

**CONSTITUTION**  
**OF**  
**THE NAGORNO KARABAKH REPUBLIC**  
*(DRAFT)*

## **Contents**

**Chapter I. The Foundations of Constitutional Order**

**Chapter II. Fundamental Human and Civil Rights and Freedoms and Obligations**

**Chapter III. The President of the Republic**

**Chapter IV. The National Assembly**

**Chapter V. The Government**

**Chapter VI. Judicial Power**

**Chapter VII. The Prosecution**

**Chapter VIII. The Defender of Human Rights**

**Chapter IX. The Oversight Chamber**

**Chapter X. Local Self-Government**

**Chapter XI. Adoption of Constitution, Amendments and Referendum**

**Chapter XII. Final And Transitional Provisions**

We, the people of Artsakh:

- filled with the spirit of freedom;

- realizing the dream of our ancestors and the natural right of people to lead a free and secure life in the Homeland and to create;

- showing a firm will to develop and defend the Republic of Nagorno Karabakh formed on September 2, 1991 on the basis of the right of self-determination and proclaimed independent by a referendum conducted on December 10, 1991;

as a free, sovereign state of citizens with equal rights, where a human being, his life and security, rights and freedoms are of supreme value,

- affirming faithfulness to the principles of the Declaration of Independence of the Republic of the Nagorno Karabakh Republic adopted on January 06, 1992;
- recalling with gratitude the heroic struggle of our ancestors and present generations for the restoration of freedom, bowing to the memory of the perished in a war forced upon us;
- fulfilled with the power of unity of all Armenians of the world;
- reviving the historic traditions of statehood in Artsakh;
- aspiring to establish good-neighborly relations with all peoples, first of all with our neighbors, on the basis of equality, mutual respect and peaceful co-existence;
- staying faithful to the just world order in conformity with universal values of the International law
- recognizing our own responsibility for the fate of our historic Homeland before present and future generations;
- exercising our sovereign right,
- for us, for generations to come and for those that will wish to live in Artsakh, adopt and proclaim this Constitution.

## **Chapter I. The Foundations of Constitutional Order**

### **Article 1.**

1. The Nagorno Karabakh Republic, Artsakh, is a sovereign, democratic state based on social justice and the rule of law.
2. The Nagorno Karabakh Republic and Artsakh Republic designations are the same.

### **Article 2.**

The Nagorno Karabakh Republic recognizes the fundamental human rights and freedoms as inalienable and supreme value, for freedom, justice and peace.

### **Article 3.**

1. In the Nagorno Karabakh Republic power lies with the people.
2. The people exercise their power through free elections and referenda as well as through state and local self-governing bodies and public officials as provided by the Constitution.
3. The usurpation of power by any organization or individual constitutes a crime.

### **Article 4.**

The election of the President, the National Assembly and local self-governing bodies as well as the referenda is held based on the rights to universal, equal and direct suffrage by secret ballot.

### **Article 5.**

The state guarantees the protection of individual and citizen's rights and freedoms in accordance with the international human rights principles and norms. The state is sanctioned by those rights and freedoms directly in effect.

### **Article 6.**

1. State power shall be exercised in accordance with the Constitution and the laws based on the principle of the separation of the legislative, executive and judicial powers of the government and their checks and balances.
2. The State and local self-government bodies and officials are only to execute activities for which they have been authorized by the Constitution and the laws.

**Article 7.**

1. The Nagorno Karabakh Republic Constitution has the supreme judicial power and its norms are applicable directly.
2. The laws of the The Nagorno Karabakh Republic must correspond with the Constitution. Other inter-state legal acts are adopted in accordance with the Constitution and the laws to guarantee their realization. They must correspond to the Constitution, laws and the international agreements ratified by the Nagorno Karabakh Republic.
3. The Laws and other inter-state normative legal acts shall take effect only upon their official publication.
4. Laws found to contradict the Constitution as well as other inter-state legal acts shall have no legal force.
5. International treaties ratified by the Nagorno Karabakh Republic, are constituent part of the legal system of the Nagorno Karabakh Republic.
6. Laws and other legal acts of the Nagorno Karabakh Republic shall correspond with the principles and norms of the international law.
7. International treaties made in the name of the Nagorno Karabakh Republic take effect only upon their ratification or confirmation. If there are other norms ratified in the international treaties than those provided by the laws of the Republic then the norms provided in the treaty shall prevail.
8. International treaties that contradict the Constitution may not be ratified. International treaties that contradict the law shall not be confirmed.

**Article 8.**

1. The multi-party system and ideological pluralism constitute the political foundation of the Nagorno Karabakh Republic.

2. Parties are formed freely and contribute to the formation and expression of the people's political will. Their activity cannot contradict the Constitution and the laws, nor can their structure and practice to the democratic principles.

3. Political parties provide publicity of their financial activities.

**Article 9.**

1. In the Nagorno Karabakh Republic free activities and competition constitute the basis of the economic activities in the republic.

2. Unfair competition is prohibited.

3. The competition limits, allowed forms of monopolies and their limits shall only be stipulated by law, should they be considered indispensable for the security and interests of the public.

4. The State shall guarantee the free development and equal legal protection of all forms of property.

**Article 10.**

1. In the Nagorno Karabakh Republic the Church is independent of the state.

2. The Nagorno Karabakh republic recognizes the Holy Apostolic Church of Armenia as its national church with a unique spiritual mission in the life of the people of Artsakh, its national cultural development, and nurturing of its national identity.

**Article 11.**

1. The armed forces of the Nagorno Karabakh Republic ensure the security of the Nagorno Karabakh Republic, its defense, territorial integrity, and inviolability of its borders.

2. The armed forces hold neutrality in political matters and are under the civilian supervision.

**Article 12.**

The foreign policy of the Nagorno Karabakh Republic shall be conducted in accordance with the principles and norms of international law.

**Article 13.**

The Nagorno Karabakh Republic guarantees the local self-government.

**Article 14.**

1. The Nagorno Karabakh Republic citizens within the territory of the Nagorno Karabakh Republic and outside are under the protection of the Nagorno Karabakh Republic.

2. The procedure of acquiring or ceasing of the Nagorno Karabakh Republic citizenship is stipulated by law.

**Article 15.**

The state language of the Nagorno Karabakh Republic is Armenian.

The Nagorno Karabakh Republic guarantees the freedom of the use of other languages spoken by the population.

**Article 16.**

1. The National Flag of the Nagorno Karabakh Republic is a tricolor with equal upper-red, the middle-blue, and the lower-orange horizontal stripes with a white five-toothed stepped pattern on the flag which begins from the two verges of the cloth's right side and is connected on one-third of the Flag. Law stipulates the detailed description of the Flag.

2. Law defines the coat of arms and national anthem of the Nagorno Karabakh Republic.

3. The capital of the Nagorno Karabakh Republic is Stepanakert.

**Chapter II. Fundamental Human and Civil Rights and Freedoms and Obligations**

**Article 17.**

Human integrity is honored and defended by the State.

**Article 18.**

1. Everyone has the right to life.
2. No one can be convicted to capital punishment.

**Article 19.**

1. Everyone has the right to physical and spiritual inviolability.
2. No one may be subjected to torture or a degrading treatment or punishment belittling his dignity. No one may be subjected to scientific, medical or other forms of experimentation without his or her consent.

**Article 20.**

Everyone is free to do all that is not prohibited by the Constitution or the laws and that it does not violate the rights and freedoms of others.

**Article 21.**

All are equal before the law.

Discrimination based on gender, race, color of skin, ethnic and social origins, genetic characteristics, language, faith, political or other views, national minorities, and propertied or other status, such as birth, disability, age or any other individual and social nature is prohibited.

**Article 22.**

1. Everyone has the right to freedom.
2. The individual's freedom can be suspended in the following cases when:
  - 2.1) The individual has been convicted by a court of law;
  - 2.2) The individual has failed to carry out the decision adopted by the court;
  - 2.3) To guarantee the promulgation of certain obligations stipulated by law;



2.4) There is strong possibility to have committed a crime or when it is indispensable for the individual's commission of the crime or to stop his/her flight after committing the crime;

2.5) To trust the upbringing of a juvenile under supervision or with the purpose of presenting him/her to other authorized bodies;

2.6) With the purpose of preventing the spread of contagious diseases or mental illness, alcoholism, narcotics addiction or to prevent threats to society from vagabonds;

2.7) To prevent illegal aliens to the Nagorno Karabakh Republic, his/her deportation or extradition to other states;

3. If the detained individual is not arrested by the decision of the court within 72 hours after his detention he shall be released from detention immediately.

4. The incarcerated individual is informed in a plain language immediately of the causes and in the case of pressing criminal charges also of the arraignment. An individual identified by the detained person, according to his/her wishes, is immediately notified.

5. Everyone has the right to challenge through legal means the charges that have led to his arrest, detention and incarceration.

6. Everyone in case of illegal arrest, detention and incarceration has the right to reparation for damages.

7. No one can be deprived of freedom only when he or she is not capable to carry out his or her citizenry legal responsibilities.

8. No one can be searched in any form or shape other than that stipulated by law.

### **Article 23.**

1. Everyone is entitled to the right to enjoy respect for his individual and family life.

2. Information about the individual can be collected, stored, used or disseminated in accordance with the law without his consent. The use of information about the individual and its dissemination is prohibited if that contradicts the information gathering objectives.

3. Everyone has the right to become acquainted with the information at the disposal of state and local self-government bodies and demand their correction or deletion.

4. Everyone has the right to confidentiality in his/her correspondence, telephone conversations, mail, telegraph and other communication methods, which may only be restricted by court order.

**Article 24.**

1. Everyone is entitled to privacy in his or her own dwelling

It is prohibited to enter a person's dwelling against his or her own will with the exception of cases stipulated by law.

2. The dwelling may only be searched within the limits of the law and order of the court.

**Article 25.**

1. Every individual legally in the Nagorno Karabakh republic is entitled to freedom of movement and choice of, with the exception of locations foreseen by law.

2. Everyone has the right to leave the Nagorno Karabakh Republic.

3. Every citizen and foreign citizens with legal residence or otherwise in the territory of the Nagorno Karabakh Republic are entitled to the right to return to the Republic.

4. Foreign citizens and stateless citizens legally present in the territory of the Nagorno Karabakh Republic may be expelled from the Republic only in the cases as stipulated by law.

**Article 26.**

1. Everyone is entitled to freedom of thought, conscience, and religion.

2. The freedom to exercise one's religion and beliefs may only be restricted on the grounds prescribed by Article 52 of the Constitution.

3. The freedom of the activities of the religious organizations in accordance with the laws is guaranteed.

**Article 27.**

1. Everyone has the right to freely express his or her opinion and is entitled to freedom of speech, including the freedom to seek, receive and disseminate information and ideas through any medium of information, regardless of state borders.
2. No one shall be forced to retract or change his or her opinion.
3. Freedom of mass media outlets is guaranteed. The order of the activities of the mass media outlets is set in accordance with the law.
4. The State guarantees the existence and activities of the public TV and Radio.

**Article 28.**

Everyone is entitled to the right to submit petitions to the state and local self-government bodies and officials and receive appropriate response within set time limits.

**Article 29.**

1. Everyone has the right to form associations with other persons, among them the right to form and join trade unions. Only law may restrict these rights for those serving in the armed forces, the prosecutor's office, law enforcement and those serving in the national security agencies as well as the judges.
2. No one shall be forced to join an association.
3. The activities of the associations can only be suspended or prohibited as prescribed by law and legal procedures.

**Article 30.**

1. Everyone has the right to form political parties with other persons and join them. Only law may restrict these rights for those serving in the armed forces, the prosecutor's office, law enforcement and those serving in the national security agencies as well as the judges.
2. No one shall be forced to join a party.
3. The activities of the associations can only be suspended or prohibited as prescribed by law and by the decision of the Supreme Court.

**Article 31.**

1. Everyone is entitled to hold peaceful and unarmed meetings, rallies, demonstrations and processions.
2. In cases prescribed by law gatherings are allowed with the prior authorization.

**Article 32.**

1. Citizens who have reached eighteen years of age have the right to be elected and participate in the referenda.
2. The law may grant the right to the non-citizens of the Nagorno Karabakh Republic to be elected in the local self-government bodies.
3. Citizens found incompetent by the decision of the court or duly convicted of a crime and serving a sentence cannot vote or to be elected.
4. Citizens have the right to be accepted for public service on common grounds as prescribed by the law. Law stipulates the principles and organizational order of public service.

**Article 33.**

1. Everyone has a right to determine in accordance with his views, the right to property, use and inheritance of property obtained through legal principles.
2. The right to property shall not violate the rights and freedoms of other individuals or cause damage to the environment, and predominant public interests.
3. Only courts can deprive the right to property in cases stipulated by law.
4. Confiscation of property for the needs of society may occur only in exceptional cases with prior full compensation on the basis of the law.
5. The citizens of other countries and stateless individuals shall not have the right to land ownership with the exception of cases prescribed by the law.

**Article 34.**

1. Every individual is entitled to free choice of employment.

2. Everyone is entitled to a just wage stipulated by the law no lower than the minimum wage as well as the right to work conditions meeting safety and health requirements.
3. Everyone has the right to engage in economic, among them entrepreneurial activities not prohibited by law. This right can be limited by law for public servants.
4. Employees have the right to strike to protect their economic, social and labor interests.
5. The full-time employment for children up to 16 years of age is prohibited. The terms of their acceptance for temporary jobs is stipulated by law.
6. Compulsory and mandatory work is prohibited.

**Article 35.**

1. Everyone has the right to daily and weekly rest as well as paid annual vacation as stipulated by the law.
2. The law stipulates maximum work time, recess, vacation days and the length of the annual paid vacation.

**Article 36.**

1. Everyone has the right to live in a favourable surrounding environments.
2. Everyone has the right to receive information about the conditions of surrounding environments.

**Article 37.**

Everyone is entitled to an adequate standard of living for him/her and his/her family.

**Article 38.**

1. Family is the natural and fundamental basis of society.
2. Women and men enjoy the right to marriage and the ability to form a family. In the course of marriage and in the course of divorce they enjoy equal rights.

2. Dismissal from work due to pregnancy is prohibited. Every working woman during pregnancy and maternity or in the case of adopting a child has the right to paid leave and care of the newborn.
3. Depriving an individual of parental rights or restrictions thereof can only be carried out by the decision of the courts as stipulated by law.

**Article 39.**

Everyone has the right to social security in the event of motherhood, many children, old age, disability, sickness, and loss of breadwinner, unemployment and in other cases provided by the social security rights. The limits and forms of social security are stipulated by law.

**Article 40.**

1. Everyone has the right to preserve his/her health.
2. Everyone has the right to receive medical care and services as stipulated by law.
3. Everyone has the right to receive basic medical services free of charge. The list of such services and their provisions are stipulated by law.

**Article 41.**

1. Everyone has the right to education.
2. Basic general education is compulsory with the exception of the cases prescribed by law. The law shall stipulate the higher education standards.
3. Secondary education shall be free of charge in state educational institutions.
4. Every citizen has the right on a competitive basis to receive higher and other specialized forms of education free of charge as stipulated by law.
5. In the cases as stipulated by law the state provide financial and other assistance to higher and other specialized education programs realized educational institutions, as well as the students studying there.
6. The self-governance principles of the higher academic institutions are stipulated by law.
7. The establishment and operation of academic institutions shall be stipulated by law.

**Article 42.**

1. Everyone has the right to freedom of literary, artistic, scientific and technical creation and freedom of teaching.
2. Intellectual property is protected by law.

**Article 43.**

1. Everyone has the right to the preservation of his or her national, ethnic identity.
2. Individuals [Citizens] belonging to national minorities have the right to preserve and develop their language and culture.

**Article 44.**

1. Everyone has the right to judicial protection of his rights and freedoms in court.
2. Everyone, for the protection of his or her rights and freedoms is entitled to receive the assistance of the Ombudsman as stipulated by law.
3. Everyone has the right to defend his or her rights and freedoms by all means not otherwise prohibited by law.
4. Everyone, for the protection of his or her rights and freedoms is entitled to appeal to the international bodies for the protection of human rights and freedoms.

**Article 45.**

1. Everyone has the right to the public hearing of his or her case by an independent and impartial court maintaining all requirements of justice under conditions of equality and fair deadline.
2. The participation of news media and representatives of society during all or part of a judicial examination may be prohibited by law in consideration of the protraction of the interests of the parties' personal and family life, interests of the juveniles, public order, state security, public mores or and justice.

**Article 46.**

1. Everyone has the right to receive legal assistance.
2. Everyone is entitled to defense council from the moment of arrest, detention or the presentation of charges.
3. The accused that are unable to pay for legal defense as well as in the cases prescribed by law, the state will render assistance at the expense of the state budget.

**Article 47.**

1. No one shall be compelled to be a witness against his or her spouse or relatives. The law may stipulate guidelines to relieve from such duties in other cases.
2. The use of illegally obtained evidence is prohibited.

**Article 48.**

1. A person accused of a crime shall be presumed innocent until proven guilty in a manner prescribed by law and by a court sentence properly entered into force.
2. The accused is not obligated to prove his or her innocence. Suspicions, which have not been disproved, are interpreted to the benefit of the accused.
3. The damages sustained by the plaintiff are determined as prescribed by law.

**Article 49.**

1. A person cannot be found guilty for a crime if at the time of the act it was not considered a crime by law in existence.
2. No individual can be tried twice for the same crime.
3. A punishment may not exceed that which could have been met by the law in effect when the crime was committed.
4. Laws removing or mitigating the punishment shall have retroactive effects.



**Article 50.**

1. Everyone who has been convicted has a right of review of the decision by a higher court as provided by law.
2. Everyone who has been convicted has a right to request a pardon or mitigation of the designated punishment.

**Article 51.**

Laws limiting or increasing liability, and those worsening the individual's legal condition and other legal acts shall not have retroactive effect.

**Article 52.**

The fundamental human and civil rights and freedoms established under Articles 23-31, provisions 1 and 2 of Article 32, and provision 4 of Article 34 of the Constitution may be restricted by law, if rendered necessary and measured for the state and public security, public order, public health and morality, and the rights, freedoms, honor and reputation of others.

**Article 53.**

Fundamental human and citizens rights and freedoms, with the exception of those mentioned in the Articles 17-21 , and 44-50 of the Constitution, may be temporarily restricted in the event of war and critical circumstances.

**Article 54.**

The restrictions of the fundamental human and civil rights and freedoms may not distort the nature of those rights and freedoms.

**Article 55.**

1. Everyone shall uphold the Constitution and the laws, and respect the rights and freedoms of others.

2. It is prohibited to use rights and freedoms with the purpose of forcefully overthrowing constitutional rule, inciting national, racial or religious hatred, with the purpose of advocating violence and war.

3. No one can be compelled to assume responsibilities, which are not prescribed, by the Constitution or the law.

**Article 56.**

Everyone shall pay taxes, duties, and make other mandatory payments in amounts and manners stipulated by law.

**Article 57.**

Every citizen is obligated as provided by law to participate in the defense of the Nagorno Karabakh Republic.

**Article 58.**

Everyone is obligated to protect the historic and cultural monuments.

**Article 59.**

The fundamental rights, freedoms and obligations reserved in under this Chapter extend also to the members of the judiciary to the extent that those rights, freedoms, and duties are employable in their regard.

**Article 60.**

The state's basic issues in the economic, social and cultural spheres are:

1. To defend and support the family, motherhood and childhood.
2. Assist large families.
3. Manifest special care for the disabled freedom fighters, and the families of the martyred freedom fighters.

4. Contribute to the population's employment and improvement of the work conditions.
5. Boost the construction of residential dwellings, and contribute to the improvement of residential conditions of the citizens.
6. To realize program geared toward sustaining the health of the population, by contributing to the creation of efficient and affordable medical services.
7. Employ programs for the treatment of the disabled and enhance their participation in social life.
8. Promulgate the development of physical education and sports.
9. Contribute to the participation of the youth in the country's political, economic and cultural life.
10. Contribute to free higher education and the development of other professional education.
11. Contribute the development of science and culture.
12. Develop a policy guarantying the environmental security of the present and future generations.
13. Protect and restore historical-cultural monuments.
14. Contribute to the strengthening of relations with the Armenian Diaspora.
15. Contribute to the national and international values and their communication.
16. Guarantee dignified living conditions for the elderly.

The state is obligated within the limits of its resources undertake measure towards the realization of all the issues listed in this article.

### **Chapter III. The President of the Republic**

#### **Article 61.**

1. The President of the Republic is the head of the state.
2. The President of the Republic oversees the adherence to the Constitution, ensures the normal functioning of the legislative, executive and judicial bodies.

3. The President of the Nagorno Karabakh Republic is the guarantor of the sovereignty, independence and territorial integrity and security of the Nagorno Karabakh Republic.

**Article 62.**

1. The President of the Republic shall be elected by the citizens of the Nagorno-Karabakh Republic for a five-year term of office.
2. Every person having attained the age of thirty five, having been a citizen of the Nagorno Karabakh Republic for the preceding ten years, having resided permanently in the Republic for the preceding ten years and having the right to vote is eligible for the Presidency.
3. The same person may not be elected for the post of the President of the Republic for more than two consecutive terms.

**Article 63.**

1. The President of the Republic is elected in accordance with the procedures set by the Constitution and the laws. Election of the President of the Republic shall be held fifty days prior to the expiration of the term of office of the President in office.
2. The candidate who receives more than half of the votes cast for the presidential candidates shall be considered as having been elected President of the Republic.
3. If the election involved more than two candidates and none received the necessary votes, a second round of elections shall be held on the fourteenth day following the first round of the election, at which time the two candidates having received the highest number of votes in the first round shall participate. The candidate who receives the highest number of votes during the second round shall be considered to have been elected the President of the Republic.
4. In the event only one candidate is presented, the candidate shall be considered as having been elected if he or she has received more than half of the votes cast.
5. If the Supreme Court entertains a case in regard to the outcome of the presidential elections of the Republic, then it has to render a decision within ten days from the date of the filing of the petition. The deadlines set by this Article include the moment in which the decision of the Supreme Court has taken into effect.
6. If a President of the Republic is not elected, there shall be new elections on the fortieth day after the first round of elections.

7. The President-elect of the Republic shall assume office on the day when the term of the previous President expires.

8. A President who shall be elected by new or extraordinary elections shall assume office within twenty days after official publication of election results. .

#### **Article 64.**

1. In the event that one of the presidential candidates faces insurmountable obstacles, the presidential elections shall be postponed by two weeks. If during this period obstacle recognized as insurmountable are not alleviated, new elections shall be held, and the votes are taken on the fortieth day after the expiration of the two-week deadline.

2. In the event of the passing of one of the presidential candidates, new elections are set in a three-day period, and the votes are taken on the fortieth day of after setting the date of the new elections.

#### **Article 65.**

In the event of the resignation, death, incapacity to perform of his or her functions of the President of the Republic or removal from office in accordance with the provisions of Article 71 of the Constitution, special presidential elections shall be held on the fortieth day following the vacancy of the office.

#### **Article 66.**

During a period of war and special circumstances, no Presidential elections are held, and the President of the Republic shall continue his/her mandate until the President elected upon the conclusion of the war or extraordinary situation takes office. In this case the election of the President of the Republic shall take place on the ninetieth day of conclusion of the war or extraordinary situation and the President-elect assumes office on the twentieth day after the official publication of the election results, or if the Supreme Court takes a petition for court hearing, on the twentieth day after the Court decision comes to force.

#### **Article 67.**

The President of the Republic shall assume office in accordance with the provisions of the law, by pledging the following oath to the people during a special sitting of the National Assembly: “By assuming the office of the President of the Nagorno Karabakh Republic, I pledge to unwaveringly

carry out the requirements of the Constitution, honor human and civil rights and freedoms of the citizens, guarantee the sovereignty, independence, territorial integrity and security of the Republic to the glory of the Nagorno Karabakh Republic and in the name of the welfare of our people.”

### **Article 68.**

#### The President of the Republic

1. Shall address the people and the National Assembly;
2. Shall sign and promulgate within thirty days of receipt, laws passed by the National Assembly. During this period, the President may remand a law to the National Assembly with objections and recommendations requesting new deliberations. The President shall sign and promulgate into law upon receipt within a five days of the second passing of such law by the National Assembly;
3. May in cases stipulated by the Constitution and procedures the president of the National dissolve the National Assembly and designate special;
4. In accordance with Article 100 of the Constitution shall appoint the Prime Minister. At the recommendation of the Prime Minister shall appoint or remove members of the government.

In consultation with the President of the National Assembly and the leaders of the parliamentary factions may remove the Prime Minister. In the events of removal or resignation of the Prime Minister, if the National Assembly adopts a vote of no confidence against the Government, if the position of the Prime Minister remains vacant, the President shall accept the resignation of the government;

5. Shall recommend to the National Assembly nominees for the presidency of the Supreme Court and other courts. In accordance with the provisions of the Article 118 of the Constitution, the President shall appoint the presidents of the appellate courts, courts of first instance, other courts stipulated by law and other judges. He shall terminate the powers of the judges, grants permission for the incarceration of the judges, to bring legal charges against him/her and subject him/her to administrative accountability;
6. Proposes to the National Assembly a nominee for the Prosecutor General. At the recommendation of the Prosecutor General, it appoints and dismisses the Deputy Prosecutor Generals;
7. Proposes to the National Assembly a nominee for the presidency of the Oversight Chamber;
8. Appoints the two advisory members of the Judicial Council;

9. Makes appointments of the state officials as stipulated by law;
10. Forms and presides over the National Security Council, and may also form other consultative bodies;
11. Shall represent the Nagorno Karabakh Republic in international relations, conducts and oversees the general course of the foreign policy, signs international treaties, presents international agreements to the National Assembly for ratification, confirms, suspends or halts the ratification of international agreements not requiring ratification;
12. Shall appoint and recall the diplomatic representatives of the Nagorno Karabakh Republic to foreign countries and international organizations, and receive the credentials and letters of recall of diplomatic representatives of foreign countries and international organizations;
13. Is the Commander-in-Chief of the armed forces and coordinates the activities of the state officials in the sphere of defense. Appoints and dismisses the supreme command of the armed forces and other forces;
14. In the event of an armed attack against or an imminent danger to the Republic, or a declaration of war, declares martial law and may call for a general or partial mobilization; and makes a decision on the use of the armed forces.

In the event of the use of the armed forces or upon the declaration of martial law, a special session of the National Assembly shall be held;

15. In the event of natural tragedies or other special circumstances, as well as an imminent danger to the constitutional order, upon consultation with the president of the National Assembly and the Prime Minister, shall take measures appropriate to the situation and address the people on that subject; if necessary declares state of emergency.

Upon the declaration of state of emergency by law convenes a special session of the National Assembly;

Legal status of the state of emergency is set by law.

16. Shall grant citizenship of the Nagorno Karabakh Republic and decide on granting political asylum as stipulated by law;
17. Shall award the orders and medals of the Nagorno Karabakh Republic and grant the highest military and honorary titles and diplomatic and other titles;
18. May grant amnesty to convicts.

**Article 69.**

The president of the Republic may issue decrees and orders.

**Article 70.**

The President of the Republic enjoys immunity. The President of the Republic during his/her term of office and then after cannot be subject to persecution and be held accountable for his/her acts as President. The President of the Republic can be held accountable for acts unrelated to his/her position upon the expiration of his/her term of office.

**Article 71.**

1. The President of the Republic may be removed from office for state treason or other high crimes.
2. In order to request a determination on questions pertaining to the removal of the President of the Republic from office, the National Assembly shall appeal to the Supreme Court by a resolution adopted by the simple majority of the members of the National Assembly.
3. A decision to remove the President of the Republic shall be determined by the National Assembly by at least two thirds of votes of the total number of its members based on the determination of the Supreme Court.

In the event that the determination of the Supreme Court to remove the President of the Republic from office is inconclusive, then the issue is removed from the agenda of the National Assembly.

**Article 72.**

The President of the Republic presents his resignation to the National Assembly. In ten days from the date of the submission of the resignation of the President of the Republic it is considered accepted, and in accordance with the provisions and deadlines set by the Constitution special elections are held.

**Article 73.**

In the event of the serious illness of the President of the Republic or of insurmountable obstacles affecting the performance of his/her duties, upon the recommendation of the Government and a determination by the Supreme Court, the National Assembly shall adopt a resolution on the



incapacity of the President of the Republic to exercise his/her duties with a minimum two-thirds majority vote of the total number of its members.

In the event that the determination of the Supreme Court of the incapacity of the President to perform his duties is inconclusive, then the government can not appeal to the National Assembly with such a recommendation.

#### **Article 74.**

In the event that the office of the President of the Republic remains vacant and until a newly elected President assumes office the presidential duties shall devolve onto the President of the National Assembly, and if that is not possible, onto the Prime Minister. During this period it is prohibited to dissolve the National Assembly, call a referendum, and appoint or remove the Prosecutor General, supreme command of the armed forces or other forces, as stipulated by law make appointments to the law enforcement and national security bodies, as well as also implement points 12, 17, 18, of the Article 68 of the Constitution.

#### **Article 75**

1. The President of the Republic forms his/her staff.
2. The compensation, servicing and security of the President of the Republic shall be determined by law.

### **Chapter IV. The National Assembly**

#### **Article 76.**

1. Legislative power in the Nagorno Karabakh Republic shall be vested in the National Assembly.
2. Under the cases provided by Article 68, points 14 and 15, Articles 71, 73, 3<sup>rd</sup> provision of this Article, Articles 80, 81, 83, 84, 85, 89, 90, 92, 93, sub-sections (1.1), (1.2) and (1.4) of point 1 and point 2 of Article 94; Articles 95, 97, 100; point 2.2 of Article 114, cases provided in Articles 133, 134, 135 for the purposes of organizing its own activities, the National Assembly shall adopt resolutions, that are signed and publicized by the President of the National Assembly.
3. The National Assembly may issue addresses or statements.

4. The powers of the National Assembly are stipulated by the Constitution.

5. The functions of the National Assembly, formation of its bodies and their activity are determined by the Constitution and the By-laws of the National Assembly.

#### **Article 77.**

1. The number of the members of the National Assembly is determined by law.

2. The National Assembly is elected for a five-year term. The authority of the National Assembly shall expire in the year following its fifth term on the opening day of the first session of the newly elected National Assembly, when the newly elected National Assembly shall assume its powers.

3. The National Assembly holds elections upon the expiration of its powers no sooner than forty days and no later than thirty days.

The National Assembly special elections are held upon the dissolution of the National Assembly no sooner than thirty days and no later than forty days.

4. The National Assembly may not be dissolved during a war or state of emergency as well as when the removal of the President of the Republic from office is being deliberated.

5. In the event of war or state of emergency, the term of office of the National Assembly is extended until the conclusion of the war or state of emergency, when the newly elected National Assembly holds its first session. In that case the election of the new National Assembly is held after the termination of the war or state of emergency no sooner than seventy days and no later than hundred days.

6. The election of the National Assembly is set by the decree of the President of the Republic.

7. The election of the National Assembly is stipulated by the Constitution.

#### **Article 78.**

Any person having attained the age of twenty-three, having been a citizen of the Nagorno Karabakh Republic for the preceding five years, having permanently settled in the Republic and eligible to vote, may be elected as a member of the National Assembly.

#### **Article 79.**

1. A member of the National Assembly may not hold any other public office or local self-governing bodies or trade organizations, be engaged entrepreneurship, nor engage in any other paid occupation, except scientific, educational and creative work. A member of the National Assembly exercise his/her powers on a permanent basis,
2. A member of the National Assembly is not bound by any imperative mandates.
3. The powers of the member of the National Assembly, guarantees of his or her activities stipulated by the Constitution and laws.

**Article 80.**

1. A member of the National Assembly during the term of his/her power and then after cannot be persecuted and be subject to liability for activities emanating from his/her or her status, including for an opinion expressed in the National Assembly, if it does not contain slander or insult.
2. A member of the National Assembly shall not be arrested and be subjected to administrative or criminal liability through judicial procedure without the consent of the National Assembly.
3. A member of the National Assembly shall not be arrested without the consent of the National Assembly, except in the cases, when his/her arrest is carried out in the course of the commission of a crime or immediately afterward. In these cases the president of the National Assembly is immediately notified.

**Article 81.**

1. The powers of the member of the National Assembly terminate on the expiration of the term of the powers of the National Assembly, the dispersal of the National Assembly, a violation of the terms of the first part of Article 79 of the Constitution, invalid absence from more than half of the votes taken during one session, resignation, loss of the Nagorno Karabakh Republic citizenship, conviction for a crime resulting in imprisonment, a finding of incompetence declared legally by the court, declared absent, and death.
2. The powers of a member of the National Assembly shall be terminated in a manner prescribed by the rules of procedure of the National Assembly.

**Article 82.**

1. The first session of the newly elected National Assembly is convened on the second Thursday following the election of at least two-thirds of the overall number of delegates.

2. Prior to the election of the president of the National Assembly, the member most senior in age runs its meetings.

**Article 83.**

1. The National Assembly with the majority of the votes elects the president of the National Assembly and his/her deputy.

2. The president of the National Assembly runs the sessions, determines the financial resources of the National Assembly, and secures its normal activities.

**Article 84.**

1. Standing committees are established for the preliminary examination of draft legislation and other proposals for the consideration of the National Assembly

2. If necessary, ad-hoc committees may be established in a manner prescribed by the rules of procedure of the National Assembly for the preliminary examination of draft legislation and other proposals for the submission of findings and reports on specific events and facts to the National Assembly.

**Article 85.**

1. The regular sessions of the National Assembly shall be convened twice per year from September-December, and February-June as prescribed by the rules of procedure of the National Assembly.

2. The sessions of the National Assembly are valid/official if the required number of its members are present for the resolution of the given issue.

3. The sessions of the National Assembly shall be open to public. Closed-door sessions may be convened by a resolution of the National Assembly.

**Article 86.**

An extraordinary term or session of the National Assembly may be convened by the president of the National Assembly, the President of the Republic, at the initiative of at least one-third of the total number of its members or by the government in accordance with the agenda and timetable of the initiator.

**Article 87.**

Laws and resolutions of the National Assembly, with the exception of cases stipulated by the Constitution, shall be passed by the majority vote of the participating members but no less than the two-fifth of total number of members.

**Article 88.**

1. The National Assembly deliberates on the law remanded by the President of the Republic in an extraordinary session.

2. In the event that the National Assembly does not accept the comments and recommendations of the President of the Republic, the remanded law is accepted with the simple majority of the total number of its members.

**Article 89.**

1. Within thirty days of the formation of a newly elected National Assembly or after its formation, the Government shall present its program to the National Assembly for its approval, thus raising the question of a vote of confidence before the National Assembly.

2. A draft resolution expressing a vote of no confidence toward the Government may be proposed within twenty-four hours of the Government's raising of the question of the vote of confidence by not less than one-third of the total number of the members of the National Assembly. The proposal for a vote of no confidence shall be voted on no sooner than forty-eight hours and no later than seventy-two hours from its initial submittal. The proposal must be passed by a majority vote of the total number of the members of the National Assembly.

3. If a vote of no confidence toward the Government is proposed, or such proposal is not passed, the Government's program shall be considered to have been approved by the National Assembly.

4. If a vote of no confidence is passed, the Prime Minister shall submit the resignation of the Government to the President of the Republic.

**Article 90.**

1. The right to initiate legislation in the National Assembly shall belong to the President of the Republic, its members and the Government.

2. The Government shall stipulate the sequence for debate of its proposed draft legislation and may request that they be voted on only with amendments acceptable to it.
3. Any draft legislation deemed urgent by the Government resolution shall be debated and voted on by the National Assembly within a sixty day period.
4. National Assembly shall consider all draft legislation reducing state revenues or increasing state expenditures by a majority vote in accordance with the Government proposal.
5. The Government may raise the question of a vote of confidence in conjunction with its proposed legislation. If the National Assembly does not adopt a resolution of no confidence against the Government as provided by the part 2 of Article 89 of the Constitution, then the Government's proposed legislation will be considered to have been adopted. In the event that a vote of no confidence is adopted, the Prime Minister submits a petition to the President of the Republic for the resignation of the Government.
6. The Government can submit a question of confidence in conjunction with legislation during the same term of the National Assembly no more than twice.

**Article 91.**

1. The National Assembly shall adopt the state budget upon its submittal by the Government. If the budget is not adopted by the start of the fiscal year, all expenditures shall be incurred in the same proportions as in the previous fiscal year's budget.
2. The procedure for debate on and adoption of the State budget shall be prescribed by by-laws of the National Assembly.

**Article 92.**

1. The National Assembly shall oversee the implementation of the State budget, as well as of the use of loans and credits received from foreign governments and international organizations.
2. The National Assembly shall examine the annual report on the realization of the state budget and adopt the report based on the findings of the National Assembly's Oversight Chamber.

**Article 93.**

1. The members of the National Assembly have the right to direct questions to the government. For one session each week during the regular sessions of the National Assembly, the Prime Minister and

the members of the Government shall answer questions raised by members of the National Assembly. The National Assembly shall not pass any resolution in conjunction with the questions raised by its members.

2. The factions and blocs of the National Assembly have the right to question the Government. The questions are presented in writing at least ten days before debate. The procedure for debate on and adoption of the resolutions are stipulated by the By-laws of the National Assembly.

#### **Article 94.**

1. The National Assembly, upon the recommendation of the President of the Republic:

1.1. Shall approve the candidacy of the Prime Minister in a manner prescribed by Article 100 of the Constitution

1.2. May declare amnesty;

1.3 Shall ratify, revoke or suspend the international agreements signed by the Nagorno Karabakh Republic. Law shall stipulate the range of international treaties subject to ratification by the National Assembly.

1.4. May adopt a resolution on declaring a war or proclaiming peace. In the event that a session of the National Assembly is impossible to convene, the decision to declare war is reserved to the President of the Republic.

1.5. The National Assembly may terminate the use of the armed forces, martial law and state of emergencies.

#### **Article 95.**

1. The National Assembly, upon the recommendation of the President of the Republic, shall appoint:

1.1. The President of the Supreme Court and other judges.

1.2. Prosecutor General.

1.3. Chairman of the National Assembly's Oversight Chamber.

2. The National Assembly appoints the Ombudsman, two members of the Judicial Council.

#### **Article 96.**

The National Assembly, upon the recommendation of the Government, shall determine the administrative-territorial divisions, designations and boundaries of the Republic.

**Article 97.**

1. The National Assembly may adopt by a majority vote of no confidence towards the Government. The National Assembly shall not exercise that right in the event of war or the cases stipulated in point 15 of Article 70 of the Constitution.
2. A proposal of a resolution of no confidence towards the Government shall be presented by the vote of the one-third of the total number of the members of the National Assembly. The decision to adopt the resolution shall be put on vote no sooner than forty-eight and no later than seventy-two hours from the time of its presentation.

**Article 98.**

1. The President of the Republic may dissolve the National Assembly in cases prescribed by Article 100 of the Constitution.
2. The President of the Republic may dissolve the National Assembly, upon the recommendation of the President of the National Assembly or Prime Minister, if;
  - 2.1. during the 60 days of the regular sitting National Assembly passes no resolution on a draft law that has been considered urgent by a Government decision;
  - 2.2. during the 60 days of the regular sitting National Assembly passes no resolutions on issues being debated in the National Assembly;
  - 2.3. during the regular sitting National Assembly doesn't convene sessions for more than 60 days.

**Chapter V. The Government****Article 99.**

1. Executive power in the Nagorno Karabakh Republic shall be vested in the Government of the Nagorno Karabakh Republic.



2. All the issues subject to state governance, which are not reserved to other State and local self-governing bodies by law, fall under the jurisdiction of the Government.
3. The Government shall be composed of the Prime Minister, Deputy Prime Minister, and the Ministers.
4. The structure of the Government, at the recommendation of the Government shall be stipulated by law. The structure and rules of operation of all other bodies and their mode of activities is presented by the Prime Minister and determined by a decree of the President of the Republic.
5. The Government adopts resolutions that are signed and publicized by the Prime Minister.

#### **Article 100.**

1. Prime Minister is appointed and the Government formed by the President of the Republic in the following order.

1.1) The President of the Republic shall present the candidacy of the Prime Minister for the National Assembly's approval after assuming the post of the President of the Republic, or receiving the resignation of the Government or dissolving the National Assembly in cases mentioned in this Article within ten days after the first session of the newly-elected National Assembly;

1.2) The National Assembly debates the candidacy of the Prime Minister recommended by the President within five days;

1.3) Within a three day period the President appoints the Prime Minister whose candidacy has been approved by the majority vote of the total number of Deputies of the National Assembly. Upon the recommendation of the Prime Minister within twenty days the President appoints other members of the Government. By the procedure set forth in Article 89 of the Constitution, the National Assembly approves the Program of activities of the Government:

1.4) by the procedure set forth in the 1.3 sub-point of point 1 of this Article in cases whereby the National Assembly doesn't approve the candidacy of the Prime Minister or the Program of activities submitted by the Government formed at the recommendation of the Prime Minister, the President of the Republic presents the candidacy of the Prime Minister to the national assembly's approval for the second time within seven days period;

1.5) In cases, when by the procedure set forth in the 1.3 sub-point of point 1 of this Article in the National Assembly doesn't approve the candidacy of the Prime Minister for the second time or after having approved the Prime Minister's candidacy doesn't approve the Program of activities submitted by the Government formed at the recommendation of the Prime Minister, or doesn't approve the candidacy of the Prime Minister presented after having disapproved the Program of activities submitted by the Government formed at the recommendation of the Prime Minister approved by the National Assembly, then the President of the Republic appoints a Prime Minister and forms a government within a ten day period;

1.6) The President of the Republic can not appoint a person whose candidacy has been turned down twice by the National Assembly in the position of the Prime Minister.

1.7) In cases, if the National Assembly doesn't approve the Program of activities submitted by the Government formed at the recommendation of the Prime Minister approved by the National Assembly for the second time subsequently, or doesn't approve the Program of activities of the Government, formed in conformity with the 1.5 sub-point of point 1, of this Article, then the President shall dissolve the National Assembly and set extraordinary elections.

#### **Article 101.**

1. The Prime Minister shall oversee the Government's regular activities and shall coordinate the work of the Ministers.
2. The Prime Minister shall adopt resolutions in regards to the issues pertaining to the activities of the Government.
3. In the event that the Prime Minister is absent or incapacitated to execute his/her or her powers the Deputy Prime Minister shall assume the powers of the Prime Minister.

#### **Article 102.**

A member of the Government may not be a member any representative body outside his/her mandate, state positions or local self-government bodies or trade organizations, entrepreneurial activity as well as engage in any other paid occupation with the exception of scientific, educational and creative work.

#### **Article 103.**

1. The Prime Minister shall convene and chair the Government sittings.
2. The President of the Republic may also convene and chair a Government sitting.

#### **Article 104.**

1. The Heads of Regional Administrations shall pursue the territorial policy of the Government, coordinate the activities of the territorial services of the executive bodies, with the exception of cases prescribed by law.
2. The Heads of Regional Administrations shall be appointed to and dismissed from office by the decision of the Government.

3. The peculiarities of the territorial administration in the city of Stepanakert shall be defined by the law.

#### **Article 105.**

1. The Government shall submit the proposed state budget to the National Assembly at least sixty days prior to the beginning of the fiscal year and may request that this proposal, with any amendments, it may adopt, be voted on prior to the expiration of the budget deadline. The Government may raise the question of a vote of confidence in conjunction with the adoption of the state budget. If a vote of no confidence is not adopted by the National Assembly, as provided under part 4 of Article 90 of the Constitution, then the state budget and related amendments approved by the Government shall be considered adopted.

2. In case of a vote of no confidence related to the proposed state budget, the new Government shall present the National Assembly with a draft state budget within a period of twenty days. This draft shall be debated and confirmed in accordance with the terms stipulated in this article within thirty days.

#### **Article 106.**

From the day the newly elected President assumes office Government puts down its powers.

#### **Article 107.**

Upon the acceptance of the resignation of the Government by the President of the Republic, the members of the Government continue their powers until the formation of the new Government.

### **Chapter VI. Judicial Power**

#### **Article 108.**

1. In the Nagorno Karabakh Republic justice shall be administered by the courts, in accordance with the Constitution and the laws.

2. Justice is realized by the constitutional, civil, criminal and other means of trial prescribed by law.

3. Judiciary is independent.

**Article 109.**

1. The judicial system of the Nagorno Karabakh Republic is composed of the first instance court of general jurisdiction, the courts of appeal, and the Supreme Court as well as specialized courts as stipulated by law.

2. The establishment of extraordinary courts is prohibited.

3. The jurisdiction of the courts, their formation and activities are prescribed by the Constitution and laws.

3. The final verdicts of the courts are adopted in the name of the Nagorno Karabakh Republic.

**Article 110.**

1. Judges are appointed for life. A judge may hold office until the age of 65.

2. Powers of a judge are suspended only by the Constitution and in accordance with the cases and procedures stipulated by law.

**Article 111.**

A judge shall not hold any positions in trade organizations, positions unrelated to his/her duties in official state or local self-government bodies, engage in entrepreneurial activity as well as any paid occupation, except scientific, educational and creative work. Judges may not be members of any political party.

**Article 112.**

1. When administering justice, judges are independent.

2. The guarantees for the exercise of their duties and the grounds and procedures of the legal responsibility applicable to judges shall be stipulated the Constitution and law.

3. Judges may not be subject to arrest, detention, or accused as they cannot be subject to administrative responsibility without the consent of the President of the Republic and the provisions of Article 116 of the Constitution.

4. Judges cannot be arrested, with the exception of cases when the arrest is being realized at the time of the committing of a crime or immediately after. In the event of the arrest of a judge, the President of the Republic and the president of the Supreme Court are notified immediately.

**Article 113.**

1. The supreme judicial body of the Nagorno Karabakh Republic is the Supreme Court.
2. The Supreme Court is comprised of Constitutional and Appeal courts.
3. The Supreme Court upholds the supremacy of the Constitution and equal application of law.
4. The president of the Supreme Court and other judges are appointed by the National Assembly at the recommendation of the President of the Republic.

**Article 114.**

1. The Supreme Court administers Constitutional justice. The Supreme Court by procedures stipulated by law:

1.1 shall decide on whether the laws, the resolutions of the National Assembly, the orders and decrees of the President of the Republic, the resolutions of Government, the Prime Minister, local self-government bodies are in conformity with the Constitution;

1.2 shall decide, prior to the ratification of an international treaty, whether the obligations assumed therein are in conformity with the Constitution;

1.3 shall rule on disputes concerning referenda;

1.4 shall rule on disputes concerning the decision adopted on election of the President of the Republic and election of the Deputies.

1.5 shall ascertain the existence of insurmountable obstacles facing a presidential candidate or the elimination of such obstacles;

1.6 shall determine whether there are grounds for the removal of the President of the Republic.

1.7 shall determine whether the President of the Republic is incapable of continuing to perform his/her duties.

1.8 shall determine whether there are grounds for the removal of a member of the Supreme Court, his/her arrest or initiation of administrative or criminal proceedings through the judicial process;

1.9 shall decide on the suspension or prohibition of a political party in cases as stipulated by law.

2. As stipulated by point 1 of the issues by Constitution and law, the Supreme Court may hear cases submitted by;

2.1 President of the Constitution for the cases specified in points 1.1, 1.2, 1.3, 1.8, and 1.9.

2.2 The National Assembly for the cases specified in points 1.3, 1.6, 1.8, and 1.9.

2.3 At least one-fifth of the members of the National Assembly in cases as specified by points 1.1 and 1.3.

2.4 The Government in cases as specified in points 1.1, 1.7, 1.9.

2.5 Local self-government bodies in cases when their constitutional rights have been violated by the normative acts of the state bodies in accordance with the Constitution.

2.6 Everyone in cases stipulated by law

2.7 The courts and Prosecutor General in the conduct of specific cases, constitutionality of the normative acts.

2.8 The Ombudsman points itemized in 1.1, in accordance with the cases specified in Chapter II of the Constitution.

2.9 The Presidential candidates and members of the National Assembly within the parameters of the points 1.4 and 1.5.

The Supreme Court examines only cases filed through corresponding petitions.

3. The Supreme Court adopts resolutions on the issues provided for in points 1.1, 1.5, 1.9 of this article, and in the case of points 1.6 and 1.8 it issues decisions. Decisions and issues provided for in point 1.9 are adopted by at least two-third of the votes of the overall number of its members, the remaining decisions by a majority vote of the votes of overall number of its members. The Decisions and conclusions shall be final and shall come into force following the publication thereof.

4. Legal acts or separate provisions of 1.1. of the part 1 of this Article that contravene with the Constitution shall become ineffective. The Supreme Court may adopt a decision stipulating a later term for invalidating a normative act or a separate provision contradicting the Constitution .

5. If the decision of the court is negative, the issue shall be removed from the scope of competence of the relevant body.

**Article 115.**

1. The Justice Council is formed and functions as prescribed by the Constitution and Law.
2. The Justice Council is composed of the President of the Republic, two jurists appointed by the National Assembly, and five judges elected in a secret ballot by the General Assembly of the judges of the Republic for five years as prescribed by the law.
3. The President of the Supreme Court runs the meetings of the Justice Council without the right to vote.

**Article 116.**

The Justice Council by procedures stipulated by law:

1. shall prepare and propose a list of candidates for the positions of judges and their staff, and present it to the President of the Republic for approval, based on which appointments are made.
2. shall make a suggestion to the Republic's President on the nominations of the judges;
3. shall take disciplinary actions against judges.
4. shall make recommendations to the President of the Republic regarding the removal from office of a judge. In regard to a Supreme Court judge, the conclusion of the President of the Republic is given based on the conclusion of the Supreme Court.
5. The President of the Republic shall recommend arresting a judge, and initiate administrative or criminal proceedings through the judicial process against a judge. In regard to the judges of the Supreme Court, the conclusion of the President of the Republic is given based on the conclusion of the Supreme Court.

**Chapter VII. The Office of the Prosecutor General****Article 117.**

1. The Office of the Prosecutor General of the Nagano Karabakh Republic represents a unified, centralized system, headed by the Prosecutor General.
2. The National Assembly appoints the Prosecutor General for a period of six years upon the recommendation of the President of the Republic. The same person may not be appointed Prosecutor General for more than two consecutive terms.
3. The Prosecutor General shall not engage in any other state or local self-government bodies, trade organizations, entrepreneurial activity as well as any other paid occupation, with exception of scientific, educational and creative work. The Prosecutor General shall not be a member of any political party.
4. The President of the Republic as stipulated by law may remove the Prosecutor General from office by majority vote of the total number of members of the National Assembly.

**Article 118.**

1. The Office of the Prosecutor General in situations prescribed by law and in accordance with procedures provided by law:

- 1.1) shall initiate criminal prosecution;
- 1.2) shall oversee the legality of preliminary inquiries and investigations;
- 1.3) shall present the case for prosecution in court;
- 1.4) shall bring actions in court to defend the interests of the state;
- 1.5) shall appeal the judgments, verdicts and decisions;
- 1.6) shall oversee the execution of sentences and the legality of other sanctions.

2. The Office of the Prosecutor General shall operate within the powers vested in it by the Constitution and on the basis of the law.

**Chapter VIII. The Defender of Human Rights  
[The Office of the Ombudsman]**



**Article 119.**

1. The Ombudsman is an independent official who defends the human rights of the citizens and freedoms against the state and local self-government bodies and officials.
2. Law stipulates the procedure of the activities of the Ombudsman.

**Article 120.**

1. The National Assembly appoints the Ombudsman for a period of six years by at least three fifths of the votes of the total number of its members. The same person shall not serve more than two consecutive terms as Ombudsman.
2. The Ombudsman is irremovable.
3. The Ombudsman shall not engage in any other official state and local self-government bodies, trade organizations, entrepreneurial activity, as well as any paid occupation, with the exception of scientific, educational and creative work. The Ombudsman shall not be a member of any political party.
4. The Ombudsman enjoys the immunity specified for the Deputies. Law stipulates other guarantees for his/her activities.
5. In cases prescribed by law, the National Assembly by a vote of a simple majority of its members may remove the Ombudsman from the office.

**Chapter IX. The Oversight Chamber****Article 121.**

1. The Oversight Chamber of the Nagorno Karabakh Republic is an independent body, which oversees the budgetary matters, the loans and grants received from other states, international organizations, for the use of the state and public property.
2. The program of activities of the Oversight Chamber is validated by the National Assembly.

3. The Oversight Chamber submits a report of its activities no less than once a year to the National Assembly.

4. The structure and procedure of activities of the Oversight Chamber is defined by law.

#### **Article 122.**

1. The National Assembly appoints the president of the Oversight Chamber upon the recommendation of the President of the Republic for a period of six years. The same person may not serve more than two consecutive terms as the president of the Oversight Chamber.

2. The chairman of the Oversight Chamber shall not occupy any other positions in the official state and local self-government bodies, trade organizations, entrepreneurial activity, as well as any paid occupation, with the exception of scientific, educational and creative work. The president of the Oversight Chamber shall not be a member of any political party.

3. In cases stipulated by law, the National Assembly by a vote of a simple majority of its members may remove the chairman of the Oversight Chamber from office.

## **Chapter X. Local Self-Government**

#### **Article 123.**

Local self-government is exercised in the communities in accordance with the Constitution and the laws.

#### **Article 124.**

1. A community comprises the populace of one or more residential areas.

2. A community shall be a legal entity, have the right to property and other economic rights.

#### **Article 125.**

1. The powers of the community pertaining to managing and administering the community's property, resolving issues of community significance, and other powers aimed at fulfilling the requirements of the community shall be exercised by the community in its own name and under its

responsibility. A certain part of community's authorities may by law be deemed obligatory.

2. In order to secure more effective exercise of the power of state bodies the law may envisage the delegation thereof to the local self-government bodies.

#### **Article 126.**

The land in the administrative territory of the community with the exception of the land necessary for state needs and those belonging to natural persons and legal entities shall be deemed property of the community.

#### **Article 127.**

1. The community shall generate its budget independently.

2. The law shall define the sources of the community revenues. The law shall define the sources of community finances that will secure the discharge of their responsibilities.

3. Responsibilities delegated to the communities shall be funded from the state budget.

4. The communities shall establish local taxes and duties within the scope defined by law. The communities can set forth fees for their services.

#### **Article 128.**

1. The community shall exercise its right of self-government through the bodies of local self-government - the Council of Elderly and the Head of Community, who shall be elected for a four-year term of office in conformity with the procedure defined by law.

2. During war or state of emergency the term of office of the local self-government bodies is extended until the conclusion of the war and state of emergency and the first meeting of the newly elected local self-governing bodies. In that case the election of the local self-governing bodies shall take place after the conclusion of the military and state of emergency situation no sooner than within seventy days and no later than within hundred days.

#### **Article 129.**

1. The Council of Elderly of the community shall in conformity with the procedure defined by the law manage the community property, approve the community budget upon the submission of the

Head of Community, oversee the community budget execution, envisage local taxes, duties and fees in conformity with the procedure defined by the law and adopt legal acts subject to observance in the territory of the community.

2. The law shall define the powers of the Head of Community and the procedure for the exercise thereof.

#### **Article 130.**

1. To ensure the lawfulness of the activities of the local self-government bodies, legal control shall be exercised in conformity with the procedure defined by the law.

2 The law shall define the procedure for the state oversight over the discharge of the powers delegated to the community.

#### **Article 131.**

The Government may remove the Head of Community in cases prescribed by the law and procedures

#### **Article 132.**

1. The communities may, based on the interests of the public, be merged with each other or separated by the law. The appropriate law shall be adopted by the National Assembly upon the recommendation of the Government. Before submitting the legislative initiative the Government shall appoint local referenda in those communities. The outcomes of the local referenda shall be attached to the legislative initiative.

2. The law shall define the principles and procedure for consolidation or separation of the communities as well as the terms for the election of local self-government bodies of the newly formed communities.

3. As stipulated by law inter-community units shall be formed.

### **Chapter XI. Adoption of Constitution, Amendments and Referendum**

#### **Article 133.**

1. The Constitution shall be adopted or amended by referendum, which may be initiated by the President of the Republic or the National Assembly.
2. The President of the Republic shall call a referendum upon the request or agreement of the National Assembly. For such a decision of the National Assembly is required the majority votes of the total number of the Deputies.
3. The President of the Republic may remand the Draft Constitution or the draft of constitutional amendments, within thirty days following their submission back to the National Assembly, with his or her objections and suggestions, requesting a reexamination.
4. The President of the Republic will submit to a referendum within the period prescribed by the National Assembly a draft Constitution or draft constitutional amendments, when they are reintroduced by at least two thirds of the total number of Deputies of the National Assembly.
5. If the initiative belongs to the President of the Republic, the National Assembly shall within a sixty day period following the receipt of the draft of the Constitution or amendments thereof put the motion on holding a referendum on the draft to the vote. If the majority of the total number of the deputies of the National Assembly vote for the draft, the latter shall be deemed adopted and the President of the Republic shall submit the draft to a referendum on the date set up by himself/herself.

**Article 134.**

1. Laws may be submitted to a referendum upon the request of the National Assembly or the Government in accordance with Article 133 of the Constitution.
2. Laws passed by referendum may only be amended by referendum.

**Article 135.**

Issues of special significance for the State are submitted to a referendum upon the request of the National Assembly or the Government in the form of questions in accordance with the terms stipulated by Article 133 of the Constitution.

**Article 136.**

The draft submitted to a referendum shall be considered to have been passed if it receives more than fifty percent of the votes, but not less than one fourth of the number of registered voters.

## **Chapter XII. Final And Transitional Provisions**

### **Article 137.**

The day of the adoption of the Constitution is declared a holiday “The Day of Constitution”.

### **Article 138.**

This Constitution, shall come into force on the day following the publication in the "Official Bulletin of the Republic of Nagorno Karabakh" except for the provisions set in point 1, Article 79, the provision of the first sentence stipulated by point 4, Article 99, sub-point 2.6 of the point 2, Article 144, the term fixed in point 1, Article 128.

### **Article 139.**

Before the Constitution comes to force, the elected or appointed incumbent members of the constitutional bodies of public authorities and state officials shall continue to remain in office until the expiry of their term of office.

### **Article 140.**

1. Point 1, Article 79 comes to force no later than from 2015` for the subsequent convocations of the National Assembly. Until then, the President of the Republic, Prime Minister, Deputy Prime Minister, ministers and their deputies, heads of regional administrations and their deputies, judges, persons serving in armed forces, prosecutor’s office, police, national security and tax services, the Ombudsman, President of the Oversight Chamber, as well as other persons as prescribed by law can not be National Assembly Deputies simultaneously; and the Deputy, working full-time can not hold any other position in state or local-self-government bodies or conduct any paid work other than academic, pedagogic or creative work.

2. The provision set in the first sentence of the Point 4, Article 99 comes into force from January 1, 2008. Until then the structure of the Government is defined by a decree of the President of the Republic.

3. Point 2, Article 113 comes into force from June 1, 2009. Until the formation of Constitutional and Appeal Courts, the Supreme Court exercises the responsibilities stipulated by Article 114 of the Constitution with a full staff, with the order of Appeals it trials cases as prescribed by Law.

4. 2,6 provision of the point 2, Article 114 comes to force from July 2009.

5. The term fixed in the point 1, Article 128 shall come into force for the local self-government bodies elected after the adoption of the Constitution, and the elections to which shall be conducted on the second Sunday of October 2007.

The local self-government bodies whose term in office doesn't come to end in 2007, shall exercise their responsibilities as prescribed by Constitution till the end of their term in office.

#### **Article 141.**

After the Constitution comes into force:

- 1) The laws and other legal acts of the Nagorno Karabakh Republic are in force to the extent that does not contradict the Constitution;
- 2) Till the adoption of Laws on the Coat of Arms and the National Anthem of the Nagorno Karabakh Republic, the Decisions on Coat of Arms and National Anthem adopted by the Supreme Council of Nagorno Karabakh Republic on November 23, 1994 and December 23, 1994 shall be in force;
- 3) The Law "On the President of the Nagorno Karabakh Republic" of December 22, 1994 becomes invalid. The President of the Republic exercises his authority prescribed by the Constitution till the end of his term in office;
- 4) The Law "On the National Assembly of the Nagorno Karabakh Republic" of March 19, 2001 becomes invalid. the National Assembly exercises powers vested in it by the Constitution till the end of its term in office;
- 5) The Law "On the Government of the Nagorno Karabakh Republic" of March 22, 2004 becomes invalid. The Government of the Republic exercises its authority prescribed by the Constitution till the end of its term in office;
- 6) Before the adoption of a new judicial system and the formation of legal proceedings corresponding the Constitution, the court of First Instance and Supreme Court continue to exercise authorities vested in them prior to the adoption of the Constitution;
- 7) Before the formation of a new judicial system and the Council of Justice, the Council of Judicial Magistrates shall continue to exercise powers vested in it by Law;
- 8) The Prosecutor General shall continue to remain in office till the adoption of a law corresponding to the Constitution until the appointment of the Prosecutor General in conformity with the procedure

prescribed in Point 2, Article 117 of the Constitution, but no later than January 1, 2008;

9) The President of the Oversight Chamber shall continue to remain in office till the adoption of a law corresponding to the Constitution until the appointment of the President of the Oversight Chamber in conformity with the procedure prescribed in Point 1, Article 122 of the Constitution, but no later than January 1, 2008;

10) The National Assembly shall within a two-year period harmonize the current legislation with the Constitution.

#### **Article 142.**

Till the restoration of the state territorial integrity of the Nagorno Karabakh Republic and the adjustment of its borders public authority is exercised on the territory under factual jurisdiction of the Republic of Nagorno Karabakh.