

# **Criminal Code of the Republic of Azerbaijan**

*(Approved by the Law of the Republic of Azerbaijan of 30 December, 1999, No. 787-IQ)*

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## **General provision**

### **Section I. Criminal law**

#### **Chapter 1. Tasks and principles of the criminal law of the Republic of Azerbaijan**

##### **Article 1. Criminal law of the Republic of Azerbaijan**

- 1.1. The criminal law of the Republic of Azerbaijan consists of the present Code.
- 1.2. The present Code is grounded on the Constitution of the Republic of Azerbaijan, conventional principles and norms of international law.
- 1.3. The laws providing the criminal liability and providing punishment of the person committed a crime shall subject to application only after inclusion in the present Code.

##### **Article 2. Tasks of the Criminal Code of the Republic of Azerbaijan**

- 2.1. Tasks of the Criminal Code of the Republic of Azerbaijan are: providing of the peace and safety of mankind, protection of rights and freedom of the person and the citizen, of property, of economic activities, of social order and public safety, of environment, of constitutional building of the Republic of Azerbaijan from criminal encroachments, and also the prevention of crimes.
- 2.2. For implementation of the tasks, the Criminal Code of the Republic of Azerbaijan provides the grounds and principles of the criminal liability, defines what shall be dangerous to the person, societies and the states, by actions admitted as crimes and establishes kinds, limits and the sizes of punishments and another measures of criminal - legal nature for committing these crimes.

##### **Article 3. Grounds of the criminal liability**

The ground of the criminal liability shall be committing of action (action or inaction), structure of which provided only by the present Code.

##### **Article 4. Principles of the Criminal Code and Criminal liability**

The Present Code is grounded on principles of legality, equality before the law, of responsibility for fault, of justice and humanism.

##### **Article 5. Principle of legality**

5.1. Criminal action (actions or inaction), and also punishments for this actions and other measures of criminal - legal nature shall be determined only by the present Code.

5.2. Application of the criminal law by analogy shall not be allowed.

## **Article 6. Principle of equality before the law**

6.1. The persons who have committed crimes shall be equal before the law and shall be subject to criminal liability irrespective of race, nationality, religion, language, gender, origin, property status, official capacity, belief, belonging to political parties, trade unions and other public associations, and also other circumstances.

6.2. *Nobody shall be subject to criminal liability or punishable or exempt from punishment or criminal liability based on the grounds specified in Article 6.1 of the present Code.* ([57](#))

## **Article 7. Principle of the responsibility for fault**

7.1. The person shall be subject to the criminal liability and punishment only for socially dangerous action (action or inaction) and its consequences, concerning of which his fault is provided.

7.2. The person shall not be subject to the criminal liability for innocent causing of harm.

## **Article 8. Principle of validity**

8.1. Punishment and other measures of criminal - legal nature instituted to the person, who has committed a crime, shall be fair, and shall correspond to nature and a degree of public danger of a crime, circumstances of committing it and nature of a guilty person.

8.2. Nobody shall be instituted to criminal liability twice for the same crime.

## **Article 9. Principle of humanism**

9.1. The Criminal Code shall provide safety of people.

9.2. *Penalties and other measures of criminal-legal nature, applicable to a person who has committed a crime, shall not have the character or purpose of torture or other cruel, inhuman or degrading treatment.* ([72](#))

## **Chapter 2. Action of the criminal law**

### **Article 10. Operation of criminal law in time**

10.1. The criminality and punish of action (action or inaction) shall be determined by the criminal law, exercised during commitment of this action (action or inaction). No one shall be applied to criminal liability for action, which was not admitted as a crime at the time of committing it.

10.2. Time of committing socially dangerous action (action or inaction) shall be time of committing a crime irrespective on time of approach of consequences.

10.3. The criminal law, which shall eliminate criminality of action (actions or inaction) and its punish, soften punishment or otherwise improve position, of the person who has committed a crime, shall have back force, and that shall be distributed on the persons who have committed the appropriate action (action or inaction) till the introduction of such law as valid, and also on the persons who are sentenced, or who have served sentenced time but previous conviction is not removed or is not extinguished.

10.4. The criminal law, provided for by criminality of action (actions or inactivity), strengthening punishment or otherwise worsening position of the person who has committed a crime, shall not have retroactive force.

#### **Article 11. Implementation of the criminal law on the persons who have committed a crime on the territory of the Republic of Azerbaijan**

11.1. The person, who has committed a crime on the territory of the Republic of Azerbaijan, shall be applied to the criminal liability by the present Code. The crime, which has begun, proceeded, or terminated on territory of the Republic of Azerbaijan, shall be admitted as crime committed on the territory of the Republic of Azerbaijan.

11.2. The crime committed on territorial waters of the Republic of Azerbaijan, on sector of Caspian sea (lake) which belongs to the Republic of Azerbaijan, on air space above the Republic of Azerbaijan and its economic zone, shall be admitted as crime committed on the territory of the Republic of Azerbaijan.

11.3. The person, who has committed a crime on a water or air vessel, which are attributed to air or to seaport of the Republic of Azerbaijan, implemented on water or air space outside of limits of the Republic of Azerbaijan, flying under the *National Flag* or a recognition symbol of the Republic of Azerbaijan, shall be instituted to the criminal liability by the present Code.

11.4. The person, who has committed a crime on a ship, which belongs to military fleet or military - air forces of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, irrespective to the location of this ship.

11.5. The question on the criminal liability of diplomatic representatives of the foreign states and other citizens which use immunity, in case of committing by these persons of a crime on the territory of the Republic of Azerbaijan shall be implemented according to the norms of international law. ([83](#))

#### **Article 12. Implementation of the criminal law concerning the persons who have committed a crime out of border of the Republic of Azerbaijan**

12.1. Citizens of the Republic of Azerbaijan and persons constantly living on the Republic of Azerbaijan without the citizenship, who have committed action (action or inaction) out of border of the Republic of Azerbaijan, shall be instituted to the criminal liability under the present Code, if this action is recognized as a crime in the Republic of Azerbaijan and in the state on the territory of which it was committed, and if these persons were not condemned in the foreign state.

*12.1-1. If the citizens of the Republic of Azerbaijan and stateless persons permanently residing in Azerbaijan Republic, have not been convicted in a foreign state for committed*

*by them corruption-related crime and other crime against the interests of the service outside the Republic of Azerbaijan, they are subject to criminal liability under this Code.*

12.2. Foreigners and stateless persons, committed a crime outside of limits of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, in cases, if the crime shall be directed against the citizens of the Republic of Azerbaijan, interests of the Republic of Azerbaijan, and also in the cases, stipulated by international agreements to which the Republic of Azerbaijan is a party, if these persons were not condemned in the foreign state.

*12.2-1. If foreigners and stateless persons committed corruption-related crimes and other crimes against interests of service outside of Azerbaijan Republic with participation of citizens of Azerbaijan Republic, which are officials of international organizations, members of international parliamentary assemblies, officials and judges of international courts, and have not been convicted for this crime in a foreign state, they are subject to criminal liability under this Code.*

12.3. Citizens of the Republic of Azerbaijan, foreigners and stateless persons, who have committed crimes against the peace and mankind's, war crimes, *human trafficking*, terrorism, *financing of terrorism*, stealing of an air ship, capture of hostages, torture, a sea piracy, illegal circulation of narcotics and psychotropic substances, manufacturing or sale of false money, attack on persons or the organizations using the international protection, the crimes connected to radioactive materials, and also other crimes, punish of which stipulated in international agreements to which the Republic of Azerbaijan is a party, shall be instituted to criminal liability and punishment under the Present Code, irrespective of a place of committing a crime.

12.4. Military men of military units of the Republic of Azerbaijan included in peace forces, for the crimes, committed outside of limits of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, unless it is not stipulated by the international agreements to which Republic of Azerbaijan is a party.

12.5. At condemnation by courts of the Republic of Azerbaijan, of the persons specified in *article 12.1* of the present Code, punishment shall not exceed the top limit of the sanction provided by the law of the foreign state on which territory the crime was committed. ([3](#), [7](#), [25](#), [64](#))

### ***Article 13. Surrender of persons, committing crimes (extradition)***

13.1. The citizens of the Republic of Azerbaijan, who have committed a crime on the territory of the foreign state, shall not be applied to distribution to the foreign state. The question of attraction of these persons to the criminal liability shall be solved according to the article 12 of the present Code.

*13.2. Foreigners or stateless persons, who have committed a crime outside of limits of the Republic of Azerbaijan and living on the territory of the Republic of Azerbaijan, can be surrendered to the foreign state for criminal prosecution or execution of the sentence in accordance with the Law of the Republic of Azerbaijan "On the surrender of persons, committing crimes (extradition)", other legislative acts of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.*

13.3. If the persons, who have committed a crime outside of limits of the Republic of Azerbaijan, shall not distributed out to the foreign state, and this action (action or inaction) is admitted as a crime according to the present Code, they shall be instituted to criminal proceedings in the Republic of Azerbaijan.

13.4. If the international agreements, to which the Republic of Azerbaijan is a party, establish other regulations about distribution of the persons who have committed a crime, then the international agreements shall be appreciated. ([3](#), [10](#))

## **Section II. Crime**

### **Chapter 3. Concept of the crime and classification of crimes**

#### **Article 14. Concept of a crime**

14.1. Crime shall be admitted as a socially dangerous action (action or inaction), forbidden by the present Code, under threat of punishment on guilty.

14.2. Actions (action or inactivity), though it is formally containing attributes of any action (action or inaction), provided by the criminal law, but by virtue of insignificance not representing public danger, and shall not cause harm to a person, to a society or the state, shall not be admitted as a crime.

#### **Article 15. Classification of crimes**

15.1. Depending on nature and degree of action stipulated as a public danger (actions or inaction), provided by the present Code, shall be subdivided into the crimes which shall be big public danger, less serious crimes, serious crimes and especially serious crimes.

15.2. Crimes which do not represent big public danger shall be deliberate and careless actions for committing of which by the present Code, admitted punishment, but not connected to imprisonment, and also deliberate and careless actions for committing of which the maximal punishment provided by the present Code, shall not exceed two years of imprisonment.

15.3. Less serious crimes shall be deliberate and careless actions for committing of which the maximal punishment, provided by the present Code, shall not exceed *seven* years of imprisonment.

15.4 Serious crime shall be deliberate and careless actions for committing of which maximal punishment provided by the present Code shall not exceed *twelve* years of imprisonment.

15.5 Especially serious crime shall be deliberate actions for committing of which punishment provided by the present Code, shall be imprisonment for the term of *twelve* years or more strict punishment. ([3](#))

#### **Article 16. Frequency of committing crimes**

16.1. Repeatedly committed crimes shall be two or more crimes provided by one article of the present Code.

16.2. Committing of two or more crimes provided by one article of the present Code shall be admitted as repeated only in cases provided by appropriate articles of the Special Part of the present Code.

*16.3. The crime shall not be recognized as repeatedly committed if a person, who was convicted of a previously committed crime, is released from criminal liability or whose previous conviction has been repaid or withdrawn, repeatedly committed the crime provided for by the same article of this Code or by various articles in cases, directly specified in the Special Part of this Code. (131)*

## **Article 17. Set of crimes**

17.1. Set of crime forms shall include two or more crimes, provided by various articles of the present Code, and if a person was not condemned or released from the criminal liability on the lawful grounds for committed crimes, and also if time for attraction to criminal liability on one of these crimes have not expired.

17.2. Committing by one action (inaction) of two or more crimes, provided by two or more articles of the present Code, forms ideal set of crimes.

17.3. At set of crimes the person shall institute the criminal liability for each crime under appropriate article of the present Code.

17.4. If the crime shall be provided by the general and special norms of the Special Part, then set of crimes shall be admitted as absent and criminal liability comes on special norm.

## **Article 18. Relapse of crimes and its kinds**

18.1. Relapse of crimes shall be deliberate committing of crime by the person, who has been convicted before for earlier deliberate committed of crime.

18.2. Relapse of crimes shall be admitted as dangerous:

18.2.1. at committing of a deliberate crime by the person for which he is condemned to imprisonment if earlier this person was condemned to imprisonment for a deliberate crime twice;

18.2.2. at committing of *deliberate* serious crime by the person, if earlier he was condemned for *deliberate* serious crime.

18.3. Relapse of crimes shall be admitted as especially serious:

18.3.1. at committing of a deliberate crime by the person for which he is condemned to imprisonment not less than three times, irrespective of a sequence, and for deliberate less serious crime or deliberate serious crime;

18.3.2. at committing of *deliberate* serious crime by the person, if earlier he was condemned to imprisonment two times for committing of serious crime or once for committing *deliberate* especially serious crime;

18.3.3. at committing *deliberate* serious crime by the person, if earlier he was condemned to imprisonment for committing minor serious or serious crimes.

*18.4. When determining the relapse of crimes the following shall not be taken into account:*

*18.4.1. crimes that do not pose great danger to society;*

*18.4.2. crimes committed by minors;*

*18.4.3. criminal record, expunged or repaid in accordance with the procedure stipulated by Article 83 of this Code;*

*18.4.4. conviction for crimes for which punishment is imposed, not related to imprisonment.*

18.5. Relapse of crimes attracts more strict punishment on the grounds and on the limits, which are provided by the present Code. ([3](#), [111](#), [131](#))

## **Chapter 4. Persons subjected to criminal liability**

### **Article 19. General conditions for the criminal liability**

To Criminal Liability shall be subjected person, who has mental capacity, committed a crime and reached appropriate age, settled by the present Code.

### **Article 20. Legal age for determination to criminal liability**

20.1. The person who has reached age of 16, to time of committing a crime shall be subjected to the criminal liability.

20.2. The persons who have reached the age of 14, to time of committing a crime, shall be subjected to the criminal liability for deliberate murder, deliberate causing of heavy or less heavy harm to health, kidnapping of the person, rape, violent actions of sexual nature, theft, robbery, extortion, illegal occupation of the automobile or other vehicle without the purpose of plunder, deliberate destruction or damage of property under aggravating circumstances, terrorism, capture of the hostage, hooliganism under aggravating circumstances, plunder or extortion of fire-arms, ammunition, explosives and explosives, plunder or extortion of narcotics or psychotropic substances, reduction unsuitability of vehicles or means of communication.

*20.3. Measures to be taken against persons, who have not attained the age limit stipulated in Articles 20.1 and 20.2 of this Code, when committing a socially dangerous act (action or inaction) and the order of application of these measures are established by relevant law. ([3](#), [11](#))*

### **Article 21 Diminished responsibility**

21.1. The person, who at the time of committing publicly dangerous act (action or inaction), was in a condition of diminished responsibility, and could not realize actual nature and public danger of the acts (actions or inaction) or supervise over them in order

to chronic mental disease, timed infringement of mental activity, dementia or other mental disease shall not be subjected to the criminal liability,.

21.2. To the person, who has committed publicly dangerous act (action or inaction) in a condition of diminished responsibility, court can appoint the forced measures of medical nature provided by the present Code.

21.3. To the person, who has committed a crime in a condition of legal capacity, but before adopting by court of a decision, he has become emotionally diseased, and depriving opportunity to realize actual nature and public danger of his acts (actions or inaction) or supervise over them, court can appoint forced measures of medical nature as it provided by the present Code.

## **Article 22. Criminal liability of persons with the mental frustration which is not excluding legal responsibilities**

22.1. The sane person, who at the time of committing a crime by virtue of mental frustration could not fully realize actual nature and public danger of the acts (action or inaction) or to supervise them, shall be subjected to the criminal liability.

22.2. The mental frustration, which is not excluding responsibilities, shall be taken into account by court at assignment of punishment and can form the basis for purpose of the medical nature forced measures provided by the present Code.

## **Article 23. Criminal liability for a crime accomplished in a condition of intoxication**

The person, who has committed a crime in a condition of intoxication, irrespective of the reasons of intoxication (the use of alcohol, narcotics or other strong substances), shall not be released from the criminal liability.

## ***Chapter 5. Fault***

### **Article 24. Forms of fault**

24.1. The person, who has committed a crime (action or inaction) only on deliberate or on imprudence grounds, shall be admitted as guilty.

24.2. Acts (action or inaction), committed on imprudence, shall be admitted as a crime only in cases when it is specially provided by appropriate article of the Special Part of the present Code.

### **Article 25. Crime, accomplished deliberately**

25.1. Crime accomplished deliberately, shall be acts (action or inaction) accomplished with direct or indirect intention admits.

25.2. The crime shall be admitted as committed with direct intention, if the person realized public danger of the acts (action or inaction), expected their publicly dangerous consequences and wished their approach.



25.3. The crime shall be admitted as committed with indirect intention, if the person realized public danger of the acts (action or inaction), expected their socially dangerous consequences, did not wish, but meaningfully supposed these consequences.

## **Article 26. Crime accomplished on imprudence**

26.1. A crime accomplished on imprudence, shall be admitted acts (action or inaction), committed on criminal self-confidence or criminal negligence.

26.2. The crime shall be admitted as committed on criminal self-confidence, if the person expected an opportunity of approach of socially dangerous consequences of the acts (action or inaction), but without the sufficient grounds to that, expected prevention of these consequences.

26.3. The crime shall be admitted as committed on a criminal negligence, if the person did not expect an opportunity of approach of socially dangerous consequence of the acts (action or inaction) though at necessary attentiveness and foresight should and could expect these consequences.

## ***Chapter 6. Uncompleted crime***

### **Article 27. The completed and uncompleted crimes**

27.1. The crime, committed by the person (action or inaction) which contains all grounds of the crime structure provided by the present Code, shall be admitted as completed

27.2. Preparation for a crime and attempt at a crime shall be admitted as uncompleted crime.

27.3. The criminal liability for the uncompleted crime shall come under article of the present Code providing the responsibility for completed crime, according to articles 28 and 29 present Codes.

### **Article 28. Preparation to a crime**

28.1. As preparation to a crime shall be purchase or manufacturing by a person of means or instruments to committee a crime, looking for accomplices of a crime, arrangement on commitment of a crime or other deliberate creation of conditions for commitment of a crime, if thus a crime was not finished on not dependent on will of this person to circumstances.

28.2. The criminal liability shall be instituted only for preparation of minor serious and especially serious crimes.

### **Article 29. Attempt to a crime**

As attempt at a crime shall be deliberate act (action or inaction) by a persons, directly directed on committing of a crime, if thus the crime was not completed by circumstances not dependent on will of this person.

### **Article 30. Voluntary refusal from committing a crime**

30.1. The termination by the person of preparation for a crime or the termination by the person of act (action or inaction), directly directed on committing a crime, if the person realized an opportunity of completing of a crime up to the end, shall be admitted as a voluntary refusal from a crime.

30.2. The person, voluntary and finally refused from completing a crime up to the end shall not be instituted to criminal liability.

30.3. The person who has voluntarily refused from completing a crime up to the end, shall be determined to the criminal liability only in the event that the act committed by him contains structure of other crime.

30.4. The organizer and the instigator of a crime shall not be subject to the criminal liability if these persons duly message to authorities or other undertaken measures have prevented completing a crime by executor up to the end. The helper of a crime shall not be instituted to criminal liability, if he has refused from preliminary promised help to the executor prior to the beginning of the acts directly directed on committing a crime or has prevented consequences of already rendered help.

30.5. If actions of organizer or instigator, provided by article 30.4 of the present Code, have not resulted in prevention of committing a crime by the executor, the measures undertaken by them can be recognized as softening circumstances at assignment of punishment by court.

## ***Chapter 7. Accomplice***

### **Article 31. Accomplice**

By accomplice in a crime shall be admitted deliberate joint participation of two or more persons in committing a deliberate crime.

### **Article 32. Kinds of accomplice**

32.1. Alongside with the executor as accomplice of a crime shall be admitted also organizer, instigator and helper.

32.2. The person, who has directly committed a crime or directly participating in its committing together with other persons (joint committing), and also the person who has committed a crime by use of other persons, not determined to the criminal liability by virtue of the circumstances provided by the present Code, shall be admitted as the executor.

32.3. The person, who has organized committing of a crime or supervising its execution, and created organized group or criminal community (criminal organization) or supervising them as well, shall be admitted as the organizer

32.4. The person, who has declined other person to committing a crime by an arrangement, payoff, and threat or in other ways, shall be admitted as the instigator.

32.5. The person assisting by advice, instructions, granting of the information, means or instruments in committing a crime or by removal of obstacles, and also the person, beforehand promising to *hide* a criminal means or instruments of fulfillment of a crime,

traces of a crime or *cash assets or any other property*, obtained in the criminal way, and person beforehand promising to *purchase such cash assets or other property, possess, use or dispose of them*, shall be admitted as the helper. (55)

### **Article 33. Responsibility of accomplices**

33.1. The responsibility of accomplices shall be defined by nature and degree of actual participation each of them in commitment of a crime.

33.2. Co-executors shall be determined by appropriate article of the Special Part of the present Code, for a crime committed by them, without the reference to article 32 of the present Code.

33.3. The organizer, instigator and helper shall be instituted to criminal liability by appropriate article of the Special Part referring to article 32 of the present Code, except for cases when they simultaneously were co- executors of a crime.

33.4. The person who is not special subject of a crime, according to the appropriate article of the Special Part of the present Code, participating in commitment of the crime provide by this article, bears the criminal liability for the given crime as its organizer, instigator or helper.

33.5. In a case of not completing by executor of a crime up to the end on circumstances not dependent on his will, other accomplices shall carry the criminal liability for preparation of a crime or attempt on a crime. Also the person, who on circumstances not dependent on his will, did not manage to decline other persons from commitment of a crime, for preparation of a crime shall carry criminal liability.

### **Article 34. Commitment of a crime by group of persons, on preliminary arrangement by group of persons, by organized group or criminal community (criminal organization)**

34.1. The crime, which is committed by two or more executors in common participated in its commitment without preliminary arrangement, shall be admitted as committed by group of persons.

34.2. The crime, which is committed by two or more persons beforehand agreed about joint commitment of a crime and in common participated in its commitment, shall be admitted as committed on preliminary arrangement by group of persons

34.3. The crime, which is committed by steady group consisting of two or more persons, beforehand united for commitment of one or several crimes, shall be admitted as committed by organized group

34.4. Creation of the steady organized criminal group with the purpose of commitment minor serious or serious crimes or steady association of two or more organized criminal groups created in the same purposes shall be admitted as criminal community (the criminal organization).

34.5. The crime, accomplished by a participant (participants) of criminal community (the criminal organization) for implementation of the purposes of this community (organization), and also committed by a person (persons) who is not being the participant (participants) of criminal community (the criminal organization) but committed crime on

behalf of this community (organization), shall be admitted as committed by criminal community (the criminal organization).

34.6. The person created organized group either criminal community or supervising them, shall be subjected to the criminal liability for their organization and a management of them in the cases provided by appropriate articles of the Special Part of the present Code, and also for all committed by organized group or criminal community crimes if they were covered by his intention. Other participants of the organized group or criminal community shall carry the criminal liability, for participation in these crimes in the cases provided by appropriate articles of the Special Part of the present Code, and also for crimes, in which they participated in preparation or commitment.

34.7. Creation of the organized group in the cases which have been not provided by articles of the Special Part of the present Code, shall attract to criminal liability for preparation of crimes for which commitment it is created.

34.8. Commitment of acts by group of persons, on preliminary arrangement by group of the persons, by organized group or criminal community (criminal organization) shall attract more strict punishment on grounds and limits provided by the present Code.

#### **Article 35. Commitment of a crime which is not covered by the general intention (excess of an executor).**

35.1. Commitment by the executor of the crime, which is out of general intention, and not covered as intention of other accomplices, shall be admitted as an excess of executor.

35.2. Other accomplices shall not be instituted to criminal liability for an excess of the executor.

### ***Chapter 8. Circumstances excluding criminality of act***

#### **Article 36. Necessary defense**

36.1. Causing of harm to encroaching person in condition of necessary self-defense, that is at protection of life, health and rights of defending or other persons, interests of the state or a society from publicly dangerous encroachment, if the of necessary defense was not out of allowed limits, shall not be admitted as a crime

36.2. All persons irrespective of their professional or other special preparation and service position shall have right on necessary defense in an equal measure. This right shall be distributed on persons irrespective to an opportunity to address for the help to the state bodies or other persons, and also an opportunity to avoid publicly dangerous encroachment.

36.3. The deliberate actions, which are obviously not appropriate to nature and a degree of public danger of an encroachment, shall be admitted as excess of limits on necessary defense.

#### **Article 37. Causing harm at detention of the person who have committed a crime**

37.1. Causing of harm at detention of the person, who has committed a crime for bringing in by proxy authorities or on suppressions of an opportunity to commit new crimes by

him, if use with the given purpose of all different ways of influence has not given necessary results and in this order was not admitted excess of measures necessary for it, shall not be instituted as a crime.

37.2. Excess of the measures necessary for detention of a person, which has committed a crime, obvious discrepancy of means and ways of detention to a degree of act of public danger and person who have made it, and also to circumstances of detention when obviously excessive harm is needlessly caused to admitted person. Such excess entails a criminal liability only in case of deliberate causing of harm.

#### **Article 38. Emergency**

38.1. Causing of harm to objects protected by present Code in condition of emergency, that is for elimination of a danger directly menacing to life, health and rights of a given person or other persons, to interests of a public or state, if in this case this danger could not be eliminated by other means and excess of limits for emergency was not admitted, shall not be instituted as a crime

38.2. Causing the harm, which is obviously not appropriate to nature and degree of danger and circumstances at which danger was eliminated, when harm was caused equal or more significant to the specified interests, than prevented shall be admitted as excess of limits on emergency. Such excess entails to criminal liability only in case of deliberate causing harm.

#### **Article 39. Reasonable risk**

39.1. Causing of harm to objects protected by the present Code, at the reasonable risk for achievement of socially useful purpose, shall not be instituted as a crime.

39.2. If the specified purpose could not be achieved without risk action (inaction) and a person, who has admitted risk, has taken necessary measures for prevention of harm to objects protected by the present Code, it shall be admitted as reasonable risk.

39.3. The risk shall not be admitted as reasonable if it was obviously connected to threat life of people, threat of ecological or other accident.

#### **Article 40. Execution of the order or instruction**

40.1. Causing of harm to objects protected by the present Code by a person working in the obligatory performance of the order or instruction for him, given according to rules, shall not be instituted as a crime. The criminal liability for causing of such harm shall carry out a person who has given an illegal order or instructions.

40.2. The person, who has committed a deliberate crime by execution of obviously illegal order or instructions, shall carry out the criminal liability in accordance with general grounds.

40.3. Default of illegal order or instruction shall not attract the criminal liability or punishment under the present Code, irrespective of a place of commitment a crime.

### ***Section III. About punishment***

## ***Chapter 9. Concept, purposes of punishment and kinds of punishments***

### **Article 41. Concept and purposes of punishment**

41.1. Punishment is the measure of criminal - legal nature appointed on a decision of court. Punishment shall apply to the person recognized as guilty in commitment of a crime and consists of the deprivations established by the present Code or restrictions of rights and freedom of this person.

41.2. Punishment is applied with a view of restoration of social justice, correction of condemned and prevention of committing new crimes by condemned and other persons.

### **Article 42. Kinds of punishments**

42.0. Kinds of punishments are:

42.0.1. penalty;

42.0.2. deprivation of the right to operate a vehicle;

42.0.3. deprivation of the right to hold the certain posts or to engage in the certain activity;

42.0.4. public works;

42.0.5. deprivation of special, military or a honorary title and state award;

42.0.6. corrective works;

42.0.7. restriction on military service;

~~42.0.8. confiscation of property;~~

42.0.9. forced exile from the Republic of Azerbaijan;

42.0.9-1. *restraint of freedom*; ([see](#))

~~42.0.10. restraint of freedom;~~

42.0.11. maintenance in disciplinary military unit;

42.0.12. imprisonment on the certain term;

42.0.13. life imprisonment. ([61](#), [69](#), [131](#))

### **Article 43. Basic and additional kinds of punishments**

43.1. Public works, corrective works, restriction on military service, maintenance in disciplinary military unit, *restraint of freedom* ([see](#)), imprisonment on the certain term and life imprisonment shall apply only as the basic kinds of punishments.

43.2. The penalty and deprivation of the right to hold the certain posts or to engage in the certain activity shall apply as the basic and additional kinds of punishments.

43.3. *Deprivation of a special or military rank, honorary title or state award, deprivation of the right to operate a vehicle, ~~confiscation of property~~ and exclusion for limits of the Republic of Azerbaijan shall apply only as additional kinds of the punishment. (3, 61, 69, 131)*

#### **Article 44. Penalty**

44.1. The penalty is a monetary collecting appointed by court in circumstances and fine amounts, provided by the present Code.

*44.2. The penalty shall be fixed at a rate of up to twenty thousand manats or from one-fold to ten-fold amount of damage (gained income), caused as a result of crime with regard to the seriousness of the crime and a property status of the convicted.*

44.3. The penalty as an additional kind of punishment can be appointed by courts only in the cases provided by appropriate articles of the Special Part of the present Code.

44.4. To persons, who are *deliberately* evade from payment of the fine, fine can be replaced with public works, corrective works, *restraint of freedom* ([see](#)) or imprisonment with the certain term. ([1](#), [3](#), [41](#), [45](#), [61](#), [128](#), [131](#))

#### **Article 45. Deprivation of the right to operate a vehicle**

45.1. Punishment as deprivation of the right to operate a vehicle shall be appointed for the term from one year up to five years in circumstances provided by appropriate articles of the present Code, in view of nature of a crime and personality of guilty and other circumstances of a crime.

*45.2. If the punishment of deprivation of the right to drive a transport vehicle is assigned in addition to a sentences of detention in a disciplinary military unit or imprisonment, then additional penalty applies to the entire term of the primary punishment serving and in addition to the term, established for this type of punishment in sentence. In the case of the appointment of this type of punishment in addition to the other primary types of punishment, as well as during conditional sentence, an additional punishment term is calculated from the date of the sentence comes into force. (101)*

#### **Article 46. Deprivation of the right to hold a certain posts or to engage the certain activities**

46.1. Deprivation of the right to hold a certain posts or to engage the certain activities shall consist of prohibition to hold concrete posts in state bodies, in institutions of local government or to engage concrete professional or other activities. Punishment established for the term from one year to five years shall be basic kind of punishment and for the term from one year to three years as an additional kind of punishment.

46.2. Deprivation of the right to hold certain posts or to engage the certain activities, can be appointed as an additional kind of punishment and in circumstances, when it is not provided by appropriate article of the Special Part of the present Code, in view of nature and degrees of public danger of a crime and person guilty. The court recognizes

impossible preservation of rights by him to hold the certain posts or to engage in the certain activities.

*46.3. If the punishment of deprivation of the right to hold certain positions or to engage in certain activities is assigned in addition to a sentence of detention in a disciplinary military unit or imprisonment, the additional punishment applies to the entire term of serving the primary punishment and in addition to the term of punishment, determined for this purpose in the sentence. In the case of appointment of this kind of punishment in addition to the fine and other primary types of punishment, as well as during conditional sentence, an additional punishment term is calculated from the date of the sentence comes into force. ([101](#), [131](#))*

## **Article 47. Public works**

47.1. Public works shall consist of performance by condemned in free from the basic work or study time of free-of-charge socially useful works. ~~The appropriate bodies of the executive power shall determine such kind of works.~~

47.2. Public works shall be established for the period *from two hundred forty to four hundred eighty hours* and can not be more than four hours per day.

*47.3. In case of persistent evasion by convicted to this punishment person from the performance of these works, the court can substitute the unserved part of the public works with the punishment in form of restraint of freedom ([see](#)) or deprivation of liberty for a certain period. At the same time, the period of execution of public works by convicted person is taken into consideration and calculated on the basis of one day of the restraint of freedom for every four hours of unserved public works or one day of imprisonment for eight hours of public works.*

47.4. Public works can not be applied:

47.4.1. to persons recognized as invalids of the first or second group, *children with disabilities*;

47.4.2. to pregnant women;

47.4.3. to women having dependent children under the age of *three*, as well as *single fathers raising children under three years*;

47.4.4. to women and men who have reached a pension age;

47.4.5. military men being in active military service by conscription *and cadets of special educational institutions, training military personnel.* ([47](#), [61](#), [73](#), [111](#), [131](#))

## **Article 48. Deprivation of special, military or honorary title and state awards**

*48.0. If the court when convicting a person for committing a grave or especially serious crime, considering the nature and degree of public danger of the crime, the identity of the guilty and other circumstances of the case, recognizes the need to deprive him of a special or military rank, honorary title and state award, it makes one of the following decisions:*



*48.0.1. decision to send a submission to the relevant executive authority on consideration of the issue of deprivation of a higher special or higher military rank issued by this body, honorary title or state award;*

*48.0.2. decision to deprive a special or military rank or a reward issued by another state body.*([131](#))

#### **Article 49. Corrective works**

49.1. Corrective works are established for the term from two months up to two years and determined in a work place of condemned.

49.2. From earnings of condemned shall be made deduction of money to corrective works on the income of the state at a rate from five up to twenty percents.

*49.3. In case of persistent evasion from serving a sentence by a person sentenced to correctional labor, the court can replace the unserved part of corrective works with punishment in the form of restraint of freedom ([see](#)) or imprisonment for a certain period. At the same time, the period of execution of corrective work by convicted person is taken into consideration and calculated on the basis of one day of restraint of freedom for every two days of unserved corrective works or one day of imprisonment for three days of corrective works.*

*49.4. Corrective works do not apply to disabled persons of the first group and servicemen.* ([61](#), [131](#))

#### **Article 50. Restriction on military service**

50.1. Restriction on military service shall be appointed on condemned military man, ~~who is taking place at military service under the contract,~~ for the term from two months till two years, in the cases provided by appropriate articles of the Special Part of the present Code, for commitment of crimes against military service, and also the condemned military man ~~who is taking place at military service under the contract,~~ instead of the corrective works provided by appropriate articles of the Special Part of the present Code.

50.2. From the *monthly monetary allowance* of condemned to restriction on military service shall be made deduction in income of the state at a rate from five up to twenty percents.

50.3. During punishment serving as restriction on military service condemned can not be raised in a post and military rank, and term of punishment is not set off in time lengths of service for assignment of the next military rank.

*50.4. The restriction on military service does not apply to military servicemen of urgent active military service and cadets of special educational institutions that train military personnel.*([131](#))

#### **Article 51. Confiscation of property**

~~51.1. Confiscation of property is compulsory gratuitous withdrawal to the property of the state of instruments and means, used by condemned at commitment of a crime, and also a property extracted in criminal way.~~

~~51.2. Confiscation of property is appointed only in the cases provided by appropriate articles of the Special Part of the present Code.~~

~~51.3. The property, required for convicted person or his dependants and also provided for by the penal legislation is not subject to confiscation. ([3](#), [29](#), [69](#))~~

## **Article 52. Forced deportation out of the Republic of Azerbaijan**

*52.1. Punishment in the form of forced deportation from the Republic of Azerbaijan is imposed to foreigners and stateless persons sentenced to a punishment of imprisonment for a period of more than one year, and is executed after enduring their primary punishment. Foreigners or stateless persons sentenced to imprisonment for a period of less than one year or to a non-custodial sentence, a sentence of forced deportation from the Republic of Azerbaijan May, be imposed in view of circumstances specified in Article 58.3 of the Code.*

*52.1-1. Right of entry into the Republic of Azerbaijan of the person against whom a punishment in the form of forcible deportation from the Republic of Azerbaijan is applied, shall be limited to cancellation or withdrawal of its convictions.*

52.2. Forced exile out of the Republic of Azerbaijan shall not be appointed to persons:

52.2.1. living on territory of the Republic of Azerbaijan five years to the moment of the introduction of a decision;

52.2.2. married with the citizen of the Republic of Azerbaijan to the moment of the introduction of a decision;

52.2.3. born in the Republic of Azerbaijan;

52.2.4. one of which parents is the citizen of the Republic of Azerbaijan;

52.2.5. having the status of the refugee or received a political asylum in the Republic of Azerbaijan;

*52.2.6. with dependents as minor child, incapacitated person or disabled person of group I being a citizen of the Republic of Azerbaijan;*

52.2.7. concerning of which there are sufficient bases to believe, that they will be exposed to tortures or prosecutions in the country to where they will arrive after exclusion, *or forced exile of which is contrary to the interests of national security.*

52.3. If the international treaty of the Republic of Azerbaijan establishes regulations other than those provided for in Articles 52.1-52.2 of this Code, the regulations of the international treaty shall be implemented. ([3](#), [86](#))

## **Article 52-1. Restraint of freedom**

*52-1.1. Punishment in the form of restraint of freedom consists in keeping the convicted person under supervision at the place of residence without complete isolation from the community. The court imposes a restriction on the abandonment of residence (completely or at a certain time of day) and the limits*

*of a certain territory by convicted person, sentenced to a punishment in the form of restraint of freedom.*

*52-1.2. A person, sentenced to restraint of freedom shall perform the following duties:*

*52-1.2.1. not to abandon the residence completely or at a certain time of the day;*

*52-1.2.2. to wear an electronic monitoring device and to maintain it in good working order;*

*52-1.2.3. not to leave the limits of the territory established by the court;*

*52-1.2.4. not to change the place of residence without the decision of the appropriate court and also to inform the body, supervising the punishment enforcement, about changing the place of work or training in advance.*

*52-1.3. The court may establish the following additional obligations with respect to the convicted person:*

*52-1.3.1. not to organize mass or other events or not participate in such events;*

*52-1.3.2. not to visit certain places within the territory established by the court;*

*52-1.3.3. to undergo a course of treatment from alcoholism, drug addiction, abuse of inhalants or venereal diseases;*

*52-1.3.4. other duties that contribute to the correction of the convicted person.*

*52-1.4. Restraint of freedom shall be imposed for a period from six months to five years.*

*52-1.5. In the case of regular or persistent evasion from performing the duties established by the court by the convicted person, the court, on the basis of the submission of the body that controls the enforcement of punishment, replaces the unserved part of the punishment with imprisonment for a certain period. At the same time the term is counted on the basis of two days of restraint of freedom for one day of imprisonment.*

*52-1.6. Restriction of freedom is not assigned to servicemen, foreigners and stateless persons, as well as to persons who do not have a permanent place of residence on the territory of the Republic of Azerbaijan. ([see](#)) ([131](#))*

## **~~Article 53. Restriction of freedom~~**

~~53.1. Restriction of freedom consists in the maintenance of the condemned, which has reached eighteen to the moment of adopting the court decision, in special establishment without isolation from a society, but in conditions of implementing supervision on him.~~

~~53.2. Restriction of freedom shall be appointed:~~

~~53.2.1. to persons, *condemned* for commitment of deliberate crimes and do not have previous convictions—for the term from one year up to three years;~~

~~53.2.2. to persons, *condemned* for crimes, committed on imprudence—for the term from one year up to five years.~~

~~53.3. In case of replacement of public works or corrective works to restriction of freedom, and it can be appointed for the term of less than one year.~~

~~53.4. In case of malicious evasion from serving punishment by the person condemned to restriction of freedom, it shall be replaced to imprisonment for the term adopted for restriction of freedom. At replacement of restriction of freedom to imprisonment, time served on restriction of freedom shall be set off in time imprisonment at the rate one day of imprisonment for one day of restriction of freedom.~~

~~53.5. Restriction of freedom is not appointed to the persons recognized as invalids of the first or second group, pregnant women, women having children in the age of till eight years, women and men who have reached a pension age, and also the military men who are taking place at valid urgent military service on an appeal. ([3](#), [42](#), [61](#))~~

## **Article 54. Retention in disciplinary military unit**

54.1. The maintenance in disciplinary military unit is appointed for the term from three months till two years to the military men, who are taking place at valid urgent military service on an appeal, and also the military men, who are taking place military service under the contract (agreement) on ordinary posts and ensigns, if they did not served provided by law service time at the moment of removal by court of a decision. This punishment shall apply in the cases provided by appropriate articles of the Special Part of the present Code for commitment of crimes against military service, and also in cases when nature of a crime and personality of guilty approve opportunity of replacement of imprisonment for the term not over two years to maintenance of condemned in disciplinary military unit on the same term.

54.2. When replacing a sentence of imprisonment by a punishment in the form of detention in a disciplinary military unit, the period of the sentence of imprisonment in relation to the period of the sentence of detention in a disciplinary military unit shall be calculated at the rate of one day for one day.

## **Article 55. Imprisonment on a certain term**

55.1. Imprisonment on a certain term consists in isolation of condemned from a society by his premise in *settlement type penitentiary*, in establishments on serving punishments of the general, strict or special mode or in prison. The persons, condemned to imprisonment, but did not reach eighteen to the moment of removal by court of a decision, shall be located in educational *establishments* of general or strengthened regime.

55.2. Imprisonment on the certain term is established for the term from three months up to *twenty* years.

55.3. In case of replacement of public works, *corrective works or restraint of freedom* ([see](#)) by imprisonment, it can be appointed also for the term of less than three months.

55.4. In case of partial or full addition of terms of imprisonment at assignment of punishments on sets of crimes, the maximal term of imprisonment there can not be more than *twenty* years, or *twenty five* years. ([4](#), [61](#), [90](#), [131](#))

## **Article 56. Definition of establishment kind on serving imprisonment punishments by condemned**

56.1. Serving of punishment as imprisonment shall be appointed in the following establishments on serving punishments:

56.1.1. to persons, condemned for crimes, committed on imprudence, to imprisonment for the term of up to five years - in establishments - settlements on serving punishments;

56.1.2. to persons, for the first time condemned to imprisonment for commitment of deliberate crimes, not representing the big public threat or less serious and minor serious crimes, and also to the persons condemned for crimes, accomplished on imprudence, to imprisonment for the term from above five years - in establishments on serving punishments of the general mode;

56.1.3. to the persons, for the first time condemned to imprisonment for commitment of serious crimes, and also at relapse of crimes, *if condemned served time in imprisonment earlier*, and to women at especially dangerous relapse of crimes - in establishments on serving punishments of a strict mode;

56.1.4. at especially dangerous relapse of crimes, and also at replacement of life imprisonment with imprisonment to the certain term - in establishments on serving punishments of a special mode;

56.1.5. to persons condemned to life imprisonment - in prisons.

56.2. To the persons condemned to imprisonment for the term from above five years for commitment of serious crimes, and also at especially dangerous relapse of crimes, can be appointed serving a part of punishment term in prison.

56.3. Definition of a kind of establishment on serving punishments shall be made by a decision of court according to articles 56.1.1-56.1.5 and 56.2 of the present Codes.

56.4. The kind of establishment on serving punishments can be changed only in the following cases:

56.4.1. at replacement of punishment on softer or more strict;

56.4.2. at execution of a court decision in the order provided for by the law. ([3](#))

## **Article 57. Life imprisonment**

57.1. Life imprisonment is determined only for commitment of serious crimes against the peace and security of *humanity*, war crimes, crimes against the individuality, *public security and public order* and government.

57.2. Life imprisonment is not appointed to women, persons, which at the moment of commitment of a crime did not reached age of eighteen, and also to the men who have reached to the moment of removal by court of a decision age of sixteen.

57.3. The court, taking into account the valid served period by condemned which is not less than twenty five years' of punishment period in life imprisonment, as well as not committing by condemned a deliberate crime serving punishment and coming to a conclusion about loss of necessity of the further serving of punishment, can replace life imprisonment by imprisonment with the certain term or conditionally - prescheduled to release him from this punishment.

57.4. Punishment as life imprisonment can be replaced with imprisonment for up to *ten* years, according to the article 57.3 of the present Code. ([9](#), [27](#), [131](#))

## **Chapter 10. Assignment of punishment**

### **Article 58. General grounds of assignment of punishment**

58.1. To the person, which is recognized as guilty in commitment of a crime, shall be appointed fair punishment in the limits provided by appropriate articles of the Special Part of the present Code, and in view of positions of the General part of the present Code. More strict kind *or limit* of punishment from among provided for a crime shall be appointed only in case, if less strict kind *or limit* of punishment can not provide achievement of the purposes of punishment.

58.2. More strict punishment, than appropriate articles of the Special Part of the present Code provide it for commitment of a crime, can be appointed on set of crimes and on set of decisions only according to articles 66 and 67 of the present Codes. The grounds for assignment of less strict punishment for commitment of a crime, than it is provided by appropriate article of the Special Part of the present Code shall be determined by article 62 of the present Code.

58.3. At assignment of punishment nature and degree of public danger of a crime, personality of guilty, including the circumstances softening and aggravating punishment, and also influence of the appointed punishment on correction of condemned and on conditions of his family's life, shall be taken into account. ([131](#))

### **Article 59. Circumstances mitigating punishment**

59.1. The mitigating circumstances are as follows:

59.1.1. commitment for the first time, owing casual coincidence of circumstances, a crimes which are not representing big public danger or less serious crimes;

59.1.2. commitment of a crime by the minor;

59.1.3. commitment of a crime by the pregnant woman;

- 59.1.4. the person, committed a crime has a dependent minor child;
- 59.1.5. commitment of a crime by virtue of confluence at heavy vital circumstances or on motive of compassion;
- 59.1.6. commitment of a crime as a result of physical or mental compulsion or by virtue of material, service or other dependence;
- 59.1.7. commitment of a crime at infringement of conditions on legitimacy of necessary defense, detention of the person who has made socially dangerous act, emergency, proved risk, execution of the order or instructions;
- 59.1.8. commitment of a crime owing to illegal or immoral actions of the victim or in a condition of suddenly arisen strong emotional excitement (affect) caused by such actions;
- 59.1.9. commitment of a crime by a person with a mental disorder, that does not exclude sanity;*
- 59.1.10. voluntary appearance and confession of guilt, active furtherance of disclosure of the crime, exposure of other participants of a crime, search and identification of property, obtained as a result of the crime;*
- 59.1.11. reduction of harm that may be caused to the life and health of the victim by providing him with medical or other assistance immediately after the commission of the crime;*
- 59.1.12. reconciliation with the victim or successor, who is his/her close relative;*
- 59.1.13. full, voluntary compensation or elimination of harm, caused as a result of a crime;*
- 59.1.14. partial compensation of harm, caused as a result of a crime, or other actions that resulted in harm reduction.*

59.2. At assignment of punishment can be taken into account as mitigating circumstances, which have been not provided by articles 59.1.1-59.1.14 of the present Code.

59.3. If mitigating circumstance is provided by appropriate article of the Special Part of the present Code as an attribute of a crime, it repeatedly can not be taken into account at assignment of punishment. ([131](#))

## **Article 60. Assignment of punishment at presence of mitigating circumstances**

*60.1. In the presence of all the circumstances, as it is provided by any one of Articles 59.1.8, 59.1.10-59.1.13 of this Code, and the absence of aggravating circumstances, the term or measure of punishment can not exceed three quarters of the most severe limit of the type of punishment, provided by the relevant article of the Special part of this Code.*

*60.2. If the sanction of the relevant article of the Special Part of this Code provides for*



*punishment in the form of life imprisonment, the rule established by Article 60.1 of this Code is not applied. (3, [131](#))*

## **Article 61. Circumstances aggravating punishment**

61.1. Circumstances aggravating punishment are the following:

61.1.1. repeated commitment of crimes, relapse of crimes;

61.1.2. approach of heavy consequences as a result of commitment of a crime;

61.1.3. commitment of a crime on preliminary arrangement by group of the persons, by organized group or criminal community (criminal organization);

61.1.4. especially active participation in commitment of a crime;

61.1.5. attraction to commitment of a crime of the persons, suffering from heavy mental frustration or being intoxicated, and also the persons, who have not reached age, which gives an opportunity on attraction of them to a criminal liability;

61.1.6. commitment of a crime on grounds of national, racial, religious hatred or fanaticism, revenge from lawful actions of other persons, with mercenary purpose or other low prompting, and also with a purpose to hide other crime or to mitigate its commitment;

61.1.7. commitment of a crime concerning a woman, obviously known as pregnant to a *guilty*, and also concerning a juvenile, elderly or helpless person or person, which is in dependence from *guilty*;

61.1.8. commitment of a crime concerning a person or his close relatives in connection with implementation by the person of service activity or performance of the public debt;

61.1.9. commitment of a crime with a special cruelty, *including* tortures or tortures of a victim;

61.1.10. commitment of a crime with use of fire-arms, explosive means, and also others publicly dangerous ways and means;

61.1.11. commitment of a crime in conditions of state emergency, spontaneous or other public disaster, and also at mass disorders;

61.1.12. commitment of a crime with use of specific uniform or documents of the representative of authority;

61.1.13. commitment of a crime with use of the trust rendered to guilty by virtue of his service position or contract.

61.2. At assignment of punishment can not be taken into account as aggravating circumstances, circumstances, which have been not provided by articles 61.1.1-61.1.13 of the present Code.



61.3. The aggravating circumstance provided by appropriate article of the Special Part of the present Code as an attribute of a crime, can not be taken into account repeatedly at assignment of punishment. ([72](#), [131](#))

## **Article 62. Assignment of mitigate punishment, than it is provided for the given crime**

62.1. At presence of the exclusive circumstances, connected to the purposes and motives of a crime, a role of guilty, his behavior in time or after commitment of a crime and other circumstances essentially reducing a degree of public danger of a crime, and on equal active assistance of the participant of the crime accomplished by accomplices, to disclosing of this crime, punishment can be appointed below the lowest limit provided by appropriate article of the Special Part of the present Code, or the court can appoint mitigate kind of punishment, than it is provided by this article or to not apply on additional kind of punishment provided as obligatory.

62.2. Exclusive can be recognized both as separate mitigating circumstances, and set of such circumstances.

## **Article 63. Assignment of punishment for uncompleted crime**

63.1. At assignment of punishment for uncompleted crime, circumstances by virtue of which the crime was not finished shall be taken into account.

63.2. Term or measure of punishment for crime preparation can not exceed half of maximal limit, for a most strict kind of the punishment provided by appropriate article of the Special Part of the present Code, for a finished crime.

63.3. Term or measure of punishment for attempt at a crime can not exceed three quarters of the maximal limit, for a most strict kind of the punishment provided by appropriate article of the Special Part of the present Code, for a finished crime.

63.4. Life imprisonment, for preparation of a crime and attempt at a crime, shall not be appointed.

## **Article 64. Assignment of punishment for a crime accomplished in accomplice**

64.1. At assignment of punishment for a crime accomplished in accomplice, nature and degree of actual participation of each accomplice in its fulfillment, value of this participation for achievement of the purpose of a crime, its influence on the size and nature of the caused harm shall be taken into account.

64.2. The mitigating or aggravating circumstances concerning the person, who is one of accomplices, shall be taken into account at assignment of punishment only concerning this person.

## **Article 65. Assignment of punishment at relapse of crimes**

65.1. At assignment of punishment at a relapse, dangerous relapse and especially dangerous relapse of crimes the number, nature, size and consequences of committed crimes, circumstances by virtue of which corrective influence of a previous punishment appeared insufficient, and also nature, size and consequences of again committed crime shall be taken into account.

65.2. Term of punishment at relapse of crimes can not be lower than half, at dangerous relapse of crimes - not less than two thirds, and at especially dangerous relapse of crimes - not less than three quarters of a limit of a most strict *kind of the punishment*, provided for a committed crime in appropriate article of the Special Part of present code.

65.3. If article of the Special Part of the present Code contains the indication on a previous conviction of the person, who have committed a crime as on qualifying attribute, and also at presence of the exclusive circumstances provided by article 62 of the present Code, punishment at the relapse, dangerous relapse or especially dangerous relapse of crimes is appointed without taking into account the rules provided by article 65.2 of the present Code.[\(3\)](#)

## **Article 66. Assignment of punishment on cumulative crimes**

66.1. At cumulative crimes for each committed crime shall be appointed separate punishment and by absorption of less strict punishment to more strict or by full or partial addition of the appointed punishments shall be appointed final punishment

66.2. If the crimes accomplished on set, are crimes which are not representing a *great public danger, or less serious crimes*, final punishment shall be appointed by absorption of less strict punishment to more strict or by full or partial addition of punishments. *At the same time, the term or scope of the final punishment, appointed by merging of a less severe punishment by a more severe punishment, can not exceed the most severe of the punishments, appointed individually for cumulative crimes. The term or the scope of the final punishment, appointed by full or partial addition of sentences with regard to the punishment in the form of deprivation of liberty can not exceed three years for crimes that are not of great social danger, twelve years for less serious crimes, and in respect of other punishments - the maximum limit, established for appropriate punishment by the Special Part of this Code.*

66.3. If even one of crimes accomplished on set, is ~~less serious~~, minor serious or serious crime final punishment shall be appointed by full or partial addition of punishments. Thus final punishment as imprisonment can not exceed *twenty years. And in the case of an appointment for one of the offenses, included in the set of crimes, of a sentence of life imprisonment or imprisonment for a term of twenty years, the final punishment is assigned by merger of the less severe punishment by more severe punishment.*

66.4. At set of crimes the additional kinds of punishments established by appropriate articles of the Special Part of the present Code, for these crimes, can be attached to the basic kinds of punishments. Final additional punishment at full or partial addition of punishments can not exceed the maximal limit provided for the given kind of punishment by the General part of the present Code.

66.5. Punishment shall be appointed by the same rules, if after appointment by court of a decision on case will be established, that condemned is guilty also in other crime, accomplished by him before judgment was adopted. In this case, served time on the first decision of court shall be set off as a final punishment. [\(90, 131\)](#)

## **Article 67. Assignment of punishment on set of decisions**

67.1. At assignment of punishment on sets of decisions, court, to the punishment appointed on a new decision, in part or completely attaches deserved part of punishment on the previous decision.

67.2. Term or measure of the final punishment which have been not connected to imprisonment, on set of decisions can not exceed the maximal limit provided by the General part of the present Code for the given kind of punishment.

67.3. Final punishment on set of decisions, as imprisonment can not exceed *twenty five* years.

67.4. Final punishment on set of decisions should be more, than punishment appointed for again committed crime, and deserved parts of punishment on the previous decision of court.

67.5. Connection of additional kinds of punishments at punishment assignment on set of decisions shall be appointed by the rules provided by article 66.4 of the present Code.

67.6. At commitment by a person, who is serving time as life imprisonment for a new crime, again appointed punishment should be absorbed by life imprisonment. ([90](#))

#### **Article 68. Order of definition terms at addition of punishments**

68.1. At partial or full addition of punishments on set of crimes and sets of decisions correspond to one day of imprisonment:

68.1.1. one day of the maintenance in disciplinary military unit;

68.1.1.-1 *two days of restraint of freedom*; ([see](#))

68.1.2. ~~two days of restriction of freedom~~;

68.1.3. three days of corrective works or restrictions on military service;

68.1.4. eight hours of public works.

68.2. Deprivation of the right to hold the certain posts or to engage in the certain activities, deprivation of the right to operate a vehicle, deprivation of special, military or honorary title and state award *or penalty* at their addition with corrective works, maintenance in disciplinary military unit, restriction on military service, *restraint of freedom* ([see](#)), *or* imprisonment shall be executed independently. ([61](#), [69](#), [131](#))

#### **Article 69. Calculation of punishments terms and offset of punishment**

69.1. Terms of deprivation of the right to hold a certain posts or to engage in the certain activity, deprivations of the right to operate a vehicle, restrictions on military service, corrective works, *restraint of freedom* ([see](#)), maintenance in disciplinary military unit, imprisonment shall be estimated in months and years, and public works - in hours.

69.2. At replacement of punishment or addition to punishments provided by article 69.1 of the present Code and also at offset of punishment terms, punishments can be estimated in days.

69.3. Time of the maintenance of the person under guards up to introduction of a decision into validity shall set off in terms of imprisonment and maintenance in disciplinary military unit at the rate of one day for one day, *restraint of freedom* ([see](#)) - *one day for two days*, corrective works and restrictions on military service - one day for three days, and time of public works - one day for eight days.

69.4. At assignment to *detained person* deprivation of a right to hold the certain posts or to engage in the certain activity, as a basic kind of punishment, court taking into account term of holding in custody, commutes the appointed punishment or completely releases him from serving this punishment. ([61](#), [101](#), [131](#))

## **Article 70. Conditional condemnation**

70.1. If the court, appointed corrective works, restriction on military service, maintenance in disciplinary military unit, ~~restriction of freedom~~ or imprisonment on the certain term will consider probable correction of the punishment to condemned without serving, it can take out a decision about conditional application of given punishment.

70.2. At assignment of conditional condemnation the court takes into account nature and a degree of public danger of committed crime, condemned person and also circumstances mitigating and aggravating fault.

70.3. At assignment of conditional condemnation by court, shall be established suspension period. During this term condemned should prove his behavior for correction. The suspension period shall be appointed for the term from six months up to five years.

70.4. At conditional condemnation can be appointed additional punishments.

70.5. The court, appointing conditional condemnation, can assign on condemned the following duties: to not change a constant residence, study, work without notice to appropriate body which is carrying out control of condemned behavior, to not attend certain place, to pass course of treatment from alcoholism, narcotics, glue sniffing or venereal disease render material support to family, *to wear an electronic monitoring device and to maintain it in good working order*. The court can assign on condemned execution and other duties promoting his correction.

70.6. The control on behavior of conditionally condemned shall carry out appropriate state bodies, and concerning military men - shall carry out command of military units and establishments.

70.7. During a trial period the court on presentation of the state body which is carrying out the control over behavior of conditionally condemned, can cancel in full or in part or add earlier established for condemned duties. ([61](#), [131](#))

## **Article 71. Cancellation of conditional condemnation or extension of a suspension period**

71.1. If after the expiration of suspension period, which is not less than half of it conditionally condemned by his behavior has proved a correction, a court on presentation of the state body, which is carrying out a control over behavior of condemned, can decide about a cancellation of conditional condemnation and about removal on condemned of previous convictions.

71.2. At application in attitude of conditionally condemned on administrative penalty for evasion from execution of assigned on him by court of duties or for infringement of a social order the court, on the basis of representation of the state body provided in article 71.1 of the present Code, can extend a trial period, but not more than one year.

71.3. At regular or malicious default by conditionally condemned during a suspension period assigned on him by court of duties, *including in the case of refusal to wear an electronic monitoring device, its damage or otherwise leading to an unusable state of maintenance, or non-maintenance of this device for keeping in working order*, a court, on presentation of the state body provided in article 71.1 of the present Code, *decides* about a cancellation of conditional condemnation and execution of the punishment appointed by a decision of court.

71.4. At commitment by conditionally condemned during a suspension period of a crime on imprudence or deliberate crime which are not representing to a big public danger, a question on a cancellation or preservation of conditional condemnation shall be solved by court. *If the court comes to the conclusion that it is necessary to cancel a suspended sentence, a person is punished according to the rules provided for in Article 67 of this Code.*

71.5. At commitment by conditionally condemned during a trial period deliberate less serious, deliberate minor serious or serious crime a court cancels conditional condemnation and appoints to him to punishment according to article 67 of the present Code. ~~According to same rules shall be appointed punishment in the cases provided by article 71.4 of the present Code.~~ (131)

## **Section IV. Release from criminal liability and punishment**

### **Chapter 11. Release from criminal liability**

#### **Article 72. Release form criminal liability in connection with active repentance**

72.1. The person who has committed a crime for the first time, not representing big public danger, can be released from the criminal liability if he has voluntarily pled guilty, actively promoted disclosing of a crime, has indemnified or has otherwise removed the harm caused as a result of a crime.

72.2. The person, committed other kinds of a crime, at presence of the conditions provided by article 72.1 of the present Code, can be released from the criminal liability only in the cases directly provided by appropriate articles of the Special Part of the present Code.

*Note: A person is released from criminal liability in the manner prescribed by Articles 72 - 73-2 and 74-1 of this Code, only once.* (131)

#### **Article 73. Release from a criminal liability due to reconciliation with victim**

73.1. The person, who has committed a crime, not representing *big* public danger, can be released from the criminal liability if he has reconciled with victim and has compensated cause to him or has removed caused harm.

73.2. The person who committed the act (acts) provided for in Articles 127.1, 128, 129, 130, 131.2, 133.1, 134, 142.1, 143, 156.1, 157.1 and 158.1 of this Code shall be released from criminal liability if it has reconciled with the victim and fully reimbursed the damage incurred to it. (131)

#### **Article 73-1. Exemption from criminal liability in crimes against property**

73-1.1. The person who committed the act (acts) provided for in Articles 178.1, 179.1, 186.1, 187.1, 187.2, 189-1.1 and 189-1.2 of this Code shall be released from criminal liability if he has reconciled with the victim and fully compensated the damage caused to him.

73-1.2. The person who committed the act (acts) provided for in articles 178.2, 179.2 186.2.1, 189-1.2-1 of this Code shall be released from criminal liability if he has reconciled with the victim, fully reimbursed the damage caused to him and paid the single amount of damage caused as a result of a crime to the state budget.

73-1.3. The person who committed the act (acts) provided for in articles 178.3, 178.4, 179.3 and 179.4 of this Code may be exempted from criminal responsibility if he reconciled with the victim, fully compensated for the damage caused to him and paid the double amount of damage caused as a result of a crime to the state budget.(131)

#### **Article 73-2. Exemption from criminal liability in crimes in the sphere of economic activity**

73-2.1. The person who committed the act (acts) provided for in Articles 209.1, 209.2.2 and 213 of this Code shall be exempted from criminal liability if he fully reimburses the damage caused as a result of the crime.

73-2.2. The person who committed the act (acts) provided for in articles 192, 192-1, 193, 195, 195-1, 196, 197, 198, 202-2, 203, 203-1.1, 205-2, 209.2.1, 209.3, 210, 211, 212 and 213-2 of this Code shall be exempted from criminal liability if he fully reimbursed the damage caused as a result of the crime or completely transferred to the state budget the income received as a result of the crime and, in addition, paid to the state budget the one-time amount of damage caused (income received).(131)

#### **Article 74. Release from criminal liability in connection with change of conditions**

The person who has committed a crime ~~for the first time~~, not representing big public danger or less serious crime, can be released from a criminal liability if will be established, that committed act or a person who has made act owing to change of conditions, is ceased to be socially dangerous.(131)

#### **Article 74-1. Exemption from criminal liability in connection with drug addiction**

74-1.1. In the case of a person who suffers a drug addiction who committed an offense under article 234.1 of this Code and whose act does not contain the composition of another crime, the court applies compulsory medical measures in a stationary manner in connection with this disease. In the event of the cancellation of compulsory medical measures as a result of the full recovery of



*this person, the court releases him from criminal liability.*

*74-1.2. A person evading compulsory medical measures in connection with drug addiction, on the basis of the information of the administration of the medical institution in which these measures were carried out, shall be held criminally liable if the period specified in Article 75.1 of this Code has not expired. ([see2](#)) ([131](#))*

## **Article 75. Release from criminal liability in connection with expiration of time limits ([5](#))**

75.1. The person can not be instituted to criminal liabilities, if from the date of commitment of a crime by him, following terms have expired:

75.1.1. two years from the date of commitment of a crime which is not representing big public danger;

75.1.2. *seven* years from the date of commitment less serious crime;

75.1.3. *twelve* years from the date of commitment of minor serious crime;

75.1.4. *twenty* years from the date of commitment serious crime.

75.2. Time limits shall be estimated from the date of commitment of a crime and up to the moment of the introduction of a decision by court in validity. In case of commitment by the person of a new crime time limits on each crime shall be estimated independently.

75.3. Current of time limits stops, if the person, who has committed a crime, disappears from investigation or court. In this case current of time limits renews from the moment of detention of the specified person or from the time that appropriate person shall give himself up and confess.

75.4. The question on application of time limits to a person who has committed a crime, punishable by life imprisonment, shall be solved by court. If the court will not consider possible to release this person from the criminal liability in connection with the expiration of time limits, in this case punishment on him as life imprisonment can not be appointed.

75.5. Positions of present article shall not be applied to the persons who have made crimes against the peace and safety of *humanity, terrorism, financing of terrorism* and war crimes provided by appropriate articles of the Special Part of present Code. ([3](#), [7](#), [90](#))

## **Chapter 12. Release from punishment**

### **Article 76. Conditional - prescheduled release from serving a punishment**

76.1. If the court will come to a conclusion that a person, who is serving sentence in corrective works, *restrictions on military service, restraint of freedom* ([see](#)), *detention in a disciplinary military unit, imprisonment for a specified term or life imprisonment*, does not need to serve full punishment, it can conditionally - prescheduled release a given person from serving punishment. Thus a person can be fully or partly released from serving additional punishment.

76.2. Applying on conditional - prescheduled release from serving punishment, a court can assign on condemned duties provided by article 70.5 of the present Code, which should be executed by them during deserved part of punishment.

76.3. Conditional - prescheduled release from serving punishment can be applied only after actual serving time by condemned:

76.3.1. not less than half of term of the punishment appointed for commitment of a crime, not representing big public danger or less serious crime;

*76.3.1-1. not less than two-thirds of the term of the punishment appointed for committing a serious crime;*

~~76.3.2. not less than two thirds of term of the punishment appointed for grave crime;~~

*76.3.3. not less than three-quarters of punishment period, imposed for committing ~~a grave or~~ an especially grave crime, and no less than three-quarters of period of the punishment assigned to the person, who was previously conditionally early released from punishment, if conditional early release was canceled on the grounds stipulated under article 76.6 of this Code or a person who has previously endured the punishment in a form of deprivation of liberty, was re-sentenced to the punishment in a form of deprivation of liberty for recidivism of a crimes.*

76.4. Actually served term in imprisonment by condemned can not be less than six months.

*76.4-1. In case of early release on parole of a person, serving a sentence in the form of life imprisonment, from punishment in the manner provided for in Article 57.3 of this Code, circumstances of compliance with the rules of serving punishment during the last five years of the sentence serving period, are taken into account.*

76.5. The control over behavior of a person released conditionally - prescheduled shall be carried out by appropriate state bodies, and concerning military men - command of military units and establishments.

76.6. If during remained part of punishment condemned:

76.6.1. *regularly or willfully evaded from execution of duties assigned to him by court at application of conditional - prescheduled release, including refused to wear an electronic monitoring device, damaged it or otherwise led it into an unusable condition, or did not maintain it in good working order, or has made infringement of a social order for which the official penalty was imposed on him, court on presentation of bodies provided by article 76.5 of the present Code, can decide about a cancellation of conditional - prescheduled releases and execution of deserved part of punishment;*

*76.6.2. committed a crime through negligence or deliberately committed a crime that does not pose a great public danger, the issue of cancellation or preservation of early parole shall be solved by the court (in case of cancellation of early parole from punishment, punishment is imposed according to the rules stipulated in*



*Article 67 of this Code);*

*76.6.3. intentionally committed a less serious, serious or especially grave crime, the court cancels the early parole and punishes him according to the rules provided for in Article 67 of this Code. ([61](#), [63](#), [131](#))*

#### **Article 77. Replacement of unserved punishment by mitigating kind of punishment**

77.1. To the person, who is serving time in imprisonment on certain term for a crime, which do not represent big public danger or for less serious crime, court in view of his behavior during serving punishment can replace unserved part of punishment with mitigating kind of punishment. Thus the person can be fully or partly released from serving and from additional punishment.

77.2. The unserved part of punishment can be replaced with mitigate kind of punishment after serving by condemned of punishment term which is not less than one third part of it.

77.3. At replacement of unserved part of punishment a court can select any mitigate kind of punishment according to the kinds of punishments provided in article 42 of the present Code, in the limits provided by the present Code for each kind of punishment.

#### **Article 78. Release from punishment in connection with illness**

78.1. The person, who after commitment of a crime was deceased by mental illness, depriving his opportunity to realize actual nature and public danger of the act (action or inaction) or to supervise over this act, shall be released from punishment, *assigned based on the effective sentence* or further its serving. Concerning such person by court can be applied forced measures of medical character, which are provided by the present Code.

78.2. The person, which is deceased after commitment of a crime to other serious illness interfering serving of punishment, can be released by the decision of court from serving punishment.

78.3. The military men, serving the maintenance in disciplinary military unit, shall be released from the further serving punishment in case of disease, which becomes as reason of their unsuitability to military service. In such cases a court can replace unserved part of punishment to mitigate kind of punishment (*with the exception of persons on the terminal stage of cancer*).

78.4. The persons specified in articles 78.1 and 78.2 of the present Codes, in case of their recovery, can be instituted to the criminal liability and punishment, if time limits have not expired as articles 75 and 80 provide it in the present Codes. ([32](#), [101](#))

#### **Article 79. Delay from serving punishment to pregnant women and women having juvenile children**

79.1. To condemned pregnant women and women having children in the age up to *fourteen years, as well as single men raising a child up to 14 years of age, except those sentenced to imprisonment for the term from above five years for minor serious and serious crimes against the individual*, a court can defer serving of punishment before achievement by the child of age 14.

79.2. In case if *persons*, provided in article 79.1 of the present Code, have refused from child or continue to evade from education of the child after the warning of the appropriate state body, which is carries out control over behavior of condemned persons, a court can cancel a delay of serving a punishment on presentation of this body and direct condemned for serving punishment to a place appointed by a decision of court.

79.3. After achievement by a child of the age of *fourteen* a court releases a condemned *person* from serving unserved part of punishment, or replaces deserved part of punishment with mitigate kind of punishment, or directs a condemned *person* to appropriate establishment for serving the rest of punishment.

79.4. *If during the period of deferment of punishment a person has committed a crime through negligence or an intentional crime that does not pose a great public danger, the question of canceling or retaining a deferment of punishment shall be decided by the court. If the court comes to the conclusion that the deferment of serving the sentence should be canceled, it appoints the punishment to the person according to the rules provided for in Article 67 of this Code.*

79.5. *If during the period of deferment in serving the sentence the person intentionally committed a less serious, serious or especially serious crime, the court cancels the deferment of serving the sentence and appoints the punishment to him according to the rules provided for in Article 67 of this Code.*([42](#), [131](#))

#### **Article 80. Release from serving punishment in connection with expiration of time limits for decision on accusation**

80.1. The condemned person shall be released from serving punishment if a decision of court was not executed in the following terms from the date of its introduction into validity:

80.1.1. two years at condemnation for a crime which is not representing big public danger;

80.1.2. *seven* years at condemnation for less serious crime;

80.1.3. *twelve* years at condemnation for minor serious crime;

80.1.4. *twenty* years at condemnation for serious crime.

80.2. Time limitations shall be suspended, if the condemned person evades from serving punishment. In this case current of time limits renews from a moment of condemned detention or giving himself up and confess.

80.3. The question on application of time limits to a person condemned to life imprisonment shall solve court. If the court will not consider possible to apply on time limits, this kind of punishment shall be replaced with imprisonment with a certain term.

80.4. Circumstances of present article shall not apply to a person who have made crimes against the peace and safety of *humanity*, *terrorism*, *financing of terrorism* and war crimes provided by appropriate articles of the Special Part of the present Code. ([3](#), [7](#), [90](#))

### **Chapter 13. Amnesty. Pardon. Conviction**

## **Article 81. Amnesty**

81.1. The amnesty act shall be accepted by Milli Majlis of the Republic of Azerbaijan in attitude individually and not certain circle of persons.

81.2. By amnesty act persons who have committed crimes, can be released from a criminal liability. The persons, condemned for commitment of crimes can be released from punishment, or term of the punishment appointed on them can be reduced or deserved part of punishment can be replaced with mitigate kind of punishment, or such persons can be released from additional punishment. From the persons who have been released from punishment, by amnesty act previous conviction can be removed.

## **Article 82. Pardon**

82.1. The pardon shall be carried out by the President of the Republic of Azerbaijan in the attitude of individually certain person.

82.2. By pardon act, a person condemned for a crime, can be released from serving a rest of punishment, or term of the punishment appointed to him can be reduced or deserved part of punishment can be replaced with mitigate kind of punishment.

82.3. Life imprisonment in order of the pardon can be replaced with imprisonment for the term of not over twenty-five years.

82.4. From the person who have been released from punishment, by pardon act conviction can be removed.

## **Article 83. Conviction**

83.1. The person condemned for commitment of a crime shall be considered as convicted from the date of the introduction of a decision of court into validity up to the moment of removal or release from a previous conviction. The previous conviction according to the present Code shall be taken into account at relapse of crimes and at assignment of punishment.

83.2. *The accused person, in connection with unassigned sentence or release from the punishment imposed, shall be considered as not convicted.*

83.3. The conviction shall be *considered cancelled*:

83.3.1. concerning persons conditionally condemned - after expiration of a suspension period;

83.3.1-1. *concerning persons with deferred completion of sentence, on exemption from punishment or unserved part of punishment in accordance with the procedure provided for in Article 79.3 of this Code;*

83.3.1-2. *concerning persons whose conviction has not been enforced within the period established by law - after the expiration of the time limits provided for in Article 80.1 of this Code;*

83.3.2. concerning persons condemned to mitigate kinds of punishments, than imprisonment - after the expiration of one year from the date of serving punishments;

*83.3.2-1. concerning persons sentenced to imprisonment for committing crimes that do not pose a great public danger - after expiration of one year from the date of serving the sentence;*

83.3.3. concerning persons condemned to imprisonment ~~for crimes, not representing big public danger~~ and less serious crimes - after expiration of two years from the date of serving the punishment;

83.3.4. concerning persons condemned to imprisonment for minor serious crimes - after expiration of six years from the date of serving the punishment;

83.3.5. concerning persons condemned for serious crimes - after expiration of eight years from the date of serving the punishment.

83.4. If condemned in order provided by the law was prescheduled released from serving punishment or deserved part of punishment was replaced with mitigate kind of punishment, term of release from conviction shall be estimated from a moment of release from serving a basic and additional punishment.

83.5. If condemned after serving a punishment by good behavior will prove the correction under his petition a court can prescheduled remove from him a previous conviction.

83.6. Release or removal of conviction cancels all legal consequences connected to a previous conviction. ([131](#))

## **Section V. Criminal liability of minors**

### **Chapter 14. Features of the criminal liability and punishment of minors**

#### **Article 84. Criminal liability of minors**

84.1. Persons, who at the time of commitment of a crime, have achieved age of fourteen, but have not achieved age of eighteen shall be admitted as minors.

84.2. To minor, who has committed crimes can be appointed punishment or forced measures of educational influence.

#### **Article 85. Kinds of the punishments appointed to minor**

85.1. To minors shall be appointed the following kinds of punishments:

85.1.1. penalty;

85.1.2. public works;

85.1.3. corrective works;

85.1.3-1 restraint of freedom; ([see](#))

85.1.4. imprisonment on a certain term.

85.2. The penalty shall be appointed only at presence at *a minor* of independent earnings or property on which collecting can be inverted. The penalty is appointed at a rate up to *six hundred manats*.

85.3. Public works shall be appointed for the term *from eighty to three hundred twenty hours*, consist in performance of works, feasible for the minor condemned in free from study or basic work time. Duration of execution of the given kind of punishment by persons in the age of till fifteen years can not exceed two hours per day, and persons in the age from fifteen till sixteen years - three hours per day.

85.4. Corrective works shall be appointed to *minor* for the term from two months up to one year. In this case from earnings of condemned shall be made deduction to state at a rate, established by a decision of court, in limits from five up to twenty percents.

85.4-1. *The restraint of freedom is imposed on minors for a term of two months to two years.* ([see](#))

85.5. Imprisonment can be appointed to *minor* for the term not over ten years. Minors condemned shall serve time in the following educational establishments:

85.5.1. minor girls, and also minor boys condemned for the first time to imprisonment - in educational establishments of the general mode;

85.5.2. minor boys, earlier punishable to imprisonment - in educational establishments of the strengthened mode. ([1](#), [45](#), [73](#), [131](#))

## **Article 86. Assignment of punishment to a minor**

86.1. At assignment of punishment to a minor except for the circumstances provided by article 58 of the present Code, court also takes into account conditions of life and education of this person, a level of mental development, other features of his individual, and also influence on him of extraneous persons.

86.2. At assignment of punishment as softening circumstance to minor shall be taken into account in aggregate with other circumstances mitigating and aggravating punishment.

## **Article 87. Maintenance of forced measures as educational influence**

87.1. The warning consists in an explanation to the minor of the harm caused by his act, and consequences of repeated commitment of crimes provided by the present Code.

87.2. Transfer under supervision consists in putting on parents or persons, replacing them, or on the appropriate enforcement authority of a duty on educational influence on minor and to control over his behavior.

87.3. A duty to smooth down the caused harm shall be assigned in view of a property status of the minor and presence at him of appropriate labor skills.

87.4. Restriction of leisure and an establishment of special requirements to behavior of the minor can provide an interdiction of visiting to certain places, as well as of a certain forms of leisure, including management of a mechanical vehicle, restriction on living outside of a house after certain time of day, departure to other districts without a permission of the appropriate state body. On minor also can be assigned duty to continue education or to be employed with the help of the appropriate enforcement authority. Restriction of leisure and an establishment of special requirements to behavior of the minor can provide, and other measures.

## **Article 88. Application of forced measures of educational influence**

88.1. The minor, who for the first time has committed a crime, that does not represent big public danger or less serious crime, can be released from a criminal liability if will be recognized, that his correction can be achieved by application of forced measures of educational influence.

88.2. To minor can be applied the following forced measures of educational influence:

88.2.1. warning;

88.2.2. transfer under supervision of parents or persons, replacing them, or appropriate state body;

88.2.3. assignment of duty to remove the caused harm;

88.2.4. restrictions of leisure and an establishment of special requirements to behavior of the minor.

88.3. To minor can be appointed simultaneously number of forced measures of educational influence. Duration of term on application of forced measures of educational influence provided by articles 88.2.2 and 88.2.4 of the present Code, shall be established by the appropriate state body, appointing these measures.

88.4. In case of regular default by minor of forced measures of educational influence, these measures on presentation of the appropriate state body shall be cancelled and materials shall be sent to court for attraction of a minor to a criminal liability.

## **Article 89. Release from punishment of minor**

89.1. The minor condemned for commitment of a crime, which do not represent big public danger or less serious crime, can be released from punishment with application of forced measures of the educational influence provided by article 87.2 of the present Code.

89.2. The court can release from punishment a minor condemned for commitment of less serious crime if recognizes, that a purposes of punishment can be achieved only by his premise in *special educational closed institution or medical-disciplinary establishment* provided for such persons. *Thus, the minor is kept in the provided establishments until the age of eighteen, but no more than three years.*

89.3. *In case of corrections minor and therefore the loss of need for such measure, the court May, decide on early release of minor from this institution based on joint*

*recommendation of the administration of special closed type educational institution or educational institution and commission for minors and protection of their rights. (28)*

#### **Article 90. Conditional - prescheduled release of minors from serving punishment**

90.0. Conditional-prescheduled release from serving punishment can be applied to the minor condemned to corrective works, *restraint of freedom* ([see](#)) or to imprisonment, after serving which is:

90.0.1. not less than one third of punishment term appointed for a crime, not representing big public danger or less serious crime;

90.0.2. not less than half of punishment term appointed for minor serious crime;

90.0.3. not less than two thirds of punishment term appointed for serious crime. ([131](#))

#### **Article 90-1. Replacement of the unserved part of the punishment of minors by a milder form of punishment**

*90-1.1. Punishment of a minor who has committed a crime that does not pose a serious public danger or who is serving a sentence of imprisonment for a specified period for the commission of a less serious crime, subject to conduct during the serving of punishment, may be replaced by the court with any milder form of punishment provided for in Article 85.1 of this Code. Thus, the person can be also completely or partially released from additional punishment.*

*90-1.2. Replacement of the unserved part of the punishment of a minor by a milder form of punishment may be applied after the departure of not less than one quarter of the sentence. ([131](#))*

#### **Article 91. Time limits**

The limitation periods, provided by articles 75 and 80 of the present Code, at release of minors from criminal liability or serving punishment, shall decrease half.

#### **Article 92. Terms of removing a previous conviction**

92.0. *With the exception of the conditional sentence, conviction terms provided for in Article 83.3 of this Code shall be reduced for minors who have committed a crime and a criminal record shall be deemed spent at the expiration of the following periods:*

*92.0.1. six months from the date of serving relatively lighter punishment than the imprisonment;*

*92.0.2. one year from the date of serving the punishment of imprisonment for crimes, not representing big public danger or less serious crimes;*

*92.0.3. three years from the date of serving the punishment of imprisonment for serious or extremely serious crimes. ([101](#))*

### **Section VI. Other measures of criminal law ([69](#))**

## **Chapter 15. Compulsory measures of medical nature**

### **Article 93. Bases of application of compulsory measures of medical nature**

*93.1. The court appoints compulsory medical measures to the following persons:*

*93.1.1. persons with mental disorder in the case provided for in Article 93.2 of this Code;*

*93.1.2. persons who have committed a crime and are in need of treatment for alcoholism or drug addiction.*

*93.1-1. The court appoints compulsory medical measures for a mental disorder to the following persons:*

*93.1-1.1. persons who committed the act (action or inaction), provided by the Special Part of this Code, in an insane state;*

*93.1-1.2. persons who after the perpetration of the crime fell mentally ill, precluding appointment of the sentence or its execution;*

*93.1-1.3. persons who have committed a crime and are in a state of mental disorder, not excluding sanity.*

*93.2. To a persons specified in article 93.1-1 of the present Code, compulsory measures of medical nature shall be appointed only in cases when mental frustration derivative danger of causing harm to himself or to other persons.*

*93.3. The order of application on compulsory measures of medical nature shall be determined by the legislation of the Republic of Azerbaijan.*

*93.4. Concerning the persons, who are specified in article 93.1-1 of the present Code and who do not represent danger by mental condition, necessary materials shall be passed to bodies of public health services for decision on a question of treatment of these persons or their direction to psycho neurology establishments. [\(102\)](#)*

### **Article 93-1. The use of compulsory medical measures in respect of persons who are in need of treatment for alcoholism or drug addiction**

*93-1.1. The purpose of the application of compulsory medical measures in respect of persons who are in need of treatment for alcoholism or drug addiction, is to treat these individuals, to improve their health and psychological condition, to ensure their return to a normal way of life through the provision of specialized medical care and social care, the prevention of the use by these persons of substances that affect the human state of mind and the commission of new administrative offenses in the future.*

*93-1.2. Treatment of persons to whom compulsory medical measures for the treatment of alcoholism or drug addiction are applied, is conducted in the manner prescribed by the Code of Execution of Sentences.*



93-1.3. *Compulsory medical measures in connection with drug addiction against persons provided for in Article 74-1.1 of this Code are conducted in the medical institutions of the relevant executive authority.*

93-1.4. *If there is a need to cancel compulsory medical measures in connection with drug addiction as a result of the full recovery of the person against whom these measures were applied or, if necessary, to continue these measures, the issue of extension or cancellation of measures is decided by the court of first instance at the location of the relevant medical institution on presentation of the administration of this institution on the basis of the opinion of the medical consultation commission.*

93-1.5. *In order to resolve the issue of the extension or cancellation of the use of compulsory medical measures in connection with drug addiction, the person against whom these measures are applied must undergo an examination at a medical consultation commission at least once every six months. The issue of the extension or cancellation of these measures is first considered after six months from the date of commencement of treatment.*

93-1.6. *The court shall forward the decisions made on the issues provided for in Article 93-1.4 of this Code to the court that applied the such measures.*

93-1.7. *In the case of evasion of a person from compulsory medical measures, the administration of the medical institution in which these measures are implemented shall send written information about this to the court that applied these measures.*[\(see2\)](#) [\(102,](#)  
[131\)](#)

#### **Article 94. Purposes of application of compulsory medical measures to the persons suffering from mental disorders**

The purposes of application of compulsory measures of medical nature *to the persons suffering from mental disorders* shall be treatment of the persons provided in article 93.1-1 of the present Code, or improvement of their mental condition, and also prevention of commitment by them of new acts. [\(102\)](#)

#### **Article 95. Kinds of compulsory measures of medical nature, appointed to the persons suffering from mental disorders**

95.0. The court can appoint the following kinds of compulsory measures of medical nature *to the persons suffering from mental disorders*:

95.0.1. out-patient compulsory supervision and treatment at the psychiatrist;

95.0.2. mandatory treatment in a psychiatric hospital of the general type;

95.0.3. mandatory treatment in a psychiatric hospital of the specialized type;

95.0.4. mandatory treatment in a psychiatric hospital of the specialized type with intensive supervision. [\(102\)](#)

#### **Article 96. Out-patient compulsory supervision and treatment at psychiatrist**

Outpatient compulsory supervision and treatment at the psychiatrist can be appointed at presence of grounds provided by article 93.2 of the present Code, if there is no necessity of a premise of a person to a psychiatric hospital.

#### **Article 97. Mandatory treatment in psychiatric hospital**

97.1. Mandatory treatment in psychiatric hospitals can be appointed at presence of grounds provided by article 93.2 of the present Code, if nature of mental frustration of a person demands such conditions of treatment, care, maintenance and supervision which can be carried out only in psychiatric hospitals.

97.2. Mandatory treatment in psychiatric hospitals of the general type can be appointed to persons who on mental condition require hospitalization and supervision, but do not demand intensive supervision.

97.3. Mandatory treatment in psychiatric hospitals of the specialized type can be appointed to persons who on the mental condition demand constant supervision.

97.4. Mandatory treatment in psychiatric hospitals of the specialized type with intensive supervision can be appointed to persons who on mental condition represent special danger to himself or other persons and demands constant and intensive supervision.

#### **Article 98. Extension, change and cancellation of compulsory measures of medical nature, appointed to the persons suffering from mental disorders**

98.1. Extension, change and cancellation of compulsory measures of medical nature, *appointed to the persons suffering from mental disorders* shall be carried out by court on *presentation* by administration of the medical institution which is carrying out compulsory treatment, on basis of conclusion of doctors commission— psychiatrists

98.2. The person to whom the compulsory measure of medical nature is appointed *in connection with the mental disorder*, is subject to survey by commission of doctors— psychiatrists, not less than once in six months for decision of a question on cancellation or change of such measure. At absence of grounds for cancellation or change of a forced measure of medical nature, administration of the establishment which are carrying out compulsory treatment, represents to court the conclusion for extension of compulsory treatment. The first extension of compulsory treatment shall be made after expiration of six months from the moment of the beginning of treatment, and subsequent extension of compulsory treatment shall be made annually.

98.3. Change or cancellation of a compulsory measure of medical nature shall be carried out by court in case of such change of a mental condition of the person at which disappears necessity for application of appointed measure or there is a necessity for assignment of other forced measure of medical nature.

98.4. In case of cancellation of compulsory measures of medical nature, a court directs necessary materials concerning a person who is taking place on compulsory treatment, to bodies of public health services. ([102](#))

#### **Article 99. Offset of time on application of compulsory measures of medical character, appointed to the persons suffering from mental disorders**

In case of treatment of a person at which mental frustration has appeared after commitment of a crime, at assignment of punishment or renewal of its execution, time during which person was compulsory treated in a psychiatric hospital, shall set off in time punishments at the rate of one day in a psychiatric hospital for one day of imprisonment. [\(102\)](#)

## **Chapter 15-1. Special confiscation [\(69\)](#)**

### **Article 99-1. Special confiscation**

*99-1.1. Criminal-legal measure in a form of special confiscation represents the enforced and uncompensated taking of following property in favor of the government:*

*99-1.1.1. instruments and means used by convicted person for committing a crime (excluding instruments and mean that should be returned to the legal owner);*

*99-1.1.2. funds or other property obtained by convicted person in a criminal way, as well as incomes received on the account of these funds or other property (with the exception of monetary funds or other property and the profits received from them, which shall be returned to the legal owner);*

*99-1.1.3. other property or its respective part, into which, by the conclusion of civil-legal transactions or otherwise fully or partially were converted illegally obtained funds or other property;*

*99-1.1.4. the property stipulated or used for financing of terrorism, armed formations or groups not stipulated by the legislation, organized groups or criminal communities (criminal organizations);*

*99-1.2. The court decides the issue of the availability or absence of property which is subject to confiscation, stipulated by article 99-1 .1 of the present Code, regarding each criminal case. Special confiscation May, be applied to both physical and legal persons.*

*99-1.3. Property stipulated under the article 99-1 .1 of the present Code, that had been alienated or transferred in any manner to other persons from the side of convicted person, shall be confiscated in case, if the person who acquired this property, knew or should have known about obtaining of property by illegal means and accepted it. The property provided for in Article 99-1.1 of this Code shall also be confiscated if it was transferred by the convicted person as a gift or sold at a price much lower than the market price of the property, provided that this does not harm the rights of bona fide owners. [\(69, 127\)](#)*

### **Article 99-2. Confiscation on the cost of the property**

*If the property subject to confiscation stipulated for by the Article 99-1.1 of the Code cannot be confiscated in the state's favor because of its use, disposal or other reasons, then the other property owned by the convict in an amount of the value of this property is confiscated. [\(69, 127\)](#)*

### **Article 99-3. Repayment of harm caused by an offense through the confiscated property**

99-3.1. *In deciding the confiscation issue harm caused by the offense to the rightful owner of the property has to be repaid first of all.*

99-3.2. *If a person committed a crime has no other assets to secure repayment of harm other than the confiscated property, the harm caused to the rightful owner of the property as a result of the crime has to be repaid at the expense of the confiscated property, then the rest of the property is excepted in the state's favor. (69)*

## **Chapter 15-2. Criminal law measures applied to legal entities (69)**

### **Article 99-4. Grounds and conditions of applying criminal law measures against legal entities**

99-4.1. *Criminal law measures are applied to the crimes committed by following individuals in favor of a legal entity or in order to protect its interests:*

99-4.1.1. *an official authorized to represent a legal entity;*

99-4.1.2. *an official which has the power to take decisions on behalf of a legal entity;*

99-4.1.3. *an official which has the power to control the activities of legal entity;*

99-4.1.4. *an employee as a result of a non-performance of supervision by officials provided in articles 99-4.1.1-99-4.1.3 of this Code*

99-4.2. *application of criminal law measures to the legal entity shall not in any way exclude criminal responsibility of a natural person who participated in the offense.*

99-4.4. *termination of criminal prosecution in the cases specified by law in respect of a natural person provided for in Article 99-4.1 of this Code does not prevent the application of criminal law measures to a legal entity.*

99-4.5. *criminal law measures cannot be applied to state, municipalities and international organizations.*

99-4.6. *Criminal law measures are applied to legal entities for commission of deeds provided in Articles 144, 144-1, 144-2, 144-3, 167-169, 169-1, 170-171-1, 192-2, 193-1, 194, 200-1, 200-2, 214-220, 233, 242-244-1, 259-261, 271-284, 308, 311, 312, 312-1, 313, 315, 316-1, 316-2, 320 and 323-326 of this Code.*

99-4.7. *If a legal entity is reorganized before a decision is made on application of criminal law measures to a legal entity, the criminal law measures are applied to the legal successor of the legal person. Until the decision on applying criminal law measures to a legal entity is fully implemented or a legal entity is liquidated, reorganization of a legal entity or its liquidation either by the founders (participants) or in accordance with the charter of a legal entity are prohibited. (69, 73, 75, 78, 98, 114, 115)*

### **Article 99-5. Types of criminal law measures applied to legal entities**

99-5.1. *Criminal law measures applicable to legal entities are as follows:*

99-5.1.1. *fine;*

*99-5.1.2. special confiscation;*

*99-5.1.3. deprivation of the right of a legal entity to be engaged in certain activity;*

*99-5.1.4. liquidation of a legal entity.*

*99-5.2. special confiscation shall be applied in accordance with chapter of 15.1 of this Code.*

*99-5.3. criminal law measure of liquidation of a legal entity shall be applied as a main measure only, fine both as a main and as an additional measure, special confiscation and deprivation of the right of a legal entity to be engaged in certain activity as an additional measure only.*

*99-5.3. The following circumstances are taken into account when determining the type and extent of criminal law measures applied to legal entities:*

*99-5.3.1. The nature and degree of the public danger posed by the crime;*

*99-5.3.2. The volume of income or the nature and degree of provision of interests of a legal entity;*

*99-5.3.3. The number of crimes and gravity of its (their) consequences;*

*99-5.3.4. Assistance with solving the crime, exposing its participants, searching and finding the property acquired as a result of the crime;*

*99-5.3.5. Voluntary compensation of material and moral damage caused by the crimes, or other measures undertaken by the legal entity aimed at reducing damage caused to the injured person.*

*99-5.3.6. Circumstances characterizing the legal entity, including previous applications of the criminal law measures, or its charitable or other socially useful activities. ([69](#), [121](#))*

## **Article 99-6. Fine**

*99-6.1. Fine applied to legal entities as a criminal law measure is a mandatory deduction of money in favor of state in the cases established by this Code, appointed by the court.*

*99-6.2. Fines are determined by Article 99-6.3, 99-6.4, and 99-8.3 of this Code and taking into account the economic and financial situation of a legal entity are from fifty thousand to two hundred thousand manats, or ranging from the amount of damage caused (revenue obtained) to its fivefold.*

*99-6.3. Fines are applied to legal entities as criminal law measures within the following limits:*

*99-6.3.1. for the crimes not constituting great public danger — from fifty to seventy five thousand manats, or ranging from the amount of damage caused (revenue obtained) to its twofold;*

*99-6.3.2. for lesser grave crimes - from seventy-five thousand to one hundred thousand manats, or ranging from the twofold amount of damage caused (revenue obtained) to its threefold;*

*99-6.3.3. for grave crimes - from one hundred thousand to one hundred twenty five thousand manats, or ranging from the threefold amount of damage caused (revenue obtained) to its fourfold;*

*99-6.3.4. for especially grave crimes - from one hundred twenty five thousand to one hundred and fifty thousand manats, or ranging from the fourfold amount of damage caused (revenue obtained) to its fivefold.*

*99-6.4. Penalty applied to a legal entity cannot exceed the half of the value of the legal person's property. ([69](#))*

#### **Article 99-7. Deprivation of the right of a legal entity to be engaged in certain activity**

*99-7.1. Deprivation of the right of a legal entity to be engaged in certain activity consists in revocation of special permission or special permit (license) to engage in specific type of entrepreneurial activity, prohibition of conclusion of specific transactions, production of shares or other securities, prohibition of access to state subsidies or other privileges, or prohibition from being involved in other activities.*

*99-7.2. Deprivation of the right of a legal entity to be engaged in certain activity is provided for the following terms, while taking into account the cases provided for in Article 99-5.3 due to impossibility of maintaining the legal right to be engaged in specific activity:*

*99-7.2.1. for the crimes of great public danger - for a term from one to two years;*

*99-7.2.2. for lesser grave crimes - for a term from two to three years;*

*99-7.2.3. for grave crimes - for a term from three to four years;*

*99-7.2.4. for especially grave crimes - for a term of from four to five years. ([69](#)) (not yet in force)*

#### **Article 99-8. Liquidation of legal entity**

*99-8.1. Liquidation of a legal entity is an exceptional criminal law measure consisting in termination of the existence and activities of a legal entity without legal succession of its rights and obligations to other persons, related to crimes committed to the protection of its interests or in favor of the legal entity.*

*99-8.2. Liquidation of a legal entity shall be applied when such entity is regularly used to commit crimes or hide traces of crimes, criminally obtained funds or other property, as well as when more than half of its property consists in the property confiscated according to Article 99-1.1 of this Code.*

*99-8.3. When liquidation of a legal entity is appointed as a criminal law measure, additional criminal law measure of fine in the amount of two hundred thousand manats, while considering the provisions of Article 99-6.4 of this shall be appointed.*



*99-8.4. Liquidation of legal persons shall not be applied to legal persons which belong to political parties, trade unions, state (municipal) institutions or legal entities in which state (municipality) has controlling amount of shares. (69)*

**Article 99-9. Exemption of legal entities from the application of criminal law measures**

*In cases when a person who committed crime in favor or to protect interests of a legal entity is relieved from responsibility in the manner provided for in Article 75 of this Code in connection with the passage of statute of limitation time, criminal law measures shall not be applied against the legal person. (69)*

**Special part**

**Section VII. Crimes against peace and security of humanity (3)**

**Chapter 16. Crimes against peace and security of humanity (3)**

**Article 100. Planning, preparation, implementation or conducting of aggressive war**

100.1. Planning, preparation or implementation of aggressive war—

- shall be punishable by imprisonment for the term from eight up to *twelve* years.

100.2. Conducting of aggressive war—

- shall be punishable by imprisonment for the term from *twelve up to twenty five* years or life imprisonment. (90)

**Article 101. Public appeals to implementation of aggressive war**

101.1. Public appeals to implementation of aggressive war—

- shall be punishable by restriction of freedom for the term up to three years ~~or imprisonment on the same term.~~

101.2. The same acts accomplished with use of mass media or official—

- shall be punishable by imprisonment for the term from two up to five years with deprivation of a right to hold a certain posts or to engage in the certain activities for the term up to three years or without it. (61)

**Article 102. Attack on persons or establishments, which use international protection**

The attack on representative of the foreign state or employee of the international organization which use international protection, as well as on service, other premises or vehicles of these persons, committed with a view of provocation of war or complication of the international relations—

- shall be punishable by imprisonment for the term from five up to ten years.

**Article 103. Genocide**

Actions, directed on full or partial destruction of national, ethnic, racial or religious groups by means of killing members of this group, causing serious harm to their health or serious harm to their mental faculties, creations of the vital conditions designed for full or partial physical destruction of members of this group, realization of the actions directed on prevention of birth rate inside group, compulsory transfer of children belonging to one group, to another—

- shall be punishable by imprisonment for the term of from *fourteen up to twenty* years or life imprisonment. ([3](#), [90](#))

#### **Article 104. Solicitation to commitment of a genocide**

Direct and obvious solicitation to commitment of any acts provided by article 103 of the present Code—

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 105. Destruction of population**

Full or partial destruction of population at absence of attributes of a genocide—

- shall be punishable by imprisonment for the term from *fourteen up to twenty* years or life imprisonment.

***Note:** Deliberate acts, provided by articles 105-113 of this chapter, being component of the large-scale or regular attacks on civilians both in peace time and wartime are recognized as crimes against security of humanity. ([3](#), [90](#))*

#### **Article 106. Slavery**

106.1. The slavery, that is full or partial realization above a person of the competencies inherent to the property right—

- shall be punishable by imprisonment for the term from five up to ten years.

106.2. The same act accomplished concerning a minor or with the purpose of moving of a person in the foreign state—

- shall be punishable by imprisonment for the term from seven up to twelve years.

106.3. Slavery sales, that is maintenance of the person with a purpose of transfer into to slave or use as a slave, his sale or an exchange, and also any act connected with slave sales or transfer into slave, as well as sexual slavery or an encroachment on sexual freedom on grounds of slavery—

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 107. Deportation or forced exile of population**

Forced exile of population from lawful places of a settlement to other state or exile by other compulsory actions, without grounds provided by norms of international law and laws of the Republic of Azerbaijan—



- shall be punishable by imprisonment for the term from ten up to fifteen years.

## **Article 108. Sexual violence**

Rape, compulsion to prostitution, compulsory sterilization or commitment against persons of other actions connected to sexual violence—

- shall be punishable by imprisonment for the term from *twelve up to twenty five* years or life imprisonment. ([90](#))

### **Article 108-1. Compulsory pregnancy**

*Illegal imprisonment of a woman, for forced pregnancy with a view to change ethnic structure of this or another population or accompanying another gross infringements of international law —*

- *shall be punishable by imprisonment for the term from twelve up to twenty five years or life imprisonment.*([2](#), [90](#))

## **Article 109. Persecution**

Persecution of any group or organization on political, racial, national, ethnic, cultural, religious motives, motives of a sexual belonging or on grounds of another motive forbidden by norms of international law, that is rough infringement of rights of people for a belonging to these groups or organizations, connected with other crimes against safety of *humanity* —

- shall be punishable by imprisonment for the term of from five till ten years.([3](#))

## **Article 110. Violent keeping of a person**

Detention, arrest or kidnapping of a person with the purpose of deprivation of lawful protection on long term under task, support or with consent of the state or political organization and subsequent denying of the fact on imprisonment of a person or refusal giving data about his attendance or place of staying—

- shall be punishable by imprisonment for the term from *ten up to twenty* years or life imprisonment. ([90](#))

## **Article 111. Racial discrimination (apartheid)**

111.0. The acts accomplished with a purpose of the organization and maintenance of superiority of one racial group for destroying of other racial group:

111.0.1. denying of a members right of racial group or groups on life and freedom, that is murder of members of racial group or groups, drawing of heavy harm to their health or serious harm to mental faculties, application to them of tortures or reference severe, brutal or humiliating advantage and punishments, as well as any arrest or illegal imprisonment;

111.0.2. creation for racial group or groups of the living conditions designed for their full or partial physical destruction;

111.0.3. realization of any legislative or other action with a purpose of hindrance to participation of racial group or groups in political, social, economic and cultural life of the country, to development of such group or groups by denying belonging to members of this group or groups of rights and freedom of a person, including a right to work, creation of trade unions, education, departure and entrance to the country, citizenship, a freedom to move and a choose of a residence, idea and word, associations and assemblies;

111.0.4. implementation of any measures, including legislative, with the purpose of division of a population into racial groups by means of creation of reservoirs and ghetto, prohibitions of mixed marriages between various racial groups, forced take of ground areas belonging to racial group or groups or their members without their consent;

111.0.5. operation of work of persons belonging to racial group or groups;

111.0.6. prosecution of organizations and persons opposing apartheid, by means of deprivation of their right and freedom—

- shall be punishable by imprisonment for the term from *twelve up to twenty five* years or life imprisonment. ([90](#))

## **Article 112. Imprisonment in infringement of international law norms**

Arrest or other imprisonment of persons, in infringement of international law norms—

- shall be punishable by imprisonment for the term from five up to eight years.

## **Article 113. Application of tortures**

Causing of a physical pain or mental sufferings to detained persons or persons, or other restrictions of freedom—

- shall be punishable by imprisonment for the term from seven up to ten years.

## **Chapter 17. War crimes**

### **Article 114. Mercenary**

114.1. Recruitment, training, financing and other material maintenance of mercenaries, as well as their use in a confrontation or military operations—

- shall be punishable by imprisonment for the term from *eight to twelve years*.

114.2. The same acts accomplished by a person with use of service position or concerning a minor—

- shall be punishable by imprisonment for the term from *nine* up to fifteen years.

114.3. Participation of a mercenary in a confrontation or military operations—

- shall be punishable by imprisonment for the term from *five up to eleven years*.

**Note:** 1. The acts provided by the present chapter, committed in connection with planning, preparation, implementation of military operations as well as in international, and at internal confrontations, shall be admitted as war crimes.

2. The persons who are working with a view of reception of material compensation and not citizens of the state, participating in a confrontation or military operations, do not live constantly on its territory, and also persons not directed for execution of official duties shall be admitted as mercenaries. (89)

#### **Article 115. Infringement of laws and customs of war**

115.1. Mitigation of captured and other persons protected by the international humanitarian right to serve in armed forces of the party which have taken them in a captivity, and also compulsion of enemy state citizens to participate in a military operations directed against the country—

- shall be punishable by imprisonment for the term from two up to five years.

115.2. Application to a persons provided in article 115.1 of the present Code, tortures, severe or brutal manipulation with them, implementation of medical, biological and other researches, including withdrawal of bodies for transplantation, and also their use as a barrier for protection of armies or objects, or maintenance as hostages, as well as attraction of civilians to forced hard labor or compulsory moving from places of a lawful settlement for other purposes—

- shall be punishable by imprisonment for the term from five up to ten years.

115.3. The acts provided by articles 115.1 and 115.2 of the present Code, entailed to death of persons or causing of heavy harm to their health—

- shall be punishable by imprisonment for the term from ten up to fifteen years.

115.4. Deliberate murder of persons provided in article 115.1 of the present Code—

- shall be punishable by imprisonment for the term from *fourteen up to twenty* years or life imprisonment. (90)

#### **Article 116. Infringement of norms of the international humanitarian right during confrontations**

116.0. Infringement of norms of the international humanitarian right during confrontations, shall be:

116.0.1. use of ways to conduct a war, capable to cause significant distractions;

116.0.2. deliberate cause of a big, long and serious damage to an environment;

116.0.3. attack on staff involved in implementation of peace-making actions or rendering of humanitarian help, including on structure, constructions, vehicles, *medical property*, having distinctive emblems of the *Red Cross or Red Crescent*;

116.0.4. use of famine which has arisen among civilians, in a way of conducting military operations;

116.0.5. attraction of minors in armed forces;

116.0.6. implementation of large-scale distractions which have been not caused by military necessity;

116.0.7. attack on unprotected territories, settlements and zones of disarmament;

*116.0.8. attack without military necessity for non-military purpose, clearly visible and identifiable religious, educational, scientific, charitable, medical facilities, sick and wounded persons location.*

*116.0.8-1. conversion without military necessity of cultural heritage, including cultural heritage under increased security to the object of attack or use of cultural heritage under increased security or directly adjacent territories to support military operations;*

*116.0.8-2. destruction or appropriation of cultural heritage in a large volume, or commission of theft, robbery, misappropriation or acts of vandalism against cultural heritage;*

*116.0.8-3. illegal export of cultural property from the occupied territories, or transfer or termination of title to cultural property, located on the territory; conduct of any archaeological excavations in the occupied territory, except where so required for immediate protection, record or preservation of cultural heritage; modification of cultural heritage, or change of their use with the purpose to conceal or destruct its cultural, historical or scientific evidence.*

116.0.9. infringement of agreement on a time armistice, as well as agreements on the discontinuance of fighting operations, prisoner with the purpose of export dead and wounded from a zone of fight, their exchange or transportation;

116.0.10. attack on civilians or on separate civil persons who are not participating in fights;

116.0.11. violence, robbery, destruction of property, and also illegal withdrawal of property under pretext of military necessity, carried out concerning a population in zones of military operations;

116.0.12. attack on constructions, which destruction can result in big losses among civilians or cause significant damage to civil objects;

116.0.13. attack on a person, who is obviously for guilty stopped direct participation in military operations, and also unarmed person or a person, surrendered by giving up a weapon, or person who is not having opportunities to protect himself from owing a wound or for other reason;

116.0.14. accommodate a part of civilians on occupied territories;

116.0.15. unreasonable delay returning of military - captured and civil persons to the country;

116.0.16. application of a weapon, means and ways of conducting a war, forbidden by international agreement to which the Republic of Azerbaijan is a party;

116.0.17. commitment of other actions connected to rape, sexual slavery, compulsory prostitution, compulsory sterilization, *compulsory pregnancy* and also sexual violence;

116.0.18. arrest or other imprisonment, and also deprivation of procedural rights of a persons provided in article 115.1 of the present Code, in infringement of norms of international law—

- shall be punishable by imprisonment for the term from *ten up to twenty* years or life imprisonment.

**Note:** “*Cultural heritage*” in the Articles 116.0.8-1-116.0.8-3 of the Code means as follows:

1. *Movable and immovable values of special importance to the cultural heritage of every people (monuments of architecture, art or history, religious or secular monuments, archaeological sites, architectural ensembles of historical or artistic value, artwork, manuscripts, books and other objects of artistic, historical or archaeological value, as well as scientific collections and important collections of the above values);*

2. *Buildings, which main and intrinsic purpose is to store or exhibit movable cultural values (museums, large libraries and archives, as well as shelters used for storage of movable cultural values specified in this paragraph during armed conflict) specified in the paragraph 1 of the “Note”.*

3. *Centers, referred to as “cultural heritage centers”, containing a large amount of cultural values specified in paragraphs 1 and 2 of the “Note”. ([3](#), [6](#), [43](#), [74](#), [90](#))*

## **Article 117. Inactivity or giving of criminal orders during a confrontation**

117.1. Deliberate non-use by chief or official of all opportunities within their authorities concerning subordinates for prevention of commitment during a confrontation of crimes provided by articles 115-116 of the present Code—

- shall be punishable by imprisonment for the term from five up to ten years.

117.2. The announcement in fighting zones about intention to not release anybody alive or give to subordinates obviously criminal orders or orders directed on it, or directed on commitment of crimes provided by articles 115-116 of the present Code—

- shall be punishable by imprisonment for the term from *twelve up to twenty five* years or life imprisonment. ([90](#))

## **Article 118. Military robbery**

Plunder on a battlefield of killed or wounded person's property (a military robbery)—

- shall be punishable by imprisonment for the term from three up to ten years.

#### **Article 119. Abusing a marks which are under protection**

*119.1. The use of the emblems and distinctive signals of the Red Cross and the Red Crescent as a protective or distinctive sign, use of the emblems and names of the Red Cross and the Red Crescent for the purposes that are not compatible with the principles of the International Red Cross and Red Crescent Movement, or any similar signals that can be accepted as the emblems of the Red Cross and the Red Crescent used as a protective sign during a military conflict by the persons who are not accordingly entitled*

- shall be punishable by imprisonment for the term up to two years.

119.2. Abusing a flag of truce, and also a flag, which has marks or regimentals of the United Nations Organization, including distinctive marks protected by the Geneva conventions of 1949, entailed to death of a victim or causing of heavy harm to his health—

- shall be punishable by imprisonment for the term from five up to ten years. (6, 43)

### **Section VIII. Crime against individual**

#### **Chapter 18. Crime against life and health**

##### **Article 120. Deliberate murder**

120.1. Deliberate murder, is deliberate deprivation of life of other person—

- shall be punishable by imprisonment for the term from *nine up to fourteen* years.

120.2. Deliberate murder:

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

120.2.2. committed from hooligan prompting;

120.2.3. of victims or his close relatives in connection with implementation of a given person of service activity or performance of public debt;

120.2.4. committed with special cruelty or in publicly dangers way;

120.2.5. committed on mercenary prompting or by order, as well as with a view of use a body of a victim;

120.2.6. with the purpose to hide other crime or to facilitate its commitment, as well as connected with rape or other violent actions of sexual nature;

120.2.7. of two or more persons;

120.2.8. of pregnant women, which was obviously for guilty;

120.2.9. persons, obviously for guilty in a helpless condition, as well as connected to kidnapping a person or capture of hostage;

120.2.10. committed repeatedly;

120.2.11. connected to robbery, extortion, *terrorism* or gangsters;

120.2.12. on motive of national, racial, religious hatred or enmity—

- shall be punishable by imprisonment for the term from *fourteen up to twenty* years or life imprisonment.

**Note:** Repeated crime, is commitment of crime again provided by article 120 of the present Code, the person who earlier has made one or several crimes, provided by articles of the present Code establishing responsibility for deliberate murder. ([7](#), [90](#))

#### **Article 121. Deliberate murder by mother of a newborn child**

Deliberate murder by mother of her newborn child during or immediately after childbirth—

- shall be punishable by *restraint of freedom for the term up to three years* ([see](#)), or imprisonment for the term up to three years. ([131](#))

#### **Article 122. Deliberate murder committed in a condition of suddenly arisen strong emotional excitement**

122.1. The deliberate murder committed in a condition of suddenly arisen strong emotional excitement (affect), caused by violence, serious insult by victim either his other illegal or immoral actions (inaction), as well as long psychological conditions which has arisen in connection with regular illegal or immoral behavior of a victim—

- shall be punishable by *corrective works for the term up to two years, or restraint of freedom for the term up to three years* ([see](#)), or imprisonment for the term up to three years.

122.2. The deliberate murder of two or more persons accomplished in a condition of strong emotional excitement—

- shall be punishable by imprisonment for the term from three up to six years. ([61](#), [131](#))

#### **Article 123. Deliberate murder, committed at excess of limits necessary for defense or at excess of measures, necessary for detention of a person who have committed a crime**

123.1. The deliberate murder accomplished at excess of limits necessary for defense—

- shall be punishable by *corrective works for the term up to two years or restraint of freedom for the term up to two years* ([see](#)), or imprisonment for the term up to two years.

123.2. Deliberate murder at excess of measures necessary for detention of a person, committed a crime-

- shall be punishable by *corrective works for the term up to two years or restraint of freedom for the term up to three years* ([see](#)) or imprisonment for the term up to three years. ([61](#), [131](#))

#### **Article 124. Murder on imprudence**

124.1. The murder accomplished on imprudence—

- shall be punishable by *corrective works for the term up to two years or restraint of freedom for the term up to three years* ([see](#)) or imprisonment for the term up to three years.

124.2. Murder on imprudence of two or more persons—

- shall be punishable by imprisonment for the term from two up to six years. ([61](#), [131](#))

#### **Article 125. Bringing to suicide**

Bringing a person, who is taking place in material, service or other dependence from guilty, to suicide or to attempt at suicide by threats, cruel treatment or regular humiliation of his dignity—

- shall be punishable by ~~restriction of freedom for the term up to three years or~~ imprisonment for the term from three up to seven years. ([61](#))

#### **Article 126. Deliberate causing of serious harm to health**

126.1. Deliberate causing of serious harm to health, is harm dangerous to human life, or brought to loss of seeing, hearing, speech either organs or loss by body of its functions, mental frustration or other frustration of health, long disability which is not less than on one third or obviously for guilty caused full loss of professional work capacity, either interruption of pregnancy, or harm which consequence brought to disease of a person to narcotics or glue sniffing or expressed in ugliness of persons—

- shall be punishable by imprisonment for the term from three up to eight years.

126.2. The same act committed:

126.2.1. concerning two or more persons, and also repeatedly or by group of persons, on preliminary arrangement by group of persons, by organized group or criminal community (organization);

126.2.2. concerning a victim or his close relatives in connection with implementation of service activity by him or performance of the public debt;

126.2.3. with special cruelty, *including with* tortures to a victim or by order, as well as concerning a person, which is obviously for guilty, taking place in a helpless condition;



126.2.4. publicly dangers a way, from hooligan prompting;

126.2.5. with a view of use of body parts or skin of a victim—

- shall be punishable by imprisonment for the term from six up to eleven years.

126.3. The acts, which are provided by articles 126.1 and 126.2 of the present Code, on imprudence entailed to death of a victim—

- shall be punishable by imprisonment for the term from *nine* up to twelve years. (72, 90)

## **Article 127. Deliberate causing of minor serious harm to health**

127.1. Deliberate causing of less serious harm to the health which was not dangerous to life of a victim and did not bring to any consequences, provided in article 126 of the present Code, but which has caused to health long frustration *or* significant loss of *general* work capacity less than on one third part of it—

- shall be punishable by corrective works for the term up to two years, or *restraint of freedom*([see](#)) *for the term up to two years*, or imprisonment for the term up to two years.

127.2. The same act committed:

127.2.1. concerning a victim or his close relatives in connection with implementation by a given person of service activity or performance of public debt;

127.2.2. with special cruelty, *including with* tortures to a victim or by order, as well as concerning a person, which is obviously for guilty, taking place in a helpless condition;

127.2.3. in publicly dangerous way *or from hooligan prompting*;

127.2.4. with a view of use of body parts or skins of victim—

- shall be punishable by *restraint of freedom*([see](#)) *for the term from one to three years*, or imprisonment for the term *from one* to five years. (3, 61, 72, 131)

## **Article 128. Deliberate causing of less serious harm to health**

Deliberate causing of less serious harm to health, caused short-term frustration of health or insignificant loss of *general* work capacity—

- shall be punishable by the penalty at a rate of *one thousand manats up to one thousand five hundred manats*, or *public works for the term from two hundred forty to three hundred sixty hours*, or *corrective works for up to one year*, or *restraint of freedom*([see](#)) *for the term up to one year*, or by imprisonment for a term of up to one year.

~~**Note:** A person who has committed an offence, provided for in this Article, shall be exempt from criminal liability if he reconciled with the aggrieved party and fully compensated damage to him. ([1](#), [3](#), [45](#), [61](#), [111](#), [128](#), [131](#))~~

**Article 129. Deliberate causing of serious or minor serious harm to health in a condition of suddenly arisen strong emotional excitement**

129.1. Deliberate causing of serious harm to the health, committed in a condition of suddenly arisen strong emotional excitement (affect) caused by violence, heavy insult by victim either his other illegal or immoral actions (inaction), as well as long psychological injure conditions of which has arisen in connection with regular illegal or immoral behavior of victim—

- shall be punishable *by the penalty at a rate of one thousand five hundred manats up to two thousand five hundred manats, or corrective works for the term up to two years, or restraint of freedom([see](#)) for the term up to two years or imprisonment for the term up to two years.*

129.2. Deliberate drawing of minor serious harm to the health, committed in a condition of suddenly arisen strong emotional excitement (affect) caused by violence, heavy insult by victim either other illegal or immoral actions (inaction) of a victim, as well as long psychological injure conditions of which has arisen in connection with regular illegal or immoral behavior of victim—

- shall be punishable *by the penalty at a rate of one thousand manats up to one thousand five hundred manats or corrective works for the term up to two years, or restraint of freedom([see](#)) for the term up to two years or imprisonment for the term up to one year. ([61](#), [128](#), [131](#))*

**Article 130. Causing of ~~serious harm to health~~ at excess of limits necessary for defense or causing of serious or minor serious harm to health at excess of measures necessary for detention of person, which committed a crime**

130.1. Deliberate causing of serious harm to health, committed at excess of limits necessary for defense-

- shall be punishable *by the penalty at a rate of one thousand manats up to two thousand manats or corrective works for the term up to one year, or restraint of freedom([see](#)) for the term up to one year or imprisonment for the term up to one year.*

130.2. Deliberate causing of serious ~~or minor serious~~ harm to health, committed at excess of measures necessary for detention of a person, which committed a crime—

- shall be punishable *by the penalty at a rate of one thousand five hundred manats up to two thousand five hundred manats or corrective works for the term up to two years or restraint of freedom([see](#)) for the term up to two years or imprisonment for the term up to two years. ([61](#), [128](#), [131](#))*

**Article 131. Causing of ~~minor serious or~~ serious harm to health on imprudence**

~~131.1. Causing of minor serious harm to health on imprudence—~~

- ~~shall be punishable by the penalty at a rate of *seven hundred manats up to one thousand two hundred*, or corrective works for the term up to one year, or imprisonment for the term about six months.~~

131.2. Causing of serious harm to health on imprudence—

- shall be punishable by the penalty at a rate of *one thousand two hundred manats up to two thousand four hundred*, or corrective works for the term up to two years, *or restraint of freedom(see) for the term up to one year*, or imprisonment for the term of up to *one year*. ([1](#), [45](#), [61](#), [128](#), [131](#))

#### **~~Article 132. Battery~~**

~~Deliberate causing battery or causing a physical pain by other violent actions, not entailed to consequences provided in article 128 of the present Code—~~

- ~~shall be punishable by the penalty at a rate of up to *two hundred manats*, or public works for the term up to two hundred forty hours, or corrective works for the term up to one year, or imprisonment for the term about six months.~~ ([1](#), [45](#), [72](#))

#### **Article 133. Torture**

133.1. Causing strong physical pains or mental sufferings by regular causing battery or other violent actions, not entailed to consequences provided in articles 126 and 127 of the present Code—

- is punishable by *corrective works for the term up to two years, or restraint of freedom(see) for the term up to two years*, or imprisonment for the term up to two years.

133.2. The same act committed:

133.2.1. concerning two or more persons or person recognized as hostage either stolen, or committed by order;

133.2.2. concerning woman who is obviously taking place in a condition of pregnancy;

133.2.3. by group of persons, group of the persons by previous concert, organized group or criminal community (organization);

133.2.4. concerning minor or person in helpless condition which was obvious for guilty;

133.2.5. concerning a victim or his close relatives in connection with implementation of service activity by him or performance of the public debt;

*133.2.6. with tortures —*

- is punishable by imprisonment for the term from *two up to five years*.

~~133.3. Commitment of the acts which is provided by articles 133.1 and 133.2 of the present Code, by official with use of service position or his instigation with a view to receipt information or compulsion of his recognition, or with a purpose of punishment for committed act or to which commitment the given person is suspected—~~

- ~~▪ is punishable by imprisonment from five till ten years. ([72](#), [131](#))~~

#### **Article 134. Threat to murder or causing of serious harm to health**

Threat to murder or causing of serious harm to health, at presence of real grounds to be afraid of execution of this threat—

- is punishable by *a penalty at the rate from one thousand to two thousand manats, or corrective works for the term up to two years, or restraint of freedom([see](#)) for the term up to two years*, or imprisonment for the term up to two years. ([61](#), [128](#), [131](#))

#### **Article 135. Euthanasia**

Euthanasia, is satisfaction of patient request about acceleration of his death by any means or actions, or stop of artificial measures on maintenance of life—

- is punishable by corrective works for the term up to two years, or imprisonment for the term up to three years with deprivation of the right to hold the certain post or to engage in the certain activity for the term up to three years or without it.

#### **Article 136. Illegal artificial fertilization and implantation of embryos, medical sterilization**

136.1. Artificial fertilization or implantation of embryos to a woman without her consent or minor woman—

- is punishable by the penalty at a rate from *four thousand to seven thousand manats*, or corrective works for the term up to two years, or with imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

136.2. Implementation of operation with purpose of medical sterilization without the consent of a person, is deprivation of ability to continuation of a sort by person, or protection of a woman from pregnancy—

- is punishable by ~~the penalty at a rate from five hundred up to one thousand manats~~, or corrective works for the term up to two years, or with imprisonment for the term up to three years with deprivation of the right to hold appropriate post or to engage in the certain activities for the term up to three years or without it.

*136.2-1. The acts which are provided in articles 136.1 and 136.2 of the present Code, on imprudence entailed causing of serious or minor serious harm to health of the person—*

- *are punishable by the corrective works for the term up to two years or with imprisonment for the term from two to four years with deprivation of the*

*right to hold the certain posts or to engaged in the certain activities for the term of till three years or without it.*

136.3. The acts which are provided in articles 136.1 and 136.2 of the present Code, on imprudence entailed death ~~or causing of serious or minor serious harm to health~~ of the person—

- *is punishable by imprisonment for the term from three to five years with deprivation of the right to hold the certain posts or to engaged in the certain activities for the term of up to three years or without it. ([1](#), [45](#), [128](#))*

#### **Article 137. Sale - purchase and compulsion to withdrawal for transplantation of body organs or tissues of a person**

137.1. Illegal sale and purchase of body organs or tissues of a person—

- *is punishable by the penalty at a rate from *four thousand up to eight thousand manats* or corrective works for the term up to two years, or with imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it.*

137.2. Compulsion to withdrawal of body parts or tissues of a person for transplantation, committed with application of violence or with threat of its application—

- *is punishable by imprisonment for the term up to four years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.*

137.3. The same act committed with use of a helpless condition of the victim or his material, service or other dependence from guilty—

- *is punishable by imprisonment for the term from three up to five years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years. ([1](#), [45](#), [128](#))*

#### **Article 138. Illegal implementation of biomedical researches or application of the forbidden ways of diagnostics and treatment, and also medical products**

138.1. Realization of biomedical researches on a person without his will—

- *is punishable by the penalty at a rate of *one thousand five hundred to two thousand manats*, or corrective works for the term up to two years, or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to two years or without it.*

138.2. Application of forbidden diagnostics and treatments ways, and also of medical products, on imprudence which brought to ~~death~~ or causing of serious or minor serious harm to the health of the person —

- *is punishable by the penalty at a rate of *two thousand to three thousand manats*, or corrective works for the term up to two years, or with imprisonment for the*

term from two up to *four* years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it.

*138.2-1. The acts, provided by the Articles 138.2 if this Code, entailed by negligence the death of the person —*

- *are punishable by imprisonment for the term from three to five years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it.*

*138.3. Implementation of biomedical experiments on persons recognized as incapacitated according to legislation, and also on persons to whom applied not voluntary psychiatric help or forced measures of medical nature—*

- *is punishable by the penalty at a rate of one thousand five hundred to two thousand manats, or corrective works for the term up to two years, or with imprisonment for the term from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to two years or without it.*

*138.4. Use at treatment of mental frustration of the surgical methods, which have brought to not preventable consequences—*

- *is punishable by the penalty at a rate of one thousand five hundred to two thousand manats, or corrective works for the term up to two years, or with imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it. ([1](#), [6](#), [45](#), [128](#))*

## **Article 139. Infection with Venereal Disease**

139.1. Infection of other person with venereal disease committed by a person who knew to be infected—

- is punishable by a fine of *two thousand five hundred up to five thousand manats* or corrective work of two years, or imprisonment of up to two years.

139.2. The same, resulting in infection of two or more persons or concerning the minors

- is punishable by imprisonment of up to four years. ([1](#), [45](#), [128](#))

## **Article 140. Infection with HIV of a person**

140.1. Wittingly subjecting of a person in danger of HIV infection—

- is punishable by corrective works of up to two years, *restraint of freedom ([see](#)) for the term up to one year*, or imprisonment of till one year.

140.2. Infection of another person with HIV committed by a person who knew to be infected—

- is punishable by imprisonment of two to five years.

140.3. The action provided by article 140.2 of the present Code, resulting in infection with HIV of two or more persons or the minors—

- is punishable by imprisonment of five to eight years.

140.4. Infection of another person with HIV resulting from improper performance of the professional duties—

- is punishable by *restraint of freedom*([see](#)) *for the term up to three years* or imprisonment for up to three years with deprivation of the right to hold the certain offices or to engage in certain activities for up to three years. ([61](#), [131](#))

## **Article 141. Illegal of abortion**

141.1. Abortion by the doctor who is out of medical institutions—

- is punishable by fine of *five hundred to one thousand manats* or by corrective work for the term of up to six months.

141.2. Abortion by a person who does not have special medical education—

- is punishable by fine of *one thousand to one thousand five hundred manats*, or public works for the term *from three hundred sixty to four hundred hours*, or by corrective work of one year.

141.3. The action provided by articles 141.1 and 141.2 of the present Code, on imprudence resulted in causing of serious harm to health of the victim—

- is punishable by fine of *two thousand to three thousand manats*, or by corrective work for the term of up to two years, *or restraint of freedom* ([see](#)) *for the term up to one year*, or imprisonment for the term of up to one year with deprivation of the right to hold the certain position or to engage in certain activities for the term of up to one year or without it.

141.4. The action provided by articles 141.1 and 141.2 of the present Code, on imprudence resulted by death of the victim—

- is punishable by imprisonment for the term of up to five years with deprivation of the right to hold the certain positions or to engage in certain activities for the term of up to three years. ([1](#), [45](#), [82](#), [128](#), [131](#))

## **Article 142. Not rendering medical aid to the patient**

142.1. Unexcused not rendering medical aid to the patient by medical worker, who is obliged to it according to the law or to the special rules, which resulted causing of less serious harm to health of the patient—

- is punishable by fine of *one thousand to one thousand five hundred manats* or by corrective work for the term of up to one year, *or restraint of freedom*([see](#)) *for the term up to one year*, or imprisonment for the term of up to one year with



deprivation of the right to hold the certain posts or to engage in certain activities for the term of up to two years or without it.

142.2. The same action which resulted by serious harm to health—

- is punishable by corrective work for the term of up to two years, *or restraint of freedom*([see](#)) *for the term up to two years*, or imprisonment for the term of up to two years with deprivation of the right to hold the certain posts or to engage in certain activities for the term of up to three years.

142.3. The same action which has resulted by death of the victim—

- is punishable by imprisonment for the term of up to three years with deprivation of the right to hold the certain posts or to engage in certain activities for the term of up to three years. ([1](#), [45](#), [61](#), [128](#), [131](#))

### **Article 143. Leaving in danger**

Wittingly leaving without help of a person whose life or health is danger and deprived opportunities to arrange the self-preservation in cases, if guilty had an opportunity to assist this person and was obliged to take care, or had resulted by putting the life or health of the person in danger -

- is punishable by fine of *one thousand to one thousand five hundred manats*, or by corrective work for the term of up to one year, or imprisonment for the term of up to six months. ([1](#), [45](#), [128](#))

### **Article 143-1. Forcing to use doping and (or) methods**

*Forcing to use doping drugs and (or) methods -*

- *is punishable by a fine at the rate of one thousand five hundred to two thousand manats, or corrective works for a period of up to two years, or restraint of freedom*([see](#)) *for the term up to two years*. ([58](#), [61](#), [128](#), [129](#), [131](#))

## **Chapter 19. Crimes against freedom and dignity of individual**

### **Article 144. Kidnapping of the person**

144.1. Kidnapping of the person—

- is punishable by imprisonment for the term of five to ten years.

144.2. The same action committed:

144.2.1. against two or more persons;

144.2.2. against a woman, which was pregnant and guilty kidnapping knew about it;

144.2.3. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group or criminal community (organization);



144.2.4. with application of violence which puts in danger life or health of the victim;

144.2.5. with application of weapon or a subjects used as the weapon;

144.2.6. in mercenary prompting or by order—

- it is punishable by imprisonment for the term of eight to twelve years.

144.3. The actions provided by articles 144.1 and 144.2 of the present Code, committed against minor or by negligence brought to death of the victim or other serious consequences—

- is punishable by imprisonment for the term of ten to fifteen years.

**Note:** Person who has voluntarily released kidnapped, shall be released from the criminal liability if his actions do not contain structure of other crime.

### **Article 144-1. Human trafficking**

*144-1.1 Trafficking, i.e. recruitment, obtaining, keeping, harboring, transportation, transfer or acceptance of a person with a purpose of exploitation under the threat of violence or using violence, threats or other means of coercion, abduction, fraud, deception by misusing ability to make pressure or helplessness, or providing or receiving material and other values, privileges or benefits to get a consent of the person that exercises control over another person, -*

- *such shall be penalized five to ten years imprisonment ~~with confiscation of property.~~*

*144-1.2. The same acts:*

*144-1.2.1. committed against two or more persons;*

*144-1.2.3. committed against an underage person;*

*144-1.2.4. committed against a pregnant woman whose pregnancy was evident to the defendant;*

*144-1.2.4-1. with movement of trafficking victim across the state border of the Republic of Azerbaijan;*

*144-1.2.5. committed by a group of preliminarily conspired persons, organized group or a criminal association (criminal organization);*

*144-1.2.6. committed by defendant using his official authority;*

*144-1.2.7. committed by use or threat of violence which represents a menace to life and health;*

*144-1.2.8. committed by means of torture or cruel, inhumane or degrading treatment against the victim;*

*144-1.2.9. committed with the purpose of making use of victim's organs or tissues*

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- *shall be punishable with imprisonment from eight to twelve years ~~with confiscation of property.~~*

*144-1.3. Should the actions referred to in the articles 144-1.1 and 144-1.2 be the cause of the death of a victim or other grave results due to negligence*

- *shall be punishable with ten to fifteen years of imprisonment ~~with confiscation of property.~~*

**Note:**

*1. "Human exploitation" referred to in this article, shall mean, forced labor (servitude), sexual exploitation, slavery and practices similar to slavery and the resulting dependence, transplantation of human organs and tissues, conduct of illicit biomedical researches on the person, use of a woman as surrogate mother, engaging a person in unlawful, including criminal activities.*

*2. Any preliminary consent to exploitation, life style or immoral behavior of a human trafficking victim shall not be considered as a fact mitigating the penalty for the person suspected in human trafficking offenses.*

*3. Hooking, purchase, hold, harboring, transportation, transfer or adoption of a minor with a purpose of his exploitation is recognized trafficking even in case of non-application of the methods specified in Article 144-1.1 of the Law. ([25](#), [69](#), [78](#))*

**Article 144-2. Forced labor**

*144-2.1. Forcing a person to perform certain work (service) by means of threats, use or threat of coercion, or by means of confinement other than in the situations prescribed by the law —*

- *shall be penalized by imprisonment for the term from four to eight years.*

*144-2.2. The same acts:*

*144-2.2.1. committed against two or more persons;*

*144-2.2.2. committed repeatedly;*

*144-2.2.3. committed against an underage person;*

*144-2.2.4. committed against a pregnant woman whose pregnancy was evident to the defendant;*

*144-2.2.5. committed by defendant using his official authority;*

*144-2.2.6. committed by a group of preliminarily conspired persons, organized group or a criminal association (criminal organization) —*

- *shall be penalized by imprisonment from seven to ten years.*

*144-2.3. Should the actions referred to in the articles 144-2.1 and 144-2.2 be the cause of the death of a victim or other grave results due to negligence -*

- *shall be penalized by imprisonment from nine to twelve years. (25)*

### **Article 144-3. Illegal actions with documents for trafficking purpose**

*144-3.1. Forgery of identity card, passport or other identity document or travel documents (border crossing) of the person for trafficking purpose -*

- *punishable by restraint of freedom(see) for the term up to three years, or imprisonment for a period of one to three years.*

*144-3.2. Providing trafficker or trafficking victim with forged identity card, passport or other identity document or travel documents (for border crossing) for trafficking purpose-*

- *punishable by restraint of freedom(see) for the term up to three years, or imprisonment for a period of one to three years.*

*144-3.3. Acquisition of forged identity card, passport or other identity document or travel documents (for border crossing) to provide trafficker or trafficking victim with these documents for the purpose of trafficking -*

- *punishable by restraint of freedom(see) for the term up to three years, or imprisonment for a period of one to three years.*

*144-3.4. Suppression, storage, concealing, damaging or destruction of identity card, passport or other identity document or travel documents (for border crossing) of any person for trafficking purpose -*

- *punishable by imprisonment for a period of two to four years. (78, 131)*

### **Article 145. Illegal imprisonment**

*145.1. Illegal deprivation of freedom of a person, not connected with kidnapping—*

- *is punishable by corrective work for the term of up to two years or imprisonment for the term of up to one year.*

*145.2. The same action committed:*

*145.2.1. against two or more persons;*

*145.2.2. against the woman, which was pregnant and guilty of illegal imprisonment knew about it;*

*145.2.3. against the minors;*

145.2.4. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group or criminal community (criminal organization);

145.2.5. with application of violence which puts in danger life or health of the victim;

145.2.6. with application of weapon or a subjects used as the weapon—

- is punishable by imprisonment for the term of three to five years.

145.3. The action provided by articles 145.1 or 145.2 of the present Code, on negligence ended with death of the victim or other serious consequences—

- is punishable by imprisonment for the term of five to ten years.

## **Article 146. Illegal placement in psychiatric hospital**

146.1. Placement of the obviously mentally healthy person in psychiatric hospital—

- is punishable by corrective work for the term of up to two years or imprisonment for the term of up to three years.

146.2. The same action committed by the guilty person with use of the service position—

- is punishable by imprisonment for the term of three to five years with deprivation of the right to hold the certain posts or to engage in certain activities for the term of up to three years.

146.3. The actions provided by articles 146.1 or 146.2 of the present Code, on negligence ended with death of the victim or other serious consequences—

- is punishable by imprisonment for the term of five to eight years.

## **Article 147. Slander**

147.1. The slander, is distribution of obviously false information which discredit honor and dignity of any person or undermining his reputation in public statement, publicly shown products, *in the mass media, or in case of mass distribution, in the Internet information resources* —

- is punishable by fine *of one thousand to one thousand five hundred manats*, or by public works for the term *from two hundred forty to four hundred eighty hours*, or by corrective works for the term of up to one year, or imprisonment for the term of up to six months.

147.2. The slander, which is connected with accusation of committing serious or especially serious crime—

- is punishable by corrective work for the term of up to two years, *or restraint of freedom ([see](#)) for the term up to three years*, or imprisonment for the term of up to three years. ([1](#), [45](#), [61](#), [81](#), [82](#), [128](#), [131](#))

## **Article 148. Insult**

The Insult, is deliberate humiliation of honor and dignity of a person, expressed in the indecent form in the public statement, publicly shown products, *in the mass media, or in case of mass distribution, in the Internet information resources* —

- is punishable by fine of *one thousand to one thousand five hundred manats*, or by public works for the term from *two hundred forty to four hundred eighty hours*, or by corrective work for the term of up to one year, or imprisonment for the term of up to six months. ([1](#), [45](#), [81](#), [82](#), [128](#))

### **Article 148-1. The slander or insult in the Internet information resources using fake user names, profiles or accounts**

*The slander or insult in the Internet information resources by the mass communication using fake user names, profiles or accounts -*

- *is punishable by fine of one thousand to two thousand manats, or by public works for the term from three hundred sixty to four hundred eighty hours, or by correctional labour for up to two years, or imprisonment for up to one year.*

*Note: in this article under "fake user names, profiles or accounts" means usernames, profiles or accounts that are created in the Internet information resources, including social networks and do not allow to establish the user's identity, that is created with the placement of false information about the name, surname and patronymic, or by hiding this information, as well as the use of information relating to another person, without the consent of the latter. ([118](#), [128](#))*

## **Chapter 20. Crimes against sexual inviolability and sexual freedom of the individual**

### **Article 149. Rape**

149.1. Rape, is the sexual relations with application of violence or with threat of its application to the victim either to other persons, or with use of a helpless condition of the victim—

- is punishable by imprisonment for the term of four to eight years.

149.2. The same actions:

149.2.1. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group;

149.2.2. which resulted in a victims infection of a venereal disease;

149.2.3. committed against the person, who is wittingly known as a minor to the guilty;

149.2.4. committed with a threat of murder or serious health damage of the victim or other persons, and also with cruelty;

149.2.5. committed repeatedly—

- is punishable by imprisonment for the term of five to ten years.

149.3. The same action:

149.3.1. on negligence brought the death of the victim;

149.3.2. on negligence resulted by infection of the victim with a virus HIV or other serious consequences;

149.3.3. committed wittingly against a person under age of 14—

- is punishable by imprisonment for the term of *ten* to fifteen years. [\(90\)](#)

## **Article 150. Violent actions of sexual nature**

150.1. Buggery or other actions of sexual nature, with application of violence or with threat thereof against the victim (male, female) or to other persons, or with use of a helpless condition of the victim (male, female)—

- is punishable by imprisonment for the term of three to five years.

150.2. The same actions:

150.2.1. committed by a group of persons, by a group with a premeditated conspiracy or by an organized group;

150.2.2. which resulted in a victim's (male, female) infection with venereal disease;

150.2.3. committed against the person, who is wittingly known as a minor to the guilty;

150.2.4. carried out with a particular cruelty against the victim (male, female) or against other individuals;

150.2.5. committed repeatedly—

- is punishable by imprisonment for the term of five to eight years.

150.3. The same action:

150.3.1. on negligence brought the death of the victim (male, female);

150.3.2. on negligence resulted by infection of the victim with a virus HIV or other serious consequences;

150.3.3. committed wittingly against a person under age of 14 -

- is punishable by imprisonment for the term of eight to fifteen years.

## **Article 151. Coercion into actions of sexual nature**

Coercion of the person to the sexual relations, buggery or to committing of other actions of sexual nature by threat of destruction, damage or withdrawal of property or with use of material or other dependency of the victim (male, female)—

- *is punishable by corrective work for the term of one to two years or imprisonment for the term of one to three years. ([1](#), [45](#), [99](#))*

## **Article 152. Sexual relations and other actions of sexual nature with the person who has not reached of age 16**

*152.1. Sexual intercourse or committing other acts of a sexual nature with a person who has not attained the age of sixteen years -*

- *is punishable by imprisonment for the term of up to three years.*

*152.2. The same acts committed against a person who has not attained the age of fourteen years -*

- *is punishable by imprisonment for the term of three to six years.*

*152.3. The actions specified in Articles 152.1 or 152.2 of the present Code, committed by persons who are responsible for the upbringing of minors, or by a teacher or other employee of an educational, medical or other institution, entrusted with the responsibility for supervision of adults -*

- *is punishable by imprisonment for the term of four to seven years with disqualification to hold certain positions or engage in certain activities for up to three years or without it.*

**Note:** *Responsibility for the crimes stipulated in Articles 152 or 153 of this Code, arises if the age difference between the person, committed the acts mentioned in these articles and the age of the victim is more than two years. ([61](#), [99](#))*

## **Article 153. Depraving actions**

*153.1. Committing immoral acts without the use of violence against a person who has not attained the age of sixteen years –*

- *is punishable by corrective work for the term of up to two years or imprisonment for the term of up to two years.*

*153.2. The same acts committed against a person who has not attained the age of fourteen years -*

- *is punishable by corrective work for the term of one up to two years or imprisonment for the term of one up to three years.*

*153.3. The actions specified in Articles 153.1 or 153.2 of the present Code, committed by persons who are responsible for the upbringing of minors, by a teacher or other*

*employee of an educational, medical or other institution, entrusted with the responsibility for supervision of adults -*

- *punishable by imprisonment for a term of two to four years, with disqualification to hold certain positions or engage in certain activities for up to three years or without it.* ([1](#), [45](#), [61](#), [99](#))

## **Chapter 21. Crimes against constitutional rights and freedoms of the person and the citizen**

### **Article 154. Infringement of citizens equality**

154.1. Infringement of equality of citizens depending on race, nationalities, creeds, language, an origin, property or official position, belief, a belonging to political parties, trade unions and other public associations, with causing harm to rights and legitimate interests of citizens—

- is punishable by fine of *one thousand to two thousand manats* or by corrective works for the term of up to one year.

154.2. The same action committed by official with use of the service position—

- is punishable by fine of *two thousand to three thousand manats*, or by corrective work for the term of up to two years, or with imprisonment for the term of up to two years with deprivation of the right to hold the certain position or to engage in the certain activities for the term of up to three years or without it. ([1](#), [45](#), [128](#))

### **Article 155. Infringement of secret correspondence, telephone conversations, mail, telegraph or other messages**

Infringement of secret correspondence, telephone conversations, mail, telegraph or other messages—

- is punishable by fine of *one thousand to two thousand manats* or by corrective work for the term of up to one year. ([1](#), [45](#), [128](#))

### **Article 156. Infringement of inviolability of the private life**

156.1. Illegal collecting, *dissemination* of information on private life of individual, being personal or family secret of the person, *as well as the sale or transfer of documents, video- and photography materials, sound recording, containing such information to third person* —

- is punishable by fine of *one thousand to two thousand manats*, or by public works for the term *from two hundred forty to four hundred eighty hours*, or by corrective work for the term of up to one year.

156.2. *The same acts committed:*

156.2.1. *by an official with use of his official position;*

156.2.2. *using unmanned aerial vehicle, controlled from a distance* —



is punishable *by restraint of freedom*([see](#)) *for the term up to two years, or imprisonment for the term of up to two years with deprivation of the right to hold the certain position or to engage in the certain activities for the term of up to three years or without it.* ([1](#), [23](#), [45](#), [56](#), [82](#), [112](#), [128](#), [131](#))

#### **Article 157. Infringement of dwelling inviolability**

157.1. Penetration into a dwelling accomplished without the grounds, provided for by laws of the Republic of Azerbaijan, and against will of the person living in it—

- is punishable by fine of *one thousand to two thousand manats*, or by public works for the term *from two hundred forty to four hundred eighty hours*, or by corrective works for the term of up to one year.

157.2. The same action committed with application of violence or with threat of its application—

- is punishable by corrective works for the term of up to two years, or *restraint of freedom*([see](#)) *for the term up to one year, or imprisonment for the term up to one year.*

157.3. The actions provided for by articles 157.1 or 157.2 of the present Code, committed by the official with use of the service position—

- is punishable *by restraint of freedom* ([see](#)) *for the term up to two years or imprisonment for the term of up to two years with deprivation of the right to hold the certain position or to engage in the certain activities for the term of up to three years.* ([1](#), [45](#), [82](#), [128](#), [131](#))

#### **Article 158. Infringement of buildings (rooms) inviolability of legal persons**

158.1. Penetration into the buildings (room) which are the property of legal persons, or rented by them, without the grounds provided for by laws of the Republic of Azerbaijan—

- is punishable by fine of *one thousand to two thousand manats*, or by public works for the term *from three hundred sixty to four hundred eighty hours*, or by corrective works for the term of up to one year.

158.2. The same action committed with application of violence or with threat of its application—

- is punishable by corrective works for the term of up to two years or *restraint of freedom* ([see](#)) *for the term up to one year, or imprisonment for the term up to one year.*

158.3. The actions provided for by articles 158.1 or 158.2 of the present Code, committed by the official with use of the service position—

- is punishable by *restraint of freedom*([see](#)) *for the term up to two years, or imprisonment for the term of up to two years with deprivation of the right to hold*

the certain positions or to engage in the certain activities for the term of up to three years. ([1](#), [45](#), [82](#), [128](#), [131](#))

**Article 159. Obstruction for exercise the electoral rights (participation in referendum)**

*159.1. Obstruction for exercise of electoral rights (participation in referendum) of citizen*

-

- *is punishable by the penalty at the rate from one thousand five hundred to two thousand manats or by public works from three hundred to four hundred eighty hours, or by deprivation of liberty for a period up to six months.*

*159.2. Forcing a citizen to sign in support of a candidate or hindering the collection of signatures in support of a candidate -*

- *is punishable by the penalty at the rate from two thousand to four thousand manats, or by public works from four hundred to four hundred eighty hours, or by deprivation of liberty for a period of up to one year.*

*159.3. Forcing a citizen to vote against his will or hindering his vote -*

- *is punishable by the penalty at the rate from two thousand five hundred to five thousand manats, or by public works from four hundred to four hundred eighty hours, or by deprivation of liberty for a period of up to two years.*

*159.4. When making actions stipulated under articles 159.1-159.3 of the present Code:*

*159.4.1. by the way of subordination, deception, threats, violence or threats of violence;*

*159.4.2. by the group of persons deliberately entered into a conspiracy or by organized group;*

*159.4.3. by using by an official person of his official position, -*

- *is punishable with a penalty at the rate from five thousand to eight thousand manats, or by deprivation of the right to occupy certain position or to exercise certain activities for a period of up to three years or without deprivation of such right by deprivation of liberty for a period of up to three years. ([1](#), [12](#), [45](#), [82](#), [128](#))*

**Article 159-1. Violation of the rules of participation in elections (in referendum)**

*159-1.1. Interference into the electoral campaigns (referendum campaigns) of candidates, parties, blocks of political parties or their disruption -*

- *is punishable by the penalty at the rate from two thousand to four thousand manats, or by public works from four hundred to four hundred eighty hours, or by deprivation of liberty for a period of up to one year.*

*159-1.2 Impeding for conduct of pre-election (pre-referendum) mass activities -*

- *is punishable by the penalty at the rate from three thousand to six thousand manats, or by public works from four hundred to four hundred eighty hours, or by deprivation of liberty for a period of up to one year.*

*159-1.3. Creation of conditions for voting on elections (referendum) instead of others -*

- *is punishable by the penalty at the rate from three thousand to six thousand manats or by corrective works for a period up to two years, or by deprivation of liberty for the same period. ([15](#), [45](#), [82](#), [128](#))*

***Article 160. Interference into the work of election commissions (referendum commissions) or influence on them***

*160.1. Interference into the work of the election commissions (referendum commissions) or influence on it or interference in the activity of election commission member associated with the performance of his duties —*

- *is punishable by fine from two thousand to three thousand manats, or by public works for the term from three hundred to four hundred eighty hours, or by corrective works for the term up to one year.*

*160.2. The same action:*

*160.2.1. committed to a payoff, a deceit, threat, application of violence or with threat of its application;*

*160.2.2. committed on preliminary arrangement by group of persons or the organized group;*

*160.2.3. committed by the official with use of the service position—*

- *is punishable by fine from four thousand to seven thousand manats, or by corrective works for the term up to two years, or restraint of freedom([see](#)) for the term up to three years, or imprisonment for the term up to two years. ([1](#), [12](#), [15](#), [45](#), [61](#), [82](#), [128](#), [131](#))*

***Article 161. Falsification of election documents (participation in referendum), a deliberately incorrect counting of votes or violation of the secrecy of voting***

*161.1. Falsification of electoral documents by the member of election Commission (participation in referendum) or presenting of fictitious documents to them, deliberately incorrect counting of votes, incorrect determination of voting results or violation of the secrecy of voting -*

- *is punishable by the penalty at a rate of from two thousand five hundred to five thousand manats or corrective works for the term up to two years.*

*161.2 Falsification of voting documents by other persons, provision of fictitious documents, vote instead of others, dropping envelope with more than one ballot into the ballot box by one person -*

- is punishable by the penalty at a rate *from two thousand five hundred to five thousand manats* or corrective works for the term up to one year. ([1](#), [12](#), [45](#), [128](#))

## **Article 162. Infringement of a labor safety rules**

162.1. Infringement of safety precautions regulations or other rules of labor safeties committed by a person, to whom these rules are assigned, and as result brought to serious or minor serious harm to health of a person—

- is punishable by the penalty at a rate *from two thousand to three thousand manats*, or corrective works for the term up to two years, *or restraint of freedom*([see](#)) *for the term up to one year*, or imprisonment for the term about six months.

162.2. The same action, which on imprudence brought to death of a person—

- is punishable by imprisonment for the term up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to *three years* or without it.

162.3. Acts provided for in Article 162.1 of this Code, which caused by negligence the death of two or more persons—

- is punishable by imprisonment for the term from three to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([1](#), [45](#), [111](#), [128](#), [131](#))

## **Article 162-1. Involvement to perform any work (services) without labor contract entering into force**

162-1.1. Involving a large number of employees to perform any work (services) without entering the labor contract into legal force as prescribed by the Labor Code of the Republic of Azerbaijan -

- punishable by a fine at the rate of seven thousand to ten thousand manats, or corrective works for the term of up to two years, *or restraint of freedom*([see](#)) *for the term up to two years*, or imprisonment for a period of up to two years.

162-1.2. The same acts committed repeatedly -

- punishable by restraint of freedom([see](#)) for the term up to three years, or imprisonment for a period of three to seven years.

### **Note:**

1. A “large number” in this article means ten or more employees.

2. A person who committed an act provided for in Article 162-1.1 of this Code shall be released from criminal liability if he has entered into an employment contract with his employees in accordance with the procedure established by the Labor Code of the Republic of Azerbaijan and has fully paid taxes and contributions to the state budget on compulsory state social insurance, from payment of which he evaded.

3. A person shall be released from criminal responsibility in the manner provided for in paragraph 2 of this "Note" only once. ([87](#), [131](#))

#### **Article 163. Impending journalists in their legal professional activities**

163.1. Impending journalists in their legal professional activities by forcing them to disseminate or refuse to disseminate information, with use of violence or with threat of its application—

- is punishable by the penalty at a rate of from *five hundred to one thousand manats* or corrective works for the term up to one year.

163.2. The same act committed by official with use of the service position—

- is punishable by corrective works for the term up to two years or with imprisonment for the term up to one year with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([1](#), [45](#), [128](#))

#### **Article 164. Infringement of labor rights of a pregnant woman or woman who has children at age of three, *men, independently raising the child under three years***

Unreasonable cancellation of labor contract with a woman on motives of her pregnancy or at presence of a child at age of three which depends on her, *as well as with man, independently raising the child under three years* —

- is punishable by the penalty at a rate of from *two thousand to three thousand manats*. ([1](#), [45](#), [54](#), [128](#))

#### **Article 165. Infringement of author's or adjacent rights**

165.1. Illegal use of author's or adjacent rights objects, that is edition under a name or different way in assignment of authorship of another's scientific, literary, art or other product, its illegal reprinting or distribution, as well as compulsion to co-authorship and as a result of these acts damage caused was in significant size—

- is punishable by the penalty at a rate from *one thousand to two thousand manats* or public works for the term from *three hundred twenty to four hundred eighty hours*.

165.2. The same acts committed:

165.2.1. repeatedly;

165.2.2. on preliminary arrangement by group of persons and by organized group—

- is punishable by the penalty at a rate from *two thousand to four thousand manats or restraint of freedom ([see](#)) for the term up to two years* or imprisonment for the term up to two years ~~with confiscation of property~~.

**Note:** In articles 165-166 of this Code under «significant damage» means the sum exceeding one thousand manats. ([1](#), [45](#), [49](#), [69](#), [82](#), [111](#), [128](#), [131](#))

**Article 165-1. Infringement of the exclusive right of use of the topography of integrated circuits**

*165-1.1. Making copy of integrated circuits topology in any form, as well as by the way of including it in whole, or in any part thereof into an integrated circuit, except for removal of non-original part of topology of the integrated circuit, and application, delivery, offer for sale, sale of topology or an integrated circuit consisting of this topology, or their introduction into the economic turnover in another form, without permission of the author or another owner of rights in case, if significant damage is caused as a result of these actions -*

- *is punishable by a the penalty at a rate from one thousand to two thousand manats or by public works for the period from three hundred twenty to four hundred eighty hours.*

*165-1.2. The same actions:*

*165-1.2.1. when making repeatedly;*

*165-1.2.2. when making by a group of individuals, entered into a preliminary conspiracy, or by an organized group -*

- *are punishable by a the penalty at a rate from two thousand to four thousand manats, or corrective works for the term of up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.*

~~*Note: In the article 165-1.1 of the present Code, under the words "significant damage" means damage in size exceeding one thousand manats. ([14](#), [45](#), [82](#), [111](#), [128](#), [131](#))*~~

**Article 165-2. The violation of requirements on use of folklore expressions**

*165-2.1. Violation of requirements on use of folklore expressions, if these acts caused damages in significant amount -*

- *is punishable by a the penalty ~~with confiscation of property~~ at a rate from one thousand to two thousand manats or by public works for the period from three hundred twenty up to four hundred eighty hours.*

*165-2.2. The same acts committed:*

*165-2.2.1. repeatedly;*

*165-2.2.2. by a group of persons upon a preliminary conspiracy or by an organized group -*

- *are punishable by a the penalty ~~with confiscation of property~~ at a rate from two thousand to four thousand manats, or corrective works for the term of up to two*

years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.

~~Note: In this article, the words "significant damage" refers to the amount exceeding one thousand manats. ([16](#), [45](#), [69](#), [82](#), [111](#), [128](#), [131](#))~~

### **Article 165-3. Illegal use of information packets**

*165-3.1. Illegal use of information packets, if these acts caused damage in the significant amount-*

- *is punishable by a the penalty at a rate from one thousand to two thousand manats, ~~with confiscation of property~~ or public works for the period from three hundred twenty to four hundred eighty hours.*

*165-3.2. The same acts committed:*

*165-3.2.1. repeatedly;*

*165-3.2.2. by a group of persons upon a preliminary conspiracy or by an organized group, -*

- *are punishable by a the penalty at a rate from two thousand to four thousand manats, or corrective works for the term of up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.*

~~Note: "Significant amount" in this article refers to the sum of over one thousand manats. ([22](#), [45](#), [69](#), [82](#), [111](#), [128](#), [131](#))~~

### **Article 166. Infringement voting and patent rights**

*166.1. Infringement voting and patent rights, is illegal use of invention or efficiency proposal, disclosure without well of author of essence of invention and efficiency proposal before official publication of data on them, assignment of authorship, compulsion to co-authorship and as a result of these acts the damage caused was in significant size—*

- *is punishable by the penalty at a rate from one thousand to two thousand manats or public works for the term from three hundred twenty to four hundred eighty hours.*

*166.2. The same acts committed:*

*166.2.1. repeatedly;*

*166.2.2. on preliminary arrangement by group of persons and by organized group—*

- *is punishable by the penalty at a rate of from two thousand to four thousand manats, or corrective works for the term of up to two years, or restraint of*



freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years. ([1](#), [45](#), [82](#), [128](#), [131](#))

## **Article 167. Impending implementation of religious activities**

Illegal impedance in implementation of religious activities—

- is punishable by the penalty at a rate from *one thousand up to two thousand manats*, or public works for the term from *three hundred twenty up to four hundred eighty hours*, or corrective works for the term up to one year. ([1](#), [45](#), [66](#), [82](#))

### **Article 167-1. Forcing to confession or financing of committing these acts on the grounds of religious animosity, religious radicalism or religious fanaticism**

*167-1.1. Forcing a person to confess any religion (religious movement), including the implementation of religious rites and ceremonies, or participate in religious rites and ceremonies, as well as to get religious education-*

- *is punishable by the penalty at the rate of three thousand to five thousand manats, or correctional labor for up to two years, or imprisonment for up to two years.*

*167-1.2. Forcing a person to membership in a religious structure or prevent the person from exiting the religious structure, which a member he is*

- *is punishable by the penalty at the rate of three thousand to five thousand manats, or corrective labor for a period of up to two years, or imprisonment for a period of up to two years.*

*167-1.3. Acts stipulated for in the Articles 167-1.1 or 167-1.2 of the Code committed:*

*167-1.3.1. against a minor;*

*167-1.3.2. a group of persons by previous concert or by an organized group;*

*167-1.3.3. using official his official position -*

- *is punishable by the penalty at the rate of seven thousand to nine thousand manats or imprisonment for a period of two to five years.*

*167-1.4. The acts, provided for in Article 167-1.1 of this Code, committed on the grounds of religious animosity, religious radicalism and religious fanaticism -*

- *shall be punishable by the penalty of seven thousand to nine thousand manats, or imprisonment for a term of two to five years.*

*167-1.5. Financing of the commission of acts provided for in Article 167-1.1 of this Code, on the grounds of religious animosity, religious radicalism and religious fanaticism -*

- *shall be punishable by imprisonment for a term of two to five years. ([51](#), [66](#), [116](#))*



**Article 167-2. *Illegal production, import, sale or distribution of literature, religious objects and other informational materials of religious content***

*167-2.1. Production, import with the purpose of sale or distribution, sale or distribution of literature, religious objects and other informational materials of religious content without relevant permission -*

- *is punishable by the penalty in size from five thousand to seven thousand manats or by deprivation of liberty for the period up to two years.*

*167-2.2. The same acts:*

*167-2.2.1. committed by a group of persons upon a preliminary conspiracy or by an organized group;*

*167-2.2.2. committed more than once;*

*167-2.2.3. committed by an official using his official position, -*

- *are punishable by a fine in size from seven thousand to nine thousand manats or by deprivation of liberty for the period from two to five years. ([66](#), [84](#))*

**167-3. *Manufacture, storage, distribution of religious extremist materials or the financing of these acts***

*167-3.1. Manufacture, storage or distribution of religious extremist materials, i.e. materials calling for the implementation of religious extremist activities or justifying such activity, either justifying the need for such activities -*

- *shall be punishable by the penalty of eight thousand to ten thousand manats, or imprisonment for a term of two to five years.*

*167-3.2. Financing of actions provided for in Article 167-3.1 of this Code -*

- *shall be punishable by imprisonment for a term of two to five years. ([116](#))*

**Article 168. *Encroachment of citizens rights on pretext of commitment of religious activities***

*168.1. Creation of group which are carrying out activity under pretext of distribution of religious faiths and implementation of religious activities and by this illegally interfere in social order, or harming health of citizens or breaking rights of citizens irrespective form infringement, and also distracting citizens from performance of duties provided by the law and as well as a management of such group or participation in it—*

- *is punishable by the penalty at a rate from seven thousand to nine thousand manats or imprisonment for the term up to two years.*

*168.2. Involving minors in commitment of the acts provided in article 168.1 of the present Code—*

- is punishable by corrective works for the term up to two years or imprisonment for the term up to three years. ([1](#), [45](#), [66](#))

**Article 168-1. Violation of the requirements of conducting religious propaganda, religious ceremonies and rituals**

*168-1.1. Conducting ceremonies and rituals pertaining to Islam by a citizen of the Republic of Azerbaijan, received religious education abroad, without consent of the relevant executive authority in the manner prescribed by the Law of the Republic of Azerbaijan "On freedom of religion" –*

- *is punishable by the penalty at the rate from two thousand to five thousand manats or imprisonment for up to one year.*

*168-1.2. Engaging in religious propaganda by a foreigner or a stateless person, except for religious figures, invited by the religious center -*

- *is punishable by imprisonment for the term from one year to two years.*

*168-1.3. The acts provided by articles 168-1.1 and 168-1.2 of this Code:*

*168-1.3.1. committed repeatedly;*

*168-1.3.2. committed by a group of persons in prior collusion or by an organized group -*

- *is punishable by imprisonment for the term from two to five years. ([105](#), [133](#))*

**Article 169. Infringement of rules on implementing meetings**

169.1. The organization, implementation or participation in assemblies, in the cases forbidden by the law, which brought to essential infringement of rights and legitimate interests of citizens—

- is punishable by the penalty at a rate from *five thousand up to eight thousand manats*, or corrective works for the term up to two years, *or restraint of freedom ([see](#)) for the term up to two years*, or imprisonment for the term up to two years.

169.2. Carrying by participants of assembly during its implementation fire or a cold steel or explosives and devices, as well as other substances and subjects representing danger to life and health of associates—

- is punishable by the penalty at a rate from *five thousand up to eight thousand manats*, ~~or restriction of freedom for the term up to one year, or corrective works for the term up to one year~~, *or restraint of freedom ([see](#)) for the term up to three years*, or imprisonment for the term up to three years. ([1](#), [45](#), [61](#), [73](#), [131](#))

**Article 169-1. Forcing to membership in political party**

*167-2.1. Forcing to join political party or stay its member -*

- *punishable by a fine at the rate of one thousand to three thousand manats, or corrective labor for a period of up to two years, or imprisonment for a period of up to two years. (75)*

## **Chapter 22. Crime against minors and family relations**

### **Article 170. Involving of minor to criminal activity**

170.1. Involving of minor to criminal activity by a deceit, promises, threats, committed by a person who has reached of age 18—

- is punishable by imprisonment for the term up to three years.

170.2. The same act committed by a person, obliged to bring up a minor—

- is punishable by imprisonment for the term from three up to five years.

170.3. The acts provided by articles 170.1 or 170.2 of the present Code, committed with application of violence or with threat of its application, as well as involving minor in criminal group or in commitment minor serious or serious crime—

- is punishable by imprisonment for the term from five up to ten years.

### **Article 171. Involving of minor to prostitution, or commitment of immoral actions**

171.1. Involving of minor to prostitution or commitment of other immoral actions—

- is punishable by imprisonment for the term from three up to six years.

171.2. The same act committed:

171.2.1. with application of violence or with threat of its application;

171.2.2. by organized group;

*171.2.3. by parents of a minor or other persons, legally responsible for the upbringing of a minor, or by a teacher or other employee of an educational, medical or other institutions entrusted with the responsibility of supervision of adults -*

- is punishable by imprisonment for the term from four up to eight years. (99)

### **Article 171-1. Child pornography turnover**

*171-1.1. Distribution, advertising, sale, transfer to others, sending, offer, creating conditions for acquisition or manufacture, acquisition or possession with intent to distribute or advertise child pornography -*

- *punishable by a fine in the amount of eight thousand to ten thousand manats or imprisonment for a period of up to five years.*

*171-1.2. The same acts committed:*

*171-1.2.1. repeatedly;*

*171-1.2.2. by a group of persons by previous concert, an organized group or criminal community (organization);*

*171-1.2.3. to yield significant income;*

*171-1.2.4. by the parents of the minor or other persons assigned with a duty of education of the minor by law, or by a teacher or other employee of an educational, fostering, medical or other institution responsible for watching the minors;*

*171-1.2.5. against a person under the age of fourteen which is known to the guilty;*

- *punishable by imprisonment for a period of five to eight years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

**Note:**

1. “Child pornography” for the purposes of the Article 171-1 of the Code means any items or materials that reflect participation of the minor or person creating an image of a minor, in real or simulated activities of explicitly sexual nature or reflect the genitals of minors for sexual purposes including realistic images that reflect the minor participating in explicit sexual acts.

2. “In significant amount” words in the Article 171-1.2.3 of the Code mean a sum over thousand manats. ([70](#), [99](#), [128](#))

## **Article 172. Substitution of another's child**

Substitution of another's child in medical institutions, committed on self-interest, revenge or in other illegal circumstances by person to whose duties assigned protection of child or care of him—

- is punishable by imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

## **Article 173. Sale of minors**

~~173.1. Sale and purchase of minor or commitment of other bargains concerning minor or connected with his transfer to another, or owning him—~~

- ~~▪ is punishable by imprisonment for the term up to three years.~~

~~173.2. The same acts committed:~~

~~173.2.1. repeatedly;~~

~~173.2.2. concerning two or more minors;~~

~~173.2.3. on preliminary arrangement by group of persons or organized group;~~

~~173.2.4. by guilty person with use of service position;~~

~~173.2.5. with illegal export of minor out of territory of the Republic of Azerbaijan or illegal import of minor on territory of the Republic of Azerbaijan;~~

~~173.2.6. with a view of use of body organ or tissues of a minor—~~

~~▪ is punishable by imprisonment for the term from three up to eight years.~~

~~173.3. The acts, provided by articles 173.1 and 173.2 of the present Codes, on imprudence entailed to death of the minor or other heavy consequences—~~

▪ is punishable by imprisonment for the term from eight up to twelve years. (25)

## **Article 174. Illegal adoption**

Illegal actions on adoption children, their transfer under supervision (guardianship), to host families committed from mercenary prompting—

▪ is punishable by the penalty at a rate from *one thousand five hundred to two thousand manats*, or corrective works for the term up to one year, or with imprisonment for the term of about six months with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. (1, 3, 45, 128)

## **Article 175. Disclosure of secret on adoption**

Disclosure of secret on adoption against to adopter's will, committed by the person, who is obliged to keep fact of adoption in accordance to his service or professional position, or other person from self-interest, revenge or other low prompting—

▪ is punishable by the penalty at a rate from *one thousand five hundred to two thousand manats*, or public works for the term from *three hundred twenty to four hundred eighty hours*, or corrective works for the term up to one year, or with imprisonment for the term of about six months with deprivation of the right to hold certain posts or to engage in the certain activities for the term up to three years or without it. (1, 45, 82, 128)

## **~~Article 176. Malicious evasion from rendering assistance to children or parents~~**

~~176.1. Malicious evasion of able-bodied and working parents from payment of means for the maintenance of minor child (children), as well as the invalid children who have reached full age on decision of court—~~

~~▪ is punishable by the penalty at a rate of from hundred up to five hundred of *nominal financial unit*, or public works for the term from hundred ninety till two hundred forty hours, or corrective works for the term up to one year, or imprisonment for the term about six months.~~

~~176.2. Malicious evasion of able-bodied and working child (children) from payment of means for the maintenance of invalid parents on decision of court —~~

- ~~▪ is punishable by the penalty at a rate of up to five hundred of nominal financial unit or imprisonment for the term of about six months. ([1](#), [45](#), [76](#))~~

#### **Article 176-1. Forcing of a woman to enter into marriage**

*176-1.1. Forcing of a woman to enter into marriage —*

- is punishable by fine in size from two thousand to three thousand manats or by deprivation of liberty for a period up to two years.*

*176-1.2. The same acts committed against the person who have not achieved the legal age for marriage —*

- is punishable by fine in size from three thousand to four thousand manats or by deprivation of liberty for a period up to four years. ([67](#))*

### **Section IX. Crimes in economic sphere**

#### **Chapter 23. Crimes against the property**

##### **Article 177. Theft**

*177.1. Theft that is secret plunders of another persons property—*

- is punishable by public works for a period of three hundred sixty to four hundred eighty hours, or corrective works up to two years, or by restraint of freedom ([see](#)) for up to two years, or by imprisonment for up to two years*

*177.2. The same act committed:*

*177.2.1. on preliminary arrangement by group of persons;*

*177.2.2. repeatedly;*

*177.2.3. with illegal penetration into dwelling, a premise, warehouse or other storehouse;*

*177.2.3-1. using electronic information media or information technology;*

*177.2.3-2. in relation to oil pipelines, natural gas lines, communication, electricity, heat, water, sewer, railway lines of the state or public importance;*

*177.2.4. with causing damage in the significant size;*

*177.2.5. from clothes, pocket, handbag or other hand luggage of injured —*

- is punishable by restraint of freedom ([see](#)) for a period of one to three years, or imprisonment for a term of two to five years.*

177.3. The acts, *stipulated by Articles 177.1 and 177.2 of this Code*, committed:

177.3.1. by organized group;

177.3.2. with causing damage in large scale—

~~177.3.3. by person, who have been sentenced two or more times for plunder or extortion—~~

- is punishable by imprisonment for the term from *five to ten years* ~~with confiscation of property or without it.~~

177.4. The acts, *stipulated by Articles 177.1-177.3 of this Code*, committed with causing especially large damage:

- are punishable by imprisonment for the term from ten to fourteen years.

**Note:**

1. The liability provided for in Articles 177.1, 178.1 and 179.1 of this Code arises in the event of damage to the owner or other owner of property in excess of five hundred manats, but not more than five thousand manats. The liability provided for in Articles 177.2.1-177.2.3-2, 177.2.5 and 177.3.1 of this Code arises in the event of damage to the owner or other owner of property in excess of one hundred manats.

2. In articles 177-182, 185-187 and 189-1 of this Code, "significant" means more than five thousand manats, but not more than fifty thousand manat, "large" means the amount of more than fifty thousand manat, but not more than five hundred thousand manats, "especially large" - the sum over five hundred thousand manats.

3. Commitment of any of the crimes provided for in Articles 177-183 of this Code by a person who committed one or more of the crimes provided for in articles 177-183, as well as 213-3, 217, 227, 232 and 235 of this Code (except for cases provided for in Article 16.3 of this Code) shall be considered as repeated. ([1](#), [3](#), [33](#), [36](#), [45](#), [69](#), [79](#), [82](#), [111](#), [128](#), [131](#))

**Article 178. Swindle**

178.1. Swindle, that is maintaining another persons property or buying another persons property by a deceit or breach of confidence—

- is punishable by the penalty at a rate from *one thousand to two thousand manats*, or public works for the term from *three hundred sixty to four hundred eighty hours*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) for the term up to two years, or imprisonment for the term up to two years.

178.2. The same act committed:

178.2.1. on preliminary arrangement by group of persons;

178.2.2. repeatedly;

178.2.3. by person with use of service position;

178.2.4. with causing damage in the significant size—

- is punishable by the penalty at a rate of from *four thousand to seven thousand manats, or restraint of freedom ([see](#)) for a period of one to three years, or imprisonment for the term from two up to five years* ~~with confiscation of property or without it.~~

178.3. The acts, *envisaged by Articles 178.1 or 178.2 of this Code*, committed:

178.3.1. by organized group;

178.3.2. with causing damage in the large scale—

~~178.3.3. by person, who has been convicted two or more times for plunder or extortion—~~

- is punishable by imprisonment for the term from *five up to ten years* ~~with confiscation of property or without it.~~

178.4. The acts, *stipulated by Articles 178.1-178.3 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from ten to fourteen years.* ([1](#), [45](#), [69](#), [82](#), [128](#), [131](#))

## **Article 179. Assignment or waste**

179.1. Assignment or waste, that is plunder of property entrusted to guilty by another person—

- is punishable by the penalty at a rate *from one thousand to two thousand manats, or public works for the term from three hundred sixty up to four hundred eighty hours, or corrective works for the term up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.*

179.2. The same acts committed:

179.2.1. on preliminary arrangement by group of persons;

179.2.2. repeatedly;

179.2.3. by person with use of service position;

179.2.4. with causing of damage in significant size—

- is punishable by the penalty at a rate *from four thousand up to seven thousand manats, or restraint of freedom ([see](#)) for the term from one up to three years, or imprisonment for the term from two up to five years* ~~with confiscation of property or without it.~~



179.3. The acts, provided by articles 179.1 or 179.2 of the present Code, committed:

179.3.1. by organized group;

179.3.2. in large scale—

~~179.3.3. by person, who has been convicted earlier two or more times for plunder or extortion—~~

- is punishable by imprisonment for the term *from five up to ten years* ~~with confiscation of property or without it.~~

*179.4. The acts, stipulated by Articles 179.1-179.3 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from ten to fourteen years.* ([1](#), [45](#), [69](#), [82](#), [128](#), [131](#))

## **Article 180. Robbery**

180.1. The robbery, that is plunder of other person's property—

- is punishable by *restraint of freedom* ([see](#)) *for the term up to three years* or imprisonment for the term up to three years.

180.2. The same act committed:

180.2.1. on preliminary arrangement by group of persons;

180.2.2. repeatedly;

180.2.3. with illegal penetration into dwelling, a premise, warehouse, or other storehouse;

180.2.4. with application of violence not dangerous to life or health;

180.2.5. with causing of damage to a victim in significant size—

- is punishable by imprisonment for the term from *three up to seven years* ~~with confiscation of property or without it.~~

180.3. The acts, *envisaged by Articles 180.1 or 180.2 of this Code*, committed:

180.3.1. by organized group;

180.3.2. with causing damage to victim in the large scale—

~~180.3.3. by person, who has been convicted two or more times for plunder or extortion—~~

- is punishable by imprisonment for the term from seven up to *twelve years* ~~with confiscation of property or without it.~~

*180.4. The acts, stipulated by Articles 180.1-180.3 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from twelve to fifteen years. ([69](#), [131](#))*

## **Article 181. Burglary**

181.1. Burglary, that is an attack with a view occupy another's property, committed with application of violence dangerous to life or health of a person, by attack, or with threat of application of such violence—

- *is punishable by imprisonment for the term from *four* up to eight years ~~with confiscation of property or without it.~~*

181.2. The same act committed:

181.2.1. on preliminary arrangement by group of persons;

181.2.2. repeatedly;

181.2.3. with illegal penetration into dwelling, premise, warehouse, or other storehouse;

*181.2.4. for the purpose to seize significant property;*

181.2.5. with application of weapon or subjects used as the weapon—

- *is punishable by imprisonment for the term from eight up to twelve years ~~with confiscation of property.~~*

181.3. The acts, *envisaged by Articles 181.1 or 181.2 of this Code*, committed:

*181.3.1. by organized group;*

*181.3.2. with a view to occupy large scale of property;*

*181.3.3. with causing heavy harm to health of the victim—*

~~*181.3.4. by person, who have been convicted earlier two or more times for plunder or extortion—*~~

- *is punishable by imprisonment for the term from ten up to fifteen years ~~with confiscation of property.~~*

*181.4. The acts, stipulated by Articles 181.1-181.3 of this Code, committed for the purpose of seizing particularly large property:*

- *are punishable by imprisonment for the term from fourteen to eighteen years. ([69](#), [131](#))*

## **Article 182. Extortion**

182.1. Extortion, is requirement to transfer another's property or right on property or commitment of other actions which is admitted as in property nature under threat of application of violence, distribution of data, dishonoring a victim or his close relatives, as well as by threat of destruction of property belonging to them—

- is punishable by ~~restriction of freedom for the term up to three years or imprisonment for the term from three up to five years.~~

182.2. The same act committed:

182.2.1. on preliminary arrangement by group of persons;

182.2.2. repeatedly;

182.2.3. with application of violence;

182.2.4. *with the purpose to seize property in significant amount -*

- is punishable by imprisonment for the term from five up to ten years ~~with confiscation of property or without it.~~

182.3. *The acts, envisaged by Articles 182.1 or 182.2 of this Code, committed:*

*182.3.1. by organized group;*

*182.3.2. with a purpose of occupying large scale of property;*

*182.3.3. with causing heavy harm to health of a victim—*

~~*182.3.4. by person, who have been convicted earlier two or more times for plunder or extortion—*~~

- *is punishable by imprisonment for the term from ten up to fifteen years with confiscation of property.*

182.4. *The acts, stipulated by Articles 182.1-182.3 of this Code, committed for the purpose of seizing particularly large property:*

- *are punishable by imprisonment for the term from thirteen to seventeen years. ([61](#), [69](#), [71](#), [131](#))*

## **Article 183. Plunder of subjects which have special value**

183.1. Plunder of subjects or documents having special historical, scientific, art or cultural value, irrespective of plunder way—

- is punishable by imprisonment for the term from five up to *seven* years ~~with confiscation of property or without it.~~

183.2. The same act committed:

183.2.1. on preliminary arrangement by group of persons or by organized group;

183.2.2. repeatedly;

183.2.3. entailed destruction, defacement or destruction of subjects or documents provided in article 183.1 of the present Code—

- is punishable by imprisonment for the term from eight up to fifteen years with confiscation of property. ([69](#), [131](#))

#### **Article 184. Causing property damage by a deceit or abuse of confidence**

~~184.1. Causing property damage to a proprietor or other owner of property in significant amount by a deceit or abuse of confidence at absence of attributes of plunder—~~

- ~~▪ is punishable by the penalty at a rate from two thousand to four thousand manats or correctional works for up to two years or imprisonment for up to two years.~~

~~184.2. The same act committed:~~

~~184.2.1. on preliminary arrangement by group of persons;~~

~~184.2.2. repeatedly;~~

~~184.2.3. with causing damage to the victim in the significant size—~~

- ~~▪ is punishable by the penalty at a rate from four thousand to six thousand manats or imprisonment for the term from two years up to four years.~~

~~184.3. The same act committed:~~

~~184.3.1. by organized group;~~

~~184.3.2. with a purpose to occupy large scale of property;~~

~~184.3.3. by person, who have been convicted earlier two or more times for plunder, extortion or causing damage to property by a deceit or abuse of confidence—~~

- ~~▪ is punishable by imprisonment for the term from three up to seven years with confiscation of property. ([1](#), [45](#), [69](#), [82](#), [111](#), [128](#), [131](#))~~

#### **Article 185. Illegal occupation of automobile or other vehicle without a purpose of plunder**

185.1. Illegal occupation of automobile or other vehicle without a purpose of plunder (stealing)—

- is punishable by the penalty at a rate from one thousand to two thousand manats or corrective works for the term up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.

185.2. The same act committed:

185.2.1. on preliminary arrangement by group of persons;

185.2.2. repeatedly;

185.2.3. with application of a violence not dangerous to life or health, or with threat of application of such violence;

185.2.4. with causing damage to a victim in the significant size—

- is punishable by *the penalty at a rate from three thousand to six thousand manats, or restraint of freedom (see) for the term from one up to three years, or imprisonment for the term from two up to five years.*

185.3. The acts, which are provided by articles 185.1 or 185.2 of the present Code, committed:

*185.3.1. by organized group;*

*185.3.2. with causing damage in the large scale;*

*185.3.3. with application of a violence dangerous to life or health, or with threat of application of such violence—*

- *is punishable by imprisonment for the term from five up to ten years*

*185.4. The acts, stipulated by Articles 185.1-185.3 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from ten to twelve years. ([61](#), [111](#), [128](#), [131](#))*

## **Article 186. Deliberate destruction or damage of property**

186.1. Deliberate destruction or damage of another's property which caused significant damage to a victim—

- is punishable by the penalty at a rate from *two thousand to four thousand manats, or restraint of freedom (see) for the term up to two years, or imprisonment for the term up to two years.*

186.2. The same acts committed:

*186.2.1. with causing damage to a victim in the large scale;*

*186.2.2. by an arson, explosion or other publicly dangers way or entailed heavy consequences—*

- are punishable by imprisonment for the term from three up to seven years.

*186.3. The acts, stipulated by Articles 186.1 and 186.2 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from seven to ten years. ([1](#), [45](#), [111](#), [128](#), [131](#))*

## **Article 187. Destruction or damage of property on imprudence**

187.1. Destruction or damage *due to careless handling of fire or other sources of increased danger* of another's property, causing damage to the victim in a significant size—

- is punishable by the penalty at a rate from *one thousand to two thousand manats*, or public works for the term *from three hundred sixty to four hundred eighty hours*, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to six months*, or imprisonment for the term of about six months.

187.2. The same acts ~~committed by not save handling of fire or by other sources of increased danger or with~~ causing of damage in the large scale—

- is punishable by the penalty at a rate from *two thousand to three thousand manats*, *or restraint of freedom ([see](#)) for the term up to one year*, or imprisonment for the term *up to one year*.

187.3. The acts, which are provided by article 187.1 of the present Code, entailed to heavy consequences—

- are punishable by corrective works for the term up to two years or imprisonment on the same term.

187.4. *The acts, stipulated by Articles 187.1 of this Code, committed with causing especially large damage:*

- *are punishable by restraint of freedom ([see](#)) for the term from one to three years, or imprisonment for the term from one to three years.*

~~**Note:** The person who has committed act, which is provided by articles 187.1–187.2 of the present Code, for the first time and completely compensated caused damage which was in result of commitment of a crime, shall be released from the criminal liability. ([1](#), [45](#), [82](#), [128](#), [131](#))~~

## **Article 188. Violation of the right of land ownership, use or lease**

188.1. *Unauthorized fencing, cultivation or change of land plot or unauthorized occupation of this land in other ways without the legal right of ownership, use or lease -*

- *is punishable by the penalty at a rate of eight thousand to ten thousand manats or imprisonment for a term not exceeding two years.*

188.2. *Unauthorized implementation of construction and installation work on the land without the legal right of ownership, use or lease -*

- *is punishable by imprisonment for a term of one to three years.*

188.3. *The acts provided by articles 188.1 and 188.2 of this Code, committed in respect of agricultural land -*

- *shall be punishable by imprisonment for a term of three to five years.*

*188.4. The acts provided by articles 188.1-188.3 of this Code:*

*188.4.1. committed repeatedly;*

*188.4.2. committed by a person using his official position -*

- *shall be punishable by imprisonment for a term of five to eight years. ([1](#), [45](#), [82](#), [103](#))*

#### **~~Article 189. Implementation of telephone conversations by illegal use of a telephone line~~**

~~189.1. Implementation of telephone conversations by illegal entry in communication line of telephone number belonging to subscriber, causing damage to a victim in the significant size—~~

- ~~is punishable by the penalty at a rate from *one thousand five hundred to two thousand manats*, or public works for the term *from two hundred forty to three hundred hours*, or corrective works for the term up to one year.~~

~~189.2. The same act causing damage to a victim in the large scale—~~

- ~~is punishable by the penalty at a rate from *two thousand to four thousand manats* or corrective works for the term up to two years. ([1](#), [45](#), [82](#), [128](#), [131](#))~~

#### ***189-1. Theft of natural gas, water, electricity or heat energy***

*189-1.1. Theft of resources by means of illegal connection to a natural gas network, water facilities, electric or thermal networks, if such actions caused significant losses -*

- *published by a fine at the rate of two to four thousand manats or corrective labor for a period of up to two years, or restraint of freedom ([see](#)) for a period of up to two years;*

*189-1.2. The same acts committed with causing significant losses*

- *punishable by a fine of four to six thousand manats, or restraint of freedom ([see](#)) for a period of one to two years, or imprisonment for a period of up to three years;*

*189-1.2-1. The acts, stipulated by Articles 189-1.1 of this Code, committed with causing especially large damage:*

- *are punishable by imprisonment for the term from three to seven years.*

*189-1.3. Failure to prevent acts under Articles 189-1.1, 189-1.2 or 189-1.2-1 of the Code, by an authorized representative of the natural gas, water, electricity or thermal energy supply enterprise, ~~who is not an officer~~, by reason of default of his duties or improper performance thereof due to dishonest or negligent attitudinal -*

- punishable by a fine at the rate of three to four thousand manats, or restraint of freedom ([see](#)) for a period of one to two years, or imprisonment for a period of two to four years;

189-1.4. Failure to prevent acts under Article 189-1.1, 189-1.2 or 189-1.2-1 of the Code, by an authorized representative of the natural gas, water, electricity or thermal energy supply enterprise, ~~who is not an officer~~, for reason of greed or other personal interests with abuse his official position, -

- punishable by a fine at the rate of four to six thousand manats, or restraint of freedom ([see](#)) for a period of two to five years, or imprisonment for a period of four to six years.

**Note:**

~~First-time offenders committed acts under Articles 189-1.1 or 189-1.2 of the Code, shall be exempt from criminal responsibility after full recovery of damages suffered as a result of the crime. ([33](#), [45](#), [61](#), [64](#), [91](#), [111](#), [128](#), [131](#))~~

## **Chapter 24. Crime in sphere of economic activities**

### **Article 190. Impending of legal enterprise activity**

190.1. Illegal refusal in registration of individual businessman or commercial organization or evasion from their registration, illegal refusal in distribution of special sanction (license) for implementation of certain activity or evasion from its distribution, restriction of rights and legitimate interests of individual businessman or commercial organization irrespective of the organizational - legal form or pattern of ownership, as well as restriction of independence or other illegal intervention in activity of individual businessman or commercial organization if these acts are accomplished by official with use of service position—

- is punishable by the penalty at a rate of *two thousand to four thousand manats* or corrective works for the term up to one year.

190.2. The same acts committed ~~in infringement of a judgment which has entered into validity, as well as~~ causing damage in the large scale—

- is punishable by the penalty at a rate *from twice to four times of the amount of damage, caused as a result of a crime* or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to two years.

**Note:** The "significant scale" in Articles 192.1, 192-1.1, 192-1.2, 193.1, 194.1-1, 195.1, 195-1.1, 195-1.2, 195-2.1, 196.1, 197.1, 198.1, 200-2.1, 201-1.1, 203.1, 204.2, 205-2.1, 210.1, 211.1 and 212.1 of this Code means the amount of more than twenty thousand manats, but not exceeding one hundred thousand manat, "large-scale amount" in Articles 190.2, 192-1.3.2, 194.2.4, 195.2, 195-1.3, 195-2.2, 196.2, 197.2, 198.2, 200-2.3, 201-1.2, 202.2, 202-1.2, 202-2.1, 203.2, 203-1.1, 204.3.2, 205.2.3, 205-2.2.3, 210.2, 211.2 and 212.2 means the amount of over one hundred thousand manat, "large-scale" in articles 192.2.1, 192.2.2, 193.2.1 and 193.2.2 means more than one hundred thousand manats, but not more than five hundred thousand manats, "extra large-scale" in articles 192.3.1,



*192.3 .2, 193.3.1 and 193.3.2 means more than five hundred thousand manats. ([1](#), [29](#), [45](#), [65](#), [80](#), [98](#), [111](#), [125](#), [128](#), [131](#), [132](#))*

## **Article 191. Registration of illegal land bargains**

Registration of illegal land bargains which was obvious, distortion of registration data of the State land cadastre, as well as deliberate understating of payments amount for land, which was committed on mercenary or other personal interest by official with use of service position—

- is punishable by the penalty at a rate of up to *five hundred manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to two years, or corrective works for the term up to two years. ([1](#), [45](#), [128](#))

## **Article 192. Illegal business**

192.1. Implementation of business activity without registration (*tax registration*) in the order provided by the legislation of the Republic of Azerbaijan, or without special sanction (license) in cases when such sanction (license) is mandatory, or with infringement of conditions of licensing, *or using items without a special permit, the civil circulation of which is restricted*, if this deed caused damage to citizens, organizations or state in the significant size, *as well as committed with extraction of income in the significant size*—

- is punishable *by the penalty equivalent from two to four times of the amount of damage, caused as a result of crime (gained income), or restraint of freedom ([see](#)) for the term up to six months*, or imprisonment for the term up to six months.

192.2. The same act committed:

*192.2.1. causing damage in the large scale;*

*192.2.2 with extraction of income in the large scale;*

*192.2.3. by organized group—*

- is punishable *by the penalty at a rate from threefold to fivefold amount of damage, caused as a result of crime (gained income), or restraint of freedom ([see](#)) for the term up to three years*, or imprisonment for the term *from one up to five years*.

192.3. Acts, provided by Articles 192.1 and 192.2 of this Code:

*192.3.1. committed with causing extra large-scale damage;*

*192.3.2. committed with gaining an extra large-scale income -*

- *are punishable by the penalty in fourfold amount of damage, caused as a result of crime (gained income) or by imprisonment for a term of five to seven years with or without deprivation of the*

*right to hold certain positions or engage in certain activities for up to three years.*

~~**Note:** A person who has committed an act, provided by article 192.1 of the present Code, shall be exempt from criminal liability if he has completely compensated the damage caused as a result of the crime or completely transferred to the state budget income received as a result of the crime. ([1](#), [2](#), [19](#), [35](#), [45](#), [61](#), [111](#), [131](#))~~

#### **Article 192-1. Illegal organization or holding of lotteries and sports betting**

*192-1.1. Organization or conduct of lotteries (with the exception of stimulating lotteries) by unauthorized persons, if these actions caused significant damage to citizens, organizations or the government, as well as committed with the receipt of income in the large scale-*

- *is punishable by a fine from two to four times of the amount of damage, caused as a result of the crime (obtained income) or by deprivation of liberty for the period up to one year.*

*192-1.2. Organization or carrying out of sports betting without accreditation in the manner prescribed by law, if these actions caused significant damage to citizens, organizations or the state, as well as committed with the receipt of income in the large scale-*

- *is punishable by a fine from two to four times of the amount of damage, caused as a result of the crime (obtained income) or by deprivation of liberty for the period up to one year*

*192-1.3. The acts stipulated by articles 192-1 .1 or 192-1 .2 of this Code:*

*192-1.3.1. committed more than once;*

*192-1.3.2. committed with cause of major damage to, or receipt of income in the large scale;*

*192-1.3.3. committed by an organized group or criminal association (criminal organization)*

- *are punishable by a fine in three-five times amount of damage caused as a result of crime (obtained income) or by deprivation of liberty for the period one to five years. ([65](#), [111](#))*

#### **Article 192-2. The manipulation of sports competitions**

*192-2.1. The offer, promise or provision of material and other benefits, advantages or privileges to athlete, sports referee, coach, sponsor or any other person, directly or indirectly, personally or through an agent, directly to him/her or to third parties in order to manipulate sports competitions -*

- *is punishable by a fine of three thousand to five thousand manats, or imprisonment for a term of three to six years.*

*192-2.2. Claim or receipt of material and other benefits, advantages or privileges by the athlete, sports referee, coach, sponsor or any other person, directly or indirectly, personally or through an agent, directly for themselves or for third parties, for any action (inaction) in order to manipulate sports competition or acceptance by them of an offer or assurances about this -*

- *is punishable by a fine of three thousand to five thousand manats, or imprisonment for a term of three to six years, with deprivation of the right to hold certain positions or engage in certain activity for up to three years or without it.*

*192-2.3. The acts provided by Articles 192-2.1 and 192-2.2 of this Code:*

*192-2.3.1. committed repeatedly;*

*192-2.3.2. committed by an organized group or criminal association (criminal organization) -*

- *is punishable by imprisonment for a term of six to eight years.*

*192-2.4. The use of violence or threat of violence against an athlete, sports referee, coach, sponsor or other person or their close relatives in order to manipulate sports competitions, or demand from them to perform or not to perform any action by the threat of compromising information about them or their close relatives, or the threat of destruction of their property or the property of their close relatives -*

- *is punishable by imprisonment for a term not exceeding three years.*

*192-2.5. The actions provided for in Article 192-2.4 of this Code, committed with application of violence dangerous to life or health -*

- *is punishable by imprisonment for a term of three to six years.*

**Note:**

*1. In Articles 192-2.1, 192-2.2 and 192-2.4 of this Code under the "manipulation of sports competitions" means an act (action or inaction), aimed at intentional changing the course or the result of sports competitions in order to obtain illegal benefits in favor of the person or other persons.*

*2. A person who commits an offense under Article 192-2.1 of this Code shall be exempted from criminal liability, if he/she voluntarily informed about it to the respective public authority or committed it because of the threat.*

*3. An official who commits an offense under Article 192-2.2 of this Code, in connection with the performance of its duties (powers), is subject to criminal liability under Article 311 of this Code. ([115](#))*

## **Article 193. Miss entrepreneurship**

**193.1.** Miss entrepreneurship, that is creation of enterprise or other legal person without intention to carry out the enterprise activity, implemented in order to receive credits, to be released from tax, or extraction of other property benefit or covering of forbidden

activity causing significant damage, as well as committed with extraction of income in a significant size—

- is punishable by the penalty from two to four times of the amount of damage, caused as a result of crime (gained income), or restraint of freedom ([see](#)) for the term up to six months, or imprisonment for the term up to six months.

*193.2. The same acts:*

*193.2.1. causing damage in the large amount;*

*193.2.2. committed with gaining a large-scale income;*

*193.2.3. committed by organized group—*

- is punishable by the penalty from three to five times of the amount of damage, caused as a result of crime (gained income), or restraint of freedom ([see](#)) for the term up to three years, or imprisonment for the term from one to five years.

*193.3. The acts, stipulated by Articles 193.1 and 193.2 of this Code:*

*193.3.1. committed with causing an extra large-scale damage;*

*193.3.2. committed with gaining an extract large-scale income --*

- are punishable by the penalty at rate of four times of the amount of damage, caused as a result of crime (gained income), or imprisonment for the term from five to seven years with or without deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years.

~~**Note:** A person who has committed an act provided by article 193.1 of the present Code for the first time, shall be exempt from criminal liability if he has completely compensated the damage caused as a result of the crime or completely transferred to the state budget income received as a result of the crime. ([1](#), [2](#), [45](#), [61](#), [111](#), [131](#))~~

### **Article 193-1. Legalization of money or other property obtained by crime**

*193-1.1. Legalization of funds or other property obtained by criminal way:*

*193-1.1.1. conversion or transfer of funds or other property knowingly obtained by criminal way, in order to conceal an actual source of obtaining of such funds or other property or to assist a person committed a crime to evade from responsibility, or financial transactions or other transactions using funds or other property, obtained by criminal way, for the same purpose;*

*193-1.1.2. harboring or concealing a true nature, source, location of funds or other property knowingly obtained by criminal way, their disposal, their movement, title to such funds or other property and themselves -*

- punishable by a fine at the rate of four to eight thousand manats, or imprisonment for a period of two to five years ~~with confiscation of property~~, deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without thereof.

193-1.2. The same acts committed by:

193-1.2.1. a group of persons by previous concert;

193-1.2.2. committed repeatedly;

193-1.2.3. committed by a person using his official position -

- punishable by imprisonment for a period of five to eight years ~~with confiscation of property~~, deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without thereof.

193-1.3. Acts stipulated for in Articles 193-1.1 or 193-1.2 of the Code:

193-1.3.1. Committed by an organized group or a criminal organization (criminal association);

193-1.3.2. committed in large amount -

- punishable by imprisonment for a period of seven to twelve years ~~with confiscation of property~~, deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years or without thereof.

**Note:** "large amount" in the Article 193-1.3.2 of this Code means an amount over forty-five thousand manats. ([29](#), [45](#), [55](#), [69](#), [128](#))

**Article 194. Acquisition of funds or other property knowingly obtained by criminal way, their possession, use and disposal**

194.1. Not promised in advance purchase ~~of significant amount~~ of funds or other property knowingly obtained by criminal way, their possession, use or disposal without concealing an actual source of their preparation -

- shall be punishable by a fine at the rate of three to six thousand manats, or restraint of freedom ([see](#)) for the term up to three years.

194.1-1. The same acts, committed in a significant amount -

- shall be punishable by a fine from twice to four times of the amount of damage (income) incurred as a result of a crime or imprisonment for a term up to three years.

194.2. The acts, which are provided by article 194.1 or 194.1-1 of the present Code, committed:

194.2.1. on preliminary arrangement by group of persons or organized group; 1

194.2.2. by official with use of the service position;

~~194.2.3. by person, who have been convicted earlier for this crime;~~

194.2.4. in the large amount-

- is punishable by imprisonment for the term from three up to seven years ~~with confiscation of property or without it.~~ ([1](#), [45](#), [55](#), [61](#), [69](#), [95](#), [111](#), [128](#), [131](#))

#### **Article 195. Illegal reception of a credit or use of it not to destination**

195.1. Reception by head of organization or individual businessman of a credit, credit on favorable terms, or state credit by representation of obviously false data on economic position or financial condition of organization or individual businessman, as well as use of the credit not to destination, which caused damage in significant size—

- is punishable by the penalty *from two to four times of the amount of damage, caused as a result of crime (gained income), or corrective works for the term up to two years, or restraint of freedom for the term up to three years ([see](#)) for the term of one year, or imprisonment for the term of two years.*

195.2. The same acts causing damage in the large scale—

- is punishable by the penalty *at a rate from threefold to fivefold amount of damage, caused as a result of crime (gained income), or restraint of freedom ([see](#)) for the term from one to three years, or imprisonment for the term from two up to five years.* ([1](#), [45](#), [61](#), [111](#), [131](#))

#### **Article 195-1. Violation of the rules of use of public debt or debt taken under the state guarantee**

*195-1.1. Late furnishing of information on use and refund (does not apply to the user) of funds raised through government loans or government guarantees, information on status of their bank accounts in accordance with the procedure established by legislation or furnishing distorted information by principal and repetitive borrowers, if it caused damage to the state in a significant amount -*

- *punishable by a fine at the rate from two to four times of the amount of damage, caused as a result of crime or imprisonment for a period of up to six months.*

*195-1.2. Non-use of funds raised by government or government-guaranteed loan obligations for their intended purpose if it caused damage to the state in a significant amount -*

- *punishable by a penalty at the rate from threefold to fivefold amount of the damage, caused as a result of crime or imprisonment for a period of one to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*195-1.3. Acts stipulated for in the Articles 195-1.1 and 195-1.2 of the Code that cause damage to the state in a significant amount -*

- *punishable by a penalty at the rate from fourfold to sixfold amount of the damage, caused as a result of crime or imprisonment for a period of two to three years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([50](#), [61](#), [111](#))*

## **Article 195-2. Violation of the procedure of internal and external borrowing**

*195-2.1. Raising of the foreign or domestic loan by state-owned legal entities without obtaining permission from the relevant executive authority, which caused significant damage to the state -*

- *punishable by a penalty at the rate of one to three times of the amount of damage caused as a result of the crime, or by restraint of freedom for up to two years, or by imprisonment for up to two years, with deprivation of the right to hold a certain position or engage in certain activities for up to three years.*

*195-2.2. The same acts, which entailed causing serious damage to the state -*

- *punishable by a penalty at the rate of three to five times of the amount of damage caused as a result of the crime, or by restraint of freedom for a period of two to four years, or by deprivation of liberty for a term of two to four years, with deprivation of the right to hold a certain position or engage in certain activities for up to three years.*
- **Note:** *in this article, "state-owned legal entities" means business legal entities, 51 or more percent of shares of which are directly or indirectly owned by the state, non-profit legal entities established by the state and public legal entities, as well as subsidiary economic entities, established by mentioned legal entities, 51 and more percent of shares of which directly or indirectly belong to these legal entities, non-profit legal entities and public legal entities. ([132](#))*

## **Article 196. Deliberate evasion from repayment of creditor debts**

*196.1. Deliberate evasion of head of organization or citizen from repayment of creditor debts or from payment of securities after introduction into validity of the appropriate judicial decision, causing damage in the significant size—*

- *punishable by a fine at the rate from two to four times of the amount of damage, caused as a result of crime or corrective work for the term up to one year, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for a period of up to three years with or without deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*196.2. The same act causing damage in the large scale—*

- *punishable by a penalty at the rate from threefold to fivefold amount of the damage, caused as a result of crime or corrective work for the term up to two years, or restraint of freedom ([see](#)) for the term from one to three years, or imprisonment for a period from two to five years with or without deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([1](#), [45](#), [59](#), [61](#), [111](#), [131](#))*



## **Article 197. Illegal use of trade marks**

197.1. Illegal use of another's trade mark or service mark, origin name of a place of goods or similar designations of goods, ~~committed repeatedly~~ or caused damage in the significant size—

- *shall be punishable by a fine from twice to four times of the amount of damage (income) incurred as a result of a crime, or corrective works for up to two years, or restraint of freedom ([see](#)) for the term of one year, or imprisonment for the term up to one year.*

197.2. The same act causing damage in the large scale—

- *shall be punishable by a fine from three times to five times of the amount of damage (income), incurred as a result of a crime, or restraint of freedom ([see](#)) for the term of up to three years, or imprisonment for up to two years. ([1](#), [45](#), [61](#), [111](#), [131](#))*

## **Article 198. Obviously false advertising**

198.1. Use in advertising of obviously false information about goods, works or services, and also their manufacturers, (executors, sellers), committed from self-interest and causing damage in the significant size—

- *shall be punishable by a fine from twice to four times of the amount of damage (income), incurred as a result of a crime, or correctional works for up to two years or imprisonment for up to one year.*

198.2. The same acts causing damage in the large scale—

- *shall be punishable by a fine from three times to five times of the amount of damage (income), incurred as a result of a crime, or restraint of freedom ([see](#)) for the term of up to two years, or imprisonment for up to two years. ([1](#), [45](#), [61](#), [111](#), [131](#))*

## **Article 199.1. Monopolistic activities and restriction of competition**

*199.1. Cartel agreement of business entities on the use of means, which restrict competition, in order to drive out competitors from the market or to prevent the emergence of new competitors on the market, participation in such agreement or the creation of market barriers, which result or may result in prevention, elimination or restriction of competition, the use of restrictive activity or the exercise of any other monopolistic actions -*

- *shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for up to two years with a fine of twice amount of damage (earned income), caused by crime or imprisonment for up to three years with deprivation of the right to hold certain posts or engage in certain activities for up to two years or without it.*

*199.2. The same actions:*



*199.2.1. committed repeatedly;*

*199.2.2. committed by an organized group;*

*199.2.3. committed by a person abusing his official position;*

*199.2.4. committed with causing significant damage or with obtaining a large-scale income -*

- punishable by imprisonment for a term of three to seven years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years or a fine in the amount of three times of damage (earned income) caused by crime.*

*199.3. The acts provided by articles 199.1 or 199.2 of the present Code:*

*199.3.1. committed by a criminal community (criminal organization);*

*199.3.2. committed with application of violence or with threat of its application, as well as with the destruction or damage of another's property or with the threat of such destruction or damage in the absence of elements of extortion;*

*199.3.3. committed with causing major damage or receiving a large-scale income -*

- punishable by imprisonment for a term of seven to twelve years with a penalty in the amount of four times of damage (earned income) caused by crime.*

**Note:**

*1. In article 199.2.4 of this Code the term "significant damage" means the amount from ten thousand to fifty thousand manats, while in article 199.3.3 of this Code, "large-scale amount" means the amount in excess of fifty thousand manats.*

*2. If the person who committed the act, provided by article 199.1 of the present Code, promptly notifies the authorities or in any other way contribute to the reveal and prevention of this criminal act and there will be no part of another crime in his deeds, then it is exempted from criminal responsibility. ([1](#), [45](#), [61](#), [69](#), [108](#), [128](#))*

**Article 200. Deceit of consumers or manufacture and selling of lower-quality production**

200.1. A deceit of consumers, that is false measuring, counting, deception concerning consumer properties or qualities of goods (service) in organizations realizing the goods or rendering services to a population, as well as by citizens registered as individual businessmen in sphere of trade (services) and committed in significant amount—

- is punishable *by the penalty at a rate from three thousand up to five thousand manats or public works for the term from three hundred sixty to four hundred eighty hours.*

200.2. The same acts committed:

200.2.1. repeatedly;

200.2.2. on preliminary arrangement by group of persons;

200.2.3. with causing damage in the large amount—

- is punishable by the penalty at a rate *from five thousand up to seven thousand manats or with imprisonment for the term up to six months* with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

200.3. Manufacture, release for sale or selling of obviously lower-quality productions, excepted as inequality production, which caused *by negligence* less heavy or heavy harm to health of the victim—

- is punishable by the penalty at a rate *from ten thousand to fifteen thousand manats, or restraint of freedom ([see](#)) for the term of up to two years, or imprisonment for the term up to two years.*

200.4. *The acts, stipulated by Article 200.3 of this Code, which brought to death of a victim on imprudence or other heavy consequences—*

- is punishable by imprisonment for the term from three up to seven years.

**Note:** The "significant amount" in this article means the sum *exceeding three hundred manats, but not more than three thousand manats* and the “large amount”— *over three thousand manats.* ([1](#), [45](#), [61](#), [68](#), [82](#), [111](#), [128](#), [131](#))

### **Article 200-1. Illicit drugs trafficking**

*200-1.1. Sale, possession with intent to sell or import obviously substandard drugs not compliant with requirements of normative-technical documents, of unknown origin, expired, subject to state registration according to the law, but failed to pass the state registration, as well as manufacture, sale, possession with purpose of sale or importation of counterfeit drugs when committing such acts on a significant scale -*

- *punishable by a fine at the rate of three thousand to five thousand manats, or restraint of freedom ([see](#)) for the term of up to two years, or imprisonment for up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof.*

200-1.2. *The same acts committed:*

200-1.2.1. repeatedly;

200-1.2.2. *by a group of persons by prior conspiracy or by an organized group;*

*200-1.2.3. on a large scale -*

- *punishable by restraint of freedom ([see](#)) for the term of up to three years, or imprisonment for a period of two to three years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*200-1.3. If the sale, possession with intent to sell or import obviously substandard drugs not compliant with requirements of normative-technical documents, of unknown origin, expired, subject to state registration according to the law, but failed to pass the state registration, as well as manufacture, sale, possession with purpose of sale or importation of counterfeit drugs resulted in a less serious or minor serious harm to health of the injured person -*

- *punishable by imprisonment for a period of three to five years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*200-1.4. Acts referred to in Article 200-1.3 of this Code involving the death of a person by negligence or other grave consequences -*

- *punishable by imprisonment for a period of five to ten years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*Note:*

*In the Article 200-1.1 of the Code "significant amount " words means an amount of one thousand to two thousand manats and in the Article 200-1.2.3 " large amount " words means an amount over two thousand manats. ([38](#), [45](#), [131](#))*

***Article 200-2. Illegal trafficking of genetically modified plants or material of agricultural plants, produced by modern biotechnological methods and genetic engineering techniques or food products, produced using genetic material of genetically modified plants***

*200-2.1. The deliberate import or sale of genetically modified plants or material of agricultural plants, produced by modern biotechnological methods and genetic engineering techniques or food products, produced using genetic material of genetically modified plants, not intended for scientific research, testing and demonstration at exhibitions, if the volume of it is insignificant -*

- *shall be punishable by a fine at rate from twice to four times of the amount of damage (income), incurred as a result of a crime or imprisonment for up to two years.*

*200-2.2. Manufacturing of genetically modified plants or material of agricultural plants, produced by modern biotechnological methods and genetic engineering techniques or food, produced using genetic material of genetically modified plants, not intended for scientific research, testing and demonstration at exhibitions -*

- *punishable by a fine at the rate of ten thousand to fifteen thousand manats or imprisonment for up to three years.*

*200-2.3. Acts referred to in Article 200-2.1 and 200-2.2 of this Code committed in a significant amount -*

- *shall be punishable by a fine at rate from three to five times of the amount of damage (income), incurred as a result of a crime or imprisonment for two to five years. ([98](#), [111](#), [128](#))*

#### **Article 201. Compulsion to commitment of a bargain or refusal from it commitment**

201.1. Compulsion to commitment of a bargain or refusal from its commitment under threat of violence application, destruction or damage of another's property, as well as distributions of data which can cause essential harm to interests of victim or his close relatives, at absence of attributes of extortion—

- *is punishable by corrective works for the term up to two years, restraint of freedom ([see](#)) for the term of up to three years, or imprisonment for the term up to two years.*

201.2. The same act committed:

201.2.1. repeatedly;

201.2.2. on preliminary arrangement by group of persons—

- *is punishable by imprisonment for the term from three up to seven years. ([61](#), [131](#))*

#### **Article 201-1. Violation of the rules for concluding transactions with affiliated persons of legal entities or failure to provide information in connection with such transactions in accordance with statutory procedure**

*201-1.1. Violation of the rules for concluding transactions with affiliated persons of legal entities or failure to provide information in connection with such transactions in the manner prescribed by law, if it caused damage in a significant amount or the receipt of income in a significant amount -*

- *is punishable by the penalty at a rate from two to four times of the amount of damage caused as a result of the offence (income received) or by imprisonment for up to one year.*

*201-1.2. The same acts committed with causing damage in a large amount or obtaining income in a large scale -*

- *is punishable by the penalty at a rate from three to five amounts of damage caused by the crime (income received) or by imprisonment for the term of one to three years. ([125](#))*

#### **Article 202. Illegal reception or disclosure of a data which are commercial or bank secrets**

202.1. Collecting of a data which is commercial or bank secret, by abduction of documents, payoff or threats, as well as by other illegal way with a view of disclosure or illegal use of these data—

- is punishable by the penalty at a rate from *one thousand five hundred to two thousand manats*, or corrective works for the term up to one year, or imprisonment for the term up to two years.

202.2. Illegal use or disclosure of a data which is commercial or bank secret, without consent of their owner, committed on mercenary or other personal interest with causing damage in the large amount—

- is punishable by the penalty at a rate *from three to five times of the amount of damage (income), incurred as a result of a crime* or corrective works for the term up to two years, or imprisonment for the term of six months. ([1](#), [45](#), [61](#), [111](#), [128](#))

#### **Article 202-1. Dissemination of documents and information on export controls**

202-1.1. *Disclosure or transfer of documents and information obtained from legal entities and individuals, or their contents to third parties,*

- *punishable by a fine of one thousand five hundred to two thousand manats, or corrective labor for up to one year, restraint of freedom ([see](#)) for the term of up to one year.*

202-1.2. *The same acts committed by causing significant damage -*

- *punishable by a fine from three to five times of the amount of damage (income), incurred as a result of a crime or corrective works for up to two years or imprisonment for the same period. ([24](#), [45](#), [61](#), [111](#), [128](#), [131](#))*

#### **Article 202-2. Illegal use of insider information by the insider**

202-2.1. *Illegal use of insider information by the insider entrusted to him or became known to him by virtue of his official duties or employment, or their transfer to third parties for transactions committed for mercenary or other personal interests and associated with big damage or a large profit-making -*

- *punishable by a fine at the rate from three to five times of the amount of damage (income), incurred as a result of a crime, or restraint of freedom ([see](#)) for the term from two to five years, or imprisonment for a period of up to six years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof ~~with confiscation of property.~~*

202-2.2. *The same acts committed:*

202-2.2.1. *repeatedly;*

202-2.2.2. *by a group of persons by previous concert or by an organized group -*

- *punishable by ~~restraint of liberty for a period of up to three years with a fine at the rate of three to seven thousand manats, or~~ imprisonment for a period of four to eight years, with deprivation of the right to occupy*

*certain positions or engage in certain activities for a period of up to three years or without thereof ~~with confiscation of property~~.*

**Note:** In the Article 202-2.1 of the Code, "insider information" and "insider" means the information and the person referred to in Article 78.2 and 79.1 of the Law of the Republic of Azerbaijan "On securities market". ([55](#), [61](#), [69](#), [111](#), [117](#), [131](#))

## **Article 203. Infringement of rules on issue of securities (emission)**

*203.1. Deliberate inclusion of false or distorted information in the securities issue prospectus (information memorandum) as well as deliberate approval of the securities issue prospectus (information memorandum), which reflects the false or distorted information or deliberate approval of the statement on the results of emission or mass offer of the securities, which reflects the false or distorted information, if it caused considerable damage -*

- shall be punishable by a fine from twice to four times of the amount of damage, incurred as a result of the crime or correctional works for up to two years or imprisonment for up to one year.*

*203.2. The same acts committed with causing of damage in the large amount-*

- shall be punishable by a fine from three times to five times of the amount of damage, incurred as a result of the crime or imprisonment for up to two years. ([1](#), [45](#), [61](#), [82](#), [111](#), [117](#))*

## **Article 203-1. Manipulations in the securities market**

*203-1.1. Manipulations in the securities market, if they are committed with causing large-scale damage or obtaining large-scale income -*

- shall be punishable by a fine from twice to four times of the amount of damage (income) incurred as a result of the crime, or restraint of freedom ([see](#)) for the term from two to five years, or imprisonment for a period of two to six years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof ~~with confiscation of property~~.*

*203-1.2. The same acts committed:*

*203-1.2.1. repeatedly;*

*203-1.2.2. by an organized group -*

*~~203-1.2.3. using media, or information and telecommunications networks~~*  
*-*

- shall be punishable by a fine from three times to five times of the amount of damage (income), incurred as a result of a crime or imprisonment for a period of six to ten years with deprivation of the right to occupy certain*

*positions or engage in certain activities for a period of up to three years or without thereof* ~~with confiscation of property.~~

**Note:** In Article 203-1.1 of this Code, the "manipulation" means the actions referred to in Article 78.4 of the Law of the Republic of Azerbaijan "On securities market". ([55](#), [61](#), [69](#), [111](#), [117](#), [131](#))

#### **Article 204. Manufacturing, buying or trafficking of counterfeit money or securities**

204.1. Manufacturing with a view of selling, and also *buying or* selling of counterfeit money, state securities either foreign currency, or securities in foreign currency—

- is punishable by imprisonment for the term from five up to seven years ~~with confiscation of property or without it.~~

204.2. The same acts committed in significant amount ~~or by person, who have been convicted earlier for manufacturing, buying or trafficking of counterfeit money or securities—~~

- is punishable by imprisonment for the term from seven up to ten years ~~with confiscation of property.~~

204.3. The acts provided by articles 204.1 or 204.2 of the present Code, committed:

204.3.1. by organized group;

204.3.2. in the large amount—

- is punishable by imprisonment for the term from eight up to twelve years ~~with confiscation of property.~~ ([35](#), [69](#), [131](#))

#### **Article 205. Manufacturing, purchase or selling of counterfeit credit or account cards and other payment documents**

205.1. Manufacturing with a view of selling, *purchasing* or selling of counterfeit credit or account cards, and also other payment documents which are not being securities—

- is punishable by imprisonment for the term from two up to five years with the penalty at a rate *from two thousand to four thousand manats.*

205.2. The same acts committed:

205.2.1. repeatedly;

205.2.2. on preliminary arrangement by group of persons or organized group;

205.2.3. in the large amount-



- is punishable by imprisonment for the term from four up to seven years ~~with confiscation of property~~. ([1](#), [35](#), [45](#), [69](#), [128](#))

#### **Article 205-1. Turnover of counterfeit excise stamps**

*Manufacturing, purchase, storage, sale of counterfeit excise stamps as well as marking of excisable products (goods) with counterfeit excise stamps; purchase, storage or sale of products (goods), marked with counterfeit excise stamps, with the exception of the purchase by individuals for consumption at the retail sale facility -*

- *is punishable by the penalty of two thousand to three thousand manats or corrective works for the term up to two years, or imprisonment for up to three years.*

*Note: If the person, buying, storing or selling products (goods), marked with counterfeit excise stamps, will present an accountable form, an electronic invoice confirming the purchase of the products (goods) from another person, then he shall not be subject to criminal liability. ([35](#), [45](#), [106](#), [128](#))*

#### **Article 205-2. Deliberate destruction, forgery, illegally manufacture, use and sale of control marks**

*205-2.1. Deliberate destruction, forgery, illegally manufacture, use and sale of control marks, if as a result of these acts caused extensive damage -*

- *shall be punishable by a fine from twice to four times of the amount of damage, caused as a result of the crime or correctional works for up to two years or imprisonment for up to one year.*

*205-2.2. The same acts committed:*

*205-2.2.1. repeatedly;*

*205-2.2.2. a group of persons by previous concert or by an organized group;*

*205-2.2.3. and causing damage on a large scale -*

- *shall be punishable by a fine from three times to five times of the amount of damage, incurred as a result of crime or by imprisonment for a term of two to four years. ([80](#), [111](#))*

#### **Article 206. Smuggling**

*206.1. Smuggling, is moving large amount through customs border of the Republic of Azerbaijan of goods or other subjects, except for ones which provided in article 206.2 of the present Code, committed except or with concealment from the customs control or with use of founs documents or means of customs identification or connected with undeclared or doubtful declaring—*

- *is punishable by imprisonment for the term up to five years.*



206.2. Moving through customs border of the Republic of Azerbaijan of narcotics, psychotropic, *or their precursors*, strong, poisonous, radioactive explosives and explosives, military weapon and engineering (except for the smooth-bore hunting weapon and ammunition to it), fire-arms or ammunition, nuclear, chemical, biological and other kinds of mass destruction weapons, materials and equipment which can be used at creation of mass destruction weapons and concerning which established special rules on moving through customs border of the Republic of Azerbaijan, of strategically important raw material, subjects representing cultural, historical or archeological value concerning which established appropriate rules for moving through customs border of Republic of Azerbaijan, committed besides or with concealment from the customs control or with use of fowls documents or means of customs identification or connected with undeclared or doubtful declaring—

- is punishable by imprisonment for the term from three up to seven years ~~with confiscation of property or without it.~~

206.3. The acts which are provided by articles 206.1 or 206.2 of the present Code, committed:

206.3.1. repeatedly;

206.3.2. on preliminary arrangement by group of persons;

206.3.3. by official with use of the service position;

206.3.4. with application of violence to a person who is carrying out customs control—

- is punishable by imprisonment for the term from five up to eight years ~~with confiscation of property or without it.~~

206.4. The acts which are provided by articles 206.1-206.3 of the present Code, committed by the organized group—

- is punishable by imprisonment for the term from seven up to twelve years ~~with confiscation of property.~~

**Note:**

1. The “large amount” in *Article 206.1 of this Code* is understood as the cost of displaced illicit subjects exceeding four thousand manats.

2. In *Article 206.2 of this Code*, “objects of cultural, historical or archaeological value” refers to cultural values, included in the *State List of National Cultural Property of the Republic of Azerbaijan*. ([1](#), [45](#), [69](#), [85](#), [131](#))

**Article 207. Not returning on territory of the Republic of Azerbaijan of subjects of art, historical and archeology property of the Republic of Azerbaijan and foreign countries**

Not returning on territory of the Republic of Azerbaijan on assigned time of subjects of art, historical and archeology property of the Republic of Azerbaijan and foreign countries which have been taken out of its limits if such returning is obligatory according to the legislation of the Republic of Azerbaijan—

- is punishable by imprisonment for the term from three up to eight years ~~with confiscation of property or without it.~~ (69)

#### **Article 208. Not returning of funds in foreign currency from abroad**

208.1. Not returning from abroad by heads of a organizations of means in the foreign currency in a significant amount, received as a result of implementation on foreign trade activities and according to the legislation of the Republic of Azerbaijan is obligatory transfer to accounts of authorized bank of the Republic of Azerbaijan—

- is punishable by *restraint of freedom* ([see](#)) *for the term up to three years*, or imprisonment for the term up to three years.

208.2. The same act committed:

208.2.1. in the large amount;

208.2.2. on preliminary arrangement by group of persons—

- is punishable by imprisonment for the term from three up to five years.

**Note:** The “significant amount” is understood as the sum of not returned means in foreign currency, exceeding *twenty thousand manats, but not more than thirty thousand manats* and as “the large amount” - *the sum of more than thirty thousand manats*. ([1](#), [45](#), [111](#), [131](#))

#### **Article 209. Evasion from payment of customs charges**

209.1. Evasion from payment significant amount of customs charges—

- *shall be punishable by a fine from twice to four times of the amount of damage caused as a result of the crime or correctional works for up to one year or imprisonment for up to one year.*

209.2. The act which is provided by article 209.1 of the present Code, committed:

209.2.1. repeatedly;

209.2.2. by large amount—

- *shall be punishable by a fine from three times to five times of the amount of damage, caused as a result of the crime or correctional works for up to two years or imprisonment for up to two years*

209.3. *The acts, stipulated by Articles 209.1 of this Code, committed with causing an extra large-scale damage—*

- *are punishable by the penalty at rate from four times to five times of the amount of damage, caused as a result of crime, or imprisonment for the term from two to five years.*

**Note:**

1. The “significant amount” in present article is understood as the sum of unpaid customs charges exceeding *twenty thousand manats, but not more than one hundred thousand manats, and as the “large-scale amount” - the sum exceeding one hundred thousand manats, but not more than five hundred thousand manats, as “the extra large-scale amount” - over five hundred thousand manats.*

~~2. The person who has committed acts for the first time, which are provided by articles 209.1 and 209.2.2 of the present Code, shall be released from a criminal liability if he has completely compensated damage caused by a crime. (1, 45, 111, 131)~~

## **Article 210. Wrongful actions at bankruptcy**

210.1. Concealment of property or property obligations, data on property, its size (amount), location or other information on property, assignation of it to other person, alienation or destruction of property, as well as concealment, destruction, falsification of accounting and other registration documents reflecting economic activities, committed by the head or owner of debtor organization, or individual businessman at bankruptcy or in a prediction of bankruptcy causing damage in the significant amount—

- *punishable by a fine at the rate from two to four times of the amount of damage, caused as a result of crime or corrective works for the term up to two years, or imprisonment for the term up to two years.*

210.2. The satisfaction of property requirements of separate creditors by head or owner of the organization— debtor or individual businessman knowing about the actual inconsistency (bankruptcy), obviously to detriment of other creditors, as well as acceptance of such satisfaction by creditor knowing about preference given to him by a poor debtor to the detriment of other creditors, which caused damage is in the large amount-

- *is punishable by the penalty at a rate from threefold to fivefold amount of damage, caused as a result of crime or imprisonment for the term up to two years. (61, 111)*

## **Article 211. Deliberate bankruptcy**

211.1. Deliberate bankruptcy, is deliberate creation or increase of insolvency committed by head or owner of a commercial organization, as well as individual businessman in personal interests or interests of other persons, causing damage in the significant amount—

- *shall be punishable by a fine from twice to four times of the amount of damage, caused as a result of the crime or correctional works for up to*

two years, or restraint of freedom ([see](#)) for the term up to one year, or imprisonment for the term up to one year.

211.2. The same act which caused damage is in large amount or entailed to other heavy consequences—

- shall be punishable by a fine from three times to five times of the amount of damage, caused as a result of the crime, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years. ([111](#), [131](#))

## **Article 212. Fictitious bankruptcy**

212.1. Fictitious bankruptcy, is obvious false announcement by head or owner of commercial organization, as well as by individual businessman about a inconsistency with a view of deception of creditors for reception of a delay or installment for payments to creditors or discounts, as well as for non-payment of debts, causing damage in the significant amount—

- is punishable by the penalty at the rate of twice to four times of the amount of damage, caused as a result of the crime, or corrective works for the term up to one year or imprisonment on the same term.

212.2. The same act, which caused damage was in large amount or entailed to other heavy consequences—

- is punishable by a fine of three times to five times the size of the damage, caused as a result of the crime or, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years. ([1](#), [45](#), [111](#), [131](#))

## **Article 213. Evasion from payment of taxes, unemployment insurance contributions or compulsory state social insurance ([4](#))**

213.1. Evasion from payment of taxes, unemployment insurance contributions or other payments under compulsory social insurance in significant amount —

- shall be punishable by a fine from twice to four times of the amount of damage, caused as a result of the crime or correctional works for up to two years or imprisonment for up to three years, with deprivation of right to hold certain positions or engage in certain activities for up to three years or without it.

213.2. The same act:

213.2.1. committed by organized group;

213.2.2. in large amount;

- shall be punishable by a fine of three times to five times of the amount of damage, caused as a result of the crime, or imprisonment for a term of three to five years with deprivation of

*the right to occupy certain positions or engage in certain activities for up to three years, or without it.*

*213.3. The acts, stipulated by Articles 213.1 of this Code, committed with causing an extra large-scale damage—*

- *shall be punishable by a fine of four times to five times of the amount of damage (income), incurred as a result of a crime or imprisonment for a term of five to seven years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years, or without it.*

**Note:**

~~*1. The “significant amount” in this article is understood as the sum exceeding twenty thousand manats, but not more than one hundred thousand manat, and as the “large-scale amount” - the sum exceeding one hundred thousand manats, but not more than five hundred thousand manats, as “the extra large-scale amount” - over five hundred thousand manats.*~~

~~*2. The person who has committed acts for the first time, as it is provided by articles 213.1 and 213.2 of the present Code, shall be released from a criminal liability if he has completely compensated caused by a crime damage. ([1](#), [2](#), [4](#), [31](#), [35](#), [45](#), [111](#), [131](#), [134](#))*~~

**Article 213-1. Sale, storage with the purpose of sale, export outside the production building or import of products (goods) which is subject to marking by excise stamps, without such marking, purchase-sale of such products (goods) for cash**

*213-1.1. Sale, storage with the purpose of sale, export outside the production building or import in a substantial amount of products (goods) that are subject to marking by excise stamps, without such marking -*

- *is punishable by a fine at a rate from two thousand to three thousand manats ~~with the confiscation of property~~, or by corrective works for the period up to one year, or imprisonment for the period up to two years.*

*213-1.2. The acts, envisaged by Article 213-1.1 of this Code, committed:*

*213-1.2.1. in the large scale;*

*213-1.2.2. repeatedly;*

*213-1.2.3. by a group of persons by prior conspiracy -*

- *punishable by imprisonment for a period up to five years ~~with confiscation of property~~.*

*213-1.3. Sale of excisable products (goods) in a significant amount for cash, the purchase of such products (goods) in a significant amount for cash for the purpose of sale, except for retail sale -*

- is punishable by a penalty at a rate from one thousand to two thousand manats or by corrective works for up to one year or imprisonment for up to one year.

*213-1.4. The acts, envisaged by Article 213-1.3 of this Code, committed in a large scale -*

- is punishable by corrective works for up to two years or imprisonment for a term not exceeding two years.

**Note:** In this Code a «significant amount» in Article 213-1.1 means the amount of five hundred to two thousand manats, «large scale» in Article 213-1.2 means an amount of more than two thousand manats, «large scale» in Article 213-1.3 means an amount from fifty to one thousand manats, «large scale» in article 213-1.4 means the amount of over one thousand manats. ([13](#), [35](#), [45](#), [69](#), [106](#), [110](#), [111](#), [119](#), [128](#))

#### **Article 213-2. Evasion from sale of precious metals and precious stones to the State**

*Evasion of entities dealing with quarry, production of precious metals and precious stones, from the initial sale to the state precious metals and gems, quarried from the bowels refined in accordance with the precious metals standards and precious stones recovered during their sale finished, if such act is committed in significant amount -*

- punishable by a fine at the rate of three thousand to six thousand manats or corrective work for up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof.

**Note:** "Significant amount" in the present article means an amount of over seven thousand manats. ([36](#), [45](#), [128](#), [131](#))

#### **Article 213-3. State hallmarks forgery**

*213-3.1. State hallmarks forgery by persons engaged in manufacturing (production) of jewelry and other household items made of precious metals and precious stones -*

- shall be punishable by a fine of three thousand to six thousand manats or correction work for up to two years, or imprisonment for up to one year with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof.

*213-3.2. The same acts committed repeatedly ~~within one year~~ -*

- punishable by restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years. ([36](#), [45](#), [111](#), [128](#), [131](#))

### **SECTION X. Crimes against public safety and social order**

## **Chapter 25. Crimes against public safety**

### **Article 214. Terrorism**

*214.1. Terrorism, 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—*

- is punishable by imprisonment for the term from ten up to fourteen 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 fire-arms or subjects used as a weapon;*

*214.2.4. entailed on imprudence of death of a victim or other heavy consequences;*

*214.2.5. during the international event or in the places of mass events;*

*214.2.6. on the grounds of religious animosity, religious radicalism or religious fanaticism —*

- is punishable by imprisonment for the term from fourteen up to twenty years or life imprisonment ~~with confiscation of property.~~*

**Note:** *Person participating in preparation of act of terrorism, shall be released from a criminal liability if he had warned authorities or in different way promoted prevention of implementation of given act and if in his actions there were no attributes of structure of other crime. ([7](#), [69](#), [89](#), [90](#), [101](#), [116](#))*

### **Article 214-1. Financing of terrorism**

*Deliberate collection or transfer directly and indirectly all or part of the funds or other property, regardless of source of its receipt, knowing that they will be used to finance preparation, organization or committing acts by a person or group (gang, organization) stipulated for by the Articles 102, 214, 214-2, 214-3, 215, 219, 219-1, 226, 227, 277, 278, 279, 280, 282 and 283-1 of this Code, or for financing a person to commit these crimes or groups created for this purpose (gangs, organizations) -*



- punishable by imprisonment for a period of ten to fourteen years ~~with confiscation of property.~~

**Note:**

1. Failure of actual use of funds or other property in the commission or attempted commission of terrorist acts and connection to a specific terrorist acts does not preclude criminal responsibility for the act.
2. A person committed an act stipulated for in the Article 214-1 of the Code, who assisted in preventing ~~relevant~~ terrorist act by timely notification of the authorities or otherwise shall be exempted from criminal liability provided an absence of components of other crime in his act. ([7](#), [55](#), [69](#), [89](#), [113](#))

**Article 214-2. Public appeals to terrorism**

Public appeals to commit offenses stipulated for by the Articles 102, 214, 214-3, 215, 219, 219-1, 226, 227, 277, 279 or 282 of the Code, as well as the distribution of materials with similar content -

- punishable by imprisonment for a period of up to five years. ([89](#))

**Article 214-3. Conducting trainings with a terrorism purpose**

214-3.1. Getting training on methods of committing offenses stipulated for by Articles 102, 214, 215, 219, 219-1, 226, 227, 277 or 282 of this Code, the use of firearms, explosives or devices, toxic substances, other common unsafe practices or technical means to commit these acts,

- punishable by imprisonment for a period of five to ten years.

214-3.2. Organization or conducting exercises stipulated for by Article 214-3.1 of the Code -

- punishable by imprisonment for a period of ten to twelve years.

**Note:** A person who commits an act stipulated for by Article 214-3 of this Code, shall be exempt from criminal liability if he contributed to the prevention of criminal acts being a purpose of such exercises, identifying those involved in such exercises, organized such trainings, persons financed such trainings by timely notification of the authorities or by another method, and his act was free of components of crime. ([89](#))

**Article 215. Capture of the hostage**

215.1. Capture or deduction of a person as the hostage, committed with a view of compulsion of state, organization or citizen to make any action or to refrain from commitment of any action as conditions of release of the hostage—

- is punishable by imprisonment for the term from five up to ten years.

215.2. The same acts committed:



- 215.2.1. on preliminary arrangement by group of persons;
- 215.2.2. repeatedly;
- 215.2.3. with application of the violence dangerous to life or health;
- 215.2.4. with application of fire-arms or subjects used as a weapon;
- 215.2.5. against of obviously know as a minor;
- 215.2.6. concerning woman, obviously know to guilty as pregnant
- 215.2.7. concerning two or more persons;
- 215.2.8. from mercenary prompting—

- is punishable by imprisonment for the term from ten up to twelve years.

215.3. The acts provided by articles 215.1 or 215.2 of the present Code, committed by organized group or on imprudence entailed to death of a victim or other heavy consequences—

- is punishable by imprisonment for the term from twelve up to fifteen years.

**Note:** The person who has committed act, provided by the present article and voluntary or on demand of authorities released a hostage, shall be released from a criminal liability if his actions do not contain structure of other crime.

#### **Article 216. Obviously untrue report on terrorism**

Obviously untrue report on preparing explosion, arson or other actions creating danger of destruction of people, causing significant property damage or approach of other socially dangerous consequences—

- is punishable by imprisonment for the term from *five up to eight years*. [\(7\)](#)

#### **Article 217. Gang**

217.1. Creation of a steady armed groups (gangs) with a view of an attack on organization or citizens, as well as a management of such groups (gangs)—

- is punishable by imprisonment for the term from ten up to fifteen years ~~with confiscation of property or without it.~~

217.2. Participation in the steady armed groups (gangs) or in attacks committed by them—

- is punishable by imprisonment for the term from seven up to twelve years ~~with confiscation of property or without it.~~ [\(69\)](#)

#### **Article 218. Organization of criminal community (criminal organization)**

218.1. Creation of criminal community (criminal organization) for commitment minor serious or serious crimes, as well as a management of such community (organization) or structural divisions included to it, and also creation of organizers association, heads or other representatives of the organized groups with a view of plans development and conditions for commitment of minor serious or serious crimes—

- is punishable by imprisonment for the term from eight up to fifteen years ~~with confiscation of property or without it.~~

218.2. Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups—

- is punishable by imprisonment for the term from six up to twelve years ~~with confiscation of property or without it.~~

218.3. The acts provided by articles 218.1 or 218.2 of the present Code, committed by a person with use of the service position—

- is punishable by imprisonment for the term from ten up to fifteen years ~~with confiscation of property or without it.~~ (69)

#### **Article 219. Stealing of airship, ship or railway train**

219.1. Stealing of airship, ship or railway train, as well as capture of such ships or a train with a view of stealing—

- is punishable by imprisonment for the term from four up to eight years.

219.2. The same acts committed:

219.2.1. on preliminary arrangement by group of persons;

219.2.2. with application of the violence dangerous to life or health, or with threat of application of such violence;

219.2.3. with application of a weapon or subjects used as a weapon;

219.2.4. repeatedly—

- is punishable by imprisonment for the term from seven up to twelve years.

219.3. The acts provided by articles 219.1 or 219.2 of the present Code, committed by organized group or entailed on imprudence death of a victim or other heavy consequences—

- is punishable by imprisonment for the term from *ten* up to fifteen years. (90)

#### **Article 219-1. Sea robbery**

*219-1.1. Sea robbery, that is an attack on sea and river ships with a view of capture of another's property with application of violence or with threat of application of violence—*

- *is punishable by imprisonment for the term from five up to ten years.*

*219-1.2. The same act:*

*219-1.2.1. committed by group of persons, on preliminary arrangement by group of persons;*

*219-1.2.2. committed with application of weapons or subjects used as a weapon—*

- *is punishable by imprisonment for the term of from eight up to twelve years ~~with confiscation of property or without it.~~*

*219-1.3. The same act:*

*219-1.3.1. committed repeatedly;*

*219-1.3.2. committed by group organized or criminal community (criminal organization);*

*219-1.3.3. on imprudence entailed to death of a victim or other heavy consequences—*

- *is punishable by imprisonment for the term from twelve up to twenty years or life imprisonment ~~with confiscation or without it.~~ ([3](#), [69](#), [90](#))*

## **Article 220. Mass disorders**

220.1. The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders—

- is punishable by imprisonment for the term from four up to twelve years.

220.2. Appeals to active insubordination to legal requirements of representatives of authority and to mass disorders, as well as appeals to violence above citizens—

- is punishable by restriction freedom for the term up to three years ~~or imprisonment on the same term.~~ ([61](#))

## **Article 221. Hooliganism**

221.1. Hooliganism, that is the deliberate actions roughly breaking a social order, expressing obvious disrespect for a society, accompanying with application of violence on *persons* or threat of its application, as well as destruction or damage of another's property—

- is punishable by a fine at the rate of one thousand thousand to three thousand manats or corrective work for up to one year, or restraint of freedom ([see](#)) for the term up to one year, or imprisonment for the term up to one year.

221.2. The same act:

221.2.1. committed by group of persons or repeatedly;

221.2.2. committed with resistance to representative of the authority, acting as on protection of a social order or stopping infringement of a social order or with resistance to other person—

- is punishable by corrective works for the term up to two years, or restraint of freedom ([see](#)) for the term up to three years, or imprisonment for the term from one to four years.
- 221.3. Committing the acts provided by Articles 221.1 or 221.2 of this Code, using weapons or items used as weapons, if accompanied with application of violence against the victim, or destruction or damage of another's property —
    - is punishable by imprisonment for the term from two to six years. ([3](#), [82](#), [131](#))

**Article 222. Violation of safety rules for construction, mining or other operations**

222.1. Violation of safety rules relating to works on construction planning, its management, as well as demolition of construction facility or reconstruction in that facility, as well as mining or other works, if this poses a real threat to life and health -

- punishable by corrective labor for up to one year, or imprisonment for up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof.

222.2. The same acts that results by inadvertency in serious or less serious damage to the health of the injured person,

- punishable by corrective labor for up to two years, or imprisonment for a period of two to four years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof.

222.3. The same acts resulted in the death of the injured person or other grave consequences,

- punishable by imprisonment for a period of four to ten years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([1](#), [39](#))

**Article 222-1. Unauthorized construction works**

*222-1.1. Unauthorized construction of buildings and structures, design modification of existing facilities, as well as their redesign, implementation of works on reconstruction along with changing functional purpose of these structures without the permission of the relevant executive authorities in accordance with the legislation, if this poses a real threat to life and health, -*

- *punishable by corrective labor for up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for up to one year with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof.*

*222-1.2. The same acts that results by inadvertency in serious or less serious damage to the health of the injured person,*

- *punishable by restraint of freedom ([see](#)) for the term up to two years, imprisonment for a period of one to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof.*

*222-1.3. The same acts resulted in the death of the injured person or other grave consequences by inadvertence,*

- *punishable by imprisonment for a period of three to six years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([8](#), [39](#), [131](#))*

***Article 222-2. Carrying out of construction or installation works in protected zones without relevant permission***

*222-2.1. Carrying out of construction and installation works in protected zones of main pipelines, electricity networks with voltage over 1000 V, subway, railway arrangements, protected objects, technical arrangements of water supply systems and sewerage systems, oil wells, automobile roads or waters without obtaining relevant permission in the order established by the legislation of Azerbaijan Republic,—*

- *punishable by corrective labor for up to two years, or imprisonment for up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof.*

*222-2.2. The same acts which negligently caused grave consequences -*

- *are punishable by deprivation of liberty from three to six years. ([20](#), [39](#))*

***Article 222-3. Willful failure to execute the decisions of state bodies to suspend the construction works performed with violation of the regulations established by the legislation***

*Willful failure to execute the decisions of appropriate state bodies to suspend works on construction, remodeling, renovation and design modification of*

*existing structures, performed with violation of the regulations established by the legislation -*

- *punishable by corrective labor for up to two years, or imprisonment for up to three years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without thereof. ([39](#))*

#### **Article 223. Infringement of safety rules on explosive objects**

*223.1. Infringement of safety rules on explosive objects or in explosive shops if this may entail causing, by negligence, less serious or serious harm to the health of the victim —*

- *is punishable by the penalty at a rate from two thousand to four thousand manats, or restraint of freedom ([see](#)) for the term up to two years, or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without thereof.*

*223.2. The same act, which on imprudence brought to death of a victim or other heavy consequences—*

- *is punishable by imprisonment for the term from three up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([1](#), [45](#), [61](#), [128](#), [131](#))*

#### **Article 224. Infringement of rules on account, storage, transportation and use of explosive, inflammable substances and pyrotechnic devices**

*Infringement of rules on account, storage, transportation and use of explosive, inflammable substances and pyrotechnic products, and also illegal transfer of these substances and products by mail or luggage, on imprudence entailed heavy consequences—*

- *is punishable by imprisonment for the term from three up to five years.*

#### **Article 224-1. Violation of the rules of usage of dual-purpose goods (works, services and intellectual property)**

*Non-use of dual-purpose goods (works, services and intellectual property), which can be used in the development and manufacture of mass destruction weapon, weapons, military equipment and supplies, for the purposes for which they were ordered in the event of damage to national security and public interest -*

- *Shall be punishable with imprisonment of three to six years. ([24](#))*

#### **Article 224-2. Violation of export regime**

*Exports of goods (works, services and intellectual property), subject to export controls, to the states and end-users to which export of such goods is prohibited or restricted -*

- *punishable by corrective labor for a period of one to two years, or restraint of freedom ([see](#)) for the term from two to five years, or imprisonment of two to five years. ([24](#), [61](#), [131](#))*

#### **Article 225. Infringement of fire safety rules**

225.1. Infringement of fire safety rules by a person to whose duties assigned its observance, on imprudence entailed causing of less heavy or heavy harm to health of a victim—

- *is punishable by the penalty at a rate from two thousand to four thousand manats or corrective works for the term of up to two years, or restraint of freedom ([see](#)) for the term up to two years, or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.*

225.2. The same act, which on imprudence brought to death of a victim or other heavy consequences—

- *is punishable by imprisonment for the term from three up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([1](#), [45](#), [61](#), [128](#), [131](#))*

#### **Article 226. Illegal handling with radioactive materials**

226.1. Illegal purchase, storage, use, selling, transfer or destruction of radioactive materials—

- *is punishable by corrective works for the term up to two years or imprisonment for the term up to three years.*

226.2. The same acts, on imprudence entailed death of a victim or other heavy consequences—

- *is punishable by imprisonment for the term from three up to eight years.*

#### **Article 227. Plunder or extortion of radioactive materials**

227.1. Plunder or extortion of radioactive materials—

- *is punishable by the penalty at a rate from four thousand up to eight thousand manats or imprisonment for the term from three up to five years.*

227.2. The same acts committed:

227.2.1. on preliminary arrangement by group of persons;

227.2.2. by convicted with use of the service position;

227.2.3. with application of a violence not dangerous to life or health, or with threat of application of such violence—

- is punishable by imprisonment for the term from five up to seven years.

227.3. The acts, which are provided by articles 227.1 or 227.2 of the present Codes, committed:

227.3.1. by organized group;

227.3.2. with application of violence dangerous to life or health, or with threat of application of such violence—

- is punishable by imprisonment for the term from five up to ten years ~~with confiscation of property or without it.~~ ([1](#), [45](#), [69](#), [128](#))

**Article 228. Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies, explosives**

228.1. Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives—

- is punishable by corrective works for the term up to two years or *restraint of freedom* ([see](#)) *for the term from one to three years*, or imprisonment for the term up to three years.

228.2. The same acts committed:

228.2.1. on preliminary arrangement by group of persons;

228.2.2. repeatedly—

- is punishable by imprisonment for the term from three up to five years.

228.3. The acts, which provided by articles 228.1 or 228.2 of the present Code, committed by organized group—

- is punishable by imprisonment for the term from five up to eight years.

228.4. Illegal purchase, selling or carrying of gas weapon, cold arms, including *cold missile weapon*, except for districts where carrying of a cold steel is an accessory of a national suit or connected to hunting—

- is punishable by public works for the term *from three hundred twenty up to four hundred hours*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to one year*, or imprisonment for the term up to one year.



**Note:** The person voluntary given subjects, provided in the present article, is released from a criminal liability if his actions do not contain structure of other crime. ([62](#), [82](#), [131](#))

## **Article 229. Illegal manufacturing of a weapon**

229.1. Illegal manufacturing of fire-arms, supplies to it, ammunition, explosives, and also repair of fire-arms—

- is punishable by imprisonment for the term up to three years.

229.2. The same acts committed:

229.2.1. on preliminary arrangement by group of persons;

229.2.2. repeatedly—

- is punishable by imprisonment for the term from three up to five years.

229.3. The acts provided by articles 229.1 or 229.2 of the present Code, committed by organized group—

- is punishable by imprisonment for the term from five up to ten years.

229.4. Illegal manufacturing of a gas weapon, cold arms, including the *cold missile weapon*—

- is punishable by public works for the term *from three hundred twenty up to four hundred hours*, or corrective works for the term up to two years, or imprisonment for the term up to two years.

**Note:** The person voluntary given subjects, provided in the present article, shall be released from a criminal liability if his actions do not contain structure of other crime. ([62](#), [82](#))

## **Article 230. Negligent storage of fire-arms**

Negligent storage of the fire-arms which have created conditions for its use by another person, entailed to heavy consequences—

- is punishable by corrective works for the term up to two years, *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term up to two years. ([61](#), [131](#))

## **Article 231. Inadequate performance of duties on protection of weapon, an ammunition and explosives**

Inadequate performance of a duties by a person to which protection of fire-arms was assigned, ammunition, explosives or other explosives, plunder or destruction of which has entailed is other heavy consequences—

- is punishable by *restraint of freedom* ([see](#)) for the term up to three years, or imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it. ([61](#), [131](#))

## **Article 232. Plunder or extortion of a weapon, supplies and explosives**

232.1. Plunder or extortion of fire-arms, accessories to it, supplies or explosives—

- is punishable by imprisonment for the term from three up to five years.

232.2. The same acts committed:

232.2.1. on preliminary arrangement by group of persons;

232.2.2. repeatedly;

232.2.3. by person with use of the service position;

232.2.4. with application of a violence not dangerous to life or health, or with threat of application of such violence—

- is punishable by imprisonment for the term from five up to eight years.

232.3. The acts provided by articles 232.1 or 232.2 of the present Code, committed:

232.3.1. by organized group;

232.3.2. with application of a violence dangerous to life or health, or with threat of application of such violence—

- is punishable by imprisonment for the term from six up to twelve years ~~with confiscation of property~~. ([69](#))

## **Article 233. Organization of actions promoting infringement of a social order or active participation in such actions**

Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions—

- is punishable by the penalty at a rate *from five thousand up to eight thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) for the term up to three years, or imprisonment for the term up to three years. ([1](#), [45](#), [61](#), [73](#), [131](#))

***Article 233-1. Illegal manufacture, acquisition, storage, transport, carrying, transfer or sale to another person of objects inclusion of which into civil circulation is not allowed by law (excluded from civil circulation)***

*233-1.1. Illegal manufacture, acquisition, storage, transport, carrying, transfer or sale of objects to another person whose inclusion into civil circulation is not allowed by law (excluded from civil circulation) -*

- *punishable by imprisonment for up to five years ~~with confiscation of property.~~*

*233-1.2. The same acts committed by:*

*233-1.2.1. group of persons, group of persons by previous concert, an organized group or criminal association;*

*233-1.2.2. repeatedly;*

*233-1.2.3. resulted in heavy consequences -*

- *shall be punishable by imprisonment of five to eight years ~~with confiscation of property.~~*

***Note:** If other articles of this Code or Code of Administrative Violations of the Republic of Azerbaijan sanctions for illegal manufacture, acquisition, storage, transport, carrying, transfer or sale to another person of objects inclusion of which into civil circulation is not allowed by law (excluded from civil circulation), this Article shall not apply to such act. ([23](#), [69](#), [98](#))*

#### **Article 233-2. Organization of sales of uncertified communication equipment**

*Organization of sales of communication equipment, without certification, which certification provided for by the legislation, with significant damage to the legally protected interests of the state or national security -*

- *punishable by a fine at the rate of one thousand to two thousand manats or corrective labor for a period of up to two years, or imprisonment for a period of up to one year with deprivation of the right occupy certain positions or engage in certain activities for a period of up to three years or without it. ([30](#), [45](#))*

#### **Article 233-3. Failure to provide necessary conditions for conducting special investigation, intelligence and counterintelligence activities by the officials of communication entities**

*Failure to provide necessary conditions for conducting special investigation, intelligence and counterintelligence activities by the officials of communication entities -*

- *punishable by a fine at the rate of one thousand to one thousand five hundred manats, or corrective labor for a period of up to one year, or imprisonment for the period of up to one year with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or engage in certain activities, or without thereof. ([30](#), [45](#), [128](#))*

## **Chapter 26. Crimes connected to illegal circulation of narcotics and psychotropic substances**

### **Article 234. Illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances *or their precursors***

234.1. Illegal *purchase, storage, manufacturing, processing, transportation* without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption—

- is punishable by *restraint of freedom* ([see](#)) *for the term from one to three years, or imprisonment for the term up to three years.*

234.2. Illegal purchase or storage with a view of selling, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances—

- is punishable by imprisonment for the term from three up to seven years ~~with confiscation of property or without it.~~

234.3. *Sale of precursors for use in the illegal manufacturing and processing of narcotic drugs or psychotropic substances, or the manufacturing, purchase, storage, transfer or transportation of precursors in significant quantities for the same purposes —*

- is punishable by imprisonment for the term up to three years ~~with confiscation of property or without it.~~

234.3-1. *Illegal sale of narcotic or psychotropic substances to minors, as well as the commission of acts provided for in articles 234.2 and 234.3 of this Code, in educational or medical institutions, including in penal institutions, or in places of detention —*

- *is punishable by imprisonment for the term from four up to eight years.*

234.4. The acts provided by articles 234.2 and 234.3 of the present Code, committed:

234.4.1. on preliminary arrangement by group of persons or organized group;

234.4.2. repeatedly;

234.4.3. in large amount—

- is punishable by imprisonment for the term from five up to twelve years with confiscation of property.

234.5. Violation of rules governing the production, manufacture, processing, storage, release, sale, distribution, *transfer*, transportation, delivery, purchase, use, import, export, transit, transport or destruction of raw materials, ~~precursors~~, tools or equipment used for the manufacture of narcotic drugs or psychotropic

substances and being under special control, as well as narcotic drugs, psychotropic substances *and their precursors*, if the act is committed by a person, whose duties include compliance with these rules —

- is punishable by the penalty at a rate from *one thousand up to two thousand five hundred manats* or *restraint of freedom* ([see](#)) *for the term from one to three years*, or imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to *three years*.

**Note:**

1. The person voluntary given narcotics, psychotropic substances *or their precursors* and actively promoting disclosing or suppression of a crimes connected to illegal circulation of narcotics, psychotropic substances *or their precursors*, to exposure of persons, who has committed it, to detection of the property extracted in the criminal way, shall be released from a criminal liability.
2. *The amount exceeding the allowable amount for personal consumption and the large amount of narcotic drugs or psychotropic substances, specified in this Chapter, as well as a significant and large number of precursors and illegally cultivated plants (parts thereof), containing narcotic substances shall be established by the relevant laws.* ([1](#), [26](#), [37](#), [45](#), [69](#), [111](#), [128](#), [130](#), [131](#))

**Article 235. Plunder or extortion of narcotics, psychotropic substances or drugs *or their precursors*** ([37](#))

235.1. Plunder or extortion of narcotics or psychotropic substances—

- is punishable by imprisonment for the term from three up to seven years.

235.2. Plunder or extortion of drugs with the purpose of use at illegal manufacturing and processing of narcotics or psychotropic substances—

- is punishable by imprisonment for the term from two up to five years ~~with confiscation of property or without it.~~

235.3. The acts provided by articles 235.1 and 235.2 of the present Code, committed:

235.3.1. on preliminary arrangement by group of persons;

235.3.2. repeatedly;

235.3.3. by person with use of the service position;

235.3.4. with application of a violence not dangerous to life or health, or with threat of application of such violence—

- is punishable by imprisonment for the term from six up to ten years ~~with confiscation of property or without it.~~

235.4. The acts provided by articles 235.1-235.3 of the present Code, committed:

235.4.1. by organized group;

235.4.2. in large amount;

235.4.3. with application of violence dangerous to life or health, or with threat of application of such violence—

~~235.4.4. by person, who have been convicted two or more times for plunder or extortion—~~

- is punishable by imprisonment for the term from eight up to fifteen years ~~with confiscation of property.~~ ([69](#), [131](#))

#### **Article 236. Declination to consumption of narcotics or psychotropic substances**

236.1. Declination to consumption of narcotics or psychotropic substances—

- is punishable by *restraint of freedom* ([see](#)) *for the term from two to five years, or* imprisonment for the term from two up to five years.

236.2. The same act committed:

236.2.1. on preliminary arrangement by group of persons or organized group;

236.2.2. repeatedly;

236.2.3. in obviously against minor or two or more persons;

236.2.4. with application or threat of application of violence—

- is punishable by imprisonment for the term from five up to ten years.

236.3. The acts, which are provided by articles 236.1 and 236.2 of the present Code, on imprudence entailed death of the victim or other heavy consequences—

- is punishable by imprisonment for the term from seven up to twelve years. ([61](#), [131](#))

#### **Article 237. Illegal cultivation of the plants, *containing narcotic substances***

237.1. *Illegal cultivation of plants, containing narcotic substances, in a significant amount (sowing, growing or harvesting plants (parts thereof)) —*

- is punishable by the penalty at a rate *from three thousand to six thousand manats or restraint of freedom* ([see](#)) *for the term from one to three years, or* imprisonment for the term up to three years.

237.2. The same acts committed:

237.2.1. on preliminary arrangement by group of persons or organized group;

237.2.2. repeatedly;

237.2.3. in the large amount-

- is punishable by imprisonment for the term from three up to eight years. ([1](#), [37](#), [45](#), [120](#), [128](#), [131](#))

#### **Article 238. Organization or maintenance of smoking places for consumption of narcotics or psychotropic substances**

238.1. The organization, maintenance of smoking places for consumption of narcotics either psychotropic substances or granting of premises for these purposes—

- is punishable by imprisonment for the term up to four years.

238.2. The same acts committed:

238.2.1. on preliminary arrangement by group of persons or organized group;

238.2.2. repeatedly—

- is punishable by imprisonment for the term from three up to eight years.

#### **Article 239. Illegal distribution or fake recipes which give the right on reception of narcotics or psychotropic substances at absence of medical parameters**

Illegal distribution or fake recipes, which give a right on reception of narcotics or psychotropic substances at absence of medical parameters—

- is punishable by *restraint of freedom* ([see](#)) *for the term up to two years, or imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.* ([131](#))

#### **Article 240. Illegal circulation of strong or poisonous substances with a view of selling**

240.1. Illegal manufacturing, processing, purchase, storage, transportation or transfer with the purpose of selling, as well as illegal selling of the strong or ~~poisonous~~ substances which are not concerning narcotics or psychotropic substances, or equipment for their manufacturing or processing—

- is punishable by imprisonment for the term up to three years.

*240.1-1. Illegal manufacture, processing, purchase, storage, transportation or sending of poisonous substances, not referred to narcotic drugs or psychotropic*

*substances, for sale purpose, as well as the illegal sale of these substances or equipment for their manufacturing or processing -*

- *is punishable by imprisonment for the term up to five years.*

240.2. *The acts, envisaged by Articles 240.1 and 240.1-1 of this Code, committed:*

240.2.1. *on preliminary arrangement by group of persons;*

240.2.2. *repeatedly—*

- *is punishable by imprisonment for the term from two up to six years.*

240.3. *The acts provided by Articles 240.1, 240.1-1 and 240.2 of the present Code, committed:*

240.3.1. *by organized group;*

240.3.2. *in large amount in relation to strong substances —*

- *is punishable by imprisonment for the term from four up to eight years.*

240.4. *Infringement of rules of manufacture, purchase, accounting, storage, transportation or transfer of strong or poisonous substances, on imprudence plunder entailed them or which has caused other essential harm—*

- *is punishable by the penalty at a rate from one thousand to two thousand five hundred manats, or corrective works for the term up to two years, or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to two years.*

*Note: Strong and poisonous substances specified in this Code, do not related to narcotic drugs or psychotropic substances, as well as the large scale of strong substances shall be established by law. (this amendment shall enter into force simultaneously with the law, provided by the clause "Note" of article 240) ([1](#), [45](#), [100](#), [107](#), [111](#), [128](#))*

#### **~~Article 241. Legalization of money resources or other property, acquired from illegal circulation of narcotics or psychotropic substances~~**

~~241.1. Implementation of financial operations or other contracts with use of money resources or other property, acquired from illegal circulation of narcotics or psychotropic substances, and also use of these means or other property with a purpose of implementation in enterprise or other economic activities —~~

- ~~▪ is punishable by the penalty at a rate from two up to five thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term up to four years.~~

~~241.2. The same acts committed:~~

~~241.2.1. on preliminary arrangement by group of persons;~~



~~241.2.2. repeatedly;~~

~~241.2.3. by person with use of the service position—~~

- ~~▪ is punishable by imprisonment for the term from four up to eight years with confiscation of property or without it.~~

~~241.3. The acts provided by articles 241.1 and 241.2 of the present Code, committed:~~

~~241.3.1. by organized group;~~

~~241.3.2. in large amount—~~

- ~~▪ is punishable by imprisonment for the term from seven up to twelve years with confiscation of property or without it. ([1](#), [29](#))~~

## **Chapter 27. Crimes against public morals**

### **Article 242. Illegal distribution of pornographic materials or objects**

Illegal manufacturing with a view of distribute or advertise, distribution, advertising of pornographic materials or subjects, as well as illegal trade in printed editions, movie or videos, images or other objects of pornographic nature—

- *is punishable by the penalty at a rate from two thousand up to four thousand manats or corrective works for the term up to two years or with imprisonment for the term up to three years with or without deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years. ([1](#), [45](#), [61](#))*

### **Article 243. Involving to prostitution**

243.1. Involving to prostitution with a purpose of gaining the *income* or other benefit—

- *is punishable by the penalty at a rate from two thousand five hundred up to three thousand five hundred manats, or public works for the term from three hundred twenty up to four hundred eighty hours, or imprisonment for the term up to three years.*

243.2. The same act committed:

243.2.1. with use of a helpless condition, physical or mental lacks of the person;

243.2.2. by organized group—

- *is punishable by imprisonment for the term from three up to six years. ([1](#), [45](#), [78](#), [82](#))*

## **Article 244. Maintenance of prostitution house**

244.1. The organization, maintenance of prostitution house for employment to prostitution or granting of premises for this purpose—

- is punishable *by the penalty at a rate from two thousand five hundred up to three thousand five hundred manats or public works for the term from four hundred up to four hundred eighty hours, or corrective works for the term up to two years, or imprisonment for the term up to three years.*

244.2. The same acts committed:

244.2.1. repeatedly;

244.2.2. on preliminary arrangement by group of persons or organized group—

- is punishable by imprisonment for the term from three up to six years. ([82](#), [128](#))

## **Article 244-1. Organization or maintaining of the gambling venue**

244-1.1. *Organization and maintaining of gambling venue, i.e. the place for gambling game-*

- *is punishable by the penalty at a rate from ten thousand up to fifteen thousand manats or correctional works for the period up to two years, or by deprivation of liberty up to three years.*

244-1.2. *The same acts:*

244-1.2.1. *committed more than once;*

244-1.2.2. *committed by a group of persons by prior conspiracy, by an organized group or criminal community (criminal organization) -*

- *are punishable by deprivation of liberty for a period from three to six years.*

### **Note:**

*1. In article 244-1 of the present Code " gambling game " refers to the game conducted in respect of funds, tangibles and other values (winning), in which the winnings depends on uncertainty or randomness.*

*2. The present article does not apply to the lottery and sports betting. ([65](#), [128](#))*

## **Article 245. Desecration of the graves**

Desecration of the grave or corpse—

- is punishable by corrective works for the term up to two years or imprisonment for the term up to five years.

#### **Article 246. Deliberate destruction or damage of history and culture monuments**

Deliberate destruction or damage of history and culture monuments, taken under protection of the state—

- is punishable by the penalty at a rate *from two thousand to four thousand manats* or imprisonment for the term up to two years. ([1](#), [45](#), [128](#))

### **Chapter 28. Ecological crimes**

#### **Article 247. Infringement of protection rules on environment by manufacture of works**

Infringement of preservation rules on environment at designing, accommodation, construction, commissioning and operation of industrial, agricultural, scientific and other objects by a persons responsible for observance of these rules, entailed to essential change of radioactive background, which caused harm to health of person, mass destruction of animals or to other heavy consequences—

- is punishable by *restraint of freedom* ([see](#)) *for the term from two to five years*, or imprisonment for the term up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([131](#))

#### **Article 248. Infringement of rules on handling with ecologically dangerous substances and waste products**

248.1. Manufacture of a forbidden kinds of dangerous waste products, transportation, storage, burial place, use or other handling with radioactive, bacteriological, chemical substances and waste products with infringement of the established rules if these acts have created threat of causing essential harm to health of a person or environment—

- is punishable by the penalty at a rate *from three thousand to six thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment *for the term up to two years*.

248.2. The same acts which have entailed pollution, poisoning of an environment, causing harm to health of a person, or mass destruction of animals, as well as committed in a zone of a dangerous ecological situation—

- is punishable by *restraint of freedom* ([see](#)) *for the term from two to five years*, or imprisonment for the term up to five years.

248.3. The acts provided by articles 248.1 or 248.2 of the present Code, on imprudence entailed death of a victim or mass disease of people—

- is punishable by imprisonment for the term from three up to eight years. ([1](#), [45](#), [128](#), [131](#))

#### **Article 249. Infringement of veterinary rules and rules established for struggle against illnesses and wreckers of plants**

249.1. Infringement of veterinary rules, on imprudence entailed to distribution of epizootic or other heavy consequences—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term up to two years.

249.2. Infringement of rules established for struggle against illnesses and wreckers of plants, on imprudence entailed heavy consequences—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to one year*, or imprisonment for the term up to one year. ([1](#), [45](#), [128](#), [131](#))

#### **Article 250. Pollution of waters (sources of water)**

250.1. Pollution, exhaustion of superficial or underground waters, sources of drinking water supply or other change of their natural properties, causing essential harm to animal or flora, *fish and other aquatic bioresources*, wood or to an agriculture—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to five years, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to one year*, or imprisonment for the term about six months.

250.2. The same acts which have entailed causing of harm to health of a person or mass destruction of animals, as well as committed on territory of reserve or in a zone of a dangerous or extreme ecological situation—

- is punishable by the penalty at a rate from *six thousand to nine thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term up to two years.

250.3. The same acts, on imprudence entailed death of a victim—

- is punishable by imprisonment for the term from three up to five years. ([1](#), [45](#), [61](#), [93](#), [128](#), [131](#))

#### **Article 251. Pollution of an atmosphere (air)**

251.1. Infringement of emission rules in an atmosphere of polluting substances or infringement of service regulations of equipment, constructions and other objects, entailed pollution or other change of natural properties of air—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to one year*, or imprisonment for the term about six months.

251.2. The same acts, on imprudence entailed causing of harm to health of a person—

- is punishable by *the penalty at the rate from six thousand to nine thousand manats or corrective works for the term of up to two years*, or restriction of freedom for the term up to one year, *or restraint of freedom ([see](#)) for the term up to two years*, or imprisonment for the term up to two years.

251.3. The same acts, on imprudence entailed death of the victim—

- is punishable by imprisonment for the term from three up to five years. ([1](#), [45](#), [61](#), [128](#), [131](#))

## **Article 252. Pollution of marine environment**

252.1. Pollution of the marine environment from sources taking place on land or by infringement of rules of dump or burial place made by vehicles or artificial constructions of substances erected in the sea and materials, which are unhealthy to person and alive resources of the sea or interfering legal use of the sea environment—

- is punishable by the penalty at a rate *from three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to one year*.

252.2. The same act causing essential harm to health of the person, to animals or flora, *fish and other aquatic bioresources*, environment, zones of rest or other protected by law interests—

- is punishable by *the penalty at the rate from six thousand to nine thousand manats or corrective works for the term of up to two years*, *restraint of freedom ([see](#)) for the term up to two years*, or imprisonment for the term up to two years.

252.3. The same act, on imprudence entailed death of a victim—

- is punishable by imprisonment for the term from three up to five years. ([1](#), [45](#), [61](#), [93](#), [128](#), [131](#))

## **Article 253. Infringement of legislation of the Republic of Azerbaijan about a coastal shelf**

253.1. Illegal erection of constructions or other installations on a coastal shelf of the Republic of Azerbaijan, illegal creation around them of safety zones, as well as infringement corrected constructions, operation, protection or liquidations of erected constructions and means of a sea safety navigation—

- is punishable by the penalty at a rate from *four thousand to six thousand manats*, or corrective works for the term up to two years, or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term up to two years.

253.2. Research, investigation, development of natural resources and implementation of other activities on a continental shelf of the Republic of Azerbaijan by foreign legal or physical persons, if implementation of these works is not provided by international agreements to which the Republic of Azerbaijan is a party or in the special sanction given by the appropriate state body of the Republic of Azerbaijan—

- is punishable by *restraint of freedom* ([see](#)) *for the term from two up to five years*, or imprisonment for the term from three up to five years. ([1](#), [45](#), [128](#), [131](#))

## **Article 254. Damage of a ground**

254.1. The poisoning, pollution or other damage of a ground by harmful products of economic or other activity by infringement of handling rules with the fertilizers, dangerous chemical or biological substances at their storage, use or transportation, entailed to significant cause of harm to health of people or environment—

- is punishable by the penalty at a rate of from *three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to one year, or *restraint of freedom* ([see](#)) *for the term up to one year*.

254.2. The same acts committed in a zone of an extreme or dangerous ecological situation—

- is punishable by corrective works for the term up to two years or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term up to two years.

254.3. The same acts, which is committed on imprudence and entailed death of a victim—

- is punishable by imprisonment for the term from three up to five years. ([1](#), [45](#), [128](#), [131](#))

## **Article 255. Infringement of rules of protection and use of bowels**

Infringement of rules of protection and use of bowels at designing, accommodation, construction, commissioning and operation of a mining enterprises or underground constructions which have been not connected to extraction of minerals, as well as illegal building of the areas holding minerals, causing significant damage—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years, or corrective works for the term up to one year, or *restraint of freedom* ([see](#)) for the term up to one year. ([1](#), [45](#), [128](#), [131](#))

## **Article 256. Illegal extraction of a fish and other aquatic bioresources**

256.1. Illegal extraction of a *fish and other aquatic bioresources*, causing damage in the significant size—

- is punishable by the penalty at a rate from *two thousand to three thousand manats*, or public works from *two hundred forty to three hundred twenty hours*, or corrective works for the term up to one year, or *restraint of freedom* ([see](#)) for the term up to one year.

256.2. The same act committed:

256.2.1. with causing damage in the large amount;

256.2.2. with application of self-propelled transport floating means or explosive and chemical substances, or means of mass destruction of a *fish and other aquatic bioresources*;

256.2.3. on territory of reserve, or on zone of an extreme or dangerous ecological situation—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or corrective works for the term up to one year, or *restraint of freedom* ([see](#)) for the term up to two years, or imprisonment for the term up to two years.

256.3. The acts provided by articles 256.1 or 256.2 of the present Code, committed by a person with use of the service position or on preliminary arrangement by group of persons or by organized group—

- is punishable by the penalty at a rate from *six thousand to nine thousand manats*, or *restraint of freedom* ([see](#)) for the term from two up to five years, or with imprisonment for the term from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

**Note:** “ the significant amount “ in article 256.1 of the present Code is understood as the sum at a rate of *from four hundred up to one thousand manats*, and as “ the large amount” in article 256.2.2 - *over one thousand manats*. ([1](#), [3](#), [45](#), [82](#), [93](#), [128](#), [131](#))



## **Article 257. Infringement of rules on protection of fish and other aquatic bioresources**

Construction of bridges, dams, realization of explosive and other works, as well as operation of water-intoning constructions by infringement of protection of *fish and other aquatic bioresources*, which have brought to mass destruction of a *fish and other aquatic bioresources*—

- is punishable by the penalty at a rate from *three thousand to six thousand manats*, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to one year*. ([1](#), [45](#), [93](#), [128](#), [131](#))

## **Article 258. Illegal hunting**

258.1. The hunting which has been carried out without appropriate sanction either in prohibited zones or in forbidden time, or by forbidden instruments and ways, causing damage in the significant amount—

- is punishable by the penalty at a rate from *two thousand to three thousand manats*, or public works for the term *from two hundred forty to three hundred twenty hours*, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to one year*.

258.2. The same act committed:

258.2.1. by causing damage in the large amount;

258.2.2. with use of explosives or different ways of mass destruction of birds and animals;

258.2.3. concerning birds and animals, hunting on which is forbidden completely;

258.2.4. on territory of reserve or in zone of ecological disaster or in a zone of an extreme ecological situation—

- is punishable by the penalty at a rate *from three thousand to six thousand manats*, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to two years*, or imprisonment for the term up to two years.

258.3. The act provided by *articles 258.1 and 258.2* of the present Code, committed:

258.3.1. by official with use of the service position;

258.3.2. on preliminary arrangement by group of persons or organized group—

- is punishable by the penalty at a rate *from six thousand to nine thousand manats, or restraint of freedom ([see](#)) for the term from two up to five years*, or with imprisonment for the term from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it.

**Note:** “The significant amount” in article 258.1 of the present Code is understood as the sum at a rate of *from four hundred up to one thousand manats*, and as “the large amount” in article 258.2.1 - *over one thousand manats*. ([1](#), [45](#), [61](#), [82](#), [128](#), [131](#))

### **Article 259. Illegal cutting of trees**

*259.1. Illegal cutting (removal) of trees, bushes and other green plantings in the forests or specially protected natural areas, as well as trees, bushes or other green plantings, not included in the forest fund in a significant amount —*

- *punishable by a fine at the rate from five thousand to seven thousand manats or correctional labor for up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for up to two years with deprivation of the right to hold certain position or engage in certain activity for up to three years or without it.*

*259.2. The same acts committed:*

*259.2.1. repeatedly;*

*259.2.2. a group of persons by previous concert;*

*259.2.3. a person using his official position;*

*259.2.4. with damage in a large amount -*

- *punishable by a fine at the rate from seven thousand to nine thousand manats, or restraint of freedom ([see](#)) for the term from two up to five years, or imprisonment for a period from two to five years with deprivation of the right to hold certain position or engage in certain activity for up to three years or without it.*

*259.3. The acts provided by articles 259.1 or 259.2 of this Code, committed by a group of persons by prior conspiracy or by an organized group —*

- *are punishable with a fine at the rate from nine thousand to eleven thousand manats, or restraint of freedom ([see](#)) for the term from two up to five years, or imprisonment for a period from three to six years with deprivation of the right to hold certain position or engage in certain activity for up to three years or without it.*

**Note:**

1. The provisions of this Article shall not apply to the cutting (removal) of green plantings in private and suburban areas, being in private ownership, as well as green plantings (crops), consisting of plants used for the production of agricultural products.

2. In Article 259.1 of this Code, "significant amount" means an amount from one thousand to seven thousand manats, in Articles 259.2.4, 260.1-1 and 260.3 a "large amount" refers to the sum of over seven thousand manats. ([1](#), [3](#), [21](#), [40](#), [45](#), [53](#), [114](#), [131](#))

## **Article 260. Destruction or damage of forests and other green plantations**

260.1. Destruction or damage of forests, trees or bushes and other green plantations, which are not included in forest fund, in a result of casual handling by fire or other sources of the increased danger—

- is punishable by the penalty at a rate from one thousand to two thousand manats, or corrective works for the term up to one year, or restraint of freedom ([see](#)) for the term up to one year, or imprisonment for the term up to one year.

260.1-1. Acts provided by Article 260.1 of this Code, committed with causing damage in the large amount -

- is punishable by a fine at a rate from two thousand to four thousand manats, or correctional labor for up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for up to two years.

260.2. Destruction or damage of woods, as well as trees or bushes and other green plantings, which are not included in forest fund, by an arson or other socially dangerous way or in a result of pollution by harmful substances, industrial and household wastes —

- is punishable by restraint of freedom ([see](#)) for the term from two up to five years, or imprisonment for the term from two up to five years with a fine in the amount of two thousand to three thousand manats or without.

260.3. Acts provided by Article 260.2 of this Code, committed with causing damage in the large amount -

- is punishable by imprisonment for the term from five up to seven years with a fine in the amount of three thousand to seven thousand manats or without. ([1](#), [45](#), [114](#), [131](#))

## **Article 261. Infringement of especially protected natural territories and natural objects**

Infringement of reserves, national parks, nature sanctuaries and other natural territories especially protected by the state, entailed causing of substantial damage—

- is punishable by the penalty at a rate *from three thousand to six thousand manats*, or corrective works for the term up to one year, *or restraint of freedom ([see](#)) for the term up to one year*, or imprisonment for the term about six months.

*Note: “substantial damage” in article 261 of the present Code is understood as the sum over two thousand manats. ([1](#), [3](#), [45](#), [128](#), [131](#))*

## **Chapter 29. Crimes against traffic safety rules and operation of vehicles**

### **Article 262. Infringement of traffic safety rules and operation of railway, water or air transport**

262.1. Infringement of traffic safety rules and operation of railway, water or air transport by person, in connection with carried out work or post by which a person obliged to observe these rules, on imprudence causing ~~minor serious or~~ less serious harm to health of the victim—

- *is punishable by the penalty at a rate from five thousand to seven thousand manats, or corrective works for the term up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to two years.*

*262.1-1. The same acts, caused by recklessness serious damage to health of the injured —*

- *is punishable by imprisonment up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.*

262.2. *The act provided by article 262.1 of the present Code, committed on imprudence entailed to death of the victim—*

- *is punishable by imprisonment for the term from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.*

262.3. *The act provided by article 262.1 of the present Code, committed on imprudence entailed death of two or more persons—*

- *is punishable by imprisonment for the term from five up to ten years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years. ([61](#), [131](#))*

### **Article 263. Infringement of traffic rules and operation of vehicles**

263.1. Infringement by the person managing automobile, tram or other mechanical vehicle, rules of traffic or operation of vehicles, committed on imprudence entailed causing of less serious ~~or minor serious~~ harm to health of a victim—

- *is punishable by the penalty at the rate from five thousand to seven thousand manats or corrective works for the term up to two years, or restraint of freedom ([see](#)) for the term up to two years, or imprisonment up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to two years.*

*263.1-1. The same acts, caused by recklessness serious harm to health of the injured —*

- *is punishable by restraint of freedom ([see](#)) for the term from one up to three years, or imprisonment up to three years with deprivation of the right to operate a vehicle for the term of three years.*

*263.2. The act provided by article 263.1 of the present Code, committed on imprudence entailed death of a victim—*

- *is punishable by imprisonment for the term from two up to six years with deprivation of the right to operate a vehicle for the term up to three years.*

*263.3. The act provided by article 263.1 of the present Code, committed on imprudence entailed death of two or more persons—*

- *is punishable by imprisonment for the term from five up to ten years with deprivation of the right to operate a vehicle for the term up to five years.*

***Note:***

*1. Other mechanical vehicles in Article 263.1 of this Code are understood as trolley buses, tractors, motorcycles both self-propelled machines and mechanisms.*

*2. A person, committed an offence under articles 263.1 or 263.1-1 of this Code shall be released from criminal liability if he reconciles with the victim and fully compensates the damage caused to him. If, at the same time, there are evidences of an administrative offence in the acts of a person, he is brought to justice in the manner prescribed by the Code of Administrative Violations of the Republic of Azerbaijan. ([61](#), [131](#))*

***Article 263-1. Breach of traffic code and rules of exploitation of motor vehicles by someone with driving license or in the state of being drunken***

*263-1.1. If the misdeeds described in the Article 263.1 committed in the state of being drunken or by the use of narcotics, psychotropics or other substances of this sort or by someone who is not in possession of a driving license resulted in slightly injured a person -*

- *Deprivation of driving license up to three years and fine totaled from six to eight thousand manats or deprivation of driving license up to three years and imprisonment up to three years.*

*263-1.2. The same acts that caused serious injury of the victim by negligence or causing of less serious or serious harm to the health of the victim due to negligence while operating a public vehicle -*

- *Sentenced with deprivation of driving license and imprisonment up to four years.*

*263-1.3. If the same misdeeds cause a death —*

- *Sentenced with deprivation of driving license up to five years and imprisonment from five to eight years.*

*263-1.4. If the same misdeeds cause a death of two or more people —*

- *Sentenced with deprivation of driving license up to five years, and with imprisonment from seven to twelve years. ([77](#), [104](#))*

#### **Article 264. Leaving a places of road and transport incident**

Leaving a place of road and transport incident by a person who managing a vehicle and has broken rules of traffic or operation of vehicles, in case of approach of the consequences provided by *articles 263 or 263-1* of the present Code—

- *is punishable by restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years with deprivation of the right to operate a vehicle for the term up to three years.*

*Note: The person, who left the place of road accident in connection with the provision of assistance to the injured shall be exempted from criminal responsibility under this article. ([61](#), [77](#), [131](#))*

#### **Article 265. Substandard repair of vehicles or their release in operation with technical malfunctions**

265.1. Substandard repair of vehicles or transport equipment, as well as release in operation of technically malfunctioning vehicles by a person responsible for a technical condition of vehicles, committed on imprudence and brought to less serious or minor serious harm to health of a victim—

- *is punishable by the penalty at a rate of *three thousand to six thousand manats or corrective works for the term up to two years*, or imprisonment for the term up to one year.*

265.2. The same acts, committed on imprudence entailed death of a victim—

- *is punishable by imprisonment for the term up to five years.*

265.3. The acts provided by article 265.1 of the present Code, committed on imprudence entailed death of two or more persons—

- *is punishable by imprisonment for the term from three up to eight years. ([1](#), [45](#), [61](#), [104](#), [128](#))*

#### **Article 265-1. Violation of the rules of handover of public transport vehicle for use**

*265-1.1. Admission to the operation of public transport vehicle of the person which does not have the right to operate such a vehicle or failure to arrange a pre-trip medical examination of the public vehicle drivers if it entailed causing of less serious or serious harm to health of the victim by negligence -*

- *is punishable by penalty of three thousand to six thousand or imprisonment for up to two years, with disqualification to hold certain positions or engage in certain activities for up to two years.*

*265-1.2. The same acts that caused the victim's death by negligence -*

- *is punishable by imprisonment for a term of two to five years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years.*

*265-1.3. The actions provided for in Article 265-1.1 of this Code, entailed death of two or more persons by negligence -*

- *is punishable by imprisonment for a term of three to eight years with disqualification to hold certain positions or engage in certain activities for up to three years.*([104](#))

#### **Article 266. Reduction to unsuitability of vehicles or means of communication**

266.1. Destruction, damage or reduction by a different way to unusable for condition of means operation on communication, vehicles or transport equipment, committed on imprudence entailed causing of less serious or minor serious harm to health of a victim or causing of damage in large amount—

- is punishable by penalty at a rate *from three thousand to six thousand manats*, or corrective works for the term up to two years, or imprisonment for the term up to two years.

266.2. The same acts, committed on imprudence entailed death of the victim—

- is punishable by imprisonment for the term from two up to five years.

266.3. The acts provided by article 266.1 of the present Code, committed on imprudence entailed death of two or more persons—

- is punishable by imprisonment for the term from three up to eight years. ([1](#), [45](#), [128](#))

#### **Article 267. Infringement of the rules providing safe work of vehicles**

267.1. Infringement by a passenger, pedestrian or other participant of traffic (except for the persons provided in articles 263-264 of the present Code) of traffic safety rules or operation of vehicles, committed on imprudence entailed causing of less serious or minor serious harm to health of the victim—



- is punishable *by the penalty at the rate from two thousand to three thousand manats or corrective works for the term up to two years or imprisonment for the term about six months.*

267.2. The same act, committed on imprudence entailed death of the victim—

- is punishable by imprisonment for the term up to three years.

267.3. The act provided by article 267.1 of the present Code, committed on imprudence entailed death of two or more persons—

- is punishable by imprisonment for the term from three up to six years. ([61](#), [77](#), [128](#))

#### **Article 268. Infringement of safety rules at construction, operation or repair of main pipelines**

268.1. Infringement of safety rules at construction, operation or repair of main pipelines, committed on imprudence entailed causing of less serious or minor serious harm to health of a victim or causing damage in large amount-

- is punishable by the penalty *at a rate from three thousand to six thousand manats, or restraint of freedom ([see](#)) for the term from up to two years, or imprisonment for the term up to two years.*

268.2. The same act, committed on imprudence entailed death of the victim—

- is punishable by imprisonment for the term up to five years.

268.3. The act provided by article 268.1 of the present Code, on imprudence entailed death of two or more persons—

- is punishable by imprisonment for the term from three up to eight years. ([1](#), [45](#), [61](#), [128](#), [131](#))

#### **Article 269. Not rendering by captain of a vessel of the help to suffering from disaster**

Not rendering by captain of a vessel of the help to suffering from disaster on the sea or on other waterway if this help could be rendered without serious danger to a vessel, its crew and passengers—

- is punishable by corrective works for the term up to two years, or *restraint of freedom ([see](#)) for the term up to three years, or imprisonment on the same term.* ([61](#), [131](#))

#### **Article 270. Infringement of rules on international flights**

Non-observance of the flight routes specified in the sanction, places of landing, an air gates, heights of flight or other infringement of rules on international flights—

- are punishable by the penalty at a rate *from two thousand to four thousand manats*, or restriction of freedom for the term up to three years, or with imprisonment for the term up to one year with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it. ([1](#), [45](#), [61](#), [128](#))

## **Chapter 30. Cybercrimes**

### **Article 271. Unauthorized access to a computer system**

*271.1. Intentional input to the computer system or any part thereof without the right of access to the system or any part thereof with violation of security measures or with a purpose of abstraction of computer information stored therein or with a personal purpose —*

- *punishable by a fine at the rate of two thousand to four thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.*

*271.2. The same acts committed:*

*271.2.1. repeatedly;*

*271.2.2. by a group of persons by previous concert, an organized group or criminal community (organization);*

*271.2.3. by official using his official position -*

- *punishable by a fine at the rate of four thousand to six thousand manats or imprisonment for a period of two to four years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*271.3. Acts stipulated for by the Article 271.1 or 271.2 of the Code, committed against computer system of infrastructure facility of public importance or any part thereof,*

- *punishable by imprisonment for a period of four to six years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*Note:*

*1. “Computer system” in the Articles 271-273-2 of the Code means any device or group of inter-connected devices, making automated data processing in accordance with the relevant programs.*

*2. “Computer information” in the Articles 271-273-2 of the Code under means any information (facts, information, programs, and concepts) suitable for work, processing in a computer system.*

3. "Infrastructure facility of public importance" in the Articles 271-273 of the Code means the government agencies, businesses, organizations, non-governmental organizations (public associations and foundations), credit institutions, insurance companies, licensed entities in the securities market, investment funds and administrators of these funds of much importance for the state and society. ([1](#), [45](#), [70](#), [122](#), [124](#), [128](#))

#### **Article 272. Misappropriation of computer information**

272.1. Intentional taking of computer information not intended for public use, transmitted to the computer system, from the computer system or within the system, including electromagnetic radiation from the computer systems, which are carriers of such computer information, using technical means by the person not entitled thereto, -

- punishable by a fine at the rate of two thousand to four thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.

272.2. The same acts committed:

272.2.1. repeatedly;

272.2.2. by a group of persons by previous concert, an organized group or criminal community (organization);

272.2.3. by an official using his official position -

- punishable by a fine at the rate of four thousand to six thousand manats or imprisonment for a period of two to four years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.

272.3. Acts stipulated for by the Article 272.1 or 272.2 of the present Code committed against computer system of infrastructure facility of public importance or any part thereof -

- punishable by imprisonment for a period of four to six years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([1](#), [45](#), [70](#), [128](#))

#### **Article 273. Illegal interference in a computer system or computer information**

273.1. Intentional damage, destruction, deterioration, alteration or suppression of computer data, committed by a person not entitled thereto, which causes significant damage -

- punishable by a fine at the rate of two thousand to four thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.

*273.2. Serious obstruction to the work of the computer system by making, transfer, damage, destruction, deterioration, alteration or suppression of computer data by a person not entitled to it -*

- *punishable by a fine at the rate of two thousand to four thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*273.3. Acts stipulated for by the under Article 273.1 or 273.2 of the Code, committed :*

*273.3.1. repeatedly;*

*273.3.2. by a group of persons by previous concert, an organized group or criminal community (organization);*

*273.3.3. by official using his official position -*

- *punishable by a fine at the rate of four thousand to six thousand manats or imprisonment for a period of two to four years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*273.4. Acts provided by articles 273.1-273.3 of the Code, committed against computer system of infrastructure facility of public importance or any part thereof -*

- *punishable by imprisonment for a period of four to six years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

*Note:*

*1. "Significant damage" in the Articles of the Chapter means damage caused by a socially dangerous act in excess of thousand manats or other significant damage caused to legally protected interests of the state, society or individuals.*

*2. "Serious obstruction to the work of the computer system" in the Article 273.2 of the Code means such disruption of normal operation of computer system where there is a significant limitation of possibility of the owner or user of a computer system to use the system or data exchange with other computer systems. ([61](#), [70](#), [128](#))*

#### ***Article 273-1. Turnover of facilities produced for cybercrimes***

*273-1.1. Manufacture of devices or computer programs, which main purpose of making or adaptation which is committing crimes stipulated for in the Articles 271-273 of the Code, their import to commit such crimes, purchase for use, sale, distribution and creation of other conditions for their purchase, if it caused significant damage -*

- *punishable by a fine at the rate of three thousand to five thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.*

*273-1.2. Creation, possession or purchase for use of computer passwords, access codes, or similar data enabling an unauthorized access to a computer system or any part thereof, with the purpose of committing crimes stipulated for in the Articles 271-273 of the Code, if it caused significant damage -*

- *punishable by a fine at the rate of three thousand to five thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.*

*273-1.3. Sale, distribution or creation of other conditions for the acquisition of computer passwords, access codes or other similar data enabling an unauthorized access to a computer system or any part thereof, with the purpose of committing crimes stipulated for in the Articles 271-273 of the Code -*

- *punishable by a fine at the rate of three thousand to five thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.*

*273-1.4. Acts stipulated for in the Articles 273-1.1-273-1.3 committed:*

*273-1.4.1. repeatedly;*

*273-1.4.2. by a group of persons by previous concert, an organized group or criminal community (organization);*

*273-1.4.3. by official using his official position -*

- *punishable by a fine at the rate of five thousand to eight thousand manats or imprisonment for a period of two to four years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([70](#), [128](#))*

#### **Article 273-2. Falsification of computer data**

*Unauthorized, intentional introduction, alteration, erasure or blocking of computer data with a purpose to represent falsified computer data as authentic (real) computer data or use them, such acts entailed violation of authenticity (validity) of the primary computer data -*

- *punishable by a fine at the rate of two thousand to four thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. ([70](#), [128](#))*

### **Section XI. Crimes against state power**

## **Chapter 31. Crimes against bases of the constitutional power and safety of the state**

### **Article 274. High treason**

High treason, that is deliberately action committed by a citizen of the Republic of Azerbaijan to detriment of the sovereignty, territorial integrity, state security or defensibility of the Republic of Azerbaijan: changeover to enemy side, espionage, distribution of the state secret to foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Republic of Azerbaijan—

- is punishable by imprisonment for the term of from *twelve up to twenty five* years or life imprisonment ~~with confiscation of property or without it.~~

**Note:** The person recruited by bodies of special services of a foreign states for commitment of a crime, provided by a present article, and also article 276 of the present Code, shall be released from a criminal liability if he in performance of the received criminal task of any actions has not committed voluntary and duly message to authorities or otherwise promoted prevention of damage to interests of the Republic of Azerbaijan and if his actions do not contain structure of other crime. ([69](#), [90](#))

### **Article 275. Use of Armed Forces of the Republic of Azerbaijan and other armed formations provided by the legislation of the Republic of Azerbaijan, against Azerbaijan people or constitutional state bodies**

275.1. Use of Armed Forces of the Republic of Azerbaijan and other armed formations provided by the legislation of the Republic of Azerbaijan, against Azerbaijan people or constitutional state bodies—

- is punishable by imprisonment for the term from *seven up to twelve* years.

275.2. The same act, which has brought to heavy consequences—

- is punishable by imprisonment for the term from *twelve up to twenty five* years or life imprisonment. ([90](#))

### **Article 276. Espionage**

Transfer, as well as kidnapping, collecting or storage with the purpose of transfer to the foreign state, foreign organization or their representatives of a data which are a state secrets, and also transfer, kidnapping with a purpose of transfer or collecting by orders of special services of the foreign states of other data for their use to detriment safety of the Republic of Azerbaijan, if espionage is committed by a foreigner or person without citizenship—

- is punishable by imprisonment for the term from *ten* up to fifteen years ~~with confiscation of property or without it.~~ ([69](#), [90](#))

### **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 representative 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 punishable by imprisonment for the term from *fourteen up to twenty* years or life imprisonment. ([90](#), [101](#))

**Article 278. Violent seizure of power or violent deduction of power, violent change of the constitutional system of the state**

278.1 Actions directed on violent seizure power or violent deduction power in infringement of the Constitution of the Republic of Azerbaijan, as well as directed on violent change of constitutional grounds of the states—

- is punishable by imprisonment for the term from *twelve up to twenty* years or life imprisonment.

278.2. *Commission of actions, aimed at violent change of the constitutional system of the Republic of Azerbaijan, including its secular character or the violation of the territorial integrity or the violent seizure of power, on the grounds of religious animosity, religious radicalism and religious fanaticism -*

- *shall be punishable by imprisonment from fifteen to twenty years or life imprisonment.*

**Note:** The person who has committed crimes provided by the present article, shall be released from a criminal liability if he is voluntary and duly message to bodies of the government or otherwise promoted prevention of damage to interests of the Republic of Azerbaijan, and also committed crime has not caused essential harm and if his actions do not contain structure of other crime. ([90](#), [116](#))

**Article 279. Creation of a armed formations or groups, which are not provided by the legislation**

279.1. Creation of armed formations or groups, which are not provided by the legislation of the Republic of Azerbaijan, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military engineering or military equipment—

- is punishable by imprisonment for the term from three up to eight years.

*279.1-1. Establishment of armed formations or groups, provided by Article 279.1 of this Code, participation in these formations or groups on the grounds of religious animosity, religious radicalism and religious fanaticism -*

*shall be punishable by imprisonment for a term of six to ten years.*

279.2. The attack on enterprises, establishments, and organizations or on separate persons by structure of formations or groups which is provided by *articles 279.1 and 279.2* of the present Code—



- is punishable by imprisonment for the term from seven up to twelve years.

279.3. The act which is provided by article 279.2 of the present Code, entailed to destruction of people or other heavy consequences—

- is punishable by imprisonment for the term from *twelve up to twenty* years or life imprisonment ~~with confiscation of property or without it.~~ ([69](#), [90](#), [116](#))

#### **Article 280. Armed rebellion**

Organization of armed rebellion or active participation in it with a view of violent change of constitutional power of the Republic of Azerbaijan or infringement of territorial integrity of the Republic of Azerbaijan—

- is punishable by imprisonment for the term from *twelve up to twenty* years or life imprisonment. ([90](#))

#### **Article 281. Public appeals directed against the state**

281.1. Public appeals to violent capture of authority, violent deduction of authority or violent change constitutional grounds or infringement of territorial integrity of the Republic of Azerbaijan, as well as distribution of materials of such contents -

- is punishable by imprisonment for the term up to five years.

281.2. The same acts committed repeatedly or by group of persons—

- is punishable by imprisonment for the term from five up to eight years.

281.3. The acts provided by articles 281.1 and 281.2 of the present Code, committed by orders of foreign organizations or their representatives—

- is punishable by imprisonment for the term from seven up to twelve years.

#### **Article 282. Diversion**

282.1. Commitment of explosion, arson or other actions directed on destruction or damage of enterprises, constructions, means of communication, means of message and communication, objects of life-support of a population with a view of undermining defensibility and economic safety of the Republic of Azerbaijan, as well as mass poisoning or distribution among people and animal infectious of diseases, committed in same purposes—

- is punishable by imprisonment for the term from eight up to fifteen years.

282.2. The same acts committed by organized group—

- is punishable by imprisonment for the term from twelve up to *twenty* years. ([90](#))

## **Article 283. Excitation of national, racial, *social* or *religious* hate and hostility**

283.1. The actions directed on excitation of national, racial, *social* or *religious* hate and hostility, humiliation of national advantage, as well as actions directed on restriction of citizens rights, or establishment of the superiority of citizens on the basis of their national or racial, *social* belonging, creeds committed publicly, including with use of mass media—

- is punishable by the penalty at a rate *from eight thousand up to twelve thousand manats or corrective works for the term up to two years, or imprisonment for the term from two up to four years.*

*283.1-1. Acts provided for in Article 283.1 of the present Code, committed on the grounds of religious animosity, religious radicalism or religious fanaticism -*

- *shall be punishable by imprisonment for a term of three to five years.*

283.2. The same acts committed:

283.2.1. with application of violence or with threat of its application;

283.2.2. by person with use of the service position;

283.2.3. by organized group—

- is punishable by imprisonment for the term from three up to five years.

*283.3. Financing of commission of acts, stipulated in Article 283.1 of the present Code, on the grounds of religious animosity, religious radicalism or religious fanaticism-*

- *is punishable by imprisonment for a term of three to five years. ([1](#), [15](#), [45](#), [61](#), [89](#), [116](#), [128](#))*

## **Article 283-1. Creation of stable group to participate in the armed conflicts outside the Republic of Azerbaijan**

*283-1.1. 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 animosity, religious radicalism and religious fanaticism or conducting military exercises for this purpose, or creation of stable group for this purpose and management of such group-*

- *punishable by imprisonment for a period of nine to twelve years.*

*283-1.2. The same acts committed with a minor involved -*

- *punishable by imprisonment for a period of twelve to fifteen years.*

*283-1.3. Participation in the groups, exercises or armed conflicts specified in the above Article 283-1.1 of the Code -*

- *punishable by imprisonment for a period of seven to eleven years.*

*283-1.4. Public appeals to commit acts stipulated for in Articles 283-1.1 - 283-1.3 of the Code, and distribution of materials with similar content -*

- *punishable by imprisonment for up to five years.*

***Note:** 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. ([89](#), [116](#))*

#### **Article 284. Disclosure of the state secret**

284.1. Disclosure of the data, making state secret, by a person to whom it was trusted or it became known on service or work, at absence of attributes of high treason—

- is punishable by imprisonment for the term *from three up to six years* with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

284.2. The same act which has brought to minor serious consequences—

- is punishable by imprisonment for the term *from four up to eight years* with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to *three* years. ([92](#), [111](#))

#### **Article 284-1. Misappropriation of information, constituting a state information**

*Misappropriation of information constituting a state secret, documents containing state secrets, as well as objects, information on which constitutes a state secret, by the threat of violence or the use of violence, threats or other means of coercion, theft, deception or the use of certain technical means, stipulated for the secret appropriation of confidential information, in the absence of high treason or espionage -*

- *is punishable by imprisonment for the term from two to five years.*([92](#))

#### **Article 285. Loss of the documents containing the state secret**

Loss on imprudence of documents, containing the state secret, and also subjects, data of which make the state secret, by a person having access to them and infringement established by the legislation of the Republic of Azerbaijan of handling rules with the specified documents or subjects, entailed to heavy consequences—

- is punishable by *restraint of freedom* ([see](#)) for the term from two up to five years, or imprisonment for the term up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years. ([61](#), [131](#))

## **Chapter 32. Crimes against justice**

### **Article 286. Impeding to implementation of justice, manufacture of preliminary investigation**

286.1. Intervention in any form of court activity with a view of impeding to implementation of justice—

- is punishable by the penalty at a rate *from one thousand to two thousand manats* or imprisonment for the term up to two years.

286.2. Intervention in any form to activity of the prosecutor office, inspector or person making inquiry, with a view of impeding to objective, full and all-round investigation of case—

- is punishable by the penalty at a rate *from one thousand to two thousand manats*, or public works for the term *from three hundred up to four hundred eighty hours*, or imprisonment for the term about six months.

286.3. The acts provided by articles 286.1 and 286.2 of the present Code, committed by a person with use of the service position—

- is punishable by the penalty at a rate of *from two thousand to three thousand manats*, or *restraint of freedom* ([see](#)) for the term up to three years, or imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years. ([1](#), [45](#), [82](#), [128](#), [131](#))

### **Article 287. Attempt on life of a person who is carrying out justice or preliminary investigation**

Attempt on life of a judge, ~~jurymen~~, and also prosecutor, investigator, person making inquiry, defender, expert, *executive officer*, as well as on their close relatives in connection with disposal of legal proceeding or appropriate materials in court, either manufacture of preliminary investigation or execution of decision or other judicial action, committed with a view of hindrance lawful activity of a specified persons or from revenge for such activity—

- is punishable by imprisonment for the term from *fourteen up to twenty* years. ([63](#), [90](#), [94](#))

### **Article 288. Threat or violent actions in connection with implementation of justice or manufacture of preliminary investigation**

288.1. Threat murder, causing of harm to health, destruction or damage of property concerning a judge, *as well as on their close relatives* in connection with disposal of legal proceeding or appropriate materials in court—

- is punishable by the penalty at a rate *from three thousand to six thousand manats* or imprisonment for the term from two up to five years.

288.2. The same act committed concerning prosecutor, investigator, person making inquiry, defender, expert, *executive officer*, as well as on their close relatives in connection with disposal of legal proceeding or appropriate materials in court, either manufacture of preliminary investigation or execution of decision or other judicial actions—

- is punishable by the penalty at a rate *from two thousand to four thousand manats* or imprisonment for the term up to three years.

288.3. The acts provided by articles 288.1 or 288.2 of the present Code, committed with application of the violence not dangerous to life or health—

- is punishable by imprisonment for the term from three up to five years.

288.4. The acts provided by articles 288.1 or 288.2 of the present Code, committed with application of the violence dangerous to life or health—

- is punishable by imprisonment for the term from five up to ten years. ([1](#), [45](#), [63](#), [94](#), [128](#))

#### **Article 289. Disrespect to court**

289.1. Disrespect to court, insult of participants of proceeding—

- is punishable by the penalty at a rate *from five hundred to one thousand manats* or public works for the term of *from three hundred twenty up to four hundred hours*, or imprisonment for the term about six months.

289.2. The same act committed concerning judge ~~or jurymen~~—

- is punishable by the penalty at a rate *from one thousand to one thousand five hundred manats*, or corrective works for the term up to two years, or imprisonment for the term about six months. ([1](#), [45](#), [82](#), [94](#), [128](#))

#### **Article 290. Attraction of obviously innocent to a criminal liability**

290.1. Attraction of obviously innocent to a criminal liability—

- is punishable by imprisonment for the term up to three years.

290.2. The same act connected to accusation of a person on commitment of minor serious or serious crime—

- is punishable by imprisonment for the term from three up to seven years.

#### **Article 291. Illegal release from a criminal liability**

Illegal release from a criminal liability of a person suspected or accused in commitment of a crime, by prosecutor, investigator or person making inquiry—

- is punishable by imprisonment for the term from two up to five years.

## **Article 292. False arrest, imprisonment or holding in custody**

### 292.1. Obviously false arrest—

- is punishable by *restraint of freedom* ([see](#)) *for the term up to two years, or imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.*

### 292.2. obviously illegal imprisonment ~~or holding in custody—~~

- is punishable by imprisonment for the term ~~from two~~ up to four years.

### 292.2-1. Knowingly illegal detention-

- *punishable by imprisonment for a period of up to four years.*

### 292.3. The acts provided by articles 292.1, 292.2 or 292.2-1 of the present Code, entailed heavy consequences—

- is punishable by imprisonment for the term from four up to eight years.  
([61](#), [88](#), [131](#))

## **Article 293. Torture, cruel, inhuman or degrading treatment or punishment not considered torture**

### 293.1. *Cruel, inhuman or degrading treatment or punishment against a person committed by an official of state body in connection with performing its official duties, or other person so acting, or with its instigation or consent, or other persons under his awareness, in case of no evidences of tortures stipulated for by the article 293.2 of present Code in such act -*

- *punishable by a fine at the rate of four thousand to six thousand manats, or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.*

### 293.2. *Torture committed by an official of state body in connection with performing its official duties, or a person so acting, or with its instigation or consent, or other persons under his awareness -*

- *punishable by imprisonment for a period of three to eight years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.*

### 293.3. *The same acts committed with the infliction of serious or less serious harm -*

- *punishable by imprisonment for a period of six to eleven years.*

*Note: “Tortures” in this article, and in the other articles of the Code means the infliction of acute physical pain or mental sufferings in order to obtain information or confession from the person himself or another person, or intimidations in respect of him or other persons, punishment for an act committed by him or any other person or of which he or another person is suspected, forcing to commit an act against will or for any reason, based on discrimination. ([72](#), [128](#))*

#### **Article 294. Falsification of proofs**

294.1. Falsification of proofs on a civil case by person participating in case, or his representative—

- is punishable by the penalty at a rate of from *three thousand to six thousand manats*, or corrective works for the term from one year up to two years, or *restraint of freedom* ([see](#)) for the term up to one year, or imprisonment for the term about six months.

294.2. Falsification of proofs on criminal case by a person making inquiry, investigator, prosecutor or defender—

- is punishable by imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.

294.3. Falsification of proofs on criminal case on minor serious or serious crimes, as well as falsification of proofs on other cases, entailed heavy consequences—

- is punishable by imprisonment for the term from five up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years. ([1](#), [45](#), [128](#), [131](#))

#### **Article 295. Removal of obviously illegal sentence, decisions or other decision**

295.1. Removal by judges of obviously illegal sentence, decision, definition or other decision—

- is punishable by the penalty at a rate *from five thousand to eight thousand manats* or imprisonment for the term up to three years.

295.2. The same act which connected to removal of illegal verdict of court to imprisonment or has entailed other heavy consequences—

- is punishable by imprisonment for the term from five up to eight years. ([1](#), [45](#), [128](#))

#### **Article 296. Obviously false denunciation**

296.1. Obviously false denunciation concerning commitment of a crime—

- is punishable by the penalty at a rate *from one thousand five hundred to three thousand manats*, or public works for the term *from three hundred*



*twenty to four hundred hours, or corrective works for the term from one year up to two years, or imprisonment for the term up to three years.*

296.2. The same act connected to accusation of a person in commitment of minor serious or serious crime or with artificial creation of proofs for accusation—

- is punishable by *restraint of freedom* ([see](#)) *for the term from two up to four years, or imprisonment for the term from two up to five years.* ([1](#), [45](#), [72](#), [82](#), [128](#), [131](#))

## **Article 297. Obviously false testimonies, conclusions of expert or wrong translation**

297.1. Obviously false testimonies of witness, victim or obviously false conclusion of expert, as well as obviously wrong translation in court or by manufacture of preliminary investigation—

- is punishable by the penalty at a rate *from one thousand to two thousand manats*, or public works for the term *from three hundred twenty to four hundred hours*, or corrective works for the term from one year up to two years, or *restraint of freedom* ([see](#)) *for the term up to one year*, or imprisonment for the term about six months.

297.2. The same acts connected to accusation of a person in commitment of minor serious or serious crime—

- is punishable by imprisonment for the term from two up to six years.

**Note:** 1. The persons provided in article 297.1 of the present Code shall be released from a criminal liability, if they voluntary during inquiry, preliminary investigation or proceeding before judgment or decisions of court, *as well as decisions of the Constitutional Court of the Republic of Azerbaijan* have declared about false indications given by them, conclusion or obviously wrong translation.

2. The person, given obviously a false testimony against wives (husband), children, parents and other close relatives which circle is determined by the legislation if he was forced to testify against the specified persons shall be not subject to the criminal liability. ([1](#), [18](#), [45](#), [61](#), [82](#), [128](#), [131](#))

## **Article 298. Refusal of witness or victim from testifying**

Refusal of witness or victim from testifying—

- is punishable by the penalty at a rate *from one thousand to one thousand five hundred manats*, or public works for the term *from two hundred forty up to three hundred sixty hours*, or corrective works for the term from one year up to two years, or imprisonment for the term about six months.

**Note:** The person can not be instituted criminal proceedings for refusal from testifying against himself, wife (husband), children, parents and other close relatives which circle is determined by the legislation. ([1](#), [45](#), [82](#), [128](#))

## **Article 299. Payoff money or compulsion to evasion from testifying, obviously false testimonies or conclusions or wrong translation**

299.1. The payoff money of witness who has suffered with a view of giving by them of false testimonies or expert with a view of giving by him of the false conclusion or false testimonies, as well as translator with purpose of wrong translation—

- is punishable by the penalty at a rate *from one thousand to two thousand manats*, or public works for the term *from three hundred sixty up to four hundred eighty hours*, or corrective works for the term up to two years, or imprisonment for the term about six months.

299.2. Compulsion of witness who has suffered from giving false testimonies, expert from giving false conclusion or translator to wrong translation, as well as compulsion of specified persons to evasion from evidence, connected with blackmail, threat murder, causing of harm to health, destruction or damage of property of these persons or their close relatives—

- is punishable by the penalty at a rate *from three thousand to six thousand manats* or imprisonment for the term up to three years.

299.3. The acts provided by article 299.2 of the present Code, committed with application of violence not dangerous to life or health of specified persons—

- is punishable by imprisonment for the term from two up to five years.

299.4. The acts provided by articles 299.1 or 299.2 of the present Code, committed by organized group or with application of violence dangerous to life or health of specified persons—

- is punishable by imprisonment for the term from three up to seven years. ([1](#), [45](#), [82](#), [128](#))

## **Article 300. Disclosure of information of inquiry or preliminary investigation**

Disclosure information of inquiry or preliminary investigation by a person warned in the order provided by law about inadmissibility of their disclosure, *preventing preliminary investigation* or entailed causing of moral or material harm to interested person, committed without a consent of a person making inquiry, inspector, prosecutor or judge who is carrying out functions of judicial supervision—

- is punishable by the penalty at a rate *from one thousand to two thousand manats*, or corrective works for the term up to two years, or imprisonment for the term about six months. ([1](#), [45](#), [101](#), [128](#))

## **Article 301. Disclosure of data on security measures used concerning employees of court and law enforcement bodies**

301.1. Disclosure of data on security measures used concerning judges, ~~jurymen~~, *executive officers*, prosecutors, inspectors, persons making inquiry, persons who

are carrying out operative - search activity, customs activities, providing protection of a social order and national safety, and also implement decisions of investigator bodies or prosecutors, as well as concerning their close relatives, if this action is committed by a person to whom these data were trusted or are known in connection with his service activity—

- is punishable by the penalty at a rate *from one thousand five hundred to three thousand manats*, or corrective works for the term up to one year, or imprisonment for the term about six months.

301.2. The same act which has entailed heavy consequences—

- is punishable by imprisonment for the term from one year up to five years. ([1](#), [45](#), [63](#), [94](#), [128](#))

### **Article 302. Infringement of the legislation on operative - search activity**

302.1. Implementation operative— search actions by not authorized persons, as well as implementation of these actions by authorized persons, but without grounds provided by the legislation, entailed essential infringement of rights and interests of person protected by the law—

- is punishable by the penalty at a rate *from two thousand to four thousand manats* or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

302.2. The same acts committed with use of technical means, *intended for secret obtaining of the information*—

- is punishable by the penalty at a rate *from four thousand up to six thousand manats* or with imprisonment for the term of from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

302.3. *Illegal manufacture, sale or purchase of technical equipment for sale, provided for by secret information acquisition -*

- *punishable by a fine at the rate of two thousand to five thousand manats, or restraint of freedom ([see](#)) for the term up to three years, or imprisonment for the term up to three years. ([1](#), [45](#), [60](#), [61](#), [128](#), [131](#))*

### **Article 303. Illegal actions concerning a property subjected to inventory or arrest, or confiscation**

303.1. Waste, alienation, concealment, and also substitution of a property subjected to the inventory or arrest, committed by person to whom this property is entrusted, as well as implementation by representative of bank or other credit organization of bank operations with money resources (contributions) on which arrest is imposed—

- is punishable by the penalty at a rate from *one thousand to two thousand manats*, or public works for the term from *three hundred sixty up to four hundred eighty hours*, or imprisonment for the term up to two years.

303.2. Concealment or assignment of a property subjected to confiscation on a decision of court, as well as other evasion from execution of decision of court entered into validity on purpose of property confiscation -

- is punishable by the penalty at a rate from *two thousand to four thousand manats* or imprisonment for the term up to three years with or without imposition of the penalty at a rate from *one thousand to two thousand manats*. ([1](#), [45](#), [82](#), [128](#))

#### **Article 304. Escape from place of detention or imprisonment, or from place of arrest**

304.1. Escape from places of detention or imprisonment, or from place of arrest, committed by person who is serving a sentence, *taken into custody or detained person* —

- is punishable by imprisonment for the term up to two years.

304.2. The same act committed:

304.2.1. on preliminary arrangement by group of persons;

304.2.2. with application of the violence dangerous to life or health, or with threat of application of such violence;

304.2.3. with application of weapon or subjects used as the weapon—

- is punishable by imprisonment for the term from two up to six years. ([88](#))

#### **Article 305. Evasion from serving punishment as imprisonment**

Not returning of person who has appropriate sanction for short-term going out of limits of imprisonment place, after expiry of the term of departure—

- is punishable by imprisonment for the term up to one year.

#### **Article 306. Non-execution of a judgment, decision or another act of the court**

306.1. Malicious non-execution of a judgment, decision, *ruling or order* of the court that has entered into force, or interfering with their execution —

- *shall be punishable by a fine in the amount of two thousand to four thousand manats, or public works for the term of three hundred twenty to four hundred eighty hours, or corrective works for the term of up to two years, or restraint of freedom ([see](#)) for the term up to three years, or imprisonment for the term of up to three years.*

306.2. The same acts if they are committed by an official —

- *shall be punishable by a fine in the amount of five to seven thousand manats with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years, or corrective works for the term of up to two years, or restraint of freedom ([see](#)) for the term from three up to five years, or imprisonment for the term of three to five years.*

**Note:** *The person, committed the acts provided for in Articles 306.1 or 306.2 of this Code shall be released from criminal liability if he, before the court passes a sentence, fully executes the decision, sentence, ruling, decision or order of the court, that has entered into legal force. ([1](#), [45](#), [59](#), [61](#), [76](#), [82](#), [128](#), [131](#))*

### **Article 307. Misprision of a crime and concealment of a crime without having promised beforehand**

307.1. Being aware of the preparation or commission of a serious or especially serious crime, misprision of that crime —

- *shall be punishable by a fine in the amount of one thousand five hundred to two thousand five hundred manats, or corrective works for the term of up to two years, or imprisonment for the term of up to two years.*

307.2. Concealment of a serious crime without having promised beforehand -

- *shall be punishable by a fine in the amount of three to six thousand manats or imprisonment for the term of up to three years.*

307.3. Concealment of an especially serious crime without having promised beforehand —

- *shall be punishable by imprisonment for the term of two to five years.*

**Note:** *The person who has failed to inform of the crime prepared or committed by his wife (husband), children, parents and close relatives as established by law shall not be subject to the criminal liability provided for by article 307.1 of the present Code. ([1](#), [45](#), [128](#))*

## **Chapter 34. Corruption crimes and other crimes against interests of public service**

### **Article 308. Abusing official powers**

308.1. *Abuse of office, i.e., deliberate, in defiance of interests of the service, use or non-use where it is necessary for the service interests, by an official of his authorities to acquire in connection with the performance of his duties improper advantage for himself or third parties, if this entailed significant damage to the rights and legitimate interests of natural or legal persons or legally protected interests of society or the state -*

- *punishable by a fine at the rate of two to four thousand manats, or deprivation of the right to occupy certain positions or engage in certain activities for a period up to three years, or corrective labor for a period of*

*up to two years, or imprisonment for a period up to three years ~~with confiscation of property~~.*

308.2. The acts specified in article 308.1 of the present Code, if they have caused grave consequences, *or committed to influence the results of elections (referendum)* —

- shall be punishable by imprisonment for the term of *three to seven years* with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years ~~and with confiscation of property~~.

**Note:** *In the articles of this Chapter, "an official" refers to the following persons:*

- 1. government representatives, including the persons elected or appointed to the state authorities in the order established by the Constitution and the laws of Azerbaijan Republic, or representing state authorities or authorities of local self-government on the basis of special powers, military personnel, which are the officers, warrant officers, public officers (including the persons serving in a special kind of public service), the members of municipalities and municipal employees;*
- 2. persons, the candidatures of which to elective positions in state authorities are registered in established legal order;*
- 3. managers and employees of state and municipal enterprises, institutions and organizations, including legal entities of public law and other commercial and noncommercial organizations;*
- 4. persons carrying out organizational-management or administrative-economic functions on special authorities in the state and municipal enterprises, institutions and organizations, including legal entities of public law and other commercial and noncommercial organizations;*
- 5. persons engaged in entrepreneurial activity without establishment of legal entity;*
- 6. officials of state authorities of foreign states, members of the elective state authorities of foreign states, officials and other employees of international organizations, members of international parliamentary organizations;*
- 7. judges and other officials of international courts, local, foreign and international arbitrators, acting under the laws of the Republic of Azerbaijan or foreign countries, as well as under international treaties of the Republic of Azerbaijan, foreign ~~or local~~ members of the jury. ([1](#), [3](#), [29](#), [45](#), [46](#), [64](#), [69](#), [94](#), [111](#), [121](#), [128](#), [131](#))*

**Article 308-1. Failure to use the funds of state budget, target budget funds and extra-budgetary state funds for its intended purpose**

*308-1.1. Failure to use the state budget funds, target budget funds and extra-budgetary state funds for its intended purpose if this offense is committed in significant amount -*

- *shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for up to three years with a fine in the amount of nine thousand to thirteen thousand manats or imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.*

*308-1.2. The same acts committed on a large scale -*

- *shall be punishable by imprisonment for a term of three to six years with deprivation of the right to occupy certain positions or engage in certain activities for up to three years.*

**Note:** *In article 308-1.1 of this Code under «significant amount» means the amount of fifty thousand to two hundred fifty thousand manats and in Article 308-1.2 of this Code under «large scale» means the amount in excess of two hundred and fifty thousand manats. ([109](#), [128](#))*

**Article 308-2. Expenditure of public funds without conducting procurement procedures or illegal public procurements**

*308-2.1. Expenditure of public funds by the procurement organization on the basis of contracts entered into without conducting procurement procedures or illegal use of other methods of procurement, despite the fact that in accordance with the Law of the Republic of Azerbaijan "On Public Procurement" it was required to purchase goods (works) using an open tender method, if these acts caused damage in a significant amount -*

- *shall be punished by penalty from two to three amounts of damage caused as a result of a crime, with the deprivation of the right to hold a certain position or engage in certain activities for up to three years, or by imprisonment for up to two years, with deprivation of the right to hold a certain position or engage in a certain activities for up to three years.*

*308-2.2. The distribution under certain contracts for the purchase of goods (works and services) at the expense of funds provided for in the corresponding expenditure item within one fiscal year, in order to eliminate the limitation of the amount for the procurement organization to use any other methods of procurement if these acts caused damage in a significant size -*

- *shall be punished by penalty from two to three amounts of damage caused as a result of a crime, with the deprivation of the right to hold a certain position or engage in certain activities for up to three years, or by imprisonment for up to two years, with deprivation of the right to hold a certain position or engage in a certain activities for up to three years.*



*308-2.3. The admission to participation in the procurement procedures carried out by the purchasing organization of consignors (contractors) who are in legal, financial or organizational dependence from this organization, if these actions caused damage in a significant amount -*

- *shall be punished by penalty from two to three amounts of damage caused as a result of a crime, with the deprivation of the right to hold a certain position or engage in certain activities for up to three years, or by imprisonment for up to two years, with deprivation of the right to hold a certain position or engage in a certain activities for up to three years.*

*308-2.4. Acts stipulated by Articles 308-2.1, 308-2.2 and 308-2.3 of this Code, which caused damage in large amount -*

- *shall be punished by penalty from three to four amounts of damage caused as a result of a crime, with the deprivation of the right to hold a certain position or engage in certain activities for up to three years, or by imprisonment from two to four years, with deprivation of the right to hold a certain position or engage in a certain activities for up to three years.*

**Note:**

*1. In Articles 308-2.1, 308-2.2 and 308-2.3 of this Code, "significant size" means the amount of fifty thousand to two hundred and fifty thousand manat, and in Article 308-2.4 of this Code "large amount" means the amount more than two hundred and fifty thousand manats.*

*2. In Articles 308-2.1, 308-2.2 and 308-2.3 of this Code, the "procurement organization" means enterprises and organizations provided for by the Law of the Republic of Azerbaijan "On Public Procurement". ([123](#))*

**Article 309. Excess of official powers**

309.1. Commission by an official of actions which obviously exceed his official powers, if it has caused essential harm to the rights and legitimate interests of *physical or legal persons* or the interests of the society or state that are protected by law —

- shall be punishable by a fine in the amount of *two to four thousand manats*, or corrective works for the term of up to two years, or imprisonment for the term of up to three years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years ~~and with confiscation of property~~.

309.2. The acts specified in article 309.1 of the present Code if they are committed with application of violence or with threat of its application, or with application of weapon or other special means, or have caused grave consequences —

- shall be punishable by imprisonment for the term of three to *eight* years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years ~~and with confiscation of property.~~ ([1](#), [29](#), [45](#), [69](#), [128](#), [131](#))

### **Article 310. Appropriation of powers of an official**

Commission of acts that cause essential violation of rights and legitimate interests of *legal or physical persons* in connection with intentional representation of himself/herself as an official or appropriation of the powers of an official,—

- shall be punishable by a fine in the amount of *one thousand five hundred to three thousand manats*, or public works for the term from *two hundred forty to four hundred* hours, or corrective works for the term of up to two years, or imprisonment for the term of up to three years. ([1](#), [29](#), [45](#), [82](#), [128](#))

### **Article 311. Receipt of a bribe (passive bribery)**

*311.1. Receipt of a bribe, that is the request or receipt by an official directly or indirectly, in person or through an intermediary, of a material or another gift, advantage or concession, for himself/herself or for third persons, for any acts (omissions) in connection with the performance of his/her job duties (functions), as well as in return for general patronage or indifference in office —*

- *shall be punishable by imprisonment for the term of four to eight years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years ~~and with confiscation of property.~~*

*311.2. Receipt by an official of a bribe for illegal actions (inaction) —*

- shall be punishable by imprisonment for the term of five to ten years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years ~~and with confiscation of property.~~

311.3. The acts specified in articles 311.1 or 311.2 of the present Code, if they are committed:

311.3.1. by a group of persons who have conspired beforehand or an organized group;

311.3.2. repeatedly;

311.3.3. in a large amount;

311.3.4. with application of threat —

- shall be punishable by imprisonment for the term of eight to twelve years ~~with confiscation of property.~~

*Note: "Large amount" as used in article 311.3.3 of the present Code shall mean the amount of over five thousand manats. ([1](#), [29](#), [45](#), [64](#), [69](#))*

#### **Article 312. Giving of a bribe (active bribery)**

*312.1. The giving of a bribe, that is the giving an official, directly or indirectly, in person or through an intermediary, of a material or another gift, advantage or concession for him/her or for third persons to act or refrain from acting in the exercise of his/her job duties (functions) —*

- shall be punishable by a fine in the amount of five to eight thousand manats or imprisonment for the term of two to five years ~~with confiscation of property.~~*

*312.2. The giving or re-giving of a bribe to an official for the willful commission of illegal acts (omissions) by him —*

- shall be punishable by a fine in the amount of eight to twelve thousand manats or imprisonment for the term of four to eight years ~~with confiscation of property.~~*

*Note: The person giving a bribe shall be released from criminal liability if he/she has given a bribe as a result of the threat made by an official or if he/she has voluntarily informed the relevant state body about the giving of a bribe. ([1](#), [29](#), [45](#), [64](#), [69](#), [128](#))*

#### **Article 312-1. Illegal influence over the decision-making of an official (trading in influence)**

*312-1.1. The request or receipt by a person of a material or another gift, advantage or concession for himself/herself or for third persons, directly or indirectly, personally or through an intermediary, to illegally influence the decision-making of an official by using his/her own actual or supposed levers —*

- shall be punishable by a fine in the amount of six to ten thousand manats or imprisonment for the term of three to seven years ~~with confiscation of property.~~*

*312-1.2. Giving a person a material or another gift, advantage or concession, directly or indirectly, personally or through an intermediary, to illegally influence the decision-making of an official by using his/her own actual or supposed levers —*

- shall be punishable by a fine in the amount of four thousand to seven thousand manats or imprisonment for the term of two to five years ~~with confiscation of property.~~ ([29](#), [45](#), [64](#), [69](#), [128](#))*

#### **Article 313. Official forgery**

*Official forgery, that is intentional inclusion, by an official, ~~as well as a civil servant or an employee of an institution of local government who is not an official,~~ in official documents or information resources, of false data, as well as*

making such modifications to the specified documents *or information resources* that distort their actual content, if such acts are committed from mercenary or other personal interest —

shall be punishable by a fine in the amount of *one thousand five hundred to three thousand manats*, or corrective works for the term of one to two years, or imprisonment for the term of up to two years with deprivation of the right to hold certain posts or to engage in certain activities for the term up to two years ~~and with confiscation of property.~~ ([1](#), [29](#), [34](#), [45](#), [64](#), [69](#), [128](#))

## **Article 314. Negligence**

314.1. The negligence, that is default or inadequate performance by an official of his/her duties as a result of his/her unfair or negligent attitude to the work, if it has caused essential harm to the rights and legitimate interests of *physical or legal persons* or to the interests of the state or society that are protected by law —

- shall be punishable by a fine in the amount of *one thousand five hundred to three thousand manats*, or public works for the term from *two hundred forty to four hundred sixty hours*, or corrective works for the term of up to two years, or *restraint of freedom* ([see](#)) *for the term up to two years*, or imprisonment for the term of up to six months.

314.2. The same acts if they have recklessly caused the death of the victim or other grave consequences —

- shall be punishable by *restraint of freedom* ([see](#)) *for the term from two up to five years*, or imprisonment for the term of up to five years.

314.3. Acts provided for in Article 314.1 of this Code, which caused by negligence the death of two or more persons —

- shall be punishable by imprisonment for the term from three to seven years. ([1](#), [29](#), [45](#), [82](#), [128](#), [131](#))

## **Article 314-1. Illegal decision-making in respect of land plots that are exclusively owned by the state**

314-1.1. The decision-making by an official on the illegal transfer of land, being in the exclusive state ownership to the ownership, use or lease to municipalities, individuals or legal entities -

- shall be punishable by imprisonment for a term of three to five years with disqualification to hold certain positions or engage in certain activities for up to three years.

314-1.2. The decision-making by an official on the transfer of land to the ownership of the municipality or private ownership of land, exclusively owned by the state and alienation of which is prohibited by law -

- *shall be punishable by imprisonment for a term of five to eight years, with disqualification to hold certain positions or engage in certain activities for up to three years.*

*314-1.3. The acts provided by articles 314-1.1 and 314-1.2 of this Code, committed in respect of land located within 20-50-meter coastal strip of the Azerbaijan sector of the Caspian Sea (Lake) –*

- *punishable by imprisonment for a term of seven to ten years with disqualification to hold certain positions or engage in certain activities for up to three years. ([17](#), [29](#), [103](#), [126](#))*

***Article 314-2. Allocation of land or issuance of permits to perform construction or installation works by violating the rules as established by law***

*314-2.1. The allocation of land for construction, issuance of permit for construction or installation works, or failure to express the remark in relation to buildings, which are subject to the notification proceedings, in violation of the detailed plans in connection with the territory zoning, type and scope of the building and the main conditions for construction in areas adjacent to the residential settlements, by an official —*

- *shall be punishable by corrective works for the term of up to two years or imprisonment for the term of up to three years with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years.*

*314-2.2. The allocation by an official of plots of land or agricultural land, or issuance of a permit to perform construction or installation works in the protection zones of main pipelines, power networks with voltage of over 1000 volts, subway, railway installations, defenses, water supply and sanitation systems, technical installations, oil rigs, highways or waters, or failure to express the comments in relation to buildings, which are subject to the notification proceedings, in violation of the detailed plans in connection with the territory zoning, type and scope of the building and the main conditions for construction in areas adjacent to the residential settlements —*

- *shall be punishable by ~~corrective works for the term of up to two years or~~ imprisonment for the term of three to five years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years.*

*314-2.3. The acts specified in articles 314-2.1 and 314-2.2 of the present Code if they have caused grave consequences —*

- *shall be punishable by imprisonment for the term of five to eight years with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years. ([20](#), [29](#), [39](#), [96](#), [103](#), [126](#))*

***Article 314-3. Non-prevention of construction works performed by violating the rules as established by law***

*314-3.1. Non-prevention of the acts specified in articles 222.1, 222-1.1 and 222-2.1 of the present Code as a result of that an official of the relevant state body has neglected his/her duties —*

- *shall be punishable by corrective works for the term of up to two years or imprisonment for the term of up to two years with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to two years.*

*314-3.2. The same acts if they have recklessly caused serious or less serious harm to the health of the victim —*

- *shall be punishable by imprisonment for the term of three to five years with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years.*

*314-3.3. The same acts if they have recklessly caused the death of the victim or other grave consequences —*

- *shall be punishable by imprisonment for the term of five to seven years with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years. ([39](#), [126](#))*

## **CHAPTER 34. CRIMES AGAINST MANAGEMENT ORDER**

### **Article 315. Resistance or application of violence concerning the representative of authority**

*315.1. Resistance to the authorities in the performance of their duties, with the use of violence not dangerous to life and health, the use of such violence or threat of violence against him and his relatives in connection with the performance of official duties —*

- *shall be punishable by imprisonment for the term up to three years.*

*315.2. Application of the violence dangerous to life or health, concerning persons specified in article 315.1 of the present Code —*

- *shall be punishable by imprisonment for the term from three up to seven years. ([101](#))*

### **Article 316. Dissemination of information on security measures taken in respect of persons participating in criminal proceedings**

*316.1. Dissemination of information on security measures taken in respect of a person who has informed appropriate bodies about a crime, or participated in detection, prevention or clearance of a crime, a victim, his representative, the suspect, the accused, their defenders and representatives, a civil claimant and a civil respondent on criminal case, their representatives, a witness, an expert, a specialist, a translator, an eyewitness and also their close relatives, if this act is committed by a person to whom these data have been entrusted or known in connection with his/her official capacity —*

- shall be punishable by a fine in the amount of *one thousand five hundred to three thousand manats*, or corrective works for the term of up to one year, or imprisonment for the term of up to six months.

316.2. The same acts if they have caused grave consequences —

- shall be punishable by imprisonment for the term of one to five years. ([1](#), [45](#), [128](#))

**Article 316-1. Dissemination of confidential information about a victim of human trafficking**

*316-1.1. The illegal collection or deliberate dissemination of confidential information about a victim of human trafficking —*

- *shall be punishable by a fine in the amount of five hundred to one thousand manats, or public works for the term from two hundred forty to four hundred eighty hours, or corrective works for the term of up to one year.*

*316-1.2. The same acts if they are committed by the guilty through the use of his/her official capacity —*

- *shall be punishable by a fine in the amount of one thousand five hundred to three thousand manats, or corrective works for the term of up to one year, or imprisonment for the term of up to six months.*

*316-1.3. The same acts if they have caused grave consequences —*

- *shall be punishable by imprisonment for the term of one to five years.*

**Note:** “Confidential information” as used in this article shall mean any information the dissemination of which constitutes a threat to the lives and health of a person who has suffered from human trafficking, his/her close relatives, as well as the persons who have assisted with combating human trafficking. ([25](#), [45](#), [82](#), [128](#))

**Article 316-2. Dissemination of information on measures taken against legalization (laundering) of money or other property acquired in a criminal way or terrorism financing**

*316-2.1. The dissemination of information on the measures taken against the legalization (laundering) of money or other property acquired in a criminal way, which has been entrusted or known to a person in connection with his/her official capacity, except for the cases as provided by law —*

- *shall be punishable by a fine in the amount of one to three thousand manats, or imprisonment for the term of up to one year with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years.*



*316-2.2. The dissemination of information on the measures taken against terrorism financing, which has been entrusted or known to a person in connection with his/her official capacity, except for the cases as provided by law —*

- *shall be punishable by a fine in the amount of two to four thousand manats, or imprisonment for the term of up to two years with or without deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years. ([52](#))*

**Article 317. Infringement of normal activity on criminal - executive establishments or investigator isolators**

317.1. Threat on application of violence concerning employees of criminal - executive establishments or investigator isolators, and also concerning convicted with a purpose to prevent his correction or from revenge for execution of public duties by him —

- shall be punishable by imprisonment for the term up to five years.

317.2. Application of violence not dangerous to life or health, to persons provided in article 317.1 of the present Code —

- shall be punishable by imprisonment for the term from five up to seven years.

317.3. The acts provided by articles 317.1 or 317.2 of the present Code, committed by organized group or with application of violence dangerous to life or health —

- shall be punishable by imprisonment for the term from seven up to twelve years.

**Article 317-1. The giving or passing on of prohibited items to the persons held in penalty institutions or investigation isolators**

*317-1.1. Giving or passing on prohibited items to the persons held in penalty institutions or investigation isolators by concealing from a check or in some other ways —*

- *shall be punishable by a fine in the amount of one to two thousand manats, or corrective works for the term of up to two years, or imprisonment for the term of up to two years.*

*317-1.2. The same acts if they are committed by a person through the use of his/her official capacity —*

- *shall be punishable, with deprivation of the right to hold certain posts or to engage in certain activities for the term of up to three years, by a fine in the amount of three to five thousand manats or imprisonment for the term of up to three years. ([44](#), [45](#))*

***Article 317-2. The preparation, keeping, concealment, carrying, transportation or use of prohibited items by a person held in penalty institutions or investigation isolators***

*The preparation, keeping, concealment, carrying, transportation or use of prohibited items by a person held in penalty institutions or investigation isolators —*

- *shall be punishable by imprisonment for the term of up to six months.*

*317-2.2. The same acts if they are committed repeatedly —*

- *shall be punishable by imprisonment for the term of up to two years. ([44](#))*

**Article 318. Illegal crossing of the state border of the Republic of Azerbaijan**

318.1. Crossing of the protected frontier of the Republic of Azerbaijan without established documents or outside of the check point of the state frontier —

- *shall be punishable by a fine in the amount of one thousand five hundred to three thousand manats or imprisonment for the term of up to two years.*

318.2. The acts specified in article 318.1 of the present Code, if they are committed by a group of persons who have conspired beforehand or an organized group, or with application of violence or with threat of its application —

- *shall be punishable by imprisonment for the term of up to five years.*

**Note:** The provisions of the present article shall not apply to a foreigner or stateless person arrived in the Republic of Azerbaijan, by violating the rules for crossing the protected frontier of the Republic of Azerbaijan, to use the right of political asylum established by the Constitution of the Republic of Azerbaijan, if his/her acts do not contain elements of another crime. ([1](#), [2](#), [45](#), [128](#))

***Article 318-1. Organization of illegal migration***

*318-1.1. Organization of the illegal arrival of foreigner or stateless persons in the Republic of Azerbaijan, of the illegal stay of foreigner or stateless persons in the territory of the Republic of Azerbaijan, illegal transit pass of foreigner or a stateless person through the territory of the Republic of Azerbaijan or unlawful departure of a person from the Republic of Azerbaijan -*

- *punishable by a fine at the rate of four thousand to eight thousand manats, or corrective labor for a period of up to two years, or imprisonment for a period of up to three years.*

*318-1.2. The same acts committed by:*

*318-1.2.1. an organized group;*

*318-1.2.2. official using his official position;*

*318-1.2.3. repeatedly;*

*318-1.2.4. human life-threatening method -*

- *punishable by imprisonment for a period of two to five years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or without thereof. ([86](#), [128](#))*

**Article 318-2. Failure to provide information on obtaining citizenship of a foreign state by Azerbaijani citizen**

*Failure to provide written information on obtaining citizenship of a foreign state by Azerbaijani citizen to the relevant executive authority within one month -*

- *punishable by a fine at the rate of three thousand to five thousand manats or public works within a period from three hundred sixty to four hundred eighty hours. ([97](#))*

**Article 319. Illegal change of frontier of the Republic of Azerbaijan**

319.1. Withdrawal, moving or destruction of frontier marks with a view of illegal change of frontier of the Republic of Azerbaijan —

- shall be punishable by *restraint of freedom ([see](#)) for the term up to two years, or imprisonment for the term up to two years.*

319.2. The same acts which is committed repeatedly or has entailed heavy consequences —

- shall be punishable by imprisonment for the term up to four years. ([61](#), [131](#))

**Article 320. Counterfeiting, *illegal production*, sale of official documents, state awards, seals, stamps, forms or use of counterfeit documents**

320.1. Counterfeiting or *illegally producing* a certificate or another official document giving a right or releasing from duties, with a view of its use or selling such a document, as well as producing for the same purposes, or selling a counterfeit state award of the Republic of Azerbaijan, stamp, seal, form —

- shall be punishable by *the penalty at the rate from three thousand to six thousand manats or corrective works for the term of up to two years or imprisonment for the term of up to two years.*

320.2. Willful use of counterfeit documents specified in article 320.1 of the present Code—

- shall be punishable by a fine in the amount of *one thousand to two thousand manats*, or public works for the term *from two hundred forty to three hundred hours*, or corrective works for the term of up to one year, or imprisonment for the same term. ([1](#), [45](#), [48](#), [61](#), [82](#), [128](#))

**Article 321. Evasion serving in military**

321.1. Evasion without the lawful grounds from next appeal on military service or from an appeal on mobilization, with a purpose of evasion from serving in military —

- shall be punishable by imprisonment for the term up to two years.

321.2. The same act committed in wartime —

- shall be punishable by imprisonment for the term from three up to six years.

## **Article 322. Arbitrariness**

322.1. Arbitrariness, that is the autocratic commission of any act legitimacy of which is denied by a citizen or an organization, contrary to the rule of conduct as established by law or other normative-legal acts, if it has caused essential harm —

- shall be punishable by a fine in the amount *from one thousand to two thousand manats*, or public works for the term *of three hundred sixty to four hundred eighty hours*, or corrective works for the term of *up to one year*, or imprisonment for the term of up to six months.

322.2. The same acts if they are committed with application of violence or with threat of its application —

- shall be punishable *by a fine in the amount from three thousand to six thousand manats or corrective works for the term from one to two years*, or imprisonment for the term of up to two years. ([1](#), [45](#), [61](#), [82](#), [128](#))

## **Article 323. Disgrace or humiliation of the honor and dignity of the Head of Azerbaijan State — President of the Republic of Azerbaijan**

323.1. Disgracing or humiliating the honor and dignity of the Head of Azerbaijan State — President of the Republic of Azerbaijan in a public statement, publicly shown work, *mass media or Internet information resource* by mass communication —

- shall be punishable by ~~a fine in the amount of five hundred to one thousand manats~~, or corrective works for the term of up to two years, or imprisonment for the same term.

*323.1-1. Acts, provided by article 323.1 of the present Code, committed with the mass communication in Internet information resource using fake user names, profiles or accounts -*

- *shall be punishable by ~~a fine of one thousand to one thousand five hundred manats~~ or imprisonment for up to three years.*

323.2. *The acts, provided by articles 323.1 or 323.1-1 of the present Code, committed by accusing of a serious or especially serious crime—*

- shall be punishable by imprisonment of *three to five years*.

**Note:** The force of this article shall not apply to the public statements including criticism of the activity of the Head of Azerbaijan State — President of the Republic of Azerbaijan, and also the policy implemented under his leadership. ([1](#), [45](#), [118](#), [128](#))

## **Article 324. Violation of the National Flag or State Emblem of the Republic of Azerbaijan**

Violation of the National Flag or the State Emblem of the Republic of Azerbaijan —

- shall be punishable by *restraint of freedom* ([see](#)) for the term up to two years, or imprisonment for the term up to one year. ([61](#), [131](#))

## **Article 325. Acquisition or sale of state awards and official documents**

Illegal acquisition or sale of the official documents giving a right or releasing from duties, and also the state awards of the Republic of Azerbaijan —

- shall be punishable by a fine in the amount of *one thousand to two thousand manats*, or corrective works for the term of up to one year, or imprisonment for the term of up to six months. ([1](#), [45](#), [128](#))

## **Article 326. Theft or destruction of official documents, stamps, seals**

326.1. *Theft*, destruction, damage or concealment of official documents, stamps or seals, with mercenary or other personal intent —

- shall be punishable by a fine in the amount of *one thousand to two thousand manats*, or corrective works for the term of up to one year, or *restraint of freedom* ([see](#)) for the term up to one year, or imprisonment for the term of up to six months.

326.2. *Theft of the identification card of a sailor*, the identification card, passport or another important personal document of a citizen —

- shall be punishable by a fine in the amount of *one thousand to one thousand five hundred manats*, or corrective works for the term of up to one year, or imprisonment for the same term. ([1](#), [45](#), [48](#), [61](#), [128](#), [131](#))

# **SECTION XII. CRIMES AGAINST MILITARY SERVICE**

## **CHAPTER 35. CRIMES AGAINST MILITARY SERVICE**

### **Article 327. Concept of crimes against military service**

327.1. Crimes against military service provided by the present chapter shall be crimes against established order on serving in military, committed by military men who are taking place in military service on appeal or by contract in Armed forces of the Republic of Azerbaijan, other armies and military formations of the Republic of Azerbaijan, other persons having status of military men on the lawful bases, and also the military men involved on educational or testing.

327.2. Accomplice of persons, who have been not mentioned in present article, in crimes against military service shall be attracted to criminal responsibility under appropriate articles of the present chapter.

#### **Article 328. Default of order**

328.1. Obvious refusal of execution by subordinate of the order given by chief in order according to law, as well as deliberate default of the order in other form, causing essential harm to interests of military service —

- shall be punishable by restriction on military service for the term up to two years, or by maintenance to disciplinary military unit for the term up to two years, or imprisonment for the term up to two years.

328.2. The same acts:

328.2.1. committed by group of persons, by a group of persons who have conspired beforehand or organized group;

328.2.2. entailed heavy consequences —

- shall be punishable by imprisonment for the term up to five years.

328.3. Default of order by unfair or negligent attitude to the military service, entailed heavy consequences —

- shall be punishable by maintenance to disciplinary military unit for the term up to two years or imprisonment for the term up to two years.

328.4. The acts provided by articles 328.1-328.3 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

**Note:** 1. "Wartime" in appropriate articles of the present chapter is understood condition of war with the foreign states.

2. Day and hour of declaration of war or actual beginning of implementation of military operations shall be admitted as the beginning of war, and as ending of war - day and hour of the actual discontinuance of military operations.

3. "Combat situation" is understood as a direct opposition to enemy or actual implementation of combatant operations by military unit *or* military division. (3)

#### **Article 329. Resistance to a chief or compulsion to infringement of official duties**

329.1. Resistance to a chief, as well as to other person, implementing duties of military service assigned to him, or his compulsion to infringement of these duties, connected with violence or with threat of its application —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit for the term up to two years, or imprisonment for the term up to three years.

329.2. The same acts committed:

329.2.1. by group of persons, by a group of persons who have conspired beforehand or organized group;

329.2.2. with application of a weapon;

329.2.3. with drawing minor serious or less serious harm to health, as well as entailed to other minor serious consequences —

- shall be punishable by imprisonment for the term from three up to eight years.

329.3. The acts provided by articles 329.1 and 329.2 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 330. Violent actions against chief**

330.1. Causing easy harm to health of the chief or causing to him injuries in connection with execution of duties by him on military service —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit for the term up to two years, or imprisonment for the term up to two years.

330.2. The same acts committed:

330.2.1. by group of persons;

330.2.2. with application of a weapon;

330.2.3. with causing heavy or less serious harm to health of a victim, as well as entailed to other heavy consequences —

- shall be punishable by imprisonment for the term from three up to five years.

330.3. The acts provided by article 330.2 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 331. Insult, causing injuries or torture of a military man**

331.1. The insult by one military man of another during performance or in connection with performance of duties on military service —



- shall be punishable by restriction on military service for the term for about six months or maintenance to disciplinary military unit on the same term.

331.2. The insult by chief of subordinate, as well as by subordinate of chief during performance or in connection with performance of duties on military service —

- shall be punishable by restriction on military service for the term up to one year or maintenance to disciplinary military unit for the term up to one year.

331.3. Causing injuries or tortures by chief of subordinate during performance or in connection with performance of duties on military services —

- shall be punishable by imprisonment for the term from three up to seven years.

### **Article 332. Infringement of authorized rules on mutual relation between military men at absence of subordination relations**

332.1. Infringement of authorized rules of mutual relation between military men at absence between them of subordination relations, connected with humiliation of honor and advantage of victim or with application of violence against him —

- shall be punishable by maintenance to disciplinary military unit for the term up to two years or imprisonment for the term up to one year.

332.2. The same act committed:

332.2.1. repeatedly;

332.2.2. concerning two or more persons;

332.2.3. by group of persons, by a group of persons who have conspired beforehand or by organized group;

332.2.4. with application of a weapon;

332.2.5. with causing less serious harm to health of the victim —

- shall be punishable by imprisonment for the term from three up to five years.

332.3. The acts provided by articles 332.1 or 332.2 of the present Code, entailed to heavy consequences —

- shall be punishable by imprisonment for the term from five up to ten years.

### **Article 333. Autocratic leaving of military unit or place of service**

333.1. Autocratic leaving military unit or place of service, as well as absence without valid excuse on service for over three days, but no more than ten days or

though and less than three days, but repeatedly within six months, committed by a military man, who is taking serving on military service —

- shall be punishable by maintenance to disciplinary military unit for the term up to one year.

333.2. Autocratic absence from military unit, as well as absence without valid excuse on service for over ten day, but no more than one month, committed by a military man who is taking place in military service by appeal or by contract —

- shall be punishable by the maintenance to disciplinary military unit for the term up to two years.

333.3. Autocratic leaving places of service by an officers, ensign, warrant officer or military man of over urgent service, or person who is taking place in military service on contract, as well as absence of him on service without valid excuse for over ten days, but no more than month or though and less than ten days, but more than three days, committed repeatedly within one year—

- shall be punishable by restriction on military service for the term up to two years or imprisonment for the term up to two years.

333.4. The acts provided by articles 333.2 and 333.3 of the present Code, which duration are over one month, but no more than three months —

- shall be punishable by imprisonment for the term from two up to five years.

333.5. The autocratic absence committed by a military man, serving time in disciplinary military unit —

- shall be punishable by imprisonment for the term from one year up to three years.

333.6. The acts provided by articles 333.1-333.4 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from three up to eight years.

**Note:** The person who for first time has committed acts, provided by articles 333.1-333.4 of the present Code, can be released from a criminal liability if committed acts were by consequence of serious circumstances.

## **Article 334. Desertion**

334.1. Desertion, that is autocratic absence of a military man from military unit or places of service, or not returning (absence) to a place of service for over three months, as well as autocratic absence from military unit or places of service, or not returning (absence) to a place of service with a view of evasion from serving in military, irrespective of duration —

- shall be punishable by imprisonment for the term from three up to seven years.

334.2. Desertion with a weapon, supplies or explosives entrusted on service, without purpose of their plunder, as well as desertion committed by group of persons —

- shall be punishable by imprisonment for the term from five up to eight years.

334.3. The acts provided by articles 334.1 and 334.2 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

**Note:** The person who for the first time has committed acts, provided by articles 334.1 of the present Code, can be released from a criminal liability if of these acts was committed on consequence of confluence of heavy circumstances.

#### **Article 335. Evasion from military service by causing harm to health or in different way**

335.1. Evasion of a military man from military service by causing any harm to health or feigned illness, forgery of documents, or other deception, as well as refusal from implementing duties of military service —

- shall be punishable by restriction on military service for the term up to one year or maintenance to disciplinary military unit for the term up to two years.

335.2. The same acts committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from three up to five years.

#### **Article 336. Infringement of authorized rules on guard duty**

Infringement of authorized rules on guard (log) service by a person included in sentry (watch), entailed to heavy consequences —

- shall be punishable by imprisonment for the term from two up to five years.

#### **Article 337. Infringement of authorized rules on implementing internal or patrol service**

Infringement of authorized rules on internal service by a person who is included in daily order of military unit (except for sentry and watches), as well as infringement of authorized rules on patrol service by a person included in patrol, entailed to heavy consequences —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit for the term up to two years, or imprisonment for the term up to two years.

#### **Article 338. Infringement of rules on implementing fighting watch**

338.1. Infringement of rules on implementing fighting watch (fighting service) on duly detection and reflection of sudden attack on the Republic of Azerbaijan or maintenance of its safety if this act could harm interests of safety of the state —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit on the same term, or imprisonment for the term up to three years.

338.2. The same act which harmed interests of state safety or has entailed to other heavy consequences —

- shall be punishable by imprisonment for the term from three up to six years.

#### **Article 339. Infringement of rules on implementing boundary service**

339.1. Infringement of rules on implementing boundary service by person included in boundary order or implementing other duties of boundary service if this act could harm interests of state safety —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit for the term up to two years, or imprisonment on the same term.

339.2. The same act, which harmed interests of state safety or has entailed to other heavy consequences —

- shall be punishable by imprisonment for the term from two up to five years.

#### **Article 340. Infringement of rules on performance of duty on protection of a social order and maintenance of public safety**

340.1. Infringement of rules on performance of duty by a person included in the army order on protection of a social order and maintenance of public safety, harmed rights and legitimate interests of citizens —

- shall be punishable by restriction on military service for the term up to one year or maintenance to disciplinary military unit for the term up to one year.

340.2. The same act which has entailed to heavy consequences, as well as committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term up to three years.

## **Article 341. Abusing authority, excess or inactivity of authority**

341.1. Abusing by chief or official of authority or service position, excess of authority or service powers, deliberate inactivity of authority, if these acts were made regularly or from mercenary prompting or other personal interest, as well as caused essential harm —

- shall be punishable by restriction on military service for the term up to two years or imprisonment for the term up to three years.

341.2. The same acts:

341.2.1. committed by group of persons;

341.2.2. committed with application of a weapon;

341.2.3. entailed to heavy consequences —

- shall be punishable by imprisonment for the term from three up to seven years.

341.3. The acts provided by articles 341.1 and 341.2 of the present Code, committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

## **Article 342. Negligent attitude to service**

342.1. The negligent attitude by chief or official to service, causing essential harm —

- shall be punishable by restriction on military service for the term up to two years or imprisonment for the term up to two years.

342.2. The same act, which has entailed to heavy consequences, as well as committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from three up to seven years.

## **Article 343. Leaving to the opponent of means for conducting war**

Leaving by chief on a field of battle of combat material and other means of conducting war, not caused by fighting conditions, committed not with a view of rendering help to enemy —

- shall be punishable by imprisonment for the term from three up to ten years.

## **Article 344. Leaving of perishing military ship**

344.1. Leaving perishing military ship by commander, not implemented his duties up to the end, as well as by person from team structure of a ship without the appropriate order of the commander —

- shall be punishable by restriction on military service for the term up to two years, or maintenance to disciplinary military unit for the term up to two years, or imprisonment for the term from three up to seven years.

344.2. The same act committed in wartime or fighting conditions —

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 345. Autocratic leaving of battle fields or refusal to use weapon**

345.1. Autocratic leaving of battle fields during fight or refusal of application of weapon —

- shall be punishable by imprisonment for the term from five up to ten years.

345.2. The same acts, which committed by group of persons or have entailed to heavy consequences —

- shall be punishable by imprisonment for the term from ten up to fifteen years.

#### **Article 346. Criminal acts of a military man who is taking place in a captivity**

346.1. Violence above other military captured or cruel treatment with them by military man who is taking place in a captivity —

- shall be punishable by imprisonment for the term from three up to seven years.

346.2. The same acts, committed on imprudence and entailed to death of a victim or other heavy consequences —

- shall be punishable by imprisonment for the term from seven up to twelve years.

#### **Article 347. Loss of military property**

Infringement of the rules for the storage of a weapon, ammunition, vehicles, technical supply items or other military property given to military men for official use, if it has caused the loss of military property —

- shall be punishable by a fine in the amount of *one thousand to one thousand five hundred manats*, or restriction on military service for the term of up to two years, or holding in a disciplinary military unit for the term of up to two years, or imprisonment for the term of up to three years.  
([1](#), [45](#), [128](#))

#### **Article 348. Reckless damage, spoilage or destruction of military property**

348.1. Reckless damage or destruction of a weapon, ammunition, military hardware or other military property, if it has caused grave consequences —

- shall be punishable by a fine in the amount of *one thousand five hundred to two thousand manats*, or restriction on military service for the term of up to two years, or holding in a disciplinary military unit for the term of up to two years, or imprisonment for the term of up to three years.

348.2. The same acts if they are committed in wartime or in field conditions —

- shall be punishable by imprisonment for the term of up to five years. ([1](#), [45](#), [128](#))

#### **Article 349. Deliberate destruction or damage of military property**

349.1. Deliberate destruction or damage of a weapon, ammunition, military hardware or other military property, in the absence of components of another crime —

- shall be punishable by a fine in the amount of *two thousand to three thousand manats*, or restriction on military service for the term of up to two years, or holding in a disciplinary military unit for the term of up to two years, or imprisonment for the term of up to four years.

349.2. The acts specified in article 349.1 of the present Code if they:

349.2.1. are committed repeatedly;

349.2.2. are committed by a group of persons;

349.2.3. have caused grave consequences;

349.2.4. are committed in wartime or in field conditions —

- shall be punishable by imprisonment for the term of three to seven years. ([1](#), [45](#), [128](#))

#### **Article 350. Infringement of rules on manipulation with a weapon and subjects representing increased danger to associates**

350.1. Infringement of rules on manipulation with a weapon, supplies, radioactive materials, explosive or other substances and subjects representing increased danger to associates, on imprudence entailed causing of harm to health of a victim, destruction of military engineering or other heavy consequences —

- shall be punishable by restriction on military service for the term up to two years or maintenance to disciplinary military unit on the same term.

350.2. The same act, committed on imprudence and entailed to death of a person —



- shall be punishable by imprisonment for the term from two up to five years.

350.3. The act provided by article 350.1 of the present Code, committed on imprudence and entailed to death of two or more persons —

- shall be punishable by imprisonment for the term from three up to eight years.

#### **Article 351. Infringement of rules on driving or operation of machines**

351.1. Infringement of rules on driving or operation of a fighting, special or transport machine, committed on imprudence and entailed to causing of less serious or minor serious harm to health of a victim —

- shall be punishable by restriction on military service for the term up to two years or maintenance to disciplinary military unit on the same term, or imprisonment for the term up to three years with deprivation of the right to operate a vehicle on the same term or without it.

351.2. The same act, committed on imprudence and entailed to death of a victim —

- shall be punishable by imprisonment for the term from two up to five years with deprivation of the right to operate a vehicle for the term up to three years.

351.3. The act provided by article 351.1 of the present Code, on imprudence entailed to death of two or more persons —

- shall be punishable by imprisonment for the term from five up to ten years with deprivation of the right to operate a vehicle for the term up to five years.

#### **Article 352. Infringement of flight rules or preparations for them**

352.1. Infringement of rules on flights or preparations for them or other service regulations of military flying devices, entailed to heavy consequences, or on imprudence brought to death of a victim —

- shall be punishable by imprisonment for the term of from two till five years.

352.2. The same act, committed on imprudence and entailed to death of two or more persons —

- shall be punishable by imprisonment for the term from five up to ten years.

#### **Article 353. Infringement of rules on shipping**

353.1. Infringement of rules on driving or operation of military ships, entailed to heavy consequences, or on imprudence to death of a victim —

- shall be punishable by imprisonment for the term from two up to five years.

353.2. The same acts, committed on imprudence and entailed to death of two or more persons —

- shall be punishable by imprisonment for the term from five up to ten years.

***Published in the "Collection of Laws of the Republic of Azerbaijan", 2000, No. 4, Article 251.***

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## ***The list of documents that affect changes and updates to this Code***

1. Law of the Republic of Azerbaijan No. 48-IIQ of 26 December, 2000 — “Azerbaijan” newspaper, 30 December, 2000, No. 300.

2. Law of the Republic of Azerbaijan No. 49-IIQD of 26 December, 2000 — “Azerbaijan” newspaper, 24 January, 2001, No. 18.

3. Law of the Republic of Azerbaijan No. 172-IIQD of 2 July, 2001.

4. Law of the Republic of Azerbaijan No. 240-IIQD of 27 December, 2001 — “Azerbaijan” newspaper, 1 February, 2002, No. 26.

5. In compliance with the Decree of the Constitutional Court of the Republic of Azerbaijan as of 8 April, 2002 “The period of limitation for calling to account for offence, connected with tax legislation, envisaged by the Tax Code of the Republic of Azerbaijan shall be applied in an order stipulated by Article 56 of the Tax Code and period of limitation to institute criminal proceedings for corpus delicti stipulated by the Article 213 of the Criminal Code of the Republic of Azerbaijan respectively - in an order stipulated by Article 75 of the Criminal Code of the Republic of Azerbaijan” - “Azerbaijan” newspaper, 10 April, 2002, No. 80.

6. Law of the Republic of Azerbaijan No. 302-IIQD of 16 April, 2002 - “Azerbaijan” newspaper, 23 June, 2002, No. 141.

7. Law of the Republic of Azerbaijan No. 305-IIQD of 19 April, 2002 — “Azerbaijan” newspaper, 12 May, 2002, No. 107.

8. Law of the Republic of Azerbaijan No. 321-IIQD of 14 May, 2002 - “Azerbaijan” newspaper, 2 June, 2002, No. 124.

9. Law of the Republic of Azerbaijan No. 332-IIQD of 17 May, 2002 — “Azerbaijan” newspaper, 31 May, 2002, No. 122.

10. Law of the Republic of Azerbaijan No. 360-IIQD of 2 July, 2002 — “Azerbaijan” newspaper, 27 August 2002, No. 196.

11. *Law of the Republic of Azerbaijan No. 485-IIQD of 30 June, 2003 - "Azerbaijan" newspaper, 6 August 2003, No. 178.*
12. *Law of the Republic of Azerbaijan No. 486-IIQD of 20 June, 2003 - "Azerbaijan" newspaper, 2 July, 2003, No. 148.*
13. *Law of the Republic of Azerbaijan No. 490-IIQD of 20 June, 2003 — "Azerbaijan" newspaper, 24 June, 2003, No. 141.*
14. *Law of the Republic of Azerbaijan No. 512-IIQD of 7 November, 2003 — "Azerbaijan" newspaper, 3 December, 2003, No. 277.*
15. *Law of the Republic of Azerbaijan No. 569-IIQD of 30 December, 2003 — "Azerbaijan" newspaper, 1 February, 2004, No. 25.*
16. *Law of the Republic of Azerbaijan No. 599-IIQD of 5 March, 2004 — "Azerbaijan" newspaper, 14 April, 2004, No. 86.*
17. *Law of the Republic of Azerbaijan No. 646-IIQD of 4 May, 2004 — "Azerbaijan" newspaper, 14 May, 2004, No. 112.*
18. *Law of the Republic of Azerbaijan No. 688-IIQD of 11 June, 2004 — "Azerbaijan" newspaper, 11 August, 2004, No. 185.*
19. *Law of the Republic of Azerbaijan No. 732-IIQD of 7 September, 2004 — "Azerbaijan" newspaper, 23 October, 2004, No. 248.*
20. *Law of the Republic of Azerbaijan No. 781-IIQD of 26 October, 2004 — "Azerbaijan" newspaper, 10 November, 2004, No. 262.*
21. *Law of the Republic of Azerbaijan No. 801-IIQD of 7 December, 2004 — "Azerbaijan" newspaper, 29 January, 2005, No. 21.*
22. *Law of the Republic of Azerbaijan No. 885-IIQD of 15 April 2005 — "Azerbaijan" newspaper, 11 June, 2005, No. 132.*
23. *Law of the Republic of Azerbaijan No. 937-IIQD of 14 June, 2005 — "Azerbaijan" newspaper, 31 July, 2005, No. 175.*
24. *Law of the Republic of Azerbaijan No. 991-IIQD of 20 September, 2005 — "Azerbaijan" newspaper, 24 November, 2005, No. 272.*
25. *Law of the Republic of Azerbaijan No. 1020-IIQD of 30 September, 2005 — "Azerbaijan" newspaper, 26 October, 2005, No. 248.*
26. *Law of the Republic of Azerbaijan No. 46-IIIQD of 30 December, 2005 — "Azerbaijan" newspaper, 15 February, 2006, No. 33.*
27. *Law of the Republic of Azerbaijan No. 47-IIIQD of 30 December, 2005 — "Azerbaijan" newspaper, 15 February, 2006, No. 33.*

28. *Law of the Republic of Azerbaijan No. 50-IIIQD of 30 December, 2005 — “Azerbaijan” newspaper, 17 February, 2006, No. 35.*
29. *Law of the Republic of Azerbaijan No. 92-IIIQD of 7 April, 2006 — “Azerbaijan” newspaper, 13 May, 2006, No. 104.*
30. *Law of the Republic of Azerbaijan No. 173-IIIQD of 20 October, 2006 — “Azerbaijan” newspaper, 13 December, 2006, No. 279.*
31. *Law of the Republic of Azerbaijan No. 185-IIIQD of 28 November, 2006 — “Azerbaijan” newspaper, 13 December, 2006, No. 279.*
32. *Law of the Republic of Azerbaijan No. 202-IIIQD of 19 December, 2006— “Azerbaijan” newspaper, 29 December, 2006, No. 293.*
33. *Law of the Republic of Azerbaijan No. 200-IIIQD of 19 December, 2006 — “Azerbaijan” newspaper, 8 February 2007, No. 27.*
34. *Law of the Republic of Azerbaijan No. 251-IIIQD of 27 February, 2007 — “Azerbaijan” newspaper, 30 May, 2007, No. 116.*
35. *Law of the Republic of Azerbaijan No. 357-IIIQD of 31 May, 2007 — “Azerbaijan” newspaper, 13 June, 2007, No. 128.*
36. *Law of the Republic of Azerbaijan No. 320-IIIQD of 17 April, 2007 — “Azerbaijan” newspaper, 24 June, 2007, No. 137.*
37. *Law of the Republic of Azerbaijan No. 313-IIIQD of 17 April, 2007 — “Respublika” newspaper, 29 June, 2007, No. 140.*
38. *Law of the Republic of Azerbaijan No. 391-IIIQD of 16 June, 2007 — “Azerbaijan” newspaper, 21 August, 2007, No. 185.*
39. *Law of the Republic of Azerbaijan No. 428-IIIQD of 9 October, 2007 — “Azerbaijan” newspaper, 28 October, 2007 No. 242.*
40. *Law of the Republic of Azerbaijan No. 456-IIIQD of 19 October, 2007 — “Azerbaijan” newspaper, 28 October, 2007, No. 242.*
41. *Law of the Republic of Azerbaijan No. 479-IIIQD of 6 November, 2007 — “Azerbaijan” newspaper, 25 November, 2007, No. 266.*
42. *Law of the Republic of Azerbaijan No. 424-IIIQD of 1 October, 2007 — “Azerbaijan” newspaper, 27 November, 2007, No. 267.*
43. *Law of the Republic of Azerbaijan No. 464-IIIQD of 23 October, 2007 — “Azerbaijan” newspaper, 29 November, 2007, No. 269.*
44. *Law of the Republic of Azerbaijan No. 522-IIIQD of 25 December, 2007 — “Azerbaijan” newspaper, 30 December, 2007, No. 294.*

45. *Law of the Republic of Azerbaijan No. 607-IIIQD of 16 May, 2008 — “Respublika” newspaper, 4 June, 2008, No. 120.*
46. *Law of the Republic of Azerbaijan No. 617-IIIQD of 2 June, 2008 — “Respublika” newspaper, 24 June, 2008, No. 136.*
47. *Law of the Republic of Azerbaijan No. 648-IIIQD of 13 June, 2008 — “Respublika” newspaper, 10 July, 2008, No. 149.*
48. *Law of the Republic of Azerbaijan No. 691-IIIQD of 2 October, 2008 — “Azerbaijan” newspaper, 30 October, 2008, No. 242.*
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53. *Law of the Republic of Azerbaijan No. 896-IIIQD of 20 October, 2009 — “Respublika” newspaper, 25 December, 2009, No. 281.*
54. *Law of the Republic of Azerbaijan No. 951-IIIQD of 1 February, 2010 — “Azerbaijan” newspaper, 19 March, 2010, No. 61.*
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58. *Law of the Republic of Azerbaijan No. 971-IIIQD of 5 March, 2010 — “Azerbaijan” newspaper, 18 April, 2010, No. 82.*
59. *Law of the Republic of Azerbaijan No. 1034-IIIQD of 18 June, 2010 — “Azerbaijan” newspaper, 17 July, 2010, No. 152.*
60. *Law of the Republic of Azerbaijan No. 78-IVQD of 4 March 2011 — “Respublika” newspaper, 22 April, 2011, No. 82.*
61. *Law of the Republic of Azerbaijan No. 137-IVQD of 31 May, 2011 — “Azerbaijan” newspaper, 2 July, 2011, No. 141.*

62. *Law of the Republic of Azerbaijan No. 158-IVQD of 10 June, 2011 — “Azerbaijan” newspaper, 7 July, 2011, No. 145.*
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73. *Law of the Republic of Azerbaijan No. 461-IVQD of 2 November, 2012 — “Azerbaijan” newspaper, 11 November, 2012, No. 251.*
74. *Law of the Republic of Azerbaijan No. 493-IVQD of 11 December, 2012 — “Azerbaijan” newspaper, 30 December, 2012, No. 293.*
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83. *Law of the Republic of Azerbaijan No. 745-IVQD of 30 September 2013 — “Azerbaijan” newspaper, 17 November, 2013, No. 253.*
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86. *Law of the Republic of Azerbaijan No. 833-IVQD of 3 December, 2013 — “Azerbaijan” newspaper, 31 December, 2013, No. 291.*
87. *Law of the Republic of Azerbaijan No. 878-IVQD of 27 December, 2013 — “Respublika” newspaper, 4 February 2014, No. 23.*
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89. *Law of the Republic of Azerbaijan No. 919-IVQD of 14 March, 2014 — “Azerbaijan” newspaper, 4 April, 2014, No. 66.*
90. *Law of the Republic of Azerbaijan No. 975-IVQD of 30 May, 2014 — “Respublika” newspaper, 19 June, 2014, No. 128.*
91. *Law of the Republic of Azerbaijan No. 971-IVQD of 30 May, 2014 — “Azerbaijan” newspaper, 2 July, 2014, No. 138.*
92. *Law of the Republic of Azerbaijan No. 1231-IVQD of 6 March, 2015 — “Azerbaijan” newspaper, 7 April, 2015, No. 71.*
93. *Law of the Republic of Azerbaijan No. 1222-IVQD of 6 March, 2015 — “Respublika” newspaper, 9 April, 2015, No. 73.*
94. *Law of the Republic of Azerbaijan No. 1191-IVQD of 13 February, 2015 — “Azerbaijan” newspaper, 10 April, 2015, No. 74.*
95. *Law of the Republic of Azerbaijan No. 1272-IVQD of 28 April, 2015 — “Azerbaijan” newspaper, 22 May, 2015, No. 108.*

96. *Law of the Republic of Azerbaijan No. 1263-IVQD of 28 April, 2015 — “Azerbaijan” newspaper, 7 June, 2015, No. 121.*
97. *Law of the Republic of Azerbaijan No. 1274-IVQD of 28 April, 2015 — “Azerbaijan” newspaper, 4 June, 2015, No. 118.*
98. *Law of the Republic of Azerbaijan No. 1266-IVQD of 28 April, 2015 — “Azerbaijan” newspaper, 7 June, 2015, No. 121.*
99. *Law of the Republic of Azerbaijan No. 1296-IVQD of 29 May, 2015 — “Respublika” newspaper, 11 June, 2015, No. 124.*
100. *Law of the Republic of Azerbaijan No. 1298-IVQD of 29 May, 2015 — “Respublika” newspaper, 11 June, 2015, No. 124.*
101. *Law of the Republic of Azerbaijan No. 1396-IVQD of 20 October, 2015 — “Azerbaijan” newspaper, 4 November, 2015, No. 242.*
102. *Law of the Republic of Azerbaijan No. 1361-IVQD of 6 October, 2015 — “Respublika” newspaper, 14 November, 2015, No. 250.*
103. *Law of the Republic of Azerbaijan No. 1336-IVQD of 30 September, 2015 — “Azerbaijan” newspaper, 24 November, 2015, No. 258.*
104. *Law of the Republic of Azerbaijan No. 1406-IVQD of 20 October, 2015 — “Respublika” newspaper, 6 November, 2015, No. 244.*
105. *Law of the Republic of Azerbaijan No. 31-VQD of 4 December, 2015 — “Respublika” newspaper, 6 December, 2015, No. 269.*
106. *Law of the Republic of Azerbaijan No. 1388-IVQD of 20 October, 2015 — “Respublika” newspaper, 9 December, 2015, No. 271.*
107. *Law of the Republic of Azerbaijan No. 181-VQD of 18 March, 2016 — “Azerbaijan” newspaper, 23 April, 2016, No. 86.*
108. *Law of the Republic of Azerbaijan No. 184-VQD of 18 March, 2016 — “Azerbaijan” newspaper, 3 May, 2016, No. 94.*
109. *Law of the Republic of Azerbaijan No. 199-VQD of 5 April, 2016 — “Azerbaijan” newspaper, 3 May, 2016, No. 94.*
110. *Law of the Republic of Azerbaijan No. 179-VQD of 18 March, 2016 —*
111. *Law of the Republic of Azerbaijan No. 230-VQD of 6 May, 2016 — “Azerbaijan” newspaper, 25 May, 2016, No. 112.*
112. *Law of the Republic of Azerbaijan No. 250-VQD of 17 May, 2016 — “Azerbaijan” newspaper, 29 June, 2016, No. 138.*
113. *Law of the Republic of Azerbaijan No. 264-VQD of 31 May, 2016 — “Azerbaijan” newspaper, 29 June, 2016, No. 138.*



114. Law of the Republic of Azerbaijan No. 395-VQD of 11 November, 2016 — “Azerbaijan” newspaper, 18 December, 2016, No. 281.
115. Law of the Republic of Azerbaijan No. 408-VQD of 11 November, 2016 — “Azerbaijan” newspaper, 18 December, 2016, No. 281.
116. Law of the Republic of Azerbaijan No. 365-VQD of 28 October, 2016 — “Azerbaijan” newspaper, 18 December, 2016, No. 281.
117. Law of the Republic of Azerbaijan No. 386-VQD of 11 November, 2016 — “Azerbaijan” newspaper, 30 December, 2016, No. 291.
118. Law of the Republic of Azerbaijan No. 444-VQD of 29 November, 2016 — “Azerbaijan” newspaper, 31 December, 2016, No. 292.
119. Law of the Republic of Azerbaijan No. 456-VQD of 16 December, 2016 — “Azerbaijan” newspaper, 31 December, 2016, No. 292.
120. Law of the Republic of Azerbaijan No. 523-VQD of 1 February, 2017 — “Respublika” newspaper, 21 February, 2017, No. 39.
121. Law of the Republic of Azerbaijan No. 508-VQD of 1 February, 2017 — “Azerbaijan” newspaper, 19 March, 2017, No. 61.
122. Law of the Republic of Azerbaijan No. 563-VQD of 7 April, 2017 — “Azerbaijan” newspaper, 19 May, 2017, No. 106.
123. Law of the Republic of Azerbaijan No. 566-VQD of 7 April, 2017 — “Azerbaijan” newspaper, 21 May, 2017, No. 108.
124. Law of the Republic of Azerbaijan No. 575-VQD of 7 April, 2017 — “Azerbaijan” newspaper, 23 May, 2017, No. 109.
125. Law of the Republic of Azerbaijan No. 633-VQD of 25 April, 2017 — “Azerbaijan” newspaper, 23 May, 2017, No. 109.
126. Law of the Republic of Azerbaijan No. 573-VQD of 7 April, 2017 — “Azerbaijan” newspaper, 2 June, 2017, No. 117.
127. Law of the Republic of Azerbaijan No. 734-VQD of 13 June, 2017 — .
128. Law of the Republic of Azerbaijan No. 707-VQD of 31 May, 2017 — “Azerbaijan” newspaper, 19 July, 2017, No. 153.
129. Law of the Republic of Azerbaijan No. 711-VQD of 13 June, 2017 — “Azerbaijan” newspaper, 18 July, 2017, No. 152.
130. Law of the Republic of Azerbaijan No. 875-VQD of 17 November, 2017 — “Azerbaijan” newspaper, 1 December, 2017, No. 265.
131. Law of the Republic of Azerbaijan No. 816-VQD of 20 October, 2017 — “Azerbaijan” newspaper, 9 November, 2017, No. 247.

132. Law of the Republic of Azerbaijan No. 868-VQD of 17 November, 2017 — “Azerbaijan” newspaper, 16 December, 2017, No. 278.

133. Law of the Republic of Azerbaijan No. 1037-VQD of 6 March, 2018 — “Azerbaijan” newspaper, 22 March, 2018, No. 63.

134. Law of the Republic of Azerbaijan No. 1074-VQD of 24 April, 2018 — “Azerbaijan” newspaper, 16 May, 2018, No. 109.

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**The provisions in connection with the penalty of restraint of freedom come into force on the same day with changes that will be made to the Penal Enforcement Code of the Republic of Azerbaijan in connection with the execution of this penalty and the establishment of rules for the use of electronic surveillance.**

**The provisions on exemption from criminal responsibility in connection with drug addiction come into force on the day when the medical institutions of the relevant executive authority begin to operate, in which compulsory medical measures in connection with drug addiction will be carried out.**

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*\* According to Law of the Republic of Azerbaijan No. 314-IVQD of March 7, 2012, Chapter 15-2 of the Criminal Code will enter into force simultaneously with the changes in relation to the order of application of criminal law measures in respect to entities, that will be introduced to the Criminal Procedure Code of the Republic of Azerbaijan and Code on the Execution of Sentences of the Republic of Azerbaijan*

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