



*Azərbaycan Respublikasının
Avropa Şurası yanında
Daimi Nümayəndəsi*

CE- 36/06
Strasbourg 18 April 2006

*Représentant Permanent
de la République d'Azerbaïdjan
auprès du Conseil de l'Europe*

Dear Secretary General,

I have the honour to transmit for your attention the additional information of the Government of the Republic of Azerbaijan to your request made under Article 52 of the European Convention of Human Rights.

I avail myself of this opportunity to express the assurances in highest consideration to you.

Yours sincerely,

Agshin MEHDIYEV
Ambassador Extraordinary and Plenipotentiary

H.E. Mr. Terry DAVIS
Secretary General
Council of Europe
Strasbourg

The reply of the Government of the Republic of Azerbaijan to the additional inquiry of the Secretary General of the Council of Europe under Article 52 of the European Convention of Human Rights

- The rights of the subjects of the secret service' activity on the territory of the Republic of Azerbaijan were defined by the Presidential Order of 28 January 2005 "On the determination of the competences of the subjects of the secret service' activity, their rights and obligations". These bodies are only the Ministry of National Security, within the framework of its competence the Ministry of Defense, the State Border Service with the aim of protection of the state borderline, Special State Security Service for the purpose of ensuring the security of the guarded objects.
- In accordance with the Law of the Republic of Azerbaijan "On Aviation" adopted on 24 June 2005 the civil aircraft belonging to other state can be in flight over the territory of the Republic of Azerbaijan only in accordance with the international treaties made between the Republic of Azerbaijan and that state, which provide such flight or on the basis of special permission given by the competent state body. The aircraft belonging to other state can be in flight over the air space of the Republic of Azerbaijan on the basis of the permission given by the competent state body only in accordance with the conditions and timeframe provided in such permission.
- The aircraft, which without receiving special permission, passes the state border of the Republic of Azerbaijan, violates the rules of the flight over the state border of Azerbaijan or infringe by other means the rules of utilization of air space of the Republic of Azerbaijan is considered as a trespasser. Such aircraft can be brought in to a land by the demand of the relevant state body.



*Azərbaycan Respublikasının
Avropa Şurası yanında
Daimi Nümayəndəsi*

CE- 34106
Strasbourg 13 April 2006

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de la République d' Azerbaïdjan
auprès du Conseil de l' Europe*

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The reply of the Government of the Republic of Azerbaijan to the additional inquiry of the Secretary General of the Council of Europe under Article 52 of the European Convention of Human Rights

- In accordance with Article 1.1 of the Law of the Republic of Azerbaijan ‘On secret service’ activity” adopted on 29 of June 2004, the secret service’ activity is the special activity conducted with the aim to ensure the national security by the relevant state bodies of the Republic of Azerbaijan, which directed at the receiving and analyzing of information concerning the protection of national interests of the country in the political, economic, social, scientific-technical, military and other fields. The subjects of the secret service’ activity have been defined by this Law. The conducting of activity by the foreign secret services on the territory, which is under the jurisdiction of the Republic of Azerbaijan is prohibited. Such activity creates relevant criminal responsibility.

Along with it, in compliance with Article 9.5 of the above-mentioned Law the mutual cooperation of the subjects of the secret service’ activity with the special intelligence services, law enforcement bodies and other agencies of foreign states is conducted on the basis of the international treaties to which the Republic of Azerbaijan is a party and treaties and protocols made by the subjects of the secret service’ activity with the above-named agencies.

- The control mechanism regarding transiting aircraft which may be used for rendition purposes by foreign agencies is conducted by the national aviation and border services in accordance with the legislation of the Republic of Azerbaijan and requirements of the international flights.

The rules of the transit passage of foreigners and stateless persons through the territory of the Republic of Azerbaijan are provided in the Regulation “On the rules of the transit passage of foreigners and stateless persons through the territory of the Republic of Azerbaijan” adopted by the Law of 27 December 2002.

The violation of the rules of international flights creates responsibility in accordance with Article 270 of the Criminal Code of the Republic of Azerbaijan. The criminal responsibility is provided in Article 318 of the Criminal Code for Illegal passage of the state border of the Republic of Azerbaijan.

- No criminal incidents have been registered in the country in regard to the activity mentioned in additional inquiry and the criminal cases related to such facts have not been investigated.