Unofficial Translation

**Law of the Republic of Azerbaijan**

**On the state of emergency**

***Chapter I. Basic provisions***

***Article 1. State of emergency***

The state of emergency is a special legal regime in accordance with the Constitution of the Republic of Azerbaijan and the present Law which allows for the limitation of constitutional rights and freedoms of citizens of the Republic of Azerbaijan, persons without nationality, as well as the rights and legal interests of all legal and physical entities regardless of the form of their ownership, assignment of additional obligations on them and regulating the activity of appropriate bodies of state power, local governments and public officers of such bodies in different regions of the Republic of Azerbaijan.

***Chapter II. Basis and procedure for the introduction of the state of emergency***

***Article 2. Purpose of introducing the state of emergency***

The state of emergency is a temporary measure and the purpose of introducing the state of emergency is the speediest elimination of the circumstances which have led to its introduction, restoration of law, assurance of the rights and freedoms of citizens, foreigners and persons without nationality, creation of conditions for normal activity of appropriate bodies of state power and local governments, all legal entities regardless of the form of their ownership, and protection of the constitutional structure of the Republic of Azerbaijan.

***Article 3. Grounds and procedure for the introduction of the state of emergency***

The grounds for the introduction of the state of emergency are established by Article 112 of the Constitution of the Republic of Azerbaijan.

***Article 4. Declaration of the regulatory and legal act on the introduction of the state of emergency***

4.1. In certain parts of the Republic of Azerbaijan the state of emergency is introduced by a regulatory and legal act adopted by an appropriate body of executive authority.

4.2. The regulatory and legal act on the introduction of the state of emergency is to be declared immediately through mass media and published in compliance with the Constitutional Law of the Republic of Azerbaijan “On Normative Legal Acts”.

***Article 5. Approval of the regulatory and legal act on the introduction of the state of emergency by the Milli Mejlis of the Republic of Azerbaijan***

5.1. An appropriate body of executive authority shall, within 24 hours from the adoption of the regulatory and legal acts on the introduction of the state of emergency, submit it to the Milli Mejlis of the Republic of Azerbaijan for approval.

5.2. After the announcement of the regulatory and legal act on the introduction of the state of emergency, members of the Milli Mejlis of the Republic of Azerbaijan, regardless of the period of regular or extraordinary sessions of the Milli Mejlis, shall immediately convene a session of the Milli Mejlis of the Republic of Azerbaijan.

5.3. Within 48 hours from the adoption of the regulatory and legal acts on the introduction of the state of emergency it shall be considered at a session of the Milli Mejlis of the Republic of Azerbaijan on an out-of-turn basis and an appropriate decision made.

5.4. The decision of the Milli Mejlis of the Republic of Azerbaijan on approving the regulatory and legal act on the introduction of the state of emergency shall be passed by a majority of 63 votes of members of the Milli Mejlis.

5.5. If the Milli Mejlis of the Republic of Azerbaijan does not approve the regulatory and legal act on the introduction of the state of emergency, it shall lose its power 48 hours after the official announcement and the population of the concerned territory shall be immediately notified of that in an order established under Article 4.2 of the present Law.

***Article 6. Duration of the state of emergency***

6.1. The duration of the state of emergency introduced to some parts of the Republic of Azerbaijan shall not exceed 60 days.

6.2. After the expiration of the period stipulated under Article 6.1 of the present Law, the state of emergency is considered to have expired. If the objectives pursued by the introduction of the state of emergency have not been met in the said period, the state of emergency may be extended by no more than 60 days more provided that the requirements stipulated under the present Law are fully met.

***Article 7. Cancelation of the state of emergency***

After the elimination of the circumstances which led to the introduction of the state of emergency within the time period stipulated under Article 6 of the present Law, the appropriate body of executive authority shall fully or partly cancel the state of emergency and the population of the concerned territory shall be immediately notified in an order stipulated under Article 4.2 of the present Law.

***Chapter III. Measures and temporary restrictions applied in the conditions of the state of emergency***

***Article 8. Measures and temporary restrictions applied at the time of introduction of the state of emergency***

8.0. An appropriate body of executive authority may take the following measures and temporary restrictions while the state of emergency is active on the territory to which it has been introduced:

8.0.1. full or partial suspension of powers of appropriate bodies of executive authority, as well as local governments;

8.0.2. introduction of restrictions on free movement of citizens, entry into a territory and residence on it for foreigners and persons without nationality, establishment of special entry-exit regulations;

8.0.3. strengthening of public security and the security of facilities protected by the state, as well as those facilitating public activity and operation of public transport;

8.0.4. introduction of restrictions on certain types of financial and economic activity, including the relocation of goods, services and financial resources;

8.0.5. introduction of special regulations for the acquisition, sale and distribution of first-need goods and products;

8.0.6. introduction of bans and restrictions on meetings, rallies, demonstrations, street marches and actions of protest, as well as other public activities;

8.0.7. prohibition on the suspension of enterprises and organizations by means of strikes and other ways;

8.0.8. restrictions on the movement of transport and examination of transport vehicles;

8.0.9. complete or partial suspension of enterprises and organizations producing and using explosive, radioactive, as well as hazardous chemical and biological products;

8.0.10. transportation of material and cultural values to safe districts due to the threat of destruction, theft or damage in connection with the state of emergency;

8.0.11. introduction of the curfew, i.e. prohibition for citizens to go out or appear in public places at a certain time of the day without ID documents or special permits;

8.0.12. restriction of the freedom of press and other mass media by application of censorship, specifying the conditions and order of its execution, introduction of a special procedure for accreditation of journalists, temporary withdrawal of sound amplifying equipment and copying machines;

8.0.13. suspension of political parties and non-governmental organizations opposing the elimination of circumstances which led to the introduction of the state of emergency;

8.0.14. examination of ID documents, personal belongings and flats;

8.0.15. restriction or prohibition on the sale of guns, ammunition, special means, toxic and explosive substances; introduction of special regulations for the trade in narcotic drugs, psychotropic substances and their precursors or medicines containing powerful substances, ethyl alcohol, alcoholic drinks and products containing alcohol; temporary withdrawal from physical persons (in exceptional cases and in an order established by legislation) of fire arms and cold guns, ammunition, toxic and explosive substances, and from legal entities training military hardware and radioactive substances;

8.0.16. deportation of people violating the state of emergency or not living on the territory where the state of emergency has been introduced at their own expense and, in there event of financial constraints, at the expense of the state;

8.0.17. temporary resettlement of the population from dangerous districts to safety on the condition of provision of permanent or temporary dwelling space;

8.0.18. introduction of quarantine, implementation of sanitary and veterinarian activities against epidemics and other such activities, as well as activities stipulated by legislation on civil defense;

8.0.19. engagement of material resources of the state, mobilization of resources of all legal entities regardless of the form of their ownership, change of their work schedule, coordination of production by such organizations with the conditions of the state of emergency and appropriate change of economic activities in the conditions of a state of emergency;

8.0.20. dismissal of public persons heading state institutions and not performing their obligations in a proper manner during the period of the state of emergency and appointment of other persons instead of them for temporary performance of duties;

8.0.21. in exceptional cases, due to the implementation of emergency rescue and other urgent activities, mobilization of able-bodied population on the condition of rigorous compliance with labor protection regulations and engagement of transport vehicles of citizens;

8.0.22. compliance with special rules for the use of communication facilities.

*8.0.23. change in the procedure of engaging public officers and citizens to work with state secrets in the conditions of the state of emergency.*

***Article 9. Ruling out referenda or opinion polls in the conditions of the state of emergency***

9.1. Referenda or elections cannot be held if the state of emergency has been declared on more than 25 per cent of the territory of the Republic of Azerbaijan, during the state of emergency and within three months after the cancelation of the state of emergency.

9.2. Local opinion polls cannot be scheduled and conducted within three months after the cancelation of the state of emergency.

9.3. The discussion of the issue put on a local opinion poll before the declaration of the state of emergency is suspended and the opinion poll is postponed to another date.

***Article 10. Suspending the validity of acts by bodies of executive authority and local governments in the conditions of the state of emergency***

If the acts of bodies of executive authority and local governments on the territory on which the state of emergency has been introduced contradict regulatory and legal acts on the introduction of the state of emergency, they may be suspended in an order established by legislation of the Republic of Azerbaijan.

***Chapter IV. Forces and resources ensuring the state of emergency***

***Article 11. Forces and resources used in ensuring the state of emergency***

To ensure the state of emergency, the forces and resources of appropriate bodies of executive authority are used.

***Article 12. Engagement of additional forces and resources to ensuring the state of emergency***

12.1. When introducing the state of emergency, the appropriate body of executive authority may, in exceptional cases and in addition to the forces and resources stipulated under Article 11 of the present Law and with the approval of the Milli Mejlis of the Republic of Azerbaijan, engage the forces and resources of other appropriate bodies of executive authority.

12.2. The forces and resources of appropriate bodies of executive authority are engaged in perform the following tasks:

12.2.1. to establish special entry and exit regulations on the territory on which the state of emergency has been introduced;

12.2.2. to protect the facilities ensuring the activities of the population and the operation of public transport, as well as the facilities posing a threat to the life and health of people and the environment;

12.2.3. to separate parties to violent conflicts using weaponry, military and special hardware;

12.2.4. to take part in terminating illegal armed units;

12.2.5. to take part, within the forces of an appropriate body of executive authority, in the elimination of circumstances which led to the introduction of the state of emergency and in saving people`s lives.

12.3. Military servicemen of appropriate bodies of executive authority stipulated under Article 12 1. of the present Law shall perform the tasks stipulated in Articles 12.2.1-12.2.4 of the present Law jointly with military servicemen of appropriate bodies of executive authority stipulated under Article 11 of the present Law. In doing so, provisions of laws of the Republic of Azerbaijan regulating the activity of an appropriate body of executive authority stipulated under Article 11 of the present Law shall apply to the military servicemen of an appropriate body of executive authority stipulated under Article 12.1 of the present Law and the personal security of their family members with regard to the conditions, procedure and limits for using physical force, special resources, weaponry, military hardware and special equipment, as well as legal guarantees and social security provided to them.

***Article 13. Commandant of the territory on which the state of emergency has been introduced***

13.1. With the aim of managing the forces and resources ensuring the state of emergency from a central point on the territory on which the state of emergency has been introduced, an appropriate body of executive authority appoints a commandant.

13.2. The commandant of the area on which the state of emergency has been introduced shall:

13.2.1. within the framework of his authority, issue orders and resolutions on tasks ensuring the state of emergency the execution of which on an appropriate territory is compulsory for public officers and legal entities regardless of the form of their ownership, citizens, foreigners, persons without nationality, bodies of civil defense, bodies responsible for the elimination of consequences of emergency situations and calamities, as well as public officers of appropriate bodies of executive authority located on the territory on which the state of emergency has been introduced, and those additionally engaged to ensure the state of emergency;

13.2.2. establish the curfew time and duration;

13.2.3. establish special entry and exit regulations on the territory on which the state of emergency has been introduced;

13.2.4. establish special regulations for the sale of weaponry, ammunition, medicines and means containing narcotic drugs, psychotropic substances and their precursors or strong preparations, ethyl alcohol, alcoholic drinks and products containing alcohol;

13.2.5. establish the place and procedure for storing weaponry, ammunition and military hardware impounded in accordance with Article 8.0.15 of this Law;

13.2.6. deport persons breaching the state of emergency and not registered permanently on a given territory outside the area on which the state of emergency has been introduced;

13.2.7. applies to an appropriate body of executive authority proposing to implement activities and introduce restrictions stipulated under Article 8 of the present Law on the territory on which the state of emergency has been introduced;

13.2.8. inform the population of a given district through mass media of the procedure for implementing certain activities in the conditions of the state of emergency.

13.3. The commandant of the territory on which the state of emergency has been introduced has the right to attend meetings of appropriate bodies of executive authority and local governments and make suggestions on issues pertaining to his powers in line with the present Law and other regulatory and legal acts of the Republic of Azerbaijan.

13.4. The commandant of the territory on which the state of emergency has been introduced supervises the work of the commandant`s office on a given territory. The operating procedure of the commandant`s office is established by an appropriate body of executive authority.

13.5. The establishment of a commandant`s office on the territory on which the state of emergency has been introduced and its operation on this territory does not suspend the activity of appropriate bodies of executive authority and local governments.

***Article 14. Coordinating the activities of forces and resources ensuring the state of emergency***

14.1. In order to coordinate the activities of forces and resources ensuring the state of emergency within the commandant`s office of the territory on which the state of emergency has been introduced, an appropriate body of executive authority sets up a general operations staff comprised of representatives of bodies ensuring the state of emergency.

14.2. The general operations staff is headed by the commandant of the territory on which the state of emergency has been introduced.

***Article 15. Establishment of additional benefits and compensation for persons involved in ensuring the state of emergency, and their registration***

15.1. According to legislation of the Republic of Azerbaijan, additional benefits and compensation may be established for employees of appropriate bodies of executive authority, military servicemen as well as others involved in ensuring the state of emergency.

15.2. The registration of persons stipulated under Article 15.1 of the present Law is carried out in an order established by an appropriate body of executive authority.

***Chapter V. Special governance on the territory on which the state of emergency has been established***

***Article 16. Bodies of special governance on the territory on which the state of emergency has been introduced***

16.0. In order to coordinate activities on elimination of the circumstances which led to the introduction of the state of emergency and of appropriate bodies of executive authority do not perform their duties properly on the territory on which the state of emergency has been introduced, an appropriate body of executive authority may set up the following special governance bodies:

16.0.1. special governance body on the territory on which the state of emergency has been introduced;

16.0.2. central body of governance on the territory on which the state of emergency has been introduced.

***Article 17. Temporary body of special governance on the territory on which the state of emergency has been introduced***

17.1. The temporary body of special governance on the territory on which the state of emergency has been introduced shall operate for the time period established by an appropriate body of executive authority and in line with approved Regulations.

17.2. The powers of appropriate bodies of executive authority and local governments may be fully or partly handed over to the temporary body of special governance on the territory on which the state of emergency has been introduced.

17.3. The head of the temporary body of special governance on the territory on which the state of emergency has been introduced shall be appointed by an appropriate body of executive authority. The commandant of the territory on which the state of emergency has been introduced shall report to the head of the temporary body of special governance of this territory and shall be its deputy.

***Article 18. Central body of governance on the territory on which the state of emergency has been introduced***

18.1. If the temporary body of special governance established on the territory on which the state of emergency has been introduced fails to properly perform its functions, the central governance body may be established on this territory. In this case, the temporary body of special governance on the territory on which the state of emergency has been introduced shall suspend its operations.

18.2. The head of the central body of governance on the territory on which the state of emergency has been introduced shall be appointed by an appropriate body of executive authority. Regulations on the central body of governance on the territory on which the state of emergency has been introduced are approved by an appropriate body of executive authority.

18.3. When introducing special governance by means of establishing a special governance body on the territory on which the state of emergency has been introduced, the activities of appropriate bodies of executive authority and local governments operating on this territory shall be suspended and their functions assumed by the central body of governance.

18.4. When establishing the central body of governance on the territory on which the state of emergency has been introduced, the commandant`s office of the territory on which the state of emergency has been introduced shall become part of the central governance body. The commandant of the territory on which the state of emergency has been introduced shall become the first deputy head of the central governance body on the territory on which the state of emergency has been introduced.

***Article 19. Acts of bodies of special governance on the territory on which the state of emergency has been introduced***

19.1. Bodies of special governance established on the territory on which the state of emergency has been introduced may, within the framework of their powers, issue mandatory orders and resolutions on issues relating to the state of emergency.

19.2. The physical and legal entities living or located on the territory on which the state of emergency has been introduced shall provide comprehensive assistance to bodies of special governance and follow the orders and resolutions in eliminating the circumstances which led to the introduction of the state of emergency.

***Article 20. Financing activities involving elimination of circumstances and consequences which led to the introduction of the state of emergency***

20.1. The volume of resources engaged by the state, the order of financing and amounts of material and technical logistics of activities on elimination of the circumstances and consequences which led to the introduction of the state of emergency, including the procedure for payment of social benefits and compensation, as well as activities on resettlement of the population to safety due to the implementation of activities stipulated under Chapter III of this Law, shall be established by an appropriate body of executive authority.

20.2. Financing of activities stipulated under Article 20.1 of this Law shall be carried out at the expense of the state.

20.3. Bodies of special governance on the territory on which the state of emergency has been introduced may, while the state of emergency is in effect, receive the function to dispose of budget allocations for life support activities, social affairs and restoration of the housing infrastructure located on a given territory.

***Chapter VI. Assuring the rights of physical and legal entities, responsibility of physical and legal entities and public officers in the state of emergency***

***Article 21. Limits of measures and temporary restrictions in the state of emergency***

21.1. Activities involving limitation of powers of appropriate bodies of executive authority and local governments, as well as the rights and legal interests of all legal entities regardless of their form of ownership, rights and freedoms of citizens, foreigners and persons without nationality, and measures taken in the conditions of the state of emergency are implemented within the limits arising from the acuteness of a situation and in line with the procedure established by the Constitution of the Republic of Azerbaijan, this Law, other legislative acts and international agreements recognized by the Republic of Azerbaijan.

21.2. The activities stipulated under Article 21.1 of the present Law shall comply with the obligations stemming from international agreements on human rights recognized by the Republic of Azerbaijan, and shall not serve as a reason for discrimination against certain persons and population groups on the basis of race, nationality, language and sex, origin, proprietary and public status, convictions, political or trade affiliation, membership of public associations, etc.

***Article 22. Proprietary and social-legal guarantees of all legal and physical entities while the state of emergency is in effect***

22.1. The labor of persons mobilized to perform and ensure emergency rescue and other activities stipulated under Article 8.0.21 of the present Law is paid for in an order established by an appropriate body of executive authority.

22.2. The persons affected as a result of circumstances which led to the introduction of the state of emergency or in connection with the application of measures to eliminate such circumstances or their consequences shall, in an order established by an appropriate body of executive authority, be provided with dwelling places, be paid for the material damage and receive assistance with employment and other issues.

22.3. The organizations whose property and resources have been as stipulated under Article 8.0.19 of the present Law have the right to compensation for the damage caused in the amount established by an appropriate body of executive authority.

***Article 23. Procedure and application of physical force, special means, weaponry, military and special hardware***

The procedure for the use of physical force, special means, weaponry, military and special hardware established by legislation of the Republic of Azerbaijan cannot be changed in the conditions of the state of emergency.

***Article 24. Procedure under administrative law for detaining persons breaching the state of emergency***

24.1. In cases of breach of the state of emergency, the commandant or public officers of the special governance body on the territory on which the state of emergency has been introduced may detain persons under administrative law on the following terms:

24.1.1. if there are in the street or other public places during a curfew without special passes — until the curfew ends;

24.1.2. if there are in the street or other public places during a curfew without an ID document — until the identity of the person has been established;

24.1.3. in other cases of breach of the state of emergency — for up to three hours.

24.2. The decision on the detention may be appealed against with a higher body (public officer) or a court under administrative law.

***Article 25. Measures taken due to the threat of infectious diseases spreading in the state of emergency***

In the event of quarantine introduction due to the threat of people, animals plants contracting infectious diseases on the territory on which the state of emergency has been introduced, the persons to be deported under Article 8.0.16 of the present Law are to be detained on general terms until the expiration of the period established for such citizens.

***Article 26. Responsibility for breach of the state of emergency***

All physical and legal entities and public officers shall be held accountable according to laws of the Republic of Azerbaijan for breaching the requirements of the state of emergency established by the present Law.

***Article 27. Legal conclusions of the state of emergency***

27.1. With the aim of ensuring the state of emergency, the regulatory and legal acts adopted due to the temporary restriction of the rights and freedoms of citizens, foreigners and persons without nationality, as well as the rights and legal interests of all legal entities regardless of their form of ownership, are considered null and void at the same time with the expiration of the state of emergency without a special announcement.

27.2. The expiration of the state of emergency concludes with cessation of proceedings on administrative offences due to the breach of the requirements of such regulations and the immediate release of persons detained under administrative law for such offences.

***Article 28. Responsibility of persons involved in enforcing the state of emergency***

The illegal use of physical force, special means, weaponry, military and special hardware by employees and servicemen of an appropriate body of executive authority, as well as the abuse of power by persons enforcing the state of emergency, including the breach of human rights and freedoms of citizens, entails accountability established by legislation of the Republic of Azerbaijan.

***Article 29. Administration of justice on the territory on which the state of emergency has been introduced***

If the court of first instance is unable to administer justice on the territory on which the state of emergency has been introduced, such powers may be reassigned by the Supreme Court of the Republic of Azerbaijan to another court of first instance.

***Chapter IIV. Closing provisions***

***Article 30. Notification of the United Nations Organization and the Council of Europe about the introduction of the state of emergency and its completion***

30.1. According to the present Law, if the state of emergency has been declared, an appropriate body of executive authority, in accordance with the 1966 International Pact «On civil and political rights» and the European Convention «On the protection of human rights and fundamental freedoms», shall within three days notify the Secretary General of the United Nations Organization and the Secretary General of the Council of Europe of the temporary restriction of the rights and freedoms of citizens and the reasons for the adoption of such decision.

30.2. According to the present Law, an appropriate body of executive authority shall notify the Secretary General of the United Nations Organization and the Secretary General of the Council of Europe of the completion of the state of emergency.

***Article 31. Notification of neighboring states of the introduction of the state of emergency***

If the state of emergency is introduced to different parts of the Republic of Azerbaijan, an appropriate body of executive authority shall, within 24 hours from the moment of approval of the regulatory and legal act on the introduction of the state of emergency by the Milli Mejlis of the Republic of Azerbaijan, notify neighboring states of the state of emergency and of the circumstances for its introduction.

***Article 32. Entry into force***

The Law shall become effective from the day of signing.

***President of the Republic of Azerbaijan***

***Ilham ALIYEV***

***Baku city, 8 June 2004***

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