

[Including Amendments]

CONSTITUTION

OF THE REPUBLIC OF TAJIKISTAN

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PREAMBLE

We, the people of Tajikistan, as an inseparable part of the world community; seeing ourselves responsible and duty bound to past, present, and future generations; wishing to ensure the sovereignty, development, and perfection of our state; recognizing the rights and freedoms of the individual as sacred; affirming the equality of rights and friendship of all nationalities and peoples of Tajikistan; seeking to built a just society; adopt and declare as valid this constitution.

PART ONE:

FUNDAMENTALS OF THE CONSTITUTIONAL STRUCTURE

Article 1. The Republic of Tajikistan is a sovereign, democratic, law-governed, secular, and unitary state. Tajikistan is a social state; its policy is aimed at providing relevant living conditions for everybody. The names Republic of Tajikistan and Tajikistan are of equal validity.

Article 2. The state language of Tajikistan is Tajik. Russian is a language of communication between the nationalities. All nationalities and peoples living on the territory of the republic are entitled freely to use their mother tongue.

Article 3. The state symbols of the Republic of Tajikistan are the flag, emblem, and national anthem.

Article 4. The capital of Tajikistan is the city of Dushanbe.

Article 5. The life, honor, dignity, and other rights of the individual are sacred. Recognition, observance, and protection of human and civil rights and freedoms is the obligation of the state.

Article 6. In Tajikistan the people are the expression of sovereignty and the sole source of power of the state, and they exercise them directly or through their representatives. The citizens of Tajikistan, despite their nationalities, make up the people of Tajikistan. No social association, group of people, or individual has the right to seize state power. The seizure of

power is the gravest crime. Only the president and the Supreme Assembly [Majlis-e Oli] has the right to speak on behalf of all the people of Tajikistan.

Article 7. The territory of Tajikistan is indivisible and inviolable. Tajikistan consists of Gorno Badakhshan Autonomous Oblast, oblasts, towns, rayons, settlements, and villages. The state ensures the sovereignty, independence, and territorial integrity of the republic. Agitation and actions aimed at disunity of the state are prohibited. The constitutional law defines the procedure of establishing and changing of administrative and border units.

Article 8. In Tajikistan public life is to develop on the basis of political and ideological diversity. No ideology, including religious ideology, is granted the status of state ideology. Social associations are established and will function within the framework of the constitution and laws. The state provides equal opportunities for their activities. Religious organizations are separate from the state and cannot interfere with state affairs. The establishment and functioning of social associations that encourage racism, nationalism, social and religious enmity, and hatred, as well as advocate the forcible overthrow of the constitutional structures and the formation of armed groups is prohibited.

Article 9. State power is exercised on the basis of the separation of legislative, executive, and judicial powers.

Article 10. The Constitution of Tajikistan has supreme legal authority and its norms have direct application. Laws and other legal acts that run counter to the constitution are of no legal validity. The state and all its bodies, officials, citizens, and their associations are duty bound to observe and implement the constitution and laws of the republic. International legal documents recognized by Tajikistan are a constituent part of the legal system of the republic. If republican laws do not conform to the recognized international legal documents, the norms of the international documents apply. International laws and documents recognized by Tajikistan apply following official publication.

Article 11. Tajikistan will implement a peaceful policy, respecting the sovereignty and independence of other states of the world and will determine foreign relations on the basis of international norms. Agitation of war is prohibited. Proceeding from the supreme interests of the people, Tajikistan can join or withdraw from international associations and organizations and establish relations with foreign countries. The state will cooperate with compatriots living abroad.

Article 12. The economy of Tajikistan is based on various forms of ownership. The state will guarantee freedom of economic activity, entrepreneurship, equality of rights, and the protection of all forms of ownership including private ownership.

Article 13. Land, bowels of the earth, water, airspace, animal and vegetable kingdoms, and other natural resources are owned by the state, and the state guarantees their effective use in the interests of the people.

PART TWO:

BASIC DUTIES OF INDIVIDUALS AND CITIZENS

Article 14. The freedoms and rights of individuals and citizens are protected by the constitution, the laws of the republic, and international documents recognized by Tajikistan.

In implementing rights and freedoms, limitations in the constitution and laws are allowed only to ensure the rights and freedoms of others, public order, and to safeguard the constitutional structure and the territorial integrity of the republic.

Article 15. A person will be regarded as a citizen of Tajikistan if he is a citizen of the Republic of Tajikistan on the day of adoption of the constitution. Any connection between the citizenship of Tajikistan and the citizenship of another state is not recognized, except in cases indicated by the law and interstate treaties of Tajikistan. The procedure for acquiring and forfeiting citizenship is defined by law.

Article 16. A citizen of Tajikistan outside the country will be protected by the state. No citizen of the republic will be extradited to a foreign state. Extradition of a criminal to a foreign state will be resolved on the basis of mutual agreement. Foreign citizens and stateless persons enjoy the rights and freedoms and have the responsibilities and duties of citizens of Tajikistan except in cases stipulated by law. Tajikistan will offer political asylum to foreign citizens whose human rights are violated.

Article 17. All are equal before the law and the courts. The state guarantees the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge, and property. Men and women have the same rights.

Article 18. Every person has the right to life. No one can be deprived of life except by order of the court for the gravest crime. The state guarantees the inviolability of a person. No one will be subjected to torture, punishment, and inhuman treatment. It is prohibited to subject a person to forced medical or scientific experiments.

Article 19. Every person is guaranteed judicial protection. Every person is entitled to demand that his case be considered by a competent and impartial court. No one can be arrested, kept in custody, and exiled without a legal basis. Every person is entitled to legal assistance from the moment of his arrest.

Article 20. No one is adjudged guilty of a crime except by the sentence of a court in accordance with the law. No one carries responsibility if the term of investigation expires or his committed action is not regarded as a crime. No one can be tried twice for a crime. A law that is adopted after the commission of an illegal act by a person and that envisages severe punishment for that act shall not be retroactive. If, after the commission of an illegal act a punishment is not envisaged or a light punishment is envisaged, the new law is applicable. Total confiscation of the property of a convicted person is prohibited.

Article 21. The law shall safeguard the rights of the victim. The state guarantees judicial protection and compensation to the victim.

Article 22. The home of a person is inviolable. It is prohibited to enter the home of a person by force and deprive a person of a home except in cases prescribed by law.

Article 23. Privacy of correspondence, telephone conversations, and the postal and communication rights of each person are ensured, except in cases prescribed by law. The collection, storage, utilization, and dissemination of information about a person's private life without his consent is not permitted.

Article 24. Every citizen has the right freely to choose their place of residence, to leave the republic, and to return to it.

Article 25. State bodies, social associations, and officials are obliged to ensure that every person has the opportunity to seek and see documents affecting their rights and interests except in cases prescribed by law.

Article 26. Every person has the right freely to determine their position toward religion, to profess any religion individually or together with others or not to profess any, and to take part in religious customs and ceremonies.

Article 27. Every citizen has the right to take part in political life and state administration directly or via their representatives. Citizens have equal rights to state service. Every citizen has the right to elect and be elected from the age of 18. Citizens deemed incompetent by a court or who have been deprived of liberty in accordance with a court sentence do not have the right to take part in the elections and referendums. Elections and referendums are held on the basis of universal, equal, and direct suffrage in a secret ballot.

Article 28. *Citizens have the right to associate. The citizen has the right to participate in the creation of political parties, including parties of democratic, religious and atheistic nature, trade unions, and other public associations, voluntarily affiliate with them and quite (Amended in 1999).*

Article 29. Citizens have the right to take part in meetings, rallies, demonstrations, and peaceful processions prescribed by law. No one can be forced to take part in the aforementioned activities.

Article 30. Every person is guaranteed freedom of speech, publishing, and the right to use means of mass information. State censorship and prosecution for criticism is prohibited. The list of information constituting a state secret is specified by law.

Article 31. A citizen has the right to apply personally or together with a group of people to the authorities.

Article 32. Every person has the right to ownership and inheritance. No one is permitted to suspend and limit the individual's right to ownership. The property of an individual is taken away only on the basis of the law, with the consent of the owner and to meet the requirements of the state and society, and with the state paying full compensation. Any material and spiritual damage inflicted on an individual as a result of illegal actions by state bodies, social associations, or individuals will be compensated in accordance with the law.

Article 33. The state protects the family as the basis of society. Every person has the right to form a family. Men and women who have reached the age of marriage have the right freely to marry without any hindrance. In marriage and in divorce, husband and wife have equal rights. Polygamy is prohibited.

Article 34. A mother and child are entitled to special care and protection by the state. Parents are responsible for the upbringing of children, and adult children of working age are responsible for care and provision of parents. The state cares for the protection, upbringing, and education of orphaned children.

Article 35. Every person has the right to work, to choose their profession or job, and to have work protection. Wages for work cannot be less than the minimum wage. Any limitation is prohibited in labor relations. Equal wages shall be paid for the same work. Forced labor is not permitted, except in cases defined by law. Using women and child labor is prohibited in heavy and underground works and in harmful conditions.

Article 36. Every person has the right to housing. This right is ensured by means of construction of state, public, cooperative and private housing.

Article 37. Every person has the right to leisure. This right is ensured by establishing working weeks, hours and days, paid annual leaves, weekly days off, and other conditions prescribed by law.

Article 38. Every person has the right to health care. This right is ensured by providing free medical assistance in state medical establishments and by measures aimed at protecting environment, developing mass sport, physical training, and tourism. Other types of medical assistance one can receive are defined by law.

Article 39. Every person is guaranteed social security in old age, in the event of sickness and disability, loss of ability to work, or loss of a guardian or other instances prescribed by law.

Article 40. Every person has the right freely to take part in the cultural life of society; artistic, scientific, and technical creation; and to use their achievements. The state protects cultural and spiritual riches. Intellectual property is protected by law.

Article 41. Every person has the right to education. The basic general education is compulsory. The state guarantees access to free general, vocational, and according to abilities based on competition, general specialized and higher education in the state educational establishments. Other forms of acquiring education are defined by law.

Article 42. On the territory of Tajikistan every person is obliged to observe the constitution and the laws and to recognize the rights, freedoms, dignity, and honor of others. Ignorance of the law is no defense.

Article 43. The protection of the homeland; safeguarding the interests of the state; and strengthening the independence, security, and defense capabilities of the homeland are the sacred duties of citizens. The procedure for military service is specified by law.

Article 44. The protection of natural, historical, and cultural heritage are the duties of every person.

Article 45. Every person is obliged to pay taxes and duties specified by law. Laws introducing new taxes or making the economic situation of the taxpayer difficult cannot retroactive.

Article 46. A state of emergency is declared as a temporary measure to ensure the citizens' and state's security in instances of direct threat to the rights and freedom of citizens, the state's independence, its territorial integrity, and natural disasters, that result in the republic's constitutional authorities being unable to act normally. The period of a state of emergency is up to three months. The president of Tajikistan can prolong this period in necessary circumstances.

Article 47. During a state of emergency the rights and freedoms stipulated in Articles 16, 17, 18, 19, 20, 22, 25, and 28 of the constitution are not limited. The Supreme Assembly is not dispersed during the period of a state of emergency. The law determines the legal regime of a state of emergency.

PART THREE:

MAJLISI OLI

Article 48. *Majlisi Oli – the Parliament of the Republic of Tajikistan is the supreme representative and legislative body of the Republic of Tajikistan.*

Majlisi Oli consists of two majlises – Majlisi Milli (National Assembly) and Majlis of Representatives.

The Majlisi Oli is elected for a term of 5 years. The Majlisi Oli of new calling shall stop the plenary powers of the Majlisi Milli and Majlis of Representatives on the day of beginning of its work.

The creation and activities of the Majlisi Oli shall be regulated by the Constitutional Law.

Article 49. *The Majlis of Representatives shall be elected on the basis of universal, equal, direct suffrage by secret ballot. The Majlis of Representatives is a permanent and professional Majlis. Citizens who have reached the age of 25 are eligible for election as Deputies of the Majlis of Representatives.*

Three quarters of the Majlisi Milli shall be elected indirectly at the joint meetings of people's deputies of the Gorno-Badakhshan Autonomous Oblast and towns and districts thereof, Oblasts and towns and districts thereof, City of Dushanbe and districts thereof, towns and districts in the Republican subordination (jointly) by secret ballot. In the Majlis of Representatives Gorno-Badakhshan Autonomous Oblast, Oblasts, City of Dushanbe, towns and districts in the Republican subordination shall have the equal number of representatives.

One quarter of the members of the Majlisi Milli shall be appointed by the President of the Republic of Tajikistan.

The Majlisi Milli shall function based on callings.

Citizens above 35 years with higher education shall be elected and appointed members of the Majlisi Milli.

Each former President of the Republic of Tajikistan shall be a life-long member of the Majlisi Milli, unless resigned voluntarily.

The Constitutional Law shall regulate the number of the Majlisi Milli members and Majlis of Representatives deputies, procedures for their election, procedures for failure to be elected and determining the inconsistency of the Majlisi Oli members' plenary powers.

Article 50. *The Government members, judges, law and order bodies officers, military officers and other persons defined by the Constitutional Law cannot be the Majlisi Milli members.*

The citizen cannot be the Majlisi Milli member and Majlis of Representatives deputy at the same time. A Majlisi Milli member cannot be a deputy of more than two representative bodies.

The Majlis of Representatives deputy cannot be a deputy of other representative bodies, act for others, and engage in business activities, except for scientific and creative activities.

Article 51. *The Majlisi Milli member and Majlis of Representatives deputy are not attached to the constituencies' orders, rather have the right to freely express their own opinion, vote in accordance with their own decision.*

The Majlisi Milli members and Majlis of Representatives deputies enjoy immunity rights, it is not permitted to arrest them, keep in custody, detain, search, except for cases when caught red-handed. Also, Majlisi Milli members and Majlis of Representatives deputies are not subject to personal search, except for cases defined by the Law to safeguard the security of others. The issue of deprivation of immunity for Majlisi Milli members and Majlis of Representatives deputies shall be decided based on the proposal of the Prosecutor-General and by a relevant meeting.

The Majlisi Milli members' and Majlis of Representatives deputies' powers shall be eliminated upon their resignation, determined null and void by the court, taking effect of the court's indictment, cessation of citizenship, leaving the Republic for ever, dissolution of the Majlisi Oli and in case of death.

Majlisi Milli members' and Majlis of Representatives deputies' legal status shall be regulated by the Constitutional Law.

Article 52. *The first session of the Majlisi Milli and Majlis of Representatives shall be called by the President within one month of their election.*

The first session of the Majlisi Milli and Majlis of Representatives shall be opened and conducted by a deputy of the oldest age prior to the selection of Chairmen for these Majlises.

The Majlisi Milli activities shall be performed in the form of sessions. The Majlisi Milli sessions shall be called no less than twice a year by the Chairman of the Majlisi Milli.

The activities of the Majlis of Representatives shall be conducted in the form of sessions. The regular sessions of the Majlis of Representatives shall be called once a year from the first working day in October until the last working day in June.

During the periods between the sessions of the Majlisi Milli and Majlis of Representatives, when necessary, the President shall call their extraordinary sessions. In such sessions there shall be discussed only those issues which have necessitate the calling thereof.

Article 53. *The Majlisi Milli and Majlis of Representatives shall select from amongst the members and deputies the chairmen of the Majlises and their deputies. One of the deputy chairmen of the Majlisi Milli shall be selected from among the representatives of Gorno-Badakhshan Autonomous Oblast.*

The Chairman of the Majlisi Milli and Chairman of the Majlis of Representatives shall be elected by secret ballot of the majority number of members and deputies accordingly. The procedure for electing the deputy chairmen of the Majlisi Milli and Majlis of Representatives shall be regulated by the Majlises' Regulations.

The Chairmen of the Majlisi Milli and Majlis of Representatives shall be accountable to the respective Majlises and can be recalled by no less than two thirds of the total number of members and deputies.

The Chairmen of the Majlisi Milli and Majlis of Representatives and their deputies shall chair the sessions and handle other relevant issues.

The Majlisi Milli and Majlis of Representatives shall organize their coordinating and working agencies independently, as well as set up relevant committees and commissions, and arrange discussions on the Majlis related issues.

The Majlisi Milli and Majlis of Representatives shall adopt Regulations for their activities.

Article 54. *The Majlisi Milli and Majlis of Representatives shall hold separate sessions.*

The sessions of the Majlisi Milli and Majlis of Representatives shall be held only if two thirds of the total number of members and deputies are present. The Majlisi Milli and Majlis of Representatives shall hold open sessions. It is possible to hold closed sessions of the Majlisi Milli and Majlis of Representatives if provided for by the Law and by the Regulation on the Majlisi Milli and Majlis of Representatives.

Article 55. *The Majlisi Milli and Majlis of Representatives shall hold joint sessions in the following cases:*

- 1. Taking oath by the President of the Republic of Tajikistan, his resignation and hearing his addressing;*
- 2. Addressing by leaders of foreign countries;*
- 3. Approval of the orders of the President on announcing war and emergency situations;*
- 4. Approval for the Armed Forces of the Republic of Tajikistan to carry out the international commitments of Tajikistan outside the country.*
- 5. Approval of the decree of the President to appoint and discharge the Prime-Minister and Government members;*
- 6. Discussion of the Presidential address on principal directions of internal and foreign policies of the country, without adopting a Resolution;*
- 7. Determine the remuneration of the President;*
- 8. Appoint the Presidential election;*
- 9. Discuss the issue on the Presidential immunity.*

Article 56. *Powers of the Majlisi Milli:*

- 1. Establish and eliminate or change territorial and administrative units;*
- 2. Election and recalling of the Chairmen, deputies and judges of the Constitutional Court, Supreme Court and Supreme Economic Court based on the proposals of the President;*
- 3. Issue of eliminating the immunity of the Chairmen, deputies and judges of the Constitutional Court, Supreme Court and Supreme Economic Court;*
- 4. Approval of appointment and dismissal of the Prosecutor General and his deputies;*
- 5. Implement other powers defined by the Constitution and Laws.*

The Majlisi Milli shall adopt resolutions based on the specified powers. The resolutions of the Majlisi Milli shall be approved by the majority of the total number of its members, unless otherwise specified by the Constitution on the procedures for passing resolutions.

Article 57. *Powers of the Majlis of Representatives:*

- 1. Establish the Central Elections and Referenda Commission of the Republic of Tajikistan, elect and recall the Chairman, his deputies and members based on the proposal of the President;*
- 2. Present to public's discussion draft laws and other important national and public issues;*
- 3. Approve economic and social programs;*
- 4. Approve commitments for State debt;*
- 5. Approve and cancellation of international agreements;*
- 6. Appoint referenda;*
- 7. Establish courts;*
- 8. Approve State attributes;*
- 9. Approve State awards;*
- 10. Approve the presidential decrees relative appointment and dismissal of the Chairman of the National Bank and deputies thereof;*
- 11. Determine military and diplomatic ranks and special titles;*
- 12. Implement other powers specified by the Constitution and laws.*

The Majlis of Representatives shall adopt resolutions based on the specified powers. The resolutions of the Majlis of Representatives shall be approved by the majority of the total number of its deputies, unless otherwise specified by the Constitution on the procedures for passing resolutions.

Article 58. *The members of the Majlisi Milli, deputies of the Majlis of Representatives, the President of the Republic of Tajikistan, Majlis of People's deputies of Gorno-Badakhshan Autonomous Oblast have the right of legislation initiative. The Constitutional Court, Supreme Court and Supreme Economic Court of the Republic of Tajikistan have the right of legislation initiative based on issues relating to their powers.*

Article 59. *Draft laws shall be submitted to the Majlis of Representatives.*

The draft Amnesty law shall be presented by the President of the Republic of Tajikistan to the Majlis of Representatives.

The draft budget law, laws on introduction of taxes and their elimination shall be presented to the Majlis of Representatives by the Government of the Republic of Tajikistan.

Article 60. *Laws shall be adopted by the Majlis of Representatives. Laws shall be passed by the majority of the total number of deputies, unless otherwise specified by the Constitution.*

The laws approved by the Majlis of Representatives shall be presented to the Majlisi Milli, except for the State budget law.

The Majlisi Milli shall adopt the law by the majority of the total number of its members. In case of failure by the Majlisi Milli to approve the law, the Majlis of Representatives shall consider it one more time.

In case of disagreement by the Majlis of Representatives with the decision of the Majlisi Milli, the law shall be considered passed if the Majlis of Representatives approves it repeatedly by no less than two thirds of the total number of deputies.

The State budget law shall be passed only by the Majlis of Representatives. The Majlis of Representatives shall supervise the State budget implementation.

Article 61. *The Constitutional laws shall be adopted relative issues identified by the Constitution. The Constitutional laws shall be passed provided if approved by no less than two thirds of the total number of deputies of the Majlis of Representatives and the Majlisi Milli shall adopt it provided if approved by no less than two thirds of its members.*

In case of disagreement by the Majlis of Representatives with the decision of the Majlisi Milli, the Constitutional Law shall be considered passed if the Majlis of Representatives approves it repeatedly by no less than two thirds of the total number of deputies. The Majlisi Oli shall interpret the Constitution in the said manner and adopts resolution in the form of Constitutional Laws.

Article 62. *Laws shall be submitted to the President of the Republic of Tajikistan for signing and publication. Should the President disagree with the laws, or part thereof, they shall be returned to the Majlis of Representatives supplied with comments and proposals. The Majlisi Milli and the Majlis of Representatives based on the procedure established by the Constitution shall ravislingly consider the said law. Should the law be repeatedly approved in its previous version by the majority of two thirds of the total number of the members of the Majlisi Milli and deputies of the Majlis of Representatives, the President shall sign the law and publish within ten days.*

While considering the law returned by the President of the Republic of Tajikistan, which had previously been approved by the two thirds of votes in the Majlis of Representatives, the Majlisi Milli and Majlis of Representatives shall approve it repeatedly by the majority no less than two thirds of votes.

Should the President return the Constitutional Law, the Majlis of Representatives and Majlisi Milli, based on the procedure established by the Constitution, shall consider this law. In case of the repeated consideration the Constitutional Law in its previously approved version shall be passed by the majority of three quarters of the total number of the members of the Majlisi Milli and deputies of the Majlis of Representatives. The President shall sign the Constitutional Law and publish it within ten days.

Article 63. *Majlisi Oli can voluntarily dissolve before the end of its term of office by approval of no less than two thirds of the members and deputies. Majlisi Oli shall not dissolve under emergency situations and status of war (Amended in 1999).*

PART FOUR:

THE PRESIDENT

Article 64. The president of the Republic of Tajikistan is the head of state and executive authority. The president is the protector of the constitution, laws, and rights and freedoms of the citizens; the guarantor of national independence, unity, territorial integrity, stability, and continuity of the state; and the ensure of the functioning of the bodies of state power and Tajikistan's observance of international treaties.

Article 65. The president shall be elected by the citizens of Tajikistan on the basis of universal, direct, and equal suffrage by secret ballot for a term of 7 years (Amended in 1999).

Any citizen aged between 35 and 65 who knows the state language and has lived on the territory of Tajikistan at least for the past 10 years can be nominated to the post of president of the republic.

Only a person whose nomination is signed by at least five percent of the electorate shall be eligible for candidacy to the post of president.

One person can not be elected consecutively to the position of President for more than one term of office (Amended in 1999).

Article 66. The election of the president is deemed valid if more than half of the electorate take part in it. A candidate who wins votes with more than half of the voters taking part in the elections shall be the president. The procedure for the election of the president is specified by law. **Article 67.** The president, before assuming office, takes the following oath in the Supreme Assembly: "I, as president, do solemnly swear to comply with the constitution and the laws of the republic; to guarantee the rights, freedoms, honor, and dignity of the citizens; to protect territorial integrity and political, economic, and cultural independence of Tajikistan; and to sincerely serve the people." The authority of the president terminates with the swearing-in of the new president. **Article 68.** The president cannot take up any other job. He cannot serve as a deputy of representative bodies and cannot engage in entrepreneurial activity. The salary of the president is fixed by the Supreme Assembly.

Article 69. Powers of the President:

- 1. Shall determine principal directions of internal and foreign policy of the republic;*
- 2. Represent Tajikistan in the country and in international relations;*
- 3. Establish and eliminate ministries and state committees;*
- 4. Appoint and dismiss the Prime Minister and other Government members; submit for approval his decrees on the appointment and dismissal of the Prime Minister and other Government members to Majlisi Oli;*
- 5. Appoint and dismiss the Governors of Gorno-Badakhshan Autonomous Oblast, Oblasts, City of Dushanbe, towns and districts and submit for approval to the relevant Majlis of people's deputies;*
- 6. Cancel and suspend the State bodies documents in case of their conflict with the Constitution;*

7. *Appoint and dismiss the Chairman of the National Bank and his deputies and submit the relevant decree for approval to the Majlis of Representatives;*
8. *Nominate the Chairman, and his deputies to the Constitutional Court, Supreme Court, Supreme Economic Court for election and recalling by the Majlisi Milli;*
9. *Appoint and dismiss with the approval of the Majlisi Milli the Prosecutor General and deputies thereof;*
10. *Set up the executive Office of the President;*
11. *23. Set up and lead the Security Council;*
12. *Establish the Council of Justice;*
13. *Appoint and dismiss based on the proposals of the Council of Justice the military court judges, courts of Gorno-Badakhshan Autonomous Oblast, Oblasts, City of Dushanbe, towns and districts, as well as the economic courts of Gorno-Badakhshan Autonomous Oblast, Oblasts, City of Dushanbe;*
14. *Determine the timing of referenda and elections to the Majlisi Oli and local representative bodies;*
15. *Sign laws;*
16. *Determine the monetary system and submit the relevant information to the Majlisi Milli and Majlis of Representatives;*
17. *Manage and account for reserve funds;*
18. *Lead the implementation of foreign policy, sign international agreements and submit for approval to the Majlis of Representatives;*
19. *Appoint and dismiss heads of diplomatic representative offices in foreign countries, representatives of the Republic to international organizations;*
20. *Receive credentials of diplomatic representatives of foreign countries;*
21. *Is Commander in Chief of Armed Forces of Tajikistan; appoint and dismiss commanders of the Armed Forces troops of Tajikistan;*
22. *Announce status of war and propose for approval to the Majlisi Oli in case of real threat to the State security;*
23. *Determine use of the Armed Forces of Tajikistan outside the country to fulfill the international commitments of Tajikistan;*
24. *Establish all over the Republic, or in specific regions of the country emergency situation and immediately submit the relevant decree for approval to the Majlisi Oli, as well as inform the United Nations Organization;*
25. *Handle the citizenship related issues;*
26. *Provide political asylum;*
27. *Address amnesty related issues;*

28. Reward high military ranks, special and diplomatic titles;

29. Award citizens with State prizes, decorations and honorary titles;

30. Implement other powers determined by the Constitution and laws (Amended in 1999).

Article 70. The president adopts orders and decrees within the framework of his authority, informs the Supreme Assembly about the country's situation, and submits necessary and important issues for discussion to the Supreme Assembly.

Article 71. *In case of death, resignation and incapability of the President, his duties prior to the beginning of assignment by the new President, shall be taken over by the Chairman of the Majlisi Milli. In this event the powers of the Chairman of the Majlisi Milli shall be delegated to one of his deputies.*

In the mentioned cases Presidential elections shall be undertaken within three months.

The powers of the President shall be ceased by approval of the majority members of the Majlisi Oli in cases when he informs about his resignation in the joint sessions of the Majlisi Milli and Majlis of Representatives.

In the event of the President's incapability to perform his duties due to sickness, both Majlises based on the conclusion of the State medical commission established by them accordingly shall adopt a resolution on the President's discharge of his position prior to end of his term of office by approval of no less than two thirds of members and deputies of the two Majlises (Amended in 1999).

Article 72. *The president enjoys the immunity right.*

The immunity of the President shall be abolished based on the opinion of the Constitutional Court and with the approval of two thirds of the total number of the members of the Majlisi Milli and deputies of the Majlis of representatives in the event of State treason committed by him (Amended in 1999).

PART FIVE:

THE GOVERNMENT

Article 73. The composition of the government consists of the prime minister, his first deputy, deputies, ministers, and chairmen of state committees. The government ensures the successful leadership of economic, social, and spiritual spheres and the implementation of laws and decrees of the Supreme Assembly and orders and decrees of the president of Tajikistan. The members of the government cannot perform any other duties, be deputies of representative authorities, or engage in entrepreneurship.

Article 74. The government issues orders and decrees in accordance with the constitution and laws of the republic, the implementation of which is compulsory in the territory of Tajikistan. The government leaves office when a new president is elected. The government can ask the president for its resignation if it deems necessary that it cannot function normally. Every member of the government has the right to resign. The law determines the structure, activity, and authority of the government.

Article 75. The government submits to the Supreme Assembly economic and social programs, policies of granting state loan and economic assistance to other countries, draft state budgets, and issues related to an acceptable amount of the state budget deficit and its compensation source.

PART SIX:

LOCAL GOVERNMENT

Article 76. Local government consists of representative and executive authorities and functions within the framework of its authorities. They ensure the implementation of the constitution, laws, and decrees of the Supreme Assembly and the president.

Article 77. The local representative authority in oblasts, towns, and rayons is the assembly of people's deputies, which is chaired by the chairman. The people's deputies of the local assembly are elected for a five-year term. The assembly of people's deputies approves the local budget and reports on its implementation, determines the ways of economic and social development of the area, determines in accordance with the law local taxes and their payments, determines the ways of ruling and possessing communal properties within the framework of the law, and implements other powers prescribed in the constitution and laws.

Article 78. The local executive government is governed by the president's representative chairman of oblast, town, and rayon. The representative and executive authority in administrative and border units is headed by the chairman. The president is to appoint and dismiss chairmen of the Gorno Badakhshan Autonomous Oblast, oblasts, city of Dushanbe, towns, and rayons and to propose them for approval to the relevant assemblies of people's deputies. The chairman is responsible before the higher executive bodies and relevant assembly of people's deputies. The self government authority of a settlement and village is local organization [jamoat]. The law regulates the structure, authorities, and activity of local government.

Article 79. The representative authority and the chairman adopt legal documents within the framework of their authority, the implementation of which is compulsory in that territory. In the case of the documents not conforming to the constitution and law, the documents of the representative authorities and the chairman are revoked by the aforementioned authorities or the court.

Article 80. The Supreme Assembly can dissolve the assembly of people's deputies of the Gorno Badakhshan Autonomous Oblast, oblasts, city of Dushanbe, towns, and rayons and hold new elections if the latter does not fulfill constantly the demands of the constitution and law (Amended in 1999).

PART SEVEN:

THE GORNO-BADAKHSHAN AUTONOMOUS OBLAST

Article 81. The Gorno Badakhshan Autonomous Oblast is an integral and indivisible part of the Republic of Tajikistan. The territory of the Gorno Badakhshan Autonomous Oblast cannot be changed without the consent of the assembly of people's deputies.

Article 82. The Majlis of People's Deputies of Gorno Badakhshan Autonomous Oblast has the right of legislation initiative (Amended in 1999).

Article 83. The law regulates the powers of the Gorno Badakhshan Autonomous Oblast in social, economic, and cultural spheres and other powers of the oblast.

PART EIGHT:

THE COURT

Article 83. The judicial power is independent and protects the rights and freedom of a person, the state's interests, organizations and establishments, legality, and justice.

Article 84. The judicial power is implemented by the Constitutional Court, Supreme Court, Supreme Economic Court, Military Court, Court of Gorno Badakhshan Autonomous Oblast, courts of oblasts, the city of Dushanbe, towns, and rayons. The law determines the structure and activity of the court. The term of authority of the judges is five years. The creation of emergency courts is not permitted.

Article 85. Citizens who have attained the age of 30 and are no older than 60 and have at least five years' experience in the legal profession may be elected as the judges of the Supreme Court, Supreme Economic Court, Military Court, courts of oblasts, and the city of Dushanbe.

Citizens who have attained the age of 25 and are no older than 60 and have at least three years' experience in the legal profession can be elected the judges of towns and districts, *Economic Court of Gorno-Badakhshan Autonomous Oblast, Oblasts and City of Dushanbe (Amended in 1999).*

Article 86. Judges of the military courts, judges of the Court of Gorno-Badakhshan Autonomous Oblast, Oblasts, City of Dushanbe, towns and districts, as well as judges of the Economic Court of Gorno-Badakhshan Autonomous Oblast, Oblasts and City of Dushanbe shall be appointed and dismissed by the President on the basis of proposals made by the Council of Justice (Amended in 1999).

Article 87. Judges are independent and are subordinate only to the constitution and law. Interference in their activity is not permitted.

Article 88. Judges consider cases collectively or individually. Court proceedings are carried out on the basis of the adversarial system and the equal rights of the parties. The examination of cases in all courts is open except the cases that are stipulated in law. Court proceedings take place in the official language or the language of the majority of the population of the place. Those people who do not know the language of the court proceedings are provided with translators.

Article 89. The Constitutional Court consists of seven judges, one of whom is a representative of the Gorno Badakhshan Autonomous Oblast. Citizens who have attained the age of 30 and are no older than 60 and who have 10 years' experience in the legal profession may be judges of the Constitutional Court. The powers of the Constitutional Court are:
1. To determine the conformity of laws and legal documents of the Supreme Assembly, the president, government, Supreme Court, Supreme Economic Court, and other state and social

authorities, as well as agreements that have not entered into force in Tajikistan.

2. To resolve disputes between the state power on their authority;

3. To implement other duties stipulated by law. A decision of the Constitutional Court is final.

Article 90. Judges cannot perform other duties; be deputies of representative authorities, members of political parties and organizations; or engage in entrepreneurship except scientific, teaching, and creative work.

Article 91. Judges enjoy immunity. A judge may not be subjected to arrest and criminal proceedings without the permission of that authority that has elected him. A judge may not be arrested except while committing a crime.

Article 92. Legal assistance is recognized in all stages of court proceedings. The law regulates the structure, ways of legal profession, and other types of legal assistance.

PART NINE:

THE PROCURATOR'S OFFICE

Article 93. The procurator general and procurators who are subordinate to him ensure the thorough control and observance of laws within the framework of their authority in the territory of Tajikistan.

Article 94. The procurator general heads a single centralized system of the Procurator's Office of Tajikistan. The procurator general is responsible to the *Majlisi Milli* and the president.

Article 95. The procurator general of Tajikistan is elected for a five-year term. The procurator general appoints and removes from office those procurators who are subordinate to him. The term of authority of procurators is five years. The law regulates the activity, authority, and structure of the Procurator's Office.

Article 96. The procurator general and procurators who are subordinate to him function independently without interference from state bodies and officials; they are only subordinate to law.

Article 97. The procurator may not perform other duties, be a member of political parties and organizations, or engage in entrepreneurship except scientific, teaching, and creative work.

PART TEN:

PROCEDURE FOR INTRODUCING AMENDMENTS TO THE CONSTITUTION

Article 98. Amendments and addenda to the constitution take place by means of a referendum.

Referendum shall be initiated by the President or two thirds of the deputies of the Majlis of Representatives (Amended in 1999).

Article 99. Amendments in the Constitution shall be proposed by the President or at least by two thirds of the total number of the members of the Majlisi Milli and deputies of the Majlis of Representatives (Amended in 1999).

Article 100. The form of public administration; the territorial integrity; and the democratic, law-governed, and secular nature of the state are irrevocable.