**ON BEHALF OF THE REPUBLIC OF AZERBAIJAN**

**DECISION**

**OF THE PLENUM OF THE CONSTITUTIONAL COURT**

**OF THE REPUBLIC OF AZERBAIJAN**

*On verification of conformity of decision of the Judicial Board on Civil Cases of the Supreme Court of the Republic of Azerbaijan of 31 March 2006 to the Constitution and laws of the Republic of Azerbaijan in connection with the complaint of R.Agalarov*

**26 September, 2007 Baku city**

Plenum of the Constitutional Court of the Republic of Azerbaijan composed of F.Abdullayev (Chairman), B.Qaribov, R.Qvaladze, E.Mammadov (reporter judge). I.Nadjafov, S.Salmanova and A.Sultanov,

with participation of the secretary V.Zeynalov,

applicant R.Agalarov

according to Article 130.5 of the Constitution of the Republic of Azerbaijan examined in open court session on constitutional proceedings the complaint of I.Rajabov concerning verification of conformity of decision of the Judicial Board on Civil Cases (JBCC) of the Supreme Court of the Republic of Azerbaijan of 31 March 2006 to the Constitution and laws of the Republic of Azerbaijan.

The constitutional case was examined in the absence of the respondent party – representative of the Supreme Court of the Republic of Azerbaijan since the latter failed to appear in the court.

Having heard the report of Judge E.Mammadov, speech of R.Agalarov, the complainant, and having considered materials of the case and having discussed them, the Plenum of the Constitutional Court

**DETERMINED AS FOLLOWS:**

As it is evident from the case materials, on 25.03.2005 R.Agalarov brought a suit to Binagadi district court of Baku city against E.Agalarova (Zeynalova) on termination of the right to use of apartment located at A.Huseynov St. 8, apt.25, Rasulzadeh Settlement of Baku with payment of compensation and eviction from the apartment.

The suit was grounded on the fact that the disputed apartment was a private property of the plaintiff on the basis of inheritance since his mother died on 13 June 1997. On 03.07.1999 his son Emil Agalarov and Elnara Zeynalova officially married and bride moved to father-in-law’s apartment. On 02.10.2000 they got a birth of a child and on 03.11.2003 this marriage was dissolved in court. After the birth of a child the bride moved to her father’s house and is still living there. In accordance with the decision of the Judicial Board on Civil Cases of the Court of Appeal of 23.12.2004, the right of E.Agalarova (Zeynalova) on use of residential area in the disputed apartment was recognized and she was registered in this apartment. Nevertheless, the tense relations between parties made it impossible for her to live in that apartment. In spite of that R.Agalarov offered compensation to E.Agalarova (Zeynalova) for leaving from the registration and apartment with an aim to sell the apartment, she refused it.

The respondent stated that for termination of her and her child’s right to use the disputed apartment, the compensation corresponding to the market value should be determined in such a way that would enable her to purchase a renovated one-room apartment in the territory of Rasulzadeh Settlement of Binagadi district or micro-districts 6, 7 or 8, or any other area nearby with satisfactory communal conditions making it possible for the child to live in. Otherwise she requested to make a decision on rejecting the suit.

Binagadi District Court by its decision of 28.04.2005 appointed judicial technical expertise in the civil case. According to the opinion of the Institute of Problems of Judicial Scientific-Research Expertise, Criminalistics and Criminology of the Ministry of Justice of the Republic of Azerbaijan dated 09.06.2005, on the day of expertise, the market value of the disputed apartment was established in the approximate amount of 218,124,000 (two hundred and eighteen million and one hundred and twenty four thousand) manat.

Later, by suit of R.Agalarov the judicial proceedings were conducted and the suit was rejected on the basis of the decision of Binagadi District Court of 05.08.2005.

Having evaluated the evidences in the case the court held that since the respondent moved to the disputed apartment after having married plaintiff’s son on 03.07.1999, the legal relations between the parties emerged before 1 September 2000. Therefore the suit should be rejected since this dispute should be dealt with in accordance with the rules of Article 123 of the Housing Code of the Republic of Azerbaijan (hereinafter – the Housing Code) and this Article does not provide for termination of the right to use by payment of compensation.

According to the decision of the JBCC of the Court of Appeal of 09.11.2005, R.Agalarov’s appeal complaint was not satisfied and the decision of Binagadi District Court of 05.08.2005 was kept unchanged.

By the decision of the Supreme Court’s Judicial Board on Civil Cases of the Republic of Azerbaijan (hereinafter – Supreme Court’s JBCC) of 31.03.2006 the cassation complaint of R. Agalarov was rejected and the decision of the JBCC of the Court of Appeal was upheld.

In the reply of the Chairman of the Supreme Court to R.Agalarov’s complaint submitted via the procedure of additional cassation it was stated that the complaint had not been submitted to consideration of the Plenum of the Supreme Court as it failed to comply with the requirements of Article 424 of the Civil Procedure Code (hereinafter - CPC) of the Republic of Azerbaijan.

R.Agalarov addressed the Constitutional Court of the Republic of Azerbaijan (hereinafter – the Constitutional Court) and asked to consider the decisions of general courts void stating that the provisions of existing legislation were not correctly applied by them, the judicial acts were issued in violation of his right to property and right to court and those judicial acts contradicted to Articles 13, 29, 60 and 71 of the Constitution of the Republic of Azerbaijan (hereinafter – the Constitution) and Article 228.2 of the Civil Code of the Republic of Azerbaijan.

According to applicant, the courts of general jurisdiction wrongly referred to the decision of the Constitutional Court “On interpretation of Article 228 of the Civil Code and Article 123 of the Housing Code of the Republic of Azerbaijan” of 27.07.2001, and did not adequately react to the violation on the ground that the law had shortcomings and retained the dispute open and unsolved. He stated that the court’s rejection of the complaint on the ground that the housing legislation did not provide for compensation institute violates his right to property and concluded that despite he had addressed the court as a proprietor, he was not provided with satisfactory reply. The applicant believes that despite the respondent continues to live permanently in her father’s apartment, he will never be in position to dispose his property due to the mere fact of her passport registration in the apartment and thus all his life he will be deprived of the right to property.

The Plenum of the Constitutional Court finds it necessary to note the following with regard to the complaint of R.Agalarov.

Judicial dispute between R.Agalarov and E.Agalarova (Zeynalova) started in 2005 and in that time there were two legal sources regulating the relations of parties.

According to Article 123.1 of the Housing Code, when the proprietor of the apartment brings his/her family members to his apartment, they have the equal authority to use the residential area in the apartment (in the second part of this Article this authority is mentioned as a right) if other reservation is not the case at the moment of moving of the family members.

Article 228.2 of the Civil Code stipulates that the establishment of the right to use of the component of residential building, the conditions of its realization and termination are determined on the basis of the agreement concluded with the proprietor and certified in public notary. In case of absence of the agreement on termination of the right to use of the component of residential building, this right can be terminated by court on the basis of proprietor’s suit by way of payment the compensation in accordance with the market value.

Binagadi District Court, when dealing with the civil case launched by R.Agalarov against E.Agalarova (Zeynalova) on termination of the right to use of disputed apartment by paying the compensation and eviction from the apartment, came to conclusion that in accordance with the decision of the Constitutional Court “On interpretation of Article 228 of the Civil Code and Article 123 of the Housing Code of the Republic of Azerbaijan” of 27.07.2001 the dispute had to be solved on the basis of rules of Article 123 of the Housing Code and the suit was rejected as the said Article, as opposed to Article 228.2 of the Civil Code, did not provide for the possibility of termination of the right to use an apartment after payment of compensation.

It should be noted that the decision of the Constitutional Court of 27.07.2001 was adopted on the basis of inquiry of the Supreme Court. The reason for it was that the Housing Code and Civil Code differently regulated the use of residential area and component of the residential building including differences in their establishment and realization, and disputes arising in practice of application of those legislative acts. The Constitutional Court, having taken the ratione temporis of the law, held that the disputes concerning the relations that arose after 1 September 2000 have to be solved in accordance with the rules of Articles 228.1 and 228.2 of the Civil Code and the disputes connected with relations established prior to this date are to be solved in accordance with the rules of Article 123 of the Housing Code.

The courts of general jurisdiction when dealing with the dispute between R.Agalarov against E.Agalarova (Zeynalova) omitted the fact that the Constitutional Court in its decision of 27.07.2001 on Article 123 of the Housing Code also expressed the following legal position: “However, this Article without determining the form of agreement between the parties and conditions of its realization left this issue to the discretion of the parties and established that the disputes on the rules of use of residential area and amount of participation in expenses are to be solved by the court”.

In this regard it should be mentioned that the issue of termination of the right to use the residential area is one of the issues connected with the rules of using residential area. Moreover, it should be taken into account that a judicial dispute between R.Agalarov and E.Agalarova (Zeynalova) derives from the failure of the parties to agree about the termination of the right to use the residential area owned by former bride’s father-in-law and the latter’s application launched before the court. Solving this kind of issues in the court is fully in line with the legal position of the Constitutional Court in the decision of 27.07.2001.

When family members (or persons equal to them) live in one apartment, it is possible that one of them (or several of them) possesses the right to property (including the right to use of the residential area) over the apartment and the rest – only the right to use the residential area. In course of consideration of the dispute among these persons, the nature of the right to property and the right to use the residential area, their co-relation and provisions of the legislation of the Republic of Azerbaijan in force for their application should be taken into account.

Firstly, it should be particularly emphasized that the right to property and the right to use the residential area are different legal categories.

The right to property, reflecting individual belonging of material goods, has an important role in the system of economic rights and freedoms in the general theory of human rights, international law acts (Article 17 of the Universal Declaration of Human Rights, Article 1 of Protocol 1 to the European Convention on protection of human rights and fundamental freedoms, etc.) and fundamental human rights envisaged by the Constitution of the Republic of Azerbaijan (Article 29).

The right to use residential area without taking into account the proprietor’s will was reflected even in the Housing Code adopted on 08.07.1982. At that time the Republic of Azerbaijan was a union republic in the composition of the USSR; its legislation was a part of the soviet legislation and the priority was given to protection of the state property.

Since the Republic of Azerbaijan obtained its independence and started to build a democratic state governed by the rule of law, the attitude of the state towards the right to property has completely changed. The Constitution in its Articles 13 and 19 reflected such provisions as inevitability of the property, its equal protection by the state irrelevant of its type, protection of the right to property by the law, the right of the proprietor to own, use and dispose the property, etc.

 The right to property in the Republic of Azerbaijan is not only a broad power of the proprietor reflected by the law (to own the property that belongs to him, to use this property as she/he wishes in accordance with the functions of the property and in accordance with his/her needs, and to determine legal regime of the property by his/her will) but also is the power, in the frame of the current legislation, to eliminate the interference by third parties to his/her powers over the property guaranteed by the state without damage to rights and lawful interests of others and to act on his/her choice, and in accordance with his/her interests.

General provisions of the right to property, provisions about the right to own, acquisition of the right to property, its realization, limitation and loss, as well as types of this right are regulated by the Civil Code. The provisions on protection of the right to property are reflected in the Civil Code, the Criminal Code, the Code on Administrative Offences and some other laws.

It should be emphasized that disposal of a property is possible by means of concluding of transactions or by virtue of other legal acts. It should not be overlooked that regulation of such transactions, including regulation of full, consecutive and concrete norms of purchase and sale of a real property is envisaged in the Civil Code.

The right to use residential area is an element of the right to home which is normally described as the right to live in the apartment, house and other relevant places. Despite the right to home is not factually recognized in international law, it has been recognized in the legislation of the Republic of Azerbaijan since long.

However, it should also be mentioned that Article 43.1 of the Constitution that reflects the right to home expresses it in a negative form (nobody can be illegally deprived of his/her home). Part II of this Article guides the state bodies for realization of the right to home, so that the state facilitates construction of residential buildings and houses, and takes measures on realization of citizens’ right to home.

The right to home is ensured by means of allocation from the state house fund of residential areas usually via the order (queue, for some category of citizens without queue) and by norms provided for by the law, as well as getting residential areas on the conditions (rent, pro bono use, etc.) agreed with the proprietor, or on the basis of payment (purchase and sale, change, etc.) or for free (inheritance, gift, lottery, etc). In any case for establishment of the right to home the rules envisaged in the provisions of housing legislation and civil legislation in force should be observed.

Article 123.1 of the Housing Code stipulates that when the proprietor of the apartment brings his/her family members to the apartment, their right to equally use the residential area in the apartment would depend on the fact of absence of other reservation at the moment of moving of the family members. However, this Article does not determine the rules of the said use including conditions and limits in course of its realization.

At the same time, this Article and the Housing Code in general does not provide for a power of a third person when using the residential area owned by other person to limit proprietor’s right to dispose his/her property.

Interpretation of provisions of the Housing Code contrary to the right to property can lead to disparity with Article 13 (inevitability of the property), 29 (the right to property), 71 (guarantees of human and citizens’ rights and freedoms), 147 (direct legal power of the Constitution) of the Constitution, as well as Para 8 of the Transitional Provisions of the Constitution (the provisions of laws adopted before the present Constitution entered into force remain valid if they do not contradict the present Constitution).

It should be particularly mentioned that Article 29.4 of the Constitution embodies two important legal guarantees of the right to property.

By the first guarantee, no one can be deprived of his/her property without a court decision. It prohibits deprivation of the right to property contrary to proprietor’s will by any state body or official referring to any expediency or even law without court decision.

According to the second guarantee, the amortization of a property for state and public needs can take place only after a fair compensation for its value. Such a provision derives from the abovementioned international law norms and was written in a spirit of respectful treatment of the right to property. International law bodies that apply those norms in their decisions pay particular attention to significance of main elements of the components of the right to property.

For instance, the European Court of Human Rights in Marckx v. Belgium (13.07.1979) held that the right to dispose one’s property constitutes a traditional and fundamental aspect of the right of property.

In course of solving disputes on realization of the right to use property and residential area in the Republic of Azerbaijan, both international law norms and provisions of national legislation should be taken into consideration.

It should also be mentioned that Article 123 of the Housing Code, on the one hand, does not prevent the proprietor from termination of the right to use of family members and others and, on the other hand, does not exclude termination of the right to use by paying compensation. Despite uncertainty in this Article, it is possible that on the basis of the proprietor’s will, the termination of the right to use the residential area is carried out by way of paying compensation. If this will is not expressed, leaving the consideration of termination of the right to use by way of compensation up to the user or a court can lead to various approaches in practice.

With this regard, the position of the Plenum of the Constitutional Court is that despite the right to property differs from the right to use the residential area; both rights should be ensured by balancing them in the relevant proportions. However, there is no any legal norm in Article 123 of the Housing Code and in generally in this Code that envisages the compensation with regard to termination of the right to use the residential area. In this case, leaving the decision up to a court, whereas there is no provision to be grounded on, can undermine the rights of the proprietor or the user. In such a situation, in order to find a way out, it is important to refer to the relevant norm of the legislation that determines a lawful solution to the problem.

Article 228.2 of the Civil Code in force from 1 September 2000, provides that in case of absence of the agreement on the termination of the right to use the component of a residential building, there is a possibility of termination of such a right by way of paying compensation of a market value on the basis of proprietor’s suit in court.

The Constitutional Court reaffirms, as in its decision of 27.07.2001 that the substance of requirements stemming from Article 228.2 of the Civil Code is such that it provides full guarantee of the right of family members and other persons to use the apartment and the right to property. By this decision, establishment of the right to use an element of a residential building, conditions of its realization and termination envisaged in Articles 228.1 and 228.2 of the Civil Code shall be applicable to all residential apartments considered as real property and being in ownership of the proprietor in accordance with the provisions of Articles 135, 139, 140, 141 and 144 of the said Code.

However, in order to clarify whether the norm ‘in case of absence of the agreement on the termination of the right to use the component of a residential building, there is a possibility of termination of such a right by the way of paying compensation of the market value on the basis of proprietor’s suit in court’ as envisaged in Article 228.2 of the Civil Code, can be applied to settlement of disputes stemming from the relations established prior to its adoption, the attention should be paid to some issues.

According to Article 2.1 of the Civil Code, the civil legislation of the Republic of Azerbaijan is based on the Constitution of the Republic of Azerbaijan and consists of the present Code, other laws and normative legal acts determining civil law norms adopted on their basis.

In its essence the housing legislation is one part of the civil legislation by its nature. The Housing Code regulates the legal relations about allocation of residential area, its use, termination of such use, managing the housing fund, ensuring its maintenance, as well as strengthening the rule of law in the field of housing. However, the Housing Code does not regulate the relations between parties with regard to payment of compensation for termination of the right to use residential area.

Apart from that, a number of civil law relations are of continuous nature, and in this case the legislation of the Republic of Azerbaijan develops dynamically and is being updated. It is possible that certain subjective rights and duties are established and terminated as a result of change of certain laws that had regulated these kinds of relations.

However, in such a case, realization of one of the main goals of this Code, ensuring protection of rights and lawful interests of subjects of the civil law, reflected in Article 1.2 of the Civil Code, is of great importance.

In case of collision between new and previous laws, one need to be guided by Article 149.7 of the Constitution that provides for the possibility of retroactivity of the normative legal acts that improve the legal situation of natural and legal persons, eliminate or mitigate their legal responsibility.

It should also be taken into account that according to Article 7 of the Civil Code, except the cases provided for by Article 149.7 of the Constitution, civil law provisions can not be retroactive, and they are to be applied to relations arising after their entry into force. If the application of provisions of the civil legislation damages the subjects of civil law or worsens the situation of these subjects, the civil legislation can not be retroactive.

Along with that, it should not be overlooked that according to Article 11.1 of the Civil Code, if civil law relations are not directly regulated by civil legislation or agreement between the parties, and there is no business custom to be applied to them, those relations, if it does not contradict to their substance, are subjected to application of civil law norms regulating similar relations.

Analysis of the content of both Articles reveals that, besides the exceptional cases, if Article 7 of the Civil Code reflects non-possibility of application of the law to relations established after its adoption, Article 11.1 of the said Code in the enumerated concrete cases enables the application of the civil law norms regulating similar relations.

Such an approach can, in accordance with Articles 1.2 and 11.1 of the Civil Code, concern such norms of the existent civil legislation, which are designed for relations that were not previously regulated by law and create better regime for the participants of civil circulation, and ensure better protection for rights and lawful interests of such persons.

By taking into account Article 11.1 of the Civil Code, the possibility of application of the norm provided for by Article 228.2 of the Civil Code (about termination of the right to use residential area by paying the compensation) to relations that were established prior to it, but are of continuous nature, supplements it if this does not contradict to the decision of the Constitutional Court of 27.07.2001. In this decision, by taking into account Article 7.1 of the Civil Code, the Constitutional Court expressed its position as follows: ‘the disputes about relations that arose after 1 September 2000, have to be solved in accordance with the rules of Articles 228.1 and 228.2 of the Civil Code; and the disputes connected to relations established prior to this date are to be solved in accordance with the rules of Article 123 of the Housing Code’. It transpires that the Constitutional Court considered it necessary to be guided by rules of relevant Articles for solving the disputes.

It should be reiterated in this regard that Article 123.1 of the Housing Code determines neither the order for use of apartment by family members of the proprietor and other persons, nor its termination. As a result, the relations in this field between the proprietor and these persons were not regulated, and there was uncertainty with regard to the rights of both parties.

At the same time, it should be taken into account that in case when the Housing Code does not provide for compensation for termination of the right to use the residential area, the provision of the Civil Code which stipulated that “in case of absence of the agreement on the termination of the right to use the component of a residential building, there is a possibility of termination of such a right by way of paying compensation of the market value on the basis of the proprietor’s suit in court”, ensures better protection of the rights and lawful interests of the parties.

As opposed to the provisions of the Housing Code, the institute of paying a compensation for termination of the right to use the residential area provided for by the Civil Code, opens a possibility for realization of the rights of the proprietor over the property on the basis of the law and not by discretion of the user, or a court. Despite the institute of compensation does not give the right to user to demand division of the apartment, or payment of a part from its value, it is not a mere termination of the right to use the residential area; it also provides for the possibility of such a replacement that would enable the user to live (at the expense of the proprietor) continuously and temporarily in other place of similar condition compared to the previous place of living. All these create more favourable legal regime for the realization of the rights of parties.

Existence of the consent between the parties can be the ground for building relations in line with requirements of the law. But if there is no consent, it is absolutely important to regulate the relations on the basis of law. For the relations to be treated as legal ones, it is necessary to regulate them by means of a legal norm(s). In this case, the relations would differ from each other by their structure, i.e. subjects, objects, subjective right and legal duties. Last two elements create a legal content of the legal relations. This determines the behaviour of the subjects by law in the limits provided for by the law. When those elements do not overlap, it is possible that they are alike, even if the identity of the legal relations is not the case.

Legal relations can not be self-regulating; there should be an objective regulator for this. Establishment of the legal relations, their change and termination is possible only on the basis of legal norms. There should always be a reason-result bond between such norms and relations. Legal relations are directed, systematized and their stability, sustainability and protection are ensured as a result of influence of the norms.

It should be emphasized that the legislation can not fully embrace the changes and general diversity of civil relations in society. Even if the legislators attempt to adopt the legal norms that embrace all the cases and regulate permanently developing legal relations, sometimes it is objectively impossible. Sometimes there emerge such property and private non-property relations which were not present at the moment of adoption of the relevant law, or their presence was not taken into account when the legislator adopted that law. In such a case, the practice of application of the laws reveals a gap in the legislation. As a result, certain cases to be regulated are left aside from the legal regulation due to the absence of a relevant norm.

Although the adoption of a missing norm is an ideal way for elimination of the gap, according to Article 11.5 of the Civil Code, the lack of a legal norm regulating civil law relations and its uncertainty may never be a ground for the court to refuse to deal with the case.

Thus, the refusal by general jurisdiction courts to deal with the case due to absence of a norm in housing legislation and factual refusal to deal with the concrete dispute is unacceptable. Non-regulation of certain relations by housing legislation, existence of civil relations that have the features of civil law subject and existence of a norm regulating similar relations in civil legislation may be taken as a basis for application of analogy of the law for the purposes of eliminating the gap acting on behalf of the will of the state in general.

Taking into account the aforementioned, the Plenum of the Constitutional Court holds that the decision of the Binagadi District Court of 25.03.2005 (on the civil case launched by R.Agalarov against E.Agalarova (Zeynalova) on termination of the right to use the disputed apartment by paying the compensation, and eviction from the apartment) which rejected the suit due to absence of the institute of compensation in the Article 123 of the Housing Code, does not comply with the requirements of Articles 13, 29, 71, 147 and 149 of the Constitution, Para 8 of the Transitional Provisions of the Constitution, as well as Articles 1.2, 11.1, 11.5 and 228.2 of the Civil Code.

The Court of Appeal as a competent court should have checked whether the first instance court observed material and procedural norms on the basis of evidences in the said case and should have eliminated the shortcomings made by the first instance court. However, the JBCC of the Court of Appeal violated the requirements of Articles 372.1, 372.7, 384 and 385.1 of the Civil Procedure Code and made a decision on 09.11.2005 on upholding the decision of the first instance court.

Having ignored the requirements of Articles 416, 417.0.03 (in force at the moment of examination of the case) and 418.1 of the Civil Procedure Code, the Supreme Court’s JBCC adopted a decision on 31.03.2006 by which it upheld the decision of the Court of Appeal which did not comply with the Constitution and provisions of the civil legislation. Having done so, the Supreme Court failed to carry out its duties.

Subsequently, there was no fair court examination in the civil case and R.Agalarov’s right to court guaranteed by Article 60.1 of the Constitution was violated, and applicant’s seeking restoration of rights in the court as a proprietor resulting from illegal acts against him was not effective.

 The Plenum of Constitutional Court holds that the decision of the Supreme Court’s JBCC of 31.03.2006 (on the civil case launched by R.Agalarov against E.Agalarova (Zeynalova) on termination of the right to use the disputed apartment by paying the compensation and eviction from the apartment) should be declared void as it contradicts to Article 60.1 of the Constitution and Articles 416, 417.0.03 and 418.1 of the Civil Procedure Code, and this case shall be reconsidered in accordance with the present decision, and via the procedure and terms determined by the civil procedure legislation of the Republic of Azerbaijan.

Being guided by parts V, IX and X of Article 130 of the Constitution of the Republic of Azerbaijan, and Articles 52, 62, 63, 65-67 and 69 of the Law of the Republic of Azerbaijan “On the Constitutional Court”, the Plenum of the Constitutional Court of the Republic of Azerbaijan

**DECIDED:**

1. To declare the decision of the Supreme Court’s Judicial Collegium on Civil Cases of the Republic of Azerbaijan of 31.03.2006 (on the civil case launched by R.Agalarov against E.Agalarova (Zeynalova) on termination of the right to use the disputed apartment by paying the compensation and eviction from the apartment) void as it contradicts to Article 60.1 of the Constitution, and Articles 416, 417.0.03 and 418.1 of the Civil Procedure Code, and to reconsider this case in accordance with the present decision and via the procedure and terms determined by the civil procedure legislation of the Republic of Azerbaijan.
2. The decision shall come into force from the date of its publication.
3. The decision shall be published in ‘Azerbaijan’, ‘Respublika’, ‘Xalq Qazeti’ and ‘Bakinskiy Rabochiy’ newspapers, and ‘Bulletin of the Constitutional Court of the Republic of Azerbaijan’.
4. The decision is final, and may not be cancelled, changed or officially interpreted by any body or official.