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The Permanent Mission of the Republic of Azerbaijan to the OSCE presents its compliments to all Delegations and Missions to the OSCE and to the Conflict Prevention Centre, and with reference to Decision No.4/03 of the Forum for Security Cooperation has the honour to provide herewith the reply of the Republic of Azerbaijan to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Azerbaijan to the OSCE avails itself of this opportunity to renew to all Delegations and Missions to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

October 23, 2009



Enclosure

To: All Delegations and Missions to the OSCE  
The Conflict Prevention Centre  
The Secretariat

**INFORMATION EXCHANGE ON THE OSCE CODE OF  
CONDUCTION POLITICO-MILITARY ASPECTS OF SECURITY 2009**

**SECTION I: Inter-State elements**

**1. Account of measures to prevent and combat terrorism**

**1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

**Universal legal instruments:**

- Convention on Offences and Certain Other Acts Committed On Board Aircraft, signed at Tokyo on 14 September 1963 (ratified by the law of the Republic of Azerbaijan No.546-IIQ of December 2003);
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (ratified by the law of the Republic of Azerbaijan No-744-IQ of 9 November 1999);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (ratified by the law of the Republic of Azerbaijan No.740-IQ of November 1999);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (ratified by the law of the Republic of Azerbaijan No.61 -IIQ, of February 2001);
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (ratified by the law of the Republic of Azerbaijan No.743-IQ of November 1999);
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (ratified by the law of the Republic of Azerbaijan No.547-IIQ of December 2001);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (ratified by the law of the Republic of Azerbaijan No.741-IQ of November 1999);

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (ratified by the Law of the Republic of Azerbaijan No.548-IIQ of 9 December 2003);
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (ratified by the law of the Republic of Azerbaijan No.549-IIQ of December 2003);
- Convention on Laundering, Search, Seizure and Confiscation of the proceeds from crime, done at Strasbourg on 8 November 1990 (ratified by the Law of the Republic of Azerbaijan No.420-IIQ of 1 March 2003);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (ratified by the law of the Republic of Azerbaijan No.746-IQ of November 1999);
- The Convention on the Safety of United Nations and Associated Personnel, done at New-York on 9 December 1994 (ratified by the Law of the Republic of Azerbaijan No.825-IQ of 14 March 2000);
- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (ratified by the law of the Republic of Azerbaijan N0.60-IIQ of February- 2001);
- International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (ratified by the law of the Republic of Azerbaijan No. 174-IIQ of October 2001);
- UN Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime; Protocol to Prevent, Suppress and Punish Trafficking in Persons, specially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, done 15 November 2000 (ratified by the law of the Republic of Azerbaijan No.435 IIQ of 13 May 2003);
- International Convention for the Suppression of Acts of Nuclear Terrorism, done at 2005 (ratified by the law of the Republic of Azerbaijan No.725-IIIQ of 02.12.2008).

#### **Regional legal instruments**

##### **Council of Europe**

- Protocol on changes and amendments to the European Convention on Prevention of Terrorism (ratified by the law of the Republic of Azerbaijan № 550-IIIQ of 22 February 2008)

- European Convention on Extradition, done at Paris on 13 December 1957 (ratified by the Law of the Republic of Azerbaijan No.323 of 17 May 2002);
- European Convention on Mutual Assistance in Criminal Matters (done at Strasbourg on 20 April 1959) and The Additional Protocol to the Convention (done at Strasbourg on 17 March 1978) (ratified by the Law of the Republic of Azerbaijan No.421-IIQ of 1 March 2003 );
- European Convention on the Transfer of Proceedings in Criminal Matters (signature date: 07.11.2001, ratification date-17.05.2002);
- Additional Protocol to the European Convention on extradition (signature date: 07.11.2001, ratification dale- 17.05.2002);
- Second Additional Protocol to the European Convention on Extradition (signature date: 07.11.2001, ratification date - 17.05.2002);
- European Convention on compensation to the victims of violent crimes (executive date:17.03.2000. ratification date- 17.03.2000);
- European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977 (ratified by the Law of the Republic of Azerbaijan No.530- IIQ of 9 December 2003).

#### **Commonwealth of Independent States (CIS)**

- Decision of 21.06.2000 On the Establishment of the Counter Terrorism Centre of the CIS member-states;
- Agreement of 07.09.2000 on Cooperation among CIS Ministries of Interior in combating terrorism;
- Convention on the combating against terrorism of CIS participating states (ratified by the Republic of Azerbaijan on 4 June 1999);
- Convention on the legal assistance and legal relationship in connection with civil, family and criminal issues of CIS participating states (ratified by the Republic of Azerbaijan on 13 January 2004);
- Convention of CIS participating states on the cooperation against criminal activities (ratified by the Republic of Azerbaijan on 6 April 2004);
- Decision on Cooperation Program of CIS participating states in fighting against terrorism and other violent types of extremism for 2008-2010 (ratified by the law of the Republic of Azerbaijan № 632-IIIQ of 13 June 2008);
- Decision on Cooperation Conception of CIS participating states in fighting against terrorism and other violent types of extremism (ratified by the law of the Republic of Azerbaijan № 631-IIIQ of 13 June 2008).

## **GUAM-Organization for Democracy and Economic Development**

- Agreement on Cooperation among the Governments of GUUAM participating States in the Field of Combat against Terrorism, Organized Crime and Other Dangerous Types of Crimes of 20.07.2002;
- The Statue of the GUUAM Virtual Center on Fight against Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crimes;
- Agreement on Cooperation among the Governments of the GUUAM Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of 20.07.02.

### **There are also other bilateral/multilateral agreements signed and/or ratified by the Republic of Azerbaijan:**

- Agreement on cooperation to combat terrorism, organized and other grave crimes between the Republic of Azerbaijan Georgia and the Republic of Turkey of 30.04.02;
- Agreement on cooperation to combat international terrorism and organized crime between the Republic of Azerbaijan and the Islamic Republic of Pakistan of 08.07.2004;
- Agreement on cooperation to combat terrorism, organized crime and illicit drug trafficking and its precursors and psychotropic matters between the Republic of Azerbaijan and Latvia of 03.10.2005;
- Agreement on cooperation to combat terrorism, organized and other crimes and illicit drug trafficking and its precursors and psychotropic matters between the Republic of Azerbaijan and Republic of Kazakhstan of 24.05.2005;
- Agreement on cooperation to combat international terrorism, organized and other crimes matters between the government of the Republic of Azerbaijan and the government of the Republic of Poland (ratified by the order of the Azerbaijan President № 2964 of 5 August 2008).

### **1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

Azerbaijan adopted a package of legislative measures aimed at bringing the relevant legislation of Azerbaijan into the line with international legal instruments in the field of preventing and suppressing acts of terrorism as well as the use of the financial-banking systems for financing such acts:

- On 18 June 1999 the Parliament adopted the Law on Combating Terrorism which establishes the legal and institutional groundwork for combating terrorism, coordinates the activities of the competent government agencies and sets out the rights and duties of such agencies and citizens;

The 1999 Law on Combating Terrorism determines the legal and organizational grounds of fight against terrorism in the Republic of Azerbaijan; The Law contains the definition of terrorism as the “committing explosions, arson or other actions causing danger of mass extermination of people, damage to their health, or destruction (damaging) of their property or other serious consequences with the purpose of violating public security, frightening the population or influencing decision-making by state bodies or international organizations, as well as threat of committing the mentioned actions for the same purposes”.

The Law also sets the definitions of a “terrorist”, “terrorist group”, “terrorist organization”, “fight against terrorism”, “terrorist activity”, “international terrorist activity” and “operations against terror”.

The Law determines such basic principles of combating terrorism as ensuring rule of law; inevitability of punishment; coordination of open and undercover methods of combating terrorism; complex application of legal, political, social and economic, organizational, and preventive measures; priority of protecting persons exposed to danger as a result of terrorist activity; independent management of forces involved in antiterrorist operations; avoiding publicity in announcing the names of personnel engaged in antiterrorist operations, including in logistics and tactical services.

The Law also stipulates that the state bodies and local self-government, as well as organizations, public associations, officials and individuals must render assistance to the structures engaged in combating terrorism. This assistance includes transfer of information and data which can facilitate the detection or prevention of acts terrorism, as well as minimizing the potential damage.

Title III of the Law on Combating Terrorism sets the rules of providing compensation for the damage caused by acts of terror and also provides for the legal and social protection of persons engaged in combating terrorism.

- On 1 September 2000 the Parliament adopted the new Criminal Code criminalizing terrorism (art.214) and attempts on the life of a State or public figure (art.277) and other types of crime linked to terrorism – hostage-taking (art. 215), hijacking an aircraft, sea vessel and railway train (art. 219), illegal manufacture of weapons (art.229), misappropriation or extortion of weapons, ammunition, explosive substances or explosive devices (art. 232), establishment of military formations of groups that are not provided for in the legislation (art.279) etc;

Criminal responsibility for terrorism is determined by Article 214 of the Criminal Code of the Republic of Azerbaijan. The activities enumerated in that article are qualified as serious and grave offences.

Under the Criminal Code, any mentally sound individual, who reached the age of 14 years at the moment of committing the crime, is qualified as perpetrator of that crime. It is noteworthy that the legislation of Azerbaijan not only sets the criminal liability for terrorist activities but also provides for universal

jurisdiction with respect to terrorism. The Criminal Code stipulates that a foreign citizen or a person without citizenship committing crimes against peace and humanity, acts of terrorism, hijacking, taking hostages, assault on persons and/or organizations, as well as other crimes punishable under international agreements to which the Republic of Azerbaijan is a party, shall be subject to criminal liability irrespective of the place of committing the crime. However, the Criminal Code also stipulates that a person who took part in organizing an act of terror shall be released from criminal responsibility if he, either by having timely informed the authorities or in any other way, has facilitated the prevention of that act and if there wasn't another *corpus delicti* in the actions of that person.

The following national legislative acts were adopted during the year 2008:

- Law of the Azerbaijan Republic on Ratification of International Convention against Nuclear Terrorism № 725-IIIQ of 2 December 2008;
- Law of the Azerbaijan Republic on Ratification of Decision on Cooperation Program of CIS participating states in fighting against terrorism and other violent types of extremism for 2008-2010 № 632-IIIQ of 13 June 2008;
- Law of the Azerbaijan Republic on Ratification of Decision on Cooperation Conception of CIS participating states in fighting against terrorism and other violent types of extremism № 631-IIIQ of 13 June 2008;
- Law of the Azerbaijan Republic on Ratification of the Protocol on changes and amendments to the European Convention on Prevention of Terrorism № 550-IIIQ of 22 February 2008.

The Law of the Republic of Azerbaijan "On the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism" No.767-IIIQ was ratified on 10.02.2009. The Law incorporates respective FATF recommendations, including proposals and remarks of the Council of Europe "MONEYVAL". This Law defines legal and organizational basis of prevention of the legalization of criminally obtained funds and other property and the financing of terrorism. After the ratification of this Law appropriate amendments were made to the relevant national legislative acts.

According to this Law Financial Monitoring Service was established under the Central Bank of Azerbaijan in order to monitor all the financial transactions suspected to contribute the financing of terrorism.

- On 1 October 2001 the Parliament adopted the Law on Accession to the International Convention for the Suppression of the Financing of Terrorism and on the 11 October 2001 the President signed a Decree on Adoption of the Act on Accession to the International Convention for the Suppression of the Financing of Terrorism;
- On 3 November 2001 the President issued a Decree on the Implementation of UNSC resolutions 1368 (2001) and 1373 (2001) and

on 7 November 2001 the Cabinet of Ministers adopted a Decision on the Implementation of the abovementioned Presidential Decree of 3 November 2001 designed for the Ministry of National Security, Ministry of Interior, Ministry of Defense, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance, Office of Prosecutor General, National Bank and State Customs Committee;

- On 11 May 2002 the President issued a Decree on the Plan of Action towards the Implementation of UNSC Resolutions 1368 (2001), 1373 (2001) and 1377 (2001);
- On 17 May 2002 the President approved the Law on Amendments and Additions to several legal acts of the Republic of Azerbaijan in view of the application of the Law on "Accession to the Convention for the Suppression of Financing of Terrorism" which brought about appropriate changes and additions to the Law on Counter-Terrorism of 1999, the Criminal Code of 2000. In particular, a new article (art. 214-1) on the financing of terrorism has been introduced into the Criminal Code upon the application of the Law mentioned.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

According to the Decree of the President of the Republic of Azerbaijan No. 185 dated 30 August 1999 on Application of the Law of the Republic of Azerbaijan on Countering Terrorism the Ministry of National Security, State Border Service, Ministry of Internal Affairs, Ministry of Defense, State Special Protection Service within their responsibilities take part in the fight against terrorism.

With the aim of providing unity of command and control in counter-terrorism operations Operational Staff are set up according to the Decree of the President. Working procedures of the Operational Headquarters are regulated by the Statue approved by the President on 17.09.2007. Through the entire duration of the operation assigned military and civilian personnel are subordinate to the head of the Operational Staff.

According to the presidential decision an Operational Staff shall be temporarily (on the period of operation) established to secure a unified management of operations carried out against terrorism. The working procedure of the Operational Staff is set forth in the Regulations passed by the President of the Republic of Azerbaijan. Personnel engaged into the operations against terrorist actions, namely military servicemen, officials and experts, are under the jurisdiction of the Head of the Staff.

Head of the Operational Staff identifies area of operations, types and distinctive elements of operation and required forces and assets. In accordance with the current law local executive powers and municipalities, public or private organizations have to support counter-terrorism operations.

Instructions of the Head of the Staff should be on a compulsory basis being complied with by each official and citizen in the aforesaid operational zone.



The preliminary investigation of criminal cases on acts of terror is conducted by the national security and internal affairs bodies while the Prosecutor's Office supervises the general course of investigation.

The Ministry of National Security of Azerbaijan (MNS) closely participates in the fighting against terrorism as the special service agency. The functions of MNS is based on the Constitution and other laws of Azerbaijan, the decrees and orders of the President of Azerbaijan, the decisions and orders of the Cabinet of Ministers, international treaties which the Republic of Azerbaijan is a party to, Statute on MNS and the normative acts of ministry in its respective activities. The ministry performs its actions based on the principles such as the rule of law, respect to the human rights and freedoms. Under article 8.5 of the Statute on MNS the Ministry of National Security fights against terrorism and other types of transnational organized crimes.

MNS fulfils investigation and other procedural actions on criminal cases which are under its competency and implements fighting measures against terrorism and other types of transnational organized crimes.

State Border Service of the Republic of Azerbaijan (SBS) within its competence and with a view to maintain effective control on borders prevents the illegal moves of explosive devices, military equipment, weapons and other kinds of armaments, nuclear, biological, bacteriological and other kinds of WMD and related materials, as well as, people, transports and goods through the state borders. Besides this, SBS provides necessary measures to prevent the crossings of Azerbaijani state borders by terrorists, terrorist groups and illegal immigrants uses special database with a view to defining the possible falsification of ID's, passports and other travel documents.

#### **1.4 Provide information on national efforts to prevent and combat terrorism not mentioned above, e.g., those pertaining inter alia to:**

##### **Financing terrorism:**

Following the adoption on 17 May 2002 of the Act on the introduction of changes and additions to certain legislative acts of the Republic of Azerbaijan in connection with the application of the Act on the accession of the Republic of Azerbaijan to the International Convention for the Suppression of the Financing of Terrorism, changes were made in the Counter-Terrorism Act and in the Criminal Code. In order to implement article 2, paragraph 4, of the Convention, the necessary changes were introduced in articles 27.2 and 27.3 of the Criminal Code of Azerbaijan so that an attempt to commit a crime, being considered equivalent to an incomplete offence, is punishable under the procedure providing for liability for the commission of crimes under the relevant articles of the Criminal Code. In order to implement article 2, paragraph 5, of the Convention, changes were introduced in articles 32 and 33 of the Criminal Code so that organizers, instigators and accessories subject to criminal liability under the relevant article of the Criminal Code are considered as accomplices in an offence, together with the perpetrators.

Provisions were added to articles 214 and 214-1-c of the Criminal Code on liability for the financing of terrorism. Such acts are classified as serious and particularly serious offences and are punished by deprivation of liberty for 8 to 15 years or by life imprisonment. In accordance with articles 3 to 6 of the Presidential Decree of 25 August 2000 on the enforcement of the Act on the confirmation and entry into force of the Code of Criminal Procedure, investigations under articles 214 (Terrorism), 214-1 (Financing of terrorism) and 216 (Provision of false information concerning a terrorist act) of the Criminal Code are conducted by the Ministry of National Security and the Ministry of Internal Affairs of Azerbaijan. Supervision of compliance with the law in this area is provided within the framework of the relevant powers by the Prosecutor and the judicial organs.

According to the article 214-1 of the Criminal Code of Azerbaijan, deliberate full or partial, direct or indirect transfer of money resources or other property for commitment of terrorism or accumulation of money resources or other means/property with the same purposes is punished by imprisonment for a term from eight up to twelve years with confiscation of property.

The Law of the Republic of Azerbaijan "On the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism" No.767-IIIQ was ratified on 10.02.2009. The Law incorporates respective FATF recommendations, including proposals and remarks of the Council of Europe "MONEYVAL". This Law defines legal and organizational basis of prevention of the legalization of criminally obtained funds and other property and the financing of terrorism. After the ratification of this Law appropriate amendments were made to the relevant national legislative acts.

According to this Law, Financial Monitoring Service was established under the Central Bank of Azerbaijan in order to monitor all the financial transactions suspected in financing terrorism.

Provisions were added to the article 348 of the Code of the Administrative Offences of the Republic of Azerbaijan on liability of submitting proper information on legalization of funds or other property by the DNFBP. Violation of the provisions of this article is punished by the 800 to 1500 AZN for the individual and 8000 to 15000 AZN for the legal entities.

#### **Border controls, Travel document security**

Azerbaijan created the Commission on the development of state program on migration control, Border Oversight Commission, as well as the Coordination group on the cooperation with the International Organization for Migration. The main purpose of those structures is to bring border control and border protection procedures into compliance with the existing international standards, as well as to exercise effective control over passenger and cargo flows, while upholding human rights.

Implementation of this program required not only internal coordination of activity, but also cooperation with the international organizations and close partnership relations with relevant agencies of other states. For instance, close cooperation between the relevant agencies of the Republic of Azerbaijan and the

International Organization for Migration (IOM) resulted in carrying out numerous measures in the sphere of capacity-building for border control, such as establishment of a unique, training facility for border guards, modernization of border checkpoints, installation of the "entrance-exit" automated information search system, collecting all information about persons crossing the borders of Azerbaijan in a common database. Today several ministries, Baku seaport and international airport, two checkpoints (in the north and west of the country) are connected to that network and the whole perimeter of the borders through gradual connection of new locations will be included in future.

At present, Azerbaijan is continuing to implement measures aimed at prevention of penetration of terrorists in the country with the purpose of using its territory for conducting criminal activities against other states.

Azerbaijan currently has a computerized passport system giving it a strict control over the issuance and registration of passports. The measures to protect passports from counterfeiting meet international technological and security standards. All information on national passports and also on persons entering the country and their identification papers and passports is gathered in a single database. The Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Foreign Affairs and the Border Service cooperate closely in this area. (See also subparagraph 2 (g) of the third report of Azerbaijan to the Counter-Terrorism Committee.)

SBS of Azerbaijan is equipped with the necessary technical systems, including radiation detection and inspection equipment, as well as appropriate transportation vehicles. IAMAS (Inter-departmental Automotive Search Database) was established in order to facilitate the investigation and identification process of the people crossing the borders.

SBS has signed Memoranda of Mutual Understanding with the relevant authorities of the Netherlands, United Kingdom and France on illegal migration. According to these memoranda SBS facilitates return of Afghani illegal immigrants from these countries to Afghanistan via Baku International Airport.

SBS signed cooperation agreements with the relevant authorities of the USA, Austria, Germany, Georgia, Latvia and Lithuania. Similar agreements with Belarus and Estonia are under preparation. Besides this, SBS is actively involved in the activities of regional level counter-terrorism working groups.

### **Container and Supply chain security**

The Republic of Azerbaijan is a member of the World Customs Organization (WCO) and implements the relevant standards adopted by WCO.

As a member of the Customs Enforcement Network established by WCO, Azerbaijan exchanges information on offences through the Regional Intelligence Liaison Office (RILO). Electronic registration, monitoring and accounting systems are now widely used. The exchange of information between customs posts takes place through an electronic reporting network. The customs and border services of Azerbaijan have a unified online information communication

system. Customs posts provide daily information electronically to the State Customs Committee on import and export operations. Goods are checked at the borders by various agencies, depending on the type of merchandise. Monitoring of weapons, ammunition and explosives is carried out by the customs agencies, together with the border service. There is a computerized information retrieval system along the entire border of Azerbaijan to monitor immigration.

The Aviation Safety Administration works with the State-owned Azerbaijani Airlines (AZAL) to deal with all issues relating to civil aviation safety. In its work, the Administration is guided by the standards and recommendations of the International Civil Aviation Organization (ICAO) and also the national Guidelines on the prevention of acts of unlawful interference in civil aviation activities. Several other instruments have also been drafted to ensure civil aviation security, particularly the Instructions on verification of civil aviation, passengers, flight crew, service personnel, carry-on luggage, cargo, mail and on-board equipment.

After the terrorist acts of 11 September 2001 in the United States of America, Azerbaijan introduced several measures on the recommendation of ICAO to strengthen civil aviation security. For example, a special electronic alarm system has been installed along the entire perimeter of the Heidar Aliev International Airport, as well as other surveillance equipment at the airport entrance. The ICAO inspection conducted in September 1999 resulted in a positive rating of the security service at Heidar Aliev International Airport and the introduction and implementation of the international standards and recommendations of ICAO. In 2004, the European Civil Aviation Conference also gave a positive rating to the organization of the security service at that airport on the basis of an expert audit.

A State program on the prevention of acts of unlawful interference in civil aviation activities was adopted by the Cabinet of Ministers on 19 April 2004. According to article 10 of the Customs Code, one of the duties of the customs agencies is to assist national agencies in combating international terrorism and preventing unlawful interference in civil aviation at airports of the Republic of Azerbaijan.

#### **Legal cooperation including extradition**

The law enforcement agencies of Azerbaijan are actively cooperating with their foreign counterparts on all aspects of countering terrorism. Second and third reports of Azerbaijan to the Counter-Terrorism Committee of UN provided relevant information on this issue.

Requests from foreign States are considered expeditiously and in accordance with international bilateral and multilateral treaties to which the Republic of Azerbaijan is a party. In accordance with the Act on investigative activities of 28 October 1999, in order to protect life, health, human rights and freedoms, the legitimate interests of legal entities, State and military secrets and also national security from criminal infringement, investigative agencies must respond to requests from law enforcement agencies of foreign States and relevant international organizations, in accordance with the international treaties to which

the Republic of Azerbaijan is a party. Such investigations are conducted on the basis of official requests from law enforcement agencies of foreign States or relevant international organizations. Decisions, written instructions or official requests to conduct investigations may be issued only by persons who have such authority on the basis of the law of the Republic of Azerbaijan. Decisions, written instructions or official requests to conduct investigations must include justification of the need for such investigations.

In accordance with the Act on legal assistance in criminal matters of 29 June 2001, the Ministry of Justice or other competent authority of the Republic of Azerbaijan must submit official materials, documents and information not barred from transfer under Azerbaijani law to the competent authority of the foreign State.

Persons under arrest or sentenced to a term of imprisonment in the Republic of Azerbaijan may, with their consent, be handed over to a foreign State if permitted under Azerbaijani law for the purpose of establishing identity, giving evidence or providing other legal assistance in criminal cases which are either under investigation or being tried.

Azerbaijan has concluded bilateral agreements on extradition with the following countries: Bulgaria, Iran, Kazakhstan, Kyrgyzstan, Lithuania, Russia, Uzbekistan, Ukraine, UAE, China and Kingdom of Jordan.

#### **Safe Havens and shelter to terrorists and terrorist organizations**

The Nagorno-Karabakh region of Azerbaijan and seven districts surrounding this region are currently occupied by the military forces of Armenia. As a result, the occupied regions are out of control of the legitimately established constitutional authorities of Azerbaijan and consequently Azerbaijan does not exercise its sovereignty over these territories.

Given these, occupied regions of Azerbaijan are grey zone which no subject of international law is liable for. Thus, there are favorable conditions for terrorist organizations to use these territories for illegal actions, such as arms smuggling, drugs trafficking and money laundering.

#### **2. Stationing of armed forces on foreign territory.**

##### **2.1. Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

In accordance with the laws of the Republic of Azerbaijan, international law and mutual agreements, the personnel of the Armed Forces of the Republic of Azerbaijan participate in peacekeeping operations conducted in Afghanistan.

On the other hand, there are armed forces of the Republic of Armenia, which occupied Nagorno-Karabakh and other surrounding regions of Azerbaijan. These forces still continue remaining illegally within the internationally recognized territories of Azerbaijan.

### **3. Implementation of other international commitments related to the Code of Conduct**

**3.1. Provide information on how your State ensures that commitments in the fields of arms control, disarmament and confidence – and security- building as an element of invisible security are implemented in good faith.**

**3.2 Provide information on how your State pursues arms control, disarmament and confidence-and security-building measures with a view to enhancing security and stability in the OSCE area.**

The following information covers the questions 3.1 and 3.2:

The Republic of Azerbaijan is a member to several relevant conventional arms control treaties and agreements. It adhered to the Treaty on Conventional Armed Forces in Europe as well as to the Vienna Document in 1992.

In 1999 Azerbaijan signed the Adapted CFE Treaty as well as the OSCE Document on Small Arms and Light Weapons. It continues to fulfill its various obligations in information exchanges. The Republic of Azerbaijan participates in the comprehensive exchange of information on its Armed Forces, receives inspections from the participating states and conducts inspections in the participating states in order to provide transparency.

The Republic of Azerbaijan remains concerned that all related arms control provisions cannot be applied within the 20% of the territories of the Republic of Azerbaijan occupied by the Armenian Armed Forces. A great number of equipment and armaments deployed in these territories is out of control, and poses a serious threat to peace in the region. With the assistance of International organizations, the Republic of Azerbaijan continues its efforts towards the withdrawal of these forces from those territories and the appropriate reduction of the related equipment and armaments.

Azerbaijan fully shares international community's opinion that illicit trafficking of small arms and light weapons represents a grave threat to overall security and stability. Easy availability of small arms coupled with their damaging capacity makes them a serious challenge that the international community has to face in the new millennium.

Situation in the region of the conflict is complicated by the fact that as a result of the occupation, 130 kilometers of Azerbaijan's state borders with Iran are currently controlled by the occupants. Occupied territories of Azerbaijan, including Nagorno-Karabakh have become a "free-zone" for terrorist and criminal smuggling activity, and are used for illegal trade and transfers of various materials, including small arms and drugs in particular.

Azerbaijan stresses that the efficient regime to curtail proliferation of SALW in the South Caucasus could be possible only when all countries in the region demonstrate respect for international law, renounce territorial claims to their neighbors.

Azerbaijan has been engaged in pursuing the SALW proliferation problem in international organizations. At regional level Azerbaijan puts every effort to strengthen cooperation with regional states to jointly tackle the illicit trafficking of any kind. Azerbaijan fully supports the OSCE Document on Small Arms and Light Weapons adopted at OSCE Ministerial meeting in Vienna in 2000, and considers it as one of the major achievements. Azerbaijan fulfils its all obligations originating from this document, as well as conducts an information exchange on an annual basis, about its small arms exports to, and imports from, other participating States during the previous calendar year.

## **SECTION II: Intra-State elements**

### **1. National Planning and decision making process**

#### **1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your state?**

According to paragraph 5 of Article 95 of the Constitution of the Republic of Azerbaijan, the Milli Mejlis (Parliament) upon submission by the President approves the state budget including the budget amount allocated for defence in accordance with Article 4 of the "Law on Defence" of the Republic of Azerbaijan.

#### **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

According to the Constitution, Azerbaijan develops its relations with other countries on the basis of principles recognized in international legal standards. Azerbaijan establishes its Military Forces and military troops in order to provide its safety and defend itself. The Constitution of the Republic of Azerbaijan explicitly determines that Azerbaijan rejects a war as a means of infringement on independence of other states and way of settlement of international conflicts.

### **2. Existing structure and processes**

#### **2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

According to the Constitution, state power in the Republic of Azerbaijan is based on a principle of division of powers: the Parliament [Milli Majlis] exercises legislative power; executive power belongs to the President; courts exercise judicial power. Constitution also determines that legislative, executive and judicial power interact and are independent within the limits of their authority.

The military, paramilitary and internal security forces, intelligence services and the police are subordinated to the executive power and the President is the Supreme Commander-in-Chief of Military Forces of the Republic of Azerbaijan. Although executive power is independent within the limits of its authority, the executive power, including Ministry of Defence cooperates with the Parliament during the relevant legislation process. Upon invitation by the Parliament, Ministry of Defence and other relevant bodies provide the Parliament with appropriate reports and send its high level representatives to the meetings of the Parliament's respective Commission.

**2.2. How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

In the Republic of Azerbaijan, democratic control over Armed Forces is exerted using different tools, including approval of defence budget by the Parliament, the requirement for defence procurement by tender, the control over situation with respect for human rights in the Armed Forces by Ombudsman, Members of Parliament and independent media.

According to the Art. 10 of the "Law on the Armed Forces", the control over the implementation of the laws, legal protection of military servants, their family members and civilians is conducted with the legislation of the Republic of Azerbaijan.

According to the Art. 12 of Law "On Prosecutor service" Military Prosecutor Service exercises control over observance of laws and military charters in military facilities during the execution of punishments, as well as over laws during their implementation in detention facilities where detained and arrested military servicemen are kept.

Cases on decisions and actions (inactions) of military officials and military authorities are being tried in accordance with the Code of Civil Procedure.

The police (according to the Art. 6 of Law "On Police") informs the state bodies and public about its activities. According to the Art. 12 of this law, the internal control over the activity of police is provided by the Ministry of Interior and the external control is provided by the President. The control over execution of laws in Police is provided by the courts and Office of Prosecutor.

**2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

With a view to providing its security and defence, the Republic of Azerbaijan sets up its Armed Forces in accordance with the Article 9 of the Constitution. According to the Law, Armed Forces are tasked with the protection of the sovereignty, territorial integrity, protection of borders and prevention of armed attack and aggression. Armed Forces of the Republic of Azerbaijan have been established and are acting on basis of legality, centralized and united command.



### **3. Procedures related to different forces personnel**

#### **3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

According to Article 76 of the Constitution of the Republic of Azerbaijan, the defence of the homeland is the duty of every citizen. Citizens serve in the armed forces as defined by law. According to paragraph 26 of Article 109 of the Constitution of the Republic of Azerbaijan, the President of the Republic of Azerbaijan issues decrees on the conscription of the citizens of the Republic of Azerbaijan for the service for a fixed period and on demobilization of those who are in service for a fixed period. According to Article 2 of the Law "On the basics of conscription in the Republic of Azerbaijan," all male citizens (who do not have exemption right from military service) of the Republic of Azerbaijan who are 18 years old and fit for military service serve in the armed forces of the Republic of Azerbaijan-during 18 months (people with the higher education serve one year).

The Ministry of Defence has planned to recruit civilians in a wider range of posts. It is considering posts within science, international cooperation, medical, legal, finance, social benefits, public information, personnel management and education. It also intends that for equivalent responsibilities and ranks, civilian personnel would receive the same social benefits and the same salary as their military counterparts.

State Border Service has recruitment policy for civilians and plans to employ more of them. After establishing new personal structure, a lot of changes will be in the duties of civilian personnel.

The Internal Troops recruit professionals directly from civilian life, from conscripts serving within the organization who want to remain, and from those having completed their compulsory service within the armed forces.

#### **3.2. What kind of exemptions or alternatives to military service does your State have?**

In accordance with the provisions of the Law of the Republic of Azerbaijan "On the basics of conscription in the Republic of Azerbaijan", exemption to compulsory military is granted for family, health and family reasons as well as activity of parliament members. According to the mentioned Law, the cases of exemption to compulsory military service and people who are exempt from such service are as following:

- citizens who have Phd and its equivalence;
- conscripts who are not suited for military service during peace period and partially suited during war period;
- conscripts who are assigned for alternative service;

- conscripts who have not served up to their 35 age due to the various reasons;
- citizens who have been sentenced for serious or specially serious crimes;
- citizens who have served in military service during the former Soviet Union;
- Ombudsman;
- These people are not called for military service;
- citizens whose restraint of liberty or those who are deprived of their liberty in different forms as a criminal punishment;
- citizens who have not completed their criminal sentence period for the crimes committed previously;
- citizens who are subject to criminal investigation or those whose case is on trial.

*If belief/faith of a citizen does not accept military service, a military service may be replaced with an alternative service in accordance with the law. The duration of alternative service is 24 months in accordance with Article 76.2 of the Constitution of the Republic of Azerbaijan and Article 21 of the law "On the basics of conscription". Currently the draft law "On the Alternative service" is being prepared.*

### **3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

According to Article 57 of the Constitution of the Republic of Azerbaijan, Law of the Republic of Azerbaijan "On consideration of requests by citizens", Articles 6 and 54 of the Internal Service Regulations of the Armed Forces of the Republic of Azerbaijan, Chapter 5 of the Disciplinary Regulations of the Armed Forces of the Republic of Azerbaijan, Article 22 of the Law of the Republic of Azerbaijan "On the status of the military servicemen" military servicemen have rights to submit their proposal, application and complaint as well as military servicemen can declare to a court about actions of functional officers and military management authorities who excess the framework established by service regulations and violating rights of military servicemen, and disgrace their dignity. According to paragraph 3 of the same article it is forbidden to impede reporting on violations and punish or persecute the complainant for this action.

A special section for the rights of military servicemen has been established at the *Office of the Ombudsman*. Ombudsman has the right to inspect any military unit without prior notice. Ombudsman regularly inspects military units and receives complaints. Members of Parliament and representatives of NGOs regularly visit military units. Independent media, including TV channels may prepare reportages from military units.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programs and regulations?**

Instruction of the international humanitarian law and other international regulations by the personnel of the Armed Forces is carried out within the legal training system in accordance with the order of the Minister of Defence "On the organization and instruction of lessons on humanitarian training in the Armed Forces".

Law on Armed Forces of Azerbaijan Republic clearly determines that the military patriotic education of the military servants of the Armed Forces of the Republic of Azerbaijan is carried out on the basis of the values of humanity and national-historical traditions of the Azerbaijani people.

##### **4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

Humanitarian training course on the Code of Conduct and norms of international humanitarian law about the use of the armed forces in the armed conflicts are conducted for the military from all categories of the Armed Forces of the Republic of Azerbaijan.

Special briefings on the particularities of the implementation of the norms of international humanitarian law during peacekeeping operations are given to the personnel of peacekeeping forces. Necessary methodical recommendations are published in the journal "Hərbi bilik" (Military knowledge) of the Ministry of Defence.

There is cooperation between the Republic of Azerbaijan and appropriate institutions of OSCE and International Committee of the Red Cross on disseminating international humanitarian law in the Armed Forces of the Republic of Azerbaijan.

##### **4.3. How does your state ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

Courses on the law of armed conflicts are conducted for the officers from all categories of Armed Forces of the Republic of Azerbaijan to improve their knowledge about human rights, various religions and cultures. They understand that maltreatment with the members of different cultures is a criminal responsibility.

##### **4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

During the trainings of the individual service members, mandatory classes about their civil rights are taught to them.

Armed forces of the Republic of Azerbaijan serve to protect its territorial integrity and inviolability, sovereignty and the interests and to prevent an armed attack and repulse an aggression against the State. According to the Constitution, the main task of the arm forces of Azerbaijan is to provide its safety and defend itself. The illegal activities of individuals, any organization and trade unions with political aims are prohibited within the Armed Forces of the Republic of Azerbaijan. These trends are confirmed with the Constitution of the Republic of Azerbaijan and other relative laws.

According to the "Law on Political Parties" of the Republic of Azerbaijan, people who serve in military service can not be member of any political party. The membership of military personnel to any political party is suspended during their service.

**4.5. How does your State ensure that its defence policy and doctrine are consistent with international law?**

Azerbaijan prepares its defence policy and doctrine in compliance with internationally recognized standards. In this regard, Azerbaijan closely cooperates with NATO, OSCE, Council of Europe and other appropriate organizations.

### **SECTION III: Public Access and contact information**

#### **1. Public access**

**1.1 How is the public informed about the provision of the code of Conduct?**

**1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

**1.3 How does your State ensure public access to information related to your State's armed forces?**

Press Service of the Ministry of Foreign Affairs of the Republic of Azerbaijan distributes press releases, provides periodic briefings and gives press conferences about the provision of the Code of Conduct.

In this regard, the official websites of Ministry of Foreign Affairs, Ministry of Defence, Ministry of National Security, State Border Service and other relative institutions are helpful for public to get information about the abovementioned issues.

Press Service of the Ministry of Defence of the Republic of Azerbaijan is responsible for providing the public with the information related to the Armed Forces.

## **2 Contact information**

### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

Ministry of Foreign Affairs and Ministry of Defence are the national points of contact for the implementation of the Code of Conduct.