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

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

Vienna, June 17, 2008

Enclosure



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

OSCE CODE OF CONDUCT  
ON POLITICO-MILITARY ASPECTS OF SECURITY

THE REPUBLIC OF AZERBAIJAN

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

2008

**INFORMATION EXCHANGE ON THE OSCE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY 2008.**

**1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (Paragraph 6):**

**(a) - List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;**

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;**

**(c) National measures, to include pertinent legislation, taken to implement the international agreements, including conventions and protocols cited above;**

**(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond UN conventions and protocols (e.g. pertaining to financing of terrorist groups);**

**(e) Roles and mission of the armed and security forces in preventing and combating terrorism;**

Azerbaijan works both multilaterally through international organizations and bilaterally with other governments to promote closer international co-ordination of efforts to combat terrorism.

To this end, Azerbaijan became a State Party to the following conventions, agreements and protocols concerning terrorism and its related issues:

- European Convention on Extradition, done at Paris on 13 December 1957 (ratified by the Law of the Republic of Azerbaijan No.323 of 17 May 2002)
- European Convention on Mutual Assistance in Criminal Matters (done at Strasbourg on 20 April 1959) and the Additional Protocol to the Convention (done at Strasbourg on 17 March 1978) (ratified by the Law of the Republic of Azerbaijan No.421-IIQ of 1 March 2003);
- European Convention on the Transfer of Proceedings in Criminal Matters (signature date:07.11.2001, ratification date-17.05.2002);
- Additional Protocol to the European Convention on extradition (signature date:07.11.2001, ratification 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)

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (ratified by the law of the Republic of Azerbaijan No.546-IIQ of December 2003)
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (ratified by the law of the Republic of Azerbaijan No.744-IQ of 9 November 1999)
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (ratified by the law of the Republic of Azerbaijan No.740-IQ of November 1999)
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (ratified by the law of the Republic of Azerbaijan No.61-IIQ of February 2001)
- 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)
- 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 2003)
- 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)
- The 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)
- The 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 No.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)
- The Convention on the combating against terrorism of CIS participating states (ratified by the Republic of Azerbaijan on 4 June 1999)
- The 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)
- The 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);
- The Convention on the cooperation against crime of CIS participating states (ratified by the Republic of Azerbaijan on 6 April 2004).

There are also other types of documents/agreements signed and/or ratified by the Republic of Azerbaijan:

- 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.
- 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 among the Governments of the GUUAM Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of 20.07.02;
- Agreement on cooperation to combat international terrorism and organized crime between the Republic of Azerbaijan and the Islamic Republic of Pakistan of 08.07.2004;
- Agreement on cooperation to combat terrorism, organized crime and illicit drug trafficking and its precursors and psychotropic matters between the Republic of Azerbaijan and Latvia of 03.10.2005;
- Agreement on cooperation to combat terrorism, organized and other crimes and illicit drug trafficking and its precursors and psychotropic matters between the Republic of Azerbaijan and Republic of Kazakhstan of 24.05.2005.

Azerbaijan has concluded bilateral agreements on extradition with the following countries:

- Bulgaria;
- Iran;
- Kazakhstan;
- Kyrgyzstan;
- Lithuania;
- Russia;
- Uzbekistan;
- Ukraine;
- UAE;
- China

The struggle against terrorism is regulated in the Republic of Azerbaijan by the law "On combating terrorism". This law defines legal and organizational basis of combating terrorism, coordinates activities of involved state bodies and contains rights and obligations of above mentioned organs and persons. According to Article 5 of the law "On combating terrorism" the President of the Republic of Azerbaijan provides fight against terrorism with necessary forces, facilities and coordinates common activities in this sphere. Within their competence other organs of the executive power of the state (Ministry of Interior, Ministry of National Security, Ministry of Defense, Special State Guard Service) are taking part in this issue. According to the Act of October 1 2001 the Republic of Azerbaijan the "International Convention on Fighting the Financing of Terrorism" which was adopted by the General Assembly of UN in December 9 1999. In order to adjust the present legislative acts with abovementioned Convention the "Law on joining the "International Convention on Fighting the Financing of Terrorism" and on amendments to some legislative acts for bringing them in conformity with above-mentioned convention" was adopted in 17 May 2002. According to this law a new 214-1 "Terrorism financing" article was added to the Criminal Code, According to this article term of punishment from 8 till 12 years with confiscation of property was set for the acts of using completely or partially, directly or indirectly funds or other property for committing terrorism, or intentionally collecting funds or another property for the same purpose.

Furthermore Article 214 "Terrorism" was edited and brought in conformity with international documents. In addition to the above mentioned, appropriate amendments were made to articles 12.3, 75.5 and 80.4 of the Criminal Code, which were directed to prevent evasion of responsibility for terrorism financing. Under Article 12.3 the citizens of the Republic of Azerbaijan, foreign citizens and stateless persons are held accountable for terrorism and the financing of terrorism irrespective of where a crime has been committed. Appropriate amendments were also made to the law "On Combating Terrorism".

According to the provisions of the law of the Republic of Azerbaijan "On combating terrorism of 18 June 1999, terrorist activity — is an activity related to; organization, planning, preparation and implementation of terrorist acts, committing violence with regard to physical persons and legal entities, destruction or damaging material objects with terrorist purposes, establishment of illegal military units and criminal gangs in order to carry out terrorist activity; as well as taking part in those actions by engaging people in terrorism through providing arms or training; or using those people through deliberately financing terrorist organizations or terrorist gangs or rendering them other kind of assistance. Financing of terrorism is deliberate full or partial, direct or indirect transfer of money resources or other

means/property for committing terrorism, or accumulation of money resources or other means/property for the same purposes.

The fight against terrorism in the Republic of Azerbaijan is being carried out with the following purposes:

- 1) maintenance of state and public security and protection of human rights and freedoms;
- 2) detection and prevention of terrorism, minimizing the expected damage from the terrorism;
- 3) definition and elimination of reasons facilitating emergence and implementation of terrorism, of financing of terrorism as well as of rendering other kind of assistance;

The fight against terrorism in the Republic of Azerbaijan is based on the following principles:

- 1) securing of legality;
- 2) inevitability of punishment, provided for in the legislation of the Republic of Azerbaijan, for committing terrorist acts;
- 3) coordination of all methods in combating terrorism;
- 4) comprehensive use of legal, political, social and economic as well as of organizational and preventive measures;
- 5) preference in protection of those who were subjected to the threat of terrorist actions;
- 6) independence in force management, engaged in the counter terrorist missions;
- 7) minimum of publicity in announcement of personnel to be involved in the counter terrorist missions, including techniques and tactics to be used thereupon.

#### *Bodies to combat terrorism*

The President of the Republic of Azerbaijan provides necessary forces and means to combat terrorism and carries out management of the fight against terrorism. Ministries of National Security, Interior and Defense and Special Security Force participate within their competencies in combating terrorism pursuant to the aforementioned law. State and local self-governing bodies, public associations, officials and citizens shall assist state authorities in fighting terrorism.

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

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

During the operation against terror only the President, who established the Staff, could interfere with the activities of the Head of the Staff and quash his decisions. In order to enforce an operation against terror the Operational Staff is entitled to use forces, which are under the jurisdiction of Ministries of National Security, Interior and Defense and Special Security Force participating in combating terrorism.

Responsibility of the organizations for the terrorist actions.

Any organization (its branch or representative), functioning in the territory of the Republic of Azerbaijan, can be closed down on the ground of having links to terrorist activities, by the decision of the court in the order set forth in the legislation of the Republic of Azerbaijan. The closure of the organization, which was determined as having links with terrorist activities in accordance with the legislation of the Republic of Azerbaijan, entails the confiscation of its assets and the transfer of these assets to the state.

Criminal Code of the Republic of Azerbaijan of 30.12.1999

Article 214 — Terrorism

214.1 Terrorism, that is commitment of explosion, arson or other actions creating danger to the life of people, causing harm to their health, significant property damage or approaches other socially dangerous consequences committed with a view of infringement of public safety, intimidation of population or rendering of influence to acceptance of decisions by the state authorities or international organizations, and also a threat of committing specific actions with the same purposes

-is punished by imprisonment for a term ranging from eight up to twelve years with confiscation of property.

214.2 the same acts:

214.2.1 committed on preliminary arrangement by group of persons by organized group or criminal community (criminal organization);

214.2.2 committed repeatedly;

214.2.3 committed with application of firearms or subjects used as a weapon;

214.2.4 entailed death of a victim/victims or other heavy consequences;

- is punished by imprisonment for a term from ten up to fifteen years or life imprisonment with confiscation of property.

NOTE: person participating in preparation of act of terrorism, shall be released from criminal liability if he has warned authorities or in a different way helped prevent implementation of act of terrorism and if in his/her actions there were no elements of other crime.

Article 214-1 Financing of terrorism

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.

Article 216 Obviously untrue report on terrorism

Obviously untrue report on preparing explosion, arson or other actions creating danger for life of people, causing significant property damage or approach of other socially dangerous consequences is punished by imprisonment for a term from five up to eight years.

Article 277 Attempt on life of the state or public authority (act of terrorism)

Attempt on life of the state or public figure, and also representatives of the foreign state, committed with a view of a discontinuance of his service or political activity or from revenge



for such activity (act of terrorism) — is punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

According to Article 5 of the law "On Combating Terrorism" of the Republic of Azerbaijan, the Armed Forces of the Republic of Azerbaijan can participate in counter-terrorism in accordance with the procedure spelled out in Article 2 of the law "On the Armed Forces of the Republic of Azerbaijan." According to paragraph 28 of Article 109 of the Constitution of the Republic of Azerbaijan, the President of the Republic of Azerbaijan submits for approval by the Milli Mejlis (Parliament) of the Republic of Azerbaijan a proposal on involving the Armed Forces of the Republic of Azerbaijan in execution of the tasks not related to their function.

## **2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of**

**a) the military posture;**

**b) defense expenditures;  
(Paragraphs 13, 22)**

According to the Constitution of the Republic of Azerbaijan

The President of the Republic of Azerbaijan:

- is the Supreme Commander-in-Chief of the Armed Forces of the Republic of Azerbaijan;
- forms up and heads the Security Council of the Republic of Azerbaijan;
- submits draft state budget to the Milli Mejlis (Parliament) of the Republic of Azerbaijan for ratification;
- submits draft military doctrine of the Republic of Azerbaijan and proposal on overall structure and personnel strength of the armed forces of the Republic of Azerbaijan to the Milli Mejlis for ratification;
- appoints for and removes from positions higher commanders of the Armed Forces of the Republic of Azerbaijan;
- confers higher military and higher special ranks;
- announces total or partial mobilization and demobilization;
- declares state of emergency and martial law;
- upon consent of the Milli Mejlis of the Republic of Azerbaijan declares war and concludes peace;
- submits to the Milli Mejlis of the Republic of Azerbaijan proposals on involving the armed forces of the Republic of Azerbaijan to the implementation of tasks which are not connected with their main function;
- takes a decision on calling up citizens of the Republic of Azerbaijan for conscription military service and transferring to the reserve.

The Milli Mejlis (Parliament) of the Republic of Azerbaijan:

- ratifies the military doctrine upon submission by the President of the Republic of Azerbaijan;
- ratifies the overall structure and the personnel strength of the armed forces of the Republic of Azerbaijan;
- ratifies and denounces Treaties, Agreements and Conventions;
- ratifies the State fiscal budget upon submission by the President of the Republic of Azerbaijan and exercises control over its use;

- ratifies President's Decrees on imposition and repeal of the martial law in the territory of the Republic of Azerbaijan;
- ratifies international legal instruments and laws on defence;
- takes decisions on the use of the armed forces of the Republic of Azerbaijan beyond the boundaries of the Republic of Azerbaijan in accordance with the international obligations of the Republic of Azerbaijan;
- upon submission by the President of the Republic of Azerbaijan, takes decisions on involving the armed forces of the Republic of Azerbaijan into execution of tasks which are not connected with their main function.

The Cabinet of Ministers of the Republic of Azerbaijan:

- bears responsibility for the state of the armed forces of the Republic of Azerbaijan;
- submits proposals on defence expenditure to the President of the Republic of Azerbaijan;
- provides the armed forces of the Republic of Azerbaijan with weapons, military equipment, ammunition and other means;
- manages the preparation for mobilization and work on mobilization of the economy of the country, its transfer to the regime of the martial law, takes relevant decisions on these issues;
- organizes general planning of the civil and territorial defence;
- ensures implementation of legislation with regard to social and legal guarantees for military servicemen, individuals sent into retirement or reserve and members of their families.

The Ministry of Defence of the Republic of Azerbaijan

- works out and submits to the President of the Republic of Azerbaijan draft plans on building and development of the armed forces of the Republic of Azerbaijan, its deployment, mobilization, use as well as proposals on allocations for defence expenditures ;
- leads combat and operational-tactical training as well as moral-psychological training;
- leads the development of military science, organizes and carries out military-scientific research;
- defines the number of personnel strength of the armed services and branches, military units and subunits;
- in the framework of its authority trains military cadres and appoints them on positions;
- places orders for development, production and maintenance of military equipment and other military property, participates in the exercise of control over their development, production, testing and quality .

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

### **3. Description of**

- (a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;**
- (b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;**

- (c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;**
  - (d) public access to information related to the armed forces;**
- (Paragraph 20, 21, 22)**

According to Art. 10 of Law “On the Armed Forces of the Republic of Azerbaijan” the control over implementation of the laws of the Republic of Azerbaijan in the Armed Forces and over legal assistance of civilians is rendered in course of legislation of the Republic of Azerbaijan.

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

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

According to the Art. 6 of Law “On Police” the police inform state bodies and people about its activities. According to the Art. 12 of this law the intra- and extra-control is provided over execution of provisions of 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.

According to Article 9 of the Constitution of the Republic of Azerbaijan, Azerbaijan sets up its Armed Forces with a view to provide its security and defence. According to the Law “On Armed Forces of the Republic of Azerbaijan” Armed Forces of the Republic of Azerbaijan serve for sovereignty, territorial integrity, its inviolability, armed protection of interests, 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.

Security Border Service (SBS) of the Republic of Azerbaijan is the central executive competent organ created by decree of the President of the Republic of Azerbaijan No. 740 on July 31 2002, to execute tasks defined by the legislation of the Republic of Azerbaijan. SBS activities are regulated by the Constitution of the Republic of Azerbaijan, laws "on Border Guards" and "on State Border", orders and decrees of the President of the Republic of Azerbaijan, resolutions No. 560, No. 140 of the Cabinet of Ministers of the Republic of Azerbaijan, as well as by other relevant legal acts. State Border Service implements liabilities entrusted to it directly and with the help of disposable military units and other organs.

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

- 4. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law;**
- (Paragraph 14)**

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

## **5. Description of**

**(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;**

**(b) exemptions or alternatives to compulsory military service, if applicable;**

**(c) legal and administrative procedures, protecting rights of all military personnel; (Paragraphs 27, 28, 33)**

According to Article 76 of the Constitution of the Republic of Azerbaijan, the defence of the homeland is the duty of every citizen. Citizens serve in the armed forces as defined by law. According to paragraph 26 of Article 109 of the Constitution of the Republic of Azerbaijan, the President of the Republic of Azerbaijan issues decrees on the conscription of the citizens of the Republic of Azerbaijan for the service for a fixed period and on demobilization of those who are in service for a fixed period. According to Article 2 of the Law "On the basics of conscription in the Republic of Azerbaijan," all male citizens (who do not have deferment of military service) of the Republic of Azerbaijan, except people sent to alternative service, 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).

In accordance with the provisions of the Law of the Republic of Azerbaijan "On conscription for military service" of 10.06.1992, the conscription for military service is carried out by the Presidential Decree throughout the country four times a year in January, April, July and October (from 1 till 20). After declaration of the Decree every conscript, including those having been temporarily registered, shall arrive in time to the station referred to in the Order of the Military Commissar or in the personal call-up papers. The call-up age citizens, who have not passed the active military service or not registered in military books or those who left the place of residence without further registration in the new placement, shall stand before the domiciliary military commissariat. The chiefs of different organizations, companies and institutions must recall their employees who are under call-up age from their official trips and facilitate their timely arrival in the commissariat.

Change of the commissariat for conscripts reached 18 and elder, is permitted only by presentation of all necessary documents and in following cases:

- if conscript is transferred to another region by administration.
- transferred to the new place of living.
- currently studying in the university or sent afterwards to official position.

There could only be the following serious reasons for non-appearance:

- serious illness which prevents a conscript from standing in person before the commissariat;
- natural disaster, when impossibility of appearance is confirmed by the local executive body or interior domicile body.

Dismissal from active military service is carried out in compliance with the legislation of the Republic of Azerbaijan.

Citizens of the Republic of Azerbaijan living abroad shall be called up in compliance with the laws.

Citizens who have not come to the military commissariats because of serious reasons as well as chiefs of organizations who prevent them from coming to these offices will be brought to an account pursuant to the law (article 8). Special commissions are established to carry out conscription in towns, regions, districts of the city.

Special commissions shall be composed of:

- the Chair of the Commission - head of the local executive power;
- deputy Chair of the Commission - representative of the Ministry of Internal Affairs of the Republic of Azerbaijan (district, city and city district military commissar);
- the members of the Commission - representative of district, city and city-district branch of internal affairs, doctors and members of parliament.
- the personnel of the district, city and city-district is appointed by the corresponding local executive body in agreement with the Ministry of Defence of the Republic of Azerbaijan (Article 9).

The district, city and city-district conscript commissions are in charge of:

- organization of medical examination of citizens who are under the jurisdiction of the conscript station and determination of the preliminary assignment into active military service;
- detection and preliminary selection of the candidates to be sent to the military educational institution;
- the rational assignment of the individuals who are able under the medical, psychological and other indications to study in training educational institution of the Voluntary military-patriotic sports-technical society and vocational schools on the conscripts training program on military-technical specialties;
- organization of the medical examination of the conscripts;
- taking a decision on the conscription of the citizens into active military service and their assignment into active military service;
- taking a decision under the order of the Ministry of Defence of the Republic of Azerbaijan on the placement of active military service;
- granting the postponement and exemption from the conscription into active military service on the grounds provided for in the Law on Military Forces of the Republic of Azerbaijan;

Taking the decision on assignment of the candidates who are conscripted into active military service and wished to enter military educational institutions for passing entrance examination or refusing those individuals in passing these examinations (article 10)

A republican conscript commission is established in order to supervise over District, City and City-district conscript commissions and to control their activity. The republican conscript commission is composed of:

- The Chair of the Commission - military commissar of the Republic of Azerbaijan;
- Deputy Chair of the Commission - person appointed by the Cabinet of Ministers of the Republic of Azerbaijan;
- The members of the Commission - Deputy Ministers of Internal Affairs, Health and Justice

of the Republic of Azerbaijan, the representatives of public unions, delegates. The personnel of the republican conscript commission is endorsed by the Cabinet of Ministers of the Republic of Azerbaijan (Article 11)

The republican conscript commission is in charge of:

- Carrying out medical examination of conscripts of active fixed period military service before their dispatch to military unit;
- Carrying out monitoring of the medical examination of those, who had expressed their disagreement with the results of the medical examination and decisions made by district, city and city-district conscript commissions.
- Resolution of disputes related to the conscription into active fixed period military service, postponement and exemption from the conscription;
- Exercise of control over the district, city and city-district conscript commissions.

The republican conscript commission shall examine every arguable issue within ten days, if it is not necessary to conduct special examination. The republican conscript commission has the right to review and quash decisions of district, city and city-district conscript commissions. Decisions of the republican conscript commission could be appealed to the court. Appeals of conscripts and others about unlawfulness of the decisions of district, city and city-district conscript commissions suspend the enforcement of such decisions following the decision of The Chair of the Commission to the term of the consideration of complaint, but not exceeding one month (Article 12).

All citizens conscripted into active fixed period military service shall pass compulsory medical examination. District, City as well as the City-district conscript commissions in accordance with the regulations on military medical examination, which was approved by the Cabinet of Ministers of the Republic of Azerbaijan, taking into account results of the medical examination, decides on the issues below and makes the decision available to the conscript:

- on the suitability for active military service;
- on the temporary non-suitability for active military service due to health conditions, with the granting of postponement of the conscription for up to one year;
- on the non-suitability for active military service in a peaceful, time due to health conditions;
- on the limited suitability in wartime and reserve enrolment;
- on the non-suitability for active military service with the exclusion from the military registration.

In case of the disagreement with the military medical examination the individuals, who were conscripted into active military service, shall appeal to the court following the order provided for in the legislation (Article 13).

The members of the conscript commission shall obey the legislation demands. For deliberately taking an unfair or illegal decision concerning the conscription into the active military service for a fixed period, dismissal or postponement of the conscription, the chairman, the members of the conscription commission and the doctors that take part in the examination of conscripts, as well as those found guilty in such infringements shall be held accountable pursuant to the legislation of the Republic of Azerbaijan (Article 14).

If personal convictions of a citizen contradict the military service according to the law military service can be substituted for the alternative service. According to paragraph 2 of Article 76 of the Constitution of the Republic of Azerbaijan and Articles 2 and 21 of the Law

of the Republic of Azerbaijan "On the basics of conscription in the Republic of Azerbaijan" they should serve in the alternative service during 24 months.

In accordance with the Regulations of the Law of the Republic of Azerbaijan "On Status of Servicemen of 25 December 1991", the guarantees of the status of servicemen are set forth in Articles 26-29 of present Law:

State bodies, enterprises, institutions, organizations, officials, commanders (heads) of the military management bodies within the scope of their powers and duties shall ensure the status of servicemen. Officials, guilty in complete or partial failing to fulfill duties on ensuring rights and legal interests of the servicemen, shall be held accountable under the legislation.

Officer's staff and servicemen of an extra military service (those who served after the expiration of their conscription term), who were dismissed from the active military service into reserve, deprived of their military rank or whose military rank was demoted can be restored by the court decisions in the previous rank, in the active military service, in the position not lower than the previous one held at the former job placement or at the military school. The time elapsed from the unlawful dismissal till the date of restoration in the active military service and time of unlawful detention and imprisonment, due to unlawful conviction, shall be added to the period of the active military service.

Servicemen deprived of their housings, as the result of unlawful acts, shall be, in one-month term, provided with their previous housing, or, at the latest, three months after be provided with the equally comfortable housing. The damage caused to servicemen as the result of unlawful acts of bodies of preliminary investigation, prosecutor's office and judge shall be compensated in accordance with the legislation.

Servicemen shall be subjected to compulsory public personal insurance from the time of their appointment to the military service (musters), in case of their death or injury, health damage in the period of fulfillment of obligations in the military service, accidents or diseases related with military service; the State shall guarantee social security for the people who have become disabled during their military service.

The Cabinet of Ministers of the Republic of Azerbaijan determines the order, the conditions of the insurance and the measures of the benefit payment. Families of servicemen, died while fulfilling military service, in case of need, are granted, on a priority basis, comfortable housing or have their housing conditions improved at the expense of Public Housing Fund, not later than 6 months from the date of servicemen's death.

The damage caused to servicemen or their family by the destruction or loss of personal property as a result of fulfillment of their military service or functions shall be fully reimbursed in the order provided for in the legislation of the Republic of Azerbaijan. 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 that excess the framework established by service regulations and violate 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.

Personnel of State Border Service consist of military and civil personnel (employees) working on the basis of labour contract. Military are officers, warrant officers, sergeants, non-commissioned officers and soldiers.

Officer staff consists generally of Military School and the Higher Schools graduates as well as reserve officers.

**6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations;  
(Paragraphs 29, 30)**

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 according to the order of the Minister of Defence "On the organization and instruction of lessons on humanitarian training in the Armed Forces".

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

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

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 theoretical and practical knowledge.

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.

**7. Any other information.**

No other information.