



**АԢСНЫ АХӘЫНҢАРРА  
АКОНСТИТУЦИЯ**

**CONSTITUTION  
OF THE REPUBLIC OF ABKHAZIA  
(APSNY)**

2001  
ақ. Аҕәә  
*Sukhum*

АԢСНЫ АХӘЫНҢҚАРРА  
АКОНСТИТУЦИЯ

1994 шықәса абцара 26 рзы АԢсны Ахәынҗқарра  
Иреихазоу Асовет аилатәара 12-тәи ааңхара  
наднакылсит, 1999 шықәса жьҗаарамза 3 рзы  
жәларзегьтәи бжыҗиирала иакәшаҳатхсит, 1999  
шықәса жьҗаарамза 3 рзы жәларзегьтәи абжыҗиира  
(ареферендум) аан ирыдыркылаз ацсахра алагаланы.

ақ. Акәа, 2001 ш.



## АԢСНЫ АХӘЫНҢҚАРРА АКОНСТИТУЦИЯ

*Ҳарт, Ацсныжәлар, ҳхатәхәақәцаратә зин ацсәзаара иаларцәо, жәлары зегьы рзы насыңла ацсәзаарей ашнуцкәтә гәтчыңрей ҳарзыкәцә, ауафьтәдыәса изинқәей, ихақәитрақәей, ауаажәларратә хәоуеиқәшәарей ишәқәырғәғәо, гәеизҳарши ирылаххәоит, егыишәқәҳаргылоит Ацсны Аҳәынҗқарра Аконституция.*

### АКТӘИ АХЫ

#### АКОНСТИТУЦИЯТӘ ШҢАҚӘГЫЛАШҢА АШҢАТАҚӘА

**АХӘТАҢ 1.** Ацсны - жәлар рхатәхәақәцаратә зин инақәыршәаны, тоурыхла ишәқәгылаз, суверентә, демократиатә, зингә хәынҗқарроуп.

Ахьызкәа "Ацсны" ("Ацсны Аҳәынҗқарра"), "Республика Абхазия" цакыла ақоуп, сикароуп.

**АХӘТАҢ 2.** Ажәлармчра - Ацсны аҳәынҗқарратә мчра шҢатәс иамоуп.

Ацсны асуверенитет иыкәгафьси уи амчра хьцхьртәси иамоу Ацсныжәлар роуп.

Ажәлар рымчра ацсәзаара иаладыртәоит дара рхала ма рхатарнақәа рыла.

**АХӘТАҢ 3.** Ацсны - жәларбжьаратәи азин налахәу-егьырт аҳәынҗқаррақәси нарен рыбжьара ишәқәнаргылоит аиқәшаҳатратә еизыказаашәқәа.

Жәларбжьаратәи аикәшахатрақәа рыбжьатаншьеи, акьыцхь рарбаншьеи, рышьяқәыргәгәашьеи, рцырғаншьеи шықәыргынахоит закәанла.

**АХӘТАЧ 4.** Ацсны шықәгьылоуп араионқәеи (Гагратәи, Гәдоутатәи, Акәатәи, Гәыирыцшьтәи, Очамчыратәи, Ткәарчалтәи, Галтәи) ақалақьқәеи (Гагра, Гәдоута, Афон, Ғыц, Акәа, Очамчыра, Ткәарчал, Гал) зцазкуа атоурыхтә дгьылқәа Сазны, Бзыцшы, Гәма, Дал-Цабал, Абжьюа, Самырзакан рыла.

Ацсны иаку, лакьысра зқәым, зыцәгара камло тәылоуп.

**АХӘТАЧ 5.** Адгьыли егьырт ацсабаратә аагартәқәеи ажәлар ирхатәуп, Ацсны аонуцка урт рхы иадырхәоит егьырыхьчоит ажәлар рыцстазаарси рцауси шыаас изларымоу ала.

Ацсабаратә аагартәқәа рныкәганшьеи рхархәашьеи ирыдхәалоу азцаарақәа ртыц иқәдахоит Ацсны азакәанқәа рыла.

**АХӘТАЧ 6.** Ацсны хәыицқарра бызшәас иамоуп ацсуа бызшәа.

Аурыс бызшәа, ацсуа бызшәа инаваргышаны, ахәыицқарратәи егьырт енуенцшыи аусхәартақәеи рыкны ахархәара амоуп.

Ацсны иқәыпхо егьырт ажәлар гәыцқәа зегьы рхатәы бызшәа иакәйтны ахархәара ахәыицқарра азин рнацоит.

**АХӘТАЧ 7.** Ахәыицқарратә мчра Ацсны имоацгахоит азакәанцаратәи, анагзаратәи, азбаратәи мчрақәа рыла еихшаны. Азакәанцаратәи, анагзаратәи, азбаратәи - ихьыцшыи мчрақәоуп.

**АХЭТАЧ 8.** Ацсны ахархәара аманы иршьоит нагьалдыршоит атыцантәи ахаланапхгара, нара азинмчхарақәа рыџоуцка ахақәитра аманы.

Атыцантәи ахаланапхгаратә усбартақәа ахәынтқарратә мчра аусбартақәа реилазаара иалазам.

**АХЭТАЧ 9.** Абри Аконституциа иреихазоу азинтә мчра амоун. Ацсны ирыдыркыло азакәапқәеи егырт азинтә итқәси Аконституциа иашьашәалазароуп.

**АХЭТАЧ 10.** Ацсны ахатә хәынтқарратә символика амоун - ахәынтқарратә бирак, адырга, ахьызрашәа - урт шеикәыршәатәу шықәдыргылоит Аконституциатә закәапқәа рыла.

Акәа (Сухум) - Ацсны иахтнықалақьуп.

## АФБАТӘИ АХЫ

### АУАФЫ АТӘЫЛАУАФЫ РЗИНҚӘЕИ РХАҚӘИТРАҚӘЕИ

**АХЭТАЧ 11.** Ацсны рықәшахатуп егьахьчоит ауафы изинқәа Еицырзеицшу Адекларациеи, аскономикатә, асоциалтә, аполитикатә, акультуратә, атәылауафратә зинқәа ирзынархоу Жәларбжьаратәи Аиактқәси, нара убас егырт сицеиқәшахатны ирыдыркылахьоу жәларбжьаратә-зинтә итқәа зегьы рыкны иарбоу азинқәеи ахақәитрақәеи.

**АХЭТАЧ 12.** Ауафы ицшоуп ихадароу азинқәеи ахақәитрақәеи. Дарбанзаалак ауафы дшоуп ихы дақәитны. Азакәани азбарей рҕацхьа зегьы еикароуп милатлеи, хацалей, ицхәыслей, бызшәалей, хьлципытралей, маллеи, мацуралей, нхарта тыцлеи,

динлси, дупснхәацшышьалси, идсологиалси,  
цәацшыәахәылси хәа сирых камцакәа.

**АХӘТАЧ 13.** Ауабы цсабарала имоуп ацстазаарси,  
ахақәитрси, ахатә мали, азә диламкыысуа аказаарси  
рзин.

**АХӘТАЧ 14.** Дарбанзаалак ауабы ихатә цстазаарси,  
ихатәи, дитаацәаратә мазен, ихьз-ицна ахьчарси,  
инамыси, иднихацарси, иренаратә уси, ихәыцрси,  
нажәеи, идунснхәацшышьеи дрықәитун.

**АХӘТАЧ 15.** Дарбанзаалак ауабы ирхәацәара,  
иргәакра, нахатыр аларкәра, иакәым иакәыршәара  
залшом.

**АХӘТАЧ 16.** Дарбанзаалак ауабы дақәитун дахьцо-  
дахьаауа, итызтыц аихра, икәкәыла-быцгышәыла, егырт  
ацхаражәхәарақәа рыла аимадара амаза.

**АХӘТАЧ 17.** Ауаа зегьы ахсидкыларси, атыпчратә  
сизарақәеи, аицымәасрақәеи рымоацгара азин рымоуп.

**АХӘТАЧ 18.** Аконституциатә иыкәгылашыа мчыла  
ацсахра, ахәыицқарра ашәарта атаргышара, бцбарла  
еибыгьоу архәтақәа реиқаара, ауаа социалла, милатла,  
динла реичырчара хықәкыс измоу ауаажәларратә  
хсидкылақәеи, апартиакәеи, ацысрақәеи реиқаара  
калом.

**АХӘТАЧ 19.** Дарбанзаалак ауабы дрықәитун аопы-  
агәара, аскономикатә, ацбатә хақәитра, ацарадырра,  
ацшыара, ахәшәтәыратә цхыраара, асоциалтә  
маншәалара.

**АХЭТАЧ 20.** Ауабы ионы-игэара лакьысра ақөым. Азэггы азин имам, изтәу дазыразымкәа, ионы аоналара, закәанша нанышыақөыргылон аузбара азин анинатон рыда.

**АХЭТАЧ 21.** Дарбанзаалак ауабы изинқәси ихакөитрақәеи ахәынтқарреи аузбарей ишырыхьчо ала агәрагара имазароуп.

**АХЭТАЧ 22.** Ацсны аус аует ахарадара апрезумпциа. Ахара здырцо хара имам хәа дыцхьазоуп, ахара шиду еилкаахаанза, азакәантә мчы зоухьоу аузбаратә лахьыңарала ишыақөыргылахаанза. Ахара здырцо ахара шидым ашыақөыргәгәара иара иуалзам.

**АХЭТАЧ 23.** Дарбанзаалак нааҕкылоу ма иҕакыу ауабы, данааныркыла ма дантарк шаркны, азин имоуп адукат ицхыраара ихы иаирхәар, азин имоуп иара убас идукат дыкамкәа исахәы римтар.

**АХЭТАЧ 24.** Икаицаз ацәгьоуразы ацыхәтәантәи ахаратңарала ахара здырцахьоу дарбанзаалак иара убри ацәгьоуразы еиҕа иузбара залшом.

**АХЭТАЧ 25.** Атакцхықәра шыақөзыргыло ма изырымчуа азакәан сың ииасхьоу аус аилыргараан мчы амазам.

**АХЭТАЧ 26.** Дарбанзаалак азин имоуп ахәынтқарратә усбартақәеи амаңурауааи закәандарала нахьизныкәаз иахкьаны иоуз ацырхага ахәынтқаррала ахартәара.

**АХӘТАЧ 27.** Ацсны атәылауаф хәа ицхьазоу ари ахьз зихыхуам, итәыла дзалцахом, насгьы даеа хәынтқаррак дзаталом.

Ацсны иара атәылауаа агәра днаргоит, урт атәыла антыцгы ишахьчо, ишырхылацшуа.

**АХӘТАЧ 28.** Жәаа шықәса зхьцыз Ацсны атәылауаф абри Аконституциеи Ацсны азакәанқәеи ишьақәдыргылаз азинқәеи ауалцшьақәеи зегьы инагзаны инапафы икоуи.

**АХӘТАЧ 29.** Ацсны атәылауааи уи иқәынхо зегьы ируалуп азакәан инақәыршәаны ашәахтәқәа ршәара.

**АХӘТАЧ 30.** Ацсны икоу дарбанзаалак иуалуп Ацсны азакәанқәеи Аконституциеи рықәныкәара.

**АХӘТАЧ 31.** Дарбанзаалак ауафы иуалуп егырт ауаа рзинқәеи рхақәитрақәеи хатыр рықәтара.

**АХӘТАЧ 32.** Дарбанзаалак ауафы иуалуп иааикәыршаны икоу ацсабара аичахарсеи ахьчарсеи.

**АХӘТАЧ 33.** Ацсадгьыл ахьчара Ацсны атәылауаа зегьы ируалцшьоуп.

**АХӘТАЧ 34.** Аконституциасы иалкаау зинқәак реиқәыцхьазара иаанагом ажәларбжьаратә-зингә ицақәа рыла еицрыдыркылаз егырт азинқәа маи рыцәктәуп ма иларкәтәуп хәа.

**АХӘТАЧ 35.** Ацсны ирыдрымкылароуп егытырмыжьроуп ауафы изинқәеи ихақәитрақәеи аңызхуа ма илазыркәуа закәанк иадамхаргьы.

Азинқәеи ахақәитрақәеи рыцкрақәак алагалазар калоит конституциатә закәан мацарала

Аконституциатә шықәгылашыа ахьчаразы, ашәартадарей ауаажәларратә сиекаарей рыргәгәаразы, ауааы игәабзиарей инамыей рыхьчаразы, иара убасгы ацсабаратә рыцхарақәей, ичыдоу ма айбашьратә тагылазааныей раан.

## АХЦАТӘИ АХЫ

### АЗАКӘАНЦАРАТӘ МЧРА

**АХӘТАЦ 36.** Ари Аконституциа ишықәнаргылаз азакәанцаратә зинмчхарақәа зегы Жәлар Реизара - Апарламент имоацнагоит.

**АХӘТАЦ 37.** Ацсны Жәлар Реизара шықәгылоуп 35-оык адепутатцәа рыла.

Жәлар Реизарахь - алхрақәа моацысуеит зегы еицырзеипшу, сикароу, изныктәну алхратә зинтә шыата инақәыршәаны, маза бжыгирала.

Жәлар Реизара азинмчхарақәа ехәарас ирымоуп хәы-шықәса.

Жәлар Реизара адепутатцәа ралхшыа ацкарақәа шықәнаргылоит аконституциатә закәан.

**АХӘТАЦ 38.** Ацсны Жәлар Реизарахь ддепутатхарц илшоит 25-шықәса зхыцуа, алхратә зин змоу дарбанзаалак Ацсны атәылауа.

Ацсны Ахәынгқарра Ахада ма Аминистрцәа Реилазаара иалахәу, насгы ахәынгқарратә усбарта аилазаарей азбаратә усхәартақәей ирыщанакуа амацуратыцқәа аанызкыло, мамзаргы ацара зхыршәаауа даеа усурак знапы алаку, арцаоратә, анаукатә, арениаратә усқәа аламцакәа, Жәлар Реизара алахәхара илшом.

Жәлар Реизара адепутатцәа Жәлар Реизараҕы имҕацырҕо русуразы Ацсны Ахәынтқарра ирзоунажъуеит рцәбаацса.

**АХӘТАЧ 39.** Жәлар Реизара адепутатцәа рылаккысра зинзам, урт рымчхара асхәара аанаанза. Урт раанкылара, ртакра, реимдара азин ыкам, ацәгъара ахыруз атыц аҕы иаанкыламзар, иара убасгъы хатала ргәатара залном, сгъырт ауаа ашәарта иҕазыргыло дара акгъы рыдбаламзар. Рыламккысра ацыхра азцаара Жәлар Реизара иазбоит.

**АХӘТАЧ 40.** Жәлар Реизара адепутатцәа руалцшыа анагзараҕы ралхцәа рыдцала иҕахәахарц залном.

**АХӘТАЧ 41.** Ғыц иалху Жәлар Реизара рацхәатәи аилатәара ааицхьоит Ацсны Ахада алхрақәа рыщытахь мызкы аонудкала.

**АХӘТАЧ 42.** Жәлар Реизара иара аилазаара акынтәи иалнахуеит Аиҳаби уи ихатыцуааи, сгъырт амацурауааи, еиҕнакаауеит акомиссиақәеи агәыц чыдақәеи.

Жәлар Реизара Аиҳабы Жәлар Реизара аилатәарақәа мҕацигоит, Жәлар Реизара адепутатцәа рзинмчхарақәа рынагзараҕы ацхыраара ригоит, иатаху адыррақәа рыла еикәиришәоит, Жәлар Реизара ақәцарақәа инапы рыцаиҕусит.

Аиҳабы далырхаанза, ҕыц еиҕкаау Жәлар Реизара рацхәатәи аилатәара мҕацигоит қәрала дара зегъы иреиҳабу Жәлар Реизара адепутат.

**АХӘТАЧ 43.** Ғыц иалху Жәлар Реизара аусура наналага инаркны уанзатәи Жәлар Реизара азинмчхарақәа ицәоит.

Жәлар Реизара имоацнагоит шықәсык о-силатәарак (аацынтәи аилатәара, тагалантәи аилатәара).

Жәлар Реизара аусушьа аргламент ихәақәнацонт.

**АХӘТАЧ 44.** Жәлар Реизара назбозаалак иаҭаху адепутатцәа рхыцхьазара ыказароуп. Азакәанцаратә иҭақәа рыдкыларазы, чыдала Аконституциа иазгәанатаз акы акәымзар, иказароуп Жәлар Реизара адепутатцәа рзсицш хыцхьазара акынтә реиҳараоык. Аконституциатә закәани даеа закәанқәаки рыдкылара аан иказароуп ахҭа рыоҳәтак ирыцаркуа рбыжьқәа Жәлар Реизара адепутатцәа рзсицш хыцхьазара акынтә.

**АХӘТАЧ 45.** Жәлар Реизара иаднакылаз иарбан закәанзбатәзаалак Ацсны Ахада изнагалатәуп.

Ацсны Ахада инапы аҭаиоыр, уи азакәанзбатә акыцхь иаирбоит Жәлар Реизара ианаднакылаз инаркны жәоҳәымш рыоупцкала.

Азакәан амч аиусит ианыркыцхь инаркны, сиҳа ихьшәаны азакәан амч аиура, азакәан ахҭа ианышьақәнарғыло аҭа.

Азакәанзбатә Ацсны Ахада дақәшаҳаҭымзар, уи Жәлар Реизарахь иргьежьусит, дзықәшаҳаҭым азгәатаны. Аоынтәтәи ахәапшра аан ахҭа рыоҳәтак ирыцаркуа абжьқәа рыла азакәанзбатә рыдыркылазар, Ацсны Ахада инапы аҭаиоыроуп, егьҭижьроуп.

Ацсны Ахада азакәанзбатә аиоу инаркны жәамш рыоупцкала Жәлар Реизарахь имыргьежьзар, ускан азакәанзбатә закәанхоит, Ацсны Ахада инапы аҭаиоызар еицш. Азакәанзбатә закәанхазом аилатәара ахгара иахкыаны Ацсны Ахада Жәлар Реизарахь измыргьежьзар.

**АХӘТАЧ 46.** Ацсны Жәлар Реизараеы азакәанцаратә цшыгара азин рымоуп Жәлар Реизара

адепутатцәси, Ацсны Ахадеи, Ацсны Ирсиҳазоу  
Азбарей, Ацсны Апрокурор Хадеи.

**АХӘТАЧ 47.** Ацсны Ахәынтқарра Жәлар Реизара:

1) иаднакылоит Аконституциеи Ацсны Ахәынтқарра  
азакәанқәеи;

2) иаднакылоит атыцантәи ахәаакәа рыцсахракәа  
ирызку ақәцарақәа;

3) назызыроусит атәылаеы тагылазааньас икоуи,  
ахәынтқарра аонуцкәтәи, адәныкәтәи аполитика  
ахырхарта хадакәеи, нас урт рымәацгарей ирызку  
Ацсны Ахада инаньтымтақәа;

4) иахәацшусит егышыақәнарғәгәоит ахәынтқарра  
абиуцет, уи апацзарагы хьлацшра азнаусит;

5) иаднакылоит ашьаугәтә, ашьаугәтә-  
усеишыргәтә, амәақәцаратә-цьатә, атәылауафратә,  
атәылауафратә-усеишыргәтә, аишыршәаратә ухәа  
азакәаиццарақәа, азбарейскаарей апрокуратурей  
ирызку азцарақәа;

6) имәацнагоит Аконституциеи Ацсны азақәанқәеи  
рейшыркаара назку аусқәа;

7) ишыақәнарғылоит Ацсны Ахәынтқарратә  
хамтақәеи, ахацыртә, аратә хьзалкаакәеи;

8) ишыақәнарғәгәоит, ишыцнарго рыланахәоит  
Ацсны Ахәынтқаррабжьаратә сикәшахатрақәа;

9) иалнахусит Ацсны Жәлар Реизара Аиҳаби уи  
ихагыцуааи;

10) амацура ианатоит, рхы иакәитцатәуеит, азақәан  
инакәыршәаны, Ацсны Ахада иқәиργыло Апрокурор  
Хадеи, Амилаттә банк Ахантәаои, егырт  
амацурауааи;

11) иаднакылоит Аминистрцәа Реилазаара иалахәу  
цьоуки бжьыцирала избоу рыгәрамгара рылахәара  
иазку ақәцарақәа;

12) Ацсны Ахада ахара иднатоит уи имацура  
нижьразы;

- 13) ирыланахәоит амнистиа;
- 14) иазбоит айбашьра рылахәарей аинышәара рыбжьацарей ирызку азцаатәкәа;
- 15) иазбоит Ацсны Жәлар Рсизара адепутатцәа рыламкьысра азцаатәкәа;
- 16) иазбоит ичыдоу аҭагылазааншьей айбашьратә тагылазааншьей ралагалара ахьыназынрку;
- 17) инагазонт Аконституцией Ацсны азакәаңқәси иадырцо егырт азинмчхарақәа.

## АЦШЬБАТӘИ АХЫ

### АНАГЗАРАТӘ МЧРА

**АХӘТАЧ 48.** Ацсны Ахәынтқарра аонутка анагзаратә мчра Ацсны Ахада имадоуп.

Ацсны Ахада Ацсны Ахәынтқарра хыс дамоуп.

**АХӘТАЧ 49.** Ацсны Ахада иалхра моацысуеит зегьы еиңырзеицшу, еикароу, изныктәну алхратә зин ашьаҭала, маза бжьыҭирала, хәы-шықәса асхәара аҭаны.

Ацсны Ахадас далырхуеит милаҭла иацеуоу, 35-шықәса иреитамкәа, 65-шықәса ирсихамкәа изхыҭуа, алхра азин змоу Ацсны аҭәылауаџ.

Ацсны Ахадас азәы инеиңынкьланы џ-схәарак иреиханы иалхра залшом.

**АХӘТАЧ 50.** Ацсны Ахада имчхарақәа рынагзара далагоит тоуба аниу инаркны, имчхарақәа рынагзара дакәыҭуеит иеҳәара анааилак, сың иалху Ацсны Ахада тоуба аниу инаркны.

Ацсны Ахада иалхшьей, иалхра асхәарей шыақәыргылахоит конституциатә закәаиша.

**АХӘТАЧ 51.** Ацсны Ахада имацура данахагыло, Ацсны Жәлар Реизарасы тоуба иусит Иреихазоу Азбара азбаџцәа адцхьаланы. Атоуба атекст Жәлар Реизара ишьякәнаргәгәоит.

**АХӘТАЧ 52.** Ацсны Ахада изинмчхарақәа иенизонацы, аполитикатә партиакәси ауаажәларратә хейдыларакәеи иерылаирхәуам.

Ацсны Ахада Жәлар Реизара дадепутатзам, ахәынгқарратә, ауаажәларратә усбартақәа ирыцаркәа иарбанзаалак даеа мацурак идикылар калом, ахацшыгаратә налацаны.

Ацсны Ахада ишьякәыргылоу асхәарақәа раан иусуразы ианашьахоит ицъабаацса Ацсны Ахәынгқарра акынтә.

**АХӘТАЧ 53.** Ацсны Ахада:

1) дырхылаццусит ауаџы изинкәси ихакәитрақәеи, Аконституциеи Ацсны азакәанкәси, уи ажәларбжьаратә хыдцақәеи рынагзапша;

2) ихәаакәитцонт аџнуцкәтәи, адәныкәтәи аполитика ахырхарта хадақәа;

3) ахәынгқарра дахатарнакуп ажәларбжьаратә усқәа ркны;

4) инаны рыцаиџуеит ахәынгқаррабжьаратә еиқәшахатрақәа;

5) имџацигоит Ацсны ашәартадареи ахәаакәа рыламкысреи рзы иатаху усқәа, еиеикааусит, хадарагы азиуеит зыстатус закәанла ихәаакәтахо Ашәартадара Асовет;

6) ишьякәиргәгәоит Ацсны айбашьратә доктрина;

7) Ацсны Ар Цызас дрымоуп;

8) ахәаанырцәтәи ахәынгқаррақәси жәларбжьаратәи еиекаарақәси ркны Ацсны адипломатиатә хатарнакцәа ықәиргылоит, ирхынхәуеит;

9) ишьақәиргәгәоит ахәынтқарратә, аекономикатә, асоциалтә, акультуратә, амилагтә җиара апрограммақәа;

10) Ацсны иахьацданакуа иалиршоит афинанстә, акредиттә политикей, анаука, ацараиура, акультура, агәабзиара, аскология, асоциалтә еикәшәара ирыдхәалоу аполитикей рымџагара;

11) иалиршоит атәылауаџра, ахатә мал азыказаашьақәа, абиуцъст-финанстә система, ашәахтәқәцара, иаахакәыршан икоу ацсабара ахьчара, ахәынтқарратә мацура рызцаарақәа иаку рзакәанцаратә мџақәцара;

12) Жәлар Реизара аилатәарақәа рылатәара азин имоуп, нанаитаххо аамтазгы ажәа италатәуп;

13) атәылауаа ршәартадара ахьчаразы, азакәан инақәыршәаны Ацсны иалсеигалоит ачыдатагылазаашьей аибашьратә тагылазаашьей, убри анаџс урт атагылазаашьақәа Жәлар Реизара ишьақәнаргәгәоит;

14) Ацсны Жәлар Реизараҗы иара изинмчхарақәа инарықәыршәаны иқәиргылоит Амилаттә банк Ахантәџи, Апрокурор Хадси, сгырт амацурауаан ркандидатурақәа, иара убас Жәлар Реизара иалсеигалоит урт рхы рақәйтгәра азцаарагы;

15) ишьақәиргылоит Жәлар Реизарахь алхрақәа рымџагара;

16) амацура иситгоит иагьамихуеит Ацсны ақалақьқәси араионқәси ркны анагзаратә мчра ахадацәа;

17) дрыхәацнуеит анагзаратә мчра аусбартақәа реиекаарей русушьей рызцаарақәа;

18) аминистррақәа, аусхәартақәа, араионқәа, ақалақьқәа рхадацәа, иара убас атыцантәи ахаланапхгара рынцәқәа ацихуеит, урт Ацсны Аконституцией азакәанцарей иреагылозар;

19) ирыленхәоит арсферендум ихацшыгарала, Жәлар Реизарей Ацсны Иреихазоу Азбарей рыдцала, азакәан ишахәо инакәыршәаны;

20) Жәлар Реизарахь инсеигоит атәылашы тагылазаашыас икоуи, Ахәынцқарра аонутқатәи, адәныкатәи аполитика ахырхарта хадақәси ртәы зхәо ссышықәсатәи аанашытымтақәа, инсеигоит ахәынцқарратә биуцъетзбатәқәси, уи анагзара назку ахасабырбей;

21) азин имоуп Жәлар Реизара изаамтаным аилагәарақәа раацхьара;

22) избойт азакәан инакәыршәаны Ацсны атәылауаора ацаарақәа;

23) палиршоит ахара анажьра;

24) ирапейшьоит ахәынцқарратә хамтақәа, иригоит ахатыртә, арратә иара убас ичыдоу ахьызлкаакәа;

25) ишыкәиргылоит астандартқәа, аеталонқәа, акапанрей ашәага-загеи ракқәа;

26) инсеигзонг Акопституцнсеи Ацсны азакәанқәси идырто егырт азинмчхарақәа.

**АХӘТАЧ** 54. Ацсны Ахада дицалырхусит уи Ихатыцуаоҟы. Ацсны Ахада Ихатыцуао икандидатура ыкәиргылоит Ацсны Ахада итыц ахь кандидате икоу.

Ацсны Ахада Ихатыцуаоыс далхзар калоит алхра азин змоу, 35-шықәса иреицам, 65-шықәса иреихам Ацсны атәылауао.

Ацсны Ахада Ихатыцуао, изинмчхарақәа исеизонацы, аполитикатә партиакәеи ауаажәларратә хсидкылақәеи иерылаирхәуам.

Ацсны Ахада - Ихатыцуао Жәлар Реизара дадепутатзам, иарбанзаалак егырт ахәынцқарратә, ауаажәларратә усбартақәа ирыцаркуа мацурак дахагылар калом, аиеырцааратәқәаҟы налацаны.



закәанла иалху егырт аҳәынҭқарратә мчра  
аусбартақәа реимырпразы ма русура аанкыларазы.

**АХӘТАЧ 60.** Ацсны Ахада, иара изинмчхарақәа  
рхәаакәа дыртымҭкәа, аус зуа азакәанҭцара ашьәтала,  
насгыи уи анагзарала иҭижьусит Ацсны ахьынзаназаазо  
амч змоу аусҭкақәеи адцақәеи.

**АХӘТАЧ 61.** Аконституциеи Ацсны азакәанқәеи  
ирықәымшәо Ацсны Ахада иқәцарақәа апыхзар калоит  
Ацсны Иреихазоу Азбара ақәцарала.

**АХӘТАЧ 62.** Ачыда тагылазаашьеи, ацсабаратә  
рыцхарақәеи, айбашьрақәеи раан Ацсны Ахада азин  
имоуп иҭижьыр азакәан мчы змоу, хымҭада  
иаарласзаны инагзатәу, иара убри аамҭазыцәкьа Жәлар  
Реизарахь инацхатәу ақәцарақәа.

**АХӘТАЧ 63.** Ацсны Ахада ихатара лакьысра ақәым.  
Ацсны Ахада ихьз-иҭшеи иахатьри азакәан иахьчоит.

**АХӘТАЧ 64.** Ацсны Ахада иҭоубеи, Аконституциеи,  
Ацсны азакәанқәеи силеигар, имацура дамхзар алшоит.

Абри ашыза ақәцара аднакылоит Ацсны Жәлар  
Реизара, Ацсны Иреихазоу Азбара аихшьала шьәтас  
икацаны, Жәлар Реизара аденутатцәа рзеиҭи  
хыцхьазара акнытә ахца рыоҳәтәк ирыцаркуа еихау  
бжьыла, маза бжьыҭирала.

**АХӘТАЧ 65.** Ацсны Ахада ианааитахьу аамҭазы  
имацура аанижьыр илшоит. Имацура ааныжьра азцаара  
азбоит Ацсны Жәлар Реизара. Азбара рыдыркылоит  
ахца рыоҳәтәк ирыцаркуа абыжьқәа рыла.

**АХӘТАЧ 66.** Ацсны Ахада дамырхыр, ипстазаара  
далцыр, имацура нижьыр ма изинмчхарақәеи иусқәеи

рынагзара илымшар, урт иусқәа ынасуит Ацсны Ахада Ихатыцуаџ иахь. Ацсны Ахадагьы, уи Ихатыцуаџгьы рматура иамырхыр, ипсыр, рматура аанрыжьыр, ма Ацсны Ахада иусқәа рынагзара рылымшар, урт аусқәа ынасуит Ацсны Ацыза-мишистр иахь. Ацсны Ахада иусқәа рынагзара ари ахәтач асы сиқәыпхьазоу азәгьы илымшар, урт аусқәа ынасуит Жәлар Реизара Аиҳабы иахь.

**АХӘТАЧ 67.** Ацсны Ахада иусқәа назыгзо ауаџы изинмчхарақәа амч рымоуп, Ацсны Ахада иусқәа рынагзара илзыршо амзызқәа апыххаанза, ма Ацсны Ахада ыиц далырхаанза.

Ацсны Ахада ыиц иалхрақәа мџацгахароуп хымыз рыџупуцкала. Убыскан Ацсны Ахада иусқәа назыгзо азин имазам ареферендум рылахәара, Ацсны Аконституциа арееирақәеи аитахәацшреи ирызку ажәалагалақәа рықәыргылар.

## АХӘБАТӘИ АХЫ

### АЗБАРАТӘ МЧРА

**АХӘТАЧ 68.** Азинзбара Ацсны иназыгзо азбара мацароуп.

Анхамџатә симакрақәа силнаргоит Аиныршәаратә збара.

Азбарейекаара Ацсны ишьақәыргылахоит конституциатә закәаиша.

**АХӘТАЧ 69.** Збаџеас икалар рылшоит 27-шықәса зхытыз, ирейхазоу азинцара иалгахьоу, азинтә занаатла хәы-шықәса ирейцамкәа аусура ацышәа змоу Ацсны атәылауаа. Ацсны Аиныршәаратә збара Аиҳабы уи

азбаџџеси алнахуеит Аџсны Жџлар Рсеизара Аџсны Ахада иажџалагалала.

**АХѐТАЧ 70.** Азбаџ иусқџа рынагзара иалсигзар калом иарбанзаалак даса хџынтқарратџ мацурак ма аџаџса зхыршџаауа иарбанзаалак усурак, арџаџратџ, анаукатџ, ареиаратџ усқџа ракџымзар.

Азбаџџџа иазалху асхџарақџа рзы иранаршьџоит рџабааџса аџара Аџсны Ахџынтқарра акнытџ.

**АХѐТАЧ 71.** Азбаџџџа алырхуеит хџы-шықџеса ехџарас ирытаны. Азбаџџџа лакьысра рықџым, ихьыщым, Аконституџией Аџсны азакџанқџеи роуп знапаџака икоу.

Азбаџ ашьауџатџ такџхьқџера идџара залшом закџанла ихџаакџџамкџа.

Азбаџ изинмчхарақџа имхра ма раанкьылара залшом, закџанла ишьақџыргьылоу џаџџџык амамкџа.

**АХѐТАЧ 72.** Аусқџа реилыргара азбарақџа зегьы ркны иаартны имџапысуеит, закџанла ишьақџыргьылоу хтьысқџак ианрыхџаџшуа аџа.

Азбарарсеиара мџапысуеит иалахџу нак-аак реинџатларей зинла реикарарей ишьаџас иаманы.

**АХѐТАЧ 73.** Аџсны азбаратџ мчра иреихазоу усбарџас иамоуп Иреихазоу Азбара.

Аџсны Иреихазоу Азбара:

1) ирыхџаџшуеит аусқџа Аџсны Ахадеи, Жџлар Реизарей, иара убас ахџынтқарратџ мчра егьырт аусбарџақџеи ма аџџантџеи ахаланапхгара усбарџақџеи ирыдыркьылаз ақџарақџа Аконституџия ракџешџарей ракџымшџарей ирыдхџалоу азџарақџа зегьы рыла;

2) ирыхџаџшуеит ахџынтқаррей аџџантџеи ахаланапхгара аусбарџақџеи рыбжьара иџџырџуа аймаккџа ирыдхџалоу аусқџа;

3) ирыхәаңшусит алхрақәа рылтшәакәси алхрақәа рымҗацгашьей ирызку аусқәа;

4) азин амоуп иазбар иарбанзаалак аймакқәа, мамзаргъы агәаанагара ахәар Аконституциа иадхәалоу азцаарақәа ирызкны;

5) имҗацнагоит ашьаугатә, атәылауаҗратә, анапхгаратә збарарсиара;

6) Ацсны азбарақәа зегъы ирызбаз аусқәа азакәан рақәшәара иашьклацшусит;

7) азбарақәа зегъы ириатоит аусзбаратә еиекаарақәа раан изықәныкәаша анапхгаратә силкаарақәа.

**АХӘТАЧ 74.** Ацсны азбарақәа рықәцарақәа шьтырхусит Ацсны Ахәынцқарра ахьзала.

**АХӘТАЧ 75.** Ацсны Апрокурор Хадеи уи инапацака икоу апрокурорцәеи:

ацәгьауратә усқәа рсиыргара азакәан иахьынзақәшәо иашьклацшусит;

иадгьлоит ахәынцқарратә харадцара азбараеы;

азбара ианаргалоит Ацсни уи атәылауаан рыхьчара иазку аишьцхьызқәа;

ахәынцқарратә усбартақәеи, атыцантәи ахалананпхгаратә усбартақәеи, амацурауаан закәандарала сиқәдыршәаз анцақәа рацыхра ма рырианшара азцаара ықәдыргьлоит.

Ацсны Ахәынцқарра апрокуратура аусбартақәа ирымоуп иаку аилазаара, урт рзинмчхарақәа мҗацыргоит иарбанзаалак даеа мчрақәак ирхьыцшымкәа.

**АХӘТАЧ 76.** Ацсны Апрокурор Хада имацура иатарси иамхрей мҗацнагоит Ацсны Жәлар Реизара Ацсны Ахада иажәалагалала.

Егьырт апрокурорцәа рмацура иеиҗоит Ацсны Апрокурор Хада.

**АХЭТАЧ 77.** Апрокуратура аусбартақәа рзинмчхарақәеи, реиҕкаарей, русурей хәаақәнацоит азакәан.

## АФБАТӘИ АХЫ

### АТЫЦАНТӘИ АХАЛАНАПХГАРА

**АХЭТАЧ 78.** Атыцантәи ахаланапхгара мџацҕахоит араионқәеи ақалақьқәеи, егьырт айланхартақәеи ркны.

**АХЭТАЧ 79.** Атыцантәи ахаланапхгара атәылауаа имџапыргоит рхатәгәацхара ишиашоу айҕахәарала ма атыцантәи ахаланапхгара алхратә усбартақәа рыла.

Ацсны ақалақьқәеи араионқәеи ркны анагзаратә мчрақәа рхадацәа Ацсны Ахада иалихусит атыцантәи ахаланапхгара айлазаара акныгә.

Атыцантәи ахаланапхгара айлазаара айҕкаарей азинмчхарақәеи ишьақәыргылахоит закәанла.

**АХЭТАЧ 80.** Атыцантәи ахаланапхгара аусбартақәа ишьақәдыргылоит атыцантәи абиуцет, атыцантәи ашәахтәқәеи, ацаралхрақәеи рнапәсы икоуп, ишыртаху рхы иадырхәоит атыцантәи амал, ирыхьчоит ауаажәларратә еиҕкаара, ихәаақәырцоит дара рыонудкатә еилазаара, иара убас ирызбоит аекономикатә, асоциалтә ухәа дара рхәаақәа иртәзо, егьырт ахәынтқарратә усбартақәак ирыцарымкуа азцаарақәа.

**АХЭТАЧ 81.** Абри Аконституцией азакәанқәеи рыла ишьақәыргылоу атыцантәи ахаланапхгара азинқәа рыцкра ахәынтқарратә усбартақәа ирылшом. Атыцантәи ахаланапхгара закәанла имџацнаго аусқәа аерылагалара залшом.

**АХӘТАЧ 82.** Атыпәнтәи ахаланапхгара усзбарала ахыхьчара иақәитуп, азинмчхарақәа ахы иақәитны, цықәсларада имџапнагаларц азы.

## **АБЫЖЬБАТӘИ АХЫ**

### **АКОНСТИТУЦИАТӘ РИАШАРАҚӘИ АКОНСТИТУЦИЯ АИҘАХӘАЦШЫШЬАҚӘИ**

**АХӘТАЧ 83.** Ацсны Аконституция аиҘахәацшреи ариашареи рызцаарақәа рықәыргыларә рылшоит Ацсны Ахада, Ацсны Жәлар Реизара, Ацсны Иреихазоу Азбара, Ацсны Апрокурор Хада.

**АХӘТАЧ 84.** Ацсны Аконституция ариашарақәа рыдыркылоит Ацсны Жәлар Реизара адепутатцәа рзеицш хыцхьазара акнытә ахца рыохәтак ирыцаркуа абжьқәа рыша.

**C O N S T I T U T I O N**  
**OF THE REPUBLIC OF ABKHAZIA**  
**(APSNY)**

**Adopted by the 12-th session of the Supreme Council of the Republic of Abkhazia on the 26-th of November 1994 and approved by the national voting on the 3-rd of October 1999 with amendment adopted by the national voting (referendum) on the 3-rd of October 1999.**

**City of Sukhum**  
**2001**

## CONSTITUTION OF THE REPUBLIC OF ABKHAZIA (APSNY)

*We, the people of Abkhazia, exercising our right to self-determination, aspiring to promote general welfare, internal tranquillity, respecting human rights and freedoms, establishing civil peace and harmony, solemnly proclaim and institute the Constitution of the Republic of Abkhazia.*

### CHAPTER I

#### PRINCIPLES OF THE CONSTITUTIONAL SYSTEM

ARTICLE 1. The Republic of Abkhazia (Apsny) is a sovereign, democratic state, established historically under the right of a people to free self-determination, and functioning in accordance with law.

The names "The Republic of Abkhazia" and "Apsny" are interchangeable.

ARTICLE 2. Democracy shall be the basis of state authority in the Republic of Abkhazia.

The bearer of sovereignty and the only source of authority in the Republic of Abkhazia shall be its people - the citizens of the Republic of Abkhazia. The people shall exercise authority directly or through their representatives.

ARTICLE 3. The Republic of Abkhazia which is subject of international law, enters into treaty-based relations with other states. The rules of conclusion, promulgation, ratification and denunciation of international treaties shall be established by the law.

ARTICLE 4. The Republic of Abkhazia consists of the historical provinces of Sadz, Bzyp, Guma, Dal-Tsabal.

Abzhywa, Samyrzakan which are the present day Gagra, Gudauta, Sukhum, Gulrypsh, Ochamchyra, Tkwarchal and Gal districts within which the cities of Gagra, Gudauta, New Afon, Sukhum, Ochamchyra, Tkwarchal and Gal are located.

The territory of the Republic of Abkhazia is indivisible, inviolable and inalienable.

ARTICLE 5. In the Republic of Abkhazia the land and other natural resources are the property of the people and shall be used and protected as a basis for life and activity of the citizens of the Republic of Abkhazia.

The issues of ownership, use and disposal of natural resources shall be governed by the laws of the Republic of Abkhazia.

ARTICLE 6. The official language of the Republic of Abkhazia is Abkhazian. The Russian language as well as the Abkhazian language shall be recognized as the language of the government, public and other institutions. The state shall guarantee all ethnic groups living in Abkhazia the right to use freely their own languages.

ARTICLE 7. The state exercises its authority on the basis of a separation of legislative, executive and judicial powers. The legislative, executive and judicial branches of power shall be independent.

ARTICLE 8. In the Republic of Abkhazia, local governments, independent within their jurisdiction, shall be recognized and ensured. These local governments shall not be part of the system of state administration.

ARTICLE 9. The present Constitution shall have supreme legal authority. The laws and other legal instruments, adopted in the Republic of Abkhazia, shall comply with this Constitution.

ARTICLE 10. The Republic of Abkhazia shall have its own symbols: the state flag, national emblem and

national anthem. The description of these symbols shall be established by constitutional law.

The capital of the Republic of Abkhazia is the city of Sukhum (Akwa) .

## **CHAPTER 2**

### **HUMAN RIGHTS AND FREEDOMS OF A CITIZEN**

ARTICLE 11. The Republic of Abkhazia shall recognize and guarantee the rights and freedoms proclaimed in the Universal Declaration of Human Rights, the International covenants of economic, social, cultural, civil and political rights and other universally recognized international legal instruments.

ARTICLE 12. Basic rights and freedoms are the birthright of human beings. Everyone is born free. All are equal before the law and the court without distinction of race, nationality, sex, language, origin, property status or position, domicile, religion, beliefs, ideology or other considerations.

ARTICLE 13. Inalienable human rights and freedoms are the right to life, freedom, immunity and to ownership of private property.

ARTICLE 14. Everyone has the right to freedom of private life, personal and familial confidentiality, freedom to protect one's honour and dignity, freedom of conscience, of religion, creativity, thought, speech and belief.

ARTICLE 15. No-one can be subjected to torture, violence or other cruel or degrading treatment or punishment.

ARTICLE 16. Everyone shall have the right to freedom of movement and choice of domicile,

confidentiality of correspondence and other forms of communication.

ARTICLE 17. All people shall have the right to freedom of association and to hold peaceful rallies, assemblies, marches and demonstrations.

ARTICLE 18. Prohibited shall be the formation and activities of non-governmental associations, parties and movements whose aims and operations include the forceful transformation of the constitutional system, the undermining of state security, the creation of armed groups, the incitement of social, racial, ethnic and religious discord.

ARTICLE 19. Everyone shall have the right to a home, economic freedom, and freedom of labour, the right to education and leisure, medical care and social welfare.

ARTICLE 20. A person's home is inviolable. No-one shall have the right to enter a person's home against his will, except in cases prescribed by the law or on the basis of a court order.

ARTICLE 21. Everyone shall be guaranteed state and judicial protection of his rights and freedoms.

ARTICLE 22. In the Republic of Abkhazia the principle of presumed innocence shall hold sway. All accused persons shall be presumed innocent until proven guilty and their offence established by a judicial verdict having the force of law. The accused shall not be obliged to prove his innocence.

ARTICLE 23. Every person detained or arrested shall be entitled to the assistance of a lawyer from the moment of detention or arrest and shall have the right not to make any statements in the absence of a defence lawyer.

ARTICLE 24. No-one shall be tried a second time for an act for which he has already been found guilty by a final court judgement.

ARTICLE 25. Laws which establish or aggravate guilt shall have no retrospective effect.

ARTICLE 26. Everyone shall be entitled to reimbursement by the state for damage caused by illegal actions of state organs and their officials.

ARTICLE 27. No citizen of the Republic of Abkhazia shall be deprived of his citizenship, expelled from the country or extradited to another state.

The Republic of Abkhazia shall guarantee its citizens protection and support beyond its frontiers.

ARTICLE 28. Any citizen of the Republic of Abkhazia having reached 18 years of age shall be entitled to all rights and be subject to all obligations set forth in this Constitution and the laws of the Republic of Abkhazia.

ARTICLE 29. All citizens and residents of the Republic of Abkhazia must pay taxes as required by the law.

ARTICLE 30. Everyone who happens to be in the territory of the Republic of Abkhazia must abide by its Constitution and its legislation.

ARTICLE 31. Everyone shall respect the rights and freedoms of others.

ARTICLE 32. Everyone shall respect and protect the environment.

ARTICLE 33. Defence of the Motherland is the duty and responsibility of each citizen of the Republic of Abkhazia.

ARTICLE 34. The listing of certain rights in this Constitution shall not be interpreted as a denial or impairment of other rights universally recognized by international legal instruments.

ARTICLE 35. No law abolishing or impairing human rights and freedoms shall be adopted or promulgated in the Republic of Abkhazia. Certain limitations of rights and freedoms can be introduced only by the constitutional laws whenever this might be necessary for the protection of the constitutional system, for security and public order, protection of health and morality as well as in the event of natural disasters, a state of emergency or martial law.

### **CHAPTER 3**

#### **LEGISLATIVE POWER**

ARTICLE 36. All legislative authority established by this Constitution shall be exercised by the People's Assembly - the Parliament of the Republic of Abkhazia.

ARTICLE 37. The Parliament of the Republic of Abkhazia shall consist of 35 elected members, called Deputies. Parliamentary elections shall be universal, equal, direct and shall be conducted by secret ballot.

The term of office of the Parliament is limited to five years. The procedure for the election of Deputies shall be established by constitutional law.

ARTICLE 38. Any citizen of the Republic of Abkhazia who has reached 25 years of age and has the right to vote shall qualify to be elected as a Deputy.

Holding office as President of the Republic of Abkhazia or as a member of the Cabinet, being employed in state organs and in the judicial system, as well as the holding of any other paid job, apart from teaching, scientific research and artistic pursuits, shall be incompatible with the membership in the Parliament of the Republic of Abkhazia.

For their work, Deputies shall receive a monetary remuneration paid by the Republic of Abkhazia.

ARTICLE 39. Deputies shall enjoy personal immunity for the whole term of their office. They shall not be detained, arrested or searched unless they are caught in crime and shall not be examined, except in instances when this is prescribed by law, for the purpose of guaranteeing the security of other people. The issue of divesting a Deputy of his immunity is within the competence of the Parliament.

ARTICLE 40. Deputies shall not be bound by an imperative mandate.

ARTICLE 41. The first session of the newly-elected Parliament shall be called by the President of the Republic of Abkhazia within a month from the day of election.

ARTICLE 42. The Parliament shall elect from among its members the Speaker, the Speaker's deputies and other officers and form parliamentary commissions and committees.

The Speaker shall preside over parliamentary sessions, assist Deputies in the discharge of their duties, provide them with necessary information and sign Parliamentary resolutions.

Before the Speaker is elected, the first session of the newly elected Parliament shall be presided over by its eldest Deputy.

ARTICLE 43. From the moment the newly elected Parliament starts its work, the term of office of the preceding Parliament shall expire.

The Parliament shall hold its sessions not less than twice a year (spring session and autumn session).

The order of work of the Parliament shall be determined by regulation.

ARTICLE 44. Any decision by the Parliament shall require a quorum. The adoption of legislative acts, with

the exception of cases specifically provided for by the Constitution, shall require a simple majority of all the Deputies. For the adoption of Constitutional Law and when a qualified majority is necessary two-thirds of all the Deputies' votes shall be required.

ARTICLE 45. Each Bill passed by the Parliament shall be submitted to the President of the Republic of Abkhazia. If the Bill is signed by the President it shall be promulgated within fifteen days from the date of its approval by the Parliament. The law shall come into effect from the moment of its promulgation, except in cases where a later date is specified by the law itself.

In the event that the Bill is not approved by the President, it shall be returned, with the President's objections, to the Parliament. If on second consideration thereof the Bill is passed by a qualified majority, the President shall be obliged to sign and promulgate it.

If the Bill is not returned by the President within ten days after submission, the Bill shall become a law, as it would if it had been signed by the President. The Bill shall not become a law if, due to the adjournment of a meeting, it could not be returned to the Parliament.

ARTICLE 46. The right to initiate legislation in the Parliament of the Republic of Abkhazia belongs to its Deputies, the President of the Republic, the Supreme Court and the General Prosecutor of the Republic of Abkhazia.

ARTICLE 47. The Parliament of the Republic of Abkhazia shall:

- 1) adopt the Constitution and the laws of the Republic of Abkhazia;
- 2) decide upon changes in administrative-territorial divisions;

3) hear the President's address on the situation in the country, the principal aspects of domestic and foreign policy of the state and methods of their implementation;

4) consider and approve the state budget and exercise control over its execution.

5) adopt a criminal code and criminal judicial procedure, corrective labour law, civil code and civil judicial procedure, arbitration and other legislation, as well as laws on the judicial system and prosecution laws;

6) provide the interpretation of the Constitution and the laws of the Republic of Abkhazia;

7) establish state decorations, honourable titles and army ranks of the Republic of Abkhazia;

8) ratify and denounce the interstate treaties and agreements of the Republic of Abkhazia;

9) elect the Speaker of the Parliament of the Republic of Abkhazia and the Speaker's deputies;

10) dismiss or appoint, on the nomination of the President the General Prosecutor, the Chairman of the National Bank and other officials in accordance with the law;

11) take decisions on any vote of no-confidence in individual Cabinet members;

12) impeach the President of the Republic of Abkhazia with a view to his dismissal;

13) grant amnesties;

14) decide upon the declaration of war and the conclusion of peace;

15) determine the immunities of Deputies of the Parliament of the Republic of Abkhazia;

16) decide upon the legality of the imposition of a state of emergency and martial law;

17) exercise other powers entrusted to it by the Constitution and the laws of the Republic of Abkhazia.

## **CHAPTER 4**

### **EXECUTIVE POWER**

ARTICLE 48. The Executive Power in the Republic of Abkhazia shall be vested in the President of the Republic of Abkhazia.

The President of the Republic of Abkhazia shall be the Head of State.

ARTICLE 49. The election of the President shall be universal, direct, equal and secret ballot. He shall hold office for a term of five years.

Any person of Abkhazian nationality who is a citizen of the Republic of Abkhazia and who is not younger than 35 years and not older than 65 years and has the right to vote, is eligible to be elected President of the Republic of Abkhazia.

The same person shall not hold office as President for more than two consecutive terms.

ARTICLE 50. The President of the Republic of Abkhazia shall assume his duties the moment he is sworn in and cease the discharge of his duties upon the expiry of his term of office, the moment a newly elected President of the Republic of Abkhazia is sworn in.

The order and terms of presidential elections in the Republic of Abkhazia shall be established by constitutional law.

ARTICLE 51. On assuming office, the President of the Republic of Abkhazia shall in the presence of the members of the Supreme Court in the Parliament take the oath approved by the Parliament of the Republic of Abkhazia.

ARTICLE 52. Throughout the term of his office, the President of the Republic of Abkhazia shall suspend his membership of political parties and non-governmental organizations.

The President of the Republic of Abkhazia shall not be a Deputy or hold any other position in state organs, non-governmental organizations or business structures.

At the appointed time the President shall receive an emolument, allocated by the Republic of Abkhazia, for his services.

ARTICLE 53. The President of the Republic of Abkhazia shall:

1) ensure the observance of human rights and freedoms, of the Constitution and laws of the Republic of Abkhazia and its international obligations;

2) determine the principal direction of domestic and foreign policy;

3) officially represent the state in international affairs;

4) sign international instruments and interstate treaties;

5) take measures to ensure the security and territorial integrity of the Republic of Abkhazia, form and head the Security Council, the status of which shall be determined by law;

6) approve the military doctrine of the Republic of Abkhazia;

7) serve as Commander-in-Chief of the Armed Forces of the Republic of Abkhazia;

8) appoint and recall diplomatic representatives of the Republic of Abkhazia in foreign states and international organizations;

9) approve programmes in the field of state, economic, social, cultural and national development;

10) ensure the implementation, in the territory of the Republic of Abkhazia, of the financial and credit policy as well as policy in the fields of science, education,

culture, health-care, environmental protection and social welfare;

11) ensure consistency in the legislative regulation of issues of citizenship, property, budget and financial system, taxation, environmental protection and civil service;

12) have the right to attend sessions of the Parliament and be given the floor at any time on his demand;

13) impose in accordance with the law a state of emergency or martial law in the Republic of Abkhazia in the interests of the security of its citizens, with the subsequent approval of Parliament;

14) present in accordance with his powers, to the Parliament of the Republic of Abkhazia nominations for the election to the posts of the Chairman of the National Bank, General Prosecutor and other officials, as well as submit to the Parliament his proposals for their dismissal;

15) set dates for Parliamentary elections;

16) appoint and dismiss heads of executive authorities in the cities and districts of the Republic of Abkhazia;

17) consider issues of organizational structure and the work of executive authorities;

18) abrogate any orders, instructions or regulations of ministries and departments, heads of executive authorities of cities and districts, as well as of organs of local government which contradict the Constitution and the legislation of the Republic of Abkhazia;

19) call a referendum on his own initiative, or on the demand of the Parliament, or on the demand of the Supreme Court of the Republic, in accordance with the rules and procedures established by the law;

20) address the Parliament with annual reports on the situation in the country, on the principal direction of state domestic and foreign policy, present the draft of the state budget and report on its execution;

21 ) have the right to demand extraordinary sessions of the Parliament;

22) resolve in accordance with the law, the issues of citizenship of the Republic of Abkhazia;

23) grant pardons;

24) award state decorations, confer honourable titles, military and special ranks;

25) establish standards, units of weights and measures;

26) discharge other duties and responsibilities entrusted to him under the Constitution and laws of the Republic of Abkhazia.

ARTICLE 54. The Vice-President of the Republic of Abkhazia shall be elected simultaneously with the President of the Republic. The nomination of the Vice-President is made by the nominee for the Presidential post.

Any citizen of the Republic of Abkhazia, not younger than 35 and not older than 65, having the right to vote, can be elected Vice-President.

Throughout his term of office, the Vice-President of the Republic of Abkhazia shall suspend his membership of political parties and non-governmental organizations.

The Vice-President of the Republic of Abkhazia shall not be a Deputy, nor hold any other posts in state, non-governmental organizations, or business structures.

At the appointed time the Vice-President shall receive an emolument, allocated by the Republic of Abkhazia, for his services.

ARTICLE 55. The Vice-President of the Republic of Abkhazia shall carry out on the instruction of the President his assignments, deputize in the event of the President's absence or his inability to discharge his duties.

ARTICLE 56. To provide general guidance for the executive branch, throughout the country, the President of the Republic of Abkhazia shall direct the Cabinet of Ministers of the Republic of Abkhazia.

The Cabinet shall be formed by the President of the Republic and shall be accountable to him.

The Cabinet shall consist of Prime Minister Deputy Prime Ministers, Ministers, and other officials as provided for by the law.

ARTICLE 57. The Cabinet of Ministers of the Republic of Abkhazia shall have the right to resign either collectively or individually.

The resignation shall be submitted to the President of the Republic, who shall have the right to accept or to decline it.

ARTICLE 58. The Parliament of the Republic of Abkhazia can express its lack of confidence in an individual Cabinet member and refer it to the President of the Republic, whose decisions on such issues shall be final.

The organization and order of work of the Cabinet of Ministers of the Republic of Abkhazia shall be determined by Constitutional Law.

ARTICLE 59. The authority vested in the President of the Republic shall not be used to alter the constitutional system, or to dismiss other legitimately elected institutions of state power or suspend their function.

ARTICLE 60. Within his powers the President of the Republic on the basis and in pursuance of the laws in

force, shall issue orders and edicts which shall be mandatory throughout the territory of the Republic of Abkhazia.

ARTICLE 61. Decisions of the President which do not comply with the Constitution and laws of the Republic of Abkhazia can be abrogated by decision of the Supreme Court of the Republic.

ARTICLE 62. During a state of emergency, natural disaster or hostilities the President of the Republic shall have the right to issue mandatory decrees with full legislative force for immediate execution with simultaneous notification of the Parliament of the Republic of Abkhazia thereof.

ARTICLE 63. The President shall enjoy personal immunity. His dignity and honour shall be protected by law.

ARTICLE 64. Should the President violate his oath or breach the Constitution and the laws of the Republic of Abkhazia, he can be relieved of his duties. Such decisions are taken by the Parliament of the Republic of Abkhazia - on the basis of Supreme Court findings - by a two-thirds majority of its Deputies voting by secret ballot.

ARTICLE 65. The President of the Republic of Abkhazia may tender his resignation at any time. The question of his resignation shall be resolved by the Parliament of the Republic of Abkhazia. The decision shall be taken by a qualified majority.

ARTICLE 66. If the President is relieved of his duties, dies, resigns or becomes incapable of discharging the President's duties, his responsibilities shall be assumed by the Vice-President of the Republic. In the event that both the President and the Vice-President are relieved of their duties, die, resign or become incapable of discharging the President's duties, they shall be assumed by the Prime-Minister of the Republic of Abkhazia. Should

none of the above be capable of attending to the President's duties they shall be taken over by the Speaker of the Parliament.

ARTICLE 67. The authority of the Acting President shall remain in effect until the reasons for the President's inability to discharge his duties are removed, or a new President is elected.

The election of a new President shall be conducted within a three month period.

The Acting President shall have no right to hold a referendum or to suggest amendments or revisions of clauses and provisions of the Constitution of the Republic of Abkhazia.

## **CHAPTER 5**

### **JUDICIAL POWER**

ARTICLE 68. In the Republic of Abkhazia justice shall be administered only through the courts. Economic disputes shall be settled by the Court of Arbitration. The judicial system in the Republic of Abkhazia shall be established by Constitutional Law.

ARTICLE 69. Citizens of the Republic of Abkhazia, 27 years of age and above, with higher legal education and no less than five years experience in the legal profession can qualify as judges.

The Chairman and members of the Supreme Court of the Republic of Abkhazia, judges of lower level courts, the Chairman and judges of the Arbitration Court shall be elected by the Parliament on the nomination of the President of the Republic.

ARTICLE 70. The discharge of a judge's duties is incompatible with any other official post in state institutions as well as any other paid job, apart from teaching, scientific research and artistic pursuits.

For their work, judges will receive a monetary remuneration paid by the Republic of Abkhazia at the appointed time.

ARTICLE 71. Judges shall be elected for a term of five years. Judges are inviolable, independent and subordinate only to the Constitution and laws of the Republic of Abkhazia.

Criminal proceedings against a judge cannot be instituted other than under the procedure established by law. A judge's term of office can be terminated or suspended only under the procedure of, and on grounds established by, law.

ARTICLE 72. Court examinations in all courts shall be open to the public except in cases established by the law. The legal procedure shall be adversarial with both sides having equal rights.

ARTICLE 73. The Supreme Court of the Republic of Abkhazia shall be the highest judicial authority.

The Supreme Court of the Republic of Abkhazia shall:

1) examine cases of all issues concerning the compliance of decisions taken by the President, the Parliament and other organs of state power or local administration with the Constitution;

2) examine cases of disputes between the state and local governments,

3) examine cases concerning the results of elections and electoral procedures;

4) have the right to settle any disputes concerning the Constitution or express its opinion thereon;

5) execute legal proceedings in criminal, civil and administrative actions,

6) supervise the legality of the settlement of cases by all the courts in the Republic of Abkhazia;

7) provide all courts with guiding clarification on the issues of judicial proceedings.

ARTICLE 74. The courts of the Republic of Abkhazia shall pronounce judgements in the name of the Republic of Abkhazia.

ARTICLE 75. The General Prosecutor of the Republic of Abkhazia and local Prosecutors subordinate to him, shall supervise the legality of criminal investigations, support the public prosecutor in court proceedings, bring suits to protect the interests of the Republic and its citizens, appeal against unlawful decisions and acts of state institutions, local governments and officials.

The prosecuting institutions in the Republic of Abkhazia constitute a single system and shall discharge their duties independently of any government bodies whatsoever.

ARTICLE 76. The General Prosecutor of the Republic of Abkhazia shall be appointed and dismissed by the Parliament at the proposal of the President.

Other Prosecutors shall be appointed by the General Prosecutor of the Republic of Abkhazia.

ARTICLE 77. The authority, organizational structure and the functions of the prosecuting offices shall be established by law.

## **CHAPTER 6**

### **LOCAL GOVERNMENT**

ARTICLE 78. Local governments shall be established in districts, cities and other settlements

ARTICLE 79. Local government shall be exercised by citizens by way of direct expression of their will and through the elected institutions of local government.

Heads of executive authorities in the cities and districts of the Republic of Abkhazia shall be appointed by the President of the Republic from among the members of local government institutions.

The composition, organizational structure and powers of local government institutions shall be established by the law.

ARTICLE 80. Local governments shall approve the local budget, local taxes and dues; own, use and manage municipal property; ensure the maintenance of public order; establish their own internal structures and settle economic, social and other matters that are not excluded from their competence or relegated to state organs.

ARTICLE 81. State institutions shall not curtail the rights of local governments established by this Constitution and the laws. Any interference in the legitimate activities of local governments shall be inadmissible.

ARTICLE 82. Local governments shall have the right to a legal defence to ensure free and unimpeded discharge of their duties

## **CHAPTER 7**

### **CONSTITUTIONAL AMENDMENTS AND REVISION PROCEDURE**

ARTICLE 83. Suggestions concerning the amendments and revision of the Constitution of the Republic of Abkhazia can be made by the President of the Republic, the Parliament, the Supreme Court and the General Prosecutor of the Republic of Abkhazia.

ARTICLE 84. Amendments to the Constitution of the Republic of Abkhazia shall be adopted by a two-thirds vote of the total number of Deputies.

**CONSTITUTIONAL LAW OF THE REPUBLIC OF  
ABKHAZIA  
ON THE PROCEDURE OF BRINGING THE  
CONSTITUTION INTO EFFECT**

The Supreme Council of the Republic of Abkhazia resolves that:

1. The Constitution of the Republic of Abkhazia shall come into effect on the day it is adopted, except for Article 44, which shall take effect after the election of a new Parliament of the Republic of Abkhazia.

2. Laws and other enactments, which have been in force in the territory of the Republic until this Constitution comes into effect shall be applied in the parts that do not contradict the Constitution of the Republic of Abkhazia.

3. From the day the Constitution comes into effect, the Supreme Council of the Republic of Abkhazia and its officers shall be called according to the Constitution of the Republic of Abkhazia as follows:

Supreme Council of the Republic of Abkhazia - People's Assembly - Parliament of the Republic of Abkhazia;

Chairman of the Supreme Council - Speaker of the Parliament of the Republic of Abkhazia;

First Deputy Chairman of the Republic of Abkhazia - First Deputy of the Speaker;

Deputy Chairmen of the Supreme Council of the Republic of Abkhazia - Parliament Speaker's Deputies;

Commissions of the Supreme Council - Commissions of the Parliament of the Republic of Abkhazia.

4. The Parliament of the Republic of Abkhazia shall discharge its duties in accordance with the Constitution of the Republic until a new Parliament is

elected. Any decisions of the Parliament shall be taken by a majority vote of the Deputies.

5. The first President of the Republic of Abkhazia and the first Vice-President shall be elected by the Parliament of the Republic.

6. The Council of Ministers (the Government) of the Republic of Abkhazia and all other functioning structures of power shall continue to discharge their duties until new institutions are established in accordance with this Constitution.

7. Under this Constitution the election of a new Parliament of the Republic of Abkhazia shall be conducted on the basis of the appropriate law in 1995.

8. Once the Constitution of the Republic of Abkhazia comes into effect all types of courts shall retain their authority until the expiry of the term for which they were elected. All vacancies shall be filled in accordance with the procedures established by this Constitution.

9. This law shall come into effect on the day of its adoption.

**VLADISLAV ARDZINBA**

Chairman of the Supreme Council  
of the Republic of Abkhazia

City of Sukhum  
26 November 1994  
No. 188-c