of the President of Azerbaijan Republic shall be submitted by not less than 3 Judges of Constitutional Court. This proposal shall be submitted in written form to the Chairman of Constitutional Court. Within the period of 3 days after proposal was submitted the session of the Plenum of Constitutional Court shall be called to examine this matter. If Constitutional Court finds this proposal groundless, the majority of 5 Judges shall adopt a decision about that.

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

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

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

59.6. If the Milli Majlis of Azerbaijan Republic according to the procedure specified by part II of Article 107 of the Constitution of Azerbaijan Republic adopts a resolution on impeachment of the President of Azerbaijan Republic, then this resolution and the application that was adopted on its basis shall be immediately sent to Constitutional Court. Having received the resolution of the Milli Majlis of Azerbaijan Republic, Constitutional Court shall verify within 7 days whether the requirements of the Constitution and relevant laws of Azerbaijan Republic were observed at the adoption of this resolution. The decision of Constitutional Court supporting the resolution of the Milli Majlis of Azerbaijan Republic shall be adopted by majority of not less than 7 Judges. According to part II of Article 107 of the Constitution of Azerbaijan Republic the resolution of the Milli Majlis of Azerbaijan Republic on impeachment of the President of Azerbaijan Republic shall be signed by the Chairman of Constitutional Court.

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

## **Article 60. Features of consideration of an inquiry or request concerning interpretation of the Constitution and laws of Azerbaijan Republic.**

60.1. After an inquiry or request on interpretation of the Constitution and laws of Azerbaijan Republic has been submitted to Constitutional Court, the Panel of Constitutional Court shall within 15 days consider it at the session and adopt a ruling as to admissibility or inadmissibility of inquiry or request for proceedings.

60.2. The ruling on admissibility or inadmissibility for proceedings of an inquiry or request shall be sent within 7 days from the date of its adoption to applying body or official person a.

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

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

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

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

61.3. Consideration by the Constitutional Court of the proposed changes set forth by the Milli Majlis and the President of the Azerbaijan Republic on merits shall commence at the latest 7 days after the day of their publication

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

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

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

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

62.1. The rulings shall be adopted at the sessions of the Panels of Constitutional Court and the decisions and rulings shall be adopted at the sessions of the Plenum of Constitutional Court

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

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

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

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

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

63.4. Decision of the Plenum of Constitutional Court shall be final and cannot be cancelled, changed or officially interpreted by any organ or official person

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

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

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

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

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

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

65.2. Introductory part of the decision of the Plenum of Constitutional Court shall contain the following:

65.2.1. Title of decision

65.2.2. Date and place of adoption of decision

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

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

65.3. Descriptive-motivational part of the decision of the Plenum of Constitutional Court shall contain the following:

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

65.3.2. Information concerning the materials of constitutional case

65.3.3. The aspects established during examination of constitutional case

65.3.4. Provisions of the Constitution of Azerbaijan Republic and other laws of Azerbaijan Republic which were guided by when adopting a decision

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

65.4. Conclusive part of decision of the Plenum of Constitutional Court shall contain the following:

65.4.1. Conclusion of Constitutional Court concerning constitutional case

65.4.2. Date of publication and entrance into force of decision.

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

66.1. According to Article 130.9 of the Constitution of Azerbaijan Republic, the decisions of Constitutional Court shall have binding force on the territory of Azerbaijan Republic.

66.2. Decisions of Constitutional Court shall be binding after their adoption. Official persons who do not comply with decisions of Constitutional Court shall bear the responsibility via the procedure specified by the legislation of Azerbaijan Republic.

66.3. According to part X of Article 130 of the Constitution of Azerbaijan Republic, laws and other legal acts or any of their provisions and intergovernmental agreements of Azerbaijan Republic shall lose their legal force and the interstate agreements of Azerbaijan Republic shall not enter into force within terms specified in the decisions of Constitutional Court

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

66.5. If provision of the Constitution of Azerbaijan Republic which had been relied upon when adopting a decision by Constitutional Court is changed as a result of referendum then this decision of Constitutional Court shall partially or completely lose its legal force.

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

67.0 Decision of Constitutional Court shall enter into legal force at the following periods of time:

67.0.1 Decision adopted on the matters specified by paragraphs 1-7, part III, Article 130, parts V and V of Article 130 of the Constitution of Azerbaijan Republic shall enter into force from the date specified in the Decision itself

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

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

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

68.1. Rulings shall be adopted by Panels of Constitutional Court in order to accept the inquiries, requests and complaints for proceedings and by Plenum of Constitutional Court in order to resolve the matters arising during sessions of Constitutional Court as well as in other cases specified by present law.

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

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

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

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

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

69.2. Decisions of Plenum of Constitutional Court and rulings which publication is considered by Constitutional Court as necessary as well as other materials connected with the activity of Constitutional Court shall be published in "Azerbaycan Respublikasi Konstitusiyası Mehkemesinin Melumatı" (Newsletter of Constitutional Court).

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

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

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

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

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

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

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

71.2. Chairman of the Constitutional Court shall receive the monthly salary equal to the 1300 minimal units.

71.3. Deputy Chairman of the Constitutional Court shall receive the monthly salary equal to the 90 percent of Chairman's salary.

71.4. Judge of the Constitutional Court shall receive the monthly salary equal to the 85 percent of Chairman's salary.

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

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

72.2. Judges of Constitutional Court shall be paid pecuniary benefits from the state budget at the rate of the two-month salary for the period of vacation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75.0. The staff of Constitutional Court shall:

75.0.1. Ensure the activities of Constitutional Court and its judges

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

75.0.3. Provide Constitutional Court with clerks of court sessions

75.0.4. Conduct the clerical work of Constitutional Court

75.0.5. Organize the reception of citizens

75.0.6. Preliminarily study via specified procedure of complaints submitted to Constitutional Court

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

75.0.8. Fulfill various tasks of the Chairman, Deputy Chairman and Judges of Constitutional Court connected with activities of Constitutional Court

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

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

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

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

#### **Article 77. Rights and Duties of Staff and Logistics Department of Constitutional Court**

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

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

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

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

#### **Article 79. Concluding Provisions**

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

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

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