

*Translated from Russian*

## **Information submitted by the Azerbaijani Republic on the scope and application of the principle of universal jurisdiction**

Respect for the principle of universal jurisdiction in the Azerbaijani Republic derives from the country's international legal obligations to combat crime. The Azerbaijani Republic is a party to multilateral international treaties to combat such crimes as terrorism, illicit traffic in narcotic drugs and psychotropic substances, genocide, destruction of a population, apartheid, slavery, war crimes, hijacking of an aircraft, hostage-taking, crimes against internationally protected persons, piracy, smuggling, counterfeiting of currency or securities or sale of counterfeit currency or securities, environmental pollution, etc.

The principle of universal jurisdiction — the authority to bring criminal charges against an individual under the national law of any State, including the Azerbaijani Republic, regardless of the individual's nationality or the State in which the individual committed the crime — is enshrined in article 12.3 of the Criminal Code of the Azerbaijani Republic.

Under article 12.3 of the Criminal Code of the Azerbaijani Republic, citizens of Azerbaijan, foreign nationals and stateless persons who have committed crimes against peace and humanity, war crimes or crimes such as trafficking in persons, terrorism, financing of terrorism, hijacking of an aircraft, hostage-taking, torture, maritime piracy, illicit trafficking in narcotic drugs and psychotropic substances, counterfeiting of currency or securities or sale of counterfeit currency or securities, attacks on internationally protected persons or organizations, crimes involving radioactive materials as well as other crimes whose punishability derives from the international agreements to which the Azerbaijani Republic is party, are subject to criminal prosecution and punishment under the Criminal Code, regardless of where the crime was committed.

Article 13.3 of the Criminal Code states that if individuals who have committed a crime outside of the Azerbaijani Republic are not handed over to a foreign State and the offence (of commission or omission) is deemed a crime under the Criminal Code of the Azerbaijani Republic, they are subject to criminal prosecution in the Azerbaijani Republic.

Article 502 of the Code of Criminal Procedure of the Azerbaijani Republic states that:

502.1 The prosecuting authority of the Azerbaijani Republic shall, on the basis of an official request from the competent authority of a foreign State and in accordance with legislation of the Azerbaijani Republic, bring a criminal prosecution against citizens of the Azerbaijani 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 act, and if that act 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.

Under paragraph 3 of the note on article 3 of the Act of the Azerbaijani Republic on extradition, when extradition is refused in cases which come under articles 3.1.1 (if the requested person is a citizen of the Azerbaijani Republic at the time when the issue of his or her extradition is being resolved) or 3.2.1 (if under the law of the requesting foreign State, the crime which is the basis for extradition is a capital offence) of the Act, in accordance with the motion of the requesting State the person in question may be criminally prosecuted under the law of the Azerbaijani Republic.

Under article 75.5 of the Criminal Code of the Azerbaijani Republic, the statute of limitations for criminal prosecution does not apply to persons who have committed crimes against peace and humanity, terrorism, financing of terrorism and war crimes covered under the relevant articles of the Special Section of the Criminal Code.

The reference in article 75.5 to the non-application of a statute of limitations to the criminal prosecution of persons who have committed crimes against peace and humanity, terrorism, financing of terrorism and war crimes derives from the requirements of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 26 November 1968, to which the Azerbaijani Republic acceded in 1996.

Between 1 September 2000, when the new Criminal Code of the Azerbaijani Republic entered into force, and the end of 2009, no one has been convicted of crimes under chapters 16 (“Crimes against the peace and security of humanity”) and 17 (“War crimes”) of the Criminal Code.

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