



Unofficial translation

**Criminal Code  
of the Azerbaijan Republic**

**General provision**

**Section I**

**Criminal Legislation**

**CHAPTER 1**

Note: Nominal financial unit is equal to minimal wage, which is 5500 manats

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

1.1. The criminal law of the Azerbaijan Republic consists of the present Code.

1.2. The present Code is grounded on the Constitution of the Azerbaijan Republic, 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 Azerbaijan Republic**

2.1. Tasks of the Criminal Code of the Azerbaijan Republic 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 Azerbaijan Republic from criminal encroachments, and also the prevention of crimes.

2.2. For implementation of the tasks, the Criminal Code of the Azerbaijan Republic 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**

The persons who have committed crimes, shall be equal before the law and shall be subjected to the crime liability irrespective of race, nationalities, creeds, language, an origin, property and official position, belief, belonging to political parties, trade unions and other public associations, and also other circumstances.

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

7.1. The person shall be subjected 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 subjected 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. Punishment and other measures of criminal - legal nature applied to the person, who has committed a crime, shall not have the purposes causing physical sufferings or humiliation of human dignity.

### **CHAPTER 2**

#### **ACTION OF THE CRIMINAL LAW**

#### **Article 10. Action of the 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 have committed a crime, shall have back force, and that shall be distributed on the persons who has committed the appropriate action (action or inaction) till the introduction of such law as valid, and also on the persons who is sentenced, or who has 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 back force.

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

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

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

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 Azerbaijan Republic, implemented on water or air space outside of limits of the Azerbaijan Republic, flying under the flag or a recognition symbol of the Azerbaijan Republic, shall be instituted to the criminal liability by the present Code.

11.4. The person, who has committed a crime on a ship, which belong to military fleet or military - air forces of the Azerbaijan Republic, 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 Azerbaijan Republic shall be implemented according to the norms of international law.

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

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

12.2. Foreigners and persons without the citizenship, committed a crime outside of limits of the Azerbaijan Republic, shall be instituted to criminal proceedings under the present Code, in cases, if the crime shall be directed against the citizens of the Azerbaijan Republic, interests of the Azerbaijan Republic, and also in the cases, stipulated by international agreements to which the Azerbaijan Republic is a party, if these persons were not condemned in the foreign state.

12.3. Citizens of the Azerbaijan Republic, foreigners and persons without the citizenship, who have committed crimes against the peace and mankind's, war crimes, 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 Azerbaijan Republic 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 Azerbaijan Republic included in peace forces, for the crimes, committed outside of limits of the Azerbaijan Republic, shall be instituted to criminal proceedings under the present Code, unless it is not stipulated by the international agreements to which Azerbaijan Republic is a party.

12.5. At condemnation by courts of the Azerbaijan Republic, of the persons specified in articles 12.1-12.4 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.

#### **Article 13. Distribution of the persons who have committed a crime**

13.1. The citizens of the Azerbaijan Republic, 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 and persons without the citizenship, who have committed a crime outside of limits of the Azerbaijan Republic and living on the territory of the Azerbaijan Republic, can be distributed to the foreign state for instituting to the criminal liability or servings of punishment according to international agreements to which the Azerbaijan Republic is a party.

13.3. If the persons, who have committed a crime outside of limits of the Azerbaijan Republic, 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 Azerbaijan Republic.

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

### **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 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.

#### **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 Especial part of the present Code.

16.3. The crime shall not be admitted as repeatedly committed, if for crime the person in the order provided by the law was released from the criminal liability or the previous conviction for the crime committed by the person was extinguished or removed.

#### **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 institutes 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 Especial 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 deliberate serious crime or once for committing especially serious crime \*;

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

18.4. The convictions, removed or extinguished in the order, provided by article 83 of the present Code, and also a previous conviction for the crimes, committed by the person at the 18, shall not be taken into account at recognition as relapse of crimes.

18.5. Relapse of crimes attracts more strict punishment on the grounds and on the limits, which are provided by the present Code.

### **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 - Is excluded by the law of the Azerbaijan Republic from July, 2 2001.

##### **Article 21 Diminished capacity**

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 person with legal responsibility, 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 be not 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 Especial 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 commit 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 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 have 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 have 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 a crime, traces of a crime or the subjects extracted in the criminal way, and person beforehand promising to get or sell such subjects as well, shall be admitted as the helper

#### **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 Especial 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 Especial 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 Especial part of the present Code, participating in commitment of the crime provide by this article, carries 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 Especial 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 Especial 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 Especial 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 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. Grounded risk**

39.1. Causing of harm to objects protected by the present Code, at the grounded 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 grounded risk.

39.3. The risk shall not be admitted as grounded 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 Azerbaijan Republic;

42.0.10. restriction of freedom;

42.0.11. maintenance in disciplinary military unit;

42.0.12. imprisonment on the certain term;

42.0.13. life imprisonment.

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

43.1. Public works, corrective works, restriction on military service, maintenance in disciplinary military unit, restriction of freedom, 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 Azerbaijan Republic shall apply only as additional kinds of the punishment.

##### 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 is appointed at a rate of from hundred up to five thousand of nominal financial unit, established by the legislation of the Azerbaijan Republic, in view of seriousness of the crime and a property status of the sentenced.

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 Especial 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 or imprisonment with the certain term.

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

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.

#### **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 Especial 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. In case of assignment deprivation of the right to hold the certain posts or to engage in the certain activities as additional to public works, corrective works, and also at conditional condemnation, its term shall be estimated from the moment of the introduction of a decision into validity. In case of assignment of this kind of punishment as additional to the maintenance in disciplinary military unit or to imprisonment, it is distributed on all time of serving specified basic kinds of punishments, and also, over it, for the term, established in a decision for this kind of punishment.

#### **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 term from sixty up to two hundred forty and can not be more than four hours per day.

47.3. In case of malicious evasion by condemned from serving public works they shall be replaced with restriction of freedom or imprisonment with the certain term. Time during which condemned performed public works, shall be taken into account at definition term or imprisonment on the certain term at the rate one day of restriction of freedom for eight hours of public works, or one day of imprisonment on the certain term for twelve 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;

47.4.2. to pregnant women;

47.4.3. to women having dependent children in the age of till eight years old;

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

47.4.5. military men, taking place at valid urgent military service on an appeal.

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

If court at condemnation of the person for commitment of minor serious or serious crime, in view of nature of a crime, person guilty and other circumstances of case, recognizes necessary to deprive his special, military or honorary title and state award, shall direct appropriate representation to the body which has given special, military or a honorary title and state award.

#### **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 deliberate evasion from serving punishment by the person condemned to corrective works, the court can replace deserved sentenced time to punishment by restriction of freedom or imprisonment with the certain term. Thus term of again appointed punishment shall be determined at a rate of one day of restriction of freedom for one day of corrective works or one day of imprisonment for three days of corrective works.

#### **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 Especial 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 Especial part of the present Code.

50.2. From the monetary contents 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.

#### **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 Especial part of the present Code.

51.3 – Is excluded by the law of the Azerbaijan Republic from July 2, 2001.

#### **Article 52 Forced exile out of the Azerbaijan Republic**

52.1. Forced exile out of the Azerbaijan Republic can be appointed concerning foreigners after serving of the basic kind of the punishment appointed for commitment of crimes on them, in view of the circumstances provided in article 58.3 of the present Code.

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

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

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

52.2.3. born in the Azerbaijan Republic;

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

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

52.2.6. dependent on which there are minor, and also incapacitated persons or persons recognized as invalids of the first or second group;

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.

52.3. If between articles 52.1 and 52.2 of the present Codes and the international agreements to which the Azerbaijan Republic is a party, shall arise contradictions, in this the international agreements shall be implemented.

#### **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 who are 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.

#### **Article 54. Maintenance 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 Especial 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. At replacement of the maintenance in disciplinary military unit to imprisonment term in disciplinary military unit, shall be determined at rate of one day in imprisonment for one day of the maintenance in disciplinary military unit.

#### **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 establishments of a settlement type, 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 fifteen years.

55.3. In case of replacement of public works, corrective works or restriction of freedom to imprisonment, it can be appointed for the term of and 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 fifteen years, or twenty years.

#### **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.

#### **Article 57. Life imprisonment**

57.1. Life imprisonment is determined only for commitment of serious crimes against the peace and safety of mankind, war crimes, crimes against the individuality, public safety 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 fifteen years, according to the article 57.3 of the present Code.

### **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 Especial part of the present Code, and in view of positions of the General part of the

present Code. More strict kind of punishment from among provided for a crime shall be appointed only in case, if less strict kind of punishment can not provide achievement of the purposes of punishment.

58.2. More strict punishment, than appropriate articles of the Especial 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 Especial 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.

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

59.1. Circumstances softening punishment shall be following:

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. presence of dependent on the person, who have committed a crime, of a juvenile 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. to give him self up and to confess , active actions on disclosing of a crime, exposure of other accomplices of a crime, to search and detection of the property extracted as a result of a crime;

59.1.10. rendering of medical and other help to the victim after direct r commitment of a crime, voluntary compensation or elimination of the material and moral harm, caused as a result of a crime, attempt to come to consent with the victim, other actions directed on smoothing down of harm, caused to the victim.

59.2. At assignment of punishment can be taken into account as mitigating circumstances, which have been not provided by articles 59.1.1-59.1.10 of the present Code.

59.3. If mitigating circumstance is provided by appropriate article of the Especial part of the present Code as an attribute of a crime, it repeatedly can not be taken into account at assignment of punishment.

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

At presence of the circumstances mitigating punishment, as it is provided by articles 59.1.9 and 59.1.10 of the present Code, and absence of aggravating circumstances, term or measure of punishment can not exceed three quarters of a limit of more strict kind of the punishment, provided by appropriate article of the Especial part of present code.

#### **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 taking place in a condition of intoxication, 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 know 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, 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 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 Especial part of the present Code as an attribute of a crime, can not be taken into account repeatedly at assignment of punishment.

#### **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 Especial 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 softening 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 Especial 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 Especial 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 Especial part of present code.

65.3. If article of the Especial 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.

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

66.1. At set of 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 only the crimes which are not representing big public danger, final punishment shall be appointed by absorption of less strict punishment to more strict or by full or partial addition of punishments. Thus final punishment can not exceed the maximal limit of the punishment provided for serious committed crimes.

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 fifteen years.

66.4. At set of crimes the additional kinds of punishments established by appropriate articles of the Especial 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 final punishment.

#### **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 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.

#### **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;

68.1.2. 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, and also the penalty or confiscation of property at their addition with corrective works, maintenance in disciplinary military unit, restriction on military service, imprisonment shall be executed independently.

#### **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, restriction of freedom, 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, restrictions of freedom - 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 condemned, maintained under guards before proceeding 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.

#### **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. 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.

#### **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, a court, on presentation of the state body provided in article 71.1 of the present Code, can decide 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.

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.

### **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 voluntary 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 Especial part of the present Code.

##### **Article 73. Release from a criminal liability in connection with reconciliation with victim**

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 reconciled with victim and has compensated cause to him or has removed caused harm.

##### **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.

##### **Article 75. Release from criminal liability in connection with expiration of time limits**

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 are 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. fifteen 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 mankind, terrorism, financing of terrorism and war crimes provided by appropriate articles of the Especial part of present Code.

## 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 time in corrective works, restrictions of freedom, maintenance in disciplinary military unit, restrictions on military service or imprisonment on certain term, 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;

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

76.3.3. not less than three quarters of term of the punishment appointed for serious crime, and also three quarters of term of the punishment, appointed to the person earlier conditionally - prescheduled released, if conditional - prescheduled release was cancelled on the bases provided by article 76.6 of the present Code.

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

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 deserved part of punishment condemned:

76.6.1. is malicious has evaded from execution of duties assigned to him by court at application of conditional - prescheduled release, 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. has committed a crime on imprudence, the question on a cancellation or on preservation of conditional - prescheduled release shall be solved by court;

76.6.3. has made a deliberate crime, a court appoints to him punishment by a rules provided by article 67 of the present Code. Punishment shall be appointed by the same rules in case of commitment of a crime on imprudence if the court cancels conditional - prescheduled release.

#### **Article 77. Replacement of deserved 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 deserved 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 deserved 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 deserved 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 or from its deserved part. 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 deserved part of punishment to mitigate kind of punishment.

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.

#### **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 eight years, except condemned who is imprisoned 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 8.

79.2. In case if women 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 age eight a court releases a condemned woman from serving deserved part of punishment, or replaces deserved part of punishment with mitigate kind of punishment, or directs a condemned woman to appropriate establishment for serving the rest of punishment.

79.4. At commitment by condemned woman, during a delay from serving punishment of a new crime a court appoints to her punishment by according to article 67 of the present Code.

#### **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. fifteen years at condemnation for serious crime.

80.2. Current time limits stops, 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 mankind, terrorism, financing of terrorism and war crimes provided by appropriate articles of the Especial part of the present Code.

### **CHAPTER 13**

#### **AMNESTY. PARDON. CONVICTION**

##### **Article 81. Amnesty**

81.1. The amnesty act shall be accepted by Milli Medjlis of the Azerbaijan Republic 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 Azerbaijan Republic 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 person released from punishment shall be considered as not convicted.

83.3. The release from conviction shall be:

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

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;

83.3.3. concerning persons condemned to imprisonment for crimes, not representing big public danger and less serious crimes - after expiration of three 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.

## **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 to 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;

85.1.4. imprisonment on a certain term.

85.2. The penalty shall be appointed only at presence at a minor, who is condemned, of independent earnings or property on which collecting can be inverted. The penalty is appointed at a rate from thirty up to three hundred of the nominal financial unit established by the legislation of the Azerbaijan Republic.

85.3. Public works shall be appointed for the term from forty up to hundred sixty, 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 condemned 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.

85.5. Imprisonment can be appointed to minor condemned 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 punished to imprisonment - in educational establishments of the strengthened mode.

#### **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 do 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. putting on 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 the educational or medical-disciplinary establishment provided for such persons. Thus term of stay of the minor in the provided establishments can not exceed the maximal term of the punishment provided by the present Code for a crime accomplished by him.

89.3. On the conclusion of the appropriate state body about correction of a minor and in this connection loss of necessity of application of the given measure, this person can be released from provided establishment before expiry of the term provided by article 89.2 of the present Code.

#### **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 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.

#### **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. For the minors, who have made crimes, terms of removing a previous convictions provided by article 83 of the present Code, shall be reduced and equaled:

92.0.1. to one year from the date of serving a punishment at imprisonment for a crime which is not representing big public danger or less serious crime;

92.0.2. to three years from the date of serving punishment at imprisonment for minor serious or serious crime.

### **SECTION VI**

#### **FORCED MEASURES OF MEDICAL NATURE**

##### **CHAPTER 15**

#### **FORCED MEASURES OF MEDICAL NATURE**

#### **Article 93. Bases of application for forced measures of medical nature**

93.1. Forced measures of medical nature can be appointed by court to persons:

93.1.1. committed act (action or inaction), provided by the Especial part of the present Code, in a condition of diminished responsibility;

93.1.2. after commitment of a crime deceased by mental illness excluding assignment or execution of punishment;

93.1.3. committed a crime and suffering from mental frustration which are not excluding responsibilities;

93.1.4. committed a crime and recognized as required for treatment from alcoholism or narcotics.

93.2. To a persons specified in articles 93.1.1-93.1.4 of the present Code, forced 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 forced measures of medical nature shall be determined by the legislation of the Azerbaijan Republic.

93.4. Concerning the persons, who are specified in articles 93.1.1-93.1.4 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.

#### **Article 94. Purposes of application on forced measures of medical nature**

The purposes of application on forced measures of medical nature shall be treatment of the persons provided in articles 93.1.1-93.1.4 of the present Code, or improvement of their mental condition, and also prevention of commitment by them of new acts.

#### **Article 95. Kinds of forced measures of medical nature**

95.0. The court can appoint the following kinds of forced measures of medical nature:

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.

#### **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 forced measures of medical nature**

98.1. Extension, change and cancellation of forced measures of medical nature 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 forced measure of medical nature is appointed, 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 forced 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 forced 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.

#### **Article 99. Offset of time on application of forced measures of medical character**

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.

### **SPECIAL PART**

#### **SECTION VII**

#### **CRIMES AGAINST PEACE AND SECURITY OF HUMANTY**

#### **CHAPTER 16**

#### **CRIMES AGAINST PEACE AND SECURITY OF HUMANTY**

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

100.1. Planning, preparation or implementation of aggressive war –

shall be punished by imprisonment for the term from eight up to ten years.

100.2. Conducting of aggressive war –

shall be punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

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

101.1. Public appeals to implementation of aggressive war –

shall be punished 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 punished 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.

#### **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 punished 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 punished by imprisonment for the term of from ten till fifteen years or life imprisonment.

**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 punished 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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

NOTE: Crimes shall be admitted as crimes against safety of mankind at deliberate acts provided by articles 105-113 of the present chapter, being component to large-scale or regular attacks on civilians in peace time, and military time.

**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 punished 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 punished 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 punished 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 Azerbaijan Republic –

shall be punished 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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

**Article 108-1. Compulsory pregnancy** – Came into force by the law of the Azerbaijan Republic from July2, 2001.

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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

**Article 109. Discrimination**

Prosecution 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 mankind –

shall be punished by imprisonment for the term of from five till ten years.

**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 punished by imprisonment for the term from five up to ten years or life imprisonment.

**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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

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

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

shall be punished 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 punished 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 punished by imprisonment for the term from four up to eight years.

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

shall be punished by imprisonment for the term from eight up to fifteen years.

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

shall be punished by imprisonment for the term from three up to eight 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.

#### **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 punished 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 punished 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 punished 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 punished by imprisonment for the term from twelve up to fifteen years or life imprisonment

#### **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 Half moon ;

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 on objects which are not in military purpose, clearly seen and distinctive, including especially protected historical, religious, educational objects, objects of art, scientific, charitable, medical objects or locations of patients and wounded persons;

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 Azerbaijan Republic 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 punished by imprisonment for the term from seven up to fifteen years or life imprisonment.

#### **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 punished 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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

#### **Article 118. Military robbery**

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

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



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

119.1. Use of emblems and distinctive signals of the Red cross or Red half moon as a protective or distinctive mark by persons not having right on it, use of emblems and names of the Red cross or the Red half moon with a view of, which is not compatible to principles of the International movement of the Red cross or the Red half moon, and also use of marks, alike with emblems of the Red Cross or Red half-moon during the military conflict -

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

**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 punished by imprisonment for the term from seven up to twelve 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 women, which was obviously for guilty pregnant;

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 punished by imprisonment for the term from twelve up to fifteen 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.

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

Deliberate murder by mother of a newborn child at time or direct after sorts -

shall be punished by imprisonment for the term up to three years.

**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 punished by restriction of freedom for the term up to three years or imprisonment for the term up to four years.

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

shall be punished by imprisonment for the term from three up to six years.

**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 punished by restriction of freedom for the term up to two years 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 punished by restriction of freedom for the term up to three years or imprisonment for the term up to three years.

**Article 124. Murder on imprudence**

124.1. The murder accomplished on imprudence –

shall be punished by restriction of freedom for the term up to three years or imprisonment for the term up to three years.

124.2. Murder on imprudence of two or more persons –

shall be punished by imprisonment for the term from two up to six years.

**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 punished by restriction of freedom for the term up to three years or imprisonment for the term from three up to seven years.

**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 punished 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, 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 punished by imprisonment for the term from six up to eleven years.

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

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

**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 punished by corrective works for the term up to two years, or restriction of freedom on the same term, 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, 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 punished by imprisonment for the term up to five years.

**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 punished by the penalty at a rate of up to three hundred of nominal financial unit or corrective works for the term up to one year.

**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 punished by restriction of freedom for the term up to two years or imprisonment on the same term.

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 punished by corrective works for the term up to two years or imprisonment for the term up to one year.

**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 punished by corrective works for the term up to one year, or restriction of freedom for the term up to two years, 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 punished by restriction of freedom for the term up to two years or imprisonment on the same term.

**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 punished by the penalty at a rate of up to three hundred of nominal financial unit, 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 punished by the penalty at a rate of up to five hundred of nominal financial unit, or corrective works for the term up to two years, or restriction of freedom for the term up to two years, or imprisonment for the term about six months.

**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 punished by the penalty at a rate of up to two hundred nominal financial unit, 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.

**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 punished by imprisonment for the term up to three 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 croup of persons, on preliminary arrangement by group of the persons, by 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 –

is punished by imprisonment for the term from three up to seven 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 punished by imprisonment from five till ten years.

#### **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 punished by restriction of freedom for the term of till two years or imprisonment for the term of till two years.

#### **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 punished 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 punished by the penalty at a rate from five hundred up to one thousand nominal financial unit, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, 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.

136.3. The acts which is 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 punished by the penalty at a rate of from one up to five thousand nominal financial unit, or corrective works for the term up to two years, or with imprisonment for the term of from two till five 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.

#### **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 punished 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 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 punished 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 punished 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.

#### **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 punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit, 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 of a person or causing of serious or minor serious harm to his health –

is punished by the penalty at a rate of from five hundred up to one thousand nominal financial unit, 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 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 punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit, 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 punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit, 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.

#### **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 punished by a fine of three hundred up to five hundred of nominal financial unit 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 punished by imprisonment of up to four years.

#### **Article 140. Infection with HIV of a person**

140.1. Wittingly subjecting of a person in danger of HIV infection –

is punished by corrective works of up to two years, or deprivation of freedom for term up to two years, or imprisonment of till one year.

140.2. Infection of another person with HIV committed by a person who knew to be infected –

is punished 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 punished by imprisonment of five to eight years.

140.4. Infection of another person with HIV resulting from improper performance of the professional duties –

is punished by 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.

#### **Article 141. Illegal of abortion**

141.1. Abortion by the doctor who is out of medical institutions –

is punished by fine of up to two hundred nominal financial unit 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 punished by fine of up to three hundred nominal financial unit, or public works of hundred eighty to two 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 punished by fine of three hundred up to five hundred of the nominal financial unit, or by corrective work for the term of up to two years, 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 punished 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.

#### **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 punished by fine of up to three hundred nominal financial unit or by corrective work for the term of up to one year, or deprivation of freedom for the term of up to one year, or imprisonment for the term of up to six months 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 punished by corrective work for the term of 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 punished 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.

#### **Article 143. Living in danger**

Wittingly living 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 punished by fine of up to three hundred nominal financial unit, or by corrective work for the term of up to one year, or imprisonment for the term of up to six months.

### **CHAPTER 19**

#### **CRIMES AGAINST FREEDOM AND DIGNITY OF INDIVIDUAL**

#### **Article 144. Kidnapping of the person**

144.1. Kidnapping of the person –

is punished 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 punished 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 punished 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 145. Illegal imprisonment**

145.1. Illegal deprivation of freedom of a person, not connected with kidnapping –

is punished 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 punished 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 punished 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 punished 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 punished 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 punished 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 or in mass media shown products –

is punished by fine of hundred up to five hundred of the nominal financial unit, or by public works for the term of till two hundred forty 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 punished by corrective work for the term of up to two years, or deprivation of freedom for the term of up to two years, or imprisonment for the term of up to three years.

#### **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 or in mass media shown product –

is punished by fine of three hundred up to one thousand of the nominal financial unit, or by public works for the term of up to two hundred forty hours, or by corrective work for the term of up to one year, or imprisonment for the term of up to six months.

### **CHAPTER 20**

#### **CRIMES AGAINST SEXUAL INVIOABILITY 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 punished by imprisonment for the term of four to eight years.

149.2. The same action:

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 punished 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 punished by imprisonment for the term of eight to fifteen years.

**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 punished 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 punished 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 punished 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 punished by fine of five hundred up to one thousand nominal financial unit, or by corrective work for the term of up to two years, or imprisonment for the term of up to three years.

**Article 152. Sexual relations and other actions of sexual nature with the person who has not reached of age 16**

The Sexual relations or other actions of sexual nature, committed by a person who has reached 18, with the person who is wittingly known as person who has not reached 16 –

is punished by restriction of freedom for the term of up to three years or imprisonment on the same term.

**Article 153. Depraving actions**

Depraving actions, carried out without application of force against the person, with the person who is wittingly known as person who has not reached age of 14 –

is punished by fine of five hundred up to one thousand nominal financial unit, or by corrective works for the term of up to two years, or restriction of freedom for the term of up to two years, or imprisonment for the term of up to two years.

**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 punished by fine of hundred up to five hundred of nominal financial unit 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 punished by fine of five hundred up to one thousand of nominal financial unit, 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.

**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 punished by fine of hundred up to five hundred of nominal financial unit or by corrective work for the term of up to one year.



**Article 156. Infringement of inviolability of the private life**

156.1. Illegal collecting of information on private life, which are personal or family secrets of the person –

is punished by fine of hundred up to five hundred of nominal financial unit, or by public works for the term of two hundred forty hours, or by corrective work for the term of up to one year.

156.2. The same action committed by the official with use of the service position –

is punished by 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.

**Article 157. Infringement of dwelling inviolability**

157.1. Penetration into a dwelling accomplished without the grounds, provided for by laws of the Azerbaijan Republic, and against will of the person living in it –

is punished by fine of hundred up to five hundred of nominal financial unit, or by public works for the term of up to two hundred forty 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 punished by corrective works for the term of up to two years or imprisonment on the same term.

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 punished by imprisonment for the term of up to three 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.

**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 Azerbaijan Republic –

is punished by fine of hundred up to five hundred of nominal financial unit, or by public works for the term of hundred eighty to two hundred forty 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 punished by corrective works for the term of up to two years or imprisonment on the same term.

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 punished by imprisonment for the term of up to three 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.

**Article 159. Impending in implementation of voting right**

159.1. Impending citizen in implementation of voting rights, and also participation in national voting (referendum) –

is punished by fine of hundred up to five hundred of nominal financial unit, or by public works for the term from hundred fifty to two hundred forty hours, or imprisonment for the term up to six months.

159.2. The same action:

159.2.1. committed to a payoff, a deceit, threat, application of violence or with threat of its application;

159.2.2. committed on preliminary arrangement by group of persons or the organized group;

159.2.3. committed by the official with use of the service position –

is punished by fine from five hundred up to one thousand of nominal financial unit or with imprisonment for the term up to three years with deprivation of the right to hold the certain position or to engage in the certain activities for the term of till three years or without it.

**Article 160. Impending voting commissions in legal activities**

160.1. Impending voting commissions in legal activities –

is punished by fine from hundred up to five hundred of nominal financial unit, or by public works for the term from hundred fifty to two hundred forty 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 punished by fine from five hundred up to one thousand nominal financial unit, or by corrective works for the term up to two years, or by restriction of freedom for the term up to three years, or imprisonment for the term up to two years.

**Article 161. Falsification of voting documents or documents of national voting (referendum), obviously wrong calculation of voices, or infringement of ballot**

161.1. Falsification of voting documents or documents of national voting (referendum), obviously wrong calculation of voices, or obviously wrong establishment of voting results, or infringement of ballot accomplished by a member of voting commission or commission on implementation of national voting (referendum) –

is punished by the penalty at a rate of from hundred up to five hundred of nominal financial unit or corrective works for the term up to two years.

161.2. Falsification of voting documents by other persons –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit or corrective works for the term up to one year.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term about six months.

162.2. The same action, which on imprudence brought to death of a person –

is punished 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 from three up to five years or without it.

**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 punished by the penalty at a rate of from hundred up to five hundred of nominal financial unit 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 punished 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.

**Article 164. Infringement of labor rights of a pregnant woman or woman who has children at age of three**

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 –

is punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit or public works for the term from hundred sixty up to two hundred forty 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit or imprisonment for the term up to three years.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit or public works for the term from hundred sixty up to two hundred forty 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 punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit or imprisonment for the term up to three years.

#### **Article 167. Impending implementation of religious activities**

Illegal impedance in implementation of religious activities–

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term from hundred sixty up to two hundred forty hours, or corrective works for the term up to one year.

#### **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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit 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 punished by corrective works for the term up to two years or imprisonment for the term up to three years.

#### **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 punished by the penalty at a rate of up to three hundred of nominal financial unit, or restriction of freedom for the term up to one year, or corrective works 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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or restriction of freedom for the term up to one year, or corrective works for the term up to one year, or imprisonment for the term up to three years.

### **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 punished 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 punished 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 punished 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 punished 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 by group –

is punished by imprisonment for the term from four up to eight years.

**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 punished 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 punished 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 Azerbaijan Republic or illegal import of minor on territory of the Azerbaijan Republic;

173.2.6. with a view of use of body organ or tissues of a minor –

is punished 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 punished by imprisonment for the term from eight up to twelve years.

**Article 174. Illegal adoption**

Illegal actions on adoption children, their transfer under supervision (guardianship), to host families committed from mercenary prompting –

is punished by the penalty at a rate from hundred up to three hundred of nominal financial unit, 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.

**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 punished by the penalty at a rate of from hundred up to five hundred of conditional financial unit, or public works for the term from hundred sixty till two hundred forty 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.

**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 punished 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 punished by the penalty at a rate of up to five hundred of nominal financial unit or imprisonment for the term of about six months.

**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 punished by the penalty at a rate from hundred up to seven hundred of nominal financial unit, or public works for the term from hundred eighty till two hundred forty hours, or corrective works for the term up to two years, or imprisonment for the term 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;

177.2.4. with causing damage in the significant size –

is punished by the penalty at a rate from three up to five thousand of nominal financial unit, or imprisonment for the term from three up to seven years with confiscation of property or without it.

177.3. The same act committed:

177.3.1. by organized group;

177.3.2. with causing damage in large size;

177.3.3. by person, who have been sentenced two or more times for plunder or extortion –

is punished by imprisonment for the term from six up to twelve years with confiscation of property or without it.

NOTE:

1. The responsibility provided by article 177.1 of the present Code, shall be implemented in case of causing to proprietor or other owner of property of damage at a rate from thirty up to thousand nominal financial unit.

2. " The significant size " in articles 177-187 and 189 of the present Code shall be understood as sum at a rate of from one up to seven thousand, and " the large size " – as over seven thousand of nominal financial unit.

3. Repeated shall be admitted commitment of crime again, which is provided by articles 177-185 of the present Code, if it was preceded with commitment of one or more crimes provided by these articles, and also as it is provided in articles 217, 227, 232 and 235 of the present Code.

4. The person, who has been convicted for plunder or extortion, as it shown in articles of the present chapter, and also in other articles of the present Code shall be admitted a person having a previous conviction for one or several crimes, as it is provided in articles 177-183, 217, 227, 232 and 235 of the present Code.

**Article 178. Swindle**

178.1. Swindle, is maintaining another persons property or buying another persons property by a deceit or breach of confidence –

is punished by the penalty at a rate of from hundred up to seven hundred of nominal financial unit, or public works for the term from hundred eighty to two hundred forty hours, or corrective works 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 punished by the penalty at a rate of from three up to five thousand of nominal financial unit or imprisonment for the term from three up to seven years with confiscation of property or without it.

178.3. The same act committed:

178.3.1. by organized group;

178.3.2. with causing damage in the large size;

178.3.3. by person, who has been convicted two or more times for plunder or extortion –

is punished by imprisonment for the term from seven up to twelve years with confiscation of property or without it.

**Article 179. Assignment or waste**

179.1. Assignment or waste, is plunder of property entrusted to guilty by another person –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty hours, 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 punished by the penalty at a rate from two up to three thousand of nominal financial unit or imprisonment for the term from three up to seven 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 size;

179.3.3. by person, who has been convicted earlier two or more times for plunder or extortion –

is punished by imprisonment for the term from seven up to twelve years with confiscation of property or without it.

**Article 180. Robbery**

180.1. The robbery, is plunder of another persons property –

is punished by corrective works for the term up to two 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 punished by imprisonment for the term from four up to eight years with confiscation of property or without it.

180.3. The same act committed:

180.3.1. by organized group;

180.3.2. with causing damage to victim in the large size;

180.3.3. by person, who has been convicted two or more times for plunder or extortion –

is punished by imprisonment for the term from seven up to thirteen years with confiscation of property or without it.

**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 punished by imprisonment for the term from three 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. with causing damage to the victim in significant size;

181.2.5. with application of weapon or subjects used as the weapon –

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

181.3. The same act committed:

181.3.1. by organized group;

181.3.2. with a view to occupy large size 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 punished by imprisonment for the term from ten up to fifteen years with confiscation of property.

#### **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 punished 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 causing damage to a victim in significant size

is punished by imprisonment for the term from five up to ten years with confiscation of property or without it.

182.3. The same act committed:

182.3.1. by organized group;

182.3.2. with a purpose of occupying large size of property;

182.3.3. with causing heavy harm to health of avictim;

182.3.4. by person, who have been convicted earlier two or more times for plunder or extortion –

is punished by imprisonment for the term from ten up to fifteen years with confiscation of property.

#### **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 punished by imprisonment for the term from five up to eight 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 punished by imprisonment for the term from eight up to fifteen years with confiscation of property.

#### **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 by a deceit or abuse of confidence at absence of attributes of plunder –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty hours, or imprisonment for the term up to one year.

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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit or imprisonment for the term from one year up to three years.

184.3. The same act committed:

184.3.1. by organized group;

184.3.2. with a purpose to occupy large size 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 punished by imprisonment for the term from three up to seven years with confiscation of property.

**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 punished by corrective works for the term up to two years, or restriction of freedom for the term up to three 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 punished by 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 size;

185.3.3. with application of a violence dangerous to life or health, or with threat of application of such violence –

is punished by imprisonment for the term from five up to ten years.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit 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 size;

186.2.2. by an arson, explosion or other publicly dangers way or entailed heavy consequences –

is punished by imprisonment for the term from three up to seven years.

**Article 187. Destruction or damage of property on imprudence**

187.1. Destruction or damage on imprudence of another's property, causing damage to the victim in a significant size –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty hours, or corrective works for the term up to one year, 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 size –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit or imprisonment for the term about six months.

187.3. The acts, which are provided by article 187.1 of the present Code, entailed to heavy consequences –

is punished by corrective works for the term up to two years or imprisonment on the same term.

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.

**Article 188. Infringement of property right on land**



Infringement of property right on ground which is provided by the law, that is autocratic capture, replacement or crop of ground area –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term up to two hundred hours, or corrective works for the term up to one year.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term up to 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 size –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit or corrective works for the term up to two years.

**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 punished by the penalty at a rate of up to five hundred of nominal financial unit or corrective works for the term up to one year.

190.2. The same acts committed in infringement of a judgement which has entered into validity, as well as causing damage in the large size –

is punished by the penalty at a rate from one up to three thousand of nominal financial unit 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 size " in articles 190, 192-198, 202-205, 210-212 of the present Code will be understood as the sum at a rate of from one up to seven thousand, and " the large size " – as over seven thousand sizes of nominal financial unit.

**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 punished by the penalty at a rate of up to five hundred of nominal financial unit, 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.

**Article 192. Illegal business**

192.1. Implementation of business activity without registration in the order provided by the legislation of the Azerbaijan Republic, or without special sanction (license) in cases when such sanction (license) is mandatory, or with infringement of conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed with extraction of income in the significant size –

is punished by the penalty at a rate from one up to five thousand of nominal financial unit, or restriction of freedom for the term up to two years, or imprisonment for the term about six months.

192.2. The same act committed:

192.2.1. with extraction of income in the large size;

192.2.2. by organized group –

is punished by restriction of freedom for the term up to three years or imprisonment for the term up to five years.

**Article 193. Miss interpreneurship**

193.1. Miss interpreneurship, 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 punished by the penalty at a rate from one up to five thousand of nominal financial unit, or restriction of freedom for the term up to two years, or imprisonment for the term about six months.

193.2. The same act:

193.2.1. causing damage in the large amount;

193.2.2. committed to extract large amount of income;

193.2.3. committed by organized group –

is punished by restriction of freedom for the term up to three years or imprisonment for the term up to five years \*.

#### **Article 194. Purchase or selling of the property extracted obviously in the criminal way**

194.1. Beforehand not promised purchase or selling of a property in significant size obviously extracted in the criminal way –

is punished by the penalty at a rate from one up to three thousand of nominal financial unit, or restriction of freedom for the term up to three years, or imprisonment for the term up to three years with the penalty at a rate of up to one thousand of nominal financial unit.

194.2. The acts, which are provided by article 194.1 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 punished by imprisonment for the term from three up to seven years with confiscation of property or without it.

#### **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 punished by the penalty at a rate from one up to five thousand of nominal financial unit, or restriction of freedom for the term up to two years, or imprisonment on same term.

195.2. The same acts causing damage in the large size –

is punished by restriction of freedom for the term up to three years or imprisonment for the term from two up to five years.

#### **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 –

is punished by the penalty at a rate from one up to five thousand of nominal financial unit, or restriction of freedom for the term up to two years, or imprisonment on the same term.

196.2. The same act causing damage in the large size –

is punished by restriction of freedom for the term up to three years or imprisonment for the term from two up to five years.

#### **Article 197. Illegal use of a 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–

is punished by the penalty at a rate from one up to five thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term up to one year.

197.2. The same act causing damage in the large size –

is punished by corrective works for the term up to two years, or restriction of freedom for the term up to three years, or imprisonment on the same term.

#### **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 –

is punished by the penalty at a rate of from one up to five thousand of nominal financial unit or corrective works for the term up to one year.

198.2. The same acts causing damage in the large size –

is punished by corrective works for the term up to two years, or restriction of freedom for the term up to two years, or imprisonment on the same term.

**Article 199. Monopolistically actions and restriction of a competition**

199.1. The monopolistically actions committed by establishment of exclusively high or exclusively low prices, and also by creation a unit of markets, restriction of access on market, elimination from it of other subjects of economic activities, establishment or maintenance of uniform prices –

is punished by the penalty at a rate of from hundred up to five hundred of nominal financial unit, or corrective works for the term up to one year, or restriction of freedom for the term up to two years.

199.2. The same acts committed on preliminary arrangement by group of persons or organized group –

is punished by imprisonment for the term up to two years.

199.3. The acts, which are provided by articles 199.1 or 199.2 of the present Code, committed with application of violence or with threat of its application, as well as with destruction or damage of another's property or with threat of its destruction or damage, at absence of attributes of extortion –

is punished by imprisonment for the term from three up to six years with confiscation of property or without it.

**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 punished by the penalty at a rate from hundred up to three hundred of nominal financial unit or public works for the term up to 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 punished by the penalty at a rate from three hundred up to six hundred of nominal financial unit or with restriction of freedom 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.

200.3. Manufacture, release for sale or selling of obviously lower-quality productions, excepted as inequality production, which caused less heavy or heavy harm to health of the victim –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit or imprisonment for the term up to three years.

200.4. The same acts, which brought to death of a victim on imprudence or other heavy consequences –

is punished by imprisonment for the term from three up to seven years.

NOTE: " the significant size or amount " in given article is understood as the sum at a rate of forty, and " the large size or amount " – as over forty of nominal financial unit amounts.

**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 punished by corrective works for the term up to two years, or restriction of freedom for the term 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 punished by imprisonment for the term from three up to seven years.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or restriction of freedom on the same term.

#### **Article 203. Infringement of rules on release of securities (issue)**

203.1. Adoption into prospectus of issue of securities obviously unreliable information, as well as statement to prospectus of issue containing obviously a unreliable information or statement of obviously doubtful results to issues causing damage in the significant amount-

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term from hundred fifty up to two hundred hours, or corrective works for the term up to one year.

203.2. The same acts committed with causing of damage in the large amount-

is punished by corrective works for the term up to two years, or restriction of freedom for the term up to two years, or imprisonment on the same term.

#### **Article 204. Manufacturing or selling of counterfeit money or securities**

204.1. Manufacturing with a view of selling, and also selling of counterfeit money, state securities either foreign currency, or securities in foreign currency –

is punished 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 or selling of counterfeit money or securities –

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

#### **Article 205. Manufacturing or selling of counterfeit credit or account cards and other payment documents**

205.1. Manufacturing with a view of selling or selling of counterfeit credit or account cards, and also other payment documents which are not being securities –

is punished by imprisonment for the term from two up to five years with the penalty at a rate from five hundred up to one thousand of nominal financial unit.

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 punished by imprisonment for the term from four up to seven years with confiscation of property.

#### **Article 206. Smuggling**

206.1. Smuggling, is moving large amount through customs border of the Azerbaijan Republic 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 punished by imprisonment for the term up to five years.

206.2. Moving through customs border of the Azerbaijan Republic of narcotics, psychotropic, 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 Azerbaijan Republic, of strategically important raw material, subjects representing cultural, historical or

archeological value concerning which established appropriate rules for moving through customs border of Azerbaijan Republic, 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 punished 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 punished 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 punished by imprisonment for the term from seven up to twelve years with confiscation of property.

NOTE: " The large amount " in present article is understood as the cost of displaced illicit subjects exceeding four thousand of nominal financial unit amount.

#### **Article 207. Not returning on territory of the Azerbaijan Republic of subjects of art, historical and archeology property of the Azerbaijan Republic and foreign countries**

Not returning on territory of the Azerbaijan Republic on assigned time of subjects of art, historical and archeology property of the Azerbaijan Republic and foreign countries which have been taken out of its limits if such returning is obligatory according to the legislation of the Azerbaijan Republic –

is punished by imprisonment for the term from three up to eight years with confiscation of property or without it.

#### **Article 208. Not returning from abroad of means in foreign currency**

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 Azerbaijan Republic is obligatory transfer to accounts of authorized bank of the Azerbaijan Republic –

is punished by 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 punished by imprisonment for the term from three up to five years.

NOTE: " the significant amount" is understood as the sum of the not returned means in foreign currency, exceeding twenty thousand, and as " the large amount" - thirty thousand of nominal financial unit.

#### **Article 209. Evasion from payment of customs charges**

209.1. Evasion from payment significant amount of customs charges–

is punished by the penalty at a rate from one up to two thousand of nominal financial unit or corrective works for the term 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 –

is punished by the penalty at a rate from two five thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment on the same term.

NOTE: 1. " The significant amount" in present article is understood as the sum of unpaid customs charges exceeding two thousand, and as " the large amount" - four thousand of nominal financial unit.

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.

#### **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 –

is punished by corrective works for the term up to two years, or restriction of freedom 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 punished by restriction of freedom for the term up to two years or imprisonment for the term up to two years.

#### **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 –

is punished by corrective works for the term up to two years or imprisonment on the same term.

211.2. The same act which caused damage is in large amount or entailed to other heavy consequences –

is punished by imprisonment for the term from two up to four years.

#### **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 punished by the penalty at a rate from two up to four thousand of nominal financial unit, 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 punished by imprisonment for the term up to three years.

#### **Article 213. Evasion from payment of taxes**

213.1. Evasion of a physical person from payment of taxes or other obligatory payments in significant amount by not representing declarations on incomes when submission of the declaration is provided by a legislation of the Azerbaijan Republic, or by inclusion in the declaration of obviously deformed data on incomes or charges, or in another way –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit or corrective works for the term up to one year.

213.2. The same act:

213.2.1. causing damage in large amount;

213.2.2. committed with extraction in large amount of income;

213.2.3. committed by organized group –

is punished 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 restriction of freedom for the term up to two years, or imprisonment for the term about six months.

213.3. Evasion from payment of taxes or other obligatory payments in significant amount by inclusion in accounting documents of a organization, obviously deformed data on incomes or charges, or in different way –

is punished by corrective works for the term up to two years, or with restriction of freedom on the same term, or 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.

213.4. The act, which is provided in article 213.3 of the present Code, committed in large amount-

is punished by restriction of freedom for the term up to three 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 five years or without it.

NOTE: 1. " The significant amount" in articles 213.1 and 213.2 of the present Code is understood as the sum from two up to five thousand, and as " the large amount" - over five thousand of nominal financial unit.

2. " The significant amount" in articles 213.3 and 213.4 of the present Code is understood as the sum over fifteen thousand, and as " the large amount" - over twenty five thousand of nominal financial unit.

3. The person who has committed acts for the first time, as it is provided by articles 213.1-213.4 of the present Code, shall be released from a criminal liability if he has completely compensated caused by a crime damage.

## SECTION X

### CRIMES AGAINST PUBLIC SAFETY AND SOCIAL ORDER

#### CHAPTER 25

#### CRIMES AGAINST PUBLIC SAFETY

##### **Article 214. Terrorism – Edited by the law of the Azerbaijan Republic from May 17, 2002.**

214.1. Terrorism, that is commitment of explosion, arson or other actions 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 punished by imprisonment for the term from eight up to twelve years with confiscation of property.

214.2. The same acts:

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

214.2.2. committed repeatedly;

214.2.3. committed with application of fire-arms or subjects used as a weapon;

214.2.4. entailed on imprudence of death of a victim or other heavy consequences –

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

NOTE: Person participating in preparation of act of terrorism, shall be released from 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.

##### **Article 214-1. Financing of terrorism - Adopted by the law of the Azerbaijan Republic from May 17, 2002**

Deliberate full or partial, direct or indirect reference of money resources or other property for commitment of terrorism or accumulation of money resources or other property in the same purposes –

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

##### **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 punished 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 punished 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 punished 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 punished by imprisonment for the term from five up to eight years

**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 punished 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 punished by imprisonment for the term from seven up to twelve years with confiscation of property or without it.

**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 punished 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 punished 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 punished by imprisonment for the term from ten up to fifteen years with confiscation of property or without it.

**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 punished 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 punished 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 punished by imprisonment for the term from eight up to fifteen years.

**Article 219-1. Sea robbery** - Adopted by the law of the Azerbaijan Republic from July 2, 2001

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 punished 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 punished 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 punished by imprisonment for the term from twelve up to fifteen years or life imprisonment with confiscation or without it.

#### **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 punished 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 punished by restriction freedom for the term up to three years or imprisonment on the same term.

#### **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 citizens or threat of its application, as well as destruction or damage of another's property –

is punished by public works for the term from hundred sixty up to two hundred, or corrective works 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 punished by corrective works for the term up to two years or imprisonment for the term up to five years.

221.3. The hooliganism committed with application of a weapon or subjects, used as the weapon –

is punished by imprisonment for the term from three up to seven years.

#### **Article 222. Infringement of safety rules on conducting building, mountain or other activities**

222.1. Infringement of safety rules on conducting works on planning construction, management of it, and also turning building objects down or realization of reconstruction in them, as well as mountain or other works, which has caused on imprudence minor serious or less serious harm to health of a person –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, 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.

222.2. The same act, on imprudence brought to death of a victim or other serious consequences –

is punished by imprisonment for the term from three 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 or without it.

#### **Article 222-1. Infringement of rules on construction** – Adopted by the law of the Azerbaijan Republic from May 14, 2002

222-1.1. Autocratic construction of buildings and constructions, change of existing structure designs, and also conducting re-planning, reorganization of these structures with change of their functional purpose without reception in the order of the consent of the appropriate enforcement authority provided by the legislation, and as result causing on imprudence of minor serious or less serious harm to health of a victim –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term up to one year.

222-1.2. The same acts, which on imprudence brought to death of a victim or other heavy consequences –

is punished by imprisonment for the term from one year up to four years.

#### **Article 223. Infringement of safety rules on explosive objects**

223.1. Infringement of safety rules on explosive objects or in explosive shops if this act could entail death of a person or other heavy consequences –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or restriction of freedom for the term up to three 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.

223.2. The same act, which on imprudence brought to death of a victim or other heavy consequences –

is punished 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

**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 punished by imprisonment for the term from three up to five years.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or restriction of freedom for the term up to three 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.

225.2. The same act, which on imprudence brought to death of a victim or other heavy consequences –

is punished 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.

**Article 226. Illegal handling with radioactive materials**

226.1. Illegal purchase, storage, use, selling, transfer or destruction of radioactive materials –

is punished 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 punished 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 punished by the penalty at a rate from one up to four thousand of nominal financial unit 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 punished 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 punished by imprisonment for the term from five up to ten years with confiscation of property or without it.

**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 punished by corrective works for the term up to two 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 punished 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 punished by imprisonment for the term from five up to eight years.

228.4. Illegal purchase, selling or carrying of gas weapon, cold steel, including throwing weapon, except for districts where carrying of a cold steel is an accessory of a national suit or connected to hunting –

is punished by public works for the term from hundred sixty up to two hundred hours, or corrective works for the term up to two years, 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.

#### **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 punished 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 punished 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 punished by imprisonment for the term from five up to ten years.

229.4. Illegal manufacturing of a gas weapon, cold steel, including the throwing weapon –

is punished by public works for the term from hundred sixty up to two hundred, 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.

#### **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 punished by corrective works for the term up to two years, or restriction of freedom for the term up to three years, or imprisonment for the term up to two years.

#### **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 punished by restriction freedom 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

#### **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 punished 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 punished 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 punished by imprisonment for the term from six up to twelve years with confiscation of property.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or restriction of freedom on the same term, or imprisonment for the term up to three years

**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**

234.1. Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption –

is punished by 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 punished by imprisonment for the term from three up to seven years with confiscation of property or without it.

234.3. Manufacturing, purchase, storage, transfer, transportation or selling drug with a view of illegal manufacturing and processing of narcotics or psychotropic substances –

is punished by imprisonment for the term up to three years with confiscation of property or without it.

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 punished by imprisonment for the term from five up to twelve years with confiscation of property.

234.5. Infringement of rules manufacture, processing, storage, holiday, sale, distribution, transportation, transfer, purchase, use, import, export or destruction of raw material, drugs, tools or equipment, used for manufacturing narcotics or psychotropic substances and which are under special control, and also narcotics or psychotropic substances, committed by the person which duties include observance of the specified rules –

is punished by the penalty at a rate from two hundred up to one thousand of nominal financial unit 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 five years.

The note: 1. The person voluntary given narcotics, psychotropic substances or drugs and actively promoting disclosing or suppression of a crimes connected to illegal circulation of narcotics, psychotropic substances or drugs, 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 quantity(amount) specified in the present chapter necessary for personal consumption and other quantities(amounts) of narcotics or psychotropic substances, are established by the appropriate legal-acts.

**Article 235. Plunder or extortion of narcotics, psychotropic substances or drugs**

235.1. Plunder or extortion of narcotics or psychotropic substances –

is punished 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 punished 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 punished 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 punished by imprisonment for the term from eight up to fifteen years with confiscation of property.

#### **Article 236. Declination to consumption of narcotics or psychotropic substances**

236.1. Declination to consumption of narcotics or psychotropic substances –

is punished by restriction of freedom for the term up to three 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 punished 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 punished by imprisonment for the term from seven up to twelve years.

#### **Article 237. Illegal manufactory of the plants containing narcotic substances**

237.1. Illegal crop, cultivation of the plants containing narcotic substances, and also gathering of such plants (their parts), as well as manufacturing grades of a hemp, a poppy or other plants containing narcotic substances –

is punished by the penalty at a rate from two hundred up to one thousand of nominal financial unit 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 punished by imprisonment for the term from three up to eight years.

#### **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 punished 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 punished 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 punished by 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.

**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 punished by imprisonment for the term up to three years.

240.2. The same acts committed:

240.2.1. on preliminary arrangement by group of persons;

240.2.2. repeatedly –

is punished by imprisonment for the term from two up to five years.

240.3. The acts provided by articles 240.1 and 240.2 of the present Code, committed:

240.3.1. by organized group;

240.3.2. in large amount –

is punished 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 punished by the penalty at a rate from two hundred up to one thousand of nominal financial unit, 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.

**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 punished 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 punished 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 punished by imprisonment for the term from seven up to twelve years with confiscation of property or without it.

**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 punished by the penalty at a rate from one up to three thousand of nominal financial unit, or restriction of freedom for the term up to two years, or corrective works for the term up to two years.

**Article 243. Involving to prostitution**

243.1. Involving to prostitution by application of violence or threat of its application, blackmail, destruction or damage of property, deceit or with a purpose of reception of the income or other benefit –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred sixty up to two hundred forty 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 punished by imprisonment for the term from three up to six years.

**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 punished by public works for the term from two hundred up to two hundred forty 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 punished by imprisonment for the term from three up to six years.

**Article 245. Violation of a tomb**

Violation of a tomb or corpse –

is punished 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 punished by the penalty at a rate from five hundred up to two thousand of nominal financial unit or imprisonment for the term up to two years.

**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 punished 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.

**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 punished by the penalty at a rate from two hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment on the same term.

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 punished by 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 punished by imprisonment for the term from three up to eight years.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term up to one year.

#### **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 stocks, wood or to an agriculture –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, 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 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 punished by the penalty at a rate from five hundred up to two thousand of nominal financial unit, or corrective works for the term up to two years, or restriction of freedom 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 punished by imprisonment for the term from three up to five years.

#### **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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, 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 imprisonment for the term about six months.

251.2. The same acts, on imprudence entailed causing of harm to health of a person –

is punished by corrective works for the term up to one year, or restriction of freedom for the term up to one year, or imprisonment for the term up to two years.

251.3. The same acts, on imprudence entailed death of the victim –

is punished by imprisonment for the term from three up to five years.

#### **Article 252. Pollution of sea**

252.1. Pollution of the sea 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, 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.

252.2. The same act causing essential harm to health of the person, to animals or flora, fish stocks, environment, zones of rest or other protected by law interests –

is punished by corrective works 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 punished by imprisonment for the term from three up to five years.

#### **Article 253. Infringement of legislation of the Azerbaijan Republic about a coastal shelf**

253.1. Illegal erection of constructions or other installations on a coastal shelf of the Azerbaijan Republic, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works 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 Azerbaijan Republic by foreign legal or physical persons, if implementation of these works is not provided by international agreements to which the Azerbaijan Republic is a party or in the special sanction given by the appropriate state body of the Azerbaijan Republic –

is punished by imprisonment for the term from three up to five years.



**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 punished by the penalty at a rate of from hundred up to one thousand of nominal financial unit, 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.

254.2. The same acts committed in a zone of an extreme or dangerous ecological situation –

is punished by corrective works for the term up to two years or imprisonment on the same term.

254.3. The same acts, which is committed on imprudence and entailed death of a victim –

is punished by imprisonment for the term from three up to five years.

**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 punished by the penalty at a rate from hundred up to one thousand of nominal financial unit, 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.

**Article 256. Illegal extraction of a fish and other water animals**

256.1. Illegal extraction of a fish or other water animals, causing damage in the significant size –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works up to hundred sixty hours, or corrective works 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 or other water animals;

256.2.3. on territory of reserve, or on zone of an extreme or dangerous ecological situation –

is punished by the penalty at a rate from hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, 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 punished by the penalty at a rate from one up to two thousand of nominal financial unit 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, and as " the large amount" in article 256.2.2 - over one thousand of nominal financial unit.

**Article 257. Infringement of rules on protection of fish stocks**

Construction of bridges, dams, realization of explosive and other works, as well as operation of water-intoning constructions by infringement of protection of fish stocks which have brought to mass destruction of a fish or other water animals –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, 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.

**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 punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term up to hundred sixty hours, or corrective works 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 punished by the penalty at a rate from hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term up to two years.

258.3. The act provided by article 258.1 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 punished by the penalty at a rate from six hundred up to one thousand of nominal financial unit, or restriction of freedom 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 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, and as " the large amount" in article 258.2.1 - over one thousand sizes of nominal financial unit.

#### **Article 259. Illegal felling of trees**

Illegal felling of trees or bushes in the woods which are carrying out functions of protective, sanitary-and-hygienic and improving nature, in reserves and in other woods, in national or natural parks, causing damage in the significant amount–

is punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term about six months.

NOTE: " the significant damage " in article 259 of the present Code is understood as the sum over four hundred of nominal financial unit.

#### **Article 260. Destruction or damage of woods**

260.1. Destruction or damage of woods, as well as plantings which are not included in wood fund, in a result of casual handling by fire or other sources of the increased danger –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term up to one year.

260.2. Destruction or damage of woods, as well as plantings which are not included in wood fund, by an arson or other socially dangerous way or in a result of pollution by harmful substances, waste products –

is punished by imprisonment for the term from two up to seven years.

#### **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 essential harm –

is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term about six months.

NOTE: " essential harm " in article 261 of the present Code is understood as the sum over two hundred sizes of nominal financial unit.

### **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 punished by restriction freedom for the term up to three years or imprisonment for the term up to three years.

262.2. The same act, committed on imprudence entailed to death of the victim –

is punished by imprisonment for the term from two up to five 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 punished by imprisonment for the term from five up to ten years.

##### **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 punished by restriction of freedom for the term up to three years or imprisonment for the term up to three years with deprivation of the right to operate a vehicle on the same term.

263.2. The same act, committed on imprudence entailed death of a victim –

is punished 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 punished 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: other mechanical vehicles in present article are understood as trolley buses, tractors, motorcycles both self-propelled machines and mechanisms.

#### **Article 264. Leaving a places of road and transport incident**

Living 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 article 263 of the present Code –

is punished by restriction of freedom for the term up to three 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.

#### **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 punished by the penalty at a rate of from hundred up to one thousand of nominal financial unit, or restriction of freedom 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 punished 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 punished by imprisonment for the term from three up to eight years.

#### **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 punished by penalty at a rate from five hundred up to one thousand of nominal financial unit, 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 punished 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 punished by imprisonment for the term from three up to eight years.

#### **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 and 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 punished by corrective works for the term up to two years, or restriction of freedom 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 punished 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 punished by imprisonment for the term from three up to six years.

**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 punished by the penalty at a rate from two up to five thousand of nominal financial unit, or restriction of freedom for the term up to three years, or imprisonment for the term up to two years.

268.2. The same act, committed on imprudence entailed death of the victim –

is punished 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 punished by imprisonment for the term from three up to eight years.

**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 punished by corrective works for the term up to two years, or restriction of freedom for the term up to three years, or imprisonment on the same term.

**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 punished by the penalty at a rate from five hundred up to two thousand of nominal financial unit, 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.

**CHAPTER 30**

**CRIMES IN SPHERE OF THE COMPUTER INFORMATION**

**Article 271. Illegal access to electron-computer information**

271.1. Wrongful access to the computer information which is protected by the law, that is information on a machine carrier, in computer system or their network, entailed to destruction, blocking, updating or copying of information, infringement of COMPUTER work, COMPUTER systems or activity of their network –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term up to one year.

271.2. The same act committed:

271.2.1. on preliminary arrangement by group of persons;

271.2.2. by official with use of the service position, as well as having access to the COMPUTER, COMPUTER system or their network;

271.2.3. with causing damage in the large amount –

is punished by the penalty at a rate of from one up to two thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term up to three years.

**Article 272. Creation, use and distribution of nocuous programs for electron-computers**

272.1. Creation of a computer programs or modification in the existing programs, which is obviously resulting to non-authorized destruction, blocking, updating or copying of the information, infringement COMPUTER of work, COMPUTER systems or their network, and as well as use or distribution of such programs or machine carriers with such programs –

is punished by imprisonment for the term up to two years with the penalty at a rate of from five hundred up to one thousand of nominal financial unit.

272.2. The same acts, committed on imprudence entailed heavy consequences –

is punished by imprisonment for the term from two up to five years.

**Article 273. Infringement of service regulations on electron-computers (COMPUTER), COMPUTER systems or their network**

273.1. Destruction, blocking or updating of COMPUTER information protected by the law by infringement of service regulations on COMPUTER, COMPUTER system or their network by a person having access to COMPUTER, COMPUTER system or their networks which have entailed essential harm –

is punished by deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or public works for the term from hundred sixty up to two hundred hours, or corrective works for the term up to one year, or restriction of freedom for the term up to two years.

273.2. The same acts, committed on imprudence entailed to heavy consequences –

is punished by corrective works for the term up to two years or imprisonment for the term up to three years.

## SECTION XI

### CRIMES AGAINST STATE POWER

#### CHAPTER 31

##### CRIMES AGAINST BASES OF THE CONSTITUTIONAL POWER AND SAFETY OF THE STATE

**Article 274.** State betrayal, that is deliberately action committed by a citizen of the Azerbaijan Republic to detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: 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 Azerbaijan Republic –

is punished by imprisonment for the term of from ten up to fifteen 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 Azerbaijan Republic and if his actions do not contain structure of other crime.

**Article 275. Use of Armed Forces of the Azerbaijan Republic and other armed formations provided by the legislation of the Azerbaijan Republic, against Azerbaijan people or constitutional state bodies**

275.1. Use of Armed Forces of the Azerbaijan Republic and other armed formations provided by the legislation of the Azerbaijan Republic, against Azerbaijan people or constitutional state bodies –

is punished by imprisonment for the term from five up to ten years.

275.2. The same act, which has brought to heavy consequences –

is punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

##### **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 Azerbaijan Republic, if espionage is committed by a foreigner or person without citizenship –

is punished by imprisonment for the term from seven up to fifteen years with confiscation of property or without it.

##### **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 punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

##### **Article 278. Violent capture power or violent deduction power**

Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states –

is punished by imprisonment for the term from ten up to fifteen 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 Azerbaijan Republic, and also committed crime has not caused essential harm and if his actions do not contain structure of other crime.

##### **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 Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military engineering or military equipment –

is punished by imprisonment for the term from three up to eight years.

279.2. The attack on enterprises, establishments, and organizations or on separate persons by structure of formations or groups which is provided by article 279.1 of the present Code –

is punished 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 punished by imprisonment for the term from eight up to fifteen years or life imprisonment with confiscation of property or without it.

#### **Article 280. Armed rebellion**

Organization of armed rebellion or active participation in it with a view of violent change of constitutional power of the Azerbaijan Republic or infringement of territorial integrity of the Azerbaijan Republic –

is punished by imprisonment for the term from ten up to fifteen years or life imprisonment.

#### **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 Azerbaijan Republic, as well as distribution of materials of such contents –

is punished by imprisonment for the term up to five years.

281.2. The same acts committed repeatedly or by group of persons –

is punished 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 punished 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 Azerbaijan Republic, as well as mass poisoning or distribution among people and animal infectious of diseases, committed in same purposes –

is punished by imprisonment for the term from eight up to fifteen years.

282.2. The same acts committed by organized group –

is punished by imprisonment for the term from twelve up to fifteen years.

#### **Article 283. Excitation of national, racial or religious hostility**

283.1. The actions directed on excitation of national, racial or religious 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 belonging, creeds committed publicly or with use of mass media –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit, or restriction of freedom for the term up to three years, or imprisonment for the term from two up to four 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 punished by imprisonment for the term from three up to five years.

#### **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 punished 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.

284.2. The same act which has brought to minor serious consequences –

is punished 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 five years.

**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 Azerbaijan Republic of handling rules with the specified documents or subjects, entailed to heavy consequences –

is punished by restriction of freedom for the term up to three years or with 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.

**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 impending to implementation of justice –

is punished by the penalty at a rate from two hundred up to five hundred of nominal financial unit 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 impending to objective, full and all-round investigation of case –

is punished by the penalty at a rate from two hundred up to five hundred of nominal financial unit, or public works for the term from hundred fifty up to two hundred forty, 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 punished by the penalty at a rate of from five hundred up to eight hundred of nominal financial unit 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.

**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, judicial supervisor, judicial executor, 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 punished by imprisonment for the term from twelve up to fifteen years.

**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, jurymen, as well as on their close relatives in connection with disposal of legal proceeding or appropriate materials in court –

is punished by the penalty at a rate from one up to three thousand of nominal financial unit 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, judicial supervisor, judicial executor, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit 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 punished 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 punished by imprisonment for the term from five up to ten years.

**Article 289. Disrespect to court**

289.1. Disrespect to court, insult of participants of proceeding –

is punished by the penalty at a rate up to three hundred of nominal financial unit or public works for the term of from hundred sixty up to two hundred hours, or imprisonment for the term about six months.

289.2. The same act committed concerning judge or jurymen –

is punished by the penalty at a rate from three hundred up to five hundred of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term about six months.

**Article 290. Attraction of obviously innocent to a criminal liability**

290.1. Attraction of obviously innocent to a criminal liability –

is punished 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 punished 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 punished 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 punished by restriction freedom for the term up to three 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.

292.2. obviously illegal imprisonment or holding in custody –

is punished by imprisonment for the term from two up to four years.

292.3. The acts provided by articles 292.1 or 292.2 of the present Code, entailed heavy consequences –

is punished by imprisonment for the term from four up to eight years.

**Article 293. Compulsion to evidence**

293.1. Compulsion suspected, accused, suffering, witness to evidence at interrogation, and also expert to a summer residence of conclusion by application of threats, blackmail, humiliation of advantage or other illegal actions by prosecutors office, investigator or person making inquiry, or at their instigation –

is punished by imprisonment for the term up to three years.

293.2. The same act committed with application of torture –

is punished by imprisonment for the term from five up to ten years.

**Article 294. Falsification of proofs**

294.1. Falsification of proofs on a civil case by person participating in case, or his representative –

is punished by the penalty at a rate of from five hundred up to one thousand of nominal financial unit, or corrective works for the term from one year up to two years, 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 punished 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 punished 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.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit 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 punished by imprisonment for the term from five up to eight years.



**Article 296. Obviously false denunciation**

296.1. Obviously false denunciation concerning commitment of a crime –

is punished by the penalty at a rate from three hundred up to one thousand of nominal financial unit, or public works for the term from hundred sixty till two 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 punished by imprisonment for the term from three up to seven years.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred sixty till two hundred hours, or corrective works for the term from one year up to two years, or restriction of freedom for the term up to two years, 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 punished 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, 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.

**Article 298. Refusal of witness or victim from testifying**

Refusal of witness or victim from testifying –

is punished by the penalty at a rate from three hundred up to five hundred of nominal financial unit, or public works for the term from hundred twenty up to hundred eighty 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.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty 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 punished by the penalty at a rate of from one up to three thousand of nominal financial unit 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 punished 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 punished by imprisonment for the term from three up to seven years.

**Article 300. Disclosure of information of inquiry body or preliminary investigation**

Disclosure information of inquiry body or preliminary investigation by a person warned in the order provided by law about inadmissibility of their disclosure, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term about six months.

**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, judicial supervisors, judicial executors, 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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, 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 punished by imprisonment for the term from one year up to five years.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit 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 special means, intended for secret dredging the information –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit 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.

**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 punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty 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 punished by the penalty at a rate from one up to three thousand of nominal financial unit or imprisonment for the term up to three years with the penalty at a rate up to five hundred of nominal financial unit

**Article 304. Runaway from a place of imprisonment, from place of arrest or from place of guard**

304.1. Runaway from places of imprisonment, from place of arrest or from place guard, committed by person who is serving time or taking place in imprisonment pending trial –

is punished 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 punished by imprisonment for the term from two up to six years.

**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 punished by imprisonment for the term up to one year.

**Article 306. Default of a verdict, decision or other actions of court**

306.1. Malicious default of decision, verdict, definition or the decision of a court, entered in validity, as well as impeding to their execution –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term from hundred sixty till two hundred hours, or corrective works for the term up to two years, or restriction of freedom on the same term, or imprisonment for the term up to two years.

306.2. The same acts committed by official –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit, or corrective works for the term up to two years, or with imprisonment for the term from one year 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.

**Article 307. Not informing about crimes and obviously not promised concealment of crimes**

307.1. Not informing about known preparing or committed minor serious or serious crimes –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment for the term up to two years.

307.2. Obviously not promised concealment of minor serious crimes -

is punished by the penalty at a rate from two up to five thousand of nominal financial unit or imprisonment for the term up to three years.

307.3. Obviously not promised concealment serious crime –

is punished by imprisonment for the term of from two up to five years.

NOTE: The person provided by article 307.1 of the present Code, who has not informed on a crime, prepared or committed by his wife (husband), children, parents and close relatives which circle is established by the legislation, can not be involved to a criminal liability.

**CHAPTER 34**

**CRIMES AGAINST STATE, INTERESTS OF PUBLIC SERVICE AND INSTITUTIONS OF LOCAL GOVERNMENT SERVICE, AND ALSO IN OTHER COMMERCIAL AND NONCOMMERCIAL ORGANIZATIONS \***

**Article 308. Abusing official powers**

308.1. Abusing official powers, that is deliberate, contrary to interests of service, use by the official of service powers from self-interest or other personal interest, causing essential harm to rights and legitimate interests of citizens or organizations or protected by law interests of a society or state –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit, 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, or imprisonment for the term up to three years.

308.2. The act provided by article 308.1 of the present Code, entailed heavy consequences –

is punished 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.

The note: 1. Officials in articles of the present chapter, shall be persons constantly, temporarily or on special power carrying out functions of authority representative either carrying out organizational - administrative or administrative functions in state bodies, institutions of local government, state and municipal establishments, enterprises or organizations, and also in other commercial and noncommercial organizations.

2. Civil servants and employees of institutions of local government who are not admitted as officials, and also employees of other commercial and noncommercial organizations carry criminal liability under articles of the present chapter in cases, which are specially provided by appropriate articles.

**Article 309. Excess of official powers**

309.1. Commitment by official of actions, which are obviously preternatural powers, entailed causing of essential harm to rights and legitimate interests of citizens or organizations or protected by law interests of a society or state –

is punished by the penalty at a rate of from one up to two thousand of nominal financial unit, 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.

309.2. The act provided by article 309.1 of the present Code, committed with application of violence or with threat of its application, or with application of weapon or other special means, or entailed heavy consequences –

is punished 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.

**Article 310. Assignment of powers of the official**

Commitment of actions connected to autocratic representation by official or assignment of powers of official, entailed essential infringement of rights and legitimate interests of citizens or organizations –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term up to two hundred hours, or corrective works for the term up to two years, or imprisonment for the term up to three years.

#### **Article 311. Reception of a bribe**

311.1. Reception by official personally or through intermediary of a bribe as money, securities, other property or benefits of property nature on actions (inaction) for the benefit of the briber or person represented by him, if such actions (inaction) are included into service powers of the official or it by virtue of official position can promote such actions (inaction), as well as for the general protection or indifference on service –

is punished by imprisonment for the term from two 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.

311.2. Reception by official of a bribe for illegal actions (inaction) –

is punished 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.

311.3. The acts provided by articles 311.1 or 311.2 of the present Code, committed:

311.3.1. on preliminary arrangement by group of persons or organized group;

311.3.2. repeatedly;

311.3.3. in the large amount;

311.3.4. with application of threats –

is punished by imprisonment for the term from seven up to twelve years with confiscation of property.

The note: a «the large amount» bribe is understood as the sum of money, cost of securities, property or benefits of the property nature, exceeding five thousand of nominal financial units.

#### **Article 312. Presentation of a bribe**

312.1. The presentation of a bribe to official personally or through the intermediary –

is punished by the penalty at a rate from one up to two thousand of nominal financial unit or imprisonment for the term up to five years with the penalty at a rate from five hundred up to one thousand of nominal financial unit or without it.

312.2. The presentation of a bribe to official for commitment of obviously illegal actions (inaction) by him or repeated presentation of a bribe –

is punished by the penalty at a rate of from two up to four thousand of nominal financial unit or imprisonment for the term from three up to eight years with confiscation of property or without it.

NOTE: The person given a bribe, shall be released from a criminal liability if presentation of a bribe took place by threats of official or if the person has voluntarily informed the appropriate state body about a presentation of a bribe.

#### **Article 313. Service forgery**

Service forgery, that is bringing by official, and also civil servant or employee of institutions of local government who is not being official, to official documents of obviously false data, as well as entering into specified documents of the corrections deforming their valid contents, committed from mercenary or other personal interest –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term up to two hundred forty hours, or corrective works for the term from one year till 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 or without it.

#### **Article 314. Negligence**

314.1. The negligence, that is default or inadequate performance by official of the duties owing to unfair or negligent attitude (relation) to the service, entailed essential harm to rights and legitimate interests of citizens or organizations or to interests protected by law of state or a society –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or public works for the term up to two hundred thirty hours, or corrective works for the term up to two years, or imprisonment for the term about six months.

314.2. The same act committed on imprudence and entailed death of the victim or other heavy consequences –

is punished by imprisonment up to five years.

### **CHAPTER 34**

#### **CRIMES AGAINST MANAGEMENT ORDER**

**Article 315. Resistance or application of violence concerning the representative of authority**

315.1. Application of violence, resistance with application of violence concerning the representative of authority in connection with performance of official duties by him or application of the violence not dangerous to life or health concerning his close relatives, as well as threat of application of such violence –

is punished by imprisonment for the term up to three years.

315.2. Application of the violence dangerous to life or health, concerning a persons specified in article 315.1 of the present Code –

is punished by imprisonment for the term from three up to seven years.

**Article 316. Disclosure of data on security measures used concerning persons, participating in criminal trial**

316.1. Disclosure of data on security measures used concerning persons, who have informed appropriate bodies about a crime, or participating in detection, suppression or disclosing of a crime, concerning a victim, his representative, suspected, accused, defenders and representatives, civil claimants, civil respondents on criminal case, their representatives, witnesses, experts, experts, translators and also their close relatives if this act is committed by a person to whom these data were trusted or known on service –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term about six months.

316.2. The same act, which has entailed heavy consequences –

is punished by imprisonment for the term from one year up to five years.

**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 condemned with a purpose to prevent his correction or from revenge for execution of public duties by him –

is punished 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 –

is punished 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 –

is punished by imprisonment for the term from seven up to twelve years.

**Article 318. Illegal crossing border of the Azerbaijan Republic**

318.1. Crossing of protected frontier of the Azerbaijan Republic without established documents or outside of check point of frontier –

is punished by the penalty at a rate from two hundred up to five hundred of nominal financial unit or imprisonment for the term up to two years.

318.2. The act provided by article 318.1 of the present Code, committed on preliminary arrangement by group of persons or organized group either with application of violence or with threat of its application –

is punished by imprisonment for the term up to five years.

NOTE: Action of positions of present article is not distributed to foreigners and persons without the citizenship, arrived in the Azerbaijan Republic with infringement of rules of crossing protected frontier of the Azerbaijan Republic with a purpose of use of the right on political asylum fixed by the Constitution of the Azerbaijan Republic if actions of these persons do not contain structure of other crime.

**Article 319. Illegal change of frontier of the Azerbaijan Republic**

319.1. Withdrawal, moving or destruction of frontier marks with a view of illegal change of frontier of the Azerbaijan Republic –

is punished by restriction of freedom for the term up to two years or imprisonment on the same term.

319.2. The same acts which is committed repeatedly or has entailed heavy consequences –

is punished by imprisonment for the term up to four years.

**Article 320. Fake, manufacturing or selling of official documents, state awards, seals, stamps, forms or use of counterfeit documents**

320.1. Fake of certificate or other official document giving the rights or releasing from duties, with a view of its use or selling of such document, as well as manufacturing in same purposes or selling of counterfeit state awards of the Azerbaijan Republic, stamps, seals, forms –

is punished by restriction of freedom for the term up to three years or imprisonment for the term up to two years.

320.2. Use of obviously counterfeit documents provided in article 320.1 of the present Code –

is punished by the penalty at a rate from two hundred up to five hundred of nominal financial unit, or public works for the term up to eighty, or corrective works for the term up to one year, or imprisonment on the same term.

#### **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 –

is punished by imprisonment for the term up to two years.

321.2. The same act committed in wartime –

is punished by imprisonment for the term from three up to six years.

#### **Article 322. Arbitrariness**

322.1. Arbitrariness, that is autocratic, contrary to established by law or other normative-legal acts to order commitment of any actions, which legitimacy is denied by the citizen or organization, causing essential harm –

is punished by the penalty at a rate up to five hundred of nominal financial unit, or public works for the term from hundred eighty up to two hundred forty hours, or corrective works for the term from one year up to two years, or imprisonment for the term about six months.

322.2. The same act committed with application of violence or with threat of its application –

is punished by restriction of freedom for the term up to three years or imprisonment for the term up to two years.

#### **Article 323. Illegal actions or humiliation of honor and dignity of the President of the Azerbaijan Republic**

Article 323.1. Illegal actions or humiliation of honor and dignity of the President of the Azerbaijan Republic in public statement, publicly shown product or mass media –

is punished by the penalty at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term up to two years, or imprisonment on the same term.

323.2. The same acts connected to accusation of commitment minor serious or serious crime–

is punished by imprisonment from two up to five years.

NOTE: Action of this article is not distributed to the public statements connected to criticism activity of the President of the Azerbaijan Republic, and also policy spent under his management.

#### **Article 324. Violation of the National Flag or State Emblem of the Azerbaijan Republic**

Violation of the National Flag or the State Emblem of the Azerbaijan Republic –

is punished by restriction of freedom for the term up to two years or imprisonment for the term up to one year.

#### **Article 325. Purchase or selling of the state awards and official documents**

Illegal purchase or selling of the official documents giving the rights or releasing from duties, and also the state awards of the Azerbaijan Republic –

is punished by the penalty at a rate of up to three hundred of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term about six months.

#### **Article 326. Abduction or destruction of official documents, stamps, seals**

326.1. Abduction, destruction, damage or concealment of official documents, stamps or seals, committed by mercenary or other personal interest –

is punished by the penalty at a rate up to five hundred of nominal financial unit, or corrective works for the term up to one year, or restriction of freedom for the term up to one year, or imprisonment for the term about six months.

326.2. Abduction from citizen of the identification card, passport or other important personal paper –

is punished by the penalty at a rate up to three hundred of nominal financial unit, or corrective works for the term up to one year, or imprisonment on the same term.

### **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 Azerbaijan Republic, other armies and military formations of the Azerbaijan Republic, 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 –

is punished 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, on preliminary arrangement by group of persons or organized group;

328.2.2. entailed heavy consequences –

is punished 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 –

is punished 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 –

is punished 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. " Fighting conditions " is understood as a direct opposition to enemy or actual implementation of fighting operations by military unit or military division.

### 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 –

is punished 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, on preliminary arrangement by group of persons 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 –

is punished 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 –

is punished 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 –

is punished 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 –  
is punished 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 –  
is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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, on preliminary arrangement by group of persons 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 –

is punished 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 –

is punished 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 day or though and less than three day, but repeatedly within six months, committed by a military man, who is taking serving on military service –

is punished 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 –

is punished 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 –

is punished 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 –



is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 deceit, as well as refusal from implementing duties of military service –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 Azerbaijan Republic or maintenance of its safety if this act could harm interests of safety of the state –

is punished 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 –

is punished 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 –

is punished 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 –  
is punished 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 –

is punished 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 –  
is punished 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 –

is punished 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 –

is punished 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 –  
is punished 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 –

is punished 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 –  
is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –  
is punished 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 –  
is punished by imprisonment for the term from seven up to twelve years.

**Article 347. Loss of military property**

Infringement of storage rules entrusted by a military man for service using a weapon, supplies, vehicles, subjects of technical supply or other military property, entailed to their loss-

is punished by the penalty at a rate up to two hundred of nominal financial unit, or 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.

**Article 348. Damage or destruction of military property on imprudence**

348.1. Damage or destruction on imprudence of a weapon, supplies, military engineering or other military property, entailed to heavy consequences –

is punished by the penalty at a rate up to five hundred of nominal financial unit, or 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.

348.2. The same acts, committed in wartime or in fighting conditions –

is punished by imprisonment for the term up to five years.

**Article 349. Deliberate destruction or damage of military property**

349.1. Deliberate destruction or damage of a weapon, supplies, military engineering or other military property, at absence of attributes of other crime –

is punished by the penalty at a rate up to five hundred of nominal financial unit, or 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 four years.

349.2. The acts provided by article 349.1 of the present Code:

349.2.1. committed repeatedly;

349.2.2. committed by group of persons;

349.2.3. entailed to heavy consequences;

349.2.4. committed in wartime or in fighting conditions –

is punished by imprisonment for the term from three up to seven years.

**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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished 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 –

is punished by imprisonment for the term from two up to five years.

353.2. The same act, committed on imprudence and entailed to death of two or more persons - is punished by imprisonment for the term from five up to ten years.