

Law of Azerbaijan Republic on Border Troops

(extract)

Chapter 1

General Provisions

Article 1. Border Troops of Azerbaijan Republic

Border Troops of Azerbaijan Republic (hereinafter referred to as Border Troops) secure protection and inviolability of state border of Azerbaijan Republic (hereinafter referred to as State Border)

Article 2. Legislation on Border Troops

Legislation on Border Troops consists of the Constitution of Azerbaijan Republic, present Law, other legislative acts of Azerbaijan Republic, decrees of the President of Azerbaijan Republic, resolutions of the Cabinet of Ministers of Azerbaijan Republic, international and intergovernmental treaties and agreements regulating relations in the field of protection of state borders, normative acts of relevant bodies of Azerbaijan Republic.

Article 3. Basic principles of the Border Troops

Activities of Border Troops is conducted on the basis of principles of law, transparency, respect for human rights and freedoms, close relation with government bodies, NGOs, personnel of relevant enterprises and population, and organization of building military forces.

Article 4. Objectives of Border Troops

Border Troops:

- 1) protects the state borders in a defined order;
- 2) prevents all efforts aiming at illegal modification of state borders;
- 3) overcomes military attacks of troops or criminal groups of foreign countries to the territory of Azerbaijan Republic, protects people, state property, private property from those military and other actions and prevents this kind of actions;
- 4) prevents illegal crossing of persons and transport means the state borders and does not allow this;
- 5) allows persons, transport means, shipments and other property to cross the state borders if there are proper documents;
- 6) prevents entry/exit of explosive, poisonous, radioactive, narcotic substances, arms, ammunition and smuggled goods to or from Azerbaijan Republic in a established way;

- 7) provides conformity to regimes established for state borders, regime along the borders and regime for check-points within its competence;
- 8) conducts operative and surveillance activities in connection with protection of state borders, investigation of cases of violations of state borders and administrative wrong doings and implements decisions with this regard;
- 9) Controls conformity of military or non-military ships floating on territorial or internal waters of Azerbaijan Republic to established regime;
- 10) assists competent bodies of Azerbaijan Republic in preserving natural resources, conformity to regulations on hunting, and preservation environment.

In addition to the above mentioned:

- 1) assists aircraft defense forces and navy, other Government bodies conducting special control over state borders in fulfilling tasks related to protection of state borders;
- 2) works closely with state bodies, enterprises, companies and organizations for protection of state borders and coordinates their activities;
- 3) assists other bodies of Azerbaijan Republic providing security of Azerbaijan Republic to fulfill tasks related to protection of state borders, protection of crucial interests of citizens, society and the state from internal and external threats.

Border troops may take other responsibilities in the order established by the law on protection of state borders in state of emergency in the districts or cities located in the area close to state borders, border rivers, lakes, other reservoirs, sea coast or check-point of state borders.

Objectives of border troops related to use of military ammunition during protection Azerbaijan Republic is defined by the Commander in Chief of Azerbaijan Republic on the basis of military doctrine of Azerbaijan Republic in conformity to special preparation, provision with arms and ammunition, organization structure of border troops.

Use of border troops for purposes other than their assignment is allowed only in cases envisaged by law and their use for other purposes is prohibited. If necessary, state troops may be involved in defense of Azerbaijan Republic by the order of the Commander in Chief of Azerbaijan Republic.

Article 5. Rights of Border Troops

Border troops are entitled to the following rights during protection of state borders:

- 1) unimpeded movement within districts along border during fulfilling service obligations, checking documents, transport, shipments and other property;
- 2) conduct administrative prosecution, investigation and operative activities regarding cases of violation of state borders in accordance with legislation of Azerbaijan Republic;
- 3) checking documents certifying right of persons to enter/exit to/from Azerbaijan Republic, to put necessary notes on those documents and if required to temporarily detain them,

Not to allow people to cross the state border persons who do not possess valid documents allowing them to enter Azerbaijan Republic until they have proper documents and in case citizen of Azerbaijan Republic lost his/her documents while being abroad until the case investigated and his/her identity id determined.

- 4) checking baggage and other shipment of persons crossing state border independently or in together with custom administration, if necessary to detain them for more thorough check-up or confiscate them according to established rules.
- 5) solving the issue allowing persons attempting to cross materials, goods or documents which is prohibited to bring into or take out Azerbaijan Republic taking into account the case and character of breach of law.
- 6) Checking foreign transport means and transport means belonging to Azerbaijan Republic, shipments transported by these means in a established way, if necessary accompanying transport means by personnel of border troops
- 7) identification of parking place for transport means leaving for abroad in the check-points in cooperation with relevant enterprises and organizations;
- 8) prevent crew or other persons aboard foreign ships during their presence in the internal or territorial waters or at the ports of Azerbaijan Republic whi violated laws from coming to land;
- 9) limitation of work in the stripe along the border under certain circumstances except cases of construction works undergoing according to international or intergovernmental treaties of Azerbaijan Republic, all-national or defense constructions, natural disasters, activities particularly dangerous transmissible diseases.
- 10) opposing attacks to the territory of Azerbaijan Republic, prevention of provocation in the state borders, search for persons who violated state borders and prosecution, if necessary use of transport means of all enterprises, organizations regardless of type of ownership (except those of diplomatic missions and international organizations), as well as NGOs and individuals.
- 11) demand citizens and officials to follow public rules; prevent breach of laws and other actions impeding them to fulfill their obligations;
- 12) search for and catch of violators of state borders in pre-border area, and during their prosecution in all over the country, the right to access all premises of all enterprises, offices and organizations regardless of form of ownership (except for those with diplomatic immunity);
- 13) in connection with activities aiming at search and catch of violators of state borders in the pre-border area, temporarily stopping or limitation of movement and traffic in streets and roads outside settlements;
- 14) obtaining information necessary for fulfillment of service obligations from all enterprises, offices and organizations (excluding those with diplomatic immunity) regardless of type of ownership (except cases when law prescribe otherwise for obtaining such kind of information);
- 15) Awarding citizens distinguished in protection of state borders;
- 16) conducting other activities for protection of state borders in accordance with laws of Azerbaijan Republic, international agreements, accepted principles and norms of international law.

Article 6. Fulfillment of rights and responsibilities of border troops.

If it is not envisaged otherwise by the laws of Azerbaijan Republic, rights and responsibilities of border troops is undertaken according to charter of the border troops and rules adopted by the relevant government bodies.

Article 7. Activities of Border troops and rights of citizens

Except cases envisaged by the laws and rules of Azerbaijan Republic, limitation of rights and freedoms of citizens by border troops is not allowed.

Citizens of Azerbaijan Republic are entitled to demand explanation from the border troops in accordance with legislation of Azerbaijan Republic.

Actions of the border troops may be appealed against in a established way in case of violation of rights and freedoms of citizens.

Article 8. Investigation of administrative breeches of law in connection with protection of state borders.

Bodies (officials) of border troops conduct investigation of administrative breeches attempting state border regime, regime along the border and regime in check-points of the state border within competence envisaged by administrative legislation of Azerbaijan Republic and execute decision take related to them.

Article 9. Cooperation of border troops with bodies responsible for protection of borders of foreign countries.

Border troops cooperate with bodies responsible for protection of borders and other organs of foreign countries on matters related to protection of state borders on bilateral basis in accordance with legislative acts of Azerbaijan Republic.

Border troops take part in multilateral coordinating bodies established according to international treaties of Azerbaijan Republic.

Article 10. Assistance to Border troops by government bodies and their officials.

Government bodies and their officials within their competence:

- 1) assist border troops in fulfillment of tasks lying ahead them and provide all necessary information;
- 2) take measures to prevent illegal action against servicemen, workers and officials and their family members, facilities of border troops.
- 3) facilitate voluntary assistance of citizens to border troops.

Article 11. Flags, symbols, emblems, decorations of Border troops.

Parts and divisions of the border troops, training schools, border ships (caters) have military flags and symbols; planes, helicopters, transport means and military technics have recognition signs, military men have decorations and emblems.

Flags, symbols signs and emblems are approved by the Parliament of Azerbaijan Republic.

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Article 28. Training of personnel for border troops

Officers of border troops are trained in the schools of Ministry of National Security of Azerbaijan Republic, Ministry of Defense of Azerbaijan Republic and other specialized educational establishments.

Training of sergeants, corporals and lower officers is conducted corporal, sergeant schools and training centers of the ministries and committees of Azerbaijan Republic.

Article 29. Scientific-professional reserve of border troops

For maintaining high professional quality of border troops scientific-professional reserve is established among qualified specialists and experts and officers in reserve and resigned officers.

Persons included as scientific-professional reserve may be used as experts, consultants, members of commission or delegation, as well as for the purposes established by the Commander of Border troops.

Minister of National Security of Azerbaijan Republic defines number of scientific-professional reserve and amount necessary for funding it through recommendation of the Commander of Border troops.

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Article 31. Provision of Security of Border troops

Border troops provide their security through organizational, technical and other activities in cooperation with national security bodies. Operational bodies of the border troops provide their security through operational activities as well. Persons admitted for military service in the border troops and due to character of service has access to state secrets and information particularly protected by law shall take commitment not to disseminate this information. Breaking this commitment brings to responsibility defined by laws.

Border troops inform public about its activity through specially established department within its structure or established contact with public organizations, mass media in ways defined by the Commander of the Border Troops.

Materials of historic or scholar importance which no longer is secret are given to state archives of Azerbaijan Republic.