Azerbaijan

Cybercrime legislation

Domestic equivalent to the provisions of the Budapest Convention

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[reference to the provisions of the Budapest Convention]

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This profile has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Budapest Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.

www.coe.int/cybercrime

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

State:	
Signature of the Budapest Convention:	N/A
Ratification/accession:	

BUDAPEST CONVENTION	DOMESTIC LEGISLATION
Chapter I – Use of terms	
Article 1 – "Computer system", "computer data", "service provider", "traffic data": For the purposes of this Convention: a "computer system" means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data; b "computer data" means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function; c "service provider" means: i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and ii any other entity that processes or stores computer data on behalf of such communication service or users of such service; d "traffic data" means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication's origin, destination, route, time, date, size, duration, or type of underlying service	**Criminal Code** Computer system in the Articles 271-273-2 of the Code means any device or group of inter-connected devices, making automated data processing in accordance with the relevant programs. Computer information in the Articles 271-273-2 of the Code under means any information (facts, information, programs, and concepts) suitable for work, processing in a computer system. 3.Infrastructure facility of public importance in the Articles 271-273 of the Code means the government agencies, businesses, organizations, non-governmental organizations (associations and foundations), credit institutions, insurance companies, investment funds of much importance for the state and society.
Chapter II – Measures to be taken at the national level	
Section 1 – Substantive criminal law	
Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems	
Article 2 – Illegal access Each Party shall adopt such legislative and other measures as may be	**Criminal Code** **Article 271. Unauthorized access to a computer system**

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necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.	271.1. Intentional input to the computer system or any part thereof without the right of access to the system or any part thereof with violation of security measures or with a purpose of abstraction of computer information stored therein or with a personal purpose punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.
Article 3 – Illegal interception Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.	**Criminal Code** **Article 272. Misappropriation of computer information** 272.1. Intentional taking of computer information not intended for public use, transmitted to the computer system, from the computer system or within the system, including electromagnetic radiation from the computer systems, which are carriers of such computer information, using technical means by the person not entitled thereto, - punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.
Article 4 – Data interference 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right. 2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.	**Criminal Code** **Article 273. Illegal interference in a computer system or computer information** 273.1. Intentional damage, destruction, deterioration, alteration or suppression of computer data, committed by a person not entitled thereto, which causes significant damage - punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. 273.2. Serious obstruction to the work of the computer system by making, transfer, damage, destruction, deterioration, alteration or suppression of computer data by a person not entitled to it - punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.

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Article 5 – System interference Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data	**Criminal Code** **Article 273. Illegal interference in a computer system or computer information** 273.1. Intentional damage, destruction, deterioration, alteration or suppression of computer data, committed by a person not entitled thereto, which causes significant damage - punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years. 273.2. Serious obstruction to the work of the computer system by making, transfer, damage, destruction, deterioration, alteration or suppression of computer data by a person not entitled to it - punished by a fine at the rate of one thousand to two thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.
Article 6 – Misuse of devices 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right: a the production, sale, procurement for use, import, distribution or otherwise making available of: i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5; ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.	**Criminal Code** **Article 273-1. Turnover of facilities produced for cybercrimes** 273-1.1. Manufacture of devices or computer programs, the main purpose of which is making or adaptation for committing crimes stipulated for in the Articles 271-273 of the Code, their import to commit such crimes, purchase for use, sale, distribution and creation of other conditions for their purchase, if it caused significant damage - punished by a fine at the rate of two thousand to three thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years. 273-1.2. Creation, possession or purchase for use of computer passwords, access codes, or similar data enabling an unauthorized access to a computer system or any part thereof, with the purpose of committing crimes stipulated for in the Articles 271-273 of the Code, if it caused significant damage - punished by a fine at the rate of two thousand to three thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two

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2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system. 3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.	years. 273-1.3. Sale, distribution or creation of other conditions for the acquisition of computer passwords, access codes or other similar data enabling an unauthorized access to a computer system or any part thereof, with the purpose of committing crimes stipulated for in the Articles 271-273 of the Code - punished by a fine at the rate of two thousand to three thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years.
Title 2 – Computer-related offences	
Article 7 – Computer-related forgery Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.	**Criminal Code** **Article 273-2. Falsification of computer data** Unauthorized, intentional introduction, alteration, erasure or blocking of computer data with a purpose to represent falsified computer data as authentic (real) computer data or use them, such acts entailed violation of authenticity (validity) of the primary computer data - punished by a fine at the rate of one thousand to three thousand manats or imprisonment for a period of up to two years with deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years.
Article 8 – Computer-related fraud Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by: a any input, alteration, deletion or suppression of computer data; b any interference with the functioning of a computer system, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.	**Criminal Code** **Article 178. Swindle** 178.1. Swindle, is maintaining another persons property or buying another persons property by a deceit or breach of confidence punished by the penalty at a rate of from one hundred to seven hundred manats, or public works for the term from three hundred sixty to four hundred eighty hours, or corrective works for the term up to two years, or imprisonment for the term up to two years.
Title 3 – Content-related offences	

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Article 9 – Offences related to child pornography 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: a producing child pornography for the purpose of its distribution through a computer system; b offering or making available child pornography through a computer system; c distributing or transmitting child pornography through a computer system; d procuring child pornography through a computer system for oneself or for another person; e possessing child pornography in a computer system or on a computer-data storage medium. 2 For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts: a a minor engaged in sexually explicit conduct; b a person appearing to be a minor engaged in sexually explicit conduct; c realistic images representing a minor engaged in sexually explicit conduct 3 For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years. 4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.	**Criminal Code** **Article 171-1. Child pornography turnover** 171-1.1. Distribution, advertising, sale, transfer to others, sending, offer, creating conditions for acquisition or manufacture, acquisition or possession with intent to distribute or advertise child pornography - punished by a fine in the amount of eight thousand to ten thousand manats or imprisonment for a period of up to five years
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant	**Criminal Code** **Article 165. Infringement of author's or related rights** 165.1. Illegal use of author's or related rights objects, that is edition under a name or different way in assignment of authorship of another's scientific,

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to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.	literary, art or other product, its illegal reprinting or distribution, as well as compulsion to co-authorship and as a result of these acts bringing a damage in significant size is punished by the fine at a rate from one hundred up to five hundred manats or public works for the term from three hundred twenty to four hundred eighty hours.
Title 5 – Ancillary liability and sanctions	
Article 11 – Attempt and aiding or abetting 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed. 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention. 3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.	**Criminal Code** **Article 32. Types of complicity** 32.1. Alongside with the executor as accomplice of a crime shall also include organizer, instigator and aid. 32.2. The person, who have directly committed a crime or directly participating in its committing together with other persons (joint committing), and also the person who has committed a crime by use of other persons, not determined to the criminal liability by virtue of the circumstances provided by the present Code, shall be admitted as the executor. 32.3. The person, who have organized committing of a crime or supervising its execution, and created organized group or criminal community (criminal organization) or supervising them as well, shall be admitted as the organizer 32.4. The person, who has declined other person to committing a crime by an

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	arrangement, payoff, and threat or in other ways, shall be admitted as the instigator. 32.5. The person assisting by advice, instructions, granting of the information, means or instruments in committing a crime or by removal of obstacles, and also the person, beforehand promising to hide a criminal, means or instruments of fulfillment of a crime, traces of a crime or cash assets or any other property, obtained in the criminal way, and person beforehand promising to purchase such cash assets or other property, possess, use or dispose of them, shall be admitted as the aid. **Article 29. Attempt to a crime** Under attempt at a crime deliberates an act (action or inaction) by a person, directly directed on committing of a crime, if thus crime was not completed by circumstances not dependent on will of this person.
Article 12 – Corporate liability 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on: a a power of representation of the legal person; b an authority to take decisions on behalf of the legal person; c an authority to exercise control within the legal person. 2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority. 3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative. 4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.	**Criminal Code** **Chapter 15-2: Criminal law measures applied to legal entities** Criminal law measures are applied to legal entity if crimes committed by following individuals are in favor of a legal entity or in order to protect its interests: • an official authorized to represent a legal entity; • an official which has the power to take decisions on behalf of a legal entity; • an officials which has the power to control the activities of legal entity; • an employee as a result of a non-performance of supervision by officials provided above;
Article 13 – Sanctions and measures 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance	**Criminal Code** **Article 42. Types of punishments** 42.0. Kinds of punishments are:

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with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty. 2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.	42.0.1. penalty; 42.0.2. deprivation of the right to operate a vehicle; 42.0.3. deprivation of the right to hold the certain posts or to engage in the certain activity; 42.0.4. public works; 42.0.5. deprivation of special, military or a honorary title and state award; 42.0.6. corrective works; 42.0.7. restriction on military service; 42.0.9. forced exile from the Republic of Azerbaijan; 42.0.11. maintenance in disciplinary military unit; 42.0.12. imprisonment on the certain term; 42.0.13. life imprisonment. For legal entities: fine special confiscation deprivation of the right of a legal entity to be engaged in certain activity liquidation of a legal entity
Section 2 – Procedural law	
Article 14 – Scope of procedural provisions 1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings. 2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to: a the criminal offences established in accordance with Articles 2 through 11 of this Convention; b other criminal offences committed by means of a computer system; and c the collection of evidence in electronic form of a criminal offence. 3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the	Criminal Procedure Code of the Republic of Azerbaijan – see below for specific articles

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reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20. b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system: i is being operated for the benefit of a closed group of users, and ii does not employ public communications networks and is not connected with another computer system, whether public or private, that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21	
Article 15 – Conditions and safeguards 1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality. 2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia,* include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure. 3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the	**Criminal Procedure Code of the Republic of Azerbaijan** Article 9. Basic principles and conditions governing criminal proceedings 9.1. Basic principles and conditions governing the criminal proceedings provided for in Articles 10-36 of this Code: 9.1.1. to establish rules as a basis for criminal prosecution; 9.1.2. to ensure a defence against restrictions on human and civil rights and liberties; 9.1.3. to determine the legality and grounds of every criminal prosecution. 9.2. Under the circumstances provided for in this Code, violation of the principles or conditions governing criminal proceedings may render the completed criminal proceedings invalid, cause the decisions taken during them to be annulled and deprive the evidence collected of its value..

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powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.	
Article 16 – Expedited preservation of stored computer data 1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification. 2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person's possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	**Criminal Procedure Code of the Republic of Azerbaijan** Article 143. Collection of evidence 143.1. Evidence shall be collected during the investigation and court proceedings by questioning, confrontation, attachment of property, search operations, examination of places and objects, expert reports, presentation for identification and other procedures. 143.2. During the process of collecting evidence, the preliminary investigator, investigator, prosecutor or court shall have the right, at the request of parties to the criminal proceedings or on their own initiative, to request the presentation of documents and other items of significance to the prosecution by individuals, legal entities, officials and the authorities which carry out search operations, and to request checks and inspections by the authorised authorities and officials. 143.3. In accordance with this Code, defence counsel authorised to participate in criminal proceedings shall have the right, for the purpose of providing legal assistance, to present evidence and collect information, including the right to receive explanations from individuals and to request memoranda, references and other documents from various organisations and associations. 143.4. The suspect, accused, defence counsel, prosecutor, victim, civil party, defendant to the civil claim and their representatives, and individuals and legal entities, shall have the right to present objects and documents as well as oral and written information which may be regarded as evidence.
Article 17 – Expedited preservation and partial disclosure of traffic data 1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to: a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and b ensure the expeditious disclosure to the Party's competent authority,	As regards expedited preservation and partial disclosure of traffic data, there is a *sui generis* possibility for its application: in general, while there is no legal obligation for service providers to retain traffic data, on the basis of the Law on Intelligence and Counter-Intelligence Activities (Articles 17 and 39), communication operators are required to establish an "appropriate level of cooperation with [...] authorities", thereby enabling and assisting in the execution of some of the procedural measures in criminal cases. Access to data about communications stored by service providers requires a court order.

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or a person designated by that authority, of a sufficient amount of traffic data to enable the Party to identify the service providers and the path through which the communication was transmitted. 2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	
Article 18 – Production order 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order: a a person in its territory to submit specified computer data in that person's possession or control, which is stored in a computer system or a computer-data storage medium; and b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider's possession or control. 2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15. 3 For the purpose of this article, the term "subscriber information" means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established: a the type of communication service used, the technical provisions taken thereto and the period of service; b the subscriber's identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement; c any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.	**Criminal Procedure Code of the Republic of Azerbaijan** Article 143. Collection of evidence 143.1. Evidence shall be collected during the investigation and court proceedings by questioning, confrontation, attachment of property, search operations, examination of places and objects, expert reports, presentation for identification and other procedures. 143.2. During the process of collecting evidence, the preliminary investigator, investigator, prosecutor or court shall have the right, at the request of parties to the criminal proceedings or on their own initiative, to request the presentation of documents and other items of significance to the prosecution by individuals, legal entities, officials and the authorities which carry out search operations, and to request checks and inspections by the authorised authorities and officials. 143.3. In accordance with this Code, defence counsel authorised to participate in criminal proceedings shall have the right, for the purpose of providing legal assistance, to present evidence and collect information, including the right to receive explanations from individuals and to request memoranda, references and other documents from various organisations and associations. 143.4. The suspect, accused, defence counsel, prosecutor, victim, civil party, defendant to the civil claim and their representatives, and individuals and legal entities, shall have the right to present objects and documents as well as oral and written information which may be regarded as evidence.
Article 19 – Search and seizure of stored computer data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access: a a computer system or part of it and computer data stored	**Criminal Procedure Code of the Republic of Azerbaijan** Article 242. Conduct of a search 242.1. Where the available evidence or material discovered in a search

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therein; and b a computer-data storage medium in which computer data may be stored in its territory. 2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system. 3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to: a seize or similarly secure a computer system or part of it or a computer-data storage medium; b make and retain a copy of those computer data; c maintain the integrity of the relevant stored computer data; d render inaccessible or remove those computer data in the accessed computer system. 4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2. 5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	operation gives rise to a suspicion that a residential, service or industrial building or other place contains, or certain persons are in possession of, objects of potential significance to a case, the investigator may conduct a search. 242.2. A search may be conducted with the aim of finding persons or animals being sought or human or animal remains. 242.3. Objects and documents which may be of significance as evidence may be impounded by the investigator once it has been established on the basis of the evidence collected or the material discovered in a search operation where or in whose possession they are. Article 243. Grounds for conducting a search and seizure 243.1. As a rule, searches and seizures shall be conducted by decision of a court. A court may decide to give permission for a search or seizure in response to a reasoned request from the investigator and submissions made by the prosecutor in charge of the procedural aspects of the investigation. The search or seizure shall be conducted in accordance with the requirements of Articles 177.2-177.6 of this Code. 243.2. The decision to authorise the search or seizure shall state the following: 243.2.1. the date, time and place of the decision; 243.2.2. the family name, first name, father's name and title of the person making the decision; 243.2.3. the objective grounds for conducting the search or seizure; 243.2.4. the family name, first name and father's name of the person conducting the search or seizure; 243.2.5. the place where the search or seizure is to be carried out (nature of the building, address or location); 243.2.6. in the case of a decision authorising seizure, the objects and documents to be impounded. 243.3. In circumstances which admit no delay, the investigator may conduct a search or seizure without court permission only if there is precise information indicating that: 243.3.1. objects or documents concealed in a residential building constitute

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	proof of the commission of an offence or of preparations for the commission of an offence against a person or the state; 243.3.2. a person who has prepared or committed an offence against a person or the state or a person who has escaped from a remand facility or prison is hiding in a residential building; 243.3.3. there is a human corpse (or parts of a corpse) in the building; 243.3.4. there is a real danger to someone's life or health in the building. 243.4. In the circumstances provided for in Article 243.3 of this Code, the investigator shall give a reasoned decision to conduct a search or seizure. The investigator's decision shall be drawn up in accordance with the requirements of Article 243.2 of this Code and shall give due consideration to the need to conduct the search and seizure without court permission and the reasons why it cannot be delayed. Article 244. Participants in a search or seizure 244.1. During a search or seizure the presence of at least 2 (two) circumstantial witnesses shall be obligatory. 244.2. Defence counsel for the suspect or accused shall be entitled to participate in the conduct of a search or seizure concerning them. If defence counsel, having been informed of the conduct of this investigative procedure by the investigator, expresses the wish to participate in the search and seizure, the investigator shall take steps to guarantee this right. 244.3. Where necessary, an interpreter or specialist may participate in the conduct of the search or seizure. 244.4. Steps shall be taken to guarantee the presence of the person concerning whom the search and seizure is being conducted, adult members of his family or those who represent his legal interests. If it is impossible to secure the participation of the above-mentioned people, a representative of the relevant housing organisation or local authority shall be asked to participate. 244.5. A search or seizure operation in an administrative department, institution, organisation or military unit shall be conducted in the presence of a representative of the entity concerned. 244.6. Persons concerned by the search or seizure and circumstantial witnesses, specialists, interpreters, representatives and defence counsel shall have the right to be present throughout the procedures conducted by the investigator and

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	to make observations, which shall be included in the record. Article 245. Rules governing searches and seizures 245.1. An investigator shall be entitled to enter a residential or other building on the basis of the court decision concerning the search or seizure. 245.2. Before conducting the search or seizure, the investigator shall acquaint the person concerned with the decision. 245.3. The investigator shall be entitled to conduct the search or seizure using photography, video, film or other recording techniques. 245.4. The investigator shall take measures to prevent the dissemination of information about the circumstances of the search or seizure, its results and any information concerning the private life of the person concerned. 245.5. The investigator may prohibit those present in the place where the search or seizure is conducted from leaving the premises or speaking to each other or with other persons before the end of the search or seizure operation. 245.6. On making a seizure, the investigator shall, after pronouncing the decision, propose that the objects or documents to be seized be surrendered voluntarily and, in the event of refusal, shall impound them by force. 245.7. On conducting a search, the investigator shall, after pronouncing the decision, propose that the objects or documents to be seized be given up voluntarily and that the wanted person's hiding place be revealed. If the objects or documents are surrendered or the person's hiding place is revealed voluntarily, this shall be noted in the record. Failure to surrender the objects or documents being searched for, in whole or in part, or to reveal the hiding place of the wanted person, shall result in the search being conducted. 245.8. During a search or seizure, all objects and documents shall be presented to the participants in the investigative procedure and their quantity, size, weight, material and other special features shall be specified as part of a detailed description. The objects and documents shall be packed and, if necessary, sealed by the investigator. 245.9. If, during the conduct of a search or seizure, the owners refuse to open closed buildings or store-rooms, the investigator shall have the right to open these. 245.10. During a search or seizure, the following shall be prohibited: 245.10.1. unnecessary damage to doors, locks and other items and creating a disturbance in the building;

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	245.10.2. use of chemical or psychotropic substances, technical devices or equipment which may be harmful to human health and the environment. Article 246. Body search and seizure 246.1. The investigator may, normally by court decision, impound objects and documents of potential significance as evidence which are on the clothing, affairs and body of the person concerning whom an investigative procedure is being conducted. 246.2. In the absence of a court decision, a body search may be conducted in the following circumstances: 246.2.1. if a suspect has been detained and he is in the custody of the police or another law enforcement agency; 246.2.2. if the restrictive measure of arrest is applied to an accused person; 246.2.3. if there are sufficient grounds to suspect that a person in a building where a search or seizure is being conducted is in possession of objects or documents of potential significance as evidence in the criminal prosecution. 246.3. A body search and seizure shall be conducted by the investigator in the presence of a specialist and at least 2 (two) circumstantial witnesses who are of the same sex as the person on whom the body search is being conducted. Article 247. Record of the search or seizure 247.1. After completing a search or seizure the investigator shall draw up a record continuing the following information on the investigative procedures carried out: 247.1.1. the place, date and time of the search or seizure; 247.1.2. the investigator's family name, first name, father's name and title; 247.1.3. the family names, first names and father's names of other persons participating in the search or seizure as well as the year, month, day and place of their birth, their nationality, education, workplace, occupation or status, address and place of registration; 247.1.4. a note that the person in respect of whom the search and seizure was conducted was informed of his rights, duties and responsibilities; 247.1.5. the family names, first names and father's names of the circumstantial witnesses and the year, month, day and place of their birth, their nationality, education, workplace, occupation, address and place of registration;

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	247.1.6. information concerning relations between each of the circumstantial witnesses and the suspect, accused and victim; 247.1.7. a note that each of the circumstantial witnesses has been informed of his rights, duties and responsibilities; 247.1.8. a note about the circumstances of the search or seizure, including use of photography, video, film or other recording techniques during the conduct of the procedure; 247.1.9. the sequence followed and all the evidence discovered during the search and seizure, whether or not the objects and persons sought were surrendered voluntarily; any attempts made to hide the objects and documents discovered; and the quantity, size, weight, individual features and other characteristics of the objects seized, as part of a detailed description thereof. 247.2. The record of the search or seizure shall be signed by all the participants, who shall have the right to require the inclusion of their notes in it. If the record consists of several pages, each page shall be signed by the participants. 247.3. If, during the search or seizure, photography, video, film or other recording techniques are used, the relevant documents, photos, tapes or other information devices shall be attached to the record. 247.4. A copy of the record of the search and seizure shall be given to the person concerned by the investigative procedure or to an adult member of his family or his representative; in their absence it shall be given to the representative of the housing organisation in whose area the investigative procedure was conducted. 247.5. If a search or seizure is conducted on the premises of an administration, institution, organisation or military unit, a copy of the record shall be given to its representative.
Article 20 – Real-time collection of traffic data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to: a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party; or ii to co-operate and assist the competent authorities in the collection or recording of,	**Article 177. The right to forcibly carry out investigative procedures** 177.1. The prosecuting authority may, by force, carry out investigative procedures to guarantee the normal course of an investigation; it may take measures to make participants wait for the start of these procedures and to prevent them from leaving the place where they are to be held. 177.2. If the person concerned does not consent to the investigative procedure and if a court decision is requested for its compulsory conduct, the prosecutor in charge of the procedural aspects of the investigation shall apply to the court if he agrees with the investigator's reasoned request. 177.3. As a rule, a court decision shall be required in order to conduct the following investigative procedures by force:

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traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system. 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	177.3.1. examination, search or seizure and other investigative procedures in residential, service or industrial buildings; 177.3.2. the body search of a person other than a detained or arrested person against his will; 177.3.3. the attachment of property; 177.3.4. the confiscation of postal, telegraphic or other messages; 177.3.5. the interception of conversations held by telephone or other means and of information sent via communication media and other technical means; 177.3.6. the obtaining of information about financial transactions, bank accounts or tax payments and private life or family, state, commercial or professional secrets; 177.3.7. exhumation. 177.4. With the exception of examination, search and seizure, other investigative procedures in residential, service or industrial buildings and the investigative procedures provided for in Articles 177.3.6 and 177.3.7 of this Code may be conducted only under by court decision. The investigator may conduct the following procedures by force without a court decision: 177.4.1. on the grounds and under the circumstances provided for in Article 243.3 of this Code, he may conduct inspections, searches and seizures in residential, service or industrial buildings; 177.4.2. he may conduct body searches in the circumstances provided for in Article 238.2 of this Code; 177.4.3. he may seize property in the circumstances provided for in Article 249.5 of this Code; 177.4.4. he may confiscate postal, telegraphic or other messages and intercept conversations held by telephone or other means and information sent via communication media and other technical means if there are circumstances in which evidence of serious or very serious offences against the individual or central government must be established without delay. 177.5. If the investigative procedures for which Articles 177.3.1, 177.3.2, 177.3.4 and 177.3.5 of this Code provide are carried out by reasoned decision of the investigator in circumstances allowing no delay, the investigator shall fulfill the duties laid down in Article 443.2 of this Code. 177.6. No court decision shall be necessary for the investigator to carry out the investigative procedures provided for in Article 177.3.1 of this Code in

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	residential, service or industrial buildings with the permission or by the invitation of the owners of those premises. **Article 259. Interception of conversations held by telephone and other devices, of information sent by communication media and other technical means, and of other information** 259.1. Interception of conversations held by telephone and other devices and of information sent by communication media and other technical means shall as a rule be carried out on the basis of a court decision. Where there are sufficient grounds to suppose that information of significance to the criminal case is included among information sent or received by the suspect or the accused, the court shall, on the basis of a reasoned request by the investigator and appropriate submissions by the prosecutor in charge of the procedural aspects of the investigation, authorise the interception of conversations held by telephone or other devices, information sent by communication media or other technical means, or other information. Interception of such conversations and information shall be carried out in accordance with Article 177.2-177.5 of this Code. 259.2. Interception of conversations held by telephone and other devices or of information sent by communication media or other technical means shall not continue for longer than 6 (six) months. 259.3. Interception of information which comprises personal, family, state, commercial or professional secrets, including information about financial transactions, the situation of bank accounts and the payment of taxes, may be carried out only on the basis of a court decision. 259.4. The decision authorising the interception of conversations held by telephone and other devices, of information sent by communication media or other technical means, or of other information shall state the following: 259.4.1. the date, time and place of the decision; 259.4.2. the family name, first name, father's name and title of the person who made the decision; 259.4.3. the objective grounds and reasons for intercepting the relevant conversations and information; 259.4.4. the family name, first name, father's name and exact address of the person(s) whose information or conversations are to be intercepted;

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	259.4.5. the exact type(s) of conversation or information to be intercepted; 259.4.6. the name of the administration assigned the duty of intercepting the conversations or information; 259.4.7. the period for which interception of the conversations and information is to be carried out. 259.5. Conversations held by telephone and other devices, information sent by communication media or by other technical means and other information shall be intercepted by those authorized to do so, on the basis of the relevant decision. The intercepted conversations and information shall be transcribed on paper or copied on magnetic devices, confirmed by the signature of the person who intercepted them and given to the investigator. A summary record of the interception of the conversations and information related to the case shall be drawn up and added to the case file. Intercepted information not related to the case shall be immediately destroyed.
Article 21 – Interception of content data 1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to: a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party, or ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system. 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information	**Article 177. The right to forcibly carry out investigative procedures** 177.1. The prosecuting authority may, by force, carry out investigative procedures to guarantee the normal course of an investigation; it may take measures to make participants wait for the start of these procedures and to prevent them from leaving the place where they are to be held. 177.2. If the person concerned does not consent to the investigative procedure and if a court decision is requested for its compulsory conduct, the prosecutor in charge of the procedural aspects of the investigation shall apply to the court if he agrees with the investigator's reasoned request. 177.3. As a rule, a court decision shall be required in order to conduct the following investigative procedures by force: 177.3.1. examination, search or seizure and other investigative procedures in residential, service or industrial buildings; 177.3.2. the body search of a person other than a detained or arrested person against his will; 177.3.3. the attachment of property; 177.3.4. the confiscation of postal, telegraphic or other messages; 177.3.5. the interception of conversations held by telephone or other means and of information sent via communication media and other technical means;

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relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	177.3.6. the obtaining of information about financial transactions, bank accounts or tax payments and private life or family, state, commercial or professional secrets; 177.3.7. exhumation. 177.4. With the exception of examination, search and seizure, other investigative procedures in residential, service or industrial buildings and the investigative procedures provided for in Articles 177.3.6 and 177.3.7 of this Code may be conducted only under by court decision. The investigator may conduct the following procedures by force without a court decision: 177.4.1. on the grounds and under the circumstances provided for in Article 243.3 of this Code, he may conduct inspections, searches and seizures in residential, service or industrial buildings; 177.4.2. he may conduct body searches in the circumstances provided for in Article 238.2 of this Code; 177.4.3. he may seize property in the circumstances provided for in Article 249.5 of this Code; 177.4.4. he may confiscate postal, telegraphic or other messages and intercept conversations held by telephone or other means and information sent via communication media and other technical means if there are circumstances in which evidence of serious or very serious offences against the individual or central government must be established without delay. 177.5. If the investigative procedures for which Articles 177.3.1, 177.3.2, 177.3.4 and 177.3.5 of this Code provide are carried out by reasoned decision of the investigator in circumstances allowing no delay, the investigator shall fulfill the duties laid down in Article 443.2 of this Code. 177.6. No court decision shall be necessary for the investigator to carry out the investigative procedures provided for in Article 177.3.1 of this Code in residential, service or industrial buildings with the permission or by the invitation of the owners of those premises. **Article 259. Interception of conversations held by telephone and other devices, of information sent by communication media and other technical means, and of other information** 259.1. Interception of conversations held by telephone and other devices and of information sent by communication media and other technical means shall as a

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	rule be carried out on the basis of a court decision. Where there are sufficient grounds to suppose that information of significance to the criminal case is included among information sent or received by the suspect or the accused, the court shall, on the basis of a reasoned request by the investigator and appropriate submissions by the prosecutor in charge of the procedural aspects of the investigation, authorise the interception of conversations held by telephone or other devices, information sent by communication media or other technical means, or other information. Interception of such conversations and information shall be carried out in accordance with Article 177.2-177.5 of this Code. 259.2. Interception of conversations held by telephone and other devices or of information sent by communication media or other technical means shall not continue for longer than 6 (six) months. 259.3. Interception of information which comprises personal, family, state, commercial or professional secrets, including information about financial transactions, the situation of bank accounts and the payment of taxes, may be carried out only on the basis of a court decision. 259.4. The decision authorising the interception of conversations held by telephone and other devices, of information sent by communication media or other technical means, or of other information shall state the following: 259.4.1. the date, time and place of the decision; 259.4.2. the family name, first name, father's name and title of the person who made the decision; 259.4.3. the objective grounds and reasons for intercepting the relevant conversations and information; 259.4.4. the family name, first name, father's name and exact address of the person(s) whose information or conversations are to be intercepted; 259.4.5. the exact type(s) of conversation or information to be intercepted; 259.4.6. the name of the administration assigned the duty of intercepting the conversations or information; 259.4.7. the period for which interception of the conversations and information is to be carried out. 259.5. Conversations held by telephone and other devices, information sent by communication media or by other technical means and other information shall be intercepted by those authorized to do so, on the basis of the relevant

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	decision. The intercepted conversations and information shall be transcribed on paper or copied on magnetic devices, confirmed by the signature of the person who intercepted them and given to the investigator. A summary record of the interception of the conversations and information related to the case shall be drawn up and added to the case file. Intercepted information not related to the case shall be immediately destroyed. The subject-matter of article 21 Budapest Convention is also covered by Article 10 of the Law on Operative-Detective Activity, which provides for a list of detective-search actions and includes, inter alia, examination of "other correspondence" alongside telephone conversations/telegraph messages.
Section 3 – Jurisdiction	
Article 22 – Jurisdiction 1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State. 2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof. 3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition. 4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate	**Criminal Code of the Republic of Azerbaijan** Article 11. Implementation of the criminal law on the persons who have committed a crime on the territory of the Republic of Azerbaijan 11.1. The person, who has committed a crime on the territory of the Republic of Azerbaijan, shall be applied to the criminal liability by the present Code. The crime, which has begun, proceeded, or terminated on territory of the Republic of Azerbaijan, shall be admitted as crime committed on the territory of the Republic of Azerbaijan. 11.2. The crime committed on territorial waters of the Republic of Azerbaijan, on sector of Caspian sea (lake) which belongs to the Republic of Azerbaijan, on air space above the Republic of Azerbaijan and its economic zone, shall be admitted as crime committed on the territory of the Republic of Azerbaijan. 11.3. The person, who has committed a crime on a water or air vessel, which are attributed to air or to seaport of the Republic of Azerbaijan, implemented on water or air space outside of limits of the Republic of Azerbaijan, flying under the National Flag or a recognition symbol of the Republic of Azerbaijan, shall be instituted to the criminal liability by the present Code. 11.4. The person, who has committed a crime on a ship, which belong to military fleet or military - air forces of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, irrespective to the location of this ship. 11.5. The question on the criminal liability of diplomatic representatives of the foreign states and other citizens which use immunity, in case of committing by

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jurisdiction for prosecution.	these persons of a crime on the territory of the Republic of Azerbaijan shall be implemented according to the norms of international law. Article 12. Implementation of the criminal law concerning the persons who have committed a crime out of border of the Republic of Azerbaijan 12.1. Citizens of the Republic of Azerbaijan and persons constantly living on the Republic of Azerbaijan without the citizenship, who have committed action (action or inaction) out of border of the Republic of Azerbaijan, shall be instituted to the criminal liability under the present Code, if this action is recognized as a crime in the Republic of Azerbaijan and in the state on the territory of which it was committed, and if these persons were not condemned in the foreign state. 12.1-1. If the citizens of the Azerbaijan Republic and persons without citizenship residing in Azerbaijan Republic, have not been convicted in a foreign state for committed by them corruption-related crime and other crime against the interests of the service outside the Republic of Azerbaijan, they are subject to criminal liability under this Code. 12.2. Foreigners and persons without the citizenship, committed a crime outside of limits of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, in cases, if the crime shall be directed against the citizens of the Republic of Azerbaijan, interests of the Republic of Azerbaijan, and also in the cases, stipulated by international agreements to which the Republic of Azerbaijan is a party, if these persons were not condemned in the foreign state. 12.2-1. If foreigners and persons without citizenship committed corruption-related crimes and other crimes against interests of service outside of Azerbaijan Republic with participation of citizens of Azerbaijan Republic, which are officials of international organizations, members of international parliamentary assemblies, officials and judges of international courts, and have not been convicted for this crime in a foreign state, they are subject to criminal liability under this Code. 12.3. Citizens of the Republic of Azerbaijan, foreigners and persons without the citizenship, who have committed crimes against the peace and mankindâ€™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

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	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. 12.4. Military men of military units of the Republic of Azerbaijan included in peace forces, for the crimes, committed outside of limits of the Republic of Azerbaijan, shall be instituted to criminal proceedings under the present Code, unless it is not stipulated by the international agreements to which Republic of Azerbaijan is a party. 12.5. At condemnation by courts of the Republic of Azerbaijan, of the persons specified in article 12.1 of the present Code, punishment shall not exceed the top limit of the sanction provided by the law of the foreign state on which territory the crime was committed.
Chapter III – International co-operation	
Article 24 – Extradition 1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty. b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply. 2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them. 3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph	**Criminal Code of the Republic of Azerbaijan** Article 13. Surrender of persons, committing crimes (extradition) 13.1. The citizens of the Republic of Azerbaijan, who have committed a crime on the territory of the foreign state, shall not be applied to distribution to the foreign state. The question of attraction of these persons to the criminal liability shall be solved according to the article 12 of the present Code. 13.2. Foreigners or stateless persons, who have committed a crime outside of limits of the Republic of Azerbaijan and living on the territory of the Republic of Azerbaijan, can be surrendered to the foreign state for criminal prosecution or execution of the sentence in accordance with the Law of the Republic of Azerbaijan "On the surrender of persons, committing crimes (extradition)", other legislative acts of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party. 13.3. If the persons, who have committed a crime outside of limits of the Republic of Azerbaijan, shall not distributed out to the foreign state, and this action (action or inaction) is admitted as a crime according to the present Code, they shall be instituted to criminal proceedings in the Republic of Azerbaijan. 13.4. If the international agreements, to which the Republic of Azerbaijan is a party, establish other regulations about distribution of the persons who have

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1 of this article. 4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves. 5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition. 6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party. 7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty. b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure	committed a crime, then the international agreements shall be appreciated. **Criminal Procedure Code** **Chapter LVII. Legal assistance in criminal matters** Article 488. Procedural and other acts relating to legal assistance in the territory of the Azerbaijan Republic 488.1. In the territory of the Azerbaijan Republic, procedural and other acts relating to legal assistance may be carried out only at the official request of the relevant authorities of foreign states with which the Azerbaijan Republic has an agreement on legal assistance in criminal matters. 488.2. In the territory of the Azerbaijan Republic, procedural and other acts relating to legal assistance shall be carried out on the basis of this Code, of other laws and of the international agreements to which the Azerbaijan Republic is a party. In such cases, if the provisions of the legislation of the Azerbaijan Republic conflict with those of the international agreements to which the Azerbaijan Republic is a party, the provisions of the international agreements shall apply. Article 489. General provisions governing legal assistance in criminal matters in the territory of the Azerbaijan Republic 489.1. Procedural documents drawn up in accordance with the legislation of the party submitting a request for legal assistance in the territory of the Azerbaijan Republic shall be accepted by the prosecuting authorities of the Azerbaijan Republic if they are accompanied by an official application for legal assistance signed by an official of the competent authority of the foreign state and certified by that authority's stamp. 489.2. The official language of the Azerbaijan Republic or, by mutual agreement with the competent authority of the foreign state, another language shall be used in the provision of legal assistance in the territory of the Azerbaijan Republic. 489.3. Unless otherwise provided for in an agreement signed by the requesting competent authority of the foreign state, all expenses connected with the provision of legal assistance by mutual agreement in the territory of the Azerbaijan Republic shall be paid by the prosecuting authorities of the Azerbaijan Republic. Article 490. Content of official requests for legal assistance in the territory of the

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	Azerbaijan Republic 490.1. Official requests for legal assistance in the territory of the Azerbaijan Republic shall indicate: 490.1.1. the name of the prosecuting authority to which the request is addressed; 490.1.2. the name of the requesting competent authority of the foreign state; 490.1.3. the title of the criminal case in respect of which legal assistance is requested and brief information about it; 490.1.4. a description and classification of the act committed; 490.1.5. the first and family names of the suspect, accused, victims and witnesses and, if possible, their address or whereabouts, nationality, occupation, place and date of birth; 490.1.6. the substance of the request for legal assistance; 490.1.7. any other information necessary for examination of the request. 490.2. Official requests for the extradition of a person who has committed an offence shall be submitted in accordance with Articles 488 and 489 of this Code. Article 491. Rules governing the examination of official requests for legal assistance in the territory of the Azerbaijan Republic 491.1. Official requests for legal assistance in the territory of the Azerbaijan Republic shall be examined on the basis of the provisions of the legislation of the Azerbaijan Republic, under the procedure determined by the appropriate government authority of the Azerbaijan Republic. 491.2. When official requests for such assistance are examined and executed, the legislation of the foreign state may be applied at the request of the requesting body of that state if it does not conflict with the legislation of the Azerbaijan Republic. 491.3. If the prosecuting authority of the Azerbaijan Republic to which the request is addressed lacks the authority to examine and execute the official request for legal assistance, it shall forward it to the competent prosecuting authority of the Azerbaijan Republic and inform the competent authority of the foreign state accordingly. 491.4. If the execution of the official request for legal assistance requires the conduct of procedural and other acts which need the approval (decision) of a court, the prosecuting authorities of the Azerbaijan Republic shall apply to the appropriate court of the Azerbaijan Republic exercising judicial supervision in accordance with the provisions of this Code. 491.5. Officials of the competent requesting authority of the foreign state may

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	participate in the execution of the request for legal assistance as determined by the appropriate government authority of the Azerbaijan Republic, under the provisions of the legislation of the Azerbaijan Republic. 491.6. If the assistance requested cannot be given, the appropriate prosecuting authority of the Azerbaijan Republic shall inform the competent authority of the foreign state which made the request of the circumstances preventing its execution. Article 492. Refusal of requests for legal assistance 492.1. If the provision of legal assistance may conflict with the legislation of the Azerbaijan Republic or may be detrimental to the sovereignty and security of the Azerbaijan Republic, the provision of such assistance may be refused. 492.2. Any decision to refuse legal assistance shall be made by the head of the prosecuting authority of the Azerbaijan Republic to which the request is addressed or by a court of the Azerbaijan Republic. The requesting competent authority of the foreign state shall be informed of the refusal and of the reasons for it. Article 493. Content of official requests for extradition 493.1. Official requests for extradition of a person shall indicate the following: 493.1.1. the name of the prosecuting authority of the Azerbaijan Republic to which the request is addressed; 493.1.2. the name of the requesting competent authority of the foreign state; 493.1.3. the title of the criminal case in respect of which legal assistance is requested and brief information about it; 493.1.4. a description of the factual circumstances of the act and the text of the requesting state's law describing the act as an offence; 493.1.5. the family name, first name and father's name of the person to be extradited, his nationality, address or whereabouts and, if possible, a description of his personal appearance and other information about his identity; 493.1.6. the cost of the damage caused by the offence. 493.2. An official request for extradition in order to bring a criminal prosecution against the person concerned shall be accompanied by a certified copy of the warrant for his arrest. 493.3. An official request for extradition in order to enforce a judgment shall be accompanied by a certified copy of the final judgment and the text of the provision of criminal law applied to the convicted person. If the convicted person has served part of his sentence, information shall also be given on this point. Article 494. Requests for additional documents relating to extradition

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	494.1. If any of the requisite information is not included in an official request for extradition, the prosecuting authority of the Azerbaijan Republic to which the request is addressed may request the provision of additional information within 1 (one) month. This period may be extended for 1 (one) further month at the request of the competent authority of the foreign state making the request. 494.2. If the competent authority of the foreign state requesting the extradition of a person in detention fails to provide the additional information during the prescribed period, the person shall be released by the prosecuting authority of the Azerbaijan Republic to which the request is addressed. Article 495. Arrest of a person with a view to extradition 495.1. When a request for extradition and a copy of the arrest warrant are received from the competent authority of a foreign state, the prosecuting authority of the Azerbaijan Republic to which the request is addressed may if necessary, and in accordance with the provisions of this Code, take measures to have the person detained and arrested before the decision on extradition is taken. 495.2. In accordance with Article 495.1 of this Code, the arrested person shall have the right to apply to a court to confirm, amend or annul the restrictive measure applied to him. 495.3. Where necessary, the prosecuting authority of the Azerbaijan Republic to which the request is addressed shall also be empowered, in compliance with the provisions of this Code and at the request of the competent authority of the foreign state, to detain for the purposes of legal assistance a person in respect of whom no official request for extradition has been received. In this case the appropriate application: 495.3.1. shall have been received in advance by mail, telegram, telex or fax; 495.3.2. shall refer to the arrest warrant or the final court judgment; 495.3.3. shall confirm that the official request for extradition will be made within the next 48 hours. 495.4. The prosecuting authority of the Azerbaijan Republic shall immediately inform the requesting competent authority of the foreign state that the person has been detained or arrested on the basis of the official request for extradition, or that he has been detained for the purposes of legal assistance at the request of the foreign state, pending receipt of the official request for extradition. 495.5. A person arrested in accordance with Articles 495.1 and 495.3. of this Code shall have the right to complain to a court about the acts of the prosecuting authority.

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	Article 496. Settlement of extradition matters 496.1. A person who is in the territory of the Azerbaijan Republic shall be extradited by the prosecuting authority of the Azerbaijan Republic with a view to criminal prosecution or sentence enforcement, taking account of the need to meet the requirements of Article 496.2 - 496.7 of this Code, on the basis of an official request for his extradition from the competent authority of the foreign state concerned. 496.2. A person shall be extradited with a view to criminal prosecution in respect of acts which are punishable offences subject to a sentence of no less than 1 (one) year's deprivation of liberty, or to a heavier sentence, under the legislation of the Azerbaijan Republic and of the requesting state. 496.3. A person shall be extradited with a view to sentence enforcement in respect of acts which are punishable offences subject, as regards the person concerned, to a sentence of no less than 6 (six) months' deprivation of liberty, or to a heavier sentence under the legislation of the Azerbaijan Republic and of the requesting state. 496.4. The person shall not be extradited in the following cases: 496.4.1. if, at the time of receipt of the request for extradition, under the legislation of the Azerbaijan Republic, the criminal prosecution cannot be brought or the judgment be enforced because the time-limit for criminal prosecution has expired or on other legal grounds; 496.4.2. if there is a final court decision discontinuing the proceedings against the person whose extradition is requested; 496.4.3. if, under the legislation of the Azerbaijan Republic, the offence is privately prosecuted (on the basis of a complaint by the victim). 496.5. Extradition may be refused in the following cases: 496.5.1. if the person whose extradition is requested is a citizen of the Azerbaijan Republic or has been granted political asylum in the Azerbaijan Republic; 496.5.2. if the offence connected with the request for extradition was committed on the territory of the Azerbaijan Republic; 496.5.3. if the person whose extradition is requested is prosecuted for his political, racial or religious affiliations; 496.5.4. if the person whose extradition is requested is prosecuted in peacetime for committing a war crime; 496.5.5. if the state requesting extradition does not have an agreement with the Azerbaijan Republic on legal assistance in criminal matters, or if that state does

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	not comply with the requirements of the agreement on legal assistance in criminal matters. 496.6. If the person whose extradition is requested is charged with or convicted of another offence in the territory of the Azerbaijan Republic, extradition may be deferred until the criminal prosecution is discontinued, the judgment is enforced or the person is released from punishment. 496.7. If an official request for a person's extradition is received from several states, the prosecuting authority of the Azerbaijan Republic to which the requests are addressed shall decide independently which one to grant first. Article 497. Release of a person arrested in connection with a request for his extradition 497.1. A person detained under Article 495.3 of this Code shall be released if, within 48 hours of his detention, the prosecuting authority of the Azerbaijan Republic does not receive an official request for his extradition. 497.2. If a person is arrested under Article 495.1 of this Code before the decision on his extradition is taken, he shall be immediately released if the prosecuting authority of the Azerbaijan Republic decides that it is impossible, or refuses, to extradite him. Article 498. Limits on the prosecution of an extradited person 498.1. A person who has been extradited without the consent of the prosecuting authority of the Azerbaijan Republic which received the request may not be charged with or punished for an offence committed before he was extradited, but for which he was not extradited. 498.2. Without the consent of the prosecuting authority of the Azerbaijan Republic which received the request, a person may not be extradited to a third state. 498.3. If, within 1 (one) month of the end of the criminal proceedings or, in the event of a conviction, within 1 (one) month of completing his sentence or being released from punishment, the person who has been extradited fails to leave the territory of the requesting foreign state or returns there voluntarily, the consent of the prosecuting authority of the Azerbaijan Republic which received the request shall not be required. The period during which the extradited person was unable to leave the territory of the requesting foreign state through no fault of his own shall not be included in the above-mentioned period. Article 499. Handing over of an extradited person 499.1. The prosecuting authority of the Azerbaijan Republic to which the request was addressed shall inform the requesting competent authority of the foreign

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	state of the date and place of the extradition. 499.2. If the competent authority of the foreign state does not accept the person concerned within 15 (fifteen) days of the date arranged for his extradition, the person shall be released from detention. Article 500. Renewed extradition If a person who has been extradited evades criminal prosecution or punishment and returns to the territory of the Azerbaijan Republic, his renewed extradition to the requesting competent authority of the foreign state shall be effected without submission of the documents provided for in Article 493.2 and 493.3 of this Code being required. Article 501. Transit 501.1. At the request of the competent authority of a foreign state, the prosecuting authority of the Azerbaijan Republic to which the request is addressed shall give permission for persons extradited by a third state to transit through its territory. 501.2. The application for permission for such transit shall be examined by the prosecuting authority of the Azerbaijan Republic according to the rules established for the examination of official requests for extradition. 501.3. The prosecuting authority of the Azerbaijan Republic to which the request is addressed shall give permission for the transit to be effected by the means that it considers most appropriate. Article 502. Obligation to prosecute 502.1. The prosecuting authority of the Azerbaijan Republic shall, on the basis of an official request from the competent authority of a foreign state and in accordance with the legislation of the Azerbaijan Republic, bring a criminal prosecution against citizens of the Azerbaijan Republic suspected of committing an offence on the territory of the requesting state. 502.2. If the competent authority of a foreign state requests criminal prosecution of a person for an offence, and if the act committed by a person who is to be punished for that offence is the subject of a civil claim filed by the victims of the offence, the claim shall be examined during the proceedings if the victims claim compensation for the damage suffered. Article 503. Content of an official request for criminal prosecution 503.1. An official request for criminal prosecution shall indicate the following: 503.1.1. the name of the prosecuting authority of the Azerbaijan Republic to which the request is addressed; 503.1.2. the name of the requesting competent authority of the foreign state;

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	503.1.3. a description of the act in respect of which prosecution is requested; 503.1.4. as far as possible, the exact time and place of the commission of the offence; 503.1.5. the text of the provisions of criminal law under which the act is considered an offence in the requesting foreign state and of any other legislation of the foreign state which is of importance for the proceedings; 503.1.6. the family name and first name of the suspect, his nationality and other information about his identity; 503.1.7. in criminal cases brought on the basis of an application by the victim, the victim's application and any claims for compensation for damage; 503.1.8. the cost of the damage caused by the offence. 503.2. All the documents and evidence at the disposal of the requesting competent authority of the foreign state shall be attached to the official request for criminal prosecution. 503.3. If the criminal case brought by the requesting competent authority of the foreign state is transferred, the prosecuting authority of the Azerbaijan Republic to which the request is addressed shall pursue the investigation of the case in accordance with the legislation of the Azerbaijan Republic. All the documents and evidence in the criminal case file shall be certified by the stamp of the competent authority of the foreign state. Article 504. Notification of the results of criminal prosecution The prosecuting authority of the Azerbaijan Republic to which the request is addressed shall inform the requesting competent authority of the foreign state of the final decision on the criminal case. At the request of the competent authority of the foreign state, a copy of the final decision on the case shall also be sent to it. Article 505. Release of property 505.1. The prosecuting authority of the Azerbaijan Republic to which the request is addressed shall release the following items at the request of the competent authority of the foreign state: 505.1.1. items used during the commission of the offence which gave rise to the person's extradition, including the instruments used for the offence, items received as a result of the offence or as payment for it, and items received by the offender in place of those obtained in this way; 505.1.2. items which may be of evidential value in the criminal case. 505.2. The items referred to in Article 505.1 of this Code shall be released even if the extradition of the person is impossible as a result of death, escape or

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	other circumstances. 505.3. If the items referred to in Article 505.1 of this Code are needed as evidence in the criminal case by the prosecuting authority of the Azerbaijan Republic to which the request is addressed, their release may be delayed until the end of the proceedings. 505.4. The right of third parties to the items released shall remain in force. After the end of the proceedings, these items shall be returned without compensation to the prosecuting authority of the Azerbaijan Republic which released them to the competent authority of the foreign state.
Article 25 – General principles relating to mutual assistance 1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. 2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35. 3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication. 4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence. 5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence	See above The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"

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of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.	
Article 26 – Spontaneous information 1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter. 2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements 1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof. 2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution. b The central authorities shall communicate directly with each other; c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"

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to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph; d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times. 3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party. 4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b it considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities. 6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary. 7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly. 8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of	

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the requested Party through the central authority of the requesting Party. b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol). c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so. d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party. e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.	
Article 28 – Confidentiality and limitation on use 1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof. 2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is: a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or b not used for investigations or proceedings other than those stated in the request. 3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it. 4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters" Article 6. Provision of confidentiality 6.1. Relevant body of executive power or other competent authority of the Republic of Azerbaijan, upon the request of the competent authority of the requesting foreign state, shall ensure the confidentiality of the existence of the request on rendering legal assistance, contents of the request and documents attached thereto, rendering legal assistance. 6.2. If the relevant body of executive power or other competent authority of the Republic of Azerbaijan deems the execution of the request impossible in the course of provision of its confidentiality, it shall notify competent authority of foreign state thereof. If the competent authority of foreign state gives the consent to execution of the request under such circumstances, legal assistance may be rendered on the basis of the respective law.

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Article 29 – Expedited preservation of stored computer data 1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data. 2 A request for preservation made under paragraph 1 shall specify: a the authority seeking the preservation; b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts; c the stored computer data to be preserved and its relationship to the offence; d any available information identifying the custodian of the stored computer data or the location of the computer system; e the necessity of the preservation; and f that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data. 3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation. 4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled. 5 In addition, a request for preservation may only be refused if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b the requested Party considers that execution of the request is	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"

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likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.	
Article 30 – Expedited disclosure of preserved traffic data 1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted. 2 Disclosure of traffic data under paragraph 1 may only be withheld if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"
Article 31 – Mutual assistance regarding accessing of stored computer data 1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29. 2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"

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3 The request shall be responded to on an expedited basis where: a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.	
Article 32 – Trans-border access to stored computer data with consent or where publicly available A Party may, without the authorisation of another Party: a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.	
Article 33 – Mutual assistance in the real-time collection of traffic data 1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law. 2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"
Article 34 – Mutual assistance regarding the interception of content data The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.	1. Criminal Procedure Code of the Republic of Azerbaijan 2. The Law of the Republic of Azerbaijan "On mutual legal assistance in criminal matters"
Article 35 – 24/7 Network 1 Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate	24/7 Network was established within the Committee of State Security of the Republic of Azerbaijan

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assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures: a the provision of technical advice; b the preservation of data pursuant to Articles 29 and 30; c the collection of evidence, the provision of legal information, and locating of suspects. 2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis. b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis. 3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.	
Article 42 – Reservations By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.	Reservation appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. In accordance with Article 42 and Article 4, paragraph 2, of the Convention, the Republic of Azerbaijan declares that criminal liability occurs if the acts described in Article 4 of the Convention result in serious harm. Period covered: 01/07/2010 - Articles concerned : 4, 42 Reservation appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. In relation to subparagraph "b" of paragraph 1 of Article 6 of the Convention, the Republic of Azerbaijan declares that when acts are not considered dangerous

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	crimes for the general public, they will be evaluated not as criminal offences, but as punishable acts regarded as a breach of law. In case the deliberate perpetration of acts subject to the penalty risk which are not treated as dangerous crimes for the general public (action or inaction) generates a serious harm, then they are treated as crime. Period covered: 01/07/2010 - Articles concerned : 6 Reservation appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. In relation to paragraph 3 of Article 6 of the Convention, the Republic of Azerbaijan appraises the acts indicated in paragraph 1 of Article 6 of the Convention not as criminal offences, but as punishable acts regarded as a breach of law in case these acts are not considered dangerous crimes for general public and stipulates that the given acts be subjected to criminal charge only at the event of incurrence of serious harm. Period covered: 01/07/2010 - Articles concerned : 6 Reservation appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. In accordance with Article 42 and Article 29, paragraph 4, of the Convention, the Republic of Azerbaijan reserves the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled. Period covered: 01/07/2010 - Articles concerned : 29, 42 Declaration appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. According to subparagraph “a” of paragraph 7 of Article 24 of the Convention, in

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	case of the absence of an extradition treaty, the Republic of Azerbaijan designates the Ministry of Justice (Address: 1, Inshaatchilar Avenue, Baky, AZ 1073, Republic of Azerbaijan; e-mail: contact@justice.gov.az) as a responsible authority for receiving inquiries regarding extradition and temporary arrest. Period covered: 01/07/2010 - Articles concerned : 24 Declaration appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. According to subparagraph "c" of paragraph 2 of Article 27 of the Convention, the Republic of Azerbaijan designates the Ministry of National Security (Address: 2, Parliament Avenue, Baky, AZ 1006, Republic of Azerbaijan; e-mail: secretoffice@mns.gov.az) as a responsible authority for sending and answering requests for mutual assistance and the execution of such requests. Period covered: 01/07/2010 - Articles concerned : 27 Declaration appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. According to subparagraph "e" of paragraph 9 of Article 27 of the Convention, the Republic of Azerbaijan informs the Secretary General that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority. Period covered: 01/07/2010 - Articles concerned : 27 Declaration appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. According to paragraph 1 of Article 35 of the Convention, the Republic of Azerbaijan designates the Ministry of National Security (address: 2, Parliament Avenue, Baky, AZ 1006, Republic of Azerbaijan; email:

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	secretoffice@mns.gov.az) as a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or collection of evidence in electronic form of a criminal offence. [Note by the Secretariat : For detailed contact information, please contact the Secretary of the Cybercrime Convention Committee, alexander.seger@coe.int.] Period covered: 01/07/2010 - Articles concerned : 35 Declaration appended to the full powers handed to the Secretary General at the time of signature of the instrument, on 30 June 2008 – Or. Engl., and confirmed in the instrument of ratification, deposited on 15 March 2010 - Or. Engl. According to Article 38 of the Convention, the Republic of Azerbaijan declares that it is unable to guarantee implementation of the Convention in the territories of the Republic of Azerbaijan, which have been occupied by the Republic of Armenia, until the liberation of those territories from occupation. (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed). Period covered: 01/07/2010 - Articles concerned : 38

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