

About executive officers ^[1]

LAW OF THE REPUBLIC OF AZERBAIJAN

Chapter I GENERAL PROVISIONS ^[2]

Article 1. Functions of executive officers ^[3]

Executive officers of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, appellate courts, the Supreme Court of the Nakhchivan Autonomous Republic, the Court of Grave Crimes of the Nakhchivan Autonomous Republic, courts of grave crimes, *administrative courts, commercial courts*, military courts, district (city) courts (hereinafter - courts), as well as the execution of court decisions on civil, *commercial and administrative* disputes and administrative offenses, non-custodial sentences in criminal cases and acts of other bodies, the execution of which is entrusted to law enforcement officers, *as well as probation control*. ^[4]

Article 2. Legislation of the Azerbaijan Republic on executive officers

The legislation of the Azerbaijan Republic on executive officers consists of the Constitution of the Azerbaijan Republic, this Law and other legislative acts of the Azerbaijan Republic.

If the rules established for executive officers established by international agreements to which the Republic of Azerbaijan is a party differ from the rules provided for in this Law, the rules of international agreements shall apply.

Article 3. Recruitment and service of executive officers

Citizens of the Republic of Azerbaijan with higher legal education may be executive officers.

Recruitment and service of other executive officers, except for executive officers of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Supreme Court of the Nakhchivan Autonomous Republic, is regulated by the Law of the Republic of Azerbaijan "On Service in Judicial Bodies". ^[5]

Recruitment and service of executive officers in the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Supreme Court of the Nakhchivan Autonomous Republic shall be regulated by the legislation of the Republic of Azerbaijan on civil service. ^[6]

Article 4. Service weapon

After special training, executive officers have the right to carry, keep and use service weapons and special means in accordance with the legislation. ^[7]

Article 5. Organization of the activities of the enforcement and probation service ^[8]

The relevant executive authority shall ensure the implementation of the tasks assigned to the executive officers.

Ensuring the established order of activity of courts, as well as the activity of executive officers on the execution of executive documents provided for in the Law of the Republic of Azerbaijan "On Enforcement" constitutes the executive service.

Except for the cases provided for in Article 6 of this Law, the executive service is headed by the Chief Executive Officer of the Republic of Azerbaijan.

The probation service is the activity of executive officers on the implementation of probation control, as well as the execution of administrative penalties in the form of public works.

The probation service is headed by the Chief Probation Officer of the Republic of Azerbaijan.

The bases of activity of executive officers are determined by the Code of Execution of Punishments of the Azerbaijan Republic, the Code of Administrative Offenses, the Code of Civil Procedure, the Code of Criminal Procedure, the Law of the Azerbaijan Republic "About Enforcement" and other legislative acts.

Executive officers of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Supreme Court of the Nakhchivan Autonomous Republic shall be appointed by the relevant executive authority. and are dismissed.

Article 6. Powers of the relevant executive authority in organizing the activities of executive officers ^[9]

With the exception of executive officers of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Supreme Court of the Nakhchivan Autonomous Republic, the relevant executive authority shall provide organizational and methodological guidance to executive officers through the Chief Executive Officer and the Chief Probation Officer. ^[10]

**Chapter II
EXECUTIVE OFFICERS**

Article 7. Duties of executive officers ^[11]

The executive officer of the executive service performs the following duties in connection with the execution: ^[12]

takes measures for timely, complete and correct execution of executive documents received for execution;

allows the parties involved in the execution and their representatives to get acquainted with the executive documents, extract from them or make copies of those documents;

considers applications and petitions of the parties involved in the execution within the established period, makes the relevant decision, explains the period and procedure for filing a complaint with them;

determines the debts in accordance with the legislation in accordance with the amount of alimony specified in the court decision or the agreement on alimony payment;

executes the instructions of the head of the executive service or body;

Integrated no later than 1 working day on the decision (seizure of property, etc.) made when the claim is directed to the debtor's property, including cash or accounts and deposits in banks or other credit institutions, as well as cash and other assets held in custody maintains relevant notes on the e-government portal through the electronic system; ^[13]

if the requirements specified in the enforcement document are not clear, apply to the relevant court or other body to explain the decision that was the basis for the issuance of the enforcement document, as well as the document that is considered an enforcement document in accordance with the law;

informs the claimant about sending the executive documents accordingly;

ensures protection of the debtor's property in cases and terms established by law.

The executive officer of the executive service performs the following duties in connection with the maintenance of the established order of the courts:

ensures the safety of judges, jurors, other participants in the trial and witnesses in court; ^[14]

executes orders of judges in connection with the activity of the court;

apply procedural coercive measures provided by law to the accused and other persons by the decision of the court and the judge;

provides security of court buildings, conference rooms and courtrooms during working hours;

checks the readiness of the courtroom for the hearing, ensures the delivery and protection of the criminal case and material evidence to the courtroom by order of the judge;

interacts with paramilitary forces in the escort of prisoners, their protection and safety;

ensures public order in the territory of the court, prevents violations of the law, eliminates them, identifies violators and takes appropriate measures provided by law;

carries out the compulsory summoning of persons who refuse to appear in connection with the summons, as well as the execution of a court decision;

executes the instructions of the head of the executive service or institution.

The executive officer of the probation service, in addition to the duties defined by the Code of Execution of Punishments and the Code of Administrative Offenses of the Republic of Azerbaijan, also performs the following duties: ^[15]

takes measures for timely, complete and correct execution of documents received for processing;

allows persons under probation control and their representatives to get acquainted with the case materials, make extracts from them or make copies of those documents;

considers appeals of persons subject to probation control and takes appropriate measures;

follow the instructions of the head of the probation service or institution.

Article 8. Rights of executive officers

The executive officer of the executive service has the following rights in connection with the execution: ^[16]

to receive information, references and explanations related to execution from enterprises, organizations, departments and citizens within its competence;

to check the status of execution of executive documents at the debtor's place of work;
to give specific instructions to enterprises, organizations, departments and citizens in connection with execution;

if necessary, to enter the apartment or room belonging to the debtor, to inspect and open and inspect all places of detention, as well as to carry out these actions in the apartments and rooms occupied by other persons belonging to the debtor in accordance with the decision of the relevant court;

to seize property, seize property, transfer it into custody and sell the seized property (except for types of property that cannot be claimed under executive documents in accordance with the law);

to direct the claim to cash and other valuables in the debtor's account, deposits in banks or other credit institutions;

to direct the claim to the debtor's salary, pension, pension and other income;

to direct the claim to the amount of money and property of the debtor in other persons;

to take the items specified in the executive documents from the debtor and give them to the claimant;

~~to apply to the court or to the bodies issuing the writ of execution on issues that are not clear in the document submitted for execution;~~ ¹⁷⁷

to take measures in accordance with the law to determine the location, property and location of the debtor's child;

to summon citizens and officials in connection with executive actions;

to carry out other measures specified in the executive documents;

To use physical force, special means and service weapons in the manner and in the cases provided for by the legislation of the Azerbaijan Republic;

to receive assistance from the relevant executive authority and other state bodies (agencies) in accordance with their powers in connection with the implementation of executive actions; ¹⁸¹

to obtain information related to the implementation of enforcement actions through the "Electronic Execution" information system of the relevant executive authority;

to take more than one compulsory enforcement measure at the same time in accordance with the law.

The executive officer of the executive service has the following rights in connection with the maintenance of the established order of the courts:

to apply to the head of the executive body for the invitation of police and security officers and servicemen of the internal troops for assistance;

To use physical force, special means and service weapons in the manner and in the cases provided for by the legislation of the Azerbaijan Republic.

In addition to the rights defined by the Code of Execution of Punishments and the Code of Administrative Offenses of the Republic of Azerbaijan, the probation service executive officer also has the following rights: ¹⁹¹

to apply to state bodies, legal entities and individuals, make inquiries, receive information, references and explanations in accordance with the directions of activity;

to enter, inspect and open and inspect all places of detention where probation control is exercised, but whose whereabouts have not been established, in connection with the search for persons whose whereabouts have not been established;

*to use the assistance of the police and security agencies;
to use physical force, special means and service weapons in the manner and in the cases provided for
by law.*

Article 9. Respect for the rights and legitimate interests of individuals and legal entities

Bailiffs are obliged to use the rights granted to them in accordance with the law and not to violate the rights and legitimate interests of individuals and legal entities in their activities.

Article 10. Mandatory requirements of executive officers

The requirements set by the executive officers in the right of their powers are obligatory for all individuals and legal entities in the territory of the Republic of Azerbaijan.

The information, documents and their copies required for the performance of their duties shall be provided to the executive officers free of charge and in a timely manner.

Persons who do not comply with the legal requirements of executive officers and obstruct the performance of the duties assigned to them shall be liable in accordance with the legislation.

Article 11. Liability of executive officers and control over their activities

Illegal actions of executive officers may be appealed to a higher official or to a court. Complaining to a higher official from the executive does not prevent the complainant from going to court .

Bailiffs shall be liable for their actions (inaction) and violations of the law in accordance with the legislation of the Republic of Azerbaijan. ^[20]

Damage caused to enterprises, organizations, departments and citizens by Executive Officers shall be compensated in accordance with the procedure established by the relevant legislation of the Azerbaijan Republic.

Except for executive officers of the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Supreme Court of the Nakhchivan Autonomous Republic , control over the activities of executive officers shall be exercised in accordance with the procedure established by the relevant executive authority. ^[21]

Control over the correct and timely execution of court decisions on civil, *commercial and administrative* disputes and administrative offenses, non-custodial sentences in criminal cases , *as well as measures related to probation control shall be exercised by the heads of executive and probation bodies* and judges within their competence. are hold. *In connection with imprisonment Relevant executive authority to comply with the requirements of a court decision on compulsory treatment of persons in need of drug treatment in a specialized medical institution, in addition to being sentenced to non-custodial punishment, compulsory medical measures for the purpose of treatment of alcoholism or drug addiction, as well as administrative offenses involving administrative detention supervised by the executive officer in the manner prescribed by* ^[22]

Chapter III **Provision OF EXECUTIVE OFFICERS**

Article 12. Material security and social protection of executive officers

The salary of executive officers consists of the official salary, additional payments for a special rank (qualification degree) and years of service, as well as other payments provided by the legislation of the Republic of Azerbaijan. ^[23]

In order to encourage the executive officers of the executive service, to solve the issues of their technical support, the relevant executive authority shall establish a special fund of the executive officers of the *executive service* . ^[24]

Decisions of courts of the Republic of Azerbaijan, international arbitration and arbitration courts, courts and arbitrations of foreign countries on civil and *commercial disputes* , as well as court orders, decisions of bodies (officials) authorized to consider cases on administrative offenses, notarized alimony payments , *notariesthe* amount of enforcement payment provided for in Article 78 of the Law of the Republic of Azerbaijan “On Enforcement” at the expense of the debtor in connection with the compulsory execution of enforcement records and decisions of other bodies in cases stipulated by the legislation of the Azerbaijan Republic, as well as implementation of enforcement actions Expenses related to are transferred to the special fund of executive officers of the *executive service* . ^[25]

~~During the performance of their official duties, court supervisors and bailiffs shall use all city (district) vehicles (except taxis) free of charge in the territory of the Republic of Azerbaijan.~~ ^[26]

In order to strengthen the social protection of employees of the relevant executive authority, as well as to strengthen the material and technical base of the probation service, 43% of the funds received in connection with the implementation of penalties for penalties and correctional work, as well as fines imposed on legal entities transferred. The procedure for using these funds shall be determined by the relevant executive authority. ^[27]

Damage caused as a result of destruction or damage of property belonging to executive officers in connection with their official activities shall be reimbursed in full to the executive officers or their family members .

Damage provided for in this Article shall be reimbursed from the state budget of the Azerbaijan Republic with subsequent deduction from the guilty persons in accordance with the procedure established by law.

Pension provision of executive officers is carried out in accordance with the current legislation of the Republic of Azerbaijan.

Article 13. Financing and logistics of enforcement and probation services ^[28]

Financing and logistical support of the executive service is carried out at the expense of the state budget of the Republic of Azerbaijan and *the* funds received by the special fund of the executive officers of the executive service. *Financing and logistical support of the probation service shall be carried out at the expense of the state budget of the Republic of Azerbaijan and the funds provided for in the fourth part of Article 12 of this Law* . ^[29]

Procedures and norms of material and technical support of enforcement and probation services shall be established by the relevant executive authority.

TRANSITION PROVISIONS

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

Judicial police units (groups) operating in the courts of the Republic of Azerbaijan shall exercise the powers established by the legislation in force prior to the establishment of the executive service provided for in this Law.

**President of the Republic of Azerbaijan
HEYDAR ALİYEV**

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