

On extradition of criminals
LAW OF THE REPUBLIC OF AZERBAIJAN

The first chapter
GENERAL PROVISIONS

Article 1. Legislation on extradition

1.1. *Prosecution of a foreigner or stateless person* residing or residing in the territory of the Azerbaijan Republic for acts committed outside the territory of the Azerbaijan Republic by a foreign state or execution of a sentence imposed by a court shall be punishable by the Constitution of the Azerbaijan Republic. Procedural legislation, other legislative acts of the Azerbaijan Republic and international agreements to which the Azerbaijan Republic is a party. [\[1\]](#)

1.2. In the absence of a relevant agreement between the Republic of Azerbaijan and a foreign state requesting the extradition of a *foreigner or stateless person* (hereinafter - the person) *residing or residing in the territory of the Republic of Azerbaijan, or on matters not regulated by the relevant agreement*. The provisions of this Law shall be applied in compliance with [\[2\]](#)

1.3. The provisions of this Law shall not apply to the extradition of a person to international courts.

Article 2. Conditions of extradition

2.1. A person requested to be extradited by a foreign state may be extradited only if the act committed by him is considered a crime in accordance with the legislation of the Azerbaijan Republic and the requesting state and the offense is punishable by at least one year of imprisonment or a heavier penalty.

2.2. A person sentenced to imprisonment or a heavier sentence by a court of a foreign state for the crime he has committed may be sentenced to serve the sentence. In this case, the unserved term of imprisonment may not be less than six months.

2.3. A person requested for several crimes may be sentenced only for a crime or offenses that meet the conditions set forth in Articles 2.1-2.2 of this Law in connection with the type and duration of the punishment. In such cases, the provisions of Article 4 of this Law shall apply to that person.

The second chapter
RESTRICTIONS ON EXTRADITION

Article 3. Grounds for refusal of extradition

3.1. Extradition shall be refused in the following cases:

3.1.1. if the requested person is a citizen of the Azerbaijan Republic at the time of resolving the issue of his extradition;

3.1.2. if the person whose extradition has been granted is granted political asylum in the territory of the Republic of Azerbaijan in accordance with the procedure established by the legislation;

3.1.3. if the act committed by the person whose extradition is requested and which is the basis for extradition is considered a crime of a political nature by the Republic of Azerbaijan;

3.1.4. when the crime which is the basis for extradition is committed in the territory of the Azerbaijan Republic;

3.1.5. *if there is a judgment or decision on termination of criminal prosecution* which has entered into force in the territory of the Azerbaijan Republic for the crime which is the basis for extradition ; ^[3]

3.1.6. Upon expiration of the period of criminal prosecution or execution of a conviction in accordance with the criminal legislation of the Republic of Azerbaijan or the requesting foreign state;

3.1.7. If the offense on which the person is extradited is envisaged in the law of the requesting foreign state as a crime against military service and does not constitute another crime not related to military service;

3.1.8. in case of non-compliance with the principle of mutual assistance by the requesting foreign state in connection with the extradition of the perpetrators; ^[4]

3.1.9. *In accordance with the Code of Criminal Procedure of the Republic of Azerbaijan, if the crime is prosecuted under a special prosecution (based on the complaint of the victim).* ^[5]

3.2. Extradition may be refused in the following cases:

3.2.1. if the legislation of the requesting foreign state provides for the death penalty for the crime for which the person was extradited;

3.2.2. if there are sufficient grounds to believe that the requested person will be subjected to torture or to cruel, inhuman or degrading treatment or punishment in the requesting State as a result of extradition;

3.2.3. if there are sufficient grounds to believe that the requested person has been persecuted on the basis of race, nationality, language, religion, citizenship, political views or sex, *or that his right to a fair trial has been grossly violated* ; ^[6]

3.2.4. if the crime on which the extradition is based was committed outside the territory of the requesting foreign state and no criminal prosecution is envisaged for this crime in accordance with the legislation of the Azerbaijan Republic;

3.2.5. when the person is brought to criminal liability in the territory of the Azerbaijan Republic in connection with the crime which is the basis for extradition;

3.2.6. if there are sufficient grounds to believe that the extradition will harm the sovereignty, security or other important interests of the Republic of Azerbaijan;

3.2.7. *when, in accordance with the legislation of the requesting foreign state, an immutable life sentence is imposed for a crime which is the basis for extradition.* ^[7]

Note:

1. In the application of Article 3.1.3 of this Law, the following acts shall not be considered a crime of a political nature:

(a) Crimes against humanity under the Convention on the Prevention and Punishment of the Crime of Genocide of the United Nations General Assembly of 9 December 1948;

(b) Article 50 of the Geneva Convention on the Improvement of the Condition of the Wounded and Sick in the Armed Forces of 1949 and Article 51 of the Geneva Convention on the Improvement of the Wounded, Sick and Shipwrecked at Naval Forces of 1949. crimes provided for in Article 130 of the Geneva

Convention on the Treatment of Prisoners of War of 1949 and Article 147 of the Geneva Convention on the Protection of Civilian Persons in War of 1949;

(c) Serious or particularly serious crimes committed or attempted to commit or participate in the commission or commission of such crimes against human life, health, safety or liberty ; ^[8]

d) acts punishable by international agreements to which the Republic of Azerbaijan is a party.

2. In the cases provided for in Article 3.2.1 of this Law, a person may be extradited only if the requesting State guarantees that the person will not be executed if he or she is sentenced to death.

3. In case of refusal to extradite a person in the cases provided for in Articles 3.1.1 and 3.2.1 of this Law, the person may be prosecuted in accordance with the legislation of the Azerbaijan Republic at the expense of the requesting state.

Article 4. Limits of criminal prosecution of a given person

4.1. A person extradited at the request of a foreign state may be prosecuted only for the commission of a crime which is the basis for his extradition, in accordance with the legislation of that state.

4.2. The extradited person may not be prosecuted or extradited to a third state without the consent of the relevant executive authority of the Azerbaijan Republic for a crime committed before the extradition and which is not grounds for extradition.

Prosecution of a person for an act not provided for in the extradition request may be granted only subject to the requirements of Article 2 of this Law.

4.3. If the extradited person does not leave the territory of the requesting State forty-five days after being sentenced or released on the grounds provided by law, or voluntarily returns after leaving that territory, the consent of the Republic of Azerbaijan shall be required to prosecute or extradite him to a third state. is not. The time period during which the extradited person is unable to leave the territory of the requesting State for valid reasons shall not be included.

Chapter three PROCEDURES FOR EXTRADITION

Article 5. Request for extradition

5.1. The request for extradition of a person submitted in writing by the competent authority of a foreign state to the relevant executive authority of the Republic of Azerbaijan shall specify the following:

5.1.1. the name of the competent authority of the requesting foreign state;

5.1.2. name, surname, patronymic, date of birth, citizenship, place of permanent residence or location of the requested person, description of his / her appearance, other information necessary to determine his / her identity and citizenship;

5.1.3. description of the crime on which it is based, time, place, other factual circumstances, legal description of the act committed with reference to the relevant law;

5.1.4. the amount of material damage caused as a result of the crime and other harmful consequences;

5.1.5. if possible, a photograph of the person being interviewed and fingerprints.

5.2. The following documents shall be attached to the request for extradition to take into account its purposes:

5.2.1. an arrest warrant issued by a court or other competent authority in respect of a person accused of committing a crime, or a certified copy of such a decision;

5.2.2. if the requested person has been convicted, a document on the unserved part of the sentence imposed for the crime that has entered into force or a certified copy of it;

5.2.3. the full text of the relevant articles of the law of the requesting State, which determine that the act is a crime, as well as the period of criminal prosecution or execution of a conviction.

5.3. The relevant executive authority of the Republic of Azerbaijan shall examine the submitted documents no later than seven days from the date of receipt of the request and, if it is determined that they do not meet the requirements of Articles 5.1 and 5.2 of this Law, apply to the competent authority of a foreign state. This request must be answered no later than one month. If necessary, this period may be extended for an additional month at the expense of a foreign state.

Article 6. Arrest of a person for extradition

6.1. If the requirements provided for in Articles 5.1 and 5.2 of this Law have been complied with in the request for extradition, the relevant executive authority of the Azerbaijan Republic shall search for the person and take the necessary measures in accordance with *the Criminal Procedure Code of the Azerbaijan Republic*. [129](#)

6.2. After the arrest of the requested person, all the documents for consideration of the issue of his extradition shall be submitted by the relevant executive authority of the Republic of Azerbaijan to the Serious Crimes Court in the territory where he is located. [130](#)

6.3. The requesting State shall immediately inform the requesting State of the arrest of the person.

6.4. *Unless otherwise established by international agreements to which the Republic of Azerbaijan is a party, the period of detention and extension of the period of detention for extradition shall be determined by the Code of Criminal Procedure of the Republic of Azerbaijan.* [131](#)

Article 7. Detention and arrest of a person until a request for extradition is received [132](#)

7.1. Necessary measures shall be taken by the relevant executive authorities of the Azerbaijan Republic in accordance with the Code of *Criminal Procedure of the Azerbaijan Republic for the search, arrest and detention of a person until an urgent request for extradition is received at the request of a foreign state*. The petition must indicate the availability of the documents provided for in Articles 5.2.1 and 5.2.2 of this Law and the request for the transfer of the person shall be submitted without delay. The petition must also contain information about the crime on which the person was extradited, the time and place of its commission, the nationality and identity of the person to be extradited. [133](#)

7.2. Prior to the request, *a request for arrest or detention* may be submitted by telegram, mail or in writing, through other means of communication that can be confirmed, or through the International Criminal Police Organization (Interpol). [134](#)

7.3. In accordance with Article 7.1 of this Law, the requesting State shall be notified immediately of the reasons for the *arrest, detention or refusal to do so*. [135](#)

7.4. A person arrested in accordance with Article 7.1 of this Law shall be released if the requesting foreign state fails to submit a request for extradition or the documents specified in Article 5 of this Law no later than 18 days after receiving official information about his arrest. If there are good reasons, at the request of the requesting foreign state, the period specified in this

Article may be extended, provided that it does not exceed 30 days from the date of receipt of the official notification of the arrest.

7.5. The release of a person does not preclude his re-arrest after a request.

Article 8. Consideration of the request for extradition

8.1. The Court of Grave Crimes shall consider the issue of extradition at the request of a foreign state and shall make a reasoned decision to that effect. [16](#)

8.2. The decision of the Court of Grave Crimes on extradition may be appealed or protested in accordance with the procedure established by the *Criminal Procedure Code of the Republic of Azerbaijan*. [17](#)

8.3. The relevant executive authority of the Azerbaijan Republic shall inform the competent authority of the foreign state requesting the refusal to extradite the person.

Article 9. Rights of the requested person

9.1. The person against whom the transfer measures provided for in this Law are carried out shall have the right to immediately contact and meet with an official representative of the state of which he is a national or a person acting in this section.

9.2. Personal protection and other rights to which the transfer measures provided for in this Law are carried out shall be ensured in accordance with the legislation of the Azerbaijan Republic.

Article 10. Postponement of transfer

10.1. If a person requested extradition by a foreign state has been prosecuted or is serving a sentence in the territory of the Republic of Azerbaijan, his extradition may be postponed until the completion of the criminal proceedings or the imposition of a sentence.

10.2. The relevant executive authority of the Republic of Azerbaijan shall inform the competent authority of a foreign state about the reasons for the suspension.

Article 11. Temporary transfer

11.1. The person specified in Article 10.1 of this Law may be temporarily transferred for the performance of urgent procedural actions in the territory of a foreign state. Temporary extradition shall be carried out in accordance with the rules established by this Law on extradition.

11.2. Upon completion of the proceedings on the criminal case, but not later than three months from the date of temporary extradition, the extradited person must be returned to the Republic of Azerbaijan.

11.3. The competent authority of a foreign state must give its written consent to the admission of a person in accordance with the requirements of Article 11 of this Law. Temporary extradition of a person may be carried out only after obtaining such consent.

Article 12. Procedure for extradition at the request of several foreign states

12.1. When several foreign states request the extradition of the same person, the requested person shall, as a rule, be extradited to the foreign state in whose territory the crime was committed, taking into account the provisions of this Law.

12.2. When crimes and offenses committed in the territory of several foreign states are committed in the territory of several states and each of these states requests extradition, the gravity of the crimes committed, other facts of the case, the nationality of the offender and the date of submission of the request taken into account.

Article 13. Procedure for extradition

13.1. The body of the relevant executive authority of the Republic of Azerbaijan shall inform the relevant competent authority of a foreign state about the time and place of extradition. The requested person who is not accepted by the foreign state within fifteen days from the established time shall be released.

13.2. The period of admission of a person at the expense of the requesting state may be extended by the relevant executive authority of the Azerbaijan Republic not exceeding thirty days from the time specified in Article 13.1 of this Law.

Article 14. Repetition

If the extradited person evades criminal liability or punishment and returns to the territory of the Azerbaijan Republic, he may be extradited to that state again at the request of a foreign state. In this case, the documents specified in Article 5 of this Law are not required.

IV FƏSİL FINAL PROVISIONS ^[18]

Article 15. Information on the results of the criminal prosecution of a given person

15.1. The competent authority of a foreign state shall inform the relevant executive authority of the Republic of Azerbaijan about the results of the criminal prosecution of the extradited person.

15.2. The relevant executive authority of the Republic of Azerbaijan shall inform the competent authority of a foreign state about the rule provided for in Article 15.1 of this Law.

Article 16. Transit transportation

16.1. The relevant executive authority of the Azerbaijan Republic may, at the request of the competent authority of a foreign state, allow the transit through the territory of the Azerbaijan Republic of persons issued by a third state.

16.2. In cases provided for in Article 3 of this Law, a transit permit may be refused. In order to determine the grounds for such refusal, the relevant executive authority of the Republic of Azerbaijan may request relevant information from a foreign state requesting a permit that does not carry transit.

16.3. A request for transit transportation shall be submitted in writing.

16.4. The relevant executive authority of the Republic of Azerbaijan, taking into account the provisions of this Law, allows the implementation of transit transportation and informs the competent authorities of a foreign state.

16.5. The following rules must be observed when using air transport for transit transportation:

16.5.1. If the aircraft is not intended to land at the airport of the Azerbaijan Republic, the state performing transit transportation shall inform the relevant executive authority of the Azerbaijan Republic and confirm the availability of the documents specified in Articles 5.2.1 and 5.2.2 of this Law;

16.5.2. if the aircraft lands at the airport of the Azerbaijan Republic in an unplanned manner, the person being transported may be detained at the request of the relevant competent authority of a foreign state within 48 hours before an official request for transit is submitted;

16.5.3. If the aircraft is intended to land at the airport of the Republic of Azerbaijan, the state performing transit transportation must submit a relevant request.

Article 17. Expenses related to the transfer or transit of a person

All expenses related to the transfer or transit of a person shall be borne by the requesting foreign state.

Article 18. Rules of relations

18.1. All relations related to the extradition of a person shall be carried out through the relevant executive authority of the Republic of Azerbaijan.

18.2. The documents submitted in connection with the extradition shall be translated into the Azerbaijani language or into one of the official languages of the United Nations with the consent of the relevant executive authority of the Republic of Azerbaijan.

Article 19. Entry into force of the law

This Law shall enter into force on the day of its publication.

Baku,

№ 132-IIQ

May

President of the Republic of Azerbaijan HEYDAR ALIYEV

15,

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