

Constitution of Turkmenistan

We, the people of Turkmenistan,

based on our inalienable right to self-determination, proceeding from our responsibility for the present and future of our homeland, expressing fidelity to, the precepts of our ancestors to live in unity, peace, and accord, possessing the goal of protecting our national values and interests, and securing the sovereignty of the Turkmen people;

guaranteeing the rights and freedoms of every citizen and striving to provide civic peace and national accord, in order to affirm the foundations of popular power and the rule of law, adopt this Constitution the Basic Law of Turkmenistan.

SECTION 1: FOUNDATIONS OF THE CONSTITUTIONAL ORDER

Article 1: Turkmenistan is a democratic secular state operating under the rule of law whose government takes the form of a presidential republic.

Turkmenistan possesses supreme and plenary power in its own territory and independently implements its domestic and foreign policies. The sovereignty and territory of Turkmenistan are united and indivisible. The government defends the independence and territorial integrity of Turkmenistan, as well as the constitutional order, and ensures legality and legal order.

Article 2: The people are the possessors of the sovereignty of and are the only source of the governmental power of Turkmenistan. The people of Turkmenistan exercise their power either directly or through representative organs. No part of the people, no organization, and no individual has the right to arrogate governmental power.

Article 3: In Turkmenistan, the government and society place the highest value on the person. The government is responsible to the citizen and ensures conditions for the free development of the personality and protects life, honor, dignity, freedom, individual inviolability, and the natural and inalienable rights of the citizen. The citizen is responsible to the

government for meeting the obligations placed on her or him by the Constitution and laws.

Article 4: The government is based on the principle of separation of powers into legislative, executive, and judicial powers which function independently, checking and balancing each other.

Article 5: The government and all its organs and officials are bound by the law and the constitutional order. The Constitution of Turkmenistan is the Supreme Law of the state, and the norms and provisions secured in the Constitution have direct effect. Laws and other legal acts which contradict the Constitution have no legal force. The legal acts of governmental organs are published for general notice or are popularized in some other manner, except for those acts which contain state or other legally protected secrets. Legal acts which affect the rights and freedoms of citizens and for which there is no general notice are invalid from the moment of their adoption.

Article 6: Turkmenistan recognizes the primacy of generally recognized norms of international law, is fully invested with the rights of a subject of the world community, and adheres in its domestic policies to the principles of peaceful coexistence, rejection of the use of force, and non-interference in the internal affairs of other governments.

Article 7: Turkmenistan has its own citizenship. Citizenship is attained, preserved, and lost in accordance with the law. No one can be deprived of her or his citizenship or the right to change her or his citizenship. A citizen of Turkmenistan may not be turned over to another government, driven out of Turkmenistan, or limited in her or his right to return to her or his native land. Citizens of Turkmenistan are guaranteed the protection and patronage of the government of Turkmenistan both on the territory of Turkmenistan and beyond its borders.

Article 8: Foreign citizens and stateless persons enjoy the rights and freedoms of a citizen of Turkmenistan, unless otherwise established by law. Turkmenistan extends the right of asylum to foreign citizens persecuted in their countries for their political, national, or religious convictions.

Article 9: Property is inviolable. Turkmenistan affirms the right to own private property such as the means of production, land, and other material and intellectual items of value. They may be owned likewise by the government and associations of citizens. The law establishes objects which may only be the property of the government. The government guarantees equal protection and equal conditions for the development of all types and forms of property. Confiscation of property is not allowed, except for property which is acquired in an unlawful manner. Forced uncompensated estrangement of property is allowed only in situations enumerated by law.

Article 10: The government is responsible for preserving the national historico-cultural heritage and natural environment, as well as for ensuring equality between social and national groups. The government encourages the scientific and creative arts and the dissemination of their achievements, and facilitates the development of international contacts in the fields of science, culture, education, sports, and tourism.

Article 11: The government guarantees freedom of religion and faith and the equality of religions and faiths before the law. Religious organizations are separate from the government, and may not perform governmental functions. The governmental system of education is separate from religious organizations and is secular in nature. Everyone has the right independently to determine her or his own religious preference, to practice any religion alone or in association with others, to practice no religion, to express and disseminate beliefs related to religious preference, and to participate in the performance of religious cults, rituals, and ceremonies.

Article 12: In order to protect its sovereignty, Turkmenistan possesses Armed Forces.

Article 13: Turkmen is the state language of Turkmenistan.

Article 14: The symbols of Turkmenistan, as a sovereign state, are its state flag, coat of arms, and anthem. The flag, coat of arms, and anthem are established by and are protected by law.

Article 15: The capital of Turkmenistan is the city (shakher) of Ashgabat.

SECTION II: BASIC RIGHTS, FREEDOMS, AND OBLIGATIONS OF THE PERSON AND CITIZEN

Article 16: The rights of the person are inviolable and inalienable. No one may deprive another person of any rights or freedoms or limit her or his rights in any manner other than in accordance with the Constitution and laws. Any list of rights and freedoms of the person in the Constitution and laws may not be used to deny or diminish other rights and freedoms.

Article 17: Turkmenistan guarantees the equality of the rights and freedoms of its citizens and, likewise, the equality of citizens before the law regardless of nationality, ethnic origin, property holdings, official status, place of residence, language, religious preference, political convictions, or political party membership.

Article 18: Men and women in Turkmenistan have equal civil rights. A violation of equal rights based on gender will entail legal liability.

Article 19: The exercise of rights and freedoms should not violate the rights and freedoms of other people, moral demands, social order, or harm national security.

Article 20: Each person has the right to life. No one may be deprived of life. The death penalty may be assigned only as the sentence of a court as an exceptional means of punishment for a very serious crime.

Article 21: A citizen may not be limited in her or his rights, deprived of the rights which belong to her or him, convicted, or subjected to punishment, except in exact accordance with the law and as the decision of a court. No one may be subjected to torture or cruel, inhumane, or degrading treatment or punishment, or, likewise, be subjected without her or his consent to medical or other experiments. A citizen may be arrested only on condition of the existence of grounds specifically indicated by law, by decision of a court, or with the approval of a procurator. In situations, specifically indicated by law, not allowing delay, a governmental organ authorized to do so has the right temporarily to detain citizens.

Article 22: Every citizen has the right to governmental support in the receipt of well-constructed living space and in the construction of individual housing. The home is inviolable. No one has the right to enter a home or in any other manner violate the inviolability of a home against the wishes of the persons residing in that home or without legal justification. Citizens have the right to defend their homes against unlawful encroachments. Unless there are grounds established by law, no one may be deprived of her or his home.

Article 23: Every citizen has the right to be protected from arbitrary interference in her or his personal life, from infringement on written, telephone, or other communications, and, likewise, from infringements on her or his honor or reputation.

Article 24: Everyone has the right freely to move and choose her or his residence within the borders of Turkmenistan. Limitations on movement in certain territories or in regard to certain individuals may be established only in accordance with the law.

Article 25: Men and women, upon reaching the age of marriage, have the right to mutually consent to enter into marriage and form a family. In their familial relations, spouses have equal rights. Parents or guardians have the right and obligation to raise children, ensure their health, development, and education, prepare them for work, and instill in them culture and respect for the laws and historical and cultural traditions. Adult children have the obligation of caring for parents and providing them with assistance.

Article 26: Citizens of Turkmenistan have the right to freedom of conviction and the free expression of those convictions. They also have the right to receive information unless such information is a governmental, official, or commercial secret.

Article 27: The right to gather and hold protests and demonstrations in a lawful manner is guaranteed.

Article 28: Citizens have the right to form political parties and other social associations which operate within the framework of the Constitution and laws. Forbidden are the formation and activity of political parties and other social associations having as their goal violent change in the constitutional order, allowing violence in their activities, agitating against the constitutional rights and freedoms of citizens, advocating war, racial, national, social, or religious animosity, encroaching on the health or morality of the people, or forming militaristic associations or political parties based on national or religious traits.

Article 29: Every citizen has the right to participate in the management of the affairs of the society and the government both directly and through her or his freely elected representatives.

Article 30: Citizens have the right to elect and be elected to organs of governmental power. Only citizens of Turkmenistan in accordance with their abilities and professional preparation have equal rights of access to governmental service.

Article 31: All citizens have the right to work, to choose at her or his own discretion a profession, type of occupation, and place of work, and to healthy and safe work conditions. Forced labor is forbidden, except in situations established by law. Employees have the right to compensation commensurate with the quantity and quality of their work. This compensation may not be less than the government established subsistence minimum.

Article 32: Workers have the right to relaxation. For employees, this right is expressed in the established work week of limited duration, in annual paid leaves, and in weekly days of rest. The government creates conditions conducive to relaxation in one's area of residence and to the rational use of free time.

Article 33: Citizens have the right to health protection, including use, free of charge, of the government network of health care institutions. Paid medical assistance is permitted in accordance with and in the manner established by law.

Article 34: Citizens have the right to social services if they are elderly, sick, disabled, unable to work, have lost their provider, or are unemployed. Families with many children, children who have lost their parents, and war veterans and other people whose health has suffered in defense of governmental or social interests are provided with additional assistance and privileges out of social funds. The manner of and conditions for exercising this right are regulated by law.

Article 35: Every citizen has the right to education. Elementary and high-school education are mandatory and everyone has the right to receive such education free of charge in governmental educational institutions. The government ensures, commensurate with ability, access for all to professional, specialized vocational, and university education. Organizations and citizens have the right, based on and in the manner established by law, to form fee-based educational institutions.

Article 36: Citizens of Turkmenistan have the right to freedom of artistic, scientific, and technical creation. Intellectual property rights and the legal interests of citizens in the fields of scientific and technical creation and artistic, literary, and cultural activity are protected by law. The government facilitates the development of science, culture, art, folk art, sport, and tourism.

Article 37: The exercise of rights and freedoms is inseparable from fulfillment by persons and citizens of their obligations before society and the government. Everyone living in or located on the territory of Turkmenistan is required to obey the Constitution and laws and respect the national traditions of Turkmenistan.

Article 38: The defense of Turkmenistan is a sacred duty of each person. For citizens of Turkmenistan, it is established that men are obligated to perform general military service.

Article 39: Citizens of Turkmenistan are required to pay government taxes and other payments in the manner and amounts established by law.

Article 40: Citizens are guaranteed legal protection of honor and dignity, and of the personal and political rights and freedoms of the person and citizen enumerated in the Constitution and laws. The actions of governmental organs, social organizations, and officials which have been done in violation of the law, in exceeding their own authority, or in restricting the rights and freedoms of citizens may be protested in court.

Article 41: Citizens have the right to restitution in a legal manner for material and moral harm, suffered as the result of the unlawful acts of governmental organs, other organizations, their employees, and, likewise, private persons.

Article 42: No one may be forced to give testimony or explanations against herself or himself or close relatives. Evidence acquired under the influence of psychological or physical pressure or other unlawful means does not have legal force.

Article 43: A law, worsening the condition of a citizen, may not be ex post facto. No one may be liable for an act which at the time of its commission was not a violation of the law.

Article 44: The exercise of the enumerated rights and freedoms of citizens in this Constitution may be suspended only in conditions of a state of emergency or martial law in the manner and to the extent established by the Constitution and laws.

SECTION III: THE SYSTEM OF ORGANS OF POWER AND GOVERNMENT

CHAPTER 1: GENERAL PROVISIONS

Article 45: The highest representative organ of popular power is the People's Council (Khalk maslakhaty) of Turkmenistan.

Article 46: The highest governmental power in Turkmenistan is exercised by the President, Parliament (Mejlis), the Supreme Court, the Supreme Commercial Court, and the Cabinet of Ministers of Turkmenistan.

Article 47: Turkmenistan consists of territorial-administrative units: regions (velayat), districts (etrap), and certain cities (equal to districts) in which national government organs form. It also consists of towns, villages, and settlements in which local organs of self-government are founded.

CHAPTER 2: THE PEOPLE'S COUNCIL OF TURKMENISTAN

Article 48: The People's Council consists of-

the President;

the deputies of Parliament;

the People's Advisors (khalk vekilleri), one of whom is elected by the people from each district; the Chair of the Supreme Court, Chair of the High Commercial Court, the General Procurator, the members of the Cabinet of Ministers, the heads of regional administrations, and the chiefs (archyn) of the municipal councils of towns and also of those villages which are the administrative centers of their respective district.

Article 49: The length of office for a People's Advisor is five years. They fulfill their obligations without compensation.

Article 50: The People's Council reviews and decides questions of-

- 1) the expediency of amending and adding to the Constitution, or the adoption of a new Constitution;
- 2) conducting general referenda;
- 3) developing recommendations concerning the basic directions of the economic, social, and political development of the country;
- 4) altering state borders and administrative-territorial delineations;
- 5) ratifying and denouncing treaties concerning intergovernmental unions and other formations;
- 6) declaring conditions of war and peace;
- 7) other issues ascribed to its jurisdiction by the Constitution and laws.

Article 51: A decision of the People's Council is effectuated by the President, Parliament, and other governmental organs in accordance with their powers as established by the Constitution and laws.

Article 52: The People's Council is convened when necessary, but not less frequently than once each year by the President, Parliament, or by one-third of the established members of the People's Council. Those that may introduce a proposal for review in the People's Council are the President, Parliament or the Presidium of Parliament, and a group consisting of not less than one quarter of the established number of members of the People's Council.

Article 53: Either the President manages the proceedings of the People's Council or any one of the members of the People's Council elected to do so.

CHAPTER 3: THE PRESIDENT OF TURKMENISTAN

Article 54: The President of Turkmenistan is the head of state and of the executive power, is the highest official of Turkmenistan, and acts as a guarantor of national independence, territorial integrity, and adherence to the Constitution and international agreements.

Article 55: The President must be a citizen of Turkmenistan, a Turkmen not younger than forty years of age, and resident in Turkmenistan. One person may not be President more than two terms consecutively.

Article 56: The President is elected directly by the people of Turkmenistan for a term of five years and assumes office immediately after taking oath at a session of the People's Council. The presidential election and the assumption of office occur in the manner established by law.

Article 57: The President of Turkmenistan:

- 1) enacts the Constitution and laws and ensures their exact execution;
- 2) manages the implementation of foreign policy, representing Turkmenistan in relations with foreign governments, appoints and recalls ambassadors and other diplomatic representatives of Turkmenistan in other countries and in intergovernmental and international organizations, and accepts the credentials and departures of the diplomatic representatives of foreign governments;
- 3) is the Supreme Commander of the Armed Forces, issues orders of general or partial mobilization or use of the Armed Forces subject to subsequent approval of these actions by the People's Council, and appoints the highest commanders of the Armed Forces.
- 4) presents the People's Council with a yearly report about the state of the country and provides information about the most important questions of domestic and foreign policy;
- 5) presents for review and approval to the Parliament the governmental budget and a report on its utilization;
- 6) signs laws and has the right, within two weeks, to return laws to Parliament with her or his objections for additional discussion and vote. If two thirds of Parliament votes to affirm its earlier decision, the President signs the law. The President does not have the right to delay by veto laws on amendment and addition to the Constitution;
- 7) schedules referenda approved by the People's Council and has the right to convene Parliament ahead of schedule;

- 8) decides questions about the granting of Turkmenistan citizenship and asylum;
- 9) awards orders and other awards of Turkmenistan, confers honorary, military, and other special state titles, ranks, and distinctions;
- 10) with Parliament's preparatory consent, appoints and recalls the Chair of the Supreme Court, the Chair of the High Commercial Court, and the General Procurator;
- 11) grants pardons and amnesties;
- 12) decides other issues ascribed to her or his jurisdiction by the Constitution and laws.

Article 58: The President issues decrees, resolutions, and orders which have mandatory force throughout Turkmenistan.

Article 59: The President may not be a deputy of Parliament or receive other financial compensation, with the exception of honoraria for the creation of works of science, literature, or art.

Article 60: The President has the right of immunity. The President may be prematurely relieved of office if incapable of meeting her or his obligations because of sickness. The People's Council, on the basis of the conclusion of an independent medical commission formed under its auspices, decides to prematurely relieve the President of office when not less than two-thirds of the established members of the People's Council so vote. If President violates the Constitution or laws, the People's Council may express its lack of

confidence in the President and put forward to a popular vote the question of her or his removal. A question of lack of confidence is put forward for consideration when not less than one-third of the established members of the People's Council so desire. A decision of lack of confidence in the President is made when not less than two-thirds of the established members of the People's Council so vote.

Article 61: The President may not transfer her or his executive powers to other organs or officials, except for the powers enumerated in parts 2, 9, and 11 of Article 57 of the Constitution, which may be transferred to the Chair of Parliament. If the President, for some reason, is not capable of meeting her or his obligations, until the election of a new President, her or his powers are transferred to the Chair of Parliament. In such a situation, a presidential election should be conducted no later than two months from the day of transfer of powers to the Chair of Parliament. A person meeting the obligations of the President may not be a candidate in the presidential election.

CHAPTER 4: THE PARLIAMENT OF TURKMENISTAN

Article 62: The Parliament is the legislative organ of Turkmenistan.

Article 63: Parliament consists of 50 deputies, elected from territorial districts having roughly equal numbers of voters, for a term of five years.

Article 64: Parliament may be prematurely dissolved:

by decision of a referendum

by a resolution of Parliament when not less than two-thirds of the established number of deputies so vote (self-dissolution).

by the President if Parliament fails to form parliamentary leadership organs within six months or if a second proclamation of no confidence within an

eighteen month period is issued against the Cabinet of Ministers.

Article 65: Parliament independently establishes both the validity of elections for parliamentary seats and the powers of deputies, elects a Chair and Assistant Chair from the ranks of deputies, and forms committees and commissions.

Article 66: Parliament may transfer the right to issue laws on certain issues to the President subject to mandatory subsequent approval of them by Parliament.

Parliament may not transfer its legislative functions on issues of-

- 1) adopting or amending the Constitution;
- 2) criminal or administrative legislation;
- 3) legal process.

Article 67: Within the jurisdiction of Parliament are:

- 1) adopting and amending the Constitution and laws, and interpreting the Constitution and laws
- 2) scheduling elections for President, Parliament, and People's Advisors;
- 3) forming a Central Election and Referendum Commission;
- 4) approving action plans of the Cabinet of Ministers and expressing lack of confidence in the Cabinet of Ministers;
- 5) approving or rejecting candidates for the offices of Chair of the Supreme Court, Chair of the High Commercial Court, General Procurator, and, likewise, petitions for their dismissal.

6) approving the budget of Turkmenistan and the report of its utilization;

7) creating state awards, awarding the President with state awards, and conferring upon the President honorary titles, military ranks, and distinctions.

8) determining whether the normative acts of the organs of state power and government are in accordance with the Constitution and laws ;

9) other issues ascribed to the powers of Parliament by the Constitution and laws.

Article 68: The right to introduce legislation in Parliament belongs to the President, the deputies of Parliament, and the Cabinet of Ministers.

Article 69: Deputies of Parliament have the right of inquiry, in the form of oral and written questions addressed to the Cabinet of Ministers, ministers, and heads of other governmental organs.

Article 70: A deputy may be stripped of her or his powers as a deputy only by Parliament. Such a decision is made when not less than two thirds of the established number of deputies of Parliament so vote. A deputy may not be brought to criminal trial, arrested, or otherwise deprived of her or his freedom without the assent of Parliament or, in the period between sessions, of the Presidium of Parliament.

Article 71: Parliament is a constantly operating organ and deputies may not simultaneously occupy office as a member of the Cabinet of Ministers, as head of administration of a region, town, or district, as chief of a municipal council, as a judge, or as a procurator.

Article 72: The Chair of Parliament is elected by secret ballot. She or he is subordinate to Parliament and is removed when not less than two thirds of the established number of deputies so vote. The Assistant Chair of Parliament is elected in an open vote and fulfills certain functions of the Chair delegated to her or him by the Chair, and fills in for the Chair in case of the Chair's absence or inability to exercise her or his powers.

Article 73: The Presidium of Parliament organizes the work of Parliament, and considers issues ascribed to its jurisdiction by the Constitution and laws. The Presidium is composed of the Chair and Assistant Chair of Parliament and the chairs of committees and commissions.

Article 74: The manner of work of Parliament, its organs, and deputies, as well as those of its functions and powers not regulated by the Constitution, are established by law.

CHAPTER 5: THE CABINET OF MINISTERS

Article 75: The Cabinet of Ministers is an executive and management organ. The President chairs the Cabinet of Ministers.

Article 76: The Cabinet of Ministers is composed of assistants to the chair of the Cabinet of Ministers and ministers. The Cabinet of Ministers is formed by the President within one month after her or his assumption of office and relinquishes its powers to a newly elected President.

Article 77: A meeting of the Cabinet of Ministers is managed by the President, or this function is delegated by her or him to one of the assistants to the chair of the Cabinet of Ministers. The Cabinet of Ministers, within the bounds of its jurisdiction, makes decisions and issues resolutions and orders which

must be executed.

Article 78: The Cabinet of Ministers:

- 1) organizes the execution of laws, Presidential acts, and decisions of the People's Council;
- 2) takes measures to ensure and defend the rights and freedoms of citizens, and to protect property, social order, and national security;
- 3) develops and introduces in the People's Council proposals concerning the basic directions of the government's domestic and foreign policy activity, and programs for the economic and social development of the country;
- 4) implements governmental management of economic and social development and ensures the rational use of and protection of natural resources;
- 5) takes measures to strengthen the monetary and credit systems;
- 6) in case of necessity, forms committees, bureaus, and other agencies under the auspices of the Cabinet of Ministers.
- 7) effectuates foreign economic policy and ensures the development of cultural connections with foreign governments;
- 8) manages the activities of governmental institutions and state enterprises and organizations, and has the right to repeal the acts of ministries and agencies; 9) meets other obligations ascribed by laws and other normative acts to its jurisdiction.

Article 79: The powers of the Cabinet of Ministers, the manner of its activity, and its relationship with other governmental organs are determined by law.

CHAPTER 6: LOCAL EXECUTIVE POWER

Article 80: Local executive power is held: in a region by the governor (hyakim) of the region, in a town by the governor of the town, in a district by the governor of the district, and by municipal councils.

Article 81: Governors are the local representatives of the head of state, are appointed to and withdrawn from office by the President, and are subordinate to the President.

Article 82: Governors manage the activities of governmental organs at the local level, ensure adherence to the Constitution, laws, and acts of the President and the Cabinet of Ministers. Without transgressing their authority, governors adopt resolutions which must be adhered to in the areas subject to their jurisdiction.

Article 83: Chiefs ensure the execution of decisions of local meetings (gengeshi) and of acts of organs of state power and government, exercise control over objects of municipal property, manage the local budget, and also decide other questions of local significance.

Article 84: The scope of the functions and power of governors and chief, the manner of their work, and their interrelationships with other organs of power and government are established by law.

SECTION IV: LOCAL SELF-GOVERNMENT

Article 85: The local meetings and organs of territorial civic self-government form a system of local self-government. The local meetings are representative organs of popular power on the territory of towns, villages, and settlements.

They are elected directly by citizens for a term of five years and are not administratively subordinate to each other

Article 86: Within the jurisdiction of local meetings are:

- 1) determining the basic directions of economic, social, and cultural development of their areas;
- 2) approving the local budget and the report of its utilization;
- 3) establishing local taxes and tariffs and the manner of their collection;
- 4) determining measures for the rational use of natural resources and for nature protection;
- 5) other issues ascribed to the jurisdiction of local meetings by law.

Without transgressing their authority, local meetings adopt decisions which must be adhered to in their areas.

Article 87: A local meeting elects a Chief from within its ranks who manages the work of the local meeting and is subordinate to the local meeting.

Article 88: Persons elected to local meeting meet their obligations without compensation. The manner of activity of local meetings and other organs of civic self-government are determined by law.

SECTION V: THE ELECTORAL SYSTEM AND REFERENDA

Article 89: Elections for the President, deputies of Parliament, People's Advisors, and other popularly elected officials are general and equal. Any citizen of Turkmenistan who has reached 18 years of age has the right to vote, and each voter has one vote. Not allowed to vote are citizens who are psychologically ill and have been declared by a court to be incompetent. Also not allowed to vote are persons currently imprisoned by sentence of a court, as well as individuals who, in the manner established by the law of criminal

procedure, are subject to a restraining order and are in custody. Any other direct or indirect limitation of the voting rights of citizens in any other situation is not allowed and is punishable by law.

Article 90: Citizens of Turkmenistan who have reached the age of 25 by the date of election may be elected deputies of Parliament and People's Advisors. Age requirements for members of local meetings, Chiefs, and other elected governmental officials are determined by law.

Article 91: Elections are direct; deputies and other officials are elected directly by citizens.

Article 92: Voting in elections is by secret ballot, and monitoring of the expression of the will of voters during voting is not allowed.

Article 93: The right to nominate candidates belongs to political parties, social associations, and groups of citizens in accordance with election law.

Article 94: To decide the most important questions of governmental and social life, general and local referenda may be conducted. An act adopted by decision of a referendum may only be repealed by decision of a general referendum.

Article 95: The right to schedule a general referendum belongs to the People's Council on the petition of not less than one quarter of its members or on the petition of not less than 250 thousand citizens who have the right to vote.

Article 96: The right to schedule a local referendum belongs to a local meeting at its discretion or upon the petition of not less than one quarter of the voters living in the area in question.

Article 97: Voting in referenda is universal, equal, direct, and secret. Citizens of Turkmenistan who have the right to vote may participate in referenda.

Article 98: The method of conducting elections and general and local referenda is determined by law. Elections and referenda are not conducted during a period of state of emergency.

SECTION VI: JUDICIAL POWER

Article 99: The judicial power in Turkmenistan belongs only to the courts. The judicial power is intended to defend the rights and freedoms of citizens and the legally protected interests of government and society.

Article 100: The judicial power is exercised by the Supreme Court, the High Commercial Court, and military and other courts anticipated by law in the form of civil, commercial, administrative, and criminal legal proceedings. The establishment of emergency courts and other structures endowed with the power of a court is not allowed.

Article 101: Judges are independent, are subordinate only to the law, and are controlled only by their internal convictions. Intercession in the activity of judges, no matter by what party, is not allowed and incurs legal liability. The immunity of judges is guaranteed by law.

Article 102: Judges of all courts are appointed by the President for terms of five years. The manner of appointment and dismissal of judges is determined by law. Until the expiration of her or his established term of office, a judge

may be dismissed from office without her or his consent only by decision of a court and for a reason enumerated in the law.

Article 103: Judges may not occupy any other paid position, except teaching and research positions; while they are in office, judges may not be in any political parties or social associations which pursue political goals.

Article 104: Court cases are heard by a panel of judges, but in certain cases enumerated by law, they are heard by individual judges.

Article 105: In all courts, trials are open. Closed hearings for a case are only allowed when anticipated by law and with adherence to all rules of legal procedure.

Article 106: The legal process is conducted in the state language. Persons participating in a case who do not speak the language of the legal process are ensured the rights to acquaint themselves with the materials of the case, to participate in the legal proceedings through an interpreter, and to speak in the court in their native language.

Article 107: Justice is implemented on the basis of the adversarial nature and equality of parties. Parties have the right to appeal the decisions, sentences, and other judicial decisions of any of the courts of Turkmenistan.

Article 108: The right to professional legal assistance is recognized at any stage of the legal process. Lawyers and other persons and organization provide legal assistance to citizens and organizations.

Article 109: The jurisdictions, manner of formation, and activity of courts are determined by law.

SECTION VII: THE PROCURACY

Article 110: In Turkmenistan, the General Procurator of Turkmenistan and those procurators subordinate to her or him are assigned supervision over the exact and uniform adherence to laws and to acts of the President, organs of state government, the leadership of the Armed Forces, and local self-government by participants in industrial and commercial activity, organizations and institutions, social associations, officials, and private citizens.

Article 111: The Procuracy supervises the legality of law enforcement investigative activity, criminal investigations, and investigative materials.

Article 112: A unified and centralized system of the organs of the Procuracy is headed by a General Procurator who is appointed by the President for a term of five years. Assistants to the General Procurator and regional procurators are appointed by the President. Shakher and district procurators are appointed by the General Procurator.

Article 113: The General Procurator and those procurators subordinate to her or him, in exercising their powers, are directed only by the law. In her or his activity, the General Procurator is subordinate to the President. Procurators, while they are in office, may not be in any political parties or other social associations which pursue political goals.

SECTION VIII: FINAL PROVISIONS

Article 114: Laws and other acts of governmental organs of Turkmenistan are issued on the basis of and in accordance with the Constitution. If there is a discrepancy between a law and the Constitution, the Constitution is declarative.

Article 115: The provisions of the Constitution concerning a republican form of government may not be amended.

Article 116: A Law of Constitutional Amendment is considered adopted when no less than two thirds of the established number of deputies in Parliament vote in favor of it.

The President of Turkmenistan S. Niyazov

Ashgabat

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