

Information

on the relevant legislative acts arising from the implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism, the depository of which is the Secretary General of the United Nations

- According to the part 3 of the Decree of the President of the Republic of Azerbaijan No. 387 dated August 25th, 2000 on the application of the Law of the Republic of Azerbaijan "On the approval, entry into force and related legal regulation issues of the Criminal Procedural Code of the Republic of Azerbaijan" and of the Criminal Procedural Code of the Republic of Azerbaijan, approved by that Law, the preliminary investigation of the mentioned crimes (reflected in the enclosed Extracts from the Criminal Code of the Republic of Azerbaijan) is carried out, within their powers, by the Ministry of Internal Affairs, the Ministry of Emergency Situations, the State Security Service, the State Border Service and the State Customs Committee of the Republic of Azerbaijan.
- In accordance with the Decree of the President of the Republic of Azerbaijan No. 746 dated April 24th, 2008 "On Establishing the State Agency on Regulation of Nuclear and Radiological Activities of the Ministry of Emergency Situations of the Republic of Azerbaijan", the State Agency on Regulation of Nuclear and Radiological Activities of the Ministry of Emergency Situations was established in order to ensure the effective implementation in the Republic of Azerbaijan of measures, control and regulatory functions related to nuclear and radiological activity, in line with international standards.
- According to paragraphs 8.20 and 8.22 of the "Statute of the State Agency on Regulation of Nuclear and Radiological Activities of the Ministry of Emergency Situations of the Republic of Azerbaijan", which was approved by the Decree of the President of the Republic of Azerbaijan No. 74 dated April 3rd, 2009, it is the duty of the above-mentioned Agency to demand to eliminate violations related to nuclear and radiological safety, to require the necessary measures to be taken to ensure radiation safety by enterprises and organizations operating in connection with the use of ionizing radiation sources, as well as to send materials to the relevant authorities about non-implementation of decisions and violations of legislation, as a result of inspections carried out within their powers in nuclear and radiation hazardous facilities.

Extracts from the
CRIMINAL CODE OF THE REPUBLIC OF AZERBAIJAN

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

(Effective since 1 September, 2000 pursuant to the Law of the Republic of Azerbaijan of 26 May, 2000, No. 886-IQ)

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

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

Article 206. Smuggling

206.2. Moving through customs border of the Republic of Azerbaijan of narcotics, psychotropic, or their precursors, strong, poisonous, radioactive explosives and explosives, military weapon and engineering (except for the smooth-bore hunting weapon and ammunition to it), fire-arms or ammunition, nuclear, chemical, biological and other kinds of mass destruction weapons, materials and equipment which can be used at creation of mass destruction weapons and concerning which established special rules on moving through customs border of the Republic of Azerbaijan, of strategically important raw material, subjects representing cultural, historical or archeological value concerning which established appropriate rules for moving through customs border of Republic of Azerbaijan, committed besides or with concealment from the customs control or with use of founs documents or means of customs identification or connected with undeclared or doubtful declaring-

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

206.3. The acts which are provided by articles 206.1-206.2 of the present Code, committed:

206.3.1. repeatedly;

206.3.2. on preliminary arrangement by group of persons;

206.3.3. by official with use of the service position;

206.3.4. with application of violence to a person who is carrying out customs control-

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

206.4. The acts which are provided by articles 206.1-206.3 of the present Code, committed by the organized group-

- is punishable by imprisonment for the term from seven up to twelve years

Article 214. Terrorism

214.1. Terrorism, that is commitment of explosion, arson or other actions (acts of terrorism) creating danger to destruction of people, causing harm to their health, significant property damage or approaches other socially dangerous consequences committed with a view of infringement of public safety, intimidation of population or rendering of influence to acceptance of decisions by the state authorities or international organizations, and also threat of commitment of a specified actions in a same purposes-

- is punishable by imprisonment for the term from ten up to fourteen years.

214.2. The same acts:

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

214.2.2. committed repeatedly;

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

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

214.2.5. during the international event or in the places of mass events;

214.2.6. on the grounds of religious animosity, religious radicalism or religious fanaticism -

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

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 224-1. Violation of the rules of usage of dual-purpose goods (works, services and intellectual property)

Non-use of dual-purpose goods (works, services and intellectual property), which can be used in the development and manufacture of mass destruction weapon, weapons, military equipment and supplies, for the purposes for which they were ordered in the event of damage to national security and public interest -

- Shall be punishable with imprisonment of three to six years.

Article 226. Illegal handling with radioactive materials

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

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

226.2. The same acts, on imprudence entailed death of a victim or other heavy consequences-

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

226.3. The threat of murder, causing heavy harm to health or substantial harm to property using radioactive materials -

- is punishable by restraint of freedom for the term from two up to four years or imprisonment for a term from two up to four years.

Article 227. Plunder or extortion of radioactive materials

227.1. Plunder or extortion of radioactive materials-

- is punishable by the penalty at a rate from four thousand up to eight thousand manats or imprisonment for the term from three up to five years.

227.2. The same acts committed:

227.2.1. on preliminary arrangement by group of persons;

227.2.2. by convicted with use of the service position;

227.2.3. with application of a violence not dangerous to life or health, or with threat of application of such violence-

- is punishable by imprisonment for the term from five up to seven years.

227.3. The acts, which are provided by articles 227.1 or 227.2 of the present Codes, committed:

227.3.1. by organized group;

227.3.2. with application of violence dangerous to life or health, or with threat of application of such violence-

- is punishable by imprisonment for the term from five up to ten years

Article 227-1. The threat of theft of radioactive materials

The threat of theft of radioactive materials in order to force an individual or legal entity, government agencies or international organizations to perform an action or refrain from committing an action -

- is punishable by restraint of freedom for a term of three to five years or by imprisonment for a term of three to five years.

Article 233-1. Illegal manufacture, acquisition, storage, transport, carrying, transfer or sale to another person of objects inclusion of which into civil circulation is not allowed by law (excluded from civil circulation)

233-1.1. Illegal manufacture, acquisition, storage, transport, carrying, transfer or sale of objects to another person whose inclusion into civil circulation is not allowed by law (excluded from civil circulation) -

- punishable by imprisonment for up to five years.

233-1.2. The same acts committed by:

233-1.2.1. group of persons, group of persons by previous concert, an organized group or criminal association;

233-1.2.2. repeatedly;

233-1.2.3. resulted in heavy consequences -

- shall be punishable by imprisonment of five to eight.

Note: If other articles of this Code or Code of Administrative Violations of the Republic of Azerbaijan sanctions for illegal manufacture, acquisition, storage, transport, carrying, transfer or sale to another person of objects inclusion of which into civil circulation is not allowed by law (excluded from civil circulation), this Article shall not apply to such act.

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 essential change of radioactive background, which caused harm to health of person, mass destruction of animals or to other heavy consequences-

- is punishable by restraint of freedom for the term from two to five years, or imprisonment for the term up to five years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years or without it.

Article 248. Infringement of rules on handling with ecologically dangerous substances and waste products

248.1. Manufacture of a forbidden kinds of dangerous waste products, transportation, storage, burial place, use or other handling with radioactive, bacteriological, chemical substances and waste products with infringement of the established rules if these acts have created threat of causing essential harm to health of a person or environment-

- is punishable by the penalty at a rate from three thousand to six thousand manats, or corrective works for the term up to two years, or restraint of freedom for the term up to two years, or imprisonment for the term up to two years.

248.2. The same acts which have entailed pollution, poisoning of an environment, causing harm to health of a person, or mass destruction of animals, as well as committed in a zone of a dangerous ecological situation-

- is punishable by restraint of freedom for the term from two to five years, or imprisonment for the term up to five years.

248.3. The acts provided by articles 248.1 or 248.2 of the present Code, on imprudence entailed death of a victim or mass disease of people-

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

Article 251. Pollution of an atmosphere (air)

251.1. Infringement of emission rules in an atmosphere of polluting substances or infringement of service regulations of equipment, constructions and other objects, entailed pollution or other change of natural properties of air-

- is punishable by the penalty at a rate from three thousand to six thousand manats, or with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years, or

corrective works for the term up to one year, or restraint of freedom for the term up to one year, or imprisonment for the term about six months.

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

- is punishable by the penalty at the rate from six thousand to nine thousand manats or corrective works for the term of up to two years, or restriction of freedom for the term up to one year, or restraint of freedom for the term up to two years, or imprisonment for the term up to two years.

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

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