

AZERBAIJAN

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Law of the Republic of Azerbaijan on the struggle against terrorism

This Law defines legal and organization basis of struggle against terrorism in the Azerbaijan Republic, coordinates the activities of state authorities, performing struggle against terrorism, and secures rights and responsibilities of these authorities and citizens.

Chapter I General provisions

Article 1 Key definitions

Following definitions are used in this Law:

terrorism – committing of explosions, fires and other actions threatening the lives of people, damaging their health, causing significant property damage or occurrence of other hazardous consequences to public, with the purpose of destruction of public security, spread of panic among population or influencing the decisions of state authorities or international entities, as well as threat of committing of such actions for the same purposes;

- **terrorist** — person participating in terrorist activity in any form;
- **terrorist group** — union of two or more persons for the purposes of implementation of terrorist activities;
- **terrorist organization** — organization established for the purposes of committing terrorist activities or tolerating terrorism in its operations. If one of structural units with the consent of any managing authority of the organization is engaged in terrorist activities, such organization shall be deemed a terrorist organization;
- **struggle against terrorism**— activity connected to identification, prevention of terrorist acts or minimizing the damage as a result of terror;
- **operations against terror** — special activities implemented for the purposes of prevention of terrorist acts, provision of security of natural persons, disarming, of terrorists, as well as minimizing of damage which may be incurred as a result of terrorist act;
- **anti-terrorist operation zone** — territorial boundaries or certain sections offshore, transport means, buildings, installations, residential houses and adjacent territories or offshore areas, where operations are implemented;
- **terrorist activity** — activity related to organization, planning, preparation and implementation of terrorist acts, acts of violence over natural persons or legal entities, for the purposes of terror via destruction or damaging of material facilities, formation of armed groups, criminal groups for the purposes of committing of terrorist acts, as well as participation in these acts, involvement of others to



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terrorist activities, their arming, training and use, deliberate funding of terrorist groups or provision of other assistance;

- **international terrorist activity**—activities of terrorists or terrorist organizations on the territory of several states, or related to crime, which can damage interests of several states, committed by the person against the citizen of any state on the territory of the state, or other state, in the event, when terrorist and person affected by the terror, are the citizens of the same or different states, outside of the territory of this state;
- **terrorism financing** — *deliberate complete or partial, direct or indirect use of funds or other property for the purposes of terror, or deliberate collection of funds or other property for these purposes.*

Article 2 Anti-terrorist legislation

Anti-terrorist legislation is comprised of the Constitution of the Azerbaijan Republic, intergovernmental treaties to which the Azerbaijan Republic is a signatory, this Law and other legislative acts of the Azerbaijan Republic.

Article 3 Purpose of struggle against terrorism

Struggle against terrorism in the Azerbaijan Republic is implemented for following purposes:

- 1) provision of human rights and freedoms, public and state security;
- 2) identification, prevention of terrorism and minimization of the damage resulting from terrorism;
- 3) identification and liquidation of causes and conditions for formation and commitment of terror, *as well as terrorist funding or other assistance.*

Article 4 Main principles of struggle against terrorism

Struggle against terrorism in the Azerbaijan Republic is based on following principles:

- 1) provision of legality;
- 2) inevitability of punishment stipulated under the legislation of the Azerbaijan Republic for commitment of terrorist activity;
- 3) coordination of public and concealed methods of struggle against terrorist;
- 4) combined use of legal, political, socio-economic and organizational-preventive measures;
- 5) prioritized protection of rights of persons endangered by terrorist activity;
- 6) independence in control of resources attracted to operations against terrorism;
- 7) minimum disclosure of staff involved in operations against terrorism, including methods and tactics used for these purposes.

Chapter II Organization of struggle against terrorism. Performance of anti-terrorist operations

Article 5 Authorities performing struggle against terrorism

Provision of necessary anti-terrorist forces and resources, as well as control over the struggle against terrorism is implemented by the relevant executive authority of the Azerbaijan Republic. Other relevant authorities of the Azerbaijan Republic within their competence take part in anti-terrorist activities in accordance with this Law.

Article 6 Assistance to state authorities involved in anti-terrorist activities

State and local management authorities, organizations and unions independent of their form of ownership, officials and citizens shall assist the state authorities engaged in anti-terrorist activities. They all obliged to provide to law-enforcement agencies the information and data on the event, which may help in identification and prevention of terror, as well as minimization of damage which may occur.

Article 7 Control of anti-terrorist operations

For the purposes of direct and unified control of anti-terrorist operations, by the decision of relevant executive authority dependent on the requirement, the temporary (for the period of implementation of anti-

terrorist operation) operations center shall be established to control the anti-terrorist operations (hereinafter referred to as operations center) and person in charge is appointed.

Operational procedures of the operations center shall be regulated by the statute approved by the relevant executive authority.

Staff involved in anti-terrorist operations: military servicemen, associates and experts shall report to person in charge of the operations center since commencement of operation.

Person in charge of the operations center defined the operations zone, specifics of implemented anti-terrorist operation, and makes decisions on use of attracted forces and sources.

Person in charge of the operations center adopts other decisions including the decisions limiting the rights of officials and citizens, to provide their partial and temporary provision of their security in the anti-terrorist operation zone.

Instructions of the person in charge of the operations center shall be implemented by all officials and citizens in the anti-terrorist operations zone.

During the anti-terrorist operation, nobody can interfere with actions of the person in charge of operations center or cancel his decisions, with exception of the head of relevant state authority.

Article 8 Provision of forces and resources to anti-terror operations

For the purposes of performance of anti-terror operations the operations center uses required forces and resources subordinated to relevant executive authorities, participating in anti-terrorist operations.

Article 9 Legal regime of the anti-terror operations zone

In the anti-terror operations zone, the persons performing the operation shall have the following rights:

- 1) if necessary, to apply measures temporarily limiting or restricting traffic of transport means and pedestrians on the streets and roads, restrict the access of transport to certain areas and facilities, restrict the towing of transports;
- 2) check identification documents of citizens and officials, and in the event of absence of such documents detain *them in accordance with procedures and terms set by the legislation of the Azerbaijan Republic*;
- 3) detain persons performing actions directed at interference of operations of anti-terrorist operations forces, and transfer them to relevant executive authority;
- 4) if during the arrest of suspects at the time of anti-terrorist operation, performance of such acts or postponement of them endangers the health and lives of people, enter into apartments and places of residence of citizens, their land, independent of the form of ownership, as well as to territories, buildings and transport means of entities, independent of the form of ownership in accordance with procedures set by the legislation of the Azerbaijan Republic;
- 5) in entering or leaving the anti-terrorist operations zone, survey with or without use of technical means and in accordance with procedures, establish by the legislation of the Azerbaijan Republic, citizens, their belongings, transport means and items in their transport means, with exception of transport means owned by diplomatic representations and consulates;
- 6) with exception of telecommunications and transport means of diplomatic representations or consulates, use for operational purposes telecommunications and transport means, owned by citizens, organizations, public unions, independent of their form of ownership.

Activities of mass media in the anti-terrorist operations zone shall be defined by the person in charge of operations center.

Article 10 Negotiations with terrorist

For the purposes of identification of opportunities for saving lives and property, as well as prevention of terrorist acts negotiations with terrorists shall be allowed.

Only persons authorized by the person in charge of the operations center shall be allowed to negotiate with terrorists.

During negotiations with terrorist as condition there is a prohibition passing of any person to terrorists against his will, execution of political requirements, as well as provision of weapons and other means application of which will endanger lives ad health of people.

Negotiations with terrorists can not be the basis for their release from liability for committed actions, as per legislation of the Azerbaijan Republic.

Article 11 Public disclosure about terrorist acts

During operations implemented against terror, the public is informed about terrorist attacks in the form and to the extent established by the person in charge of the operations center or responsible representative of operations center for public relations.

Disclosure of following information is not allowed:

- 1) tactics and technical methods of anti-terror operation;
- 2) information endangering lives and health of people within or outside the anti-terrorist operations zone, interfering the anti-terror operation implementation;
- 3) information justifying or promoting terrorism;
- 4) about persons participating in anti-terror operation, as well as assisting in implementation.

Article 12. Completion of anti-terror operation

In prevention of terrorist attack or liquidation of threats to lives and health of people in the anti-terror operations zone, the operation shall be deemed complete.

Head of operations center shall announce the completion of operation.

Chapter III Compensation of damage incurred as a result of terrorist acts. Legal and social protection of persons involved in anti-terrorist activities

Article 13 Compensation of damage incurred as a result of terrorist acts, and social rehabilitation of victims

Damage incurred as a result of terrorist attacked 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.

Under social rehabilitation of victims of terrorist attack shall be meant the legal, psychological, medical and professional aid, provision of jobs or living space.

Social rehabilitation of victims of terrorist attacks, as well as persons stipulated under Article 14 of this Law shall be implemented at the expense of state budget.

Procedure for social rehabilitation of victims of terrorist attacks shall be defined by the relevant executive authority of the Azerbaijan Republic.

Article 14 Legal and social protection of persons involved in anti-terrorist activities

Persons engaged in anti-terrorist activities shall be protected by state. Legal and social protection measures shall be applied to following persons:

- 1) associates of the relevant executive authority who directly involved in anti-terrorist activities;
- 2) persons permanently or temporarily assisting state authorities in prevention, identification of terrorist activities and minimization of damage, which may incur as a result of such activity;
- 3) persons engaged in items 1 and 2 of this article, in the event of damage to their health in the course of execution of their duties or property of their family members.

Damage incurred to health or property of persons engaged in anti-terrorist activities shall be compensated in accordance with procedures stipulated under the legislation of the Azerbaijan Republic.

In the event of death during anti-terrorist operations of the associate, his family and dependents are paid the lump sum amount of compensation at the amount of hundred times of mean monthly salary, then such amount is withheld from persons responsible.

If person involved in anti-terrorist activity was injured, wounded, contused or otherwise damaged, which can not allow him to carry on with his duties the compensation shall be paid from state budget at the amount of ninety times of his mean monthly salary, and later this amount is withheld from persons responsible.

Article 15 Exempt from liability for damage incurred

In accordance with procedures of legislation of the Azerbaijan Republic the damage to lives, health and property of terrorists is allowed during anti-terrorist operations. Persons engaged in anti-terrorist activities shall not be liable for damages incurred during the operations.

Article 16 Privileged calculation of years of service

In calculation of the amount of pension for employees of relevant executive authorities, serving in anti-terrorist groups, years of service are calculated as follows: one day of service as two days of service and term of participation in anti-terrorist operations as follows: one day of service as three days of service.

Chapter IV Liability for involvement in terrorist activities

Article 17 Liability for involvement in terrorist activities

Persons involved in terrorist activities shall bear liability in accordance with procedures stipulated under the legislation of the Azerbaijan Republic.

With consideration of interests of provision of human rights and freedoms, state and international security, persons committing terrorist attacks or involved in such attacks, independent of the place of planning or implementation of such acts, in accordance with legislation of the Azerbaijan Republic, as well as intergovernmental treaties to which the Azerbaijan Republic is a signatory, shall be brought to criminal justice and shall be punished or issued for bringing to justice to foreign state.

Article 18 Processing of cases related to terrorist activities

Crimes related to terrorist activities, as well as cases on compensation of damage caused by terrorist acts, in accordance with legislation of the Azerbaijan Republic may be processed as closed court hearings by the decision of court (judge).

Article 19 Liabilities of organizations for terrorist activities

For involvement in terrorist activities the organization (its affiliate, representation), operating on the territory of the Azerbaijan Republic in accordance with procedures established by the legislation of the Azerbaijan Republic, can be liquidated on the basis of court decision.

In liquidation of organization, the involvement of which in terrorist activities is established in accordance with legislation of the Azerbaijan Republic, its property in accordance with legislation of the Azerbaijan Republic shall be confiscated and retained by state.

Chapter V Final Provisions

Article 19 Control over legality of anti-terrorist activities

Control over legality of anti-terrorist activities is performed by the General Prosecutor of the Azerbaijan Republic and subordinated prosecutors.

The application to court for bringing of organization to justice for terrorist activities shall be submitted by the General Prosecutor of the Azerbaijan Republic and subordinated prosecutors.

Article 20 International cooperation in the area of struggle against terrorism

On the basis of intergovernmental treaties to which the Azerbaijan Republic is a signatory, contacts shall be maintained with foreign states, their law-enforcement agencies in the area of struggle against terrorism, as well as international anti-terrorist organizations.

Article 21 Liability for violation of this Law

Officials and citizens shall be liable for violation of this Law in accordance with procedures established under the legislation of the Azerbaijan Republic.

**President of the Azerbaijan Republic
Heydar Aliyev
City of Baku, 18 June 1999**

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