

Law of the Azerbaijan Republic

On procedures for review of citizen applications

Applications of citizens to state authorities with proposals, statements and complaints shall be the main aspect of human rights practices and protection.

Article 1. Right to apply

On the basis of part one Article 57 of the Constitution of the Azerbaijan Republic, citizens of the Azerbaijan Republic shall be entitled to apply, as well as to submit individual and collective written applications to state authorities. Each application shall be responded in writing in accordance with procedures and within terms stipulated under law.

Article 2. Legislation on procedures for review of citizen applications

Legislation on procedures for review of citizen applications shall be comprised of the Constitution of the Azerbaijan Republic, this Law and other legislative acts of the Azerbaijan Republic.

Article 3. Key definitions

Proposal- application aimed at improvement of the activity of state power authority, entity, organization and enterprise, resolution of issues, related with education, science, technology, legislation, arts and other areas.

Statement — application stipulating requirements, related with implementation of rights to which citizens are entitled.

Complaint — application with requirement on reinstatement of violated rights to state authority, entity, organization and enterprise.

Article 4. Areas outside of scope of this Law

This Law shall not be applicable for review of citizen applications under court proceedings.

Applications of military servicemen, related with their service, shall be reviewed in accordance with Internal Service Charter and disciplinary Charter of Military Forces of the Azerbaijan Republic.

Applications related with holding of referendum shall be reviewed in accordance with Elections Code of the Azerbaijan Republic.

Procedures for review by representative on human rights (ombudsman) of citizens applications in the Azerbaijan Republic shall be regulated under this Law.

Article 5. Responsibilities of state power authorities, entities, organizations and enterprises

State power authorities, entities, organizations and enterprises shall provide equal conditions for implementation in accordance with procedures established and secured under Constitution and legislation of the Azerbaijan Republic of rights of citizens in the Azerbaijan Republic, to submit in writing or verbally proposals, statements, complaints against illegal actions (failures to act) of public officials.

State power authorities, entities, organizations and enterprises, their heads, other public officials shall accept and review in accordance with their competence and under procedures and within terms established under this Law proposals, statements and complaints of citizens, adopt necessary measures and bear responsibility for these.

In review of proposals, statements and complaints heads and other public officials of state power authorities, entities, organizations and enterprises shall:

- Review them carefully, if necessary enquire documents needed and adopt other measures to resolve the matter;
- Inform citizens in writing on results of review of proposals, statements and complaints, if those are not satisfied, to indicate the reasons and explain the appeal procedures;
- Provide adoption of grounded decisions on proposals, statements and complaints, as well as timely and appropriate execution of these decisions.

State power authorities, entities, organizations and enterprises shall on systematic basis review the status of review of citizen applications and adopt measures for termination of causes for submission of duplicating statements and complaints by citizens, related with violation of their interests, protected under the law.

Article 6. Procedures for receiving of citizens

Heads and other public officials of state power authorities, entities, organizations and enterprises shall organize the receiving of citizens.

Citizens shall be received at dates and time agreed in advance.

When necessary, heads and other public officials of state power authorities, entities, organizations and enterprises shall receive citizens immediately.

Article 7. Procedures for review of applications

Citizens submit proposals and statements to state power authorities, entities, organizations and enterprises, who bear direct responsibility for relevant issues.

State power authorities, entities, organizations and enterprises, their heads and public officials, when the resolution of issues submitted in the proposal is not within their competence, shall send them no later than within five days to relevant organizations and inform about this the applicant, and during personal meeting explain where he shall apply.

Application shall be deemed reviewed, when the matter indicated in the application is reviewed and citizen is provided with grounded response.

In direction of citizen applications by the state authority to other state power authorities, entities, organizations, enterprises for their review at belonging and in accepting of the application for control, such authorities, entities, organizations and enterprises shall provide the state power authority with grounded response on the application within the term established under this Law. Response letter to the state power authority on application shall be signed by the supervisor of relevant body, entity, organization, enterprise.

Refusal to accept the application is prohibited.

During acceptance for review of enquiry to submit the information, it is prohibited to demand from the applicant to provide reasons for requesting such information.

Written application shall be signed by citizen, contain his complete name, address and employment. If application does not contain this information is shall be deemed anonymous. Anonymous applications shall not be reviewed.

It is prohibited to send citizen complaints for review to authorities or public officials, whose actions (failures to act) are subject of complaint.

“State power authorities can conduct acceptance and answering of applications in an electronic form.”

Article 8. Application administration procedure

Proposals, statements and complaints of citizen shall be registered in administration. Documents contain stamp, indicating date and number of receiving. If requested by citizens, he is informed about number and date of registration of his proposal, statement and complaint. Administration of citizen applications shall be organized by the head of authority.

Administration is performed in accordance with procedures approved by relevant executive authority.

Article 9. Right of appeal

Citizen, who does not agree with decision, made on his proposal, application, complaint shall be entitled to appeal against the decision in the authority or before public officials, to which the decision making authority, entity, organization, enterprise or public official is subordinated.

Complaints may be submitted to court in accordance with procedures of legislation.

Article 10. Term of review of application

Application shall be reviewed within one month, *with exception of cases stipulated under legislation*, and applications, not requiring additional review and inspection, no later than within 15 days, *unless other term is stipulated under legislation*.

In the event of necessity to conduct special investigation, requirements for additional materials or adoption of other measures for review of application, head or deputy of relevant authority, entity, organization or enterprise shall in exceptional cases extend the period of review of application for more than one month. Applicant shall be informed on

this, if the application is controlled by state power authority, notification shall be made to such state power authority.

Applications of military servicemen and their family members shall be reviewed no later than within 15 days from the date of receiving.

If, as a result of review of enquiry for submission of information within above term, the importance of information will be lost, such applications are reviewed immediately, and if not possible- within 24 hours.

Applications on illegal decisions and actions of competent state authorities and public officials, providing security of state court and law-enforcement agencies protected by state, shall be reviewed immediately.

Article 10-1. The features of reviewing of applications related to corruption offences

10-1.1. In state power authorities applications related to corruption offences are reviewed according to this law taking into account features of this article.

10-1.2 Service investigation is assigned by head of state power authority when application related to corruption offences is submitted. Service investigation is conducted by internal control service of the relevant state power authority. Service investigation should be completed in 20 days period and the result should be presented to head of state power authority. Head of state power authority can prolong the period for 10 days if there is a need to require additional materials or conduct other measures.

10-1.3 Head of state power authority takes one of the following decisions about application as soon as receives the result of service investigation.

10-1.3.1 take measures according to legislation of the Republic of Azerbaijan if application is proved to be grounded, as well as if there are signs of civil, administrative and criminal liability in the complained act .

10-1.3.2 involve related persons to disciplinary measures according to the legislation of the Republic of Azerbaijan if application is proved to be grounded but there is no signs which can create civil-legal, administrative or criminal liability.

10-1.3.3 cancel the proceeding on complaint if application is proved not to be grounded.

10-1.4 Applicant shall be given motivated response about taken decision and shall be explained his right to appeal the decision.

10-1.5 complaint can be lodged to higher state power authority about the decision of state power authority. This provision doesn't limit the person's right to lodge a complaint to court about the decision of state power authority.

10-1.6 Applications related to corruption offences in bodies, organizations, institutions which are not considered state authority body are reviewed in 20 days period according to general rules defined in this law.

Article 11. Liability for violation of this Law

Heads of state power authorities, entities, organizations and enterprises shall be responsible for organization of receiving and review of proposals, statements and complaints of citizens.

Public officials in fault for violation of procedures established for review of proposals, applications and complaints of citizens, as well as persons persecuting citizens due to submission of proposals, complaints or containing criticism, shall bear disciplinary, civil and criminal liability in accordance with legislation.

In submission of application or complaint to slander, citizen shall bear liability in accordance with legislation.

Article 12. Procedures for review of applications of foreign citizens and persons without citizenship

Review of applications of foreign citizens and persons without citizenship shall be regulated under this Law, unless other procedures are stipulated under international treaties, to which the Azerbaijan Republic is a signatory.

President of the Azerbaijan Republic

Heydar Aliyev

City of Baku, June 10, 1997

Nº 314-II

Published in Azerbaijan newspaper (August 02, 1997, Nº 163).

Published in the Collection of Legislation of the Azerbaijan Republic (November 30, 1997, Nº 5, Article 417).

(With amendments from June 23, 1998, Nº 509-IGD; October 5, 1999, Nº 706-IGD; October 12, 2001, Nº 205-IIIGD; March 13, 2001, Nº 100-IIIGD; November 23, 2001, Nº 219-IIIGD; July 2, 2002, Nº 356-IIIGD; December 30, 2003 Nº 569-IIIGD, April 6, 2007 N 92 IIIIGD).