

Translated from Russian

Information on the scope and application of the principle of universal jurisdiction

Under article 12.3 of the Criminal Code, citizens of the Azerbaijani Republic, foreign nationals or 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 or psychotropic substances, manufacturing or selling counterfeit currency or securities, attacks on internationally protected persons or organizations, or crimes involving radioactive materials, as well as other crimes whose punishability derives from international agreements to which the Azerbaijani Republic is party, are subject to criminal prosecution and punishment under the current Code, regardless of where the crime was committed.

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

Article 502 of the Code of Criminal Procedure 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 the criminal prosecution of a person for an act that is punishable by law 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 in the event that the victims seek compensation for damages suffered.

Under paragraph 3 of the note on article 3 of the Act of the Azerbaijani Republic concerning the extradition of persons who have committed crimes, which indicates that when extradition of a person is refused in cases which come under articles 3.1.1 (if the person in question is a citizen of the Azerbaijani Republic at the time when the issue of his or her extradition is being resolved) or 3.1.2 (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.

With regard to the crimes covered by article 12.3 of the Criminal Code, 88 people have been convicted for trafficking in persons, 5,098 for trafficking in narcotic drugs and psychotropic substances, 17 for terrorism and 37 for manufacturing or selling counterfeit money or securities.
