

**THE CONSTITUTION  
OF  
THE REPUBLIC OF ARTSAKH**

The People of Artsakh

- demonstrating a strong will to develop and defend the Republic of Nagorno Karabakh established on September 2, 1991 on the basis of the right to self-determination, and proclaimed independent through a referendum conducted on December 10, 1991;
- affirming faithfulness to the principles of the Declaration of State Independence of the Republic of Nagorno Karabakh adopted on January 6, 1992;
- highlighting the role of the Constitution adopted in 2006 in the formation and strengthening of independent statehood;
- developing the historic traditions of national statehood;
- inspired by the firm determination of the Motherland Armenia and Armenians worldwide in supporting the people of Artsakh;
- staying faithful to the dream of their ancestors to freely live and create in their homeland, and keeping the memory of the perished in the struggle for freedom alive;
- exercising their sovereign and inalienable right

adopt the Constitution of the Republic of Artsakh.

## ***CHAPTER 1***

### ***FUNDAMENTALS OF THE CONSTITUTIONAL ORDER***

#### **Article 1. The Republic of Artsakh**

1. The Republic of Artsakh is a sovereign, democratic, social State governed by the rule of law.
2. The names 'Republic of Artsakh' and 'Republic of Nagorno-Karabakh' are identical.

#### **Article 2. Sovereignty of the People**

1. In the Republic of Artsakh the power belongs to the people.
2. The people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution and laws.
3. Usurpation of power constitutes a crime.

#### **Article 3. The Human Being, His/Her Dignity, Fundamental Human Rights and Freedoms**

1. The human being is an ultimate value in the Republic of Artsakh. The inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms.
2. The respect for and protection of the fundamental human and civil rights and freedoms shall be the duty of the public power.
3. The public power shall be limited by the fundamental human and civil rights and freedoms as a directly applicable right.
4. The state shall ensure the protection of fundamental human and civil rights in conformity with the common principles and norms of the international law.

#### **Article 4. The Principle of Separation and Balance of Powers**

State power shall be exercised in conformity with the Constitution and laws, based on the separation and balance of the legislative, executive and judicial powers.

#### **Article 5. The Hierarchy of Legal Norms**

1. The Constitution shall have supreme legal force.
2. Laws must comply with the Constitution, whereas secondary normative legal acts must comply with laws.
3. In case of contradiction between the norms of international treaties ratified by the Republic of Artsakh and those of laws, the norms of the international treaty shall apply.

## **Article 6. The Principle of Lawfulness**

1. State and local self-government bodies and officials are competent to perform only such actions for which they are authorized by the Constitution or laws.
2. Bodies provided for by the Constitution and laws may, based on the Constitution and laws and with the purpose of ensuring the implementation thereof, be authorized by law to adopt secondary normative legal acts. Authorizing norms must comply with the principle of legal certainty.
3. The laws and secondary normative legal acts shall come into force following the official publication in the manner prescribed by law.

## **Article 7. Principles of the Right of Suffrage**

Elections of the President of the Republic, the National Assembly and community councils, as well as referenda shall be held on the basis of the right to universal, equal, free and direct suffrage, by secret ballot.

## **Article 8. Ideological Pluralism and Multi-Party System**

1. Ideological pluralism and multi-party system shall be guaranteed in the Republic of Artsakh.
2. Political parties shall be formed and shall operate freely. Equal legal opportunities for the activities of political parties shall be guaranteed by law.
3. Political parties shall promote the formulation and expression of the political will of the people.
4. The structure and activities of the political parties may not contradict the democratic principles.

## **Article 9. Ensuring Local Self-Governance**

Local self-government shall be ensured in the Republic of Artsakh as one of the essential fundamentals of democracy.

## **Article 10. Guaranteeing Ownership**

1. All forms of ownership shall be recognized and equally protected in the Republic of Artsakh.
2. The state shall have exclusive ownership of natural resources and water.

## **Article 11. Economic Order**

The basis of economic order in the Republic of Artsakh shall be the social market economy, which shall be based on private ownership, freedom of economic activities, free economic competition, and through the state policy, be aimed at general economic well-being and social justice.

## **Article 12. Preservation of the Environment and Sustainable Development**

The State shall promote the preservation, improvement and restoration of the environment, the rational utilization of natural resources guided by the principle of sustainable development and taking into account the responsibility towards future generations.

## **Article 13. Foreign Policy**

Foreign policy of the Republic of Artsakh shall be implemented on the basis of international law with the aim of establishing good-neighborly and mutually-beneficial relations with all states.

## **Article 14. Armed Forces and Defence**

1. The armed forces of the Republic of Artsakh shall ensure the defence, security, territorial integrity and inviolability of the borders of the Republic of Artsakh.
2. The armed forces of the Republic of Artsakh shall maintain neutrality in political matters and shall be under civilian control.
3. Every citizen shall be obliged to participate, as prescribed by law, in the defence of the Republic of Artsakh.

## **Article 15. Promotion of Culture, Education and Science, Protection of the Armenian Language and Cultural Heritage**

1. The State shall promote the development of culture, education and science.
2. The Armenian language and cultural heritage shall be under the care and protection of the State.

## **Article 16. Protection of the Family**

Family, as a natural and basic unit of the society, the basis for the preservation and reproduction of the population; as well as motherhood and childhood shall be under special protection and care of the State.

## **Article 17. The State and Religious Organizations**

1. The freedom of activities of religious organizations shall be reconized in the Republic of Artsakh.
2. Religious organizations shall be separate from the State.

## **Article 18. Armenian Apostolic Holy Church**

The Republic of Artsakh shall recognize the exclusive mission of the Armenian Apostolic Holy Church, as a national church, in the spiritual life of the Armenian people, in the development of their national culture, and preservation of their national identity.

### **Article 19. Ties With the Republic of Armenia and Armenian Diaspora**

1. The Republic of Artsakh shall implement a policy aimed at political, economic and military cooperation and ensuring comprehensive ties and security with the Republic of Armenia.
2. The Republic of Artsakh shall implement a policy aimed at developing comprehensive ties with the Armenian Diaspora and preserving Armenianness, and shall promote the repatriation.

### **Article 20. State Language of the Republic of Artsakh**

1. The state language of the Republic of Artsakh is the Armenian.
2. The freedom to use the languages of national minorities shall be guaranteed in the Republic of Artsakh.

### **Article 21. Symbols of the Republic of Artsakh**

1. The flag of the Republic of Artsakh shall be tricolor - with equal horizontal stripes of red, blue, and orange and 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 the one-third of the Flag. The detailed description of the Flag shall be defined by law.
2. The coat of arms and national anthem of the Republic of Artsakh shall be defined by law.

### **Article 22. The Capital of the Republic of Artsakh**

The capital of the Republic of Artsakh is Stepanakert.

## ***CHAPTER 2***

### ***FUNDAMENTAL HUMAN AND CITIZEN'S RIGHTS AND FREEDOMS***

#### **Article 23. Human Dignity**

Human dignity is inviolable.

#### **Article 24. Right to Life**

1. Everyone shall have the right to life.
2. No one may be arbitrarily deprived of his/her life.
3. No one shall be sentenced or subjected to the death penalty.

#### **Article 25. Right to Physical and Mental Integrity**

1. Everyone shall have the right to physical and mental integrity.

2. The right to physical and mental integrity may be restricted only by law for the purpose of state security, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. In the fields of medicine and biology, in particular, eugenic practices, making the human organs and tissues a source of financial gain, the human reproductive cloning shall be prohibited.
4. No one may be subjected to scientific, medical or other experiments without his/her freely and clearly expressed consent. A person shall be informed in advance about the potential consequences of such experiments.

#### **Article 26. Prohibition of Torture, Inhuman or Degrading Treatment or Punishment**

1. No one may be subjected to torture, inhuman or degrading treatment or punishment.
2. Corporal punishments shall be prohibited.
3. Persons deprived of liberty shall have the right to humane treatment.

#### **Article 27. Personal Liberty**

1. Everyone shall have the right to personal liberty. No one may be deprived of personal liberty save in the following cases and as prescribed by law:
  - 1) the person has been sentenced by a competent court for committing a criminal offence;
  - 2) the person has failed to obey a legitimate court order;
  - 3) for the purpose of ensuring the fulfillment of a certain obligation prescribed by law;
  - 4) for the purpose of bringing a person before a competent authority when there exists a reasonable suspicion that the person has committed a criminal offence, or a justified necessity of preventing the committal of a criminal offence by the person or his/her fleeing after having done so;
  - 5) for the purpose of placing a minor under educational supervision or bringing him/her before a competent authority;
  - 6) for the purpose of preventing the spread of contagious diseases dangerous for the public, as well as the danger posed by persons with mental disorder, drug addicts and alcoholics;
  - 7) for the purpose of preventing the unauthorized entry of a person into the Republic of Artsakh, or for deporting or extraditing a person to another state.
2. Everyone deprived of personal liberty shall be promptly informed, in a language he/she understands, of the reasons for deprivation of liberty, whereas in case a criminal charge is brought — also about the charge.
3. Everyone deprived of personal liberty shall be entitled to have the person of his/her choice be immediately informed thereon. The exercise of this right may be delayed only in the cases, under the procedure and within the time limits prescribed by law, for the purpose of preventing or solving crimes.

4. If within a reasonable time period upon depriving of liberty but no later than within seventy-two hours the court fails to render a decision on authorizing further confinement of a person deprived of liberty on the ground referred to in Point 4 of Paragraph 1 of this Article, he/she shall be immediately released.
5. Everyone deprived of personal liberty shall have the right to challenge the legitimacy of depriving him/her of liberty, whereon the court shall render a decision within a short time period and shall order his/her release if the deprivation of liberty is not legitimate.
6. No one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations.

### **Article 28. General Equality before the Law**

Everyone shall be equal before the law.

### **Article 29. Prohibition of Discrimination**

Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

### **Article 30. Equality of Rights between Women and Men**

Women and men shall enjoy equal rights.

### **Article 31. Inviolability of Private and Family Life, Honor and Good Reputation**

1. Everyone shall have the right to inviolability of honor and good reputation.
2. Everyone shall have the right to inviolability of his/her private and family life.
3. The right to inviolability of private and family life may be restricted only by law for the purpose of state security, economic welfare of the country, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.

### **Article 32. Inviolability of the Home**

1. Everyone shall have the right to inviolability of the home.
2. The right to inviolability of the home may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. A home may be searched only upon a court decision in the cases and under the procedure prescribed by law. Other cases of restricting the right to inviolability of the home upon court decision may be prescribed by law.

### **Article 33. Freedom and Confidentiality of Communications**

1. Everyone shall have the right to freedom and confidentiality of correspondence, telephone conversations and other means of communication.
2. Freedom and confidentiality of communications may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.
3. The confidentiality of communications may be restricted only upon court decision, except where it is necessary for the protection of state security and is conditioned by the particular status of communicators prescribed by law.

### **Article 34. Protection of Personal Data**

1. Everyone shall have the right to protection of data concerning him/her.
2. The processing of personal data shall be carried out in good faith, for the purpose prescribed by law, with the consent of the person concerned or without such consent in case there exists another legitimate ground prescribed by law.
3. Everyone shall have the right to get familiar with the data concerning him/her collected at state and local self-government bodies and the right to request correction of any inaccurate data concerning him /her, as well as elimination of data obtained illegally or no longer having legal grounds.
4. The right to get familiar with personal data may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.
5. Details related to the protection of personal data shall be prescribed by law.

### **Article 35. Freedom of Marriage**

1. A man and a woman having attained the marriageable age shall have the right to marry and found a family with free expression of their will. The marriageable age and the procedures for marriage and divorce shall be prescribed by law.
2. A woman and a man shall have equal rights as to marriage, during marriage and at its dissolution.
3. Freedom of marriage may be restricted only by law with the aim of protecting health and morals.

### **Article 36. Rights and Obligations of Parents**

1. Parents shall have the right and obligation to take care of the upbringing, education, health, and comprehensive and harmonious development of their children.
2. Deprivation or restriction of parental rights may be exercised only by law, upon court decision, for the purpose of protecting the vital interests of the child.



3. Adults capable of working shall be obliged to take care of their parents who are incapable of working and are in need. Details shall be prescribed by law.

### **Article 37. Rights of a Child**

1. A child shall have the right to freely express his/her opinion, which, in accordance with the age and maturity of the child, shall be taken into consideration in matters affecting him/her.
2. In matters concerning the child, primary attention must be given to the interests of the child.
3. Every child shall have the right to maintain regular personal relationship and direct contacts with his/her parents, except for the cases where pursuant to a court decision it is against the interests of the child. Details shall be prescribed by law.
4. Children left without parental care shall be under the care and protection of the State.

### **Article 38. Right to Education**

1. Everyone shall have the right to education. The programs and duration of compulsory education shall be prescribed by law. Secondary education in state educational institutions shall be free of charge.
2. Everyone shall, in the cases and under the procedure prescribed by law, have the right to receive free education on a competitive basis in state higher and other vocational education institutions.
3. Higher education institutions shall, within the scope prescribed by law, have the right to self-governance, including academic and research freedom.

### **Article 39. Right of a Human Being to Act Freely**

Everyone shall be free to do anything that does not violate the rights of others and does not contradict the Constitution and laws. No one may bear obligations that are not prescribed by law.

### **Article 40. Right to Freedom of Movement**

1. Everyone, legally within the territory of the Republic of Artsakh, shall have the right to freedom of movement and choice of place of residence.
2. Everyone shall have the right to leave the Republic of Artsakh.
3. Every citizen and everyone having the right to legally reside in the Republic of Artsakh shall have the right to enter the Republic of Artsakh.
4. The right to freedom of movement may be restricted only by law for the purpose of state security, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others. The right of a citizen to enter the Republic of Artsakh shall not be subject to restriction.

#### **Article 41. Freedom of Thought, Conscience and Religion**

1. Everyone shall have the right to freedom of thought, conscience and religion.
2. The expression of freedom of thought, conscience and religion may be restricted only by law for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others.
3. The procedure for the establishment and operation of religious organizations shall be prescribed by law.

#### **Article 42. Freedom of Expression of Opinion**

1. Everyone shall have the right to freely express his/her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.
2. The freedom of the press, radio, television and other means of information shall be guaranteed. The State shall guarantee the activities of independent public television and radio offering diversity of informational, educational, cultural and entertainment programmes.
3. Freedom of expression of opinion may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the honour and good reputation of others and other basic rights and freedoms thereof.

#### **Article 43. Freedom of Creation**

Everyone shall have the freedom of literary, artistic, scientific and technical creation.

#### **Article 44. Freedom of Assembly**

1. Everyone shall have the right to freely participate and organise peaceful, unarmed assemblies.
2. Outdoor assemblies shall be held, in the cases prescribed by law, on the basis of notification given within a reasonable time period. Notification shall not be required for holding spontaneous assemblies.
3. The law may prescribe restrictions on the exercise of the right to freedom of assembly for judges, prosecutors, investigators, as well as servicemen of the armed forces, national security, the police and other militarised bodies.
4. The conditions and procedure for the exercise and protection of the freedom of assembly shall be prescribed by law.
5. The right to freedom of assembly may be restricted only by law, for the purpose of state security, preventing crimes, protecting public order, health and morals or protecting the basic rights and freedoms of others.

#### **Article 45. Freedom of Association**

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labor interests. No one may be compelled to join any private association.
2. The procedure for the establishment and operation of associations shall be prescribed by law.
3. The freedom of associations may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the basic rights and freedoms of others.
4. The activities of associations may be suspended or prohibited only upon court decision, in the cases and under the procedure prescribed by law.

#### **Article 46. Right to Establish a Political Party and Join a Political Party**

1. Every citizen shall have the right to establish a political party together with other citizens and the right to join any political party. No one may be compelled to join any political party.
2. Judges, prosecutors and investigators may not be members of a political party. The law may prescribe restrictions on the right to establish a political party and the right to join any political party for servicemen of the armed forces, national security, the police and other militarized bodies.
3. Political parties shall publish annual reports on the sources of their financial means and expenditures, as well as on their property.
4. The activities of a political party may, in the cases prescribed by law, be suspended upon the decision of the Supreme Court. Political parties advocating violent overthrow of the constitutional order or using violence for the purpose of overthrowing the constitutional order shall be unconstitutional and shall be subject to prohibition upon the decision of the Supreme Court.

#### **Article 47. Right to Citizenship of the Republic of Artsakh**

1. A child born to citizens of the Republic of Artsakh shall be a citizen of the Republic of Artsakh.
2. Every child with one of the parents holding citizenship of the Republic of Artsakh shall have the right to acquire citizenship of the Republic of Artsakh.
3. Ethnic Armenians shall have the right to acquire citizenship of the Republic of Artsakh upon residing in the territory of the Republic of Artsakh.
4. Ethnic Armenians shall acquire citizenship of the Republic of Artsakh through a simplified procedure prescribed by law.
5. A citizen of the Republic of Artsakh may not be deprived of citizenship. A citizen of the Republic of Artsakh may not be deprived of the right to change citizenship.
6. The procedure for exercising the rights prescribed by this Article, the other grounds for acquiring citizenship of the Republic of Artsakh, and the grounds for termination thereof shall be prescribed by law.

7. The rights prescribed by Paragraphs 2-4 as well as by the second sentence of Paragraph 5 of this Article may be restricted only by law, for the purpose of state security, preventing or solving crimes, as well as protecting other public interests.
8. Citizens of the Republic of Artsakh, while beyond borders of the Republic of Artsakh, shall be under the protection of the Republic of Artsakh on the basis of international law.

#### **Article 48. Right of Suffrage and Right to Participate in a Referendum**

1. Citizens of the Republic of Artsakh, having attained the age of eighteen on the day of elections of the President of the Republic, the National Assembly or on the day of a referendum, shall have the right to vote and the right to participate in the referendum.
2. Everyone, having attained the age of thirty five, having been a citizen of only the Republic of Artsakh for the preceding ten years, having resided permanently in the Republic of Artsakh for the preceding ten years and having the right of suffrage, may be elected as a President of the Republic.
3. Everyone, having attained the age of twenty five, having been a citizen of only the Republic of Artsakh for the preceding five years, having resided permanently in the Republic of Artsakh for the preceding five years and having the right of suffrage may be elected as a Deputy of the National Assembly.
4. Citizens of the Republic of Artsakh, who have attained the age of eighteen on the day of the elections of local self-government bodies, shall have the right to vote , and those who have attained the age of twenty five on the day of election shall have the right to be elected. The law may prescribe the right of persons not holding citizenship of the Republic of Artsakh to participate in the elections of local self-government bodies.
5. Persons declared, upon the judgment of the court having entered into legal force, as having no active legal capacity, as well as persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for a grave criminal offence committed intentionally shall not be entitled to elect or be elected or participate in a referendum. Persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for other criminal offences shall not be entitled to elect as well.

#### **Article 49. Right to Join Public Service**

Every citizen shall have the right to join public service on general grounds. Details shall be prescribed by law.

#### **Article 50. Right to Proper Administration**

1. Everyone shall have the right to impartial and fair examination by administrative bodies of a case concerning him/her, within a reasonable time period.

2. In the course of administrative proceedings everyone shall have the right to get familiar with all documents concerning him/her, except for the secrets guarded by law.
3. State and local self-government bodies and officials shall be obliged to hear the person prior to the adoption of an interfering individual act thereon, except for the cases prescribed by law.

#### **Article 51. Right to Receive Information**

1. Everyone shall have the right to receive information and get familiar with documents relating to the activities of state and local self-government bodies and officials.
2. The right to receive information may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.
3. The procedure for receiving information, as well as the grounds for liability of officials for concealing information or for unjustified refusal of providing information thereby shall be prescribed by law.

#### **Article 52. Right to Apply to the Human Rights Defender**

Everyone shall have the right to receive the assistance of the Human Rights Defender in the event of violation of his/her rights and freedoms, enshrined by the Constitution and laws, on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender — also on the part of organizations. Details shall be prescribed by law.

#### **Article 53. Right to Submit Petition**

Everyone shall have the right to submit, either individually or jointly with others, petition to state and local self-government bodies and officials and to receive an appropriate reply within a reasonable time period. Details shall be prescribed by law.

#### **Article 54. Right to Political Asylum**

Everyone subjected to political persecution shall have the right to seek political asylum in the Republic of Artsakh. The procedure and conditions for granting political asylum shall be prescribed by law.

#### **Article 55. Prohibition of Expulsion or Extradition**

1. No one may be expelled or extradited to a foreign state, if there is a real danger that the given person may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in that country.
2. A citizen of the Republic of Artsakh may not be extradited to a foreign state, except for the cases provided for by the international treaties ratified by the Republic of Artsakh.

### **Article 56. Right to Preserve National and Ethnic Identity**

1. Everyone shall have the right to preserve his/her national and ethnic identity.
2. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture.
3. Exercise of the rights prescribed in this Article shall be regulated by law.

### **Article 57. Freedom to Choose Employment and Labor Rights**

1. Everyone shall have the right to free choice of employment.
2. Every worker shall have the right to protection against unjustified dismissal from work.
3. Dismissal from work due to reasons related to maternity shall be prohibited. Every employed woman shall, in case of pregnancy and child delivery, have the right to a paid leave. Every employed parent shall, in case of birth of a child or adoption of a child, have the right to a leave.
4. Admission of children under the age of sixteen to permanent employment shall be prohibited.
5. Compulsory or forced labor shall be prohibited. The following shall not be considered as compulsory or forced labor:
  - 1) work performed, in accordance with law, by a sentenced person;
  - 2) military service;
  - 3) any work required in emergency situations posing danger to the life or well-being of the population.
6. Other details related to the freedom to choose employment and labor rights shall be prescribed by law.

### **Article 58. Right to Strike**

1. Workers shall have the right to strike for the protection of their economic, social and labor interests. The procedure for holding a strike shall be prescribed by law.
2. The right to strike may be restricted only by law for the purpose of protecting public interests or the basic rights and freedoms of others.

### **Article 59. Freedom of Economic Activities and Guaranteeing of Economic Competition**

1. Everyone shall have the right to engage in economic, including entrepreneurial activities. The conditions and procedure of exercising this right shall be prescribed by law.
2. Restriction of competition, possible types of monopoly, and the permitted extent thereof may be prescribed only by law, for the purpose of protecting public interests.
3. Abuse of monopoly or dominant position in the market, bad-faith competition and anti-competitive agreements shall be prohibited.

## **Article 60. Right to Property**

1. Everyone shall have the right to possess, use and dispose of legally acquired property at his or her discretion.
2. The right to inherit shall be guaranteed.
3. The right of ownership may be restricted only by law, for the purpose of protecting public interests or the basic rights and freedoms of others.
4. No one may be deprived of ownership except through judicial procedure, in the cases prescribed by law.
5. Alienation of property with a view to ensuring overriding public interests shall be carried out in exceptional cases and under the procedure prescribed by law, only with prior and equivalent compensation.
6. Foreign citizens and stateless persons shall not enjoy the right to ownership over land, except for the cases prescribed by law.
7. Intellectual property shall be protected by law.
8. Everyone shall be obliged to pay taxes and duties prescribed in accordance with law and make other mandatory payments to the state or community budget.

## **Article 61. Right to Judicial Protection and Right to Apply to International Bodies of Human Rights Protection**

1. Everyone shall have the right to effective judicial protection of his/her rights and freedoms.
2. Everyone shall, in accordance with the international treaties of the Republic of Artsakh, have the right to apply to international bodies for the protection of human rights and freedoms with regard to the protection of his/her rights and freedoms.

## **Article 62. Right to Compensation for Damage**

1. Everyone shall have the right to compensation for damage inflicted through a non-legitimate action or inaction of state and local self-government bodies and officials, whereas in the cases prescribed by law — also the right to compensation for damage inflicted through legitimate administration. The conditions and procedure for compensation for damage shall be prescribed by law.
2. Where a person sentenced, upon a criminal judgment entered into legal force, for the committal of a criminal offence has been acquitted on the ground of a new or newly emerged circumstance proving the non-legitimate nature of his/her sentence, this person shall have the right to receive compensation in accordance with law where it is not proven that the timely detection of that circumstance fully or partially depended on the given person.

### **Article 63. Right to Fair Trial**

1. Everyone shall have the right to a fair and public hearing of his/her case, within a reasonable time period, by an independent and impartial court.
2. The judicial proceedings or a part thereof may, in the cases and under the procedure prescribed by law, be held behind closed doors upon a court decision, for the purpose of protecting the private life of the participants of proceedings, the interests of minors or interests of justice, as well as state security, public order or morals.
3. The use of evidence obtained in violation of basic rights or that undermining the right to fair trial shall be prohibited.

### **Article 64. Right to Receive Legal Aid**

1. Everyone shall have the right to receive legal aid. Legal aid shall be provided at the expense of state funds in cases prescribed by law.
2. Advocacy based on independence, self-government and equality of advocates shall be guaranteed with the view of ensuring legal aid. The status, rights and obligations of advocates shall be prescribed by law.

### **Article 65. Right to Be Exempted from the Obligation to Testify**

No one shall be obliged to testify about himself/herself, his/her spouse, close relatives if it is reasonably assumed that it may be used against him/her or them in the future. The law may prescribe other cases of exemption from the obligation to testify.

### **Article 66. Presumption of Innocence**

Anyone charged with a crime shall be presumed innocent until proven guilty as prescribed by law, upon criminal judgment of the court entered into legal force.

### **Article 67. Right to Be Defended Against a Charge**

Everyone accused of a crime shall have:

- 1) the right to be promptly and thoroughly informed, in a language which he/she understands, of the nature of and grounds for the charge brought;
- 2) the right to defend himself/herself personally or be defended through an advocate chosen thereby;
- 3) the right to have adequate time and opportunities to prepare his/her defense and to communicate with the advocate chosen thereby;
- 4) the right to question persons testifying against him/her, or have these persons questioned, as well as have the persons testifying in his/her favor to be summoned and interrogated under the same conditions as those for the persons having testified against him/her;
- 5) the right to avail of the services of a translator, free of charge, in case he/she does not have command of the Armenian language.



### **Article 68. Prohibition of Double Jeopardy**

1. No one may be tried twice for the same act.
2. The provisions of Paragraph 1 of this Article shall not prevent the review of a case in accordance with law in case of availability of new or newly emerged circumstances, or where there have been fundamental shortcomings in the examination of the case which could affect the outcome of the case.

### **Article 69. Right of a Sentenced Person to Appeal**

Everyone sentenced for committal of a criminal offence shall have the right to have the criminal judgment, rendered against him/her, reviewed by superior judicial instance, on the grounds and under the procedure prescribed by law.

### **Article 70. Right to Seek Pardon**

Every convict shall have the right to seek pardon, including mitigation of the imposed sentence. Details shall be prescribed by law.

### **Article 71. Principle of Guilt and Principle of Proportionality of Punishment**

1. Guilt shall be the ground for punishment of a person having committed a criminal offence.
2. The punishment prescribed by law, as well as the type and size of the punishment imposed must be proportionate to the committed act.

### **Article 72. Principle of Lawfulness in Defining Crimes and Imposing Punishments**

No one shall be sentenced for an action or inaction not deemed to be a crime at the time of committal. A punishment more severe than that applicable at the time of committing the criminal offence may not be imposed. A law decriminalizing an act or mitigating the punishment therefor shall have retroactive effect.

### **Article 73. Retroactive Effect of Laws and Other Legal Acts**

1. Laws and other legal acts deteriorating the legal condition of a person shall not have retroactive effect.
2. Laws and other legal acts improving the legal condition of a person shall have retroactive effect where those acts so provide for.

### **Article 74. Applicability of Basic Rights and Freedoms with Respect to Legal Persons**

The basic rights and freedoms shall extend also to legal persons to the extent such rights and freedoms, by virtue of their nature, are applicable thereto.

### **Article 75. Organizational Mechanisms and Procedures for the Exercise of Basic Rights and Freedoms**

When regulating basic rights and freedoms, laws shall define organizational mechanisms and procedures necessary for effective exercise of these rights and freedoms.

### **Article 76. Restrictions on Basic Rights and Freedoms During State of Emergency or Martial Law**

1. During state of emergency or martial law, basic rights and freedoms of the human being and the citizen — with the exception of those referred to in Articles 23–26, 28–30, Paragraph 1 of Article 31, Article 35-37, Paragraph 1 of Article 38, Paragraph 1 of Article 41, Paragraph 1, Sentence 1 of Paragraph 5 and Paragraph 8 of Article 47, Article 52, Paragraph 2 of Article 55, Articles 56, 61, and 63–72 of the Constitution – may be temporarily suspended or subjected to additional restrictions under the procedure prescribed by law, only to the extent required by the existing situation within the framework of international commitments undertaken with respect to derogations from obligations during state of emergency or martial law.
2. During state of emergency no election or referendum shall be held.
3. During martial law, the elections and referendum may not be held. During wartime the elections and referendum shall not be held.

### **Article 77. Prohibition of Abuse of Basic Rights and Freedoms**

The use of basic rights and freedoms for the purpose of violent overthrow of the constitutional order, incitement of national, racial or religious hatred or propaganda of violence or war shall be prohibited.

### **Article 78. Principle of Proportionality**

The means chosen for restricting basic rights and freedoms must be suitable and necessary for achievement of the objective prescribed by the Constitution. The means chosen for restriction must be commensurate to the significance of the basic right or freedom being restricted.

### **Article 79. Principle of Certainty**

When restricting basic rights and freedoms, laws must define the grounds and extent of restrictions, be sufficiently certain to enable the holders and addressees of these rights and freedoms to display appropriate conduct.

### **Article 80. Inviolability of the Essence of the Provisions on Basic Rights and Freedoms**

The essence of the provisions on basic rights and freedoms enshrined in this Chapter shall be inviolable.

## **CHAPTER 3**

### ***LEGISLATIVE GUARANTEES AND MAIN OBJECTIVES OF STATE POLICY IN ECONOMIC, SOCIAL AND CULTURAL SPHERES***

#### **Article 81. Working Conditions**

Every worker shall, in accordance with law, have the right to healthy, safe and decent working conditions, to limitation of maximum working hours, to daily and weekly rest, as well as to annual paid leave.

#### **Article 82. Social Security**

Everyone shall, in accordance with law, have the right to social security in cases of maternity, having many children, sickness, disability, accidents at work, need of care, loss of breadwinner, old-age, unemployment, loss of employment, and in other cases.

#### **Article 83. Decent Living and Minimum Salary**

1. Every person in need and the elderly shall, in accordance with law, have the right to a decent living.
2. The minimum salary shall be prescribed by law.

#### **Article 84. Health Care**

1. Everyone shall, in accordance with law, have the right to health care.
2. The law shall prescribe the list of free of charge basic medical services and the procedure for the provision thereof.

#### **Article 85. Main Objectives of State Policy**

The main objectives of state policy in the economic, social and cultural spheres shall be as follows:

- 1) improving the business environment and promoting entrepreneurship;
- 2) promoting the employment of the population and improving the working conditions;
- 3) performing special care to the families of persons disabled or fallen for the defence of the homeland;
- 4) fostering housing construction;
- 5) promoting actual equality between women and men;
- 6) promoting birth and having many children;
- 7) creating favourable conditions for the full and comprehensive development of individuality in children;
- 8) implementing programmes for population's health care and improvement, creating conditions for effective and affordable medical services;

- 9) implementing programmes for disability prevention, treatment, rehabilitation of persons with disability, promoting the participation of persons with disability in public life;
- 10) protecting consumer rights and exercising supervision over the quality of goods, services and works;
- 11) ensuring proportional territorial development;
- 12) ensuring development of physical culture and sports;
- 13) promoting the participation of youth in political, economic and cultural life;
- 14) ensuring development of free of charge higher and other vocational education;
- 15) ensuring development of fundamental and applied sciences;
- 16) contributing to free access by everyone to national and universal values;
- 17) promoting charity for the establishment, financing of cultural, educational, scientific, health care, athletic, social and other institutions, as well as for ensuring financial independence thereof.

#### **Article 86. Fulfillment of Main Objectives of State Policy**

1. Within the framework of their competences and possibilities, state and local self-government bodies shall be obliged to fulfil the objectives prescribed by Article 85 of the Constitution.
2. Within the framework of the report provided for by Point 17 of Article 93 of the Constitution, the President of the Republic shall submit information regarding fulfilment of the objectives prescribed by Article 85 of the Constitution.

### ***CHAPTER 4***

#### ***THE PRESIDENT OF THE REPUBLIC***

#### **Article 87. Status of the President of the Republic**

1. The President of the Republic shall be the head of the State.
2. The President of the Republic shall be the head of the executive power.

#### **Article 88. Term of Powers of and Requirements Set Forth for the President of the Republic**

1. The President of the Republic shall be elected for a term of five years.
2. The same person may not be elected as President of the Republic for more than two terms.
3. The President of the Republic may not hold any other position, engage in entrepreneurial activities or perform other paid work.

## **Article 89. Procedure and Terms for Electing the President of the Republic**

1. The President of the Republic shall be elected in accordance with the procedure prescribed by the Constitution and law. Regular elections of the President of the Republic shall be held fifty days prior to the expiry of the powers of the President of the Republic.
2. Candidate who has received more than half of the votes cast for the presidential candidates shall be elected as President of the Republic.
3. If the election involved more than two candidates and none of them received more than half of the votes cast for the presidential candidates, a second round of election of the President of the Republic shall be held on the fourteenth day following the voting. The two candidates, having received the highest number of votes, may participate in the second round of election of the President of the Republic. In the second round the candidate receiving the highest number of votes shall be elected as President of the Republic.
4. The details related to the procedure of the elections of the President of the Republic shall be prescribed by the Electoral Code.

## **Article 90. Extraordinary Elections of the President of the Republic and the National Assembly**

In the event of resignation, death, termination of powers or seeking non-confidence against the President of the Republic, his/her removal from office as well as dissolution of the National Assembly, an extraordinary elections of the President of the Republic and the National Assembly shall be held.

## **Article 91. Assuming Office by the President of the Republic**

The President of the Republic, in accordance with procedure prescribed by law, shall assume office by taking the following oath to the people at a special sitting convened on the opening day of the first session of the National Assembly: “Assuming the office of the President of the Republic of Artsakh, I hereby swear to unwaveringly carry out the requirements of the Constitution, respect human and citizens’ rights and freedoms, guarantee the sovereignty, independence, territorial integrity and security of the Republic to the glory of the Republic of Artsakh and in the name of the welfare of the people of Artsakh.”

## **Article 92. Immunity of the President of the Republic**

1. The President of the Republic shall be immune.
2. During the term of his/her powers and thereafter, the President of the Republic may not be prosecuted and subjected to liability for actions deriving from his/her status.
3. The President of the Republic may be subjected to liability for actions not related with his/her status only after the expiry of the powers thereof.

## **Article 93. Functions of the President of the Republic**

The President of the Republic:

- 1) shall administer the domestic and foreign policies of the State;
- 2) shall exercise general management of the bodies of the state administration system;
- 3) shall define the structure and rules of operation of the Government and other state bodies ;
- 4) shall appoint and dismiss the State Minister and ministers;
- 5) shall administer state property and finances;
- 6) shall make appointments to the state positions/ in cases prescribed by law;
- 7) may form advisory bodies;
- 8) shall represent the Republic of Artsakh in international relations, sign international treaties, present international agreements treaties to the National Assembly for ratification and sign their ratification forms, approve, suspend or revoke the international agreements not requiring ratification;
- 9) shall appoint and recall the diplomatic representatives of the Republic of Artsakh to foreign countries and international organizations; receive the credentials and letters of recall of diplomatic representatives of foreign states and international organizations;
- 10) may issue decree on not holding elections and referendum during martial law;
- 11) may dissolve the National Assembly except for one-year period following the opening of the first parliamentary session, in times of war and emergency as well as when the he/she, during martial law, has issued a decree on not holding elections;
- 12) shall apply to the President of the National Assembly with a proposal to convene a special session or sitting of the National Assembly;
- 13) shall submit the draft State Budget to the National Assembly;
- 14) shall have the right to legislative initiative;
- 15) shall apply to the National Assembly with a recommendation of amnesty;
- 16) may deliver an address to the people and the National Assembly;
- 17) shall submit to the National Assembly an annual communication on the implementation progress and results of its Program of previous year and on the Program of following year;
- 18) shall propose to the National Assembly a candidate for the Prosecutor General; at the recommendation of the Prosecutor General, shall appoint and dismiss the Deputy Prosecutor Generals;
- 19) shall appoint one member-lawyer of the Supreme Judicial Council;
- 20) in the event of a natural disaster or other emergency situations, shall take measures appropriate to the situation and address the people on that matter; if necessary, shall declare state of emergency;

- 21) shall decorate with orders and medals of the Republic of Artsakh and confere the highest military and honorary titles, the highest diplomatic and other class ranks;
- 22) shall decide on the issue of granting pardon to convicts under the procedure prescribed by law;
- 23) shall, in the cases and under the procedure prescribed by law, decide on issues in respect of granting and terminating citizenship of the Republic of Artsakh;
- 24) shall adopt normative and individual legal acts: such as decrees and executive orders.

#### **Article 94. Powers of the President of the Republic in the Area of National Security**

1. The President of the Republic of Artsakh shall be the guarantor of the sovereignty, independence, territorial integrity and security of the Republic of Artsakh.
2. The President of the Republic shall be the Commander-in-Chief of the armed forces.
3. The President of the Republic shall appoint and dismiss the supreme command of the armed forces and other troops.
4. In the area of national security, for the purpose of support to the implementation of his/her functions, the President of the Republic shall form a consultative body adjunct to him/her – the Security Council – and shall preside over it.

#### **Article 95. Signature and Promulgation of Law**

1. The President of the Republic shall sign and promulgate a law adopted by the National Assembly within a period of twenty-one days
2. Within the same period the President of the Republic may remand the law passed by the National Assembly to the latter with objections and recommendations requesting new deliberations. The President of the Republic, within five days, shall sign and promulgate the law that has been passed in the National Assembly for the second time.

#### **Article 96. Seeking Non-confidence Against the President of the Republic**

1. The National Assembly may seek non-confidence against the President of the Republic.
2. A draft decision of the National Assembly on seeking non-confidence against the President of the Republic may be submitted by at least one third of the total number of Deputies.
3. The draft decision of the National Assembly on seeking non-confidence against the President of the Republic shall be put to vote not earlier than forty-eight and not later than seventy-two hours upon the submission thereof. The decision shall be adopted by majority of votes of the total number of Deputies, by roll-call voting.
4. Non-confidence may be sought against the President of the Republic not earlier than one year after his/her assumption of office. In case the draft decision of the National

Assembly on seeking non-confidence against the President of the Republic is not adopted, such draft may be submitted not earlier than after one year.

5. In the event of the adoption of the decision on seeking non-confidence against the President of the Republic the powers of the President of the Republic shall discontinue.
6. A draft decision of the National Assembly on seeking non-confidence against the President of the Republic may not be submitted or discussed during state of emergency or martial law. A draft decision of the National Assembly on seeking non-confidence against the President of the Republic may not be submitted or discussed also if the President of the Republic, during martial law, has issued a decree on not holding elections.

### **Article 97. Removal of the President of the Republic from Office**

1. The President of the Republic may be removed from office for state treason or another grave crime.
2. A draft decision of the National Assembly on removal of the President of the Republic from office may be submitted by at least one third of the total number of Deputies.
3. For the purpose of obtaining an opinion on the issue of removing the President of the Republic from office, the National Assembly shall apply to the Supreme Court, upon a decision adopted by majority of votes of the total number of Deputies.
4. The decision to remove the President of the Republic from office shall be adopted by the National Assembly, on the basis of the opinion of the Supreme Court, by at least two thirds of votes of the total number of Deputies.
5. A President of the Republic removed from the office may not participate in the extraordinary elections.

### **Article 98. Resignation of the President of the Republic**

The President of Republic shall submit his/her resignation to the National Assembly. The resignation shall come into force within three days, upon publication thereof as prescribed by law.

### **Article 99. Termination of Powers of the President of the Republic**

In case of the violation of the requirements provided for by Paragraph 2 of Article 48 and Paragraph 3 of Article 88 by the President of the Republic, his/her serious illness or other insurmountable obstacles to the exercise of his/her powers, which result in lasting impossibility of exercising his/her powers, the National Assembly shall, based on the opinion of the Supreme Court, take a decision on the termination of the powers of the President of the Republic by majority vote of the total number of Deputies.



### **Article 100. Temporary Exercise of the Powers of the President of the Republic**

In case if the post of the President of the Republic is vacant, before the newly-elected President assumes the office the powers of the President of the Republic shall be exercised by the Chairperson of the National Assembly. During the exercise of the powers of the President of the Republic by the Chairperson of the National Assembly, the powers of the Chairperson of the National Assembly shall be exercised by the Deputy Chairperson of the National Assembly. During that period of time, it shall be prohibited to dissolve the National Assembly, call for a referendum, appoint or remove the members of the Government and the supreme command of the armed forces and other troops.

### **Article 101. Status and Functions of the Government**

1. The Government shall be the collegial body of the executive power supporting the implementation of the powers of the President of the Republic.
2. The Government shall, based on the Program of the President of the Republic and under his/her leadership, develop and implement the domestic and foreign policies of the State.
3. The powers of the Government shall be prescribed by the Constitution, laws and decrees of the President of the Republic.

### **Article 102. Composition of the Government, Competences and Incompatibility Requirements Set Forth For the State Minister and Ministers**

1. The Government shall be composed of the State Minister and ministers.
2. The State Minister shall coordinate the work of the ministers defined by the President of the Republic.
3. Each minister shall independently manage the field of activities entrusted to the ministry.
4. The State Minister and ministers may not hold any position, not related to his/her status, within state or local self-government bodies, or any position within commercial organizations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work.

### **Article 103. Formation of the Government**

1. Upon the assumption of the office by the President of the Republic, the members of the Government shall continue to hold office till the formation of the new Government.
2. The Government shall be formed within a period of twenty days following the assumption of the office by the President of the Republic.
3. The President of the Republic shall promulgate the composition of the Government upon the formation thereof.

#### **Article 104. Program of the President of the Republic**

The President of the Republic shall, within a period of twenty days following the formation of the Government, promulgate his/her Program.

#### **Article 105. Sittings and Decisions of the Government**

1. Sittings of the Government shall be convened and chaired by the President of the Republic. Upon the authorization of the President of the Republic, the State Minister shall chair the sittings of the Government.
2. Decisions of the Government shall be signed by the President of the Republic.
3. The Government shall be competent to adopt secondary normative legal acts.

### ***CHAPTER 5***

#### ***THE NATIONAL ASSEMBLY***

#### **Article 106. Status and Functions of the National Assembly**

1. The National Assembly shall be the representative body of the people.
2. The National Assembly shall exercise the legislative power.
3. The National Assembly shall exercise supervision over the executive power, shall adopt the State Budget and perform other functions prescribed by the Constitution.
4. The powers of the National Assembly shall be prescribed by the Constitution and laws.
5. The National Assembly shall operate in accordance with its Rules of Procedure.

#### **Article 107. Composition of National Assembly and Election Procedure**

The National Assembly shall be composed of no less than twenty-seven and no more than thirty-three Deputies. The number of the Deputies shall be defined by the Electoral Code.

1. The National Assembly shall be elected through proportional electoral system.
2. The details of the procedure of elections to the National Assembly shall be defined by the Electoral Code.

#### **Article 108. Term of Powers of the National Assembly**

1. The National Assembly shall be elected for a term of five years.
2. In case of regular elections, the term of powers of the newly-elected National Assembly shall commence at the time of opening the first session of the newly-elected National Assembly convened on the day of expiry of the term of powers of the National Assembly of previous convocation.

### **Article 109. Regular Elections to the National Assembly**

Regular election to the National Assembly shall be held concurrently with the elections of the President of the Republic.

### **Article 110. Representation Mandate**

A Deputy shall represent the whole people, shall not be bound by imperative mandate, and shall be guided by his/her conscience and beliefs.

### **Article 111. Incompatibility of Parliamentary Mandate**

A Deputy may not hold any position, not related to his/her status, within state or local self-government bodies, or any position within commercial organizations, engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work.

### **Article 112. Immunity of a Deputy**

1. A Deputy may not, during his/her term of powers or thereafter, be prosecuted or held liable for an opinion expressed or voting within the framework of parliamentary activities.
2. Criminal prosecution may be initiated against a Deputy only upon the consent of the National Assembly. A Deputy may not be deprived of liberty without the consent of the National Assembly, except for the case of having been caught at the time of committing a criminal offence or immediately thereafter. In such case, deprivation of liberty may not last more than seventy-two hours. The Chairperson of the National Assembly shall be immediately notified of the deprivation of liberty of the Deputy.

### **Article 113. Discontinuation and Termination of Powers of a Deputy**

1. The powers of a Deputy shall discontinue upon expiry of the term of powers of the National Assembly, in case of loss of citizenship of the Republic of Artsakh or acquisition of citizenship of another State, entry into force of a criminal judgment on sentencing him/her to imprisonment, entry into force of a civil judgment on declaring him/her as having no active legal capacity, as missing or dead, in case of his/her death, or resignation.
2. The powers of a Deputy shall be terminated in case of unexcused absence from at least half of the votings held during each half of the calendar year, as well as in case of violating the requirements of Article 111 of the Constitution.
3. The powers of a Deputy shall be terminated by a decision of the Supreme Court.

#### **Article 114. Regular Sessions, Extraordinary Session and Sitting of the National Assembly**

1. Regular sessions of the National Assembly shall be convened twice a year within the time periods defined by the Rules of Procedure of the National Assembly.
2. An extraordinary session or sitting of the National Assembly shall be convened by the Chairperson of the National Assembly upon the initiative of at least one quarter of the total number of Deputies, or of the President of the Republic.
3. The extraordinary session or sitting shall be held according to the agenda and time period defined by the initiator.

#### **Article 115. Publicity of Sitzings of the National Assembly**

1. Sitzings of the National Assembly shall be open to public.
2. The National Assembly shall, upon recommendation of at least one fifth of the total number of Deputies or of the President of the Republic, hold a closed-door sitting upon the decision rendered by majority of votes of the total number of Deputies. Voting during a closed sitting shall be prohibited.

#### **Article 116. Adoption of Laws, National Assembly Decisions, Statements and Addresses**

1. Laws and National Assembly decisions, statements, and addresses, except for the cases prescribed by the Constitution, shall be adopted by majority of votes of the Deputies participating in the voting, provided that more than a half of the total number of Deputies has participated in the voting.
2. In the event that the National Assembly does not accept the objections and recommendations of the President of the Republic, the remanded law is accepted by majority vote of the total number of its members.
3. The National Assembly shall adopt decisions in the cases prescribed by the Constitution, as well as on matters related to the organizing of its activities.
4. The National Assembly decisions, statements and addresses shall be signed and promulgated by the Chairperson of the National Assembly.

#### **Article 117. Chairperson and Deputy Chairperson of the National Assembly**

1. The National Assembly, from among its members, shall elect the Chairperson and one Deputy Chairperson of the National Assembly. The Chairperson of the National Assembly and the Deputy Chairperson shall be elected by majority of votes of the total number of Deputies.
2. A draft decision of the National Assembly on the change of the Chairperson or Deputy Chairperson of the National Assembly may be submitted only in the case when candidates for new Chairperson and Deputy Chairperson are simultaneously nominated by the draft decision.

3. The Chairperson of the National Assembly shall represent the National Assembly and ensure normal operation thereof.

#### **Article 118. Factions of the National Assembly**

1. The factions shall contribute to the formation of the political will of the National Assembly.
2. The factions shall be composed of Deputies only of the same political party or party alliance.

#### **Article 119. Standing Committees of the National Assembly**

1. The National Assembly shall establish standing committees for preliminary discussion of draft laws and other issues falling under its competence and for submission of opinions thereon to the National Assembly, as well as for the exercise of parliamentary supervision. Not more than seven standing committees may be established within the National Assembly.
2. Seats within standing committees shall be allocated in proportion to the number of Deputies included in factions. The positions of chairpersons of standing committees shall be distributed among factions in proportion to the number of Deputies included in the faction.

#### **Article 120. Ad Hoc Committees of the National Assembly**

Ad hoc committees may be established upon the decision of the National Assembly for the discussion of drafts of individual laws, National Assembly decisions, statements and addresses, as well as issues relating to parliamentary ethics, and for submission of opinions thereon to the National Assembly.

#### **Article 121. Inquiry Committees of the National Assembly**

1. Upon the request of at least one fourth of the total number of Deputies, an inquiry committee of the National Assembly shall be established by virtue of law for the purpose of clarifying facts about issues falling under the competence of the National Assembly and those of public interest, as well as for submitting them to the National Assembly.
2. Seats within an inquiry committee shall be allocated in proportion to the number of Deputies included in factions. The number of the members of inquiry committee shall be determined by the National Assembly. The inquiry committee shall be chaired by one of the Deputies submitting the request.
3. Upon the request of at least one fourth of the members of inquiry committee, state and local self-government bodies and officials shall be obliged to provide to the committee the necessary information related to the field of competence of the committee, provided that the provision thereof is not prohibited by law.
4. The powers of an inquiry committee in the spheres of defence and security may be exercised only by the competent standing committee of the National Assembly, upon the request of at least one third of the total number of Deputies.

5. Details related to the activities of inquiry committees shall be prescribed by the Rules of Procedure of the National Assembly.

#### **Article 122. Legislative Initiative**

1. The President of the Republic and a Deputy shall have the right to legislative initiative.
2. At least 2.5 percent of citizens having the right of suffrage shall have the right to submit a draft law to the National Assembly on popular initiative.

#### **Article 123. Adoption of the State Budget**

1. The State Budget shall include all revenues and expenditures of the State, as prescribed by law.
2. The President of the Republic shall submit the draft State Budget to the National Assembly at least forty-five days prior to the beginning of the fiscal year.
3. The State Budget shall be adopted prior to the beginning of the fiscal year. In case the State Budget is not adopted within this time period, the expenditures shall, until the adoption of the State Budget, be made in accordance with the proportions of the budget for the previous year.

#### **Article 124. Supervision over the State Budget Implementation**

1. The National Assembly shall exercise supervision over the State Budget performance, as well as over the use of loans and credits received from foreign states and international organizations.
2. The National Assembly shall, upon availability of an opinion of the Audit Chamber, discuss and adopt a decision on the annual report relating to the performance of the State Budget.

#### **Article 125. Oral and Written Queries of Deputies**

1. The Deputies shall have the right to address oral questions to the President of the Republic and the Government. The President of the Republic and members of the Government shall answer the oral questions of the Deputies by the procedure prescribed by the Rules of Procedure of the National Assembly. The National Assembly shall not pass any resolutions in conjunction with the questions raised by the Deputies. Deputies shall have the right to address written questions to the President of the Republic and members of the Government. The answers to written questions shall not be presented at a sitting of the National Assembly.

### **Article 126. Interpellations**

1. The factions of the National Assembly shall have the right to address the President of the Republic and members of the Government with written interpellations.
2. The responses to interpellations shall be presented at the sitting of the National Assembly. The response to an interpellation shall be discussed upon the recommendation of a faction.
3. The Rules of Procedure of the National Assembly shall prescribe the procedure of submitting interpellations, responding to them and their discussion in the National Assembly.

### **Article 127. Deliberations on Urgent Topics**

In one of the sittings convened during the regular session, discussions on urgent topics of public interest may be held upon the request of at least one fourth of the total number of Deputies.

### **Article 128. Ratification, Suspension or Revocation of International Treaties**

1. The National Assembly shall ratify, suspend, or revoke international treaties in cases prescribed by law.
2. The National Assembly shall, upon recommendation of the President of the Republic, ratify, suspend and revoke international treaties through a law, by majority of votes of the total number of Deputies.
3. International treaties contradicting the Constitution may not be ratified.

### **Article 129. Amnesty**

The National Assembly may, upon recommendation of the President of the Republic, adopt a law on amnesty, by majority of votes of the total number of Deputies.

### **Article 130. Declaring War and Establishing Peace**

1. The National Assembly may, upon recommendation of the President of the Republic, adopt a decision on declaring war or establishing peace, by majority of votes of the total number of Deputies.
2. In the event of impossibility to convene a sitting of the National Assembly, the President of the Republic shall decide on the issue of declaring war.

### **Article 131. Martial Law**

1. In the event of an armed attack against the Republic of Artsakh or imminent danger thereof or a declaration of war, the President of the Republic shall declare martial law, deliver address to the people and may call for a general or partial mobilization.

2. In case of declaration of martial law, a special sitting of the National Assembly shall be immediately convened by virtue of law.
3. The National Assembly may lift martial law or cancel the implementation of measures provided for under the legal regime of martial law, by majority of votes of the total number of Deputies.
4. The National Assembly may, by majority of votes of the total number of Deputies, cancel the decree adopted in accordance with Point 10 of Article 93, within forty-eight hours after adoption thereof.
5. The legal regime of martial law shall be prescribed by a law adopted by majority vote of the total number of Deputies.

### **Article 132. State of Emergency**

1. In the event of an imminent threat to the constitutional order, the President of the Republic shall declare a state of emergency and take measures resulting from the situation and address the people thereon.
2. In case of declaration of a state of emergency, a special sitting of the National Assembly shall be immediately convened by virtue of law.
3. The National Assembly may lift the state of emergency or cancel the implementation of measures provided for under the legal regime of state of emergency, by majority of votes of the total number of Deputies.
4. The legal regime of state of emergency shall be prescribed by a law adopted by majority of votes of the total number of Deputies.

### **Article 133. Emergency Situation**

1. For the purpose of preventing natural and technogenic disasters, as well as eliminating the consequences thereof, the President of the Republic may declare an emergency for a certain period, on the entire territory of the Republic of Artsakh or on a part of it.
2. The regime of an emergency shall be prescribed by law.

### **Article 134. Administrative-Territorial Units and Division**

1. The administrative-territorial units of the Republic of Artsakh shall be the communities.
2. The administrative-territorial division shall be prescribed by law upon the submission of the President of the Republic.



## **CHAPTER 6**

### **COURTS AND THE SUPREME JUDICIAL COUNCIL**

#### **Article 135. Administration of Justice**

1. In the Republic of Artsakh, justice shall be administered only by courts in compliance with the Constitution and laws.
2. Any interference with the administration of justice shall be prohibited.

#### **Article 136. Courts**

1. The Supreme Court, the Court of Appeal and court of first instance of general jurisdiction shall operate in the Republic of Artsakh. Other specialized courts may be established in the cases provided for by law.
2. Establishment of extraordinary courts shall be prohibited.

#### **Article 137. Status of a Judge**

1. When administering justice, a judge shall be independent, impartial and act only in accordance with the Constitution and laws.
2. A judge may not be held liable for the opinion expressed or judicial act rendered during administration of justice, except where there are elements of crime or disciplinary violation.
3. Criminal prosecution of a judge with respect to the exercise of his/her powers may be initiated only upon the consent of the Supreme Judicial Council. A judge may not be deprived of liberty, with respect to the exercise of his/her powers, without the consent of the Supreme Judicial Council, except where he/she has been caught at the time of or immediately after committing a criminal offence. In this case, deprivation of liberty may not last more than seventy-two hours. The Chairman of the Supreme Judicial Council shall be immediately notified of the deprivation of liberty of a judge.
4. A judge may not hold any position not related to his/her status in other state or local self-government bodies, any position in commercial organizations, or engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work. The Judicial Code may prescribe additional incompatibility requirements.
5. A judge may not engage in political activities.
6. The powers of a judge shall discontinue upon expiry of the term of powers thereof, in cases of loss of citizenship of the Republic of Artsakh, entry into force of a criminal judgment of conviction rendered against him/her, termination of criminal prosecution on non-acquitting grounds, entry into force of a civil judgment on declaring him/her as having no active legal capacity, as missing or dead, in case of his/her resignation or death.

7. In cases of violation of incompatibility requirements, engaging in political activities, impossibility of holding office for health reasons, in case of committing essential disciplinary violation the powers of a judge shall be terminated upon the decision of the Supreme Judicial Council.
8. The remuneration of a judge shall be determined in compliance with his/her high status and responsibility. The amount of remuneration of a judge shall be prescribed by law.
9. Details related to the status of judges shall be prescribed by the Judicial Code.

#### **Article 138. Requirements Set Forth for the Candidates for Judges**

1. A lawyer with higher education, having attained the age of thirty-five, holding citizenship of the Republic of Artsakh, having the right of suffrage, with high professional qualities and at least ten years of professional work experience may be elected as a judge of the Supreme Court.
2. A lawyer with higher education, holding citizenship of the Republic of Artsakh, having the right of suffrage may be appointed as a judge of a court of first instance and the Court of Appeal.
3. The candidates for judges must have command of the Armenian language.
4. The Judicial Code may prescribe additional requirements to the candidates for judges.

#### **Article 139. Appointment Procedure and Terms of Office of Judges**

1. Court chairpersons and judges shall, upon the recommendation of the Supreme Judicial Council, be elected by the National Assembly by majority vote of the total number of Deputies.
2. The Judicial Code may prescribe a term of office of the chairpersons of courts.
3. A judge shall be irremovable and shall hold office until attaining the age of sixty-five.
4. Details related to the appointment of judges shall be prescribed by the Judicial Code.

#### **Article 140. The Supreme Court**

1. The Supreme Court shall be the highest judicial instance of the Republic of Artsakh.
2. The Supreme Court shall administer Constitutional justice by ensuring the supremacy of the Constitution.
3. The Supreme Court shall be composed of the chairperson of the Supreme Court and six judges.

#### **Article 141. Functions and Powers of the Supreme Court**

1. When administering Constitutional justice the Supreme Court, in accordance with the procedure prescribed by law, shall:

- 1) determine the compliance of laws, decisions of the National Assembly, decrees and executive orders of the President of the Republic, decisions of the Government and secondary normative legal acts with the Constitution;
  - 2) prior to the adoption of draft amendments to the Constitution, as well as draft legal acts put to referendum, determine the compliance thereof with the Constitution;
  - 3) prior to the ratification of an international treaty, determine the compliance of the commitments enshrined therein with the Constitution;
  - 4) settle disputes related to decisions adopted upon the results of a referendum, those of the elections of the National Assembly and President of the Republic;
  - 5) render a decision on termination of the powers of a Deputy;
  - 6) render an opinion on the existence of grounds for removing the President of the Republic from office;
  - 7) render an opinion on the existence of grounds for termination of the powers of the President of the Republic;
  - 8) render a decision, in the cases prescribed by law, on suspending or prohibiting the activities of a political party;
2. As a highest judicial instance the Supreme Court, within the powers prescribed by law and by reviewing the legal acts shall;
- 1) guarantee the uniform application of laws and other normative legal acts;
  - 2) eliminate the violations of fundamental human rights and freedoms.

#### **Article 142. Applying to the Supreme Court on Issues of Constitutional Justice**

1. The following may apply to the Supreme Court:
  - 1) the President of the Republic - in the cases prescribed by Point 1 of Paragraph 1 of Article 141 of the Constitution and the disputes related to decisions adopted with respect to the results of a referendum;
  - 2) the National Assembly – in the cases prescribed by Points 6,7,8 of Paragraph 1 of Article 141 of the Constitution by the decision adopted by the majority vote of the total number of Deputies;
  - 3) at least one fifth of the total number of Deputies – in the cases prescribed by Points 1 and 5 of Paragraph 1 of Article 141 of the Constitution;
  - 4) a faction of the National Assembly – in respect of disputes related to decisions adopted upon the results of a referendum;
  - 5) the Government – in the cases prescribed by Points 1,7,8 of Paragraph 1 of Article 141 of the Constitution;
  - 6) local self-government bodies – with regard to compliance with the Constitution of normative legal acts prescribed by Point 1 of Paragraph 1 of Article 141 of the Constitution, violating their constitutional rights;
  - 7) everyone — under a specific case where the final act of court is available, all judicial remedies have been exhausted, and he/she challenges the constitutionality of the relevant provision of a normative legal act applied against him/her upon this

- act, which has led to the violation of his/her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice;
- 8) the Prosecutor General — in respect of the constitutionality of provisions of normative legal acts related to specific proceedings administered by the prosecutor's office;
  - 9) the Human Rights Defender – in respect of the compliance of the normative legal acts listed in Point 1 of Paragraph 1 of Article 141 of the Constitution with the provisions of Chapter 2 of the Constitution;
  - 10) candidates for the President of the Republic — in respect of disputes related to decisions adopted upon the results of elections of the President of the Republic;
  - 11) political parties or alliances of political parties having participated in the elections to the National Assembly — in respect of disputes related to decisions adopted upon the results of elections to the National Assembly.
2. The National Assembly shall apply to the Supreme Court in the cases prescribed by Point 2 of Paragraph 1 of Article 141 of the Constitution.
  3. The President of the Republic shall apply to the Supreme Court in cases prescribed by Point 3 Paragraph 1 of Article 141 of the Constitution.
  4. Courts shall apply to the Supreme Court on the issue of constitutionality of the normative legal act applicable in a specific case within their proceedings, if they have reasonable doubts on its constitutionality thereof and find that the adjudication of the case is possible only through the application of the given normative legal act.
  5. The details related to the procedure of applying to the Supreme Court shall be prescribed by law.
  6. The Supreme Court shall examine a case only in case of availability of the relevant application.

### **Article 143. Decisions and Opinions of the Supreme Court**

1. The Supreme Court shall adopt decisions and opinions.
2. Decisions and conclusions of the Supreme Court shall be final and shall enter into force upon their promulgation.
3. The Supreme Court may, upon its decision, prescribe a later time period for repealing a normative legal act or a part thereof not complying with the Constitution.
4. The Supreme Court shall render decisions on the issues provided for by Paragraphs 1 and 2 of Article 141 of the Constitution, except for issues provided for by Points 6 and 7 of Paragraph 1. The Supreme Court shall render opinions on the issues provided for by Points 6 and 7 of Paragraph 1 of Article 141.
5. Decisions on the issues provided for by Point 8 of Paragraphs 1 of Article 141 of the Constitution as well as opinions, shall be adopted by two thirds of votes of the total number of the Supreme Court, while other decisions shall be adopted by majority vote of the total number of the judges.

6. If the conclusion of the Supreme Court is negative, the issue shall be excluded from the examination of the competent authority.

#### **Article 144. Status and Procedure for the Formation of the Supreme Judicial Council**

1. The Supreme Judicial Council is an independent state body that guarantees the independence of courts and judges.
2. The Supreme Judicial Council shall be composed of five members.
3. Three members of the Supreme Judicial Council shall be elected by the General Assembly of Judges from among judges having at least five years of experience as a judge. Judges from all court instances shall be included in the Supreme Judicial Council. A member elected by the General Assembly of Judges may not act as chairperson of a court.
4. Both the President of the Republic and the National Assembly shall appoint one member of the Supreme Judicial Council. The National Assembly shall appoint the member of the Supreme Judicial Council by at least a three-fifths majority vote of the total number of Deputies, from among legal scholars and other prominent lawyers that are citizens of the Republic of Artsakh, and have right of suffrage, strong professional qualities, and at least five years of professional work experience. The member elected by the President of the Republic or the National Assembly may not be a judge.
5. Members of the Supreme Judicial Council shall be elected for a term of five years, without the right to consecutive re-election.
6. The Supreme Judicial Council shall, within the time limits and under the procedure prescribed by the Judicial Code, elect a Chairperson of the Council.
7. Details related to the formation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

#### **Article 145. Powers of the Supreme Judicial Council**

1. The Supreme Judicial Council shall:
  - 1) draw up and approve the lists of candidates for judges, including candidates subject to promotion;
  - 2) propose to the National Assembly the candidates for chairperson of courts and the judges;
  - 3) decide on giving consent for initiating criminal prosecution against a judge or depriving him/her of liberty;
  - 4) decide on the issue of subjecting a judge to disciplinary liability;
  - 5) decide on the issue of terminating the powers of judges;
  - 6) approve the estimate of expenditures of the courts, and submit them to the Government, in order to include them in the draft State Budget as prescribed by law.

2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court.
3. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

## ***CHAPTER 7***

### ***PROSECUTOR'S OFFICE***

#### **Article 146. Prosecutor's Office**

1. The Prosecutor's Office shall be a unified system, headed by the Prosecutor General.
2. The Prosecutor's Office, in the cases and under the procedure prescribed by law, shall:
  - 1) instigate criminal prosecution;
  - 2) exercise oversight over the lawfulness of pre-trial criminal proceedings;
  - 3) pursue a charge at court;
  - 4) appeal against the judgments, verdicts and decisions of the courts;
  - 5) exercise oversight over the lawfulness of applying punishments and other coercive measures;
  - 6) implement pre-trial criminal proceedings in the exclusive cases prescribed by law.
3. The Prosecutor's Office shall, in exclusive cases and under the procedure prescribed by law, bring an action to court with regard to protection of state interests.
4. The Prosecutor's Office shall act within the scope of powers vested therein by the Constitution, on the basis of law.
5. The procedure for the formation and rules of operation of the Prosecutor's Office shall be prescribed by law.

#### **Article 147. The Prosecutor General**

1. The Prosecutor General shall be elected by the National Assembly, upon recommendation of the President of the Republic, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as Prosecutor General for more than two terms.
2. The Prosecutor General may be elected from among lawyer with higher education, having attained the age of thirty-five, holding citizenship of the Republic of Artsakh, having the right of suffrage, with high professional qualities and at least ten years of professional work experience. The law may prescribe additional requirements for the Prosecutor General.
3. The National Assembly may, in the cases prescribed by law, remove the Prosecutor General from office by at least three fifths of votes of the total number of Deputies.

## **CHAPTER 8**

### **LOCAL SELF-GOVERNANCE**

#### **Article 148. Right to Local Self-Governance**

1. Local self-governance shall be the right and capacity of local self-government bodies to decide, under their own responsibility, on public issues of community importance in the interests of residents of the community and in compliance with the Constitution and laws.
2. Local self-governance shall be exercised in communities.

#### **Article 149. Community**

1. Community shall be the entirety of residents within one or several settlements.
2. Community shall be a legal person under public law.

#### **Article 150. Elections of Local Self-Government Bodies**

1. Local self-government bodies shall be the Council of Elders and the head of community, which shall be elected for a term of five years. Direct or indirect election of the head of community may be prescribed by the Electoral Code. In case of direct election of the head of community, the principles of electoral law prescribed by Article 7 of the Constitution shall apply.
2. The procedure for elections of local self-government bodies shall be prescribed by the Electoral Code.

#### **Article 151. Community Tasks and Powers of Local Self-Government Bodies**

1. Local self-government bodies shall have own powers – for the purpose of performing the mandatory and voluntary tasks of a community – as well as those delegated by the State. The mandatory tasks of a community shall be prescribed by law, whereas voluntary tasks shall be prescribed upon decisions of the Council of Elders of a community.
2. The powers of state bodies may, for the purpose of more effective implementation thereof, be delegated by law to local self-government bodies.
3. The Council of Elders of a community shall, as prescribed by law, adopt secondary normative legal acts subject to enforcement within the territory of the community.
4. The head of community shall execute the decisions of the Council of Elders of the community, shall carry out the general management of the staff of community. The head of community shall be responsible before the Council of Elders of the community.
5. The powers of local self-government bodies shall be prescribed by law.

**Article 152. Direct Participation in the Administration of Community Affairs**

1. Residents of a community may directly participate in the administration of community affairs, by resolving public issues of community importance through a local referendum.
2. The procedure for holding a local referendum, as well as other ways of direct participation of residents of a community in the administration of community affairs shall be prescribed by law.

**Article 153. Community Ownership**

1. A community shall have the right of ownership over land as well as other property.
2. The land located in the territory of a community shall be under the ownership of the community, except for the land owned by the State as well as by natural and legal persons.
3. The Council of Elders of a community shall dispose of the community property as prescribed by law.

**Article 154. Community Budget, Local Taxes, Duties and Payments**

1. A community shall have its own budget which shall be approved by the Council of Elders of the community upon submission of the head of community.
2. The procedure for community budget revenue formation and expenditures shall be prescribed by law.
3. The Council of Elders of a community shall establish local taxes and duties within the scope of the rates prescribed by law.
4. The Council of Elders of a community may establish payments to be made to the community budget for the services rendered by the community.

**Article 155. Financing of Community**

1. With a view of performing the mandatory tasks of a community, the law shall prescribe tax and non-tax sources which are necessary for ensuring the implementation of these tasks.
2. The powers delegated to communities by the State shall be subject to mandatory financing from the State Budget.
3. The State shall, to the extent possible, allocate funds aimed at ensuring the proportional development of communities



## **Article 156. Merger and Division of Communities**

In view of public interests, communities may be merged or divided by law. When adopting a relevant law, the National Assembly shall be obliged to hear the opinion of those communities.

### **CHAPTER 9**

#### **HUMAN RIGHTS DEFENDER**

## **Article 157. Functions and Powers of the Human Rights Defender**

1. The Human Rights Defender shall be an independent official who observes the maintenance of human rights and freedoms on the part of state and local self-government bodies and officials, whereas in the cases prescribed by the Law on the Human Rights Defender — also on the part of organizations; as well as contributes to the restoration of violated rights and freedoms and improvement of the normative legal acts related to human rights and freedoms.
2. The Human Rights Defender shall submit to the National Assembly an annual communication on his/her activities and state of protection of human rights and freedoms. The communication may contain recommendations regarding legislative measures or measures of other nature.
3. State and local self-government bodies and officials shall be obliged to provide the Human Rights Defender, as prescribed by law, the necessary documents, information and clarifications, as well as assist in the activities thereof.
4. Other powers of the Human Rights Defender shall be prescribed by the Law on the Human Rights Defender.

## **Article 158. Election of the Human Rights Defender**

1. The Human Rights Defender shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years.
2. Everyone with higher education, complying with the requirements set forth for a Deputy and enjoying high reputation among the public may be elected as Human Rights Defender.

## **Article 159. Guarantees for the Activities of the Human Rights Defender**

1. The right of immunity prescribed for a Deputy shall extend to the Human Rights Defender. The National Assembly shall decide on giving consent for instigating criminal prosecution against the Human Rights Defender or depriving him/her of liberty by at least three fifths of votes of the total number of Deputies.

2. The incompatibility requirements set forth for a Deputy shall extend to the Human Rights Defender.
3. The Human Rights Defender may not, during his/her term of powers, hold membership in any political party or otherwise engage in political activities. He/she must show political restraint in public speeches.
4. The State shall ensure due financing of the activities of the Human Rights Defender.
5. The powers of the Human Rights Defender shall discontinue upon expiry of the term of his/her powers, in cases of loss of citizenship of the Republic of Artsakh or acquisition of citizenship of another State, entry into force of a criminal judgment of conviction rendered against him/her, entry into force of a civil judgment on declaring him/her as having no active legal capacity, as missing or dead, in case of his/her death or resignation.
6. Other guarantees for the activities of the Human Rights Defender shall be prescribed by the Law on the Human Rights Defender.

## ***CHAPTER 10***

### ***AUDIT CHAMBER***

#### **Article 160. Functions and Powers of the Audit Chamber**

1. The Audit Chamber shall be an independent state body, which conducts audit in the field of public finance and ownership, over the lawfulness and effectiveness of the use of State Budget and community budgets funds, loans and credits received, as well as state- and community-owned property. The Audit Chamber shall be entitled to conduct inspections of legal persons only in the cases prescribed by law.
2. The Audit Chamber shall act on the basis of the action plan approved thereby.
3. The Audit Chamber shall submit to the National Assembly:
  - 1) an annual communication on the activities thereof;
  - 2) the opinion on the State Budget performance;
  - 3) current opinions in the cases prescribed by law.
4. The powers, rules of operation and guarantees for the activities of the Audit Chamber shall be prescribed by law.

#### **Article 161. Composition and Procedure for the Formation of Audit Chamber**

1. The Audit Chamber shall be composed of five members.
2. The Chairperson and other members of the Audit Chamber shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three fifths of votes of the total number of Deputies, for a term of six years. The same person may not be elected as a member, including as Chairman of the Audit Chamber for more than two terms.

3. Everyone with higher education and complying with the requirements set forth for a Deputy may be elected as a member of the Audit Chamber. The law may prescribe additional requirements to the members of the Audit Chamber.
4. The incompatibility requirements prescribed for a Deputy shall extend to the members of the Audit Chamber. The law may prescribe additional incompatibility requirements therefor.
5. Members of the Audit Chamber may not, during their terms of powers, hold membership in any political party or otherwise engage in political activities. They must show political restraint in public speeches.
6. In case of violation of any of the conditions referred to in Paragraphs 4 and 5 of this Article, the powers of a member of the Audit Chamber shall be terminated by the National Assembly by at least three fifths of votes of the total number of Deputies.

## **CHAPTER 11**

### ***ADOPTION OF AND AMENDMENT TO THE CONSTITUTION, AND REFERENDUM***

#### **Article 162. Adoption of and Amendment to the Constitution**

1. The Constitution and amendments to Chapters 1-3, 6, 9 and 11 of the Constitution, as well as to Articles 87-90, 92-94, 96, 106 and to Paragraph 1 of Article 107, Paragraph 1 of Article 108, Articles 109, 121,131,132,175 of the Constitution shall be adopted only through a referendum. At least one third of the total number of Deputies, the President of the Republic or at least 10 percent of citizens having the right of suffrage shall have the right to the initiative of adopting or amending the Constitution.
2. Except for the chapters and articles specified in Paragraph 1 of this Article, amendments to other Articles of the Constitution shall be adopted by the National Assembly, by at least two thirds of votes of the total number of Deputies. At least one third of the total number of Deputies, the President of the Republic or citizens, with the right of suffrage, shall have the right to corresponding initiative.
3. Referendum shall be held by the decision adopted by at least two thirds of votes of the total number of Deputies.

#### **Article 163. Non-Amendable Articles of the Constitution**

Articles 1-4 and 163 of the Constitution shall not be subject to amendment.

#### **Article 164. Referendum on the Laws and Other Issues**

Laws as well as key issues of state life, in the cases and under the procedure prescribed by law shall be put to a referendum.

### **Article 165. Adoption of an Act Put to Referendum**

An act put to referendum shall be adopted in case more than half of the participants of the referendum, but not less than one fourth of citizens with the right to participate in referenda, have voted in favor.

## ***CHAPTER 12***

### ***FINAL AND TRANSITIONAL PROVISIONS***

### **Article 166. Entry into Force of Individual Provisions of the Constitution**

1. Chapters 1-3 and 12 of the Constitution shall enter into force on the 10<sup>th</sup> day following the promulgation of the amendments to the Constitution in the 'Official Journal of the Republic of Nagorno-Karabakh'.
2. The provisions of Chapters 4-11 of the Constitution, except for Point 11 of Article 93 and Article 96, shall come into effect on the day of the assumption of office by the President of the Republic elected in accordance with Article 168 of the Constitution. Until that, the corresponding provisions of the 2006 Constitution shall be in effect. Article 104 of 2006 Constitution shall remain in effect till the expiration of the term prescribed by Article 173.
3. The provision of Point 11 of Articles 93 and Article 96 shall enter into force on the day of the assumption of office by the President of the Republic elected in accordance with Article 89 of the Constitution.

### **Article 167. Bringing Laws into Compliance with the Constitution**

1. The current legislature shall be brought into compliance with the Constitution by the National Assembly, within three years after the Constitution enters into force.
2. The Judicial Code and the Law on Audit Chamber shall be brought into compliance with the Constitution and shall enter into force on the day of assuming of office by the President of the Republic elected in accordance with Article 168 of the Constitution.
3. The Rules of Procedure of the National Assembly shall be brought into compliance with the Constitution and shall enter into force not later than 90 days before the expiry of powers of the incumbent President of the Republic.

### **Article 168. Election of President of the Republic**

1. The National Assembly shall, upon recommendations of factions, no sooner than 50 and no later than 40 days prior to the expiry of powers of the incumbent President of the Republic, as well as, in the event that the office of the President of the Republic remains vacant till the expiry of powers of the incumbent National Assembly, no

sooner than 30 and no later than 40 days after, elect the President of the Republic. The newly-elected President of the Republic shall hold the office until the expiry of the powers of the incumbent National Assembly.

2. The candidate, having received at least two-third of votes of the total number of Deputies, shall be elected as President of the Republic. In the event that the President of the Republic is not elected, a second round of elections shall be held, wherein the two candidates having received the highest number of votes in the first round shall participate. In the second round, the candidate having received at least three fifths of votes of the total number of Deputies shall be elected as President of the Republic.
3. The President of the Republic shall assume office on the day of expiry of powers of the previous President of the Republic and, in case of extraordinary elections of the President of the Republic, on the tenth day after having been elected. The President of the Republic shall assume office by taking oath at a special sitting of the National Assembly by the procedure prescribed by the Constitution.

#### **Article 169. Discontinuation of the Powers of the Government**

The Government shall submit its resignation on the day the President of the Republic, elected by the National Assembly in accordance with Article 168 of the Constitution, assumes office. The new Government shall be formed in accordance with Article 103 of the Constitution.

#### **Article 170. Holding Office on the Part of the Prosecutor General, Chairman and Members of Control Chamber**

1. The Prosecutor General shall continue holding office until the expiry of the term of his/her powers, specified in the Constitution of 2006.
2. The Chairman and members of the Control Chamber shall continue holding office correspondingly as Chairman and members of the Audit Chamber until the expiry of the term of their powers, specified in the Constitution of 2006 and laws.

#### **Article 171. Conduct of the By-elections of the Deputies of the National Assembly**

After the entry of the Constitution into force and in the event that the mandate of the Deputy of the National Assembly elected by the majoritarian electoral system, the elections of the Deputy of the National Assembly shall be held by procedure prescribed by the Electoral Code.

#### **Article 172. Formation of the Supreme Judicial Council**

1. The Supreme Judicial Council shall, in conformity with Article 144 of the Constitution, be formed after entry into force of relevant provisions of the Judicial Code, within three months after the President of the Republic assumes the office.

2. The powers of the members of the Council of Justice shall discontinue on the day of the formation of the Supreme Judicial Council.

**Article 173. Implementation of Territorial Policy and Revision of Administrative-Territorial Division**

1. The Article 104 of the Constitution of 2006 shall remain in force until the revision of the administrative-territorial division.
2. The revision of the administrative-territorial division shall be conducted not later than within five years after the entry into force of the Constitution.

**Article 174. Holding Office on the Part of the Members of the Council of Elders of a Community and Head of Community**

The members of the Council of Elders of a community and head of community elected prior to the entry into force of Chapter 8 of the Constitution shall continue holding office until the expiry of the term of their powers, specified in the Constitution of 2006. The provision prescribed in the second sentence of Point 4 of Article 151 of the Constitution shall be applied to local self-government bodies, elected after the the entry into force of the Law on Local Self-Governance.

**Article 175. Boundaries of Jurisdiction of the Republic of Artsakh**

Until the restoration of the territorial integrity of the Republic of Artsakh and the delimitation of its borders, the public authority shall be exercised on the territory under factual jurisdiction of the Republic of Artsakh.