

Chapter 1

The Basics of the Constitutional Order

Article 1

The Republic of Abkhazia (Apsny) shall be a sovereign democratic state based on law, which has historically become firmly established by the right of nation to self-determination.
The Republic of Abkhazia and Apsny shall be equivalent names.

Article 2

The sovereignty of the people shall be the basis for the State authority in the Republic of Abkhazia. The sovereignty bearer and sole source of authority in the Republic of Abkhazia shall be its people, i.e., the citizens of the Republic of Abkhazia.
The people shall exercise their authority directly or through their representatives.

Article 3

The Republic of Abkhazia as a subject of international law shall enter treaty relationship with other states.
The procedure for concluding, publishing, ratifying and denouncing international treaties shall be specified by law.

Article 4

The Republic of Abkhazia consists of the historical provinces of Sadz, Bzyb, Guma, Dal-Tsabal, Abjua, Samyrakan, which are the present day Gagrsky, Gudautsky, Sukhumsky, Gulripshsky, Ochamchirsky, Tkuarchalsky and Galsky districts within which the cities of Gagra, Guaduta, Novi Afon, Sukhum, Ochamchira, Tkuarchal, and Gal are located.
The territory of the Republic of Abkhazia is indivisible, inviolable and inalienable.

Article 5

Land and other natural resources shall be property of the people and shall be used and protected in the Republic of Abkhazia as a basis of life and activities of its citizens.
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 shall be the Abkhazian language.

The Russian language, equally with the Abkhazian language, shall be recognized as a language of State and other institutions.

The State shall guarantee the right to freely use the mother language for all the ethnic groups residing in Abkhazia.

Article 7

The State authority shall be exercised in the Republic of Abkhazia on the basis of a division into legislative, executive and judicial power. The legislative, executive and judicial powers shall be independent of each other.

Article 8

Local self-government shall be recognized in the Republic of Abkhazia, which shall be independent within its authority.

Local self-government institutions shall not be part of the State bodies.

Article 9

This constitution shall have a superior legal force. The laws and other legal acts adopted in the Republic of Abkhazia shall comply with the Constitution.

Article 10

The Republic of Abkhazia shall have its own symbols, i.e., a national flag, a National Emblem, and a national anthem, the description of which shall be established by constitutional laws.

The capital of the Republic of Abkhazia shall be the city of Sukhum (Aqua).

Chapter 2

Human and Civil Rights and Freedoms

Article 11

The Republic of Abkhazia shall recognize and guarantee the human rights and freedoms fixed in the Universal Declaration of Human Rights, the International covenants of economic, social, cultural, civil and political rights, or in other universally recognized international legal acts.

Article 12

The basic rights and freedoms belong to people from birth. Each man is born free. all people are equal before the law and court irrespective of race, nationality, sex, language, origin, property status or position, domicile, religion, beliefs, ideology or other consideration.

Article 13

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

Article 14

Everybody has the right to the freedom of private life, to personal and family secrets, to the protection of honor and dignity, to the freedom of conscience, religion, creative work, thought, speech and convictions.

Article 15

Nobody shall be subject to tortures, violence, or other cruel or humiliating treatment or punishment.

Article 16

Everybody shall have the freedom of travel, of choosing the place of residence, of correspondence, and other ways 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

Forbidden shall be the formation and activities of association, parties and movements whose aims and operations include the forceful transformation of the constitutional system, the detriment of state security, the creation of armed groups, the incitement of social, racial, national and religious discord.

Article 19

Everybody shall have the right to dwelling, economic freedom and freedom of labor, education and rest, medical service, and social security.

Article 20

The human dwelling shall be inviolable. Nobody shall have the right to penetrate a dwelling against the will of the person living in it except in cases specified by law, or on the basis of a court order.

Article 21

Everybody shall have a state or judicial protection of his or her rights and freedoms guaranteed.

Article 22

A presumption of innocence principle shall be in effect in the Republic of Abkhazia. An indictee shall be considered not guilty until his or her guilt is proved and asserted by a sentence of court which has taken legal effect. An indictee shall not be obliged to prove his or her innocence.

Article 23

Every detainee shall have the right to resort to the help of a lawyer from the moment of detainer, and shall have the right not to testify in the absence of a lawyer.

Article 24

Nobody shall be tried twice for a deed in respect of which a conclusive verdict of guilty has been once brought in already.

Article 25

A law which establishes or aggravates the responsibility may not be retroactive.

Article 26

Everyone shall be entitled to reimbursement for damage inflicted by illegal actions of state organs and officials.

Article 27

A citizen of the Republic of Abkhazia may not be deprived of Abkhazian citizenship, deported from the country, or extradited.

The Republic of Abkhazia shall guarantee protection and patronage to its citizens abroad.

Article 28

Citizens of the Republic of Abkhazia who have reached the age of 18 shall be in full possession of all the rights and duties established by this Constitution and the laws of the Republic of Abkhazia.

Article 29

All the citizens and residents of the Republic of Abkhazia must pay taxes according to the procedure established by law.

Article 30

Everyone present in the territory of the Republic of Abkhazia must abide by its Constitution and its legislation.

Article 31

Everybody shall respect the rights and freedoms of other people.

Article 32

Everybody shall respect and protect the environment.

Article 33

Defense of Motherland is the duty and responsibility of each citizen of the Republic of Abkhazia.

Article 34

A mentioning of some rights in the Constitution shall not be interpreted as a denial or derogation of other rights commonly recognized by international acts.

Article 35

No law which cancels or derogates human rights or freedoms shall be adopted or promulgated in the Republic of Abkhazia.

Some restrictions on rights and freedoms may be imposed only by constitutional laws should a necessity arise to protect the constitutional order, to ensure security and public order, to protect health or morals, as well as in cases of natural calamities, state of emergency, or martial law.

Chapter 3

The Legislative Power

Article 36

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

Article 37

The Parliament of the Republic of Abkhazia shall consist of 36 members.

The elections to the Parliament shall be carried out on the basis of a universal, equal and direct suffrage, by means of secret ballot.

The Parliament's term of office shall be five years.

The procedure for the Parliamentary elections shall be established by a constitutional law.

Article 38

Every citizen of the Republic of Abkhazia who has reached the age of 25 and is in possession of suffrage may become member of Parliament of the Republic of Abkhazia.

Holding the office of the President of the Republic of Abkhazia, of a member of the Cabinet of Ministers, or other offices in the State machinery or judicial bodies, as well as exercising and other paid activities except the teaching, research or other creative activities, shall be incompatible with the membership in the Parliament of the Republic of Abkhazia.

Members of Parliament shall receive a remuneration for their work in the Parliament, paid by the Republic of Abkhazia.

Article 39

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

Article 40

Members of the Parliament shall not be tied with an imperative mandate.

Article 41

The first session of a newly elected Parliament shall be convened by the President of the Republic of Abkhazia within the first months after the date of elections.

Article 42

The Parliament shall elect a speaker, his deputies or other officials out of its members, as well as form committees or commissions.
The Speaker shall preside over parliamentary sessions, assist members of Parliament in exercising their powers, provide them with necessary information, and sign the resolutions of the Parliament.
The first session of a newly elected Parliament shall be conducted by the oldest member of the Parliament until a Speaker is elected.

Article 43

The powers of the previous Parliament shall terminate from the moment when the newly elected Parliament begins its work.
The Parliament shall conduct its sessions at least twice a year (a spring session and an autumn session).
The Parliamentary procedures shall be defined by the regulations.

Article 44

Every Parliamentary decision shall require a quorum. Bills shall be passed by a simple majority vote in the Parliament except in for cases specifically mentioned in the Constitution. Constitutional laws and bills requiring a qualified-majority vote shall be passed by a two-thirds majority vote in the Parliament.

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.
When the President does not approve the bill, he shall return it to the Parliament together with his objections. If the Bill is passed by a qualified-majority vote during a repeated consideration, the President shall be obliged to sign and to publish it.
If the President does not return the Bull within ten days after it has been submitted to hum, such a Bill shall become a law as if it were 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 shall belong to members of

Parliament, to the President of the Republic of Abkhazia, to the Supreme Court of the Republic of Abkhazia, and to the Attorney General of the Republic of Abkhazia.

Article 47

The Parliament of the Republic of Abkhazia shall:

1. Pass the Constitution and the laws of the Republic of Abkhazia.
2. Make decisions on administrative and territorial changes.
3. Hear the Presidential messages on the situation in the country, the principle 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, arbitration and other legislation, as well as laws on the judicial system and prosecution laws.
6. Exercise the interpretation of the Constitution and the laws of the Republic of Abkhazia.
7. Establish state awards, honorary titles and military ranks of the Republic of Abkhazia.
8. Ratify and denounce the inter-state treaties of the Republic of Abkhazia.
9. Elect the Speaker of the Parliament of the Republic of Abkhazia and its deputies.
10. Appoint or release the Attorney General, the Chairman of the National Bank, or other officials on a representation by the President and in accordance with 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. Decide upon the issues of immunities of members of the Parliament of the Republic of Abkhazia.
16. Decide upon the lawfulness of introduction of a state of emergency or martial law.

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

Chapter 4

The Executive Power

Article 48

The Executive Power in the Republic of Abkhazia shall be granted to the President of the Republic of Abkhazia.

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

Article 49

The elections of the President of the Republic of Abkhazia shall be based on the universal, equal and direct suffrage. The President shall be elected by secret vote for five years. Any person of Abkhaz nationality who is citizen of the Republic of Abkhazia and who is not younger than 35 years and not older than 65 years, having the right to vote, is eligible to be elected President of the Republic of Abkhazia.

One and the same person may not be President of the Republic of Abkhazia for a longer period than two consecutive terms of office.

Article 50

The President of the Republic of Abkhazia shall start exercising his powers from the moment when he swears in, and he shall terminate his powers at the expiry of his term of office, from the moment when the President-Elect of the Republic of Abkhazia swears in.

The procedure and terms for the elections of the President of the Republic of Abkhazia shall be established by a constitutional law.

Article 51

When assuming office, the President of the Republic of Abkhazia shall swear in the Parliament of the Republic of Abkhazia in the presence of members of the Supreme Court. The text of the oath shall be approved by the Parliament.

Article 52

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

The President of the Republic of Abkhazia shall not be a member of Parliament nor hold any other position in state organs, non-governmental organizations or commercial structures.

On established basis 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, the Constitution and the laws of the Republic of Abkhazia, as well as its international obligations.
2. Define basic directions of the internal and foreign policy.
3. Officially represent the State in international affairs.
4. Sign inter-state 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 defined by law.
6. Approve the military doctrine of the Republic of Abkhazia.
7. Be Commander-in-Chief of the Military Force of the Republic of Abkhazia.
8. Appoint and recall diplomatic representatives of the Republic of Abkhazia in foreign countries and international organizations.
9. Approve programs in the area of state, economic, social, cultural, or national development.
10. Provide the pursuance of financial or credit policies on the territory of the Republic of Abkhazia, as well as a policy in the area of science, education, culture, health, ecology, or social security.
11. Ensure the integrity of the legislative regulation in the issues concerning the citizenship, property, the budget and financial system, the taxation, the environmental protection, and the state service.
12. Have the right to attend sessions of Parliament. He shall be given the floor at any moment on his demand.
13. Introduce the state of emergency or martial law in the Republic of Abkhazia in the interests of ensuring the security of citizens, to be approved by the Parliament.
14. Present to the Parliament of the Republic of Abkhazia nominations for election to the posts of Chairman of the National Bank, General Prosecutor and other officials as well as submit to

Parliament his proposals for their dismissal.

15. Schedules parliamentary elections.
16. Appoint or remove heads of Executive Power in the cities and districts of the Republic of Abkhazia.
17. Consider the issues of the organization and functioning of the executive power bodies.
18. Cancel acts issued by ministries or departments, heads of executive power in the cities or districts, or by local self-government bodies when these acts contradict the Constitution and the legislation of the Republic of Abkhazia.
19. Schedule referenda on his own initiative, on demand of the Parliament or the Supreme Court of the Republic of Abkhazia, according to the procedure established by law.
20. Appeal to the Parliament with annual messages on the situation in the country and on the basic directions of internal and foreign policy of the state, as well as bring in the draft state budget and report on its execution.
21. Have the right to demand that an extraordinary session of Parliament be convened.
22. Decide upon issues of citizenship in the Republic of Abkhazia in accordance with law.
23. Grant a pardon.
24. Decorate with state awards, assign honorary titles, military ranks or special titles.
25. Establish standards, references, units of weight or measures.
26. Discharge other duties and responsibilities entrusted to him under the Constitution and laws of the Republic of Abkhazia.

Article 54

A Vice-President of the Republic of Abkhazia shall be elected simultaneously with the President of the Republic of Abkhazia. The candidate for Vice-President of the Republic of Abkhazia shall be suggested by the candidate for President of the Republic of Abkhazia. A citizen of the Republic of Abkhazia not younger than 35 years old and no older than 65 years old who is in possession of suffrage may be elected Vice-President.

The Vice-President of the Republic of Abkhazia shall suspend his membership in political parties or

public associations for his term of office.

The Vice-President of the Republic of Abkhazia shall not be member of Parliament, or hold any other offices in state or public bodies as well as in businesses.

The Vice-President shall receive a remuneration for his service, paid by the Republic of Abkhazia by the time fixed.

Article 55

The Vice-President of the Republic of Abkhazia shall execute individual assignments on a commission of the President, act for the President in his absence or in case when it is impossible for the President to attend to his duties.

Article 56

The President of the Republic of Abkhazia shall be in charge of the Cabinet of Ministers of the Republic of Abkhazia to exercise general guidance of executive activities on the entire territory of the country. The Cabinet of Ministers shall be formed by the President of the Republic of Abkhazia and shall report to him.

The Cabinet of Ministers shall include the Prime Minister, Vice-Premiers, Ministers and other officials specified by 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 of Abkhazia who shall have the right to either accept or to decline it.

Article 58

The Parliament of the Republic of Abkhazia may pass a vote of no-confidence to an individual member of the Cabinet of Ministers, and to submit this issue to the President of the Republic of Abkhazia whose decision shall be a final one.

The organization and functioning of the Cabinet of Ministers of the Republic of Abkhazia shall be defined by a constitutional law.

Article 59

The powers of the President of the Republic of Abkhazia may not be used to change the constitutional order, to dissolve other legally elected state bodies, or to suspend their functioning.

Article 60

Acting within his powers, on the basis and in pursuance of the current legislation, The President of the Republic of Abkhazia shall issue decrees and orders which shall have obligatory force in the whole territory of the Republic of Abkhazia.

Article 61

The decisions of the President of the Republic of Abkhazia that are inconsistent with the Constitution and the laws of the Republic of Abkhazia may be canceled by a decision of the Supreme Court of the Republic of Abkhazia.

Article 62

During the period of a state of emergency, natural calamities, or military actions, the President of the Republic of Abkhazia shall have the right to issue decrees having a force of law and subject to immediate execution, with a simultaneous notification of the Parliament of the Republic of Abkhazia.

Article 63

The President shall enjoy personal inviolability. The honor and dignity of the President shall be protected by law.

Article 64

If the President of the Republic of Abkhazia breaks his oath, the Constitution or the laws of the Republic of Abkhazia, he may be removed.

Such a decision shall be made by a two-thirds majority secret vote of the Parliament of the Republic of Abkhazia pursuant to a resolution of the Supreme Court of the Republic of Abkhazia.

Article 65

The President of the Republic of Abkhazia may resign at any moment, The issue of resignation shall be decided upon the Parliament of the Republic of Abkhazia. The decision shall be made by a qualified majority vote.

Article 66

When the President of the Republic of Abkhazia is removed, dies, resigns, or becomes incapable of exercising the Presidential powers and duties, such powers and duties shall pass on the Vice-President of the Republic of Abkhazia. When both the President and Vice-President are removed, die, resign, or become incapable of exercising the Presidential duties, such duties shall pass on to the Prime Minister of

the Republic of Abkhazia. When no one person of those listed in this article is capable of exercising the Presidential duties, such duties shall pass on to the Speaker of the Parliament.

Article 67

The powers of the person in charge of Presidential duties shall be in effect until either the reasons for the incapability of the President to exercise his duties are removed or a new President is elected.

The new presidential elections shall be conducted within three months. In this time, person in charge of Presidential duties shall not be entitled to schedule a referendum, or to introduce amendments or revisions to the Constitution of the Republic of Abkhazia.

Chapter 5

The Judicial Power

Article 68

The justice shall be administered in the Republic of Abkhazia solely by court. The economic disputes shall be resolved by an Arbitration Court. The structure of courts in the Republic of Abkhazia shall be established by a constitutional law.

Article 69

The judges shall be citizens of the Republic of Abkhazia, be at least 27 years old, have a higher legal education, and at least 5 year record of service as a lawyer.

The Chairman and members of the Supreme Court of the Republic of Abkhazia, the judge from subordinate courts, the Chairman of the Arbitration Court shall be elected by the Parliament of the Republic of Abkhazia on a representation by the President of the Republic of Abkhazia.

Article 70

The execution of a judge's duties shall be incompatible with holding any other office in the State machinery, and equally with any other paid activities except teaching, research or other creative activities.

The judges shall receive a remuneration for their service, paid by the Republic of Abkhazia by the time fixed.

Article 71

Judges shall be irremovable, inviolable, independent, and shall subordinate only to the Constitution and the laws of the Republic of Abkhazia.

No criminal proceedings may be instituted against a judge except according to the procedure established by law.

A judge's power may be terminated or suspended only in accordance with the procedure and on the grounds established by law.

Article 72

The examination of cases shall be open to public in all the courts except for cases specified by law. Legal proceedings shall be exercised on a controversial basis. Both parties shall have 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. Consider case on all the issues concerning the compliance of decisions made by the President, Parliament, or other state bodies or local self-government bodies with the Constitution.
2. Consider cases of disputes between the State and local self-government bodies.
3. Consider cases concerning the results of elections or electoral procedures.
4. Have the right to resolve any disputes, or express its opinion as to the Constitution related issues.
5. Exercise legal proceedings on criminal, civil or administrative cases.
6. Enforce law in the resolution of cases by all the courts in the Republic of Abkhazia.
7. Give instructions as to all the issues of judicial activities to all the courts.

Article 74

The courts 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, brings suits to protect the interests of the Republic of Abkhazia and its citizens, appeal against unlawful decisions and acts of state institutions, local governments and officials.

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

Article 76

The Attorney General of the Republic of Abkhazia shall be appointed or removed by the Parliament of the Republic of Abkhazia on a representation by the President of the Republic of Abkhazia. Other public prosecutors shall be appointed by the Attorney General of the Republic of Abkhazia.

Article 77

The powers, organization and activities of the Office of Public Prosecutors shall be defined by law.

Chapter 6

Local Self-Government

Article 78

Local self-government shall be exercised in districts, cities, and other settlements.

Article 79

Local self-government shall be exercised by citizens by means of direct will through elective or other local self-government bodies. The heads of executive power in the cities or districts of the Republic of Abkhazia shall be appointed by the President of the Republic of Abkhazia from the local self-government bodies.

The composition, structure and powers of local self-government shall be established by law.

Article 80

Local self-government bodies shall approve local budget, local taxes and fees, as well as possess, use and dispose of municipal property, ensure the protection of public order, define their internal structure, and decide upon other economic, social or other issues not excluded from their jurisdiction or not passed over to state bodies.

Article 81

The state institutions shall not curtail the rights of local governments established by this Constitution and the laws. Any interference in the legislative activities of local government is inadmissible.

Article 82

Local governments shall have the right to a legal defense to insure the free and unimpeded discharge of their duties.

Chapter 7

Amendments to Constitution and the Procedure for Revising the Constitution.

Article 83

Motions concerning amendments to the Constitution of the Republic of Abkhazia may be made by the President of the Republic of Abkhazia, the Parliament of the Republic of Abkhazia, the Supreme Court of the Republic of Abkhazia, or the Attorney General of the Republic of Abkhazia.

Article 84

The amendments to the Constitution of the Republic of Abkhazia shall be adopted by the Parliament of the Republic of Abkhazia by a two-third majority vote in the Parliament.

The City of Sukhum
November 26, 1994