

AZƏRBAYCAN RESPUBLİKASININ
ATƏT YANINDA
DAİMİ NÜMAYƏNDƏLİYİ



PERMANENT MISSION
OF THE REPUBLIC OF AZERBAIJAN
TO THE OSCE

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The Permanent Mission of the Republic of Azerbaijan to the OSCE presents its compliments to all Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and has the honour to transmit herewith the reply of the Republic of Azerbaijan to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2017.

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

Enclosure: 31 pages.



Vienna, 26 May 2017

**All Delegations and Permanent Missions to the OSCE
The Conflict Prevention Centre of the OSCE**

Vienna

AZERBAIJAN

INFORMATION EXCHANGE ON THE OSCE CODE OF CONDUCT ON POLITICO- MILITARY ASPECTS OF SECURITY 2017

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 in 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 in 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 in Montreal on 23 September 1971 (ratified by the Law of 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 in 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 in 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 in 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 in 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 in 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 in 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 in 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).
- Amendment to the Convention on the Physical Protection of Nuclear Material, adopted in Vienna in 2005 (ratified by the law of the Republic of Azerbaijan No.178-VQ of March 18, 2016);

Regional legal instruments

Council of Europe:

- Council of Europe Convention on the Prevention of Terrorism signed in Warsaw on 16 May 2005 (approved by the Law of The Republic of Azerbaijan № 891-IVQ on 03 February 2014);
- Convention on Cyber crime done in Budapest on 23 November 2001 (approved by the Law of The Republic of Azerbaijan № 874-IIIQ on 30 September 2009);

- Protocol on changes and amendments to the European Convention on Prevention of Terrorism of 2003 (ratified by the law of the Republic of Azerbaijan № 550-IIIQ of 22 February 2008);
- European Convention on Extradition, done in 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 in Strasbourg on 20 April 1956 and Additional Protocol to the Convention, done in 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 date- 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);
- Agreement on Cooperation between the CIS participating States in the fight against terrorism (ratified by the Republic of Azerbaijan on 22 June 2010);
- Decision on amendments and additions to Statute on Anti-terror Center of CIS member states (approved by the Law of The Republic of Azerbaijan № 415-IIIQ on 1 October 2007);
- Protocol on approval of the Statute on regulation on the arrangement and conduct of joint antiterrorist measures in the territory of CIS member states (approved by the Law of The Republic of Azerbaijan № 582-IIQ on 13 January 2004).

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;
- Protocol to the 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 the 20 July 2002 (approved by the Law of The Republic of Azerbaijan № 878- IIIQ on 30 September 2009);
- Agreement on Establishment of the GUUAM Virtual Center for Fight against Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crimes and GUUAM Interstate Information Management System (IIMS) (approved by the Law of The Republic of Azerbaijan № 665- IIQ on 21 May 2004).

Organization of the Black Sea Economic Cooperation (BSEC):

- Additional Protocol to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Form (ratified on 03 June 2008);
- Additional Protocol on Combating Terrorism to Agreement Among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Form (ratified on 19 July 2007);
- Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms (ratified on 17 June 2002).

Bilateral/multilateral agreements signed and/or ratified by the Republic of Azerbaijan:

- Memorandum of mutual understanding between the Ministry of Internal Affairs of the Republic of Azerbaijan and the Ministry of Internal Affairs of Russian Federation in the field of combating terrorism of 04.02.2000;
- 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 terrorism, customs regulation violations and cross-border smuggling between the Republic of Azerbaijan and Russian Federation of 04 July 2003;
- 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 (ratified 10.09.2004);
- 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 (ratified 01.03.2006);
- 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 (ratified 30.09.2005);
- 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);
- Agreement between the Government of Azerbaijan and the Government of Romania on cooperation in combating cross border crime and international terrorism (Signed in Bucharest, 28 September 2009, Entered into force 24 December 2010);
- Agreement signed by the Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and the Republic of Turkmenistan on cooperation in security field in the Caspian Sea; Baku, 18.11.2010 (approved by the Law of the Republic of Azerbaijan № 48-IVQ on 01 February 2011).

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 national legislation in 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;

This law contains the definition of terrorism as “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 “terrorist”, “terrorist group”, “terrorist organization”, “fight against terrorism”, “terrorist activity”, “international terrorist activity” and “operations against terrorism”.

The mentioned 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.

It is also stipulated 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 of terrorism, as well as minimizing the potential damage.

The Chapter 3 of the Law on Combating Terrorism sets the rules of providing compensation for the damage caused by acts of terrorism, as well as provision of 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 the people against a State or a 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 manufacturing 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 in the Article 214 of the Criminal Code of the Republic of Azerbaijan. On the implementation of Council of Europe Convention on the Prevention of Terrorism to the criminal legislation of the Republic of Azerbaijan the new articles which provide criminal liability for “public provocation to commit a terrorist offence” and “training for terrorism” were added to the Criminal Code of the Republic of Azerbaijan by the Law of the Republic of Azerbaijan № 919-IVQD on 04 March 2014.

According to the article 214-2 of the Criminal Code of the Republic of Azerbaijan the crime of public provocation to commit a terrorist offence means to conduct public

provocation for the acts of attack against internationally protected persons or organizations, training for terrorism, taking hostages, hijacking, seizing a ship or railway train, piracy, illegal handling with radioactive materials, plunder or extortion of radioactive materials, attempt on life of the state or public authority, creation of armed formations or groups which are not provided by the legislation, diversion and also to distribute materials with these content. The crime of public provocation to commit a terrorist offence is punished by imprisonment up to 5 years.

Article 214-3 of the Criminal Code of The Republic of Azerbaijan provides criminal liability for the persons who organize or conduct these trainings as well as the persons obtained such trainings. Training for terrorism covers the preparation on the use of firearms, explosives or other weapons, toxic substances or other hazardous methods or techniques for the purpose of commission of above mentioned acts. According to the notice part of this article the person who committed the act of training for terrorism is released from criminal liability in case if that person informs state authorities in time or by other ways helps to prevent the crime and to expose participants, organizers and backers of such trainings if the person has not been accused of other crime.

According to the classification determined by the article 15 of the Criminal Code of The Republic of Azerbaijan the acts mentioned in the articles 214-2 and 214-3 of the Code are included to serious and especially serious crimes category for their character and degree of public danger.

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 important national legislative acts were adopted in the Republic of Azerbaijan:

- Law of the Republic of Azerbaijan on Ratification of International Convention against Nuclear Terrorism № 725-IIIQ of 2 December 2008;
- Law of the Republic of Azerbaijan 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 Republic of Azerbaijan 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 Republic of Azerbaijan on Ratification of the Protocol on changes and amendments to the European Convention on Prevention of Terrorism № 550-IIIQ of 22 February 2008;
- Law of the Republic of Azerbaijan on approval of the Treaty on cooperation of CIS member States in combating terrorism (22 June 2010, № 1050-IIIQ);
- Order of the President of the Republic of Azerbaijan on defining competent state body under the Treaty on cooperation of CIS member States in combating terrorism (13 August 2010, № 1057);
- Law of the Republic of Azerbaijan on approving Agreement on Cooperation among Governments of GUAM participating States in the Field of Combat against Terrorism, Organized Crime and other Dangerous Types of Crimes (10 June 2003, № 467-IIQ);
- Order of the President of the Republic of Azerbaijan on ensuring of the activity of National Information-Analytical Center of GUAM Interstate Information-Analytical System on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crimes (№ 1409, 10 April 2006).

Azerbaijan indicated its strong willingness to counter the Islamic State of Iraq and the Levant (ISIL) by sharing information, working to disrupt the flow of foreign terrorist fighters to Iraq and Syria, and countering illicit funding of terrorist groups there. Senior leaders, including the heads of the Caucasus Muslim Board and the State Committee for Work with Religious Associations, took steps to counter ISIL and Al-Qaeda ideology publicly.

The Azerbaijani government has effectively demonstrated the ability to detect and deter terrorist activities, as well as prosecute foreign terrorist fighters returning to Azerbaijan. Authorities effectively use terrorist and criminal watch lists and biographic/biometric information to screen travelers at ports of entry. Information sharing within the host government and with other countries was strong. Collection of Advance Passenger Information and Passenger Name Records on commercial flights occurred on some flights.

On December 4, 2015 the Parliament adopted a Law on Fighting Religious Extremism. The 15-provision law clarifies the legal bases for identifying and prosecuting cases of religious extremism and fanaticism that lead to terrorism, and links criminal, administrative, and civil responsibilities for violations. At the same time, a new amendment to the Criminal Code was introduced, which triggered harsher punishments for violating procedures for Islamic religious ceremonies, particularly by citizens who received religious education abroad, with up to one year imprisonment or fines from US \$600 up to US \$3,000. In cases of "religious propaganda" by foreigners and stateless persons, the punishment was newly set at one to two years in prison.

On December 5, 2015 the president signed into law new amendments to the Law on Religious Freedom. The new amendments expanded restrictions on the use of religious symbols and slogans, which may only be used inside places of worship.

A new amendment introduced on December 5, 2015, to the Law on Citizenship, first adopted in 1998, specifies new grounds of losing citizenships, including: participating in

terrorist actions, participating in religious extremist actions or military trainings abroad under the guise of receiving religious education, proselytizing religious doctrines on grounds of animosity, and participating in religious conflicts in a foreign country under the guise of religious rituals.

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?

In line with the Decree of the President of the Republic of Azerbaijan No. 185 of August 30, 1999 on Application of the Law of the Republic of Azerbaijan on Countering Terrorism State Security Service, State Border Service, Ministry of Internal Affairs, Ministry of Defense, State Special Protection Service within their responsibilities take part in the fight against terrorism. In December 2015, Ministry of National Security was split into and Foreign Intelligence Service.

According to the article 5 of the Law of Republic of Azerbaijan on Combating Terrorism of June 18, 1999 the relevant executive body of the Republic of Azerbaijan (the President of the Republic of Azerbaijan) supervises the combating terrorism and provides necessary means to this end.

According to the Article 7 of abovementioned Law, in order to ensure the unified command and control of counter-terrorism operations, an operational headquarters is set up and a chief of staff is appointed through the decision of the President of the Republic of Azerbaijan depending on the nature of operations, where necessary on a temporary basis (for the period of anti-terrorist operations). Working procedures of the operational headquarters are defined by the regulations approved by the President on September 17, 2007.

Chief of 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 chief of staff should be mandatory to each official and citizen in the 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.

According to Article 8 of the Law of the Republic of Azerbaijan on Combating terrorism in order to conduct anti-terrorism operations, the operational headquarters shall use the necessary forces and equipment at the disposal of the Ministry of Defense of the Republic of Azerbaijan.

According to the legislation of the Republic of Azerbaijan and the Regulation of State Border Service alongside with other responsibilities, State Border Service also takes necessary actions to prevent smuggling of explosive materials and devices, military equipment, firing arms and battle gear, materials and equipment that could be used for production of nuclear, chemical, bacterial and other kinds of weapons of mass destruction, as well as illegal crossing of the state borders of Azerbaijan by individuals and transport vehicles and movement of terrorists, terrorist groups, and illegal migrants.

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 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 State Security Service¹ 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 8 up to 12 years with confiscation of property.

A new Chapter 15-1 on Special Confiscation was added to the Section VI of the Criminal Code of the Republic of Azerbaijan by the law on Changes to the Criminal Code of the Republic of Azerbaijan (No 314-IVQD, 07 March, 2012). According to the Article 99-1.1.4 of the Criminal Code of the Republic of Azerbaijan, the property used and intended to be used for financing of terrorism, illegal armed units or groups, organized groups or criminal units (criminal organizations) is compulsorily and gratuitously confiscated and passed to the property of the state.

As a result of operational measures conducted against terrorism, a number of weapons and ammunitions hidden by the members of a terrorist group were confiscated. The members of this group participated in the operations carried out by "Al-Qaida" linked

¹ As amended by the Presidential Decree of March 3, 2017

illegal armed groups acting in Afghanistan-Pakistan were arrested and subjected to the criminal liability.

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 punishable with a fine of 800 to 1.500 AZN for the individual and 8.000 to 15.000 AZN for the legal entities.

The Government of Azerbaijan has achieved substantial progress in aligning the AML/CFT framework with FATF Recommendations and in establishing a solid system to combat money laundering and financing terrorism in Azerbaijan. In order to align national legislative framework with international AML/CFT standards and requirements, significant number of legislative acts, specifically the Law of the Republic of Azerbaijan No.767-IIIQ on the Prevention of the Legalization of Criminally Obtained Funds or Other Property and the Financing of Terrorism of 10 February 2009 was adopted and according to this Law 4 codes, 15 laws and 6 presidential decrees, in total covering more than 100 articles were amended in July 2009. At the same time, in order to bring the definition of terrorist financing in line with the UN Convention for the Suppression of the Financing of Terrorism and FATF Special Recommendations (SR) II the Criminal Code, Law on Suppression of Terrorism and AML/CFT Law were appropriately amended by the Law on Amendments to individual legislative acts of the Republic of Azerbaijan to enhance the prevention of the legalization of criminally obtained funds or other property and the financing of terrorism which has been adopted on March 5, 2010 and promulgated by the President of the Republic of Azerbaijan on March 17, 2010.

At the end of 2009, Azerbaijan demonstrated an increasing level of seriousness and urgency in taking steps to combat terrorist financing, and in proceeding with efforts to implement its law on anti-money laundering and counterterrorist financing (AML/CTF) established a Financial Investigative Unit (FIU) within the Central Bank. This Unit prepared an action plan in October 2009 to bring Azerbaijan's AML/FIU into conformity with the standards of the United Nations, the Financial Action Task Force (FATF), and other international organizations and conventions, and submitted the plan to MONEYVAL, the FATF-Style Regional Body (FSRB) hosted by the Council of Europe. That institution, in turn, reviewed Azerbaijan's proposals in December and agreed to withdraw its advisory (on non-compliance) on Azerbaijan. Azerbaijan continued to identify possible terrorism-related funding by distributing lists of suspected terrorist groups and individuals to local banks.

"The list of countries (territories) that are suspected in either legalization of criminally obtained funds or other property, financing of terrorism, support of the dangerous trends of transnational organized crime, armed separatism, extremism and mercenary, participation in illegal trafficking of drug and other psychotropic substances, or the countries (territories) that do not require disclosing identification information when conducting financial transactions" was approved by the Order of the Director of the Financial Monitoring Service under the Central Bank of the Republic of Azerbaijan № F-006 on 14 February 2014.

There are other national legislative acts concerning 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 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.
- 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 State Security Service², 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);
- Law of the Republic of Azerbaijan on changes and amendments to some legislative acts of the Republic of Azerbaijan in connection with implementation of 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 (Baku, 30 June 2009, № 856-IIIQ);
- Law of the Republic of Azerbaijan on making amendments and additions to some legislative acts of the Republic of Azerbaijan to enhance the prevention of laundering or legalization of other property proceeds from crime and the financing of terrorism (№ 973-IIIQD, 5 March 2010). Under this Law amendments and additions have been made to Law on Combating Terrorism, Criminal Code of the Republic of Azerbaijan;
- Decree of the President of the Republic of Azerbaijan on approval of the Statute of the Financial Monitoring Service under the Central Bank of the Republic of Azerbaijan (Baku, 16 July 2009, № 122);
- Decree of the President of the Republic of Azerbaijan on change and amendments to some Decrees of the President of the Republic of Azerbaijan in connection with implementation of 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 (Baku, 20 July 2009, № 130);
- Decree of the President of the Republic of Azerbaijan on application of the Law of the Republic of Azerbaijan On amendments to some legislative acts of the Republic of Azerbaijan to enhance the prevention of the legalization of

² As amended by the Decision No 360 of the Cabinet of Ministers of September 22 2016

criminally obtained funds or other property and the financing of terrorism (Baku, 17 March 2010, № 241);

- Decree of the President of the Republic of Azerbaijan on amendments to some Decrees of the President of the Republic of Azerbaijan (Baku, 21 December 2009, № 653);
- Decree of the President of the Republic of Azerbaijan on amendments to some Decrees of the President of the Republic of Azerbaijan with regard to the application of the Law of the Republic of Azerbaijan On amendments to individual legislative acts of the Republic of Azerbaijan to enhance the prevention of the legalization of criminally obtained funds or other property and the financing of terrorism (Baku, 13 August 2010, № 320);
- Decree of the President of the Republic of Azerbaijan on application of the Law of the Republic of Azerbaijan on Changes and amendments to some legislative acts of the Republic of Azerbaijan in connection with implementation of 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 (Baku, 20 July 2009, № 128);
- Ordinance of the Cabinet of Ministers of the Republic of Azerbaijan on amendments to the Rules for Conduct of Notary Actions in the Republic of Azerbaijan approved by Ordinance No. 167 of the Cabinet of Ministers of the Republic of Azerbaijan on September 11, 2000 (Baku, 01 October 2009, № 160);
- Ordinance of the Cabinet of Ministers of the Republic of Azerbaijan on approval of the form of the compiling of information on transportation of the currency values into or out of the Republic of Azerbaijan, submitted to the Financial Monitoring Service under the Central Bank of the Republic of Azerbaijan (Baku, 28 July 2009, № 112);
- Ordinance of the Cabinet of Ministers of the Republic of Azerbaijan on adoption of the Regulation on approval of the General List of natural or legal persons designated on the basis of relevant United Nations Security Council Resolutions, as well as legislation of the Republic of Azerbaijan and international instruments on counter terrorist financing to which the Republic of Azerbaijan is a party (Baku, 25 June 2010, № 124);
- Ordinance of the Cabinet of Ministers of the Republic of Azerbaijan on adoption of the Regulation on determination of the list of countries (territories) that are suspected in either legalization of criminally obtained funds or other property, financing of terrorism, support of the dangerous trends of transnational organized crime, armed separatism, extremism and mercenary, participation in illegal drug dealership and other psychotropic substances production or circulation thereof, or the countries (territories) that do not require disclosing identification information when conducting financial transactions (Baku, 25 June 2010, № 123).

Border controls, Travel document security:

Necessary work is carried out to strengthen the security of land and maritime borders, improve the technical supply of all check points at state borders in order to prevent smuggling of WMD, its components and radioactive materials across the state borders.

Additionally, border control is strengthened at the check points through state border and operational investigations are underway in order to prevent crossing through the territory of Azerbaijan by the members of terrorist groups and organizations and persons suspected with links to them.

In 2016 8 Azerbaijani nationals who fought in the conflict zones abroad were detained and necessary procedures were undertaken against them.

IAMAS (Inter-organizational Automated Information Search System), which is used at the state border check points, allows identifying the individuals from the abovementioned category.

In 2016, as a result of preventing the use of the territory of Azerbaijan as a transit point for illegal migration to European countries, 287 persons were identified with counterfeit, 37 persons with impostor documents and visas.

During the year, 6 groups engaged in illegal migration and 5 organized criminal groups that were engaged in illegal circulation of drugs have been neutralized.

State Border Service of the Republic of Azerbaijan closely cooperates with relevant agencies of the United States (in the framework of Export Control and Border Security; Second Line defense programs), Great Britain, France, Switzerland, Lithuania, Latvia, Belarus, Netherlands, Hungary, Poland, Saudi Arabia, Pakistan, Afghanistan, Egypt, United Arab Emirates in the sphere of fighting with potential threats manifested by international terrorism, organized and trans-border crimes, as well as smuggling of arms, munitions, explosive and radioactive materials. SBS is regularly represented at the counter-terrorism events initiated by international organizations (UN, UNDP, European Union, NATO, OSCE, GUAM, IOM, and FRONTEX).

At the same time, State Border Service of Azerbaijan pays special attention to the development of regional cooperation. So, meetings of different levels and information exchange with representatives of border agencies of all bordering countries (with the exception of Armenia) take place in order to increase the efficiency of border protection.

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 State Security Service³, the Ministry of Foreign Affairs, State Migration Committee and the State Border Service cooperate closely in this area.

³ The Presidential Decree No 760 of December 14 2015 on The establishment of the State Security Service and the Presidential Decree No 724 of January 13 2016 on Ensuring the activities of the State Security Service

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 Azerbaijan 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, 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 Haydar Aliyev 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 Haydar Aliyev 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.

Security of radioactive sources:

Sharing the common concern of international community over growing threat being posed by malicious acts involving nuclear materials, Azerbaijan attaches great importance to nuclear security. Achieving goals and objectives of non-proliferation and nuclear security is an unalterable and permanent priority of foreign and security policy of the Republic of Azerbaijan.

As a sign of its determination, Azerbaijan became a party to key international treaties governing nuclear security, including International Convention for the Suppression of Acts of Nuclear Terrorism, Convention on Physical Protection of Nuclear Material (CPPNM) and Amendment to the CPPNM.

Azerbaijan's endorsement of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources in August 2014 will help national authorities to further strengthen radiation safety and security regime.

As a further step of the contribution to international efforts on the nuclear security, on March 2012 Azerbaijan joined the Global Initiative to Combat Nuclear Terrorism (GICNT) in capacity of a partner country.

Azerbaijan participates in international information sharing on illicit trafficking issues through contribution to the IAEA Incident and Trafficking Database, where State Security Service⁴ is the coordinating agency.

Azerbaijan also supports the efforts of the United Nations for strengthening nuclear security. In 2016, Azerbaijan submitted an updated report to the United Nations on further measures taken by Azerbaijan on the implementation of Security Council Resolution 1540 adopted in 2004 to prevent the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery. The report includes further national measures on improving legislation, national practices and their implementation and strengthening international cooperation;

In spite of the fact that there are no nuclear installations or facilities in the country, except for few applications of ionizing radiation sources for civilian purposes, Azerbaijan has put in place a robust safety and security system.

On April 2008 the President of the Republic of Azerbaijan signed a decree on establishment of the State Agency on the Regulation of Nuclear and Radiological Activities (thereafter the "Agency" in this subsection), as a single regulatory body under the Ministry of Emergency Situations.

The Agency established a complete centralized inventory of radioactive sources. This inventory is kept updated and regularly verified by the International Atomic Energy Agency (IAEA) through inspections. The Ministry of Emergency Situations is entitled to issue special permissions for scientific-research and practical-construction activities related to utilization of ionizing radiation sources; for production, manufacture, processing, transportation and exploitation of radioactive materials; for installations, points and storages of ionizing radiation sources and designing and preparation of radiation safety means; for activities related to installations of ionizing radiation sources, designing, preparation, disposal, construction, putting into operation and withdrawal of radioactive wastes.

The state agency of the Republic of Azerbaijan responsible for radioactive waste management and radioactive materials transport is the Baku Radioactive Waste Facility "ISOTOP" of the Ministry of Emergency Situations. This agency monitors the use, storage and protection of radioactive materials and equipment. "ISOTOP" is currently

⁴ As amended by the Presidential Decree No 1275 of March 3 2017

equipped with state-of-art devices and technologies which enable it to exercise the functions in line with international practice.

Acknowledging potential threat derived from both orphan sources and the possibility of malicious acts involving radioactive sources, state agencies of the Republic of Azerbaijan take all necessary measures to ensure proper control of radioactive sources during their life cycle through the registration, licensing, inspection, and export control.

The malicious acts involving radioactive sources bring criminal, civil or administrative liability in accordance with the national legislation of the Republic of Azerbaijan.

Articles 206.2-206.4 of the Criminal Code of Azerbaijan envisage criminal penalties from 3 to 12 years imprisonment for violating customs regulations and for the smuggling of radioactive and explosive substances and equipment, weapons, military hardware, nuclear, chemical, biological and other types of weapons of mass destruction, as well as materials and equipment used in the manufacture of such weapons.

Article 226 of the Criminal Code envisages penalties for illegal handling of radioactive materials, their acquisition, storage, use, sale and transfer. Article 227 covers the theft or extortion of radioactive materials.

Administrative Offences Code of the Republic of Azerbaijan envisages administrative responsibility for "violating of ecological requirements during engagement in radioactive materials" (article 77), "non fulfillment or violating requirements of ensuring sanitary and hygiene rules of radiation security" (article 107), "infringe legislation on ecological security" (article 113.0.10) activities.

According to the article 4.6 of the Law of the Republic of Azerbaijan on State Border Service and paragraph 9.7 of the Charter on State Border Service of the Republic of Azerbaijan within its competences the State Border Service of the Republic of Azerbaijan ensures the prevention of the transferring of WMD and their components and radioactive substances through state border.

The Customs Code of the Republic of Azerbaijan also set out a number of enforceable measures for the prevention of illegal circulation of nuclear, chemical and biological weapons and related materials. With the purposes to enhance radiation security State Customs Committee adopted the Rules on Implementing Customs Inspection on Radioactive Materials in line with the international instruments, as well as international radiation security norms and rules on safe transfer of radioactive materials.

Use of Internet and other information networks for terrorist purposes:

The society of Azerbaijan is increasingly relying on information and communication technologies and thus becoming increasingly vulnerable to threats such as attacks against the confidentiality, integrity and availability of computer data, hate speech, use of internet for terrorist incitement, recruitment, financing and etc.

Current criminal legislation requires some changes, as might probably be the case of some procedural provisions as well. Efficient measures for law enforcement need to be created and the question of cooperation with internet service providers needs to be regulated. Currently there is very limited knowledge of high tech crime in the national

institutions, as is the case with the judiciary. The use of electronic evidence is a new development which requires the trainings and assistance.

Azerbaijan came forward with an initiative of accession to the Council of Europe Convention on Cyber crime in 2005, and on 30 September 2009 the President approved the country's accession to the Convention. Azerbaijan ratified the Convention on Cyber crime on 1 July 2010 (with reservations to the articles 6, 24, 27, 29, 35, 38 and 42) and on its basis undertook improvement of legislation in this area and close cooperation with Internet Providers.

In order to enhance the protection of national cyber space the Ministry of Transport, Communications and High Technologies intends to set up Information Security Department (ISD) to be analog of worldwide applied computer emergency response (CERT).

The role of ISD will be:

- Creation of the Operational Staff responding to computer threats;
- Protection of the national information systems and national cyber space;
- Provision of relevant information to the governmental bodies and private sectors;
- Coordination of work between public and private sectors (internet providers, telecommunication societies);
- On time reveal of the threats to national cyber space;
- Provision of technical, methodical and informational assistance;
- International cooperation.

The overall responsibility over issues related to cyber crime lies with the State Security Service⁵ however other state bodies are equally concerned.

Building upon the previous successful cyber defence course for the Azerbaijani system administrators that was conducted in 2014, a group of system and network administrators from Azerbaijan participated in a cyber-defense Advanced Training Course in Turkey under framework of Science for Peace Programme of NATO on 2-12 February, 2016. This course was designed to further deepen the knowledge of civil servants in Azerbaijan, addressing expanded topics in the cyber defense area.

Furthermore, several workshops and exercises were organized under the framework of Cybercrime@EAP II and III projects with support of the Council of Europe and European Union in 2017. The projects aimed to optimize the regional and international cooperation on cybercrime and electronic evidence and to improve the cooperation between criminal justice authorities and service providers in specific criminal investigations and with the necessary rule of law safeguards.

Legal cooperation including extradition:

The law enforcement agencies of Azerbaijan are actively cooperating with their foreign counterparts on all aspects of countering terrorism.

⁵ As amended by the Presidential Decree No 1275 of March 3 2017

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. 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 banned 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.

Pursuant to the Law on Extradition of the Republic of Azerbaijan, extradition shall be granted in respect of offences punishable under the laws of the requesting country and of its own by deprivation of liberty or under a detention order for a maximum period of at least one year or by a more severe penalty (Article 2.1).

According to the Law on Extradition of the Republic of Azerbaijan, adopted on 15 May 2001, extradition shall not be granted when the person claimed has, according to the law of either the requesting or the Republic of Azerbaijan, become immune by reason of lapse of time from prosecution or punishment (Article 3.1.6). Also according to this Law, extradition shall not be granted if the offence in respect of which it is requested is regarded by the Republic of Azerbaijan as a political offence or as an offence connected with a political offence (Article 3.1.3). Also according to this Law, extradition shall not be granted if the offence in respect of which it is requested is an offence under military law which is not an offence under ordinary criminal law (Article 3.1.7).

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

Safe Havens and shelter to terrorists and terrorist organizations:

The Nagorno-Karabakh region of the Republic of Azerbaijan and seven districts surrounding this region are currently occupied by the military forces of the Republic 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.

The Law on Participation of the Republic of Azerbaijan on Peacekeeping Operations (adopted in 2010) determines the basis, forms and rules of participation of the Republic of Azerbaijan in peacekeeping operations concerning the prevention, regulation and resolution of local and regional conflicts. The provisions of this Law, in accordance with the Article 51 of the Charter of the United Nations (UN), do not confine the inherent right of the Republic of Azerbaijan for individual or collective self-defense to repel an armed aggression, as well as military cooperation right with other states and international organizations to ensure international and regional security. The Republic of Azerbaijan defines independently expedience, scope and level of participation in peacekeeping operations. According to the Law Azerbaijan may appeal to other countries and international organizations to conduct peacekeeping operations in its own territory.

In accordance with Article 1 of the aforesaid law, the legislation on participation of the Republic of Azerbaijan in peacekeeping operations also comprises the Constitution of the Republic of Azerbaijan and other legal acts and international treaties which the Republic of Azerbaijan is a party.

The Regulation on forming and special training of military and civilian personnel that is being deployed to peacekeeping operations was approved by the decree No 52 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 12 April 2011.

According to paragraph 3.4 of the abovementioned Regulation, participation of military and civilian personnel of the Republic of Azerbaijan in peacekeeping operations include oversight and monitoring of ceasefire agreements and cessation of other hostilities, preventive measures, separation of the parties to a conflict, disarmament and dissolution of units, mediation, post-conflict rehabilitation, engineering and other tasks, assistance in addressing issues related to refugees and IDPs, medical and humanitarian assistance, protection of civilians and maintaining of public order to protect human rights and other functions in line with the UN Charter.

The Republic of Azerbaijan, while conducting peacekeeping operations or participating in a collective peacekeeping operations, is guided with the Charter, decisions of the UN Security Council or international and regional organizations, which has powers considered by the UN as appropriate to the provisions of the Chapter VIII of its Charter, made in relation with issues concerning maintenance or restoration of international peace and security, elimination of a threat to peace or a breach of peace or prevention of an act of aggression.

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

Based on the decision of the Parliament of the Republic of Azerbaijan № 378-IIQR dated 15 November 2002, two platoons of the Armed Forces of the Republic of Azerbaijan were deployed to Afghanistan within the battalion of the Turkish Armed Forces and under the general command of NATO structures and are participating in corresponding operations. According to the amendment to the aforementioned decision made by the Parliament of the Republic of Azerbaijan № 673-IIIQR dated 2 October 2008, the number of platoons was increased from two up to four. Currently 94 members of the Armed Forces of the Republic of Azerbaijan are deployed in Afghanistan.

Very few, if any, in the OSCE would disagree that unresolved conflicts in the OSCE area are the most severe threat to peace and security. Due to continued military occupation by Armenia, part of internationally recognized territories of Azerbaijan is turned into a grey zone with accumulation of undeclared, unaccounted and uncontrolled military equipment. The occupying state conceals its military potential from relevant control and verification mechanisms, as it illegally transfers and diverts weapons and ammunitions to these territories and engages in illegal military build-up therein. As a result, the zone of application of agreed CSBMs is fragmented to the detriment of functioning of entire regime.

The European Court of Human Rights in its landmark decision of 2015 on the case of Chiragov and others v. Armenia effectively put an end to Armenia's persistent denial of its responsibility for the unlawful occupation of and military presence in the territories of Azerbaijan. Moreover, the abovementioned decision concluded that the Republic of Armenia exercises effective control over Nagorno-Karabakh region and the surrounding territories, including the district of Lachin.

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.

Achieving goals and objectives in the fields of arms control, disarmament and confidence and security building is an unalterable and permanent priority of Azerbaijan's foreign and security policy, formulated in line with principles enshrined in the existing legal regimes on WMD and disarmament.

The Republic of Azerbaijan supports existing international arms control, disarmament and non-proliferation instruments and pays special attention to the international multilateral mechanisms in this area.

For successful fulfillment of its policy priorities Azerbaijan is actively expanding cooperation in bilateral and multilateral frameworks.

Azerbaijan has always been supportive of the documents and resolutions related to non-proliferation and disarmaments issues adopted by the UNSC and UNGA, as well as by other international organizations to this end.

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 Republic of Azerbaijan is a party to several relevant arms control treaties and agreements, such as CFE and Vienna Document 2011. Azerbaijan implements all obligations set forth in these documents. Our country receives annually a number of inspections and evaluation missions, as well as provides the foreseen military information to all OSCE participating States.

Moreover, the Republic of Azerbaijan provides relevant information on the transfer of conventional weapons to the UN Register of Conventional Arms.

While fully acknowledging the threats and challenges caused by proliferation of WMDs and related materials, Azerbaijan joined the Treaty on Non-Proliferation of Nuclear Weapons in 1992 and the Comprehensive Nuclear-Test-Ban Treaty in 1999. Moreover, Azerbaijan is also a party both to the Chemical Weapons Convention and the Biological Weapons Convention. Located in a very sensitive region we are determined to contribute to combating proliferation of WMD in all its aspects, and facilitate the process of nuclear disarmament, leading to the achievement of the final goal of full liquidation of nuclear weapons.

Azerbaijan fully shares concerns of international community regarding illicit transfer of Small Arms and Light Weapons (SALW) which is a grave threat to overall security and stability. Easy availability of SALW coupled with their damaging capacity makes them a serious threat that the international community has to face in the new millennium.

Azerbaijan supported the adoption of the OSCE Document on SALW in 2000 and UN Program of Action on SALW in 2001, and considers them as significant achievements in combating illicit trafficking and transfer of SALW. Azerbaijan fulfils all its obligations, as well as participates in information exchange under these documents on a one-off and annual basis as appropriate.

Azerbaijan has always been supportive of the documents and resolutions related to arms control, non-proliferation and disarmament adopted by the UNSC and UNGA, other international organizations to this end.

International cooperation has always been a cornerstone of our efforts in the arms control. Azerbaijan actively cooperates with IAEA, CTBTO, OPCW, and other international organizations and arrangements in related areas.

However, The Republic of Azerbaijan remains concerned that all related arms control provisions cannot be applied within the territories of the Republic of Azerbaijan occupied by the Armed Forces of Armenia. A great number of equipment and armaments deployed in these territories is out of control, and poses a serious threat to peace and security in the region. The Republic of Azerbaijan continues to call international community to provide efforts towards the withdrawal of these forces from those territories and the appropriate removal of the related equipment and armaments.

Unfortunately, due to the continued occupation its territories by neighboring Armenia, Azerbaijan is unable to provide proper border control along a 132 km-long section of its borders with Iran and a substantial part of its border with Armenia. Azerbaijan stresses

that the efficient arms control regime in the South Caucasus could be possible only when all countries in the region will respect international law norms and principles and renounce territorial claims to their neighbors.

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 defense expenditures in your state?

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

Defense plans are based on the National Security Concept. The Military Doctrine related to this Concept is being approved by the Parliament. The Military Doctrine sets tasks and responsibilities, current and mid-term priorities for development and readiness of the armed forces and other state armed formations, such as State Border Service and Internal Troops.

The Strategic Defense Review is another important document. The SDR defines strategic security environment in evolving conditions, tasks for the armed forces and other armed formations, their capability gaps and needs. It gives recommendations on capabilities, infrastructure, as well as interagency responsibilities and coordination.

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?

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 Preamble of the Constitution of the Republic of Azerbaijan declares the adherence of Azerbaijan to universal values and sets a goal to live in amity and peace with all nations of the world and to this end strive for cooperation with them.

Article 9 of the Constitution of Azerbaijan envisages establishment of Armed Forces with a view to maintain its security and defense. Armed forces are comprised of the Army of the Republic of Azerbaijan and other military formations. The Constitution rejects war as

a mean of infringement on independence of other states and as a way of settlement of international conflicts.

Article 10 of the Constitution stipulates that Azerbaijan develops its relations with other countries based on norms and principles of international law.

The President of the Republic of Azerbaijan is the Supreme commander-in-chief of the Armed Forces of the Republic of Azerbaijan.

Although executive power is independent within the limits of its authority, the executive power, including Ministry of Defense cooperates with the Parliament during the relevant legislation process. Upon invitation by the Parliament, Ministry of Defense 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.

According to Article 94 of the Constitution, military regime, generic rules on defense and military service are determined by the Parliament of the Republic of Azerbaijan.

According to Article 95 of the Constitution, the Parliament of the Republic of Azerbaijan, upon recommendation by the President of the Republic of Azerbaijan, settles the issues related to the involvement of Armed Forces of the Republic of Azerbaijan in implementation of the tasks other than their normal duties.

According to Article 109 of the Constitution, the President of the Republic of Azerbaijan is authorized to appoint and dismiss supreme command personnel, as well as to submit recommendations to the Parliament of the Republic of Azerbaijan about consent for the use of Armed Forces of the Republic of Azerbaijan in implementation of the tasks other than their normal duties.

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

The National Security Concept of Azerbaijan of 2007 and the Military Doctrine of Azerbaijan approved in 2010 by the Parliament identifies democratic control over the Armed Forces among the principles of the national defense policy.

In pursuit of making transparent its security and defense policy Azerbaijan publicly declared its security and defense posture through disclosing the threat assessment, national interests in foreign, security and defense policy that are reflected in the above-mentioned policy documents.

Democratic control over Armed Forces is exerted using different tools, including approval of defense budget by the Parliament, realization of procurements according to legislation, the control over situation with respect for human rights in the Armed Forces by Ombudsman, Members of Parliament, civil communities, institutions and independent media.

Oversight over the defense sector is also carried out through the scrutiny by the Chamber of Accounts, which is tasked to evaluate the activities and public expenditures of the Government agencies, including the Ministry of Defense and the military units and to report to the Parliament its findings.

Besides, according to the Article 10 of the law on the Armed Forces of the Republic of Azerbaijan, the control over the implementation of the laws, legal protection of military servants, their family members and civilians is conducted within the legislation of the Republic of Azerbaijan.

According to the Article 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 considered in accordance with the Code of Civil Procedure.

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?

Armed Forces of the Republic of Azerbaijan are entrusted with the task to protect the sovereignty, territorial integrity, to protect borders and to prevent armed attacks and aggression. Armed Forces of the Republic of Azerbaijan have been established and are acting on the basis of legality, centralized and united command. Meanwhile the main duties of the Armed Forces of the Republic of Azerbaijan are described in the Military Doctrine of the Republic of Azerbaijan approved by the Decision of the Parliament of the Republic of Azerbaijan 1029-IIIQR dated 8 June 2010. According to the Article 34 of the Doctrine, the duties for the Armed Forces and other armed formations are defined based on three conditional security conditions that are referred to as "peace time", "real threat time" and "war time".

The primary responsibility of the State Border Service of the Republic of Azerbaijan is to provide security and inviolability of state borders of Azerbaijan. State Border Service is subordinate directly to the President of the Republic of Azerbaijan.

The State Security Service⁶ organizes operational-search activities, conducts investigation and initial investigation on criminal cases which are under its competence.

According to the article 3 of the Law of the Republic of Azerbaijan on Police adopted on October 28, 1999 the role of the police is to protect lives, health, rights and freedoms of people, legal interests and property of the state, natural and legal persons from illegal offences.

Article 4 of this Law defines that main direction of police activities is to protect public order and to provide public safety, to prevent and disclose crimes and other offences, as well as to provide traffic safety.

In line with article 12 of the same Law internal (in-department) and external (out-of-department) oversight of police activities have been established. Internal oversight is conducted by the Ministry of Interior of the Republic of Azerbaijan in the framework of the legislation of Azerbaijan; while external one is carried out by the President of the Azerbaijan Republic. Implementation of relevant regulations in the police is monitored by courts or prosecutors' agencies within the relevant legislation.

⁶ As amended by the Presidential Decree No 1275 of March 3 2017

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 the Part 1 of the Article 76 of the Constitution of Azerbaijan, protection of the nation is the duty of every citizen. Citizens do military service in line with law.

According to paragraph 26 of the 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 military service for a fixed period of time and on demobilization of those who are in service for a fixed period.

According to the Article 3.2 of the law on Military duty and military service of 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 must do their active service, as defined in this Law, in the Armed Forces of the Republic of Azerbaijan and other armed formations established in accordance with legislation of the Republic of Azerbaijan. At the same time the Law on Military duty and military service determines the rules of volunteer recruitment.

The Ministry of Defense recruits civilians to a various positions, such as related to 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. Currently, the status of the civilian personnel of the Ministry of Defense has been set equal to the state service level. Therefore, the statues of these personnel are now regulated by the Law of the State Service.

The Internal Troops recruit professionals directly among civilians and conscripts serving within the organization and who wants to remain in service, as well as those who have completed their compulsory service in the armed forces.

The staff of State Border Service is composed of military servicemen (officers, warrant officers, contractors, conscripts (recruited)) and labor contract based civilian staff.

Trainings of the officer staff and vocational courses take place at the State Border Service Academy, which was established in 2007 and meets modern standards, as well as various relevant training centers of State Border Service. Training of the warrant officers, non-commissioned officers, contract-based and conscript servicemen takes place at the relevant training centers of State Border Service.

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

In accordance with the Article 18 of the law on Military duty and military service of the Republic of Azerbaijan, deferment of compulsory military service is granted due to family situation, health issues, education continuation, election campaigns of people who were registered for parliamentary and municipality elections (from the date of registration until

official publication of outcomes of elections) of the Republic of Azerbaijan, as well as parliamentary, judge and ombudsman activities.

The categories of people who are not called up and exempted from the active military service are listed in Article 22 of this Law.

Hence, the following people are not temporarily called up for a fixed period of service:

- Citizens whose restraint of liberty or those who are deprived of their liberty in different forms as a criminal punishment (except citizens mentioned in the same Law in the Article 22.2);
- Citizens who have not completed their criminal sentence period for the crimes committed previously;
- Pre-court criminal or elementary preliminary investigation or inquiry carrying out or criminal about the one's until court simplified proceedings materials or citizen's complains overviewed on special prosecution regulations.

Citizens are not called up in termed active military service who has been sentenced for serious or especially serious crimes which deprives temporary time liberty or imprisoned on type of lifelong penalty.

The following citizens are exempted from active service during peace time in Article 23 of this Law:

- Citizens who have PhD and doctor of science;
- Conscripts, considered fit for active military service in peace time, partly fit in war time, or unfit for military service both in peace and war time due to health;
- Conscripts who have not served up to their 35 age due to the various reasons;
- Conscripts who are assigned for alternative service;
- Persons who have been accepted to the citizenship of the Republic of Azerbaijan and previously did active service according to the legislation or exempted from the service in the country in which they used to hold citizenship.

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.

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

The Law of the Republic of Azerbaijan of June 29, 2001 on Approval of Regulations on service in law-enforcement agencies of the Republic of Azerbaijan determines rules and conditions of service in police and other agencies that are the part of the relevant system, as well as basis of legal status of officials working for these agencies.

According to the article 150 of the above-mentioned Law, an associate of the internal affairs bodies who disagrees with decision on changes of the service place or positional downgrade is entitled to apply to the higher officials of the internal affairs bodies, if he or she does not agree to expulsion decision, he/she is entitled to apply to the court as from the date he or she gets a written notice.

Judicial rights of the staff of State Border Service and their family members are protected based on the national legislature (Constitution of the Republic of Azerbaijan, Law on the State Borders, Law on the Border Troops, Law on the status of Military Servicemen, Statute of the State Border Service etc.) and the Statute of Armed Forces.

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 complaints 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 violates 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.

The chapter 5 of the law of the Republic of Azerbaijan on Police contains provisions on material and social security of police officers. According to the article 37 ("Insurance of a policeman and compensation of the damages by the state") life and health of a policeman is insured at the expense of the state budget in accordance with the law of the Republic of Azerbaijan on State compulsory personal insurance of judicial and law-enforcement authorities. A policeman or his family gets compensation for death, injury or health damage received during execution of responsibilities, in the manner and amount defined by the Cabinet of Ministers of the Republic of Azerbaijan. Damage caused to the property of a policeman during execution of his responsibilities is compensated from the state budget. Also according to the article 38 ("Other allowances paid to a policeman") a policeman who has no accommodation due to reassignment to another duty station and consequently obliged to rent an apartment can have a reimbursement in the amount defined by the legislation of Azerbaijan Republic.

Protection of the rights of the military servants in the Internal Troops of the Ministry of Internal Affairs is regulated by the law on Status of Military Servants of the Republic of Azerbaijan. According to paragraph 4, Article 22 of this Law requests (suggestions, applications, complaints) of military servicemen and their family members are processed not later than 15 workdays after submission.

Rights of the staff of State Border Service and their family members are protected based on the national legislation (Constitution of the Republic of Azerbaijan, Law on the State Borders, Law on the Border Troops, Law on the status of Military Servicemen, Regulation of the SBS etc.) and the Regulation of Armed Forces.

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 media reports 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?

Application of International Humanitarian Law and Law of War, as well as fulfillment of relevant obligations is among priorities of the Republic of Azerbaijan.

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 people of Azerbaijan.

In order to implement the provisions of international agreements related to the International Humanitarian Law in the Armed Forces of the Republic of Azerbaijan, order No 637 was given by the Minister of Defense of the Republic of Azerbaijan on 30.12.2005. Besides, based on the order of the Minister of Defense of the Republic of Azerbaijan No 27 dated 16 May 2014, Instruction on application of the Law of Armed Conflict in the Armed Forces of the Republic of Azerbaijan was approved.

Accordingly, the following areas are to be applied based on requirements of this order:

- Study by the military servants of the Armed Forces of the Republic of Azerbaijan of the international humanitarian legal norms related to provisions of the Constitution of the Republic of Azerbaijan, laws, and manuals of the Armed Forces, orders and directives of the Minister of Defense.
- Fulfillment of the international humanitarian legal norms by military servants during implementation of requirements of combat manuals and guidance on combat operations.
- Consideration of international humanitarian legal norms in orders, directives and other service documentations on conduction of trainings, exercises and events.

Mainly military installations, formations and units study the international humanitarian legal norms through tactical exercises and trainings. The international humanitarian legal norms should be extensively covered during staff trainings and group exercises.

Military servicemen of the Legal Department of the Ministry of Defense constantly conduct seminars and practical activities on the International Humanitarian Law with the personnel of the Armed Forces.

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?

Military servants from all categories of the Armed Forces are involved in the study process of norms of international humanitarian law (or Law of Armed Conflicts). For this purpose, the Baku Office of the International Red Cross Committee organizes

courses for military servants who become familiar with relevant norms and are given different brochures and literature.

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 were 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 Defense.

There is cooperation between the Republic of Azerbaijan 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 the Armed Forces of the Republic of Azerbaijan to improve their knowledge about human rights, various religions and cultures. They understand that maltreatment of 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?

Individual service members take mandatory classes on their civil rights during the trainings.

Armed Forces of the Republic of Azerbaijan serve to protect its territorial integrity and inviolability, sovereignty and the interests of the Republic of Azerbaijan and to prevent an armed attack and repulse an aggression against the State. According to the Constitution, the main task of the Armed 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 doing military service cannot 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 defense policy and doctrine are consistent with international law?

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

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 web-pages of Ministry of Foreign Affairs, Ministry of Defense, State Security Service⁷ and other respective institutions are helpful for public to get information about the abovementioned issues. The webs-pages provide information in three languages: Azerbaijani, English and Russian.

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

"The Open door" events organized in the armed forces are proved to be very useful with a view to provide more information on armed forces. "The Open Door" visits for parents and public representatives take place several times a year, usually during holidays and weekends in all military units. The main purpose of these events is to acquaint public with living conditions and daily life of servicemen, particularly conscripts. During the events, the commanding staff holds meetings with the visitors informing them about the living conditions of military personnel and answering all related questions.

Visits of parliamentarians, NGO's, media representatives, intellectuals, and public figures to military units are arranged according to MOD plan as well as their requests.

2. Contact information

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

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

⁷ As amended by the Presidential Decree No 1275 of March 3 2017