

# **Law of the Republic of Azerbaijan**

## **on Appeal of Citizens**

This Law, in accordance with Article 57 and Clause 1 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan, regulates relations pertaining to the exercise of the right to appeal by citizens of the Republic of Azerbaijan, lays down the procedure for considerations of appeals by officials.

### ***Article 1. Right to appeal***

1.1. Citizens of the Republic of Azerbaijan shall be entitled to appeal to the state and municipal bodies, legal entities in state or municipal ownership or controlling interest (shares) of which belongs to the state or municipalities, and budget organizations or their officials personally or through a representative in written or oral form, individually or collectively.

1.2. The right to appeal shall be exercised by citizens freely and voluntarily. The exercise by citizens of their right to appeal shall not violate the rights and freedoms of other persons.

1.3. It is prohibited to restrict the right to appeal of a person in connection with his/her race, nationality, religion, language, gender, affiliation, property status, official position, convictions, membership in political parties, trade unions and other public associations.

### ***Article 2. Legislation on appeal of the citizens***

The legislation on appeal of the citizens shall comprise the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, this Law and other normative legal acts of the Republic of Azerbaijan.

### ***Article 3. Basic definitions***

3.0. For the purposes of this Law, the following basic definitions shall be used:

3.0.1. applicant - individual or legal person;

3.0.2. appeal - an individual or collective proposal, statement, complaint sent (submitted) in writing (including electronic) or orally to the entity that considers the appeal or his/her official, personally by a person or through a representative;

3.0.3. proposal - an appeal related to the improvement of laws and other regulatory legal acts, the improvement of the activities of state and municipal

bodies and other entities that consider appeals, the resolution of the issues on science, education, culture, law, socio-economic, creative and other areas;

3.0.4. appeal - an appeal that provides for the requirements related to the exercise of rights and freedoms;

3.0.5. complaint - an appeal that provides for requirements related to the restoration of violated rights and freedoms and their protection;

3.0.6. entity that considers the appeal - state and municipal bodies, legal entities in state or municipal ownership or controlling interest (shares) of which belongs to the state or municipalities, and state-funded organizations authorized to consider appeals of individuals and legal entities and make a decision;

3.0.7. representative of the entity that considers the appeal in a live television and radio program - an official representing an entity that considers the appeal in the above program with his/her consent;

3.0.8. an official of the entity that considers the appeal - the head of the entity that considers the appeal, a person holding an administrative position in a state body and having powers of authority, persons who permanently or temporarily occupy organizational and administrative or administrative positions or perform these positions on the basis of special powers in other entities that consider the appeal;

3.0.9. oral appeal - an appeal set forward during an individual or collective reception or during live TV and radio program broadcast with the participation of a representative of the entity that considers the appeal, including through the telephone service;

3.0.10. telephone service - a communication service set up to receive oral appeals from the applicant, to conduct registration using technical means and provide answers;

3.0.11. written appeal - an appeal made on paper or in electronic form;

3.0.12. electronic appeal is an appeal sent to the e-mail address of the entity that considers the appeal or his/her official, or submitted through the official Internet site.

3.0.13. collective appeal - a joint appeal of two or more persons on the same issue, or appeals related to the implementation of public participation;

3.0.14. repeated appeal — follow-up appeal from the same applicant on the same issue to the same entity that considers the appeal or his/her official, if time for consideration of the appeal set by this Law has passed or the above appeal has already been responded;

3.0.15. anonymous appeal - an appeal sent in writing to the entity that considers the appeal or his/her official, which does not indicate the surname, name, patronymic, address, personal or electronic signature of the applicant (in relation to legal entities - the name of the legal entity, legal address and signature of the head ).

#### ***Article 4. Basic principles of consideration of appeals of the citizens***

4.0. The basic principles for consideration of appeals of the citizens are as follows:

4.0.1. legality;

4.0.2. creation of conditions for the free and voluntary exercise by citizens of the right to appeal;

4.0.3. uniformity of requirements for appeals;

4.0.4. protection of the rights and legal interests of individuals and legal entities;

4.0.5. non-admission of discrimination and official red tape in the consideration of appeals;

4.0.6. ensuring transparency in the activities of the entities that consider the appeal and their officials;

4.0.7. harmonization of the right of citizens to appeal with state interests.

#### ***Article 5. Scope of this Law***

5.1. The provisions of his/her Law, unless otherwise provided by the Constitutional Laws, other laws of the Republic of Azerbaijan, regulatory legal acts adopted on their basis, including international treaties to which the Republic of Azerbaijan is a party, shall apply to all appeals of the citizens.

5.2. The provisions of this Law shall not apply to the appeals of the citizens in the framework of judicial execution or administrative execution.

5.3. The procedure for the appeal of military servicemen to their immediate superiors or senior commanders and its consideration shall be regulated by the Internal Service Charter and the Disciplinary Charter of the Armed Forces of the Republic of Azerbaijan.

5.4. The procedure for the appeals related to the direct organization and conduct of referendum and elections and their consideration shall be regulated by the Electoral Code of the Republic of Azerbaijan.

5.5. The procedure for filing complaints to the Commissioner for Human Rights (Ombudsman) related to violations of human rights and their consideration shall be regulated by the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman)".

5.6. The procedure for the request of information and consideration a request for information shall be regulated by the Law of the Republic of Azerbaijan "On obtaining information".

5.7. The rules for handling complaints in the absence of signs of corpus delicti in the domestic violence complaints shall be regulated by the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence".

5.8. The procedure for the appeal to the legal entities performing functions of public importance, the list of which is approved by the relevant executive authority, as well as private legal entities and private entrepreneurs providing services on the basis of regulatory legal acts or an agreement in the fields of education, health care, culture and social spheres, and their consideration shall be regulated by this Law.

5.9. The provisions of this Law shall apply to the appeals of foreigners, stateless persons and foreign legal entities, unless otherwise provided by international treaties to which the Republic of Azerbaijan is a party.

## ***Article 6. Requirements for the appeals of the citizens***

6.1. Citizens shall submit an appeal to the entities that consider the appeal or their officials, who must directly ensure the consideration of the specified issue in writing or set out orally

6.2. Written appeal shall be submitted in person or through a representative or sent by mail, telefax or in the manner specified in Article 6.7 of this Law.

6.3. Written appeal shall contain:

6.3.1. the name of the entity that consider the appeal or the name, surname, patronymic, position of its official (except for appeals sent to the official's email address);

6.3.2. name, surname, patronymic and address of an individual (or place of work), name and legal address of a legal entity;

6.3.3. if the appeal is submitted through a representative, name, surname, patronymic and address of the representative.

6.4. If the appeal fails to comply with the requirements of Article 6.3 of this Law, with the exception of cases where the appeal is sent on the letterhead of a legal entity, which

contains the details or instructions of at least one of the contact details of an individual, it shall be considered anonymous. Anonymous appeals shall not be accepted by the entities that consider the appeal or their officials, and shall not be considered.

6.5. A written appeal on paper shall be signed by an individual or the head of a legal entity, or their authorized representative and the date shall be indicated.

6.6. If a written appeal is submitted through a representative, a copy of the document confirming the authority of the representative shall be attached to the appeal.

6.7. An electronic appeal shall be sent to the e-mail address of the entity that considers the appeal or his/her official, or posted on its official website. In the appeal posted on the official website of the entity that consider the appeal, the e-mail or regular mail address of citizens shall be indicated.

6.8. An appeal submitted in the form of an electronic document shall be confirmed by an electronic signature.

6.9. The text of the appeal must be readable, the proposals or requirements specified in the appeal must be clearly expressed. Insults or slander shall not be allowed in the text of the appeal.

### ***Article 7. Reception of written appeals of the citizens, their registration and procedure for consideration***

7.1. The entities and their officials that consider the appeal shall accept, register and ensure of the appeals filed in the manner prescribed by this Law is considered. Refusal to accept an appeal filed in the manner prescribed by this Law shall not be allowed.

7.2. Paperwork related to the appeals of the citizens shall be conducted in the manner established by the relevant executive authority, and shall be provided by the head of the entity that consider the appeal.

7.3. Entities that consider the appeals shall be entitled, among other things, to work on receipt of the appeals and submission of the responses to them in electronic form.

7.4. Date of receipt and a registration number of the appeals of the citizens shall be assigned. By request of the applicant, he will be informed of the registration number, date and its execution.

7.5. When considering the issue indicated in the appeal and communicating the citizen (in the case of collective appeals - to one of the applicants) a well-grounded response, the appeal shall be deemed considered. The response to the appeal shall be set out in the state language.

7.6. Electronic appeals shall be considered by the entities and their officials that consider the appeal by sending an electronic response to the email address indicated by the applicant, or by request of the applicant a written response to the mailing address. If the electronic address does not indicate the applicant's email address, the response to the appeal shall be sent in writing to the mailing address.

7.7. In the response letter on the consideration of the appeals of the citizens, the consideration of the issues indicated in the appeal and the measures taken, or the entity to which shall be contacted with regard to those issues, shall be indicated.

7.8. If a decision is taken to leave the appeal without consideration, partial satisfaction or refusal, the reply letter shall set out the procedure for appealing the above decision.

7.9. If the subjects or their officials, considering the appeal, send a request for additional information related to the solution of the issues indicated in the appeal, such request shall be responded no later than seven working days.

7.10. If the solution of the issues set forth in the appeal does not fall within their competence, the entities or their officials that consider the appeal, no later than three working days shall send the appeal as intended and inform the applicant in regard thereto. If the issue specified in the appeal relates to the powers of several entities that consider the appeal, a copy of the appeal shall be sent to the indicated entities no later than three working days.

7.11. In the event that a superior state body sends the appeals of the citizens to the relevant state and municipal bodies, or to other entities that consider the appeals, for consideration, by request of the superior state body, the result of consideration of the above appeal shall be communicated to him by the head of the entity that consider the above appeal.

7.12. In case of referring the issues specified in the appeal of the citizens to information constituting a state secret according to the Law of the Republic of Azerbaijan "On state secrets" or to other information protected by law, the applicant shall be informed that substantive response in connection with the above appeal for this reason does not seem possible.

7.13. It is forbidden to send the appeals of the citizens by appointment for consideration to the entity or its official that considers the appeals related to a complaint about illegal actions (inaction).

7.14. If, according to the prohibition established by Article 7.13 of this Law, it is impossible to send the appeal of the citizens regarding the matter, citizens shall be explained the right to appeal in court in the prescribed manner.

## ***Article 8. Leaving applications without consideration***

8.1. Appeals can be left without consideration in the following cases:

8.1.1. in accordance with Article 5 of this Law, a different procedure for the filing and consideration of the appeal is provided for;

8.1.2. an appeal does not comply with the requirements established by Articles 6.4-6.9 of this Law;

8.1.3. in connection with the issue indicated in the appeal, a court decision came into force;

8.1.4. a substantiated answer to repeated appeals of a citizen was given 3 times within a year and new information was not indicated in the repeated appeal to resolve the issue;

8.1.5. in the cases specified in Article 7.9 of this Law, it is impossible to send an appeal to whom it may concern, or the information indicated in the appeal is insufficient to resolve the issue or forward to whom it may concern;

8.1.6. the applicant has submitted an application in accordance with Article 14.0.2 of this Law.

8.2. In the cases specified in Article 8.1 of this Law, the entity, or his/her official that consider the appeal, shall inform the applicant about leaving the appeal without consideration no later than five working days, indicating its reasons (except for anonymous appeals), and if there are grounds for leaving an oral appeal without consideration, shall inform immediately.

8.3. If the reasons that give grounds for leaving the appeal without consideration are eliminated, the entity that considers the appeal shall ensure that it is considered.

### ***Article 9. Peculiarities of consideration of the appeals on corruption- related offenses***

9.1. Appeals on corruption- related offenses in state bodies shall be considered in accordance with this Law, taking into account the specifics of this article.

9.2. Upon receipt of complaint corruption- related offenses, the head of the state body shall appoint an official investigation based on the above application. Official investigation shall be conducted by the internal control service of the relevant state body. Official investigation shall be completed within 20 working days, and the findings shall be presented to the head of the state body. If additional materials and information are required, the head of the state body shall be entitled to extend this period for another 10 working days.

*9.2-1. Consideration of the information related to offenses in connection with corruption cannot be entrusted to the person in respect of whom the information was received, as well as to persons who are directly or indirectly interested in the results of the consideration.*

9.3. The head of the state body, upon receipt of information on the findings of the investigation proceedings, shall take one of the decisions as follows:

9.3.1. In the case of confirmation of the validity of the appeal, in addition, if the act contains signs that entails civil or administrative responsibility, on taking measures in accordance with the Civil Code of the Republic of Azerbaijan and the Code of the Republic of Azerbaijan on Administrative Offenses, in case of detection of offenses with criminal signs, on sending appropriate documents to the General Prosecutor's Office of the Republic of Azerbaijan;

9.3.2. in case of confirmation of the validity of the appeal, however, the act does not contain signs that create civil, administrative or criminal liability, on bringing the relevant persons to disciplinary responsibility;

9.3.3. in case of failure to confirm validity of the appeal, to terminate the execution of the complaint.

9.4. A substantiated response on the decision taken shall be given to the applicant with an explanation of the right to appeal against the decision.

9.5. Citizens shall be entitled to appeal the decision of the head of a state body to a superior state body. This provision does not limit the right of citizens to appeal against the decision of the head of a state body in court.

9.6. Appeals on the corruption-related offenses in other entities that consider the appeals, with the exception of state bodies, shall be considered in the manner prescribed in Article 7 of this Law within 20 working days.

### ***Article 10. Term for the consideration of appeal***

10.1. The appeals of the citizens shall be considered no later than 15 business days, and appeals requiring additional study and verification shall be considered no later than 30 business days, except for the cases specified in Articles 9.2, 9.6 and 10.2-10.4 of this Law.

10.2. If the consideration of the appeal requires obtaining additional information or sending a request in regard thereto, the official of the entity that consider the appeal shall be entitled to extend the consideration period for a maximum of 30 working days, except for the cases specified in Articles 9.2, 9.6 and 10.3 and 10.4 of this Law. The applicant shall be informed in this regard, including the superior state body at his/her request,

which has sent the appeal for consideration in accordance with Article 7.11 of this Law to another entity that consider the appeal.

10.3. Appeals from military servicemen and their families shall be considered no later than 15 working days from the date of receipt of the appeal.

10.4. If, as a result of consideration of an appeal for the provision of information within the terms specified above, the necessary information might lose its relevance, the specified application shall be considered immediately, if this is not possible, within 24 hours from the date of receipt of the appeal.

10.5. The course of the terms indicated in Articles 10.1-10.3 of this Law begins from the day the appeal is received by the entity that consider the appeal.

### ***Article 11. The procedure for reception of citizens***

11.1. The entities that consider the appeal ensure the reception of citizens according to the schedule of reception of citizens at least once a month.

11.2. Reception of citizens shall be conducted by the heads or other officials of the entities that consider the appeal.

11.3. Reception of citizens shall be conducted on days and at hours announced previously. If, in connection with the appeal of a citizen, urgent measures should be taken, the head or other officials of the entity that consider the appeal must immediately receive him/her.

11.4. Citizens shall arrange an appointment by means of an identity card or identification details, or electronic services, if there is an electronic signature. Citizens who come to the reception shall present an identity card.

11.5. A written appeal submitted during the admission shall be accepted, registered and considered in accordance with Article 7 of this Law.

11.6. A record shall be made in the registration control sheet about the reception related to the oral appeal of citizens. If the issues expressed in oral communication do not require additional investigation, with the consent of citizens to the appeal during the reception, an oral answer shall be given. If during the reception it is impossible to respond the appeal orally, the appeal shall be submitted in writing. The procedure for the receipt, registration and consideration of such appeal shall be implemented in accordance with Article 11.5 of this Law.

11.7. If, during the reception of citizens, it is found that the issues raised in the appeal relate to the competence of other entities and their officials that consider the appeal, in this case, the applicant shall be explained the procedure for appeal in relation thereto.

11.8. The heads and other officials of the entities that consider the appeal shall be entitled to conduct mobile and video receptions, including online conferences. The procedure for the receipt, registration and consideration of the appeals submitted during such receipt shall be implemented in accordance with this article.

### ***Article 12. Obligations of the entities and their officials that consider an appeal***

12.1. The entities and their officials that consider the appeal, shall ensure conditions for the free exercise by citizens of their rights to give written and oral proposals, apply with an appeal, appeal against illegal actions (inaction) of officials in the manner established and ensured by the Constitution and laws of the Republic of Azerbaijan.

12.2. The entities and their officials that consider the appeal shall receive proposals, appeals and complaints from citizens, consider in the manner and terms established by this Law, and respond to them.

12.3. When considering appeals of the citizens, officials of the entities that consider the appeal shall:

12.3.1. ensure an objective, comprehensive and timely consideration of the appeal;

12.3.2. study the essence of the issue and require the necessary documents to resolve it;

12.3.3. inform citizens in writing about the findings of consideration of the appeal, in case of failure to ensure the appeal, indicate the reasons as required, explain the procedure for appeal;

12.3.4. ensure the adoption of well-grounded decisions in relation to appeals and their timely and proper execution.

12.4. It is forbidden to prosecute citizens for their appeals related to criticism of the activities or work of state bodies and their officials, political parties, trade unions and other public associations, including individual citizens, or appeals filed with the aim of restoring and protecting the rights and freedoms of a citizen or others persons.

12.5. Entities and their officials that consider the appeals shall be prohibited from disclosing information received during the consideration of the appeal in connection with the resolution of the issues specified in the appeal, including other information constituting a state secret and protected by law (with the exception of sending a written appeal for consideration regarding other entities and their officials that consider the appeals), as well as collect, keep, use and disclose individual information not related to the decision of the appeal, including private information of a special category.

12.6. Appeals on illegal actions (inaction) of a state body (or its official) received by the prosecutor's office shall be considered in accordance with this Law and the Law of the Republic of Azerbaijan "On the Prosecutor's Office". If these appeals do not fall within the competence of the prosecutor's office, they shall be returned to the applicant within five working days. If the citizen's appeal is sent by the subject (or his/her official) that consider the appeal, regarding to the prosecutor's office, by request of the above entity (or his/her official), the result of the consideration shall be reported.

12.7. At least once every six months, the Prosecutor General of the Republic of Azerbaijan shall inform the relevant executive authority on the results of consideration of the appeals set forth in Article 12.6 of this Law.

### ***Article 13. Exercise of control***

13.1. Control over the conduct of paperwork in state bodies, state-owned legal entities or state-owned controlling interest (shares), and state-funded organizations shall be exercised by the relevant executive authority.

13.2. The procedure for control over the execution of control provided for in Article 13.1 of this Law shall be established by the relevant executive authority.

### ***Article 14. Rights of citizens when considering appeals***

14.0. Citizens whose applications are being considered shall have the following rights:

14.0.1. submit additional documents and materials for a complete and comprehensive study of the appeal and request for their claim to the entity that considers the appeal (including in electronic form);

14.0.2. apply for termination of consideration of the appeal;

14.0.3. to attach documents on the result of consideration of the initial appeal to the repeated written appeal;

14.0.4. make a request to obtain public information and individual information;

14.0.5. to get familiarized with the documents and materials related to the consideration of the appeal, if this does not affect the rights and legitimate interests of other persons or if the above documents and materials do not contain information constituting a state or other secret protected by law;

14.0.6. receive information about the registration number and the date of receipt of the appeal, in the case of sending an appeal in relation to the registration number and the date of sending the above letter;

14.0.7. receive a written response on the consideration of the appeal or information on forwarding the appeal to whom it may concern;

14.0.8. in case of disagreement with the decision taken on the appeal, appeal it in an administrative and (or) court order;

14.0.9. to demand to ensure the confidentiality of the information contained in the appeal related to family and personal secrets of citizens, as well as documents or information constituting professional and commercial secrets.

### ***Article 15. Peculiarities of oral appeals submitted through live TV and radio programs or telephone service***

15.1. If it is possible to give an explanation without additional investigation on an oral appeal made through a live TV and radio program, a representative of the entity that considers the appeal, participating in the above program, shall be entitled to respond to the appeal on the air without registration.

15.2. If it is impossible to immediately respond to an appeal made by citizens during a live TV and radio program, the procedure for the receipt, registration and consideration of the appeal shall be implemented in accordance with Article 7 of this Law.

15.3. Submission of an appeal, reception, registration and provision of a response through the telephone call service shall be implemented in the manner established by the relevant executive authority, taking into account the requirements of this Law.

### ***Article 16. Responsibility for violation of this Law***

Persons who violated the requirements of this Law shall be held liable in accordance with the Civil, Administrative Procedure and Criminal Codes of the Republic of Azerbaijan.

### ***Article 17. Final clause***

The Law of the Republic of Azerbaijan "On the Procedure for the Consideration of Appeals of the Citizens" (Collection of Laws of the Republic of Azerbaijan, 1997, No. 5, article 417; 1998, No. 7, article 444; 1999, No. 10, article 570; 2001, No. 3, article 151, No. 11, article 697, No. 12, article 736; 2002, No. 8, article 463; 2004, No. 1, article 10; 2006, No. 5, article 390, No. 12, article 1005; 2007, No. 11, article 1053; 2010, No. 3, article 173; 2011, No. 7, article 615) shall be repealed.

***President of the Republic of Azerbaijan***

***Ilham ALIYEV***

***Baku city, September 30, 2015***

*No. 1308-IVQ*

*Published in «Azerbaijan» newspaper (November 15, 2015, No. 251) («LegalActs» LLC).*

*Published in the Collection of Laws of the Republic of Azerbaijan (November 30, 2015, No. 11 (221), Article 1248) ("LegalActs" LLC).*

*As amended by the Law dated April 25, 2017, No. 623-VQD ("LegalActs" LLC).*

© «LegalActs» LLC  
*Non-official translation*