



# The Fight Against Bribery: The Azerbaijani Experience

8th session of the Implementation  
Review group

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# **I - Effective anti-corruption legislation**

**1. Adoption of a Special Law on Combating Corruption**

**2. Updating Criminal and Criminal Procedure Law**

**(active and passive bribery, trading in influence, money laundering etc.)**

**3. Amendments to other laws (in order to implement the provisions of international conventions and action plans)**

## Passive Bribery

- Section 311. Receiving a Bribe (Passive Bribery)
- (1) Receiving a bribe - i.e. request or receipt or acceptance of offer or promise by an official, directly or indirectly, personally or through the intermediary of third persons, of any material or
- other values, privileges or advantages for him/herself or third persons, for any act (inaction), as well as general patronage or indifference, in the exercise of his/her official functions shall be
- punished by 4 to 8 years imprisonment with deprivation of the right to hold certain positions or to engage in certain activities for a period of up to 3 years and confiscation of property.

# Active Bribery

- Section 312. Giving a Bribe (Active Bribery)
- (1) Giving a bribe – i.e. offering, promising or giving any material or other values, privileges or advantages, directly or indirectly, personally or through the intermediary of third persons, to an official for him/herself or third persons to act or refrain from acting in the exercise of his/her official functions

## Public Officials

- The 308 Note (Public officials):
- Representatives of the state authorities, including persons elected or appointed to public institutions in order provided by the Constitution and statutes of the Republic of Azerbaijan, as well as persons representing public and self-governing institutions on the basis of special powers, military personnel of officers, warrant officers and ensigns, as well as civil servants (including special categories of civil service);
- persons, whose candidacy to elected posts in state institutions has been registered according to statutory rules;

## Public Officials

- managers and employees of state and municipal establishments, enterprises or organizations, and other commercial and non-commercial organizations;
- persons carrying out organizational-administrative or managerial-administrative functions in state and municipal establishments, enterprises or organizations, and other commercial and non-commercial organizations, on the basis special authority;
- persons engaged in commercial activity without incurring legal person identity;
- officials of public institutions of foreign states, members of elected institutions of foreign countries, officials and other servants of international organizations, members of the international parliamentary assemblies;

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- judges and other officials of international courts, arbiters of foreign and national arbitration courts, foreign jurors

## Release note ( Article 312)

- Note: The person giving a bribe shall be released from **criminal liability** if the presentation of the bribe took place under threat by the official or if the person has voluntarily informed the appropriate State body about the presentation of a bribe.
- Decision is subject for supervision
- Shall not be implemented automatically
- Can be contested in court



Thank you for your  
attention !

We welcome your  
questions and comments