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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 2011.

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: 26 pages.



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

THE REPUBLIC OF AZERBAIJAN

ENGLISH only

**INFORMATION EXCHANGE ON THE OSCE CODE OF
CONDUCT POLITICO-MILITARY ASPECTS OF SECURITY 2011****SECTION I: Inter-State elements****1. Account of measures to prevent and combat terrorism****1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?****Universal legal instruments:**

- Convention on Offences and Certain Other Acts Committed On Board Aircraft, signed at Tokyo on 14 September 1963 (ratified by the law of the Republic of Azerbaijan No.546-IIQ of December 2003);
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (ratified by the law of the Republic of Azerbaijan No-744-IQ of 9 November 1999);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (ratified by the Law of Republic of Azerbaijan No. 740-IQ of November 1999);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (ratified by the law of the Republic of Azerbaijan No.61 -IIQ, of February 2001);
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (ratified by the law of the Republic of Azerbaijan No.743-IQ of November 1999);
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (ratified by the law of the Republic of Azerbaijan No.547-IIQ of December 2001);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (ratified by the law of the Republic of Azerbaijan No.741-IQ of November 1999);
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (ratified by the Law of the Republic of Azerbaijan No.548-IIQ of 9 December 2003);

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

Regional legal instruments

Council of Europe

- Convention on Cyber crime; Budapest, 23.XI.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 (ratified by the law of the Republic of Azerbaijan № 550-IIIQ of 22 February 2008);
- European Convention on Extradition, done at Paris on 13 December 1957 (ratified by the Law of the Republic of Azerbaijan No.323 of 17 May 2002);

- European Convention on Mutual Assistance in Criminal Matters (done at Strasbourg on 20 April 1956) and Additional Protocol to the Convention (done at Strasbourg on 17 March 1978) (ratified by the Law of the Republic of Azerbaijan No.421-IIQ of 1 March 2003);
- European Convention on the Transfer of Proceedings in Criminal Matters (signature date: 07.11.2001, ratification date-17.05.2002);
- Additional Protocol to the European Convention on extradition (signature date: 07.11.2001, ratification 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);
- Protocol on approval of the Statute on regulation on the arrangement and conduct of joint anti-terror measures in the territory of CIS member states (approved by the Law of The Republic of Azerbaijan № 582-IIQ 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 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);
- 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);

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 formation GUAM Virtual Center and GUAM Interstate Information-Analytical System on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crimes (approved by the Law of The Republic of Azerbaijan № 665- IIQ on 21 May 2004).

Organization of the Black Sea Economic Cooperation

- 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).

There are also other 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 - 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 legislation of Azerbaijan line with international legal instruments in the field of preventing and suppressing acts of terrorism as well as the use of the financial-banking systems for financing such acts:

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

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

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

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

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

The Chapter III 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 by the Article 214 of the Criminal Code of the Republic of Azerbaijan. The activities enumerated in that article are qualified as serious and grave offences.

Under the Criminal Code, any mentally sound individual, who reached the age of 14 years at the moment of committing the crime, is qualified as perpetrator of that crime. It is noteworthy that the legislation of Azerbaijan not only sets the criminal liability for terrorist activities but also provides for universal jurisdiction with respect to terrorism. The Criminal Code stipulates that a foreign citizen or a person without citizenship committing crimes against peace and humanity, acts of terrorism, hijacking, taking hostages, assault on persons and/or organizations, as well as other crimes punishable under international agreements to which the Republic of Azerbaijan is a party, shall be subject to criminal liability irrespective of the place of committing the crime. However, the Criminal Code also stipulates that a person who took part in organizing an act of terror shall be released from criminal responsibility if he, either by having timely informed the authorities or in any other way, has facilitated the prevention of that act and if there wasn't another *corpus delicti* in the actions of that person.

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

- Law of the Azerbaijan Republic on Ratification of International Convention against Nuclear Terrorism № 725-IIIQ of 2 December 2008;

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

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

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

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

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

Head of the Operation Staff identifies area of operations, types and distinctive elements of operation and required forces and assets. In accordance with the current law local

executive powers and municipalities, public or private organizations have to support counter-terrorism operations.

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

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

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

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

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

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

Financing terrorism:

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

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

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

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 1500 AZN for the individual and 8000 to 15000 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 "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. Besides, in order to bring the definition of terrorist financing into the 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 is proceeding with efforts to implement its law on anti-money laundering and counterterrorist financing (AML/CTF) and to establish a Financial Investigative Unit (FIU). The Central Bank, which houses the FIU, prepared an action plan in October 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. The FIU has requested technical assistance from the U.S. government to improve the legal framework in the AML/CTF area, establish information

systems, build capacity for AML/CTF stakeholders, and develop a mid-term strategy plan for the FIU. Azerbaijan continued to identify possible terrorism-related funding by distributing lists of suspected terrorist groups and individuals to local banks.

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

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

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 Ministry of National Security, Ministry of Interior, Ministry of Defense, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance, Office of Prosecutor General, National Bank and State Customs Committee;
- On 11 May 2002 the President issued a Decree on the Plan of Action towards the Implementation of UNSC Resolutions 1368 (2001), 1373 (2001) and 1377 (2001);
- 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 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 # 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

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

Implementation of this program required not only internal coordination of activity, but also cooperation with the international organizations and close partnership relations with relevant agencies of other states. For instance, close cooperation between the relevant agencies of the Republic of Azerbaijan and the International Organization for Migration (IOM) resulted in carrying out numerous measures in the sphere of capacity-building for border control, such as establishment of a unique, training facility for border guards, modernization of border checkpoints, installation of the “entrance-exit” automated information search system, collecting all information about persons crossing the borders of Azerbaijan in a common database. Today several ministries, Baku seaport and international airport, two checkpoints (in the north and west of the country) are connected to that network and the whole perimeter of the borders through gradual connection of new locations will be included in future.

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

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

With the aim of implementing the entrusted tasks of SBS on the prevention of delivery of WMD and related components and radioactive materials all border crossing points are equipped with the necessary technical systems, including radiation detection and inspection equipment, hand dosimeters, radiation pagers? Portal monitors as well as appropriate transportation vehicles. IAMAS (Inter-departmental Automotive Search Database) was established in order to facilitate the investigation and identification process of the people crossing the borders.

More than 150 terrorists and persons suspected to have relationships with terrorist individuals, organizations and entities were determined in the Azerbaijani borders checkpoints since 2001. Despite the comprehensive measures for efficiently protecting the borders, the resistance of organized criminal groups is increased and the ways and methods that they are using are evolved. There were 9 armed attacks to border guards in 2010.

As a result of measures taken to prevent the use of Azerbaijan territory as a transit point for illegal migrating during 2010, 118 foreign citizens from Bangladesh, Iraq, Iran, China, Nigeria and Turkey were detained with fake and imposter documents in 2010.

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

SBS cooperates with related agencies of USA (Common Threat Reduction (CTR), Export Control and Border Security (EXBS), Second Line Defence (SLD)) and developed European countries in combating with international terrorism, manifestations of organized and trans-border crimes, including arms smuggling, ammunition, explosives and radioactive materials.

Besides this, SBS is actively involved in the activities of regional level counter-terrorism working groups. SBS closely cooperates with international organizations like takes part in the events of EU, NATO, OSCE, UN, GUAM? IOM and UNDP and regularly represented at events hosted by the aforesaid organizations in the field of combating terrorism.

Under the article 9.35 of the Statute on The Ministry of National Security the ministry conducts operational-search, intelligence and counter-intelligence measures in the state borders of The Republic of Azerbaijan as rule as agreed with State Border 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 of America, Azerbaijan introduced several measures on the recommendation of ICAO to strengthen civil aviation security. For example, a special electronic alarm system has been installed along the entire perimeter of the Heidar Aliev International Airport, as well as other surveillance equipment at the airport entrance. The ICAO inspection conducted in September 1999 resulted in a positive rating of the security service at Heidar Aliev International Airport and the introduction and implementation of the international standards and recommendations of ICAO. In 2004, the European Civil Aviation Conference also gave a positive rating to the organization of the security service at that airport on the basis of an expert audit.

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

Security of radioactive sources

Achieving goals and objectives of non-proliferation 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, to all of which Azerbaijan is a Party.

The Republic of Azerbaijan joined the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Nuclear Test Ban Treaty (CTBT) taking into consideration the importance of the role that these treaties play in the world and in the regional security system. Azerbaijan also intends to be actively involved into the efforts of the international community aimed at providing a full implementation of the international regime on nuclear security.

In Azerbaijan radioactive sources are mainly used in industrial, scientific and health sectors, mainly in the oil and chemical industries, research institutions of the Azerbaijan National Academy of Sciences, health establishments (very limited applications in radiotherapy and nuclear medicine). There are no nuclear reactors, nuclear research facilities, or uranium mines on the territory of Azerbaijan.

Recognizing all the concerns posed by both “orphan” sources and the possibility of malevolent acts involving radioactive sources, Azerbaijan strives to take all possible measures to ensure proper control of radioactive sources during their life cycle. Such measures include, *inter alia*, registration, licensing, inspection, and export/import control.

In order to appropriately ensure security and safety, and to prevent illicit trafficking of radioactive sources, up to date all necessary measures in terms of establishment of regulatory bodies, creation of state-of-art infrastructure and formation of legal basis have been taken by competent state agencies.

On April 2008 the President of Azerbaijan signed a decree on creation of an independent regulatory authority, State Agency on Nuclear and Radiological Activity Regulations (SANRAR), as a single regulatory body under the Ministry of Emergency Situations (MES), which in considerable extent gives the regulatory functioning duties and responsibilities to the sole body.

A complete centralized inventory of sources is being established in SANRAR as basis for a regulatory programme. This inventory is kept to update and regularly verified by the Agency during the inspections. At present the MES (SANRAR) issues Special Permissions as state official documents for scientific-research and practical-construction activities, related to utilization of ionizing radiation sources use; for production, manufacture, processing, transportation and exploitation of radioactive materials and activities, related to these 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.

Furthermore, Baku Radioactive Waste Site “ISOTOP” of the Ministry of Emergency Situations is the state agency for radioactive waste management and radioactive materials transport. This agency monitors the use, storage and protection of radioactive materials and equipment. ISOTOP is currently equipped with state-of-art devices and equipment contributing to the upgrade of radioactive waste management infrastructure in Azerbaijan in line with current internationally accepted practices.

The issues concerning the prevention of the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery are regulated by the constitution, criminal code, law “on export control”, law “on border forces” of the Republic of Azerbaijan and other relevant laws, international agreements to which the Republic of Azerbaijan is a party and other legislative acts of the Republic of Azerbaijan.

Articles 206.2-206.4 of the Criminal Code of Azerbaijan envisage criminal penalties in the form of 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 concerns the theft or extortion of radioactive materials.

Administrative offences code of the Republic of Azerbaijan envisages administrative responsibility for “breaching of ecological requirements during engagement in radioactive materials” (article 77), “non fulfillment or breaching requirements of ensuring sanitary and hygiene rules of radiation security” (article 107), “breaking legislation on ecological security” (article 113.0.10) activities.

According to the article 4.6 of the law of the Republic of Azerbaijan “On border forces” 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. In order to fulfill the commitments in this sphere, State Border Service are supplied with hand dosimeters, radiation control pagers and the main highways are provided with stationary installations.

A number of enforceable measures for the prevention of illegal circulation of nuclear, chemical and biological weapons and related materials also prescribed in the customs code of the Republic of Azerbaijan. For the purposes of improvement the works in the sphere of radiation security “rules on implementing customs inspection on radioactive materials” was adopted by State Customs Committee in consistent with the international instruments, as well as international radiation security norms and rules on safely carriage of radioactive materials.

According to the constitution of the Republic of Azerbaijan international agreements to which the Republic of Azerbaijan is a party form inalienable part of the legislative system of the Republic of Azerbaijan (article 148.2). Article 151 of the constitution declares that if collision takes place between the legal acts which form the legislative system of the Republic of Azerbaijan (with the exception of the constitution and acts adopted by referendum) and interstate treaties to which the Republic of Azerbaijan is a party, the later prevails. Taking these provisions into consideration, the Republic of Azerbaijan signed/ratified a number of multilateral agreements concerning non-proliferation WMD and other related 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 Communication and Information 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
- provide relevant information to the governmental bodies and private sectors
- coordination work between public and private sectors (internet providers, telecommunication societies)
- on time reveal of the threats to national cyber space
- provide technical, methodical and informational assistance
- international cooperation

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

After becoming party to the European Convention on Cyber Crime Azerbaijan organized a national seminar entitled the “Fight against cyber crimes” (24-25 November 2009) with the support of TAIEX (Technical Assistance Information Exchange Instrument of the European Commission). Within the Convention representatives of relevant ministries and agencies of Azerbaijan are recommended to expand international cooperation in combating cyber crime in order to prevent cyber attacks and liquidate their consequences.

For this purpose Azerbaijan participates at regional and international workshops and seminars on cyber security issues.

Fifteen Azeri military members participated in the DIILS program on terrorism, computer crimes and the internet in Baku, Azerbaijan from 23 – 27 June 2008, assisting their efforts to combat terrorism. This was the 7th program DIILS has conducted for Azerbaijan since 2000.

With the support of the OSCE Office in Baku and Ministry of Foreign Affairs, national workshop on cyber crime was held in Baku on 7-8 September of 2010.

By the request of Azerbaijan, NATO sent subject matter experts to conduct fact finding mission in support of Azerbaijan’s efforts to enhance national capabilities in the fields of e-government and cyber defense on 14-17 March 2010.

Legal cooperation including extradition

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

Requests from foreign States are considered expeditiously and in accordance with international bilateral and multilateral treaties to which the Republic of Azerbaijan is a party. In accordance with the Act on investigative activities of 28 October 1999, in order to protect life, health, human rights and freedoms, the legitimate interests of legal entities, State and military secrets and also national security from criminal infringement, investigative agencies must respond to requests from law enforcement agencies of foreign States and relevant international organizations, in accordance with the international treaties to which the Republic of Azerbaijan is a party. Such investigations are conducted on the basis of official requests from law enforcement agencies of foreign States or relevant international organizations. Decisions, written instructions or official requests to conduct investigations may be issued only by persons who have such authority on the basis of the law of the Republic of Azerbaijan. Decisions, written instructions or official requests to conduct investigations must include justification of the need for such investigations.

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

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

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

Safe Havens and shelter to terrorists and terrorist organizations

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

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

2. Stationing of armed forces on foreign territory.

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

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

The “Law on Participation of the Republic of Azerbaijan on Peacekeeping Operations” (adopted in 2010) determines the basis, forms and rules of the participation of the Republic of Azerbaijan in the peacekeeping operations concerning the prevention, regulation and resolution of local and regional conflicts. According to this law Azerbaijan may appeal to the other countries and international organizations in order to conduct peacekeeping operations in its own territory.

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

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

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

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

The Republic of Azerbaijan attaches great importance to arms control and disarmament issues as the important elements of its foreign and security policy. A sound international security environment is conducive to the process of arms control and disarmament, while progress in these fields can help lay more solid foundation for the preservation of international security and stability.

The Republic of Azerbaijan is a party to several relevant arms control treaties and agreements. It joined to the Treaty on Conventional Armed Forces in Europe, as well as to the Vienna document on CSBMs. In 1999 Azerbaijan signed the Adapted CFE Treaty. The Republic of Azerbaijan participates in the comprehensive exchange of information on its Armed Forces, receives inspections from the participating states in order to provide transparency.

Sharing the concerns within international community about challenges caused by proliferation of WMD and related materials Azerbaijan became a party to the Treaty on Non-Proliferation of Nuclear Weapons in 1992 and to the Comprehensive Test Ban Treaty in 1999. Moreover, Azerbaijan is also a party to the Chemical Weapons Convention and the Biological Weapons Convention.

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

Azerbaijan aligned itself with the OSCE Document on SALW adopted in 2000, and considers it as one of the major achievements in combating illicit trafficking of SALW. Azerbaijan fulfils all its obligations under this document, as well as participates in information exchange about its SALW export and import on an annual basis.

Azerbaijan has always been supportive of the documents and resolutions related to arms control, non-proliferation and disarmaments issues adopted by the UNSC and UNGA, as well as by other international organizations to this end. We are actively working 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 20% of the territories of the Republic of Azerbaijan occupied by the Armenian Armed Forces. A great number of equipment and armaments deployed in these territories is out of control, and poses a serious threat to peace and security in the region. With the assistance of international organizations, the Republic of Azerbaijan continues its efforts towards the withdrawal of these forces from those territories and the appropriate reduction of the related equipment and armaments.

Moreover, situation in the region of the conflict is complicated by the fact that as a result of the occupation, 132 kilometers of Azerbaijan's state borders with Iran are currently controlled by the occupants. Occupied territories of Azerbaijan, including Nagorno-Karabakh have become a «free-zone» for terrorist and criminal smuggling activity, and are used for illegal trade and transfer of various materials, including weaponry and drugs. Azerbaijan stresses that the efficient arms control regime in South Caucasus could be possible only when all countries in the region demonstrate the respect for 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, the Milli Mejlis (Parliament) upon submission by the President 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.

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

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

2. Existing structure and processes

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

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

The military, paramilitary and internal security forces, intelligence services and the police are subordinated to the executive power and the President is the Supreme Commander-in-Chief of Military Forces of the Republic of Azerbaijan. Although executive power is independent within the limits of its authority, the executive power, including Ministry of 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.

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

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

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

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

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

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

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

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

The main mission of State Border Service is to ensure the protection and inviolability of state borders of the Republic of Azerbaijan. SBS directly reports to the President of the Republic Azerbaijan.

Under the article 8.2 of the Statute on The Ministry of National Security in order to provide national security the ministry organizes and conducts intelligence, counter-intelligence and operational-search activities, conducts investigation and initial investigation on criminal cases which are under its competence.

3. Procedures related to different forces personnel

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

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

The Ministry of Defense has planned to recruit civilians in a wider range of posts. It is considering posts within science, international cooperation, medical, legal, finance, social benefits, public information, personnel management and education. It also intends that for equivalent responsibilities and ranks, civilian personnel would receive the same social benefits and the same salary as their military counterparts. Currently, the MoD civilian personnel have been changed into the state service level. In this regard, the statues of these personnel are regulated with the "Law of the State Service".

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

The personnel of SBS consist of military servicemen (officers, non-commissioned officers, contracted staff, and conscripts), and contracted civil staff.

With the purpose of preparation of officer staff and improvement of vocational training the Academy of State Border Service was established by the decree of the President of the Republic of Azerbaijan in June 2007. The training of recruited non-commissioned officers, contracted staff, and conscripts is accomplished at the training centers of the State Border Service.

Under the article 12 of the Statute on The Ministry of National Security the military servants of the ministry serve in military service in compliance with the Laws of the Republic of Azerbaijan on "Military Service" and "Legal Status of Military Servants", "Statute on Serving in Military Service", military regulations and other legislation acts by taking into account the character of their duties which they implement, use rights considered for military servants of Military Forces.

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

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

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

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

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

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

According to Article 57 of the Constitution of the Republic of Azerbaijan, Law of the Republic of Azerbaijan "On consideration of requests by citizens", Articles 6 and 54 of the Internal Service Regulations of the Armed Forces of the Republic of Azerbaijan, Chapter 5 of the Disciplinary Regulations of the Armed Forces of the Republic of Azerbaijan, Article 22 of the Law of the Republic of Azerbaijan "On the status of the military servicemen" military servicemen have rights to submit their proposal,

application and complaint as well as military servicemen can declare to a court about actions of functional officers and military management authorities who exceed the framework established by service regulations and violating rights of military servicemen, and disgrace their dignity. According to paragraph 3 of the same article it is forbidden to impede reporting on violations and punish or persecute the complainant for this action.

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

Military servants of MNS can complain in administrative form or to court about decisions and behaviors of military ranking persons and military bodies under the article 22 of the Law of the Republic of Azerbaijan on "Legal Status of Military Servants". It is forbidden to impede to complain and prosecute or punish complainant for his complain. Persons who have guilty in this are punished under the legislation of the Republic of Azerbaijan. Complain of the military servants are heard within 15 days.

The rights of the personnel of State Border Service and their family members are protected in accordance with national legislation (The Constitution of the Republic of Azerbaijan, the Law on State Border, the Law on Border Troops, the Law on the Status of military servicemen, Regulation of State Border Service) and Regulations of Armed Forces.

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

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

Instruction of the international humanitarian law and other international regulations by the personnel of the Armed Forces is carried out within the legal training system in accordance with the order of the Minister of Defense "On the organization and instruction of lessons on humanitarian training in the Armed Forces". "Instruction on employment of norms of Armed Conflicts Law in the Armed Forces of the Republic of Azerbaijan" has been also approved in accordance with the Order of Ministry of Defense.

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

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

Humanitarian training course on the Code of Conduct and norms of international humanitarian law about the use of the armed forces in the armed conflicts are

conducted for the military from all categories of the Armed Forces of the Republic of Azerbaijan.

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

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

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

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

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

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

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

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

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

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

SECTION III: Public Access and contact information

1. Public access

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

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

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

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

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

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

2. Contact information

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

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