



## **The Constitution of the Pridnestrovian Moldavian Republic**

The Constitution of the Pridnestrovskaja Moldavskaja Respublica was adopted during the December 24, 1995 national referendum and signed by the President of the Pridnestrovskaja Moldavskaja Respublica on January 17, 1996. Current wording includes amendments introduced by the June 30, 2000 Constitutional Law N310.

We, multinational people of the Pridnestrovskaja Moldavskaja Respublica, - united by the common fortune on our land; - maintaining human rights and freedoms, as well as free development of person; - proceeding from the responsibility for our Motherland before the current and future generations; - confirming our commitment to the common to all mankind values, striving for life in peace and harmony with all peoples according to generally recognized principles and norms of international law; - establishing the legal state, which would ensure the rule of law as an expression of will of the people; - honoring the memory of our ancestors, who have passed us love and respect to our Motherland; - wishing to ensure well-being and prosperity to Pridnestrovia, adopt the Constitution of the Pridnestrovskaja Moldavskaja Respublica

### **SECTION I. PRINCIPLES OF THE CONSTITUTIONAL SYSTEM**

**Article 1** The Pridnestrovskaja Moldavskaia Respublica is a sovereign, independent, democratic, legal state. Its people is the bearer of sovereignty and the only source of power in the Pridnestrovskaja Moldavskaia Respublica. The people exercises its power directly, as well as through organs of state power and institutions of local self-government. Referendum and free elections are the highest direct expression of the power of the people. No one can assume power in the Pridnestrovskaja Moldavskaia Respublica. Seizure of power and appropriation of powers of authority are the gravest crime against the people.

**Article 2** The Constitution of the Pridnestrovskaja Moldavskaia Respublica is of highest legal force and direct action. Organs of state power and management, institutions of local self-government, officials, public associations and citizens must observe the Constitution and laws of the Pridnestrovskaja Moldavskaia Respublica.

**Article 3** Citizenship of the Pridnestrovskaja Moldavskaia Respublica is granted and forfeited in accordance with the constitutional law, and is equal for all citizens irrespective of the reasons for its acquiring. A citizen of the Pridnestrovskaja Moldavskaia Respublica cannot be deprived of his citizenship or of the right of changing it. A citizen of the Pridnestrovskaja Moldavskaia Respublica can have a citizenship of another state, i.e. - double citizenship. Unless otherwise provided by law, foreign citizens and stateless persons enjoy rights and freedoms exercised by citizens of the Pridnestrovskaja Moldavskaia Respublica.

**Article 4** State, private, and other forms of ownership are recognized in the Pridnestrovskaya Moldavskaya Respublika. All forms of ownership are equally protected by the state.

**Article 5** Soil, entrails of the earth, waters, forests, airspace, as well as other natural resources are objects of exclusive ownership of the state. Plots can be in the lifelong use of citizens with the right of succession, with their maximum size and the order of using stipulated by law.

**Article 6** State power in the Pridnestrovskaya Moldavskaya Respublika is exercised on the basis of its division to legislative, executive, and judicial. Organs of legislative, executive, and judicial powers, within their own competences, are independent.

**Article 7** In the Pridnestrovskaya Moldavskaya Respublika, a local self-government is recognized and ensured, consisting of Soviets of People's Deputies and organs of territorial public self-government, which directly, or through their elected organs, independently tackle social, economic, political, and cultural issues of local importance, proceeding from the state interests and interests of the population of their respective administrative territorial formation.

**Article 8** The state, its organs and officials act in the conditions of democratic diversity of political institutions and opinions. The state regulates relations between social, national and other communities on the basis of principles of equality and respect for their rights and interests. The activity of public formations, their organs and representatives is prohibited, which is aimed against

sovereignty of the Republic, at forcible change of foundations of the constitutional system, at undermining security of the state, at establishment of illegal armed formations, at stirring up racial, national or religious discord.

**Article 9** The Pridnestrovskajaia Moldavskajaia Respublica is a secular state. No religion can be established as a national or obligatory one. Religious associations are separated from the state and are equal before law.

**Article 10** Foreign policy of the Republic proceeds from the principles of sovereign equality of states, non-use of force, peaceful settlement of disputes, non-interference in internal affairs of other states. Universally recognized principles and norms of international law, as well as international treaties of the Pridnestrovskajaia Moldavskajaia Respublica, are the basis for relations with other states and the constituent part of the legal system.

**Article 11** To defend sovereignty and independence of the Pridnestrovskajaia Moldavskajaia Respublica, the Armed Forces are established. The order of establishment and activity of the Armed Forces is determined by law.

**Article 12** Status of official language on an equal basis is given to the Moldavian, Russian, and Ukrainian languages.

**Article 13** The Pridnestrovskaja Moldavskaja Respublica has its own national flag, National Emblem and state anthem, which are symbols of the republic and are approved by law. Capital of the Pridnestrovskaja Moldavskaja Respublica is the city of Tiraspol.

**Article 14** The Pridnestrovskaja Moldavskaja Respublica consists of: the following towns - Bendery (with villages - Varnitsa, Ghyska, Protyagailovka), Dubossary, Rybnitsa, Tiraspol; and Grigoriopol, Dubossary, Kamenka, Slobodzea, Rybnitsa regions. Borders and territory of the Pridnestrovskaja Moldavskaja Respublica are determined by law.

**Article 15** Provisions of this Section of the Constitution constitute the principles of the constitutional system of the Pridnestrovskaja Moldavskaja Respublica and cannot be changed otherwise than provided by this Constitution. Other provisions of the Constitution cannot be inconsistent with the principles of the constitutional system of the Pridnestrovskaja Moldavskaja Respublica.

## **SECTION II. RIGHTS, FREEDOMS, RESPONSIBILITIES AND GUARANTEES OF PERSON AND CITIZEN**

**Article 16** Person, his rights and freedoms are of supreme value to the society and the state. Responsibility of the state is to protect rights and freedoms of person and citizen. Basic human rights and freedoms are inalienable and belong to everybody from birth.

**Article 17**      Everybody has equal rights and freedoms and is equal before law without distinction as to sex, race, nationality, language, religion, social origin, views, personal and social status.      Benefits and privileges can be established only by law and should be consistent with the principles of social justice.

**Article 18**      Restriction of rights and freedoms of person and citizen is allowed only in cases envisioned by law, in the interest of national security, public order, protection of morality, of people's health, rights and freedoms of other individuals.      No one can enjoy benefits and privileges inconsistent with law.

**Article 19**      Everybody has the right to life. The state protects the right to life of person from any infringement.      Capital punishment, until it is abolished, can be applied according to law as an exceptional punishment for committing grave crimes against life and only according to the sentence passed.

**Article 20**      Everybody has the right to liberty and security of person. No one can be arrested or detained otherwise than provided by law.      A detainee has the right to judicial review of lawfulness of his detention or arrest.

**Article 21**      No one can be subjected to torture, cruel, inhuman or degrading treatment and punishment, as well as be object of medical or other experiments without his own consent.

**Article 22** A person accused in committing a crime is innocent until proven guilty in accordance with the established by law procedure and the sentence of guilty passed and come into legal force. An accused is not bound to prove his innocence.

**Article 23** No one must testify against himself, his spouse, close relations, whose circle is determined by law. Evidence obtained with violation of law does not have any legal force.

**Article 24** Everyone has the right to protection of his good name, protection against infringement on his honour and dignity, against interference with his private life; as well as has the right to personal and family secret, and to inviolability of the home. No one has the right of visit and search of the house, to violate the secrecy of correspondence and telephone conversations otherwise than in cases and in order stipulated by law.

**Article 25** Citizens of the Pridnestrovskaja Moldavskaja Respublica have the right to freedom of movement and residence within the republic, to leave it and to come back unimpededly.

**Article 26** Maternity and childhood, family are under the protection of the state. Care for children and their upbringing are an equal right and duty for parents. Able to work children, who have reached the age of 18, must take care of their disabled parents.

**Article 27** Everyone has the right on the freedom of thought, speech and opinion. Everyone has the right in any legal way to seek, receive and spread any information, except for the one directed against existing constitutional system, or being State secret. List of information being State secret is determined by law. Everybody is ensured the freedom of opinion and expression.

**Article 28** The media is not subjected to censorship.

**Article 29** Citizens of the Pridnestrovskaja Moldavskaia Respublica are ensured the right to get, keep and spread full, reliable and timely information concerning activity of state organs, of public associations, concerning political, economic, and international life, the state of environment. Organs of state power and management, institutions of local self-government, and their officials must provide a citizen of the Pridnestrovskaja Moldavskaia Respublica with the possibility to get acquainted with documents and materials concerning his rights and legitimate interests, unless otherwise provided by law.

**Article 30** Freedom of conscience is ensured to everybody. Everybody has the right to profess any religion or not to profess any. Any forced implanting religious views is inadmissible.

**Article 31** Citizens of the Pridnestrovskaja Moldavskaia Respublica have the right to participate in running public and state affairs both directly and through their representatives. This participation is carried out through the local self-government, holding referenda, and democratic formation of state organs. Citizens of the Pridnestrovskaja Moldavskaia Respublica can freely



elect and be elected into state organs on the basis of universal, equal and direct suffrage by the secret ballot.

**Article 32** The state ensures the freedom of assembly, rallies, street processions, demonstrations and pickets, which do not violate law and order, as well as rights, of other citizens of the Pridnestrovskaya Moldavskaya Respublica. The order of holding the abovementioned activities is determined by law.

**Article 33** Citizens of the Pridnestrovskaya Moldavskaya Respublica have the right to join in trade unions, political parties and other associations, to participate in mass movements not prohibited by law.

**Article 34** Judges, prosecutor's office personnel, personnel of organs of interior affairs, of the committee of state control, of security organs, as well as servicemen cannot be members of political parties and other public associations set to achieve political goals.

**Article 35** Labour is free. Everybody has the right to freely use his abilities to work, to choose the kind of his labour activity and occupation. Forced labour is prohibited. Everybody has the right to work in the conditions meeting the requirements of security and hygiene, to be rewarded for labour without any discrimination and no less than the established by law minimum level of salary; as well as the right to protection against unemployment. The right is recognized to individual and collective labour disputes with the use of established by law ways of their resolution, including the right to strike. Everybody has

the right to rest. An employee is ensured the length of working time, holidays and red-letter days, paid annual leave, established by law.

**Article 36** Everyone has the right to freely use his abilities and property for business and another, not prohibited by law, economic activity.

**Article 37** The state ensures the right of property to everyone. The owner, at his own discretion, possesses, enjoys and disposes the property belonging to him. No one can be deprived of his property otherwise than under a court's decision. Exercising the right of property should not damage the environment, historic and cultural values, infringe upon rights and protected by law interests of other individuals or the state. The right of succession is ensured.

**Article 38** Everyone has the right to social security in his old age, in case of disability, as well as in case of loss of bread-winner, and in other cases determined by law. Pensions, benefits and other types of social assistance cannot be less than a level officially determined by the state.

**Article 39** Citizens of the Pridnestrovskaja Moldavskaia Respublica are ensured the right to health protection, including free medical service and treatment in state public health institutions.

**Article 40** Everybody has the right to secure for life and health environment and to compensation of the harm caused by violation of this right.

**Article 41**     Everybody has the right to education.     Citizens are ensured free general secondary education and free high professional education in state educational institutions.     Everybody has the right, on a competitive basis according to his abilities, to get free higher education in state educational institutions.     General secondary education is compulsory.     The Pridnestrovskaja Moldavskaia Respublica establishes state educational standards, supports different forms of education and self-education.

**Article 42**     Every citizen of the Pridnestrovskaja Moldavskaia Respublica has the right to housing. No one can be arbitrary deprived of housing.     Organs of state power encourage house-building, create conditions for exercising the right to housing.     Poor people and other mentioned in the law citizens, who are in need of housing, are provided with it free of charge or for reasonable pay from state or other housing funds according to norms provided by law.

**Article 43**     Everybody has the right to maintain his ethnicity, as well as nobody can be forced to name and indicate his ethnicity.     Insult of national dignity should be punished as provided by law.     Everybody has the right to use his mother tongue and to choose a language of communication.

**Article 44**     Citizens of the Pridnestrovskaja Moldavskaia Respublica have the right to freedom of artistic, scientific and technical creative work.     Intellectual property is protected by law.     The state takes care of cultural, scientific, and technical development of society.

**Article 45** The state ensures rights and freedoms of citizens laid down in the Constitution. The list of rights and freedoms, given in the Constitution, should not be interpreted as negation or derogation of other universally recognized rights and freedoms.

**Article 46** Everybody is ensured judicial defense of his rights and freedoms, as well as the right to appeal to the court against illegal decisions and actions of state organs, officials, and public associations.

**Article 47** Exercising rights and freedoms is inseparable from fulfilment by citizen and person his duties before society and the state.

**Article 48** Defense of the Pridnestrovskajaia Moldavskajaia Respublica is a sacred duty for everybody. Law establishes universal military service.

**Article 49** Everybody must observe the Constitution and laws, as well as respect rights, freedoms, honour and dignity of other people.

**Article 50** Everybody must take care of the environment.

**Article 51** Everybody must protect cultural and spiritual heritage of the people of the Pridnestrovskajaia Moldavskajaia Respublica.

**Article 52** Everybody must pay taxes and local duties determined by law.

**SECTION III. PRINCIPLES OF STATE ADMINISTRATION *Chapter 1.***  
***DEVELOPMENT OF PRINCIPLES OF THE CONSTITUTIONAL SYSTEM***

**Article 53** 1. Everybody shall have the right on compensation by the state, local self-government, of the harm caused by illegal commission (or omission) of organs of state power, of local self-government, or of their officials. 2. Respect for human dignity, as well as full, unconditional and immediate protection of rights and freedoms of person and citizen, and providing conditions for free development of citizens shall be the responsibility of organs of state power, of local self-government and officials. 3. Any normative legal acts affecting rights, freedoms and duties of person and citizen may not be applied without being published officially for general knowledge.

**Article 54** 1. In conditions of state of emergency or martial law, under the constitutional law, constitutional rights and freedoms of person and citizen determined by Articles 4, 20, 24, 25, 27, 28, 31, 32, 33, 35, 36, 37 of this Constitution may be restricted. In conditions of state of economic emergency, under the constitutional law, constitutional rights and freedoms of person and citizen determined by Articles 4, 35, 37 of this Constitution may be restricted. Restrictions of constitutional rights and freedoms of person and citizen mentioned in this Article may be established with mentioning limits and terms of them being in force. Other constitutional rights and freedoms of person and citizen may not be restricted. 2. State of emergency, martial law or economic emergency state on the territory of the Pridnestrovskajaia Moldavskaia

Republica may be declared under the circumstances and in the order provided by the constitutional law.

**Article 55** 1. The Pridnestrovskaaia Moldavskaaia Respublica shall be a presidential republic. 2. Competences of two or three branches of power may not be concentrated in the hands of one organ or one person. The legislative power may not belong to one person. Executive organs of state power may not be given competences to issue laws; and the legislative power may not be given administrative competences for operational management of organs and institutions of executive and judicial organs of state power. Each of the organs of state power shall be given controlling functions within its respective competences provided by this Constitution and law. 3. Judicial authority shall be exercised by courts, whose decisions shall be taken on behalf of the Pridnestrovskaaia Moldavskaaia Respublica Republic.

**Article 56** The Pridnestrovskaaia Moldavskaaia Respublica as a sovereign state through establishment, in the order provided for by this Constitution and legislation, of organs of state power and administration, as well as state officials, shall undertake to perform the following main functions: a) creating and preserving a favourable environment; b) providing public health services; c) establishing and functioning social security and public protection systems, as well as a system of employment of able-bodied population; d) development of science, culture, as well as providing education opportunities for population; e) conducting the foreign policy; f) forming and ensuring operation of financial system of the state; g) ensuring development of national economy; h) functioning both internal and external trade; i) providing conditions for operation of transport and communication as single systems; j) providing conditions for functioning the agricultural sector of economy aimed at satisfaction of needs of the population; k) preserving and rational exploitation of natural resources; l) providing conditions for

operation of industry and power engineering; m) ensuring defense capability of the state; n) ensuring domestic security for normal functioning of the state; o) exercising law-enforcement activity for security and benefit of the population; p) ensuring operation of justice organs; q) other matters requiring a uniform solving and application on the territory of the Pridnestrovskaya Moldavskaya Respublika for ensuring welfare and well-being of the population.

**Article 57** If an international treaty of the Pridnestrovskaya Moldavskaya Respublika establishes other rules than provided for by the legislation of the Republic, it may be ratified by the Supreme Soviet only after adoption (or simultaneously with adoption) a law by it, introducing amendments into the legislation currently in force according to the international treaty of the Pridnestrovskaya Moldavskaya Respublika, which is subject to ratification.

**Article 58** Unless it leads to restriction of rights and freedoms of person and citizen provided for by Section II of this Constitution and is inconsistent with the principles of the constitutional system, the exercising of certain competencies of organs of state power may be delegated through passing a constitutional law in the order determined in Article 57 of this Constitution to another state or supranational institutions, to the extent, to which it will not mean for the Pridnestrovskaya Moldavskaya Respublika a refusal from its sovereignty.

## ***Chapter 2. Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika***

**Article 59** 1. The Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika (hereinafter "the Supreme Soviet") shall be the representative and the

only legislative organ of state power in the Pridnestrovskaya Moldavskaya Respublika. The Supreme Soviet shall consist of 43 members. 2. The Supreme Soviet shall be elected for the term of five years. Next elections of deputies to the Supreme Soviet shall be held on the second Sunday of December of the year, in which the term of office of the outgoing Supreme Soviet expires. The Supreme Soviet as an organ of state power shall be competent to act provided not less than two-thirds of the established number of its deputies have been elected. Competences of the Supreme Soviet shall begin from the moment of opening its first session and finish with the beginning of work of the first session of the Supreme Soviet of a new convocation. 3. The President of the Pridnestrovskaya Moldavskaya Respublika shall convoke the Supreme Soviet for its first sitting on the 30th day, at the latest, after election of not less than two-thirds of the established number of deputies of the Supreme Soviet. The President of the Pridnestrovskaya Moldavskaya Respublika shall open the first sitting of the Supreme Soviet and entrust presiding over it to an eldest deputy till its Chairman is elected in the established order.

**Article 60** 1. Deputies of the Supreme Soviet shall be elected by citizens of the Republic on the basis of universal, equal and direct suffrage by secret ballot. As a deputy of the Supreme Soviet can be elected an eligible to vote citizen of the Pridnestrovskaya Moldavskaya Respublika, who has reached by the election day the age of 25 and is a resident of the Republic. A deputy of the Supreme Soviet may not be President or Vice-President of the Pridnestrovskaya Moldavskaya Respublika a judge or a prosecutor, be in the Civil Service or in service in organs of local self-government, be a deputy of other representative and elective organs of state power and local self-government. Furthermore, a deputy of the Supreme Soviet working in the Supreme Soviet and its working organs on the permanent professional basis, shall not have a right to hold other paid posts, be engaged in another paid activity, except for teaching, scientific or another creative activity, be engaged in business, as well as be a member of a managing or a supervisory board of a commercial organization. Violation of this rule shall lead to stopping of office of a deputy of the Supreme



Soviet. Elections of deputies of the Supreme Soviet shall be held on the basis of a majority electoral system (of a relative majority) in electoral districts established on the territory of the Pridnestrovskaya Moldavskaya Respublika. The order of holding elections shall be determined by law.

2. For his activity in the Supreme Soviet a deputy of the Supreme Soviet shall get payment and receive compensation for his expenses related to exercising his powers as a deputy. A deputy of the Supreme Soviet must attend sittings of the Supreme Soviet and its working organs. Absence of a deputy of the Supreme Soviet at sittings of the Supreme Soviet and its working organs without any valid reason shall entail application of measures of penalty determined by law towards the deputy of the Supreme Soviet.

3. A deputy of the Supreme Soviet may not be made answerable for an opinion expressed by him or a decision taken in the process of his activity as a deputy. A deputy of the Supreme Soviet shall enjoy immunity during the entire term of his office. He may not be detained, arrested, subjected to search, except for the cases of arresting him at the place of committing a crime, as well as be subjected to a personal search, except for the cases provided for by laws of the Pridnestrovskaya Moldavskaya Respublika in order to ensure security of other people. A question of deprivation a deputy of the Supreme Soviet of his immunity shall be decided by the Supreme Soviet upon presentation by the Prosecutor General of the Pridnestrovskaya Moldavskaya Respublika.

4. Status of a deputy of the Supreme Soviet shall be determined by the constitutional law.

**Article 61** 1. The Supreme Soviet shall elect its Chairman and Deputy Chairmen from among its members. In the matters put under its jurisdiction by this Constitution, the Supreme Soviet shall establish permanent, provisional and other working organs. The order of electing the Chairman and Deputy Chairmen of the Supreme Soviet, as well as the order of forming and functioning the organs established by the Supreme Soviet, shall be determined by procedure rules of the Supreme Soviet.

2. In their activity, the Supreme Soviet and organs established by it from among deputies of the Supreme Soviet must take into account rights of the minority (1/5 of deputies of the Supreme Soviet has the right

at any moment during taking a decision to demand to take a vote by secret ballot or by roll-call before a decision on open ballot is taken), as well as the right of any deputy of the Supreme Soviet to demand to give publicity to information about affirmative and dissenting votes cast by deputies on a question. 3. Two-thirds of the number of deputies elected to the Supreme Soviet shall make a quorum necessary for passing legal acts.

**Article 62** 1. The Supreme Soviet of the Pridnestrovskajaia Moldavskaia Respublica shall be competent to consider and take decisions on all the matters put by this Constitution under legislative regulation and performing its controlling functions. A legislative act cannot be passed by the Supreme Soviet at its sitting without its preliminary consideration by a working organ of the Supreme Soviet. 2. Through passing legislative acts, the Supreme Soviet of the Pridnestrovskajaia Moldavskaia Respublica shall:

- a) fix republican taxes and dues, establish a list of local taxes and dues, as well as the order of collecting and introducing them; determine a maximum amount of the tax load on a taxpayer; establish limits of the state debt and the amount of a single borrowing, in case of exceeding of which this action must be coordinated with the Supreme Soviet, as well as the order or objects of its securing; take decision on the currency issue in limits exceeding the amount established by law for independent decision by the Central Bank of the state.
- b) consider and approve, in the framework of a long-term budget planning, republican programmes of economic, social, and cultural development, which have a national status; pass the budget and establish measures of interbudget regulation;
- c) take decisions on the administrative and territorial division of the Pridnestrovskajaia Moldavskaia Respublica, including those on changing the borders of the Pridnestrovskajaia Moldavskaia Respublica by mutual agreement of bordering states.
- d) ratify and denounce international treaties of the Pridnestrovskajaia Moldavskaia Respublica Republic;
- e) introduce changes and amendments into the Constitution in the established order, introduce changes and amendments into legislative acts currently in force;
- f) carry out legislative regulation of other questions, which require uniform solving and application on the territory of the Pridnestrovskajaia Moldavskaia

Respublica. 3. The Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublica shall consider, in the established order and terms, and take decisions, by issuing legislative acts, on: a) approval of President's decrees on introduction of martial law or the state of emergency; b) the matters of war and peace; c) announcement of an amnesty; d) approval of a concept of domestic and foreign policy, as well as of national security of the Pridnestrovskaya Moldavskaya Respublica and its military doctrine; e) holding on the territory of the Pridnestrovskaya Moldavskaya Respublica a referendum or nationwide discussion of most important matters of state or public life; f) appointment and dismissal of Chairmen of the Constitutional Court, Supreme Court and the Court of Arbitration, upon presentation by the President of the Pridnestrovskaya Moldavskaya Respublica; as well as on appointment and dismissal of two judges of the Constitutional Court; g) appointment for the term of office provided by law, as well as on dismissal, upon presentation by the President of the Pridnestrovskaya Moldavskaya Respublica, the Prosecutor General of the Pridnestrovskaya Moldavskaya Respublica and the Chairman of the Central Bank of the state; h) interpretation of laws and legal acts of not legislative character, passed by the Supreme Soviet; i) shall pass other acts and take other decisions, which do not require legislative regulation; 4. The Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublica shall have the right, for performing its controlling functions, to consider in the established order and terms and to take decisions, based on the results of consideration, on: a) abolishing acts of local Soviets of People's Deputies (local representative organs of state power), in case of their inconsistency with the Constitution and the laws of the Pridnestrovskaya Moldavskaya Respublica; as well as proposing elective organs and officials of local self-government to bring their own respective legal acts in line with the laws currently in force; b) dissolution of local Soviets of People's Deputies (local representative organs of state power) and calling new elections, in case they violate the Constitution, laws, rulings of the Supreme Soviet or acts of the President of the Pridnestrovskaya Moldavskaya Respublica, and reject to bring their decisions in line with the legislation; c) removal from office persons holding superior state posts in the Pridnestrovskaya Moldavskaya Respublica, and Cabinet Ministers, in the cases and in the order established by the Constitution and law. d) submitting a report to the President concerning an improper

performance or non-performance of duties by an official or an organ of state power or administration. The Supreme Soviet, in the course of performing its controlling functions, shall have the right to pass other acts (take other decisions), as well as to control implementation of legislative and other acts by organs of power and administration, and officials. Decisions on dismissal, on early dissolution of local Soviets of People's Deputies shall be taken by not less than two-thirds of votes of the established by the Constitution number of deputies of the Supreme Soviet. In the course of performing its controlling functions, the Supreme Soviet shall hear a report on budget performance, on performance of economic and other programs, which have a status of the national ones (requiring for their performance attraction of funds besides those envisaged in the budget, as well as additional reglamentation of legislative character).

**Article 63** 1. In the course of performing its legislative function, the Supreme Soviet shall pass constitutional laws, laws and rulings. Changes and amendments to the Constitution shall be introduced by the Supreme Soviet through issuing a constitutional law. 2. Unless otherwise provided by the Constitution and law, rulings shall be taken by a majority of votes of deputies attending the sitting of the Supreme Soviet, provided there is a quorum. 3. Laws shall be considered and passed at least in two readings to be held in different sittings of the Supreme Soviet not taking place in one day. Bills on introduction of changes and amendments into laws passed earlier may be approved during one sitting, unless there is an objection against such an approval from subjects of legislative initiative, with them having this bill for acquaintance during an established period before its consideration by the Supreme Soviet. Laws of the Pridnestrovskaja Moldavskaia Respublica (including codes, laws on introduction of changes and amendments into the laws currently in force) shall be passed by a majority of votes of the established by this Constitution number of deputies of the Supreme Soviet. Introduction of changes into the Constitution, adoption of constitutional laws and introduction of changes and amendments into them shall be approved by two-thirds of votes of the established by the Constitution number of deputies of the Supreme Soviet. Laws may not be inconsistent with the Constitution of the

Pridnestrovskaja Moldavskaja Respublica. 4. The order and terms of putting in force an adopted legislative act shall be provided exclusively by law. Laws shall be published officially. Unpublished laws shall not be applied. 5. The Supreme Soviet shall adopt legal acts of legislative character only in the form of laws, and every law, except for financial ones and those introducing changes or amendments or revising the legislation currently in force, shall regulate only one subject. Financial laws shall regulate only financial matters. The Supreme Soviet should not pass legal acts of special or local (and equally individual) action, if there is a law or an existing law can be applied for the case requiring legal regulation. In case of passing by the Supreme Soviet a legal act of special or local action, the question about its competence in taking such an action shall be decided in court. List of constitutional laws of the Pridnestrovskaja Moldavskaja Respublica shall be provided by this Constitution. 6. Violation of the procedure of introduction, consideration and approval of a bill puts it out of force and makes it not a subject for application, what shall be decided by court.

**Article 64** 1. The right of legislative initiative shall be vested in the President of the Pridnestrovskaja Moldavskaja Respublica, deputies of the Supreme Soviet, Prosecutor General of the Pridnestrovskaja Moldavskaja Respublica, as well as in district and city Soviets of People's Deputies of the Pridnestrovskaja Moldavskaja Respublica. The right of legislative initiative shall also belong to the Constitutional Court, the Supreme Court and to the Court of Arbitration of the Pridnestrovskaja Moldavskaja Respublica in the matters under their respective jurisdiction, as well as to republican associations of trade unions as regards employment and social and economic matters. Subjects of legislative initiative shall take part in the law-making process in the Supreme Soviet at all its stages (except for voting) on equal basis and may not be therein restricted, unless otherwise directly provided by this Constitution. 2. The President of the Pridnestrovskaja Moldavskaja Respublica shall be entitled to introduce the regime of legislative necessity when considering most important legislative acts, requiring consideration and adoption by the Supreme Soviet in the shortest possible term. In case of introducing this regime, the Supreme Soviet must suspend consideration of

other bills, except for the one introduced in the regime of legislative necessity. A bill introduced by the President in the regime of legislative necessity should be considered and passed or rejected in the established order during sittings of a session of the Supreme Soviet within the period agreed with the President.

**Article 65** 1. An adopted legislative act shall be sent to the President of the Pridnestrovskaya Moldavskaya Respublika for signing and promulgation in the established order. The President of the Pridnestrovskaya Moldavskaya Respublika, within the period of 14 days from the date of receiving a law, shall consider, sign and promulgate it. 2. If the President of the Pridnestrovskaya Moldavskaya Respublika within the period of 14 days from the date of receiving the law rejects it and sends it or its part for reconsideration, the Supreme Soviet shall reconsider this law or its part in the established order. If during reconsideration the law or its part is approved in the earlier adopted wording by at least a two-thirds majority of votes of the established by the Constitution number of deputies of the Supreme Soviet, it shall be signed by the President of the Pridnestrovskaya Moldavskaya Respublika within the period of 7 days and promulgated. The President of the Pridnestrovskaya Moldavskaya Respublika shall be entitled to reject and to send for reconsideration particular articles of a financial law or to propose cutting down allocations approved by the Supreme Soviet. Rejection and sending for reconsideration a particular article or a provision of a financial law shall not be an obstacle for its signing and putting in force. The procedure of reconsideration and adoption of a law or its particular part should be similar to that set forth in part 1, paragraph 2 of this Article. 3. The President of the Pridnestrovskaya Moldavskaya Respublika cannot reject and send for reconsideration constitutional laws, changes and amendments to the Constitution, adopted by the Supreme Soviet in the established order, but must sign and promulgate them. The President of the Pridnestrovskaya Moldavskaya Respublika cannot reject decisions related to removal of officials holding top state posts, as well as to early dissolution of local Soviets of People's Deputies.

**Article 66** For performing its controlling functions the Supreme Soviet of the Pridnestrovskaja Moldavskaja Respublica shall be entitled to establish appropriate organs, whose establishment and order of functioning shall be provided by law.

**Article 67** 1. The Supreme Soviet shall have the exclusive right to initiate the procedure of dismissal from office and to take a decision on dismissal from office of top state officials of the Pridnestrovskaja Moldavskaja Respublica (President, Vice-President, Chairman of the Constitutional Court, Chairman of the Supreme Court, Chairman of the Court of Arbitration, Prosecutor General), and Cabinet Ministers on the basis of a finding of the Supreme Court of the Pridnestrovskaja Moldavskaja Respublica confirming *corpus delicti* in their actions, and of a finding of the Constitutional Court of the Pridnestrovskaja Moldavskaja Respublica as to observance the established order of bringing a charge, if as a result of consideration they are found guilty in high treason, corruption, deliberate breaching the Constitution having entailed grave consequences, as well as in other grave crimes. 2. A decision of the Supreme Soviet concerning bringing a charge and dismissal from office shall be considered on the initiative by at least one-third of the determined by the Constitution number of deputies of the Supreme Soviet, provided there is a resolution of a special commission established by the Supreme Soviet. A decision on dismissal should be considered by the Supreme Soviet within the two-month period after charging. If a decision is not taken by the Supreme Soviet within this period, the charge shall be considered rejected. 3. Decision on dismissal shall be taken by at least two-thirds of votes of the established by the Constitution number of deputies of the Supreme Soviet. Taking such a decision shall mean removal from the office held.

***Chapter 3. President of the Pridnestrovskaja Moldavskaja Respublica.  
Executive Power.***

**Article 68** 1. President of the Pridnestrovskaya Moldavskaya Respublika shall be elected by citizens of the Republic on the basis of universal, equal and direct suffrage by secret ballot. 2. As President of the Pridnestrovskaya Moldavskaya Respublika may be elected an eligible to vote citizen of the Pridnestrovskaya Moldavskaya Respublika, who reached the age of 35, has citizenship of the Pridnestrovskaya Moldavskaya Respublika for at least 10 years and is resident of the Republic. The same restrictions shall apply to a citizen being elected on the post of Vice-President of the Pridnestrovskaya Moldavskaya Respublika. 3. Elections of the President of the Pridnestrovskaya Moldavskaya Respublika shall be held on the basis of the majority electoral system (of relative majority). At the same time and for the same term of office as President of the Pridnestrovskaya Moldavskaya Respublika, Vice-President of the Pridnestrovskaya Moldavskaya Respublika shall be elected. President of the Pridnestrovskaya Moldavskaya Respublika shall be elected for the term of five years. Next elections of President and Vice-President of the Pridnestrovskaya Moldavskaya Respublika shall be held on the second Sunday of December of the year, in which the term of office of the outgoing President expires. No other elections, as well as electing procedures, may not be held on this day and 30 days before and after it. The order of holding elections shall be determined by law. 4. Term of office of the President of the Pridnestrovskaya Moldavskaya Respublika may end early in case of his resignation, stable inability for health reasons to exercise his powers, death or dismissal from the office in the order envisaged in Article 67 of this Constitution. In all cases of inability of the President of the Pridnestrovskaya Moldavskaya Respublika to exercise his powers, those shall be exercised by the Vice-President of the Pridnestrovskaya Moldavskaya Respublika pending the reasons preventing the President from exercising his powers are eliminated or President of the Pridnestrovskaya Moldavskaya Respublika is elected in the established order. In case of simultaneous inability of President and Vice-President of the Pridnestrovskaya Moldavskaya Respublika to exercise their powers, those shall be entrusted to an official to be determined by the Supreme Soviet through passing an appropriate law. The official shall perform duties of the President of the Pridnestrovskaya Moldavskaya Respublika pending the reasons



preventing the President from exercising his powers are eliminated, or President of the Pridnestrovskaya Moldavskaya Respublika is elected in the established order. In case of early ending the term of office of President of the Pridnestrovskaya Moldavskaya Respublika due to the abovementioned reasons, elections of President of the Pridnestrovskaya Moldavskaya Respublika shall be held on the second Sunday of the month following three months after the date of the early ending of the President's term of office. Early elections of President of the Pridnestrovskaya Moldavskaya Respublika shall not be held if it remains less than six months until the next elections of President of the Pridnestrovskaya Moldavskaya Respublika are to be held. 5. Status of President and Vice-President of the Pridnestrovskaya Moldavskaya Respublika shall be determined by the constitutional law. President and Vice-President of the Pridnestrovskaya Moldavskaya Respublika shall enjoy personal inviolability.

**Article 69** 1. Before taking office the person elected President of the Pridnestrovskaya Moldavskaya Respublika shall be sworn in to the following: "I swear when exercising powers of President of the Pridnestrovskaya Moldavskaya Respublika to observe and protect the Constitution and laws of the Pridnestrovskaya Moldavskaya Respublika, respect rights and freedoms of person and citizen, protect sovereignty and independence, security and integrity of the state, faithfully serve the people of the Pridnestrovskaya Moldavskaya Respublika." 2. The oath shall be taken within 30 days after an official announcement of the elections\ results in the solemn atmosphere at a special sitting of the Supreme Soviet with participation of representatives from executive and judicial organs of state power. The moment of swearing the oath is that of taking the office by the President of the Pridnestrovskaya Moldavskaya Respublika. The outgoing President performs his duties pending taking the office by a newly elected President of the Pridnestrovskaya Moldavskaya Respublika.

**Article 70** 1. President of the Pridnestrovskaya Moldavskaya Respublika shall be Head of State, as well as head of the executive power in the Republic. 2. President of the Pridnestrovskaya Moldavskaya Respublika shall be a guarantor of the Constitution and laws of the Pridnestrovskaya Moldavskaya Respublika, of rights and freedoms of person and citizen; he shall ensure strict observance of the Constitution and the laws. In the order established by the Constitution, he shall take measures for protection of sovereignty of the Republic, its independence and territorial integrity, and ensure concerted functioning and cooperation of all organs of state power. 3. President of the Pridnestrovskaya Moldavskaya Respublika, in accordance with the Constitution and the laws, shall build up a concept of domestic and foreign policy of the state, and take measures for its implementation. 4. President of the Pridnestrovskaya Moldavskaya Respublika, within his powers provided by this Constitution, shall represent the Pridnestrovskaya Moldavskaya Respublika within the state and in its international relations. 5. Powers of Vice-President of the Pridnestrovskaya Moldavskaya Respublika shall be determined by President of the Pridnestrovskaya Moldavskaya Respublika.

**Article 71** 1. President of the Pridnestrovskaya Moldavskaya Respublika shall be Commander-in-Chief of the Armed Forces of the Pridnestrovskaya Moldavskaya Respublika and accordingly on his own or by agreement with the Supreme Soviet shall take any legal measures aimed at strengthening defense capability of the Republic. In case of aggression against the Pridnestrovskaya Moldavskaya Respublika or immediate threat of aggression, President of the Pridnestrovskaya Moldavskaya Respublika shall introduce martial law on the territory of the Pridnestrovskaya Moldavskaya Respublika and immediately inform of it the Supreme Soviet. President of the Pridnestrovskaya Moldavskaya Respublika, under the circumstances and in the order envisaged by the constitutional law, shall introduce the state of emergency on the territory of the Pridnestrovskaya Moldavskaya Respublika or in its particular localities. 2. President of the Pridnestrovskaya Moldavskaya Respublika shall carry out general direction over executive organs of state power and administration, as well as

ensure their interaction with other organs of state power in the Pridnestrovskaya Moldavskaya Respublika. Executive organs of state power and administration, officials heading them shall be accountable to the President. 3. President of the Pridnestrovskaya Moldavskaya Respublika shall have the right to pardon. President of the Pridnestrovskaya Moldavskaya Respublika shall deal with questions related to citizenship of the Pridnestrovskaya Moldavskaya Respublika and granting political asylum. President of the Pridnestrovskaya Moldavskaya Respublika shall institute national decorations of the Pridnestrovskaya Moldavskaya Respublika, honorary and special titles, shall award national decorations, confer honorary titles of the Pridnestrovskaya Moldavskaya Respublika, top military ranks and special ranks, highest qualification classes and class ranks. 4. President of the Pridnestrovskaya Moldavskaya Respublika shall address with messages the people and the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika, shall periodically inform of most important matters of the domestic and foreign policy activity of the Pridnestrovskaya Moldavskaya Respublika, present annual reports to the Supreme Soviet on the situation in the Republic, and propose to its consideration the measures he deems necessary and useful. 5. President of the Pridnestrovskaya Moldavskaya Respublika shall carry out general management of the foreign policy of the Pridnestrovskaya Moldavskaya Respublika, therewith concluding international treaties of the Pridnestrovskaya Moldavskaya Respublika, shall sign instruments of ratification in case of ratification of an international treaty by the Supreme Soviet, and take credentials and letters of recall of diplomatic representatives.

**Article 72** 1. The President of the Pridnestrovskaya Moldavskaya Respublika shall issue decrees and enactments. 2. Decrees and enactments of the President of the Pridnestrovskaya Moldavskaya Respublika shall be legal acts of sub-law character, which must not be inconsistent with the Constitution and the laws of the Pridnestrovskaya Moldavskaya Respublika. Legal acts of the President of the Pridnestrovskaya Moldavskaya Respublika, of executive organs of state power and administration, issued within their respective competences, shall

be binding throughout the territory of the Pridnestrovskaja Moldavskaja Respublica.

**Article 73** 1. Within main directions of domestic and foreign policy and in the framework, established by law, each Minister, head of Department, head of state administration on his own and within his responsibility shall run affairs in the sphere of management and on the administrative territory under his jurisdiction. 2. With the purpose of an efficient fulfillment of functions of the state determined by this Constitution, President of the Pridnestrovskaja Moldavskaja Respublica shall take decisions as to establishment of Ministries, Departments, and other institutions of state administration. 3. President of the Pridnestrovskaja Moldavskaja Respublica shall, in the established order, determine matters put under jurisdiction of Ministries, Departments and other organs of state administration, as well as on his own determine competences of state officials of the executive power. President of the Pridnestrovskaja Moldavskaja Respublica shall have the right to reject or suspend legal acts of Ministries and Departments, state administrations and other organs of state power, which are subordinate to or under control of the President.

**Article 74** 1. To exercise his powers as a head of the executive power, President of the Pridnestrovskaja Moldavskaja Respublica shall form the Cabinet. The following matters shall come within jurisdiction of the Cabinet: a) working out measures for carrying out domestic and foreign policy of the state aimed at promoting socio-economic development of the state and satisfaction of needs of society; b) working out appropriate measures aimed at implementation of legislative acts of the Pridnestrovskaja Moldavskaja Respublica; c) carrying out legislative initiative in the Supreme Soviet through the President of the Pridnestrovskaja Moldavskaja Respublica; d) exercising other powers entrusted to the Cabinet by the President of the Pridnestrovskaja Moldavskaja Respublica, with the President of the

Pridnestrovskaja Moldavskaja Respublica not entitled to delegate to the Cabinet powers put by this Constitution under the exclusive jurisdiction of the President of the Pridnestrovskaja Moldavskaja Respublica. All decisions taken by the Cabinet shall be put in force by the President of the Pridnestrovskaja Moldavskaja Respublica.

2. Ministers, Heads of Departments and other executive organs of state power and administration, their Deputies and other officials of executive organs of state power and administration, which are immediately subordinate to the President of the Pridnestrovskaja Moldavskaja Respublica, as well as ambassadors, other plenipotentiaries of the Republic, shall be appointed on their posts and dismissed by the President of the Pridnestrovskaja Moldavskaja Respublica, except for the cases stipulated in the Constitution. President of the Pridnestrovskaja Moldavskaja Respublica shall be entitled to appoint temporarily on all vacancies opening within the period between sessions of the Supreme Soviet in state posts, appointment to which shall be made by the Supreme Soviet upon presentation by the President of the Pridnestrovskaja Moldavskaja Respublica, pending filling these posts in the established order at the next session. End of the term of office of President of the Pridnestrovskaja Moldavskaja Respublica shall lead to resignation of Cabinet Ministers and other officials immediately subordinate to the President of the Pridnestrovskaja Moldavskaja Respublica.

3. President, Vice-President of the Pridnestrovskaja Moldavskaja Respublica, Ministers, Heads of Departments, other state officials of executive organs of power shall not be allowed to hold other paid offices, be engaged in business or another activity, except for scientific, teaching or another creative activity, sit in a managing board or a supervisory council of a commercial organization, be a deputy of the Supreme Soviet or other representative organs of the Pridnestrovskaja Moldavskaja Respublica; they shall also suspend, for the entire term of office, their membership in political parties and other public associations set to achieve political goals.

**Article 75** Ministries, Departments and other republican organs of administration shall be executive organs of state power. Ministries, Departments and other republican organs of administration shall be established

exclusively for performing functions of the state, with their activity financed only from the state budget.

**Article 76** In the Civil Service of the Pridnestrovskaya Moldavskaya Respublika shall be citizens of the Pridnestrovskaya Moldavskaya Respublika holding offices in state organs and performing tasks and functions of the state on behalf of the Pridnestrovskaya Moldavskaya Respublika. Legal status of civil servants shall be established by legislation.

#### *Chapter 4. Local State Administration and Local Self-Government*

**Article 77** 1. Soviets of People's Deputies of cities, districts, villages (settlements), which are administrative territorial units of the Republic, shall constitute part of a single system of representative organs of state power of the Pridnestrovskaya Moldavskaya Respublika. 2. Deputies of city, district and village (settlement) Soviets of People's Deputies shall be elected on the basis of universal, equal and direct suffrage by secret ballot by residents of respective administrative territorial units for the term of five years. Elections shall be held on the basis of the majority electoral system. District Soviets of People's Deputies shall be formed according to the principle of representation of interests of the population and the territory being part of respective districts. Heads of village (settlement) administrations elected by the population of respective territories by virtue of their posts shall be Deputies of district Soviets of People's Deputies, other deputies shall be elected by population in single-mandate electoral districts. The competences, order of holding elections (order of formation), and basic principles of functioning local state administration shall be established by law.

**Article 78** 1. State administrations of towns and districts, which are administrative territorial units of the Republic, shall constitute part of the single system of executive organs of state power of the Pridnestrovskaja Moldavskaia Respublica and perform functions of state administration in the towns and on the territories of districts of the Pridnestrovskaja Moldavskaia Respublica. 2. Unless otherwise is provided by this Constitution, President of the Pridnestrovskaja Moldavskaia Respublica shall appoint and dismiss heads of state administrations.

**Article 79** The system of local self-government, the order of establishment, basic principles of functioning, financial and economic basis, as well as state guarantees of independence of local self-government shall be governed by legislation of the Pridnestrovskaja Moldavskaia Respublica.

### ***Chapter 5. Judicial Authority***

**Article 80** 1. In the Pridnestrovskaja Moldavskaia Respublica justice shall be administered only by court. 2. Judicial authority shall be exercised by courts through constitutional, civil, administrative, criminal, and arbitration proceedings. Judicial system in the Pridnestrovskaja Moldavskaia Respublica shall be determined by the constitutional law according to this Constitution. It is not allowed to establish emergency courts. 3. Jurisdiction, the order of establishing and functioning courts shall be provided by this Constitution and the constitutional law. 4. The President of the Pridnestrovskaja Moldavskaia Respublica shall ensure independence of judicial power. Budget of courts should enable them exercise their constitutional powers fully and independently; budgetary provision for organs of judicial power may not be less than that for other

organs of state power in the Pridnestrovskaya Moldavskaya Respublika. Budget of courts may not be reduced during the current fiscal year without an agreement of highest organs of judicial power of the Pridnestrovskaya Moldavskaya Respublika, unless budget expenditures are cut out proportionately for all organs of state power.

**Article 81** 1. In the process of administering justice, judges shall be independent and subordinate only to the Constitution and law of the Pridnestrovskaya Moldavskaya Respublika. 2. Any interference in the activity of judges related to administration of justice by them shall be inadmissible and shall entail responsibility according to law. 3. A court, having revealed during consideration of a case an inconsistency between a normative act of a state organ or another organ and the Constitution or law, shall take a decision according to the Constitution and law.

**Article 82** Only citizens of the Pridnestrovskaya Moldavskaya Respublika, who have higher education in law and job seniority in juridical speciality at least five years, may serve as a judge. Only a citizen of the Pridnestrovskaya Moldavskaya Respublika, who has higher education in law and job seniority in juridical speciality or activity in the sphere of law at least ten years, may serve as a judge of the Constitutional Court.

**Article 83** 1. Judges, except for judges of the Constitutional Court and Justices of the Peace, shall be appointed by the President upon presentation by Chairmen of the Supreme Court and the Court of Arbitration respectively. Justices of the Peace shall be elected by the population from among individuals meeting the requirements of the first part of Article 82 of this Constitution, on the basis of universal, equal and direct suffrage by secret ballot.



Justices of the Peace shall be elected for the term of office of five years. The order of holding elections of Justices of the Peace shall be provided by law. Judges shall hold their office without any time limit until they reach the age of 65, except for judges appointed for the first time, Justices of the Peace, and individuals participating as judges in administering justice in the Constitutional Court. First appointment to the office of judge shall be made for the term of five years, except for the cases stipulated by this Constitution. 2. Term of office of a judge may end or be suspended in the order and on the grounds provided by the Constitution and the constitutional law. 3. During the term of their office judges may not be engaged in business or another activity, except for teaching, scientific and another creative activity. During the term of their office judges may not be members of political parties, and public associations set to achieve political goals. Performing duties of a judge is incompatible with performing those of a deputy.

**Article 84** 1. A judge shall have personal immunity. 2. A judge may not be made answerable otherwise than in the order provided by law.

**Article 85** 1. In all courts proceedings shall be open. Hearing cases at a closed session shall be allowed only in cases stipulated by law. 2. Justice shall be administered on the basis of controversy and equality of sides in proceedings.

**Article 86** 1. The Constitutional Court of the Pridnestrovskajaia Moldavskajaia Respublica shall be an institute of constitutional control in the Pridnestrovskajaia Moldavskajaia Respublica. The Constitutional Court of the Pridnestrovskajaia Moldavskajaia Respublica shall guarantee supremacy of the Constitution of the Pridnestrovskajaia Moldavskajaia Respublica, ensure observance of the principle of separation of powers, and guarantee responsibility of the state

before a citizen and a citizen before the state. 2. The Constitutional Court shall be composed of 6 (six) judges, including the Chairman of the Court. The term of office of a judge of the Constitutional Court shall be seven years. Exercise of powers by a judge of the Constitutional Court may be suspended or stopped only in the order provided by the constitutional law. The President of the Pridnestrovskaya Moldavskaya Respublika, the Supreme Soviet, and the congress of judges of the Pridnestrovskaya Moldavskaya Respublika each shall appoint two judges of the Constitutional Court. 3. Judges of the Constitutional Court shall be appointed from among individuals who reached the age of 40 by the day of their appointment and hold the office of a judge in other courts, as well as from among other individuals meeting the requirements of the second part of Article 82 of this Constitution. The age-limit for appointment on the post of a judge of the Constitutional Court shall be 58 years. 4. The Chairman of the Constitutional Court shall be appointed from among the judges of the Constitutional Court in the order provided by the Constitution.

**Article 87** 1. In the process of exercising constitutional control, the Constitutional Court shall resolve cases as to constitutionality of: a) laws (including constitutional ones) of the Pridnestrovskaya Moldavskaya Respublika, as well as legal acts passed by the Supreme Soviet; b) legal acts of the President of the Pridnestrovskaya Moldavskaya Respublika, of Ministries, Departments and other organs of state power, and local self-government of the Pridnestrovskaya Moldavskaya Respublika, including in the part related to necessity of resolving disputes concerning competences between organs of different branches of state power; c) international treaties of the Pridnestrovskaya Moldavskaya Respublika; d) law implementation practice; e) decisions taken and legal acts passed by elective organs and officials of local self-government. 2. The Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika, in the process of exercising constitutional control, shall decide on: a) observing the established order of bringing a charge against individuals holding top state posts in the Pridnestrovskaya Moldavskaya Respublika; b) constitutionality of signed international treaties of the Pridnestrovskaya Moldavskaya Respublika before their

ratification or confirmation; c) inconsistency of law (including the constitutional one) of the Pridnestrovskaya Moldavskaya Respublika with universally recognized principles and norms of international law, or with regulations of a ratified international treaty of the Pridnestrovskaya Moldavskaya Respublika; d) other cases stipulated by this Constitution. 3. As to complaints about violation of constitutional rights and freedoms of citizens, the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika, at the request of courts, shall check the consistency of a law applied or being a subject to application in a specific case, with the Constitution of the Pridnestrovskaya Moldavskaya Respublika, and shall consider complaints made by citizens about violation of rights and freedoms of person and citizen, being a result of application of a law or a normative act. 4. At the request of the President of the Pridnestrovskaya Moldavskaya Respublika, the Supreme Soviet, Plenums of the Supreme Court and the Court of Arbitration of the Pridnestrovskaya Moldavskaya Respublika, or the Prosecutor General of the Pridnestrovskaya Moldavskaya Respublika, the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika shall resolve cases concerning constitutionality and exercise constitutional control in the cases and on the matters as provided by paragraphs 1 and 2 of this Article, shall give an obligatory interpretation of the Constitution and constitutional laws of the Pridnestrovskaya Moldavskaya Respublika. 5. The Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika shall deal only with law related matters. Decisions of the Constitutional Court shall be taken by the majority of votes of the determined by this Constitution number of judges.

**Article 88** 1. Decisions of the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika shall be definitive. Acts or their individual provisions recognized as unconstitutional according to subparagraphs "a" and "b" of paragraph 1, Article 87 of this Constitution, shall become null and void. Recognition of an international treaty of the Pridnestrovskaya Moldavskaya Respublika as unconstitutional shall lead to consequences envisioned by international law, the Constitution and law of the Pridnestrovskaya Moldavskaya

Republica. Law implementation practice recognized as unconstitutional must be stopped; respective decisions of state organs, of local self-government and officials should be revised in the order envisioned by law.      2. The order of establishing and functioning the Constitutional Court of the Pridnestrovskaja Moldavskaia Republica, procedures observed by it and other matters shall be regulated by the constitutional law.

**Article 89**      The Supreme Court of the Pridnestrovskaja Moldavskaia Republica shall be the highest judicial organ in resolving civil, criminal, administrative and other cases falling within the competence of courts of general jurisdiction; it shall carry out judicial supervision of their activity in legal forms provided by law, and explain questions of judicial practice.

**Article 90**      The Court of Arbitration of the Pridnestrovskaja Moldavskaia Republica shall be the highest judicial organ in resolving economic disputes and other cases provided by law.

### ***Chapter 6. The Prosecutor***

**Article 91**      1. The Prosecutor's Office of the Pridnestrovskaja Moldavskaia Republica shall supervise the precise and uniform compliance of judicial organs, Ministries and Departments, local organs of power, organs of local self-government, enterprises, organizations and institutions, public associations, officials and citizens with the Constitution and laws.      The Prosecutor's Office shall conduct a preliminary investigation, and support the state prosecution in courts.      2. The Prosecutor's Office of the Pridnestrovskaja Moldavskaia

Respublica shall be a single centralized system, with subordination of subordinate prosecutors to higher ones and the Prosecutor General of the Pridnestrovskaya Moldavskaya Respublica. 3. Competences, establishment and the order of functioning of the Prosecutor's Office of the Pridnestrovskaya Moldavskaya Respublica shall be provided by the constitutional law.

**Article 92** The Prosecutor General of the Pridnestrovskaya Moldavskaya Respublica shall be appointed to his office by the Supreme Soviet upon presentation of the President of the Pridnestrovskaya Moldavskaya Respublica for the term of five years. The Prosecutor General of the Pridnestrovskaya Moldavskaya Respublica and subordinate prosecutors shall be independent in exercising their powers from organs of state power and shall comply only with the Constitution and law. 2. The Prosecutor General of the Pridnestrovskaya Moldavskaya Respublica shall be accountable to the Supreme Soviet and responsible to the President of the Pridnestrovskaya Moldavskaya Respublica for proper fulfilment of his duties.

3. Prosecutors shall not be allowed to hold another paid office, be engaged in business or another activity, except for scientific, teaching or another creative activity, be on a managing board or a supervisory council of a commercial organization. During the term of their office prosecutors may not be members of political parties, other public associations set to achieve political goals. Fulfilment of prosecutor's duties shall be incompatible with exercising powers of a deputy.

## ***Chapter 7. Defense, Security, and Law-Enforcement Activity***

**Article 93** Fundamentals of ensuring national security of the Pridnestrovskaja Moldavskaia Respublica, defense of the state, establishing and functioning the Armed Forces of the Pridnestrovskaja Moldavskaia Respublica, other military organizations of the state, paramilitary formations, state security services, law-enforcement organs, other security forces, shall be determined by law.

**Article 94** 1. The Armed Forces of the Pridnestrovskaja Moldavskaia Respublica shall perform the function of defense of the Pridnestrovskaja Moldavskaia Respublica, as well as of its sovereignty, independence and territorial integrity. Decision on the use of the Armed Forces abroad shall be taken by the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublica on proposal of the President of the Pridnestrovskaja Moldavskaia Respublica. 2. State security services within the limits of their jurisdiction shall act to apprehend and prevent infringements upon the constitutional system, national sovereignty, territorial integrity and defense capability of the Pridnestrovskaja Moldavskaia Respublica. Law-enforcement organs shall ensure personal security of individual, protection of property, public order and prevention of crime.

**Article 95** It shall be a grave crime to use the Armed Forces of the Pridnestrovskaja Moldavskaia Respublica, other military institutions of the state, paramilitary units, state security services, law-enforcement organs, other security forces in order to change or eliminate by force the constitutional system of the Pridnestrovskaja Moldavskaia Respublica, prevent or restrict with the same purposes activity of organs of state power, restrict illegally constitutional rights and freedoms of person and citizen, as well as to escalate aggression against other states.

## ***Chapter 8. Financial and Budget System***

**Article 96** 1. The financial system of the Pridnestrovskaja Moldavskaia Respublica shall be based on its own monetary unit. The right to be in charge of public finances shall belong only to appropriate organs of executive power and only in accordance with the legislative act to be passed by the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublica. 2. State means can be spent and state monetary obligations can be entered into only in the order and within the limits established by law. 3. To cover an unforeseen budget deficit and unforeseen public expenditures, within the framework of the national budget a reserve fund shall be established, the responsibility for spending of which shall be placed on the executive organ of state administration under which jurisdiction financial matters fall.

**Article 97** 1. All public revenues and expenditures should be included in the budget. 2. The budget shall be passed by law for one year or for several years, in the latter case it shall be passed separately for each year before the beginning of the first year of account. Budget sections (budget programs) may have different length of action in years. 3. If budget for the next year is not passed before the end of the year of account, before its passing appropriate organs of state power shall be entitled to make, within the limits provided by law for an appropriate period of the past year, all expenditures necessary for: a) supporting specified budget organizations, organs of power and administration, and making expenditures allowed by law; b) carrying out obligations of the state stipulated by law. If the abovementioned expenditures are not covered by revenues from taxes, dues and other sources, an executive organ of state power, under whose jurisdiction fall the matters of financial management, may realize, in the form of crediting, means necessary for support of the economy amounting up to one-fourth of the total sum of the past year budget. 4. Laws to be passed during a budget year, which increase approved budget expenditures or decrease

budget revenues, may be passed by the Supreme Soviet only with agreement of the President of the Pridnestrovskaya Moldavskaya Respublika. 5. Bills on introducing or abolishing taxes, on exemption from paying taxes, on issue of state loans, on changing state financial obligations, other bills envisaging expenditures to be covered at the expense of the state budget, except for the cases stipulated in paragraph 4 of this Article, may be considered only provided there is a resolution of the President of the Pridnestrovskaya Moldavskaya Respublika.

**Article 98** 1. New taxes can be introduced and the existing ones changed only on the basis of law or under conditions provided by law. The right to grant tax advantages and other financial exemptions within the limits and in the cases provided by law shall be given to appropriate executive organs of state power, in other cases it may be done only through an appropriate law to be passed by the Supreme Soviet. 2. Laws and other legal acts establishing new taxes and other obligatory payments or worsening the position of tax-payers shall not be retroactive and shall enter into force from the beginning of a new financial year, provided they were officially published at least three months before its beginning. No one should be forced to pay taxes and other obligatory payments not established by law, or calculation and collection of which are not carried out according to law, or in another order than provided by law. 3. Executive power, by authority of law, shall be authorized to increase, decrease within the limits stipulated by law, or to abolish in cases provided by law, established by the Supreme Soviet taxes and dues related to the external economic activity, and to establish new ones; and, if needed, to reduce and prohibit import, export and transit of products, goods and property with the purpose of regulation of external trade, economy of the Republic, and stability in the domestic production, and to take any other measures for development of the economy and the state. When presenting a draft annual state budget, President of the Pridnestrovskaya Moldavskaya Respublika shall submit to the Supreme Soviet information on the measures taken in the process of exercising the abovementioned powers in the accounting financial year.



**Article 99** The state taxation system shall be aimed at the good and benefit of the population, at satisfaction of financial needs of the state, just distribution of revenues and national wealth, as well as at stimulation of national production.

**Article 100** 1. Central bank shall be a state bank. In its activity, the central bank of the state shall be accountable to the Supreme Soviet and the President of the Pridnestrovskaya Moldavskaya Respublika and act within the framework established by this Constitution and law. Status of the central bank of the state shall be provided by law. 2. Currency issue shall be made only by the central bank within the limits determined by the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika, when approving the budget in the interests of state regulation and development of the economy of the Republic.

#### **SECTION IV. CHANGES IN THE CONSTITUTION**

**Article 101** Not less than one-third of the determined by the Constitution number of deputies of the Supreme Soviet, the President of the Pridnestrovskaya Moldavskaya Respublika or at least 15,000 voters shall have the right to introduce a bill on changing the Constitution. The question about changing the Constitution may not be raised and the Constitution may not be changed during the period of martial law or the state of emergency.

**Article 102** Provisions of Section I of the Constitution "Principles of the Constitutional System", Section II "Rights, Freedoms and Duties of Person and

Citizen" and Section IV "Changes in the Constitution" may be changed only through a referendum.

**Article 103** The Constitution may be changed through a law passed: 1. as a result of a referendum 2. by the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika A bill on changing the Constitution shall be considered by the Supreme Soviet during three readings, with at least a two-month interval between the first one and the second one, and at least a month interval between the second one and the third one.

**Article 104** To introduce a bill on changing the Constitution for holding a referendum, a two-thirds majority of votes of the determined by the Constitution number of deputies of the Supreme Soviet is required. The referendum shall be held according to the constitutional law not earlier than in two-month period from the date of taking the appropriate decision by the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika.

**Article 105** A law on changing the Constitution shall be passed by the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika within its competence by a two-thirds majority of votes of the established by the Constitution number of deputies of the Supreme Soviet.

**Article 106** A passed law on changing the Constitution shall be signed by the President of the Pridnestrovskaya Moldavskaya Respublika and shall be published officially within seven days. If such a law is not signed by the President of the Pridnestrovskaya Moldavskaya Respublika and is not promulgated

within the abovementioned period, this law shall be put in force after its signing and official publication by the Chairman of the Supreme Soviet of the Pridnestrovskaja Moldavskaia Respublica. The law on changing the Constitution shall be put in force not earlier than in one-month period from the date of its adoption.

## **SECTION V. TRANSITIONAL NORMS AND PROVISIONS**

**Article 1** December 24, 1995 as the day of holding the national referendum is recognized as a day of adoption of the Constitution of the Pridnestrovskaja Moldavskaia Respublica.

**Article 2** Courts in the Pridnestrovskaja Moldavskaia Respublica shall administer justice within the limits of their jurisdiction provided by this Constitution. On the entry of this Constitution into force, judges of all courts of the Pridnestrovskaja Moldavskaia Respublica shall keep their competences. Vacant offices shall be filled in the manner provided by this Constitution. 2. Elections of the Justices of the Peace shall be called after passing by the Supreme Soviet a law on Justices of the Peace in the period and in the order determined by it.

**Article 3** 1. Laws, including constitutional ones, referred to in the Constitution of the Pridnestrovskaja Moldavskaia Respublica, shall be passed or brought into line with it within one year from the date of entering this Law into force. All other laws and other legal acts shall be brought into line with the Constitution of the Pridnestrovskaja Moldavskaia Respublica within a two-year

period from the date of entering this law into force. 2. Laws and other legal acts in force on the day of entering this Law into force, pending being brought into line with the Constitution of the Pridnestrovskaya Moldavskaya Respublika, shall be applied in the part consistent with the Constitution of the Pridnestrovskaya Moldavskaya Respublika. 3. Laws and other legal acts passed in the Soviet Union, the Moldavian SSR, the SSR Moldova, may be applied on the territory of the Pridnestrovskaya Moldavskaya Respublika in the part not inconsistent with the Constitution of the Pridnestrovskaya Moldavskaya Respublika and laws of the Pridnestrovskaya Moldavskaya Respublika. After the expiry of two years from the date of entering this Law into force, laws and other legal acts passed in the Soviet Union, the Moldavian SSR, and the SSR Moldova shall become null and void, and shall not be applied on the territory of the Pridnestrovskaya Moldavskaya Respublika.

**Article 4** 1. On the entry of this Law into force, people's deputies of the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika shall keep their status and competences and acquire the status of deputies of the Supreme Soviet provided by the Constitution of the Pridnestrovskaya Moldavskaya Respublika, and keep it up to the elections of the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika of a new convocation. 2. Current bicameral structure of the Supreme Soviet of the Pridnestrovskaya Moldavskaya Respublika shall remain in force before election of the Supreme Soviet of a new, after passing this Law, convocation. 3. On the entry of this Law into force, rules and norms regulating organizational matters of functioning the Supreme Soviet shall be applied in the part not inconsistent with the Constitution. The order of introduction, consideration and approval of bills shall remain in force (within the framework of the bicameral structure of the Supreme Soviet), including the procedure of their abolition and reconsideration, in the part consistent with the norms of the Constitution.

**Article 5** 1. On the entry of this Law into force, the incumbent President of the Pridnestrovskaya Moldavskaya Respublika shall keep his powers, acquiring rights and duties provided by the Constitution, and hold his office till a new President of the Pridnestrovskaya Moldavskaya Respublika is elected according to the Constitution of the Pridnestrovskaya Moldavskaya Respublika. 2. Officials of republican organs of executive power holding their offices before the entry of this law into force, shall keep their competences, acquiring rights and duties provided by the Constitution. Dismissal of the abovementioned persons from the offices held and appointment of new officials after the entry of this Law into force shall be made in the manner provided by the Constitution of the Pridnestrovskaya Moldavskaya Respublika. 3. Before September 2, 2002 as President of the Pridnestrovskaya Moldavskaya Respublika can be elected any citizen of the Pridnestrovskaya Moldavskaya Respublika, who is eligible to vote, reached the age of 35, and is a citizen of the Pridnestrovskaya Moldavskaya Respublika since the year of introducing the citizenship of the Pridnestrovskaya Moldavskaya Respublika. After the abovementioned date the norm shall take effect, which is set forth in paragraph 2, Article 68 of this Constitution.

**Article 6** On the entry of this Law into force, local Soviets of People's Deputies and state administrations shall acquire the status, and be subjected to application of norms and provisions set forth in Chapter 4, Section III of the Constitution of the Pridnestrovskaya Moldavskaya Respublika.

**Article 7** 1. Pending the passing of an appropriate law on the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika, the Constitutional Court shall be composed according to law and without special enactment as required by Articles 62 and 86 of this Constitution. 2. Before the appropriate law is passed, the Constitutional Court of the Pridnestrovskaya Moldavskaya Respublika shall act and administer justice according to the

Constitution of the Pridnestrovskaja Moldavskaia Respublica and the legislation of civil procedure currently in force.