



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

Ref: 0004/12/19/23

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Latter's request (OHCHR/HRCTMD/AC21//NVTER), has the honour to transmit the information by the competent authorities of the Republic of Azerbaijan for the report to be prepared by the Human Rights Council Advisory Committee in compliance with the request made in the resolution A/HRC/RES/34/8 on "Effects of terrorism on the enjoyment of all human rights".

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 4 pages

Geneva, 4 January 2019



**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**



## **Information on the resolution of UN Human Rights Council 34/8 "Effects of the terrorism o the enjoyment of all human rights**

The Republic of Azerbaijan is one of the states which has suffered heavily from terrorism. Since the early years after the restoration of its independence, the Republic of Azerbaijan has suffered from 373 terrorist attacks, which have resulted in 1568 dead, 1808 wounded and considerable material and spiritual damage to the state and its people.

Immediately after the terrorist attacks of 11 September 2001, the Republic of Azerbaijan joined the international fight against terrorism and since that time the country has contributed to combating international terrorism through the implementation of a national programme of legislative, organisational and practical actions. On 12 September 2001, the President signed a Declaration announcing Azerbaijan's joining the global anti-terrorist coalition, after which the country offered its full assistance to the antiterrorist operations carried out by the coalition forces in Afghanistan by sending a military peacekeeping contingent and declaring its airspace and airports open for that purpose, and by arresting dozens of terrorists in the country and extraditing them to the relevant states.

The Law of the Republic of Azerbaijan "On struggle against terrorism" dated 1999 is an important state internal legal act in the field of combating terrorism. This law defines the legal and organizational bases for combating terrorism, the mechanism for coordinating the activities of the state bodies fighting terrorism, as well as the rights and duties of these bodies and citizens in the Republic of Azerbaijan. The law contains and interprets definitions of "terrorism", "terrorist", "terrorist group", "terrorist organization", "terrorist activity", "international terrorist activity", "financing of terrorism", "fight against terrorism", "operations against terrorism" etc. This law defines "terrorism" as the "that is commitment of explosion, arson or other actions (acts of terrorism) creating danger to destruction 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 threat of commitment of a specified actions in a same purposes"

The basic principles of combating terrorism, including provision of legality, inevitability of punishment, coordination of public and concealed methods of struggle against terrorist, combined use of legal, political, socio-economic and organizational-preventive measures, prioritized protection of rights of persons endangered by terrorist activity, independence in control of resources attracted to operations against terrorism, minimum disclosure of staff involved in operations against terrorism, including methods and tactics used for these purposes have been defined in the law.

According to the law, the fight against terrorism in the Republic of Azerbaijan is carried out for the following purposes:

to ensure human rights and liberties, the security of society and the state; to discover and prevent terrorism and minimize possible harmful consequences of terrorism;

to disclose and eliminate the reasons and conditions for the emergence and



existence of terrorism, as well as the financing and provision of other support to terrorism.

The law sets out the following principles of the fight against terrorism: rule of law; inevitability of punishment; coordination of overt and covert methods; complex use of legal, political, socio-economic and organizational preventive action; priority of protecting the rights of people subjected to the terrorist threat; independence of command over the forces involved in anti-terrorist operations; and minimum disclosure of the staff, technical equipment and tactics used in anti-terrorist operations.

The Law of the Republic of Azerbaijan "On combating against religious extremism"<sup>1</sup> dated 04.12.2015 sets out the legal and organizational basis of the struggle against religious extremism in the Republic of Azerbaijan, and defines the rights and duties of state bodies and citizens fighting the religious extremism. At the same time, the law regulates the basic principles of the fight against religious extremism, conducting special operations against religious extremism and other issues.

Therefore, the Law of the Republic of Azerbaijan on amendments to the Law of the Republic of Azerbaijan on citizenship of the Republic of Azerbaijan defines that the participation of a citizen of the Republic of Azerbaijan in a terrorist activity or realization of actions by him directed at forcible change of a constitutional order of the Republic of Azerbaijan is considered as grounds for deprivation of citizenship of the Republic of Azerbaijan.

Terrorism according to the national legislation is punished by eight to twelve years imprisonment with confiscation of property. The punishment can be increased to life imprisonment where aggravating circumstances are involved, namely if terrorism is committed: by an organized group or criminal organization; repeatedly; with use of firearms or items used as weapon; and/or results in the accidental death of humans or other serious consequences,

The financing of terrorism is punished by eight to twelve years' imprisonment with confiscation of property.

The Law also makes deliberate disinformation about terrorism an offence, which is punished by five to eight years' imprisonment.

"The Convention of Council of Europe on Prevention of Terrorism" signed in 16 May 2005 in Warsaw was ratified in 2014. After the ratification of Warsaw Convention the new articles have been included to the Criminal Code on "public appeals to terrorism" and "conducting trainings with a terrorism purpose" that provides criminal liability.

To carry out the obligations deriving from the international antiterrorist conventions and protocols it has signed and to bring its domestic criminal legislation into conformity with those documents, the Republic of Azerbaijan has introduced criminal for other acts of a terrorist nature.

Such crimes include;

- attacks on persons and organizations enjoying international protection (serious crime);
- deliberate homicide, under aggravating circumstances, as well as related to terrorism (particularly serious crime);
- violations of the customs borders of the Republic of Azerbaijan for illicit trafficking in radioactive substances, explosive substances and devices, military weapons and



machines, nuclear, chemical, biological and other weapons of mass destruction, as well as materials and equipment for the manufacture of weapons of mass destruction (less serious or serious crimes);

- hostage taking (serious or particularly serious crime);
- creation of a criminal community (organization) (serious or particularly serious crime);
- hijacking of an aircraft, maritime vessel or railroad train (serious or particularly serious crime);
- sea piracy (serious or particularly serious crime);
- acts constituting a treat to the safety of fixed offshore platforms (serious or particularly serious crimes);
- illegal handling of radioactive materials, theft of radioactive materials or obtaining them through intimidation (serious or particularly serious crimes);
- the threat of theft of radioactive materials (serious or particularly serious crime);
- illegal manufacture, possession, transfer, sale, storage, transportation of firearms, ammunition, explosive substances and devices or obtaining them through intimidation (less serious or serious crimes);
- acts constituting a treat to aviation security (serious or particularly serious crimes);
- attempts on the lives of state officials or public actors (terrorist attack) (particularly serious crime);
- creation of armed units or groups unforeseen by legislation (serious or particularly serious sabotage) (particularly serious crime);

In direction to prevent the way of the terrorists to the conflict regions and the struggle against the international terrorism the new Article (283-1) was entered to the Criminal Code of the Republic of Azerbaijan by the Law of the Republic of Azerbaijan dated 14 march 2014. According to the this Article "Creation of stable group to participate in the armed conflicts outside the Republic of Azerbaijan" - defines punishment by imprisonment from 9 to 12 years for involvement of citizens of the Republic of Azerbaijan or stateless persons permanently residing in the Republic of Azerbaijan, to armed conflicts outside the Republic of Azerbaijan with a purpose to disseminate religious teachings, under the pretence of performing religious rites, or due to religious hatred, or conducting military exercises for this purpose, or creation of stable group for this purpose and management of such group, and from 12 to 15 years if the same acts committed with involving the minors. Participation in those groups, exercises or armed conflicts is punished by imprisonment from 7 to 11 years. According to the Note of this Article a person who commits an act stipulated for in Articles 283-1.1 - 283-1.3 of the Code, shall be exempt from criminal liability if he contributed to the prevention of criminal acts provided for by these articles by timely notification of the authorities or by another method, and his act was free of components of crime.

The President of the Republic of Azerbaijan leads the fight against terrorism, and provides manpower and logistical support for that activity.

According to the legislation of the Republic of Azerbaijan legal and social protection of witnesses and victims, as well as their cooperation with law enforcement agencies is regulated by the Laws of the Republic of Azerbaijan "On State Protection of Persons



Participating in Criminal Proceedings", 1998, "On struggle against terrorism", 1999, "Operative Search Activity" and "On intelligence and counter-intelligence activities", 2004, the Criminal Procedure Code of the Republic of Azerbaijan and other normative legal acts.

The Law "On struggle against terrorism" stipulates compensation for damages caused by terrorist acts and social rehabilitation of victims. Thus, damage incurred as a result of acts of terrorism to property of natural persons and legal entities shall be compensated at complete value by state budget funds, and then this amount is withdrawn from persons responsible. Social rehabilitation of victims of acts of terrorism includes the legal, psychological, medical and professional aid, provision of jobs or living space. Social rehabilitation of victims of acts of terrorism, as well as persons engaged in anti-terrorist activities shall be implemented at the expense of state budget.

In accordance with the international agreements it has signed, the Republic of Azerbaijan co-operates in combating terrorism with foreign countries, their law-enforcement agencies and relevant international organizations. To strengthen cooperation against terrorism in the framework of both regional and universal organizations, Azerbaijan has acceded to international and regional antiterrorist conventions. To implement UN Security Council Resolutions 1368 of 12 September 2001, and 1373 of 28 September 2001, the Republic of Azerbaijan acceded to all of the UN conventions and protocols on the fight against terrorism between 1999 and 2003.

The Republic of Azerbaijan plays an active role in the consultations on the drafting of the "Comprehensive Convention against Terrorism" in the framework of the Sixth Committee of the UN GA. Azerbaijan will study the issue of accession to that Convention as soon as the final text has been adopted.

As a member of the Organization for Security and Cooperation in Europe, the Republic of Azerbaijan has acceded to instruments containing the fundamental principles of that organization, including the Final Act of Helsinki, the Paris Charter for New Europe, the OSCE Charter for the European Security and other important documents reflecting the principles of the fight against terrorism.

Since its admission to the Council of Europe, the Republic of Azerbaijan has accomplished its obligations undertaken before the Council of Europe, in accordance with PACE Resolution 222 (2000). The Republic of Azerbaijan has acceded to the majority of the European conventions and protocols on fight against terrorism and organized crime. The Republic of Azerbaijan took part in the activities of the Council of Europe Multidisciplinary Group on International Action against Terrorism (GMT), Committee of Experts on Terrorism (CODEXTER) and the Council of Europe Counter-Terrorism Committee, and now continues cooperation on this field.

The abovementioned activity has been successfully carrying out in the framework of Commonwealth of Independent States (CIS), Organization for Democracy and Economic Development (GUAM), Organization of the Black Sea Economic Cooperation (BSEC).

The Republic of Azerbaijan co-operates with the CIS Antiterrorist Centre in the information analysis and consultation spheres. Azerbaijan contributed to the development of the CIS Antiterrorist Centre's "Unique list of possible terrorist and extremist organizations, whose activity in the territories of the CIS member states must be banned" and added many organizations to that list.