Conseil de l'Europe
Le Greffier de l'Assemblée Parlementaire

Strasbourg, le 13 mai 1996

Monsieur le Rapporteur, Cher Ami,

J'ai le plaisir de vous informer que, lors de sa réunion du 19 mars 1996, le Bureau a autorisé la visite d'une délégation de l'Assemblée en Azerbaïdjan du 2 au 6 juin 1996. Cette visite permettra de recueillir les informations nécessaires à la préparation du rapport sur la demande de statut d'invité spécial introduite par le Parlement de l'Azerbaïdjan.

Comme vous le savez, la délégation est composée de M. Seitlinger, en sa qualité de Président de la Commission des relations avec les pays européens non membres, de vous-même, Rapporteur de la Commission, et de M. Baumel, Rapporteur pour avis de la Commission des questions politiques. Vous serez accompagnés par M. Guy Dufour, Secrétaire de la Commission des relations avec les pays européens non membres, qui reste à votre disposition pour toute information complémentaire (tél: 88 41 21 03, fax: 88 41 27 02).

Le projet de programme de la mission d'information figure en annexe.

Je vous serais très reconnaissant de me confirmer dès que possible votre participation à la visite.

Le Conseil de l'Europe mettra à votre disposition un billet d'avion Barcelone-Frankfurt-Bakou-Frankfurt-Barcelone et prendra en charge vos frais de séjour selon l'aide-mémoire ci-joint.

Je vous prie d'agréer, Monsieur le Rapporteur, l'expression de mes sentiments dévoués.

Bruno HALLER

Monsieur Jordi SOLE TURA
Député
C/El Pedro de la Creu, 21
08034 BARCELONE / ESPAGNE
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COUNCIL OF EUROPE — CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 25 avril 1996
s:/nm/fdocs/fan6.96

AS/NM (1996) 6

COMMISSION DES RELATIONS AVEC LES PAYS EUROPÉENS NON MEMBRES

Délégation pour l'Azerbaïdjan

(M. Seitlinger, M. Sole Tura, M. Dufour)

PROPOSITIONS DE PROGRAMME DE LA VISITE D'INFORMATION EN AZERBAÏDJAN (2 - 6 juin 1996)[1]

Dimanche 2 juin	Arrivée des membres de la délégation
Lundi 3 juin	Rencontre avec des Ambassadeurs et des représentants des Etats Membres
Mardi 4 juin	
10 h 00	Rencontre avec la Présidence du Parlement
11 h 00	Rencontre avec les Présidents des commissions parlementaires
12 h 00	Rencontre avec des représentants des Groupes politiques du Parlement

1 Pendant son séjour en Azerbaïdjan, la délégation souhaiterait rencontrer M. Aliev, Président de la République, ainsi que des représentants du Gouvernement.

15 h 00	Rencontre avec des représentants de partis non représentés au Parlement
16 h 00	Rencontre avec des représentants des communautés nationales
17 h 00	Rencontre avec des représentants des communautés religieuses
18 h 00	Rencontre avec des représentants de la Municipalité de Bakou

Mercredi 5 juin

matin	Séances de travail
	Rencontre avec des enseignants et des étudiants à l'Université de Bakou
14 h 00	Rencontre avec des représentants de l'OSCE
15 h 00	Rencontre avec des représentants du Barreau des avocats
16 h 00	Rencontre avec des représentants d'ONG actives en matière de droits de l'homme et des représentants des syndicats
17 h 00	Rencontre avec des représentants des médias et conférence de presse

Jeudi 6 juin — Départ de Bakou.

Azərbaycan Respublikasının
Fransadaki səfirliyi

PARIS

Ambassade de la République
d'Azerbaïdjan en France

PARIS

D-277

le "23" mai 1996 il

Téléphone : (33 1) 44.18.60.20
Télécopie : (33.1) 44.18.60.25

TELECOPIE

Destinataire : CONSEIL DE L'EUROPE,
M. Guy DUFOUR, Secrétaire de la Commission
des relations avec les pays européens non membres

Télécopie : 88 41 27. 02

De la part de :

Nombre de pages : 1+ 4
(y compris celle-ci)

Message :

Veuillez trouver ci-joint le projet de programme de la visite de la délégation de l'Assemblée Parlementaire du Conseil de l'Europe en Azerbaïdjan du 1 au 5 juin 1996.

Avec nos remerciements et meilleurs sentiments. FG

23/05 '96 11:09 FAX 33 16 44 18 60 25 AMB AZERBAIDJAN 002

Projet de programme de la visite d'information de la Délégation du Conseil de l'Europe en Azerbaïdjan

(1 - 5 juin 1996)

le 1 juin, samedi

17.45 — Arrivée des membres de la délégation de Moscou à Bakou par le vol "TRANSAERO".
A l'aéroport BINA la délégation sera accueillie par :
M. Y. SAMEDOGLU - Président de la Commission pour les relations internationales et les liens entreparlementaires de l'Assemblée Nationale;
M. S. MIRZOEV - Secrétaire Général de l'Assemblée Nationale;
M. N.AKHOUNDOV - Chef du Département des liens internationaux de l'Assemblée Nationale.

Transfert à l'hôtel "Respoublika".

20.00 — Dîner offert par M. Jean PERRIN, Ambassadeur de France à Bakou avec la participation des Ambassadeurs et Représentants des Etats - membres du Conseil de l'Europe: la Grande-Bretagne, la France, l'Allemagne, la Grèce, la Turquie, la Russie

le 2 juin, dimanche

9.00 — Petit-déjeuner.

10.00 — Intervention à la TV Nationale

11.00 — Rencontre avec des représentants de partis non présentés au Parlement

13.00 — Déjeuner

14.00	Visite au Musée des Beaux-Arts, au Musée du Tapis , à Itchéri - Chéher (ancienne cité)
20.00	Dîner offert par M. Hassan HASSANOV, Ministre des Affaires Etrangères

le 3 juin, lundi

9.00	Petit- déjeuner
10.00	Rencontre avec M. H. HASSANOV, Ministre des Affaires Etrangères
12.00	Rencontre avec M. R.GOULIEV, Président de l'Assemblée Nationale
13.00	Déjeuner offert par le Département des liens internationaux du Parlement
14.00	Rencontre avec les Présidents et Vice-présidents des Commissions permanentes de l'Assemblée Nationale
15.00	Rencontre avec des représentants des groupes politiques de l'Assemblée Nationale: "Nouvel Azerbaïdjan", , "Parti de l'Indépendance Nationale de Azerbaïdjan", "Parti du Front Populaire".
16.00	Rencontre avec des représentants des communautés nationales (russe, juive, lezghienne) à l'Assemblée Nationale.
17.00	Rencontre avec Cheikh Ul Islam Allahchukur Pachazade, le Père Alexandre, Chef des Eglises russes orthodoxes, M. Semen Ikhiilov, Chef de la communauté religieuse des Juifs de montagne à la Direction spirituelle des musulmans du Caucase
18.00	Rencontre avec M. R. ALLAHVERDIEV, Maire de Bakou

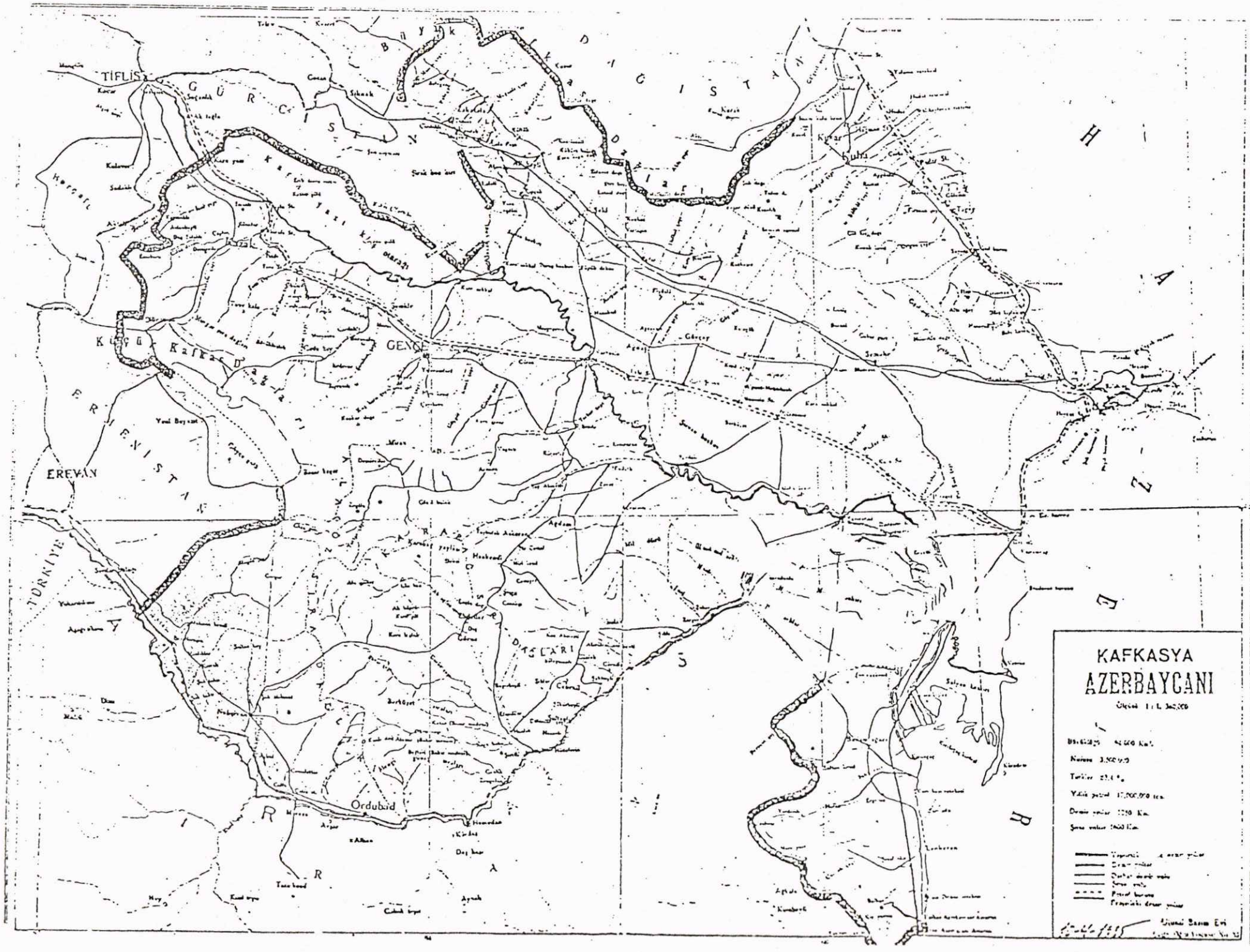
20.00	Dîner offert par M. R. ALLAHVERDIEV Maire de Bakou

le 4 juin, mardi

9.00	Petit-déjeuner
10.00	Rencontre avec M. R.OUSOUBOV, Ministre de l'Intérieur de l'Azerbaïdjan
11.30	Rencontre avec Mme L. RASSOULOVA, Ministre de l'Education
12.30	Rencontre avec M. P. BULBULOGLU, Ministre de la Culture
13.30	Rencontre avec Mme S. HASSANOVA, Ministre de la Justice p.i.
14.30	Déjeuner offert par Mme S. HASSANOVA, Ministre de la Justice
16.00	Rencontre avec des représentants de la Confédération des syndicats
17.00	Rencontre avec M. F.GOULIEV, Président du Cabinet des Ministres
18.00	Rencontre avec M. HEIDAR ALIEV, PRESIDENT de la République Azerbaïdjanaise
19.30	Rencontre avec des représentants des médias. Conférence de presse
21.00	Dîner offert par M. Y. SAMEDOGLU, Président de la Commission des relations internationales de l'Assemblée Nationale

le 5 juin, mercredi

9.00	Petit-déjeuner.
10.00	Rencontre avec des professeurs et étudiants de l'Université d'Etat Rassoulzade
12.00	Départ à l'aéroport BINA
14.00	Départ pour Moscou par le vol "AEROFLOT"


TİFLİS
GÜRCİSTAN
Büyük Kafkas Dağları
DAĞISTAN
KÜÇÜK KAFKAS DAĞLARI
GENCE
ERMENİSTAN
EREVAN
TÜRKİYE
ARAS
Ordubad
KAFKASYA
AZERBAYCANI

ду Армянской ССР и СССР, вопросах его пересмотра и о проведении радикальных демократических преобразований в Армянской ССР. Комиссии по вопросам законодательства и социалистической законности Верховного Совета поручено обстоятельно изучить вопрос и представить его на рассмотрение сессии, как только он будет готов.

Как было решено на сессии, с дополнительным сообщением по вопросу «О ходе реализации постановления заместителя министра внутренних дел республики Г. Григоряна о вопросах обеспечения безопасности жизни армянского населения в приграничных с Азербайджанской ССР районах».

С сообщением комиссии Верховного Совета Армянской ССР по последнему вопросу повестки дня — «О политической и правовой оценке русско-турецкого договора от 16 марта 1921 года и о решении бюро Кавказского крайкома РКП(б) от 5 июля 1921 года по Нагорному Карабаху» выступил член Президиума Верховного Совета Армянской ССР Г. Восканян.

Верховный Совет принял к другие постановления.

Утвержден регламент совместного заседания Верховного Совета Армянской ССР и Национального совета Нагорного Карабаха.

На этом внеочередная шестая сессия Верховного Совета Армянской ССР завершила свою работу.

(Арменпресс).

ПОСТАНОВЛЕНИЕ

ВЕРХОВНОГО СОВЕТА АРМЯНСКОЙ ССР И НАЦИОНАЛЬНОГО СОВЕТА НАГОРНОГО КАРАБАХА

О воссоединении Армянской ССР и Нагорного Карабаха

Основываясь на общечеловеческих принципах самоопределения наций и отзываясь на законное стремление к воссоединению двух насильственно разделенных частей армянского народа, Верховный Совет Армянской ССР и Национальный совет Нагорного Карабаха постановляют:

1. Верховный Совет Армянской ССР признает факт самоопределения Нагорно-Карабахской автономной области, утвержденный решениями сессий областного Совета НКАО от 20 февраля и 12 июля 1989 года, а также решениями Съезда полномочных представителей населения области от 19 августа и заседания Национального совета от 19 октября 1989 года.

2. Верховный Совет Армянской ССР признает Съезд полномочных представителей Нагорного Карабаха и избранный им Национальный совет как единственно законную ныне действующую власть в области.

3. Верховный Совет Армянской ССР и Национальный совет Нагорного Карабаха декларируют воссоединение Армянской ССР и Нагорного Карабаха. На население Нагорного Карабаха распространяется права гражданства Армянской ССР.

4. Верховный Совет Армянской ССР и Национальный совет Нагорного Карабаха образуют совместную комиссию (со своим рабочим аппаратом) для разработки практических шагов по осуществлению воссоединения Армянской ССР и Нагорного Карабаха.

5. Верховный Совет Армянской ССР и Национальный совет Нагорного Карабаха обязуются представлять национальные интересы армянского населения Шаумяновского района и Гегаркунийского подрайона Азербайджанской ССР.

6. Президиуму Верховного Совета Армянской ССР, Совету Министров Армянской ССР и Президиуму Национального совета НКАО поручается предпринять все вытекающие из настоящего постановления необходимые меры по осуществлению реального слияния политических, экономических и культурных структур Армянской ССР и Нагорного Карабаха в единую государственно-политическую систему.

Председатель Президиума Верховного Совета Армянской ССР Г. ВОСКАНЯН.

Председатель Национального совета Нагорного Карабаха В. ГРИГОРЯН.

Секретарь Президиума Верховного Совета Армянской ССР Н. СТЕПАНЯН.

1 декабря 1989 года, г. Ереван.

Коммунист Арм.

НАЦИОНАЛЬНОЕ СОБРАНИЕ АРМЕНИИ И ПАРЛАМЕНТ НАГОРНО-КАРАБАХСКОЙ РЕСПУБЛИКИ ПОДПИСАЛИ СОГЛАШЕНИЕ О СОТРУДНИЧЕСТВЕ

ЕРЕВАН. 1 МАРТА. (СНАРК). Национальное собрание Армении и парламент Нагорно-Карабахской Республики подписали сегодня в Ереване соглашение о сотрудничестве и взаимодействии. Необходимость подобного документа продиктована важностью установления более тесных связей между братскими республиками. В нем подчеркивается уверенность, что межпарламентское сотрудничество будет способствовать углублению и укреплению политических, экономических, научных и культурных связей между Республикой Армения и Нагорно-Карабахской Республикой. -0-

AZƏRBAYCAN RESPUBLİKASI

XARİCİ İŞLƏR
NAZİRLİYİ

№290

НОТА

1 марта 1996 года Национальное Собрание Республики Армения подписало соглашение о "сотрудничестве и взаимодействии" с незаконной структурой, созданной в оккупированном Республикой Армения нагорно-карабахском регионе Азербайджанской Республики.

Министерство Иностранных дел Азербайджанской Республики считает, то подобный шаг Республики Армения является грубым вмешательством во внутренние дела Азербайджанской Республики и посягательством на ее суверенитет и территориальную целостность.

С самого начала армяно-азербайджанского конфликта Республика Армения, являясь государством, подготовившим и организовавшим агрессию против Азербайджанской Республики, перешла впоследствии к непосредственному участию в боевых действиях на территории Азербайджана.

Министерство Иностранных дел Азербайджанской Республики расценивает подписанное в Ереване "соглашение" как подрывающее усилия международных организаций по мирному политическому урегулированию армяно-азербайджанского конфликта, идущее вразрез с международными правовыми нормами и потому не имеющее юридической силы.

Министерство Иностранных Дел
Республики Армения
г.Ереван

5 mai 1996

COMMENTAIRES RELATIFS A LA CONSTITUTION

DE LA REPUBLIQUE AZERBAIDJANAISE

Après une période d'instabilité politique, marquée notamment par le renversement successif de deux Présidents, la République d'Azerbaïdjan a adopté une Constitution le 5 novembre 1995. L'appréciation de cette Constitution doit donc tenir compte des la situation politique. Par exemple, la volonté de se prémunir contre une insurrection ou d'un coup d'Etat se traduit par le fait que la Constitution ne contient pas moins de 5 articles qui se réfèrent à cette hypothèse. Les articles 54 " Le droit de participer à la vie politique de la société et de l'Etat " et 58 " Le droit d'association " n'appellent pas de remarques particulières, mais les articles 20 " Les limitations imposées aux emprunts d'Etat ", 27 " Le droit à la vie " et 74 " La fidélité à la Patrie " marquent le désir d'accorder une grande importance à cette question (Cf. Annexe 1).

On peut parfaitement accepter que dans ce contexte la Constitution prévoit un exécutif fort. Mais la Constitution, tout en assurant la stabilité, doit aussi permettre le développement de la démocratie et un fonctionnement normal de mise en jeu de la responsabilité de ceux qui décident de la politique de l'Azerbaïdjan. De plus, le désir de la République azerbaïdjanaise d'être reconnue comme un pays européen l'oblige à respecter, dans son système politique et notamment dans sa Constitution, une série de principes fondamentaux reconnus notamment par les Etats membres du Conseil de l'Europe.

La Constitution de la République azerbaïdjanaise affirme les principes de la démocratie, de l'Etat de droit et des droits de l'homme. Elle est certainement un élément de stabilité du système politique et une base pour l'évolution vers des institutions plus démocratiques. Elle appelle néanmoins quatre séries de remarques

1° La Constitution rend très difficile la modification des dispositions relatives au régime présidentiel établi, où les contrepoids aux pouvoirs du Président sont faibles.

2° La Constitution établit une hiérarchie des normes juridiques et la suprématie des traités sur le droit interne, mais elle maintient une conception dépassée de la notion de " système de législation ".

3° La Constitution consacre les droits et libertés fondamentales, mais pour plusieurs d'entre elles, de façon trop restrictive par rapport à la Convention européenne de sauvegarde des droits et libertés de l'homme et du citoyen

4° Deux imperfections de rédaction peuvent être relevées. Elles seront mentionnées en appendice.

1. L'organisation des pouvoirs

Le pouvoir législatif est exercé par le Milli Medjlis de la République azerbaïdjanaise élu pour 5 ans, le pouvoir exécutif " appartient " au Président de la République azerbaïdjanaise également élu pour 5 ans. Le Président possède des droits classiques pour un système présidentiel, mais étendus dans plusieurs cas de façon très large :

1. Les pouvoirs du Président

1. Les compétences en matière législative

1. Les restrictions du pouvoir d'amendement des députés

Le Président a l'initiative de la loi. L'article 96 " Le droit d'initiative législative " précise que les projets de lois présentés à la discussion du Milli Medjlis de la République azerbaïdjanaise à titre d'initiative législative du Président de la République azerbaïdjanaise sont mis en discussion et mis aux voix tels quels (§ II) et que les amendements à ces projets de lois sont apportés avec l'accord de l'organe exerçant le droit d'initiative législative (§ III).

2. Le droit de veto

Le Président de la République azerbaïdjanaise signe les lois. Lorsque la loi rencontre des objections de sa part, au lieu de la signer, il la renvoie avec ses objections au Milli Medjlis de la République azerbaïdjanaise. Il dispose à cette fin d'un délai inhabituellement long : 56 jours à compter de leur transmission (art. 110 " La signature des lois ").

2. La nomination du chef du Gouvernement

Le Premier ministre de la République azerbaïdjanaise est nommé par le Président de la République azerbaïdjanaise avec l'accord du Milli Medjlis de la République azerbaïdjanaise (art. 118 § I).
Mais le § III précise que " si, trois fois consécutives, l'accord pour la nomination au poste de Premier ministre de la République azerbaïdjanaise n'est pas donné sur les candidatures présentées par le Président de la République azerbaïdjanaise, le Président de la République azerbaïdjanaise peut nommer le Premier ministre de la République azerbaïdjanaise sans l'accord du Milli Medjlis de la République azerbaïdjanaise ".

3. Le référendum

Le Président ne peut dissoudre l'Assemblée, ce qui, en cas de conflit entre le Président et le Parlement, prive les électeurs de la possibilité de modifier par des élections la composition du Parlement et laisse la place uniquement au référendum. " Le peuple d'Azerbaidjan par la voie du référendum peut décider de toute question concernant ses droits et intérêts " (art. 3 " Les questions réglées par voie du scrutin populaire - référendum "). L'adoption de la Constitution de la République azerbaïdjanaise et sa révision (art. 3, art. 152 " La procédure d'adoption des modifications à la Constitution de la République azerbaïdjanaise " ainsi que la modification des frontières d'Etat de la République azerbaïdjanaise (art. 3), sont réglées uniquement par la voie du référendum. Le Milli Medjlis de la République azerbaïdjanaise établit des règles générales relatives au référendum (art. 94. " Les règles générales établies par le Milli Medjlis de la République azerbaïdjanaise ") et règle les questions relatives à l'organisation du référendum (art. 95 " Les questions réglées par le Milli Medjlis de la République azerbaïdjanaise "), mais le Président de la République azerbaïdjanaise décide du référendum (art. 109 " Les attributions du Président de la République azerbaïdjanaise ").

2. Les difficultés de modification des dispositions relatives aux relations entre le Président et l'Assemblée

Les dispositions constitutionnelles relatives à la répartition des compétences entre le Président chef de l'exécutif et le pouvoir législatif sont particulièrement protégées : la proposition de modifier l'article 7 " L'Etat azerbaïdjanais ", § III de la Constitution, qui précise que " le pouvoir exécutif appartient au Président de la République azerbaïdjanaise ", ne peut être soumise au référendum. De plus, la

Constitution interdit de compléter par des lois constitutionnelles les chapitres relatifs au pouvoir exécutif et au pouvoir législatif (art. 158 " La limitation de l'initiative pour proposer des compléments à la Constitution de la République azerbaïdjanaise "). La Constitution rend donc très difficile l'amendement de ces dispositions.

1. Le champ des lois constitutionnelles : la distinction entre " compléter " et " réviser "

La distinction entre " compléter " et " réviser " la Constitution est le fondement de l'existence de deux procédures différentes d'amendement de la Constitution. La Constitution peut être complétée par une loi constitutionnelle adoptée par le Milli Medjlis et signée par le Président, mais elle ne peut être révisée que par la voie du référendum.

Les lois constitutionnelles complètent la Constitution et en font partie intégrante. Elles " ne doivent pas être contraires au texte fondamental de la Constitution de la République azerbaïdjanaise ". Elles sont adoptées par le Milli Medjlis de la République azerbaïdjanaise à la majorité de 95 voix. Elles sont mises aux voix au Milli Medjlis de la République azerbaïdjanaise à deux reprises. Le second scrutin a lieu 6 mois après le premier scrutin. (art. 156 " La procédure d'adoption des compléments à la Constitution de la République azerbaïdjanaise ").

Mais elles ne peuvent être adoptées qu'avec l'accord du Président. Elles sont présentées à la signature du Président de la République azerbaïdjanaise, tant après le premier qu'après le second scrutin. Elles entrent en vigueur par leur signature par le Président de la République azerbaïdjanaise après le second scrutin (art. 156). L'article 110 " La signature des lois ", § II, précise expressément que " si le Président de la République azerbaïdjanaise ne signe pas les lois constitutionnelles, elles n'entrent pas en vigueur ".

La Constitution prévoit le recours aux lois constitutionnelles pour fixer la forme du Drapeau d'Etat de la République azerbaïdjanaise et des Armes d'Etat de la République azerbaïdjanaise, la musique et le texte de l'Hymne d'Etat de la République azerbaïdjanaise. Elle précise également que des lois constitutionnelles peuvent compléter la liste des questions dans lesquelles le Parlement adopte des règles générales (art. 94) et la liste des questions qui relèvent de la compétence du Parlement (art. 95). Mais elle interdit (art. 158 " La limitation de l'initiative pour proposer des compléments à la Constitution de la République azerbaïdjanaise ") de compléter par des lois constitutionnelles le Chapitre VI " Le pouvoir exécutif " et le Chapitre V " Le pouvoir législatif ".

2. Le référendum constitutionnel

La Constitution est révisée uniquement par voie de référendum. Mais les propositions relatives à la modification des articles 1 " La source du pouvoir ", 2 " La souveraineté du peuple ", 6 " L'interdiction d'usurper le pouvoir ", 7 " L'Etat azerbaïdjanais ", " Le Chef de l'Etat azerbaidjanais " et 21 " La langue d'Etat " et celles visant à limiter les dispositions prévues au Chapitre III de la Constitution " Droits fondamentaux et libertés fondamentales de l'homme et du citoyen " ne peuvent être soumises au référendum (art. 155 " La limitation de l'initiative pour proposer des modifications à la Constitution de la République azerbaïdjanaise ".

Les dispositions des articles 1, 2, 6, 7, 8, et 21 concernent le statut du peuple et des citoyens (art 1, 2 et 21), l'organisation du pouvoir (art 6 et 7) et le Chef de l'Etat (art. 8) " (Cf. Annexe 2). L'article 7 III précise que " le pouvoir exécutif appartient au Président de la République azerbaïdjanaise " et l'article 8 définit les missions principales du Chef de l'Etat.

Pour modifier l'un des articles 1, 2, 6, 7, 8, et 21, il est donc nécessaire de procéder en deux temps : d'abord modifier par référendum l'article 155 de la Constitution pour éliminer l 'article considéré de cette liste des articles ne pouvant faire l'objet d'un référendum, et organiser ensuite un autre référendum pour modifier l'un de ces articles 1, 2, 6, 7, 8, et 21. Cette procédure du double référendum rend donc le statut du Chef de l'Etat quasi intangible, d'autant plus que l'idée même de modifier l'article 155 peut se heurter à une vive opposition.

2. Le système juridique

Fort opportunément, la Constitution place dans le système juridique de la République azerbaïdjanaise à la fois les actes juridiques de droit interne et les traités internationaux auxquels la République azerbaïdjanaise est partie

1. La hiérarchie des normes et la séparation des pouvoirs

1. La hiérarchie des normes

La Constitution (art. 148 " Les actes entrant dans le système de législation de la République azerbaïdjanaise ") donne une liste d'actes juridiques normatifs entre lesquels elle établit une hiérarchie (art. 149 " Les actes juridiques normatifs ") : 1) la Constitution ; 2) les actes adoptés par référendum ; 3) les lois ; 4) les décrets ; 5) les arrêtés du Cabinet des ministres de la République azerbaïdjanaise ; 6) les actes normatifs des organes centraux du pouvoir exécutif.

Le § IV de l'article 149 précise que " Les décrets du Président de la République azerbaïdjanaise ne doivent pas être contraires à la Constitution et aux lois de la République azerbaïdjanaise. L'application et l'exécution uniquement des décrets publiés sont obligatoires pour tous les citoyens, les organes du pouvoir exécutif, les personnes morales. " et le § V que " Les arrêtés du Cabinet des ministres de la République azerbaïdjanaise ne doivent pas ne doivent pas être contraires à la Constitution, aux lois de la République azerbaïdjanaise et aux décrets du Président de la République azerbaïdjanaise. L'application et l'exécution uniquement des arrêtés publiés du Cabinet des ministres publiés sont obligatoires pour tous les citoyens, les organes centraux et locaux du pouvoir exécutif, les personnes morales ".

2. La notion de " système de législation "

L'article 148 de la Constitution inclut dans le " système de législation " de la République azerbaïdjanaise les actes de l'exécutif.

Alors que l'article 7 de la Constitution distingue le pouvoir législatif et le pouvoir exécutif, l'article 148 inscrit dans la liste des actes entrant dans le " système de législation " de la République azerbaïdjanaise à la fois des actes de nature législative : 1) la Constitution ; 2) les actes adoptés par référendum ; 3) les lois), et des actes de nature réglementaire : 4) les décrets[1] ; 5) les arrêtés du Cabinet des ministres de la République azerbaïdjanaise ; 6) les actes normatifs des organes centraux du pouvoir exécutif.

Cette conception, directement héritée du système soviétique, nous semble désormais incompatible avec la séparation des pouvoirs législatif et exécutif.

[1]L'article 113. " Les actes du Président de la République azerbaïdjanaise " précise que : " Le Président de la République azerbaïdjanaise prend des décrets pour l'établissement de règles générales et des ordonnances sur les autres questions ".

2. La place du droit international

1. Relations internationales et droit interne

Le préambule de la Constitution se réfère à " l'attachement aux valeurs communes à l'humanité " et au désir de " réaliser une coopération mutuellement avantageuse ".

La Constitution distingue nettement les règles appliquées dans l'ordre international et celles appliquées dans l'ordre interne. L'article 10 " Les principes des relations internationales " précise que " La République azerbaïdjanaise construit ses relations avec les autres Etats sur la base des principes prévus dans les normes de droit international universellement reconnues ". Selon l'article 7 " L'Etat azerbaïdjanais ", II : " En République azerbaïdjanaise, le pouvoir d'Etat n'est limité... dans les questions extérieures que par les dispositions découlant des traités internationaux auxquels la République azerbaïdjanaise est partie ". Dans les questions intérieures, il n'est limité que " par le droit ", sans qu'il soit précisé quelle part y jouent les règles provenant du droit international.

Les citoyens de la République azerbaïdjanaise résidant sur le territoire de la République azerbaïdjanaise et en dehors de ses limites, sont soumis à l'Etat d'Azerbaidjan et à ses lois, " ce qui n'exclut pas les normes établies par le droit international " (Article 1 " La source du pouvoir ", § II). La République azerbaïdjanaise accorde l'asile politique aux étrangers et aux apatrides " conformément aux normes du droit international universellement reconnues " (Article 70 " Le droit à l'asile politique ", § I).

2. L'autorité des traités en droit interne

La Constitution reconnaît la suprématie des traités internationaux sur le droit interne.

L'article 148 " Les actes entrant dans le système de législation de la République azerbaïdjanaise "), § II, énonce que " Les traités internationaux auxquels la République azerbaïdjanaise est partie sont partie intégrante inséparable du système juridique de la République azerbaïdjanaise ", et l'article 151 " La force juridique des actes internationaux " précise que " au cas où survient une contradiction entre des actes juridiques normatifs faisant partie du système de la législation de la République azerbaïdjanaise (y compris la Constitution de la République azerbaïdjanaise et les actes adoptés par voie de référendum) et des traités internationaux auxquels la République azerbaïdjanaise est partie, les traités internationaux s'appliquent ".

L'article 12 " Le but supérieur de l'Etat ", § II, ajoute également que: " Les droits et libertés de l'homme

et du citoyen, énumérés dans la présente Constitution, sont appliqués conformément aux traités internationaux auxquels la République azerbaïdjanaise est partie". De même, l'article 71 " La protection des droits et des libertés de l'homme et du citoyen ", qui dans son § III, prévoit la possibilité de limiter ou de suspendre l'exercice des droits et libertés de l'homme et du citoyen lors de la déclaration de guerre, de l'état de siège ou d'urgence, ainsi que de la mobilisation, précise que cette limitation s'effectue " en tenant compte des obligations internationales de la République azerbaïdjanaise ".

3. Les droits et libertés des citoyens

1. La protection constitutionnelle des droits : les limitations à la révision des dispositions du chapitre III (art. 155)

Le Chapitre III de la Constitution, consacré aux " Droits fondamentaux et libertés fondamentales de l'homme et du citoyen " est particulièrement protégé par l'article 155 " La limitation de l'initiative pour proposer des modifications à la Constitution de la République azerbaïdjanaise " de la Constitution. Celui-ci interdit de soumettre au référendum les propositions relatives à la limitation des dispositions prévues au Chapitre III. Ces dispositions constituent donc une protection minimum des Droits fondamentaux et libertés fondamentales de l'homme et du citoyen.

2. Les droits et la Convention européenne de sauvegarde des doits et des libertés: des garanties constitutionnelles insuffisantes (art. 27 et 28)

Deux libertés sont formulées dans une rédaction qui donne des garanties inférieures à celles assurées par la Convention européenne de sauvegarde des doits et des libertés.

La peine de mort en matière politique.

L'article 27 " Le droit à la vie ", dans son § II, prévoit l'application de la peine de mort, non seulement par jugement du tribunal entré en vigueur, mais aussi dans **"les autres cas prévus par la loi ".**

Le § III prévoit la possibilité pour la loi de maintenir la peine de mort pour les infractions particulièrement graves non seulement contre la vie **et la santé** de l'homme, mais aussi contre **l'Etat.** Il va donc bien au-delà du Protocole n° 6 à la Convention de sauvegarde qui ne permet de prévoir dans la législation la peine de mort que pour des actes commis en temps de guerre ou de danger imminent de guerre.

L'absence de garantie constitutionnelle d'un contrôle judiciaire des limitations aux libertés

La Constitution (art. 28 " Le droit à la liberté ") se contente d'affirmer que " Le droit à la liberté ne peut être limité que selon les modalités prévues par la loi par voie de garde à vue, d'arrestation ou de privation de liberté ". Elle ne mentionne pas du tout l'exigence du contrôle judiciaire prévu par l'article 5 de la Convention de sauvegarde des droits de l'homme et du citoyen.

3. La privation du mandat de député en cas de " suppression " de son parti politique (art. 89)

En démocratie, les partis ont uniquement le pouvoir de proposer des candidats aux électeurs. L'attribution du mandat de député repose exclusivement sur le vote des électeurs.

L'article 89 prévoit 6 cas de privation du mandat de député, dont " 6) la suppression du parti auquel il appartient ". La notion de " suppression " d'un parti peut recouvrir des réalités trés différentes : disparition par changement de nom, par fusion, par autodissolution ou par interdiction. Si un parti est interdit, la Constitution ne laisse pas aux députés le choix entre quitter le parti ou abandonner son mandat : le député est automatiquement privé de son mandat.

Dans tous autres cas, la Constitution priviégie également le lien avec le parti sur le lien avec l'électeur : le député est privé de son mandat, sans que la Constitution fixe un délai pour organiser l'élection au siège devenu vacant ni ne reconnaisse explicitement au député devenu sans parti le droit de solliciter imédiatement les suffrages des électeurs.

4. Le droit à l'appartenance nationale (art. 44)

En matière d'appartenance nationale, la Constitution a choisi une option minimale qu'on ne peut lui reprocher, car il n'y a aucun manquement à une règle de droit international : la Constitution se borne à reconnaître à chacun le droit de " conserver " son appartenance nationale, mais sans affirmer le droit " d'exprimer l'identité ethnique, culturelle, linguistique ou religieuse " reconnu par le Document de la réunion de Copenhague de la Conférence sur la dimension humaine de la CSCE.

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Appendice . Imperfections de rédaction

1. Confusion entre inéligibilité et incompatibilité

L'article 85 " Les exigences à l'égard des candidats à la députation au Milli Medjlis de la République azerbaïdjanaise " classe dans la même catégorie de personnes qui " ne peuvent être élus députés " à la fois celles qui relèvent d'une inéligibilité : les personnes ayant une double citoyenneté, ayant des obligations à l'égard d'autres Etats, les serviteurs du culte, les personnes dont l'incapacité a été attestée par le tribunal, condamnées pour des infractions graves, purgeant une peine dans les lieux de privation de liberté par un jugement du tribunal entré en vigueur et celles qui relèvent plutôt d'une incompatibilité : les personnes travaillant dans le système du pouvoir exécutif ou judiciaire, les personnes exerçant une autre activité rémunérée, excluant l'activité scientifique, artistique et pédagogique.

2. Loi et projet de loi

L'article 97 " Le délai de présentation des lois à la signature " indique que " **Le projet de loi**, déclaré urgent, est présenté au Président de la République azerbaïdjanaise pour signature dans les 24 heures qui suit son adoption ". L'expression correcte aurait sans doute dû être : " la loi adoptée sur la base d'un projet de loi déclaré urgent.... "

Annexes

Annexe 1. Les articles de la Constitution relatifs à la rébellion contre l'Etat ou au coup d'Etat

1) Article 20. Les limitations imposées aux emprunts d'Etat

Les dettes contractées en vue de contribuer à une rébellion contre l'Etat azerbaïdjanais ou à un coup d'Etat ne peuvent être reconnues comme obligatoires par la République azerbaïdjanaise et remboursées par la République azerbaïdjanaise.

2) Article 27. Le droit à la vie

IV. L'utilisation d'armes contre l'homme est permise dans les cas prévus par la loi de défense légitime, de nécessité extrême, de capture et de garde du criminel, de prévention de la fuite d'un détenu d'un lieu de détention, de prévention d'insurrection contre l'Etat ou de coup d'Etat, d'exécution d'un ordre donné à une personne habilitée en période d'état d'urgence et de siège, d'agression armée contre le pays.

3) Article 54. Le droit de participer à la vie politique de la société et de l'Etat

II. Opposer de sa propre initiative une résistance à une rébellion contre l'Etat ou à un coup d'Etat est le droit de chaque citoyen de la République azerbaïdjanaise.

4) Article 58. Le droit d'association

IV. Les associations ayant pour but de renverser par la violence le pouvoir d'Etat légal sur tout ou partie du territoire de la République azerbaïdjanaise sont interdites. Il ne peut être mis fin à l'activité des associations violant la Constitution et les lois que par une procédure judiciaire.

5) Article 74. La fidélité à la Patrie

II.....La personne travaillant dans les organes du pouvoir législatif, exécutif ou judiciaire par voie d'élection ou de nomination, qui a prêté serment de fidélité à la Constitution de la République

azerbaïdjanaise est considérée comme ayant quitté cette fonction et elle ne peut plus l'occuper à l'avenir si elle est accusée de crime contre l'Etat, y compris d'insurrection contre l'Etat et de coup d'Etat et condamnée sur la base de cette accusation.

Annexe 2. Les articles de la Constitution dont la révision ne peut être proposée

Article 1. La source du pouvoir

I. En République azerbaïdjanaise, le peuple d'Azerbaidjan est l'unique source du pouvoir d'Etat.

II. Le peuple d'Azerbaidjan est composé des citoyens de la République azerbaïdjanaise résidant sur le territoire de la République azerbaïdjanaise et en dehors de ses limites, en les considérant comme soumis à l'Etat d'Azerbaidjan et à ses lois, ce qui n'exclut pas les normes établies par le droit international.

Article 2. La souveraineté du peuple

I. Le peuple d'Azerbaidjan a le droit souverain de déterminer son destin et d'instaurer sa forme de gouvernement librement et de façon indépendante.

II. Le peuple d'Azerbaidjan exerce son droit souverain par le scrutin populaire - référendum et par l'intermédiaire de ses représentants, élus sur la base du suffrage universel, égal et direct, par la voie du scrutin libre, secret et personnel.

Article 6. L'interdiction d'usurper le pouvoir

I. Aucune partie du peuple d'Azerbaidjan, aucun groupe social ou organisation, aucune personne ne peut usurper une compétence pour exercer la pouvoir.

II. L'usurpation du pouvoir est le crime le plus grave contre le peuple.

Article 7. L'Etat azerbaïdjanais

I. L'Etat azerbaïdjanais est une république démocratique, de droit, laïque et unitaire.

II. En République azerbaïdjanaise, le pouvoir d'Etat n'est limité dans les questions intérieures que par le droit et dans les questions extérieures que par les dispositions découlant des traités internationaux auxquels la République azerbaïdjanaise est partie.

III. Le pouvoir d'Etat en République azerbaïdjanaise est organisé sur la base de la séparation des pouvoirs:

- le pouvoir législatif est exercée par la Milli Medjlis de la République azerbaïdjanaise ;

- le pouvoir exécutif appartient au Président de la République azerbaïdjanaise ;

- le pouvoir judiciaire est exercé par les tribunaux de la République azerbaïdjanaise.

IV. Conformément aux dispositions de la présente Constitution, les pouvoirs législatif, exécutif et judiciaire coopèrent entre eux et sont indépendants dans le cadre de leurs attributions.

Article 8. Le Chef de l'Etat azerbaidjanais

I. Le Chef de l'Etat azerbaïdjanais est le Président de la République azerbaïdjanaise. Il représente l'Etat azerbaïdjanais à l'intérieur du pays et dans les relations extérieures.

II. Le Président de la République azerbaïdjanaise incarne l'unité du peuple d'Azerbaidjan et garantit la continuité du système d'Etat azerbaïdjanais.

III. Le Président de la République azerbaïdjanaise est le garant de l'indépendance et de l'intégrité territoriale de l'Etat azerbaïdjanais, du respect des accords et traités internationaux auxquels la République azerbaïdjanaise est partie.

IV. Le Président de la République azerbaïdjanaise est le garant de l'indépendance du système judiciaire.

Article 21. La langue d'Etat

I. La langue d'Etat de la République azerbaïdjanaise est la langue azerbaïdjanaise. La République azerbaïdjanaise garantit le développement de la langue azerbaïdjanaise.

II. La République azerbaïdjanaise garantit la libre utilisation et le développement des autres langues pratiquées par la population.

Information about the Legislation of the
Azerbaijan Republic

After restoration of independence one of the main trends of activity of the Azerbaijan Republic was thorough reforms in the Legislatikes system.

The Azerbaijan Republic joined the International Legislation Acts with the aim to become edual member of the world unity; to apply in its internal legislation and in juridical practice the universally adopted International juridical norms, the international juridical standards used in different countries the Azerbaijan Republic joined the international legislation documents of great importance - "On Civiland Political Law", International Pact "On Economic, Social and Cultural Rights", "On moment's Political Rights", "On the status of Retugees", "On aholition of all forms at discrimination of women", "International conventions", "On child's Rights" and Conventions of International labour Organizations. In this connection liquidation of contradictions between the World Juridical acts and internal juridical norms and implemententation of the word jurudical standards of legislation have begun.

The main factor of acceleration of this largescaled process was the adoption of the Constitution of the Azerbaijan Republic on November 12, 1995 by a Referendum.

The Constitution that declares Azerbaijan State as democratic, legislative, just republic, detines the state pacuer on the principles of division of power. Accordiny to Regulations, legislative, executive and Judicial bodies act mutually and are independent within their competence.

For the first time all concerning human rigths and freedoms - declared in International Juridical acts are reflected in this Constitution.

Determining the main principles of human and civil rigths and freedoms for the first time in the Azerbaijan Republic the Constitution points that everybody from the day of birth enjoys the inviolahle, permanent and inseparable rights (clause 24).

The Constitution not only declares political, economic, social, human rights a freedoms but at the same time secures their protection. For instance, in article 27 of Constitution rights to

life are reflected. In this respect also in the aim at approacling the standards of European Council changes were made in criminal code and the capital from 22 clauses were removed. Today capital punishment is kept only for those who are carged for especially grave crimes against the state, human life and health. It should be emphasized that for military crimes capital punishment not envisaged.

At the same time it should be noted that since the second half of 1993 none of the verdicts of capital punishment has been carried out.

In fact all the rights and freedoms, determined in the Constitution, are secured by Constitution and by other laws and legislative acts in different forms.

The guarantee of human rights and freedoms, assigned in the Constitution, is of compleks character.

In all legislative acts, prepared a adopted in the Azerbaijan Republic, special attention is paid to the determination a guarantee of human a civil rights.

In Constitution of the Azerbaijan Republic assigns for every person rights to free movement, to choose residence, to leave the territory of Azerbaijan.

From this standpoint and in accordance with the declaration of human rights and also with corresponding international treaties of Azerbaijan the law "On leaviny the country, coming to the country and on Passport" guarantees the citizens of Azerbaijan the right to leave the Azerbaijan Republic, to come to the Azerbaijan Republic, and to make use of this right independently the use of special document - the Passport of citizens of the Azerbaijan Republic - the symbol of every independent state - is envisaged. The regulations of giving out passports to citizens juridical status of the ciyizens who go abroad to take up their permanent residence; the arrival of foreiguers in the Azerbaijan Republic and leaviny the Azerbaijan Republic - are assigned.

The law points out,it the Regulations - determined in the international treatyes of the Azerbaijan Republic differ from those - envisaged in this law - then the Regulations of international treaties are used.

For the first time it is envisaged in the law that the

citizen cannot be depvined of the right to leave the country or to arrive in the country. This right can only be limited temporarity in the following cases; it the obligation of citizen in naational secret information remains in forceup to cease of the obligation - determined by the legislation of the Azerbaijan Republic; if the citizen was charged with criminal ottence or if the citizen was convicted - consequently up to the end of service in prison, or up to being set free, if the citizen is in active service - determined by regulations - up to the end of service or being released from service.

Citizen's rights to leave the country and to come to the country are put into practice in accordance with availability of personal passport and official permission - visa - envisaged by this law and by international treaties on enteriny the foreign country.

In accordance accordance with the law, unlike the Soviet period, the functions of passports of the citizens of the Azerbaijan Republic to go to a foreign country have been restored. The passport of the citizen of Azerbaijan Republic is a document that confirms the personality of holder abroad, and it is also the single document that secures the right to leave the cuontry and to come to the country. The passport is issued to the citizen of the AzerbaijanRepublic at the age of 18 in accordance with the rule determined by the law, and it is valid for going to any country.

In connection with the retirn of functions to passpors and in accordance with international experience to determine the person's identity within the territory of the Azerbaijan Republic makes it necessary to issue another document - identity card - and the regulations of issue, change of this document are provided in the law "On the Identity card of the Citizen of the Azerbaijan Republic".

Identity card is issued to any citizen of the Azerbaijan Republic at least within 10 days after addressiny.

The law "On place of Residence and Registration Location" regulates every citizen's rights to tree movement, choosiny place of residence on the territory of Azerbaijan Republic.

It should be especially noted that after this law goes into force the registration will not have the character of permission

but can only have jurudical consequences determined by the legislation of the Azerbaijan Republic. Registration of citizens can only be limited in the cases envicaged in the law.

The regulations of law "On leaving the country, cominy to the country and on Passports", "On Identity Cards of the citizens of the Azerbaijan Republic" and "On Place of Residence a Permanent Residence" have been prepared and adopted in accordance with the general declaration of human rights.

The right to unite - one of the rights declarity the political pluralism - is reflected in the Constitution.

Article 58 notes that everybody has the right to unite with other citizens. Everybody enjoys the right to establis any unity includiny political party, trade unions and other public organizations. The activities of all associations are guaranteed.

The guarantee of rights to unite and its activity forms are provided in a number of laws. So the law of the Azerbaijan Republic "On Political Parties" guarantees the rights to of associations assigned in the Constitution and in internationa juridical documents (On citizens and Political Rights) regulated the executive of different political interest within the law, establisment of political parties, forms of activities, reles of their abilishment and financial metters.

For the registration of a political party it must be represented by 1000 members citizens of the Azerbaijan Republic. The Rules of political parties are registered by the ministry of Justice. applications for registration are considered within a month after being submitted for registration. It the activity of the political party breaks the law it is abolished by the Constitutional Court of the Azerbaijan Republic.

In connection with the right to unity another law of Azerbaijan Republic "On Public Associations" should be noted.

The Public Associations are a unity of citizens with common will-established voluntarily the Public Associations are registered by agencies of Justice.

For registration of public association the application signed by the local authorities must be submitted for registration within a month from the day of its foundation of the association. In ease of retusal in registration the association can address to court

withing 10 days. It the activity of association contradicts the registrations of law it can be abolished the decision of the court.

Amony the freedoms information freedom in of exclusive importance. Article 50 days that every citizen enjoys rights to search any information within the requirment of the law, to get pass prepare and spread the information. Mass media freedom is guaranteed. The sensorship in mass media includung press, is forbidden.

The regulations mentioned in the legislation are made more precise in other jurudical acts.

Accordiny to the law of Azerbaijan Republic "On Mass Media" - sensorship on mass media - official functionaries, state authorities (bodies), enterprises organizations, offices, or parties, other public associations have no right to agree some marerial with the mass media editorship before hand (excludiny the case when official functionary is the author, or in case giving intervinn).

In the Azerbaijan Republic the citizen, office, enterprise, organizations, official agency can be founder of mass media. Mass media after being registered can begin its activity. Registrations of mass media can be refused only on the ground of legislation.

The activity of mass media can be ceased only by the decision of its founder or by the court according to the claim of registration agency or the claim can be refused by court.

Mass media have right to get informations from state organizations. public associations and from official functionaries.

Representative of mass media in case of refusal in giving information can complain against state organizations or against official functionaries and then to the court.

Mass media editorship or journalist keeps in secret the name of a citizen who supplies them with information and prefers to remcim inknown, with the exception it is the matter of court.

One of the main thiungs that Azxerbaijan Republic considered as very important is the regulation attitude - relations of state and religions systems and ensuring freedom of couscience. Accordiny to 48 of Constitution everybody enjoys freedom of

conscience. Every citizen enjoys the right to express attitude to religion independently to beliene in any religion in private or collectively, or not to believe any religion, to express opinion on religion and to spread religion. Religions ceregnonies are are tree it other don't distrub public order or are not against the code. The law of the Azerbaijan Republic "On freedom of faith" creates all facilities to observe religions ceremonies independetly and treely, to determine attitude towards religion and generally it regulated all arising relations in this aspect.

The law defines that everybody determines his attitude towards religion independently and enjoys the rights to express faith in any religion personally or collectively and to spread it.

The religion and religions establishments are separated from state. The state doesn't interfere to the activities interfere to the activities of religions astablish ments and never sets tasks for them. All the religions and religions establishments are equal in relation to law. It is not allowed to create any adventage or disadvantave to this or that religion.

Religions establishments enjoy rights to taking part in public life and also like other public assosiations to use mass media.

Religions establishments don't take part in the activities of political parties and they can't render them financial aids. When elcted to state organs or whem appointed to position religions figures stop their religions activities for that period.

In the Azerbaijan Republic state education system is separat from relifion. The citizens can individually or collectively learn religion or get religions education in any language they mish.

Religions establishments in accordance with their regulations can establish educational institutions or give instructions in other forms and for this purpose they can use property that are at their disposal.

Buildings, religions things, production, social and charity objects, financial resourses and other properties which are necessary to provide their activities can be their own property.

Religions establishments in accordance with legislation and their own regulations in the status of natural person can

establish publishing house, printing industry production, repair-and-constructionn enterprises, children's home, boarding schools, hospitals. etc.

The citizens and religions literature in any language or other religions things.

The religions establishments enjoy the rights to take under protection places for divine services and religions ceremonies or the ahruuines that are considered to be sorced for certain religion.

Head quarters of the military units (in excluse cases) can't prevent the military men from divine services and from observing religions cereminies at their spare tome. In military units the activities of religions men are allowed with the permission of military authority.

In connection with the protection of human rights one of the exclusive important issues is the problem og guarantee for everybody in relation with the activity of criminal justice.

Much attention is paid to this problem in legislation. In the constitution there exists a separate block that includes some items about the juridical status of the citizens in a court of justice. According to Article 62 of the constitution everyone has rights to present his trial to the legally determined court. It is prohebited to discuss the trial of a person in the other courts, without his permission. Everyone who held criiminal responsibility has the rights of guiltless presumption.

Everyone who is blamed in crime is called guiltless of his guilt if it is nit proved in the determined legal and affective decision. If there are doubts that a person is guilty then it is prohibited to call him guiltless. The man charged with crime is not obliged to prove his guiltlessness. The proofs that got by breaking law can't be used during the trial. No one can be accused urthout the verdict of a court Article 63. In connection woth the precious problems the 64-th (to prohibit to 2nd charge for the same crime), the 65-th (the rights applying to the court repeatedly) the 66th (to prohibit the case of making somobody to give expression against his telatives), the 67th (the rights of the arrested and those accised with a crime) clauses might be noticed. The criminal processional legislation of the Azerbaijan

Republic means suitable juridical rights in order to ensure these rights.

The criminal processional code of the Azerbaijan Republic shows that a defence can take part in the trial after the declaration of conviction or after the arrest of the suspicious man. The participation of a defence is necessary in the following cases:

- in the trial of teen-gers and the dumb, deaf and blind men who are not able to realizr thier defence rights because of their physical and mental defects.

- in the trial of criminals that might be sentenced to a capital charge.

- in the trial of men who do not understand jury's spoken language. At the same time the defence's participation is necessary in the trial of men with contrast between their profits and one of which has a defence,in the trial where a public or a social prosecutor takes a part.

From the time of being permitted to the court of justice the defence has the following rights:

- to take part in the inquiry of the defendant whose accusation is doubtful and at the same time in interrogation acts where they take part.

-to get acquaintance:a)with the decision of using definite measures.b)with the protocol about the arrest of the suspicious person: e)with all the materials after the investigation and primary interrogation is over.He is also able to write necessary information about the interrogation;to take part in the court:to present proofs:to give warrant:to deckare his objections:to complain of the acts and a court of justice.

At the same time from the time of announcing a court -appointed defence,he can meet with the arrested or the suspicious person without the limitation of number and time.

The 10th clause of the criminal processional code implies to prohibit the repeated charge for the same crime.That clause means that the criminal code can not start its work about the person that has the court decision of the same crime.

The criminal code also can not start its work about the person if the investigoting organs,the preliminary investigator and the

prosecutor do not liquidate their decision of the same crime.
The Azerbaijan Republic like the member of equal rights of the international union and the participator of the international attachment pays much attention to the development of human relations.Paying much attention to the international low principles and standards the legislation of the Azerbaijan Republic implies that the forigners and the men that have not compatriotship possess the same rights like the citizens of the Azerbaijan Republic.They can also carry out all the functions.The law of juridical position of foreigners and men that have not compatriotship puts into practice the national regime. The determined exceptions in the low belong only to the foreignezs participation in eletioins and referendums, to their attitude of general military property and to the being a member of political parties.

Auording to the liniversally acknorvledged international juridical laws the Azerbaijan Republic gives a refuge to the foreigners and to the men who have not compatriotship. The mechanism and rules of realizing this rights will be reflected in the law " on political refuge ".

The low being in the state of preparation will encircle the surrounding of people who got political refuge, their juridical status and the rules on geving political refuge.

On November 12,1995 for the firat time. The parliament elections were held on the basis of multyparty system in the Azerbaijan Republic. The juridical base of those elections was the law on elections to the Milli Majlis of the Azerbaijan Republic.

The law determined that the Milli Majlis, the supreme organ of legislative power were chose on the basis of majority, personal and secret ballot elections by the citizens of the Azerbaijan Republic.

On the day of election all the citizens of the Azerbaijan republic ower 18 years old haw rights to take part in the election to the Milli Majlis. On the day of election the cilizens of the Azerbaijan Republic ower 25 years old can be elected to the Milli Majlis. The religions figures and natural military men can not take part in the elections to Milli Majlis.

Irrespective of the accusation service, the persons accused

with the serions criminals according to the griminal lode of the Azerbaijan Republic and those deprived of freedom can not be elected to Milli Majlis.

The citizens whose incapablity was confirmed by court don't take part in elections to Milli Majlice.

It is banned to limit the election right of the citizens of the Azerbaijan Republic directly, undirectly or in any other way for their origions, political vieus, social and property positions, belongings to racial i national, generics, educations, language, belongings to religions, business aspects and characters.

The 100 deputies of M.M. according to single many mandate election circle are elected in comparison of votes to the lists of candidates of the political parties (bloc of political parties).

If at least 2000 voters from the corresponding election circle will support the citizen of Azerbaijan Republic in written form be can nominate himsclf from the one mandate election circle.

The Political Party (the bloc of political parties) for participating in elections must registered as it was definited in the legislation until 70 days to elections, also if the political party collect the agreement signature of 50 thousand voters, he can nominate according to one mandate and manymandates election circles (polis)

In law there are some requiremen for candidate deputies. Thus, if they are in electoral or permit duties in goverment Bodies, also citizens who are busy with ownership, commercial and other payable activities and who are elected or nominated themselves nolater than 55 days, than 35 days until elections they have to notify about theior wist to relieve their posts.

Observers take great part during elections. In elections can be observers from the independent candidates and political parties (bloc of political parties) and also from foreign countries and international organizations.

The candidates and political parties have rights to use the state mass media in grotis. During pre-election compaingn of agitation the nominee have at least 5 min, every political parties 45 min.in state T.V. In addition every nominee and political party (bloc of political parties) has a chance to publish their pre-election programme penniless.

Was, the law project "on holding of the gatherings, meetings, demonstrations, street marches and pickets" was presented to the discussion in Milli Maglice of azerbaijan republic. The law confirms for every one together with others the conditions to ensure the rights of holding peaceful, armless gather, gatherings, meetings, demonstrations, street marches and pickets.

In the line of laws of the preparation stage the law project of "on compatriotship of Azerbaijan Republic" must especially notice. According to the international law rules and standards this project identifies some new clauses. According to the international pact of "on compatriot and political rights" and to the Constitution of Azerbaijan the republic there is written that no one can deprive of compatriotship. Also the competence bodies must service to joint the familis in solving the problems of compatriotship. The person who supposes that his rights of compatriotship are infrengemented can apply to court.

There are going the preparation works for holding the reforms of court-rights in the republic after accepting the Constitution of the Azerbaijan Republic. for this purpose there were prepared some law projects., take into consideration the international practice, the state organization and pecularities of Azerbaijan republic.

First of all we must shopw the law project "on the Constitution Court". According to the Constitution slauses such body will create in the country for the first time. It's main duty is to defend the height of the Constitution and opposite the infringement of the civil rights.

The law project "on Courts and judges" in the Azerbaijan Republic: were worked out taking into considarations followings; to create the court power realized by independent judges, every one has the rights of being defended from unlawful actions or from criminal suicides to apply to the court and in disinterested court, the ensurance of their claims or to identify the rights of conviction by which he was charged; establishing of courts of justice in accordance with the human rights declaration that would garantee the justice in all their functions.

The law draft of Azerbaijan Republic "On Courts and judges" takes into considarastion the followings together with other

itemes. In Azerbaijan Republic the court power is realized only by the courts legaly established in the way of justice judgement. Court Power is one of the state branches of Azerbaijan Republic. It acts independently and doesn't depend on other state brancheslegislation and executive powers.

The court system of Azerbaijan Republic consists of the followings: the Constitution Court of azerbaijan Republic (its formation of activity and judges status are identifies with special Law), the Supreme Court of Azerbaijan Republic, the Economics Courts of azerbaijan republic, the Court of Autonomous Republic of Nakhchevan, zones courts, courts of regions (cities), court of regional economics, regional military court, military courts and other courts which were established by Law.

Establishment of extraordinary courts, courts for solution of exclusive cases or courts with exclusive competence, also established according to the regulations not envisaged in the Law is forbidden in the territory of Azerbaijan Republic.

Court of justiee is executed with the vinil, criminal, administrative, economic and other forms determined by the Law of the judzement, at the wurts, first of all frials are examined by instance of appead and cassation.

All activity of the courts of Republic of Azerbaijan are carried but the justice judgement operational and without ulterior motine. During the execute of judgement courts owe to ensure the legal defence of constitutional rights and frecdoms of human and citizen; rights of the legal persons (irrespectine of property forms, management obey and economy condition) and their profits, to strengthen the legality and law rules, to break up the citizens in the respect spirit to the Law, to the honour and dignity of human, to the profit of sdociety and gonernment; to apply correctly and simply the legislation of the Republic of Azerbaijan, to provide for improving the reason and undition which gine birth to disturbance the law.

One cannot interfere to the justice judgement or disrespect the court. Insult of judge threaten him or his close relatines with death, with force, to damage by striking or destrojing their property directly or indirectly, giving birth to disturbance the law against him or his close relatines in connection with the or

his close relatines in connectiuon with the presence of judge at the court according the concrete trial must be considered as heavy states in mentioned crimes or in disturbance the law.

In Republic of Azerbaijan an judges have the same status and they differ from each other only according to appointment rules to competence and to competence period.

Taking into consideration the ofinion of the Court law Council about the capacity for work of consdaties and moral rights for exewcuting the justice judgement Milli Majlis of Republic of Azerbaijan appoint the jufges to the SuperemeCourt of Republic of Azerbaijan and Economic Court of republic of azerbaijan according to presentation of president of Republic of Azerbaijan, but the judges of other courts are appointed by the president of Republic of Azerbaijan.

The competence time of judges of Supreme Court of Republic of Azerbaijan are 10 years, but the competence time of judges of the other courts are 5 years. An judges of the courts of Republic of Azerbaijan execute there duty till 65 years old.

The judges of the courts of Republic of Azerbaijan are independent and submit only to the constitution and other laws of Republic of Azerbaijan are ensured with depolitization of judges, unchangea bility and inviolability, with limiting their appointment, holding their responsibility, releasing their competence and dismissing from position, independent acrinity of court system and axacuting in accordance with the law of justice judgement limiting by any person to courts execution and impossibility of interference, ensuring the personal secuarity of judges and their families protection of there propertoes and also economic and social apply that would coinside to their high position.

The Draft Law of the Azerbaijan Republic "On Prosecuting magistracy" determines the activity of Prosecuting magistracy and his competence.

The activity of the Prosecuting magistracy strengthen the legality and law rules in the country, ensure the superiority of the law, defend the interest of the society and government preseved by law.

The Prosecuting magistracy controls the execution and use of

laws in similar and exact ways in accordance with the law, begins criminal action in the condition acvcording to the law and inquires, defends the government accusation at the court, brings a seut at the court and protests the decision of court.

The Prosecuting magistracy of the Azerbaijan Republic may inquire the legislation acts of Republic of Azerbaijan and Narhchivan Autonomous Republic, the decision of the Supreme Court of the Azerbaijan Republic minisiple acts, the intertown agreement of Republic of Azerbaijan which doesn't come into force about fitting to constitution and other laws of the Azerbaijan Republic about liquidate of political parties and other unities,about argument closing ewith competences division among legislation, execution and power of court to constitution of the Azerbaijan Republic. The Prosecuting Magistracy bodies execute their competences irrespective of state organs, state organs of Nakhchivan Autonomous Republic, local state and munisiple organs, political parties, social communities and Mass Media.

The activity of Prosecuting magistracy is based on the equality of the citizens in respect of Law, on the wal facts and prooves obtained in the process of inspection, on disinterest of prosecutor staff, on impossibility of their illegal influence to the citizens and interference to private life of the citizens, on imposibity of using the facts,obtained in the process of their juridical activity.

The Draft Low "On Police" determines the main direction of the activity of Police, in protecting the life and secutity of the citizens, their legal interests of state and society from illegal acts, in using means of enforcement in their activity.

According to the Bill the formation of the criminal police, the police defending the public security, traffic police and transport police in the structure of the Ministry of Home Affairs of the Azerbaijan Republic is taken into account.

Making his activities on the principles of social equity, coordination of lucidity and confidentiality on the respect of lawfulness, humanism, human and citizen's rights and liberity the police defends the legal interests and rights of all persons as pointed out in the Constitution and International Law norms, not depending on the place of recidence, socialand Material

condition, social origin, racial and national belonging, occupation, religion attitude, social and other views, sex, age, education and language. Police is responsible to provide the implementation of all rights of the detainee.

According to the demands of the Constitution of the Azerbaijan Republic police can't use force against any person and humaniliate his dignity. Citizens' right and liberity are restricted the policeman ought to explain them the reasonms and causes of the restriction and the same time what rights an obligations they have.

Police has the right to apply physical action measures, special methods and fire-arms only in the cases and rules appointed by this Law.

The applied necesary method should correspond to the character and the degree of riskiness of the arisen offence the law.

The Bill of the Azerbaijan Rerublic about "Operation-Investigation Activity" was prepared taking into account the experiences of some democratic states, the advantage ofthe world wide values, the Citizens' Constitutional Rights and liberty.

Operation-Investigation Activityis the ensuring of the defence of the human and citizens' rights and liberty,the legal society and state interests from the criminal prepense; keeping the state secret and protection of the national security, provention of the crimes, their reveal and disclose, defining of the persons prepared the crimes, for searching the persons hiden from the interrogation, investigation and Law-Court by corresponding organs of state according to the definite rule.

The Bill regulates the legal relations connected with the implementation of the "operation-Investigation Activity and consolidates the legal security system in application of the Operation-Investigation measures.

During the implementation of the "Operation-Investigation Activity" it is inadmissible to break the Citizens' Constitutional rights and liberty and the legal interests of the legal persons and to achieve the objects disapproved by this Law.

According to the demand son the Article 32 of the Constitution of the Azerbaijan Republic the Bill doesn't allow to

follow any person, to listen to his telephone calls and record them without the permission of the Procurator-General of the Azerbaijan Republic or the person replaced him (Directorateof Public Prosecutions or the person replaced him, Court). Of it happens the citizen has the right to complain to the Law Court. Besides, the Bill reflects the citizen's right to demand the written explanation from the organs accomplishing the Operation-Investigation Activity in case he supposes that his rights and liberty are being rstricted.

In the Bill of the Azerbaijan Republic about the Traffic Regulations, the conditions pf present normative deeds of the Azerbaijan Republic in this sphere and the experiences of some foreign states such asGermany, Texas state of the USA, Lithuania and coutries of CIS were taken into account for protection of the citizens' lifes, healtinhs and properties for regulation of the public relations in the sphere of Traffic Regulations and for prevention of the road accidents.

Presently, the Bill spoken about is under the legal comission of experts at the International Traffic Organization and the transport department of the economic comission of the UNO.

The Bill about "the Barrister" was prepared under the experiences of the highly developed states of Europe and the USA.

In this document the followings are taken into account: to form the barrister institution for giving the legal help to sites in conflicts and discussions arisen between the legal and the physical persons in the trial on the dispute principle and stand against the state indicment generally to provide the independence of this institute taking part as one of the ways of defence of the human and citizens' rights and liberty, to strengthen the respect of the Bar, to simplify the way for the persons wishing to be busy with the profession of barrister.

According to the Bill the profession of Barrister in the Azerbaijan Republic establishes his activity on the principles of lawfulness, voluntary,professionalism, independence, self-government, following the professionalizm ethic.

The bill includes the garantees for freely choosing the profession of barrister, the common demands for being involved in profession of barrister, the specialist Bar, different forms of

being busy with profession o barrister, the rule of the payment for the service of the barrister and the guarantee from his side to give the unrecipricated legal help, the the disciplinary responsibility of the barristers, putting the end to the activity of the barrister and other strict regulations for Azerbaijan Republic Legislation.

The Bill of the Azerbaijan Republic about "Notariat" regulates and teflects the status of persons being busy with notary activity; the rule of the licence of the activity; the rights and obligations of the notary, his responsibility, the principal rules of the activity.

According to the norms of the Bill only the state or special notary can be busy with the notariat activity for the first time. The person who intends to engage in the post of Notary must have high education, experience at the State Notaru's, pass special exam in the profession preparation and have the licence given the right to be busy with the notary activity.

With the purpose of ensuring the pay of lost which may be in the period of realizing the notary's office activity, the person who wants be busy with this activity must conclude agreement with legislation insurance bidy of the Azerbaijan Republic of must hold insurance pledge to special calculation in bank office. The notaries legal norms according to legislation of Azerbaijan Republic and international contracts. The notaries receive the documents which was compiled according to foreign juridical demands, also the confirmed nites which meant in foreign legislation, it may be carried out with such condition that it won't be conflicted against the legislative of Azerbaijan Republic. If the different rules about notary's office actc which meant in legislation of Azerbaijan Republic are determined, the rules of international traty apply in the actingof notary's office.

After the independence of Azerbaijan Republic of defending of human rights in domestic and foreign policy which realized during 3 years as the sovereign state, the ensuring of their liberty is moved foreground, is made serious steps in this direction and at present this line continuous.

As one of the positive steps which were moved in this field

the ptoject of Crime, Crime-Process, Crime-execution codes may be presented which prepared by the active parting of our republic's delegation with the worker groups of Internatiamental Assamble countries entering ISU.

At present the same documents with considering the peculiarities of Azerbaijan Republic are made from the beginnig and must be prepared by the end of this year.

The receiving of new constitution of Azerbaijan Republic demands the determining on international principles of human rights' field of execute rules on crime affairs.

In the projects of new Crime-Process Code the law, the discord, the innocent, the ensuring of defence rightsof accused and suspicious mon and the no touching of personalities, etc. were moved fore-ground as the main principles of execute on crime-affairs.

The execute on crime-affairs were realized on thebaseequility of citizens in front of law and court and the subjects pf process activity are in duty to respect to honour and dignity of persons who take parts in the work.

The projects meant that the holding of interrogation behaviours which suffor the person in physical and moral, humilation the honour and dignity of person, interrogating with deceive, raps and fear from the suspicious person, the accused, the sentenced and other persons who take part in the work.

Nobady may be obliged to give the interrogation against wife (hisband), children, parents, sisters and brothers. According to project the main order of crime-judgement execution is consist of the solving the being nor not beging of attracting into criminal code of person on legal procedure which was determined with the law.

The preparing of Criminal-Execution code follow the aim of the trussing of criminal-execution legislation (reform-labour) to the new receiving Azerbaijan Republic constitution, to rising to the level of new demand of our life considering social changes which was happend in the country of the old and receiving code in 1975, the substituting of the which lost its actuality, old and not to serve the reform labour, the taking of the unnecessary prohibitions, the reflecting the habits of Azerbaijan Republic.

and legal persons, and state and society rights and legal interests, he performance of the court and prosecutor control over the precese and correct implementation of the Azerbaijan Republic legislation in the descovery and elimination of group crime.

The draft law also specifises the authorities enforcing against group crime. their cights and purposes. This draft law foresees the preparation of corresponding laws "on Enforcement against terrorism", Ban of illegal use of drug substances, Enforcement against corruption, use of weapons, Profection of Law-Enforcement bodies ETAFF AND PARTICIPANTS OF CRIME PROCECUTION, WHICH IS CONSIDERED TOPROVIDE NECESSARY GUARANTEE FOR THE IMPLEMENTATION OF THE COMPLEX LEGISILATIVE MEASURES. tHE DRAFT LAW ON NATIONAL SECURITY PROVIDES, FOR THE LEGAL BASIS FOR A PERSON'S SOCIETY'S, AND STATES SECURITY, NATIONAL SECURITY system and its functions, ORGANIZATION and financing of national security authoreties, and control over such security autlorities legal activity. The draft law also states the personality, his reghts and duties, the society, its material and moral resources, the state, its constitutional structure, soverlignity and integrity of its territory as the basic objects of national security. Having described it internaland as defensive matter agaunst encroachforegn ment on the vital interests of persons, society and state. Coordination of important vital interests of personality, society and state, mutual responsibility of personality, society and state in guaranteeing national security and integration with international security systems as the basic principles of ensuring national security have found their manifestation in the draft law.

The implemenentation of national security, Excluding the conditions specified by the law, does not limit the rights and freedoms of the citizens.

The citizens are granted the right to obtain necessary explanation from the national security authovities in connection with limitation of their rights and freedoms.

Such explanations are provided to the citirens within one montli in writing.

The national security anthorities may use the special forcesand means onlywithin the frame work of the granted

authorities and in accordance with the legislation. The management of the national security authorities bear the responsibility for violation of the activity procedure pravided by the legislation.

One of the main purposes of the Azerbaijan Republic is the implementation of the economic reforms based on the free market economy, socially directed, etficient national economy principles. Thies purpose reguires the preparatcon of the corresponding begislation bases reflecting.

The accrdance of all of the national economy aspects, being formed with the democratic values and principles, modern, expevience of different countries shroughout the world and Azerbaijan teatures.

With this purpose more shan 50 (fifty) lams have been adopted to regulate the main spheves of the national economy. It is important to under line the fact that the process of upclation of new normative acts in accorlance with the veguirements ot free market economy velation ships is being current by carried out.

Article 15 of Azerbaijan Republic Constituon states. That the Azerbaijan Republiceconomy, based on different property forms, sevves for the purposes of the nafions living standards incveasing, the Azerbaijan Goremment estableshes the basis for free market economy development, provides for free enterprise, and does not allow the monopoly and emfair competition.

Article 13 of the Azerbaijan Republic Constitutions states that the property in the Azerbaijan Republic is inviolable and protected by the state. The property may be in the state,private and mumcipal form. Article 29,30, and 59 of the Azerbaijan Republic Constitutsion reflect the right of property and its inviolation, the right of inheritance, the right of mental property, the right of free enterprise.

These articles of the Constutsion are fully reflected in the Azerbaijan Republic law on the property. The draft of Azerbaijan Republic Ciril Conde hadbeen prepared and were highly assessed by the leading experts of the developed European countries.

The new Ciril Code will be Azerbaijans economic constitution.

Numeraus laws were accepted in our Republic in order to provide with honsition to proprietyship and marketing.

The Law "About Output Exchange" regulates the creation a activity of output exchanges, trade exchanges, judicial ensuring of exchange activities in the territiry of Azerbaijan Republic. It goes without saying that the development of new proprietyships works out the creation and activity of new entepries and their judicial ensuring.

The laws "About Enteprises" and "Joint Ventures" are of great importance from that point of view.

In the Law "About Enterprises" for the first time was show that the enterprises are free economical subjects. An enterprise distributes free instructions about its products. An enterprise solver its ruling problems according to its own code. State organs and official are not permitted to interfere their activity. Judicial - organizing forms of the enterprises, creation of any forms, the rules and settlements of the govermental registration of enterprises are exactly noted in this Law. The adoption of the Law "About Joint Ventures" extended the legislation about enterprises. The main aspects, as the basis of the creation of joint ventures, the guarantee of the laws of founders, registration of loans, the ruling of joint ventures have been prepared on the basis of modern models as in the Law "About Enterprises".

The Law "About Bankruptcy and Failure" explains the bankruptcy of enterprise, the ways of judicial basis of the bankruptcy, conditions and right, judicial basis of the payment of creditors'demands. This law concerns to all enterprises which function in the territory of Azerbaijan Republic and don't have any obligations for creditors and budget, except govermental enterprises of special assignment, budget organizations, social organizations and other govermental enterprises.

Nowadays the application of bankruptcy procedure less used. It is connected with that the using of bankruptcy will start after privatization. The application of bankruptcy in Azerbaijan will have its specific features. The state enterprises and non-development of the competittion will be taken into consideration.

The Law "About Pawn" reflects the pawn contract which is the guarantee of the civil and judicial trust. This contract will be one of the main securities of the real execution.

The subject and purpose of pawn, the rights and situation of pawners were realised by this Law.

The law of depozit acquires a great importance in the impediment of credit emission without guarantee and its execution is realized paralelly with the law of "Bankruplcy and failure". In the condition of market economy independent auditors and the increase of auditorial service level by autitor organizations take an important place. For this reason Azerbaijan Republic law "of auditorial service" has been adopted. The law determines the organization of auditorial service, the legal bases of its realization, the functions, rights and duties of auditors, makes provision for the establishmant of an independent financial control system protecting the property rights of owners. According to the law - audit is the exact and right acconting, independent checking of accounting and financial calculations in the economical subjects daeling with production and sale, service and mangement. Auditing can be compulsory or voluntary (on the inititive of the economical subject). According to the legislation, the audit is compulsory for the economical subjects which are to publish treir financial accounts and in the cases when it is foreseen by legislative aacts or realized on the resolution (order) of a responsible state organ. In all other cases the audit is voluntary. In economical subjects contractual operations in the field of financial-economical activity such as auditing, expert, analysing and writing recommendations, conducting of accounting, ratification the rightness of indices and other services, corresponding with the opeciality of an auditor are carried out by independent auditors and auditorial organizations on licence given for 5 years term. For regulation the auditorial service by goverment Azerbaijan Republic Auditors Chamber has been organized. The activity of Auditors Chamber is regulated on the base of its principle.

For the realization of economic reforms following laws have been adopted.

The law of "Insurance" determines lagal, organizational and

economic principles and regulates the relations among the members of insurance. The law of "Accounting" determines the regulation of accounting in Azerbaijan Republic by the state, general principles of its organizaton and conduting, the rights, interests and responsibilities of institutions, organizations and other economical subjects in this field, publication rules of accounting (financial) calculations, ensuring the rightness and measures of accounting informations.

The law of "Supporting Consumers rights" determines the mechanism and socio- economic bases of regulations between producers and consumers, seblers and executors for creation equal conditions for them in sale, operations ans service, and protection of consumer rights.

The law was prepared on the "Primary principles for pritection of consumer rights" adopted by the Chief Assembly of UNO and similar relations in Azerbaijan Republic was adjusted to the world practice.

The Raw of "Invertment Activity", determining the general social, economic and legal conditions of investment activity in the territory of Azerbaijan Republic, ensures the intense drawing the investment in the economy of Azerbaijan Republic, its efficient use for the development of socio-economic base, international cooperation and integration, and the protection of all investors' rights not depending on the form of property.

We should also mention about contract signed with the leading oil companies of the world on the joint exploitation of Garabag, Azeri and Chirag oil fields in Azerbaijan sector of the Caspian sea, which was signed by the Parliament of Azerbaijab Republic. The signing of these contracts will pave the way for drawing a great investment in azerbaijan's economy, and creation of new working places in future.

The "law of Co-operation" determines legal, organizational and economic bases of creation and the activities of co-operations, co-operative societies, their unions (associations) in Azerbaijan Republic.

"The Law of state registration of competent persons" put an end to the practice of competent persons' state registration by state organs in Azerbaijan Republic. Before we had to apply to

two ministries for taking an enterprise with foreign investment into state registration. Even violating the requirements of Civil law, the establisment of an enterprise had to be grounded (an expediency reference had to be given). But after this law came into effect, the existing multi-stage and separate condition was over and the status of competent person now is defined by justice organs. The law defines state registration regulations of the subsiduaries and representations of competent persons and foreign competenr persons Azerbaijan Republic.

One of the main principleo of market economy is in admissibility of monopolism and unfair competition. The principles restricting the monopolism are also iinduded in the constituent agreement of European Economic union of march 25, 1957.

"The Law of antimonopolist activity" determines organizational and legal bases of impediment, restriction and remoral of monopolistic activity. The Low includes forms of monopolism such as state monopolism, branch monopolism, local monopolism, monopolism of economical subjects, finance- credit monopolism, monopolism, resulting from horizontal and vertical agreements of market subjecto, natural monopolism, patent- licence monopolism;

It should be noted that, the widesvead forms of monopoly in Azerbaijan are state, field and financial-.credit monopolies. The monopoly of the economic subjects comes out from the state monopoly.

The Law "On illegal competition" determines the organizational- legal basis of the elimination and prevention of illegal competition, creates legal foundation for the performance of business activity, stipulates the responsibility of market subjects for the use of illegal methods of competition. The foundation agreement of the European Economical Cuoncil signed in Rome on March 27, 1957 also states the impossibility of illegal competition.

One of the sings of market economy is the existence of the market of securities.

A Law "On securities and Fund Stocks" has been adopted in Azerbaijan to determine the single rute of release and circulation of securities and to regulate the activity of the participants of

the market of securities.

It should be noted that this Law determines only the main characteristic features of the Shares, Loans, State treasure Liabilities, savings certificates, their acceptance, and the acceptance of profit from them.

The rules release and circulation of other types of securities are determined by otther standart acts. The Law determines the notion of fund stock and its Legal position, the terms and rute of founding the stock, the circle of activity of the stock and cancelling the activity of the stock.

The Law "On business activity" determines thé principles of business, the rights and duties of the subjects of business activity, the forms and ways of defending and supporting them by the government, the mutual relations of businessmen with the government bodies. Chabges and ammendments have been made to articles 10 and 11 of this Law. These changes and ammendments simplified the rules of registration of the businessmen by the government bodies without creating a legal person, regulated the rule of granting license to the Legal and physical persons doing business that needs, License. At present the development of business in Azerbaijan is at its initial stage. The accelevation of this process reguires the starts of privatization in the country, the formation of market infrastructure, and the creation of advantageous economical regime by the government. The Law "On business activity" has the aim of creation of condition for the execution, the principle of equality of all forms of property, independent choice of areas for the operation and adoption of economical decisions and on this base to create condition for the realization of economical initiative and business.

Many countries have made use of Leasing to attract foreign investments in the economically difficult times. A Law "On Leasing service" has been adopted for the purpose of utilizing this type of investment. This Law regulates the Leasing relations in the Azerbaijan Republic, determines the rights and duties of Leasing agreement subjects and imposed tax privileges.

One of the main goals of the economical reforms is to create condition for their operation on democratic basis. And this in its turn demanded the improvement of property relations, in other

words the realization of the privatization of state property. This is why a Law "On the privatization of state property in the Azerbaijan Republic: has been adopted.

In order to realize the aims and duties determined by this Law, also to determine the divections, ways, terms and stages of privatization, the classification of privatized enterprises and objects, their transfer to the joint- stock companies, concrete variants of sharing, the rules of using means received from the privatization, the amount of privatization share, the rules of giving and using them "A STATE PROGRAM OF TTHE PRIVATIZATION OF STATE PROPERTY IN 1995- 1998" was confirmed by the Law on September 29, 1995.

It should also be noted together urith abonsaid that since the time of restoration of the independency of the Azerbaijan -Republic very serious steps have been made in compliance with the market relations being formed in the country in the divection of formation of financial, tax and bank Legislation which is an essential part of the system single economical Legislation. That is, some Laws forming the legal basis for the tax system of the republic have been adopted during this time they are: "On the Taxation of varions types of Protit and Income of the Legal entities in the Azerbaijan Republic", " On the Taxation of physical persons in the Azerbaijasn Republic", "On the Value Added Taxes", "On the excises", "On the Property Tax", "On the Mine Tax", "On the State Tax service" and others.

It should be noted that a draft Law "On the Basis of Tax Sustem" that reftects the mechanism of allsided regulation of complex relations counected with taxes, the common principles of building the Tax system of the Azerbaijan Republic in compliance with the new economical relations under formation, the rights, duties and obligations of the tax payers has been worked out taking into cousideration the world practice and submitted to the corresponding comissions of the Milli Maglis (Parliament) for the discussion.

The measures taken for the reforms in the bank system of the Republic started in 1992 and is still coutinuing. The laws comprising the basis of the bank Legislation such as "On the National bank of the Azerbaijan Republic", "On the Banks and Bank

operations in the Azerbaijan Republic" have been adopted. These two Laws are one of the most important steps made in the direction of the formation of two stage bank system in the Azerbaijan Republic bases upon the experience of Leading countries in compliance with the requirements of economical reforms being carried out in the republic.

Together with this, new vaviants of the draft Laws" On the National Bank of the Azerbaijan Republic", "On the Commersial Banks and bank operations in the Azerbaijan Republic" have been worked out taking into consideration the world experience and submited to the comespouding comissions of Milli Majlis (pailiament) fow the purpose of fuvther extension of bank reforms, tuvning the National Bank of the Azerbaijan Republic into an independent central bank, improring the work ,of the commersial banks, widening the circle of their operation and improving their management.

The Milli Mejlis (parliamen) of the Azerbaijan Republic has adopted a law "On the Regulation of Hard Currency" which determines the priciples of execution of hard currency operations, the power and functions of hard currency regulation and control authorities, rights and duties of the legal and physical entities to own, hard currency, use it and give oders on it.

The government plays a considerable role it the economical policy carried out for the attraction and good use of foreign currency in the current period of the formation of national economy and transformation of economcal system of the republic to ensure future economical development. The experience of the countries that have successfully completed the economical reforms and are taking leading positions in the world economical community is another proof to the importance of mentioned measures.

Taking into consideration the above said some measures have been taken by the leader ship of the republic. For example, a law "On the protection of Foreign Invextment" determining the legal and economical principles of foreign investment in the territory of the Azerbaijan Republic. This law explains how the roghts of the enterprises with foreign investment to the results of intellectual activity (know how commersial confidentiality, etc.) are protecrted an performed in accordance with the corresponding

legislation, and also determines the rutes by regulation of production and labor relations in those enterprises.

A law "On Customs Rate" has been adopted to create legal basis for the application of customs rate which is a tool for the regulation of foreign trade operations by the government in accordance with the requirements of the process of integration and internationality going on in world economy.

With the formation of the new economic relations on agriculture which is the inseparable part of the economic reformation of our republic, a lot of works have been done in the sphere of preparing of the legal security of the agrarian reformation, in improving the will-veing of the Village's habitants and in increasing of the production. So, the bill "About the land Project" has been prepared and it defines the fruitful using of the lands, their defence and the development of the agriculture's productien, the separating of the land sto the state and to the minicipal properties, the giving of the lands to the private property, the owning of the land owners to the lland, the usinfg of these lands, and the legal bases and the rules of the instruction rights. In the project which defends on the forms lands, the municipal lands and the lands giving to the provate property; and its essence also was explained iin this project. Except it, the rules of the privatization of the physical persons' lands the rules and the conditions of the privatization of state parm's and collective farm's lands, the the regulation of the landworkers' rights, the clauses about the project's security has also found its reflection in this project.

At present the bills, such as, "About the Free Economic Zone". "About the Hypothes", "Aboutt the untransperable property and the state notice of the vivs around it", "About the Activity of realiation on Azerbaijan Republicv are preparing for adoption.

The organization and the development of the market economy brings to the strackening of the state's management on the economic fields and it limits its interference to the economy with the definig of the customs, taxes, financial credits, the system of standars and other economy mechanisms. The other activity of the state is the social activity and it also intensiples at the same time with the other sphere of the economy. The market

willingly or unwillingly aries the problems of the envalids, the aged men, the childrren, the unproviding family, the refufgees and the compulsory migrants. In such conditions, the state intensifies its activity in the direction of the formation of the legislative act which ensures the social defence of the some persons. From the day of the declaration Azerbaijan Republic State Independence till nowoday, the following laws are adgated, such as, "About the indexing of the cotozen's money profits and depositites in Azerbaijan Republic", "About the social defence of the invalids", "About the pension security of the citizens". "About the minimum consumption budget", "About the immortalization of the sacrifies' names and making concession to their families, "About the status and social defence of the citizens who has taken part in the liquidation of the Chernobe accident and has suppered from this accident, but the bill "About the state social insurance", is in the stage of the labour relations wiith the legislative rule, the determination of the citizens, labour rights, the defence of the labour from the besaless exploitation and the formation of the labour protection acquire especial significance.

In this direction the following laws has already accepted, such as, "About the protection of the labour", "About the holidays", "About the decision rules of the personal labour arguments", "About the contracts of the personal labour", "About the collective contracts and agreements", but the preparation in the the sphere of the bill "Collective arguments" (About the strike") is going on and this bill, which directs to realize the strike rights, was established with 36th item of Azerbaijan Repuublice's workers Constitution.

It must be notieed that some norms of Azerbaijan Republic labour lows prohibit the woman to work in hard works and in works which habe the harmful labour conditions. Thesenorms limit the rights of the women in ehoosing the self- dependent trade and the working place for themselves and it is decided to change the norms taking into consideration the national pecularities of Azerbaijan people.

The other direction of the social activity of the state is ti create the legal base of the public health and to determine the organization of its mechanism.

According to the 41 st item of Azerbaijan Republic Constitution, everybody has the right to take care of health and to receive the medical service.

The facts and the states that create danger for the men' health and life must be immediately announced. Every official who hides these facts is made answer determined by the law.

According to this item the state must develop all the kinds of the public health and must create different kinds of the insurance, irrespective of the state property form. In the sprehe of the public health, the two laws, such as, "About the Sanitation-Epidemiological Health", and "About the Staving off the wide - spred AIDS" is preparing for adoption. The legislative act about Azerbaijan Republic labour and social problems, as mentioned above, has preparest accordind to the recommendations and the International Labour Convention. It must be noticed that according to the international law norms which has been accepted by all citizens, Azerbaijan Republic creats its relations with other states on the principles of the sovereigh equality of the states, not to uslo the strength, or not to threaten with the using of the strength, the inviolability of the frontiers, to settle the conflict between the states, in peace waynot to interfere to their home affairs, to respect the main rights and freedoms of the men, the equality of the nations and the rights to determine their fortune, the collaboration of the states and to carry the international legal responsibility out with conscience. But the creation of the army which is the most important attribute of each sovereign state is the main problem for Azerbaijan Republic which has bun undergone the attack, encroached on its inviolability of the area and on its sovereign.

Und that is why Azerbaijan Republic pays the great attention to the military legislation and the number of laws has been adopted from 1991 till today.

Among these laws we can point out the followings: "About Azerbaijan Republic's Frontier," " About the Defence", "About the Military Situation", "About Azerbaijan Republic's Armed Forces", About the Military Service", "About the Basis of the calling to the Military Service in Azerbaijan Republic", "About the Servicement' Status", "About the Frontier Army ", "About the Status of the Internal Army", "About the Pension Security of the Servicement", "About the Military

Tribunals", "About the Defence of the liwil persons and protection of the Military Captives' rights"; the Discipline Regulations of Azerbaijan Republic Armed Forces, the Internal Service Regulations of Azerbaijan Republic Armed Forces, the Garrison and Guard Regulations of Azerbaijan Republic Armed Forces, and the statute "About the liability for damage of the servicement' because of the harming to the state, "Azerbaijan Republic, basing on the international law norms is founded on to live in peace with all other states and it keeps its depence facility on the level of the sound defence for the protection against the aggression. The law of the Azerbaijan Rep[ublic "About the Defence of the Civil, Persons and the protection of the Millitary Captirees rights" has the right to regulate the Conduding of the corresponding aggreement with the opposite side of the armed conflict, and in the same side doesn't ensure the defence of the civil persons and the rights of the Military captive, then it can address to the international commission of the Azerbaijan Republic which defines the problems of violating the international law norms and the facts of avoiding from the observance.

After the stating period thew clauses of this law belong to the persons who will be completely become free, will be returned back to the motherland, or will be placed till the time when they Completely become free, will be returned back, or will be placed.

During the armed conflict the persons which are employed as a participating side in the conflict, from the time of their bling in Azerbaijan, irrespective of their status, the national belonging, the belief, the language, the political convictions, belonging to the definite social group and the criterian like that; their personallity and honour can see respected, and also they can use the rights which were mentioned in this law.

The state of Azerbaijan counts the done work the beginning and it considers its main duty to ensure the human rights and frudoms, and to indude our ountry to the rank of the civilized states.

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

1994 SESSION

RECOMMENDATION 1247 (1994)[1]

on the enlargement of the Council of Europe

1. The Council of Europe is an Organisation of sovereign states striving to achieve close co-operation on the basis of democratic constitutions and the European Convention on Human Rights. It is in Europe's interest that its basic values and ideas on human rights permeate neighbouring cultures, but without seeking in any way to question, let alone destroy, those cultures.

2. Membership of the Council of Europe is in principle open only to states whose national territory lies wholly or partly in Europe and whose culture is closely linked with the European culture. However, traditional and cultural links and adherence to the fundamental values of the Council of Europe might justify a suitable co-operation with other states neighbouring the "geographical" boundaries.

3. The boundaries of Europe have not yet been comprehensively defined under international law. The Council of Europe therefore should, in principle, base itself on the generally accepted geographical limits of Europe.

4. Accordingly, within their internationally recognised borders, all member states of the Council of Europe are European: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

1. *Assembly debate* on 4 October 1994 (26th Sitting) (see Doc. 7103, report of the Political Affairs Committee, Rapporteur: Mr Reddemann; Doc. 7166, opinion of the Committee on Legal Affairs and Human Rights, Rapporteur: Mrs Haller; and Doc. 7148, opinion of the Committee on Relations with European Non-Member Countries, Rapporteur: Mr Atkinson).
Text adopted by the Assembly on 4 October 1994 (26th Sitting).

ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

SESSION DE 1994

RECOMMANDATION 1247 (1994)[1]

relative à l'élargissement du Conseil de l'Europe

1. Le Conseil de l'Europe est une organisation d'Etats souverains qui, sur la base de Constitutions démocratiques et de la Convention européenne des Droits de l'Homme, aspirent à parvenir à une coopération étroite. L'Europe a intérêt à ce que ses valeurs fondamentales et sa conception des droits de l'homme imprègnent des cultures voisines, sans pour autant les remettre en question et encore moins les détruire.

2. Ne peuvent en principe devenir membres du Conseil de l'Europe que des Etats dont le territoire national est situé en totalité ou en partie sur le continent européen et dont la culture est étroitement liée à la culture européenne. Toutefois, des liens traditionnels et culturels et une adhésion aux valeurs fondamentales du Conseil de l'Europe pourront justifier une coopération appropriée avec d'autres Etats qui jouxtent les limites dites «géographiques».

3. Les frontières de l'Europe n'ont jusqu'à présent pas été fixées avec précision en droit international. En conséquence, le Conseil de l'Europe doit lui-même se baser, en principe, sur les limites géographiques de l'Europe généralement acceptées.

4. Dans leurs frontières reconnues à l'échelon international, tous les Etats membres du Conseil de l'Europe sont donc des Etats européens: Autriche, Belgique, Bulgarie, Chypre, République tchèque, Danemark, Estonie, Finlande, France, Allemagne, Grèce, Hongrie, Islande, Irlande, Italie, Liechtenstein, Lituanie, Luxembourg, Malte, Pays-Bas, Norvège, Pologne, Portugal, Roumanie, Saint-Marin, Slovaquie, Slovénie, Espagne, Suède, Suisse, Turquie et Royaume-Uni.

1. *Discussion par l'Assemblée* le 4 octobre 1994 (26e séance) (voir Doc. 7103, rapport de la commission des questions politiques, rapporteur: M. Reddemann; Doc. 7166, avis de la commission des questions juridiques et des droits de l'homme, rapporteur: Mme Haller; et Doc. 7148, avis de la commission des relations avec les pays européens non membres, rapporteur: M. Atkinson).
Texte adopté par l'Assemblée le 4 octobre 1994 (26e séance).

5. The states whose legislative assemblies enjoy special guest status with the Parliamentary Assembly of the Council of Europe are also considered European, as defined in paragraph 3 above. These states are: Albania, Belarus, Bosnia-Herzegovina, Croatia, Latvia, The Former Yugoslav Republic of Macedonia, Moldova, Russia and Ukraine.

6. The possibility of membership is open to the republics of the former Socialist Federal Republic of Yugoslavia – Montenegro and Serbia – which currently have no formal status with the Council of Europe because of their responsibility for the crisis and the United Nations sanctions against them.

7. The possibility of membership is also open to the Principality of Andorra.

8. In view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly indicate their will to be considered as part of Europe. However, a new iron curtain should not be drawn behind these states as this would run the risk of preventing the spread of the Council of Europe's basic values to other countries. Neighbouring countries of "geographical" Europe should, if they so wish, be viewed as possible candidates for suitable co-operation.

9. Countries bordering directly on Council of Europe member states should be able to enjoy privileged relations with the Parliamentary Assembly, if they so wish. This applies in particular to the states on the eastern and southern shores of the Mediterranean.

10. Even after internationally recognised declarations of sovereignty, any non-European parts of member states which break away from the latter should only be able to apply to participate as observers in the Parliamentary Assembly's work.

11. Delegations to the Parliamentary Assembly should comprise a minimum of two and a maximum of eighteen members.

12. The Assembly therefore recommends that the Committee of Ministers define the limits of the enlargement of the Council of Europe taking into account the above-mentioned principles.

5. Sont aussi considérés comme européens, au sens du paragraphe 3 ci-dessus, les Etats dont les assemblées législatives bénéficient du statut d'invité spécial auprès de l'Assemblée parlementaire du Conseil de l'Europe. Ces Etats sont: l'Albanie, la Bélarus, la Bosnie-Herzégovine, la Croatie, la Lettonie, l'Ex-République yougoslave de Macédoine, la Moldova, la Russie et l'Ukraine.

6. La possibilité de devenir membre existe pour les républiques de l'ancienne République socialiste fédérative de Yougoslavie – le Monténégro et la Serbie – qui, en raison de leur responsabilité dans la crise et des sanctions imposées à leur encontre par les Nations Unies, n'ont pas de statut formel auprès du Conseil de l'Europe.

7. La possibilité de devenir membre existe aussi pour la principauté d'Andorre.

8. En raison de leurs liens culturels avec l'Europe, l'Arménie, l'Azerbaïdjan et la Géorgie auraient la possibilité de demander leur adhésion à condition qu'ils indiquent clairement leur volonté d'être considérés comme faisant partie de l'Europe. Toutefois, on ne devrait pas tirer un nouveau rideau de fer derrière ces Etats, qui risquerait d'empêcher l'expansion des valeurs fondamentales du Conseil de l'Europe vers d'autres pays. Des pays voisins de l'Europe «géographique» devraient être considérés, s'ils le veulent, comme des candidats possibles à une coopération appropriée.

9. Des pays limitrophes d'Etats membres du Conseil de l'Europe doivent pouvoir bénéficier de relations privilégiées avec l'Assemblée parlementaire s'ils le souhaitent. Cela vaut notamment pour les Etats des rives est et sud de la Méditerranée.

10. Même après une déclaration de souveraineté reconnue à l'échelon international, tout territoire non européen d'un Etat membre qui se sépare de cet Etat doit uniquement avoir la possibilité de demander à participer aux travaux de l'Assemblée parlementaire en tant qu'observateur.

11. Le nombre de membres des délégations à l'Assemblée parlementaire ne peut être inférieur à deux ni supérieur à dix-huit.

12. En conséquence, l'Assemblée recommande au Comité des Ministres de définir les limites de l'élargissement du Conseil de l'Europe en tenant compte des principes mentionnés ci-dessus.

amnesty international

AZERBAIJAN

Allegations of ill-treatment in detention



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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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AZERBAIJAN
Allegations of ill-treatment in detention

January 1996 SUMMARY AI INDEX: EUR 55/01/96
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Amnesty International continues to receive allegations of ill-treatment of detainees by Azerbaijani law enforcement officials. In some cases it has been alleged that prisoners have been beaten in pre-trial detention in order to obtain confessions, and that family members of suspects in hiding have been beaten in an attempt to obtain information on their relatives' whereabouts. In other cases it has been alleged that prisoners in ill-health have not received adequate medical treatment, and that at least two people died as a result of this over the last year. General conditions for many in pre-trial detention are also reported to be harsh, with overcrowding so severe in some prisons that inmates are forced to take it in turns to sleep while others in the cell stand.

Restricted access by independent observers makes verification of these allegations difficult, and Amnesty International has had no response to its concerns about ill-treatment which have been raised on a number of occasions with the Azerbaijani authorities.

Cases illustrating Amnesty International's concerns are detailed in this paper. They relate to political prisoners, although Amnesty International is also concerned about other more general allegations about ill-treatment of criminal prisoners.

KEYWORDS: TORTURE/ILL-TREATMENT1 / DEATH IN CUSTODY1 / PRISON CONDITIONS / ARBITRARY ARREST / DEATH SENTENCE / DEATH PENALTY / ILL-HEALTH / ACADEMICS / FAMILIES / PARLIAMENTARIANS / POLITICAL ACTIVISTS / LOCAL GOVERNMENT REPRESENTATIVES / MINORITIES / WOMEN / COUPS /

This report summarizes a 7-page document (3212 words),: AZERBAIJAN Allegations of ill-treatment in detention (AI Index: EUR 55/01/96) issued by Amnesty International in January 1996. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

AZERBAIJAN
Allegations of ill-treatment in detention

Introduction

Amnesty International continues to receive allegations of ill-treatment of detainees by Azerbaijani law enforcement officials. In some cases it has been alleged that prisoners have been beaten in pre-trial detention in order to obtain confessions, and that family members of suspects in hiding have been beaten in an attempt to obtain information on their relatives' whereabouts. In other cases it has been alleged that prisoners in ill-health have not received adequate medical treatment, and that at least two people died as a result of this over the last year. General conditions for many in pre-trial detention are also reported to be harsh, with overcrowding so severe in some prisons that inmates are forced to take it in turns to sleep while others in the cell stand.

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Cases illustrating Amnesty International's concerns are detailed below. They relate to political prisoners[1], although Amnesty International is also concerned about other more general allegations about ill-treatment of criminal prisoners.

Deaths in custody

Shahmardan Mahammad oglu Jafarov

Shahmardan (also known as Shahsultan) Jafarov died in custody in the Azerbaijani capital of Baku during the night of 29 to 30 June 1995. A parliamentarian and a member of the opposition Popular Front of Azerbaijan (PFA), he had sustained serious gunshot wounds in a clash with police on 17 June 1995 near the village of Abragunis in the Julfa district of the Nakhchivan Autonomous Republic (NAR). He was operated on twice in a hospital in Nakhchivan, then transferred to Shuvelyan prison (officially known as investigation-isolation prison No. 3) in Baku. It is alleged that the medical treatment he received there was inadequate, and that a transfer to a hospital attached to the Ministry of Internal Affairs occurred too late to save him.

According to reports, Shahmardan Jafarov had been the head in the NAR of an illegal armed unit which was disarmed by government forces in August 1994. Over 20 people were arrested, but Shahmardan Jafarov evaded detention at that time. In May 1995

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[1]Amnesty International uses a broad interpretation of the term "political prisoner" so as to cover all cases with a significant political element, for example criminal offences committed with a political motive or within a clear political context. Amnesty International does not call for the release of all political prisoners within this definition, nor does it call on governments to give political prisoners special conditions. Governments are obliged to treat *all* prisoners humanely and Amnesty International opposes the use of torture and the death penalty in all cases - both criminal and political - without reservation.

In connection with the coup attempt it is reported that Aypara Aliyev was charged with treason (Article 57 of the Criminal Code), "organizational activity directed towards the commission of especially dangerous state crimes" (Article 65), and establishing illegal armed formations (Article 70-2), all of which carry a possible death sentence. Aypara Aliyev was also charged with embezzlement (Article 86) and forgery (Article 194) - he was reportedly accused of falsifying documents to obtain the registration of a charitable society named *Nidjat* (*Salvation*), and of stealing large sums of money from the society. The Chairman of *Nidjat*, Nusret Qasim oglu Budaqov, was returned by Russia to Azerbaijan to face similar charges at the end of May 1995, but died in the investigation-isolation prison of the Ministry of National Security on 10 July. Amnesty International has no information at present on the cause of death.

Aypara Aliyev is said to have been denied permission for at least several weeks to receive food parcels from relatives, in order to supplement the meagre prison diet, and it is also alleged that he was not given the medical care appropriate for his state of health. His trial, set to begin in August 1995, was postponed on grounds of his ill-health, and he was transferred from Baku's Bayilov prison (officially known as investigation-isolation prison No. 1) to a prison medical facility after he fell into a coma on 22 October. He died there on 25 November, aged 36.

Amnesty International wrote twice to the authorities before Aypara Aliyev's death, urging that he receive all appropriate medical treatment. Following his death the organization approached the authorities again, seeking details on the circumstances under which Aypara Aliyev died and also whether he had been permitted to receive regular food parcels from his relatives. Amnesty International also invited the authorities' comments on allegations that he was arrested without the sanction of the prosecutor's office or the prior permission of Ganja City Council, and that he was held before formal charge four days beyond the 10-day time limit set, as the organization understands, by Azerbaijani law.

Allegations of beatings and ill-treatment

Rahim Hasan oglu Qaziyev

Several relatives of Rahim Qaziyev, a former member of parliament and Minister of Defence who is currently in hiding, are said to have been beaten after they were detained by law enforcement officials in August 1995. At least three detained then are believed still to be under arrest, including one who is said to be currently in very poor health. A fourth family member is also reported to have been subsequently arrested.

Rahim Qaziyev was arrested in Baku in November 1993, charged with large-scale theft of state property (Article 88-1), illegal possession of a weapon (Article 220 pt 2) and the military crime of neglect of duty in a combat situation (Article 255). The latter charge related to the fall of the towns of Shusha and Lachin in May 1992, while he was Minister

Alakram Alakbar oglu Hummatov (also known as Aliakram Humbatov)

Alakram Hummatov, a former department head in the Ministry of Defence, is currently under arrest in Baku. He has allegedly been beaten while in detention, and his 14-year-old son is also said to have been beaten and burned with cigarettes by police seeking the whereabouts of Alakram's wife, who is currently in hiding.

In June 1993, amid general political unrest in Azerbaijan, Alakram Hummatov announced the creation of a self-proclaimed "Talish-Mugan Autonomous Republic" (TMR), based around the southern city of Lenkaran and incorporating seven administrative districts in the area[7]. He was declared President of the TMR, but the authorities eventually restored control over the area in August and Alakram Hummatov went into hiding.

He was eventually detained on 9 December 1993 and transferred to Baku. Nine months later he was among four prisoners (including Rahim Qaziyev, above) who escaped from the investigation-isolation prison of the MNS. Alakram Hummatov went into hiding again, and it is reported that his relatives suffered harassment by police trying to discover his whereabouts. His wife Sudaba Rasulova, for example, is said to have been detained without charge in Lenkaran at the beginning of July 1995, effectively as a hostage to force her husband to give himself up. Alakram Hummatov returned to his home on 3 August, and was rearrested. Sudaba Rasulova was released, but went into hiding after the authorities reportedly sought to arrest her again three days later.

Alakram Hummatov is said to have been beaten after he was transferred to Baku following this second arrest, but no specific details of injuries allegedly sustained are currently available to Amnesty International. Police seeking Sudaba Rasulova are also said to have beaten the couple's eldest child, 14-year-old Ramal Hummatov, on several occasions in an attempt to force him to reveal the location of his mother. One beating is said to have taken place at a Lenkaran police station on 5 September 1995, in the presence of the boy's grandmother. On another occasion, the date of which is not known, the police are said to have inflicted cigarette burns on Ramal Hummatov's body.

Alakram Hummatov is currently standing trial in the Military Collegium of the Azerbaijani Supreme Court, on a range of charges in connection with events around the proclamation of the TMR[8]. He faces a possible death sentence if convicted. Several of Alakram Hummatov's relatives were also reportedly arrested in August, possibly on a

[7] The Talish are a minority ethnically distinct from Azeris, and concentrated mainly in the south of Azerbaijan.

[8] The charges against him in connection with the TMR are reportedly "treason" (Article 57), "establishing illegal armed formations" (Article 70-2), "unauthorized appropriation of the title or powers of an official" (Article 192 part 2), "unlawful deprivation of freedom" (Article 120), "breach of the inviolability of a citizen's residence" (Article 132) and "illegal possession of a weapon" (Article 220-2). To these has been added "escape from a place of imprisonment" (Article 185 part two).

in October 1995[12] as reporting that 244 inmates died in 1994 out of a total of 320 prisoners infected with tuberculosis, and that as of that date in 1995 the number of those prisoners suffering from tuberculosis had reached 1,200. These figures appear to refer to the prison population as a whole, not just in pre-trial detention.

Once tried, most prisoners are transferred from an investigation-isolation prison to a corrective labour colony to serve their sentence. Conditions in these colonies have been less frequently described, although there were press reports about a protests on 29 September 1995 by prisoners in colony No. 2 near the village of Bina. The prisoners were said to have gone on hunger-strike, and 120 of them staged a roof-top protest, to reinforce a number of demands relating to alleged ill-treatment in the colony. According to reports the prisoners complained, among other things, that they were subjected to physical humiliations and that bribes were frequently necessary to obtain clothes, food products and medicines.

Amnesty International's concerns

Amnesty International is concerned about the persistent reports of ill-treatment in detention in Azerbaijan, and is calling on the authorities to:

- conduct comprehensive and impartial investigations into the deaths in custody of Shahmardan Jafarov and Aypara Aliyev, and make the results public;
- conduct comprehensive and impartial investigations into all allegations of beatings and ill-treatment in custody, with the results made public and any perpetrators brought to justice;
- ensure that all prisoners receive prompt and appropriate medical treatment.

[12] Baku journal Avrasiya of 7 October 1995, quoting a deputy director of the Health Department of the Main Directorate for the Implementation of Court Decisions, in the Ministry of Health.

amnesty international

AZERBAIJAN

Tofiq Qasimov: a possible prisoner of conscience



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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

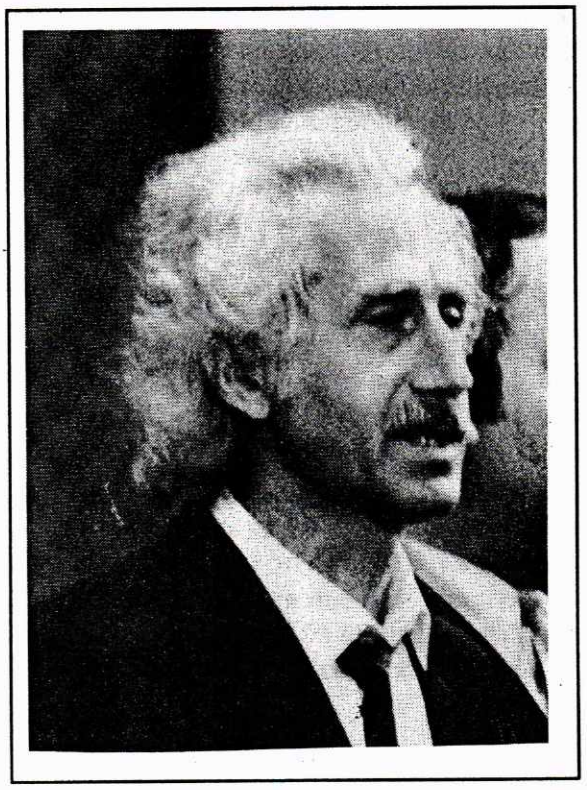
AZERBAIJAN

Tofiq Qasimov: a possible prisoner of conscience

Tofiq Masim oglu Qasimov, a parliamentarian and prominent political figure in Azerbaijan, was arrested at 7.15am on 19 September 1995 at his home in the country's capital, Baku. He has been accused of calling for the violent overthrow of the government, and of complicity in a failed coup attempt in March 1995. He faces a possible death sentence if convicted.

Amnesty International is concerned about allegations that the charges are false, and have been fabricated in order to punish Tofiq Qasimov for his non-violent political activity in opposition to the Azerbaijani government. Amnesty International is currently seeking further information about the charges against Tofiq Qasimov and the circumstances of his arrest.

Background



The political scene in Azerbaijan[1] has been turbulent since the country received recognition as an independent state following the breakup of the Soviet Union. Current President Heydar Aliyev came to power after his predecessor, Abulfaz Elchibey, fled the capital in the face of an armed revolt in June 1993. Subsequently President Aliyev has also faced such opposition, for example in mid-March 1995. Elite special police units (known as OPON) mutinied in Baku on 13 March, and in the north-western towns of Akstafa and Kazah the following day. By 17 March, however, government troops had overcome OPON resistance, storming their headquarters in Baku. The OPON commander, Deputy Interior Minister Ravshan Javadov, was among those who died as a result of the

[1] The Azerbaijan Soviet Socialist Republic was one of the 15 constituent republics of the former USSR. Following the collapse of the USSR at the end of 1991 Azerbaijan was recognised as an independent state, and became a member of the United Nations in March 1992. The country is situated in the Caucasus area, and is bounded to the east by the Caspian Sea.

fighting (the official death toll was almost 40 dead, although unofficial estimates put the figure closer to 100). Hundreds of people were arrested following these events[2], and one of the main charges against Tofiq Qasimov is his alleged complicity in the mutiny.

Tofiq Qasimov was born in 1938. He graduated from the Azerbaijani State University in 1960 and has had a long career as a theoretical phycisist, researching in the field of solid state physics. He has been active in politics since at least 1988, when he became a member of the board of the opposition Popular Front of Azerbaijan. In 1990 Tofiq Qasimov was elected to the country's Soviet-era parliament (Supreme Soviet), and he subsequently became a member of the equivalent body - called the National Assembly - in independent Azerbaijan.

In July 1992 Tofiq Qasimov was appointed Foreign Minister in the government of President Elchibey, but resigned in protest almost a year later at parliament's vote to impeach the latter. Tofiq Qasimov remained active in parliamentary affairs, however, and has been an outspoken critic of the policies of President Aliyev. In August 1995 he joined the opposition *Musavat* (Equality) Party, and prior to his arrest he was among their leading candidates for the parliamentary elections set for 12 November 1995 (*Musavat* was eventually barred as a party from contesting the elections owing to alleged irregularities regarding the nomination of candidates).

Arrest and charge

Tofiq Qasimov was arrested in the morning of 19 September, although his parliamentary immunity was not removed by the National Assembly until later that day. According to the most recent information available to Amnesty International, he has been accused of involvement in a secret organization connected to the March 1995 coup attempt, and of calling for the armed overthrow of the government. The investigation of his case is believed to be under Article 57-1 of the Azerbaijani Criminal Code ("Use of the armed forces of the Azerbaijani Republic or of other armed formations established under the laws of the Azerbaijani Republic against the Azerbaijani people or Constitution"). This article is punishable by five to 10 years' imprisonment or, if the actions have "serious consequences", by 10 to 15 years' imprisonment or death[3].

[2] The independent news agency TURAN reported on 25 January 1996 that, as of that date, 556 employees of OPON had been arrested since March 1995 in connection with the mutiny.

[3] The majority of death sentences passed in Azerbaijan in recent years have been for premeditated murder. However, in 1995 at least two were handed down in cases which had a political element. Rahim Qaziyev, a former Minister of Defence, was sentenced to death *in absentia* in May after being convicted of, among other charges, large-scale theft and the military crime of neglect of duty in a combat situation (Article 255 of the Criminal Code). The latter charge related to the fall in

Tofiq Qasimov's alleged involvement is said to have been through a study group called the Azerbaijani Centre for Strategic Research (ACSR), which is said to have provided him with cover as a leading figure in a plot to overthrow President Aliyev in March 1995. Tofiq Qasimov is accused of being the ideological force behind the revolt, and of conducting secret meetings via the ACSR with OPON commander Ravshan Javadov, who led the mutiny.

The day before his arrest Tofiq Qasimov held a press conference at which he refuted accusations of his involvement in the coup attempt. His supporters claim that the ACSR meetings were attended by a wide range of people, including government officials, and that they functioned openly with all proceedings recorded on audio cassettes. They also claim that the accusation that Tofiq Qasimov called for the overthrow of the government is based on comments that have been taken out of context. What he actually stated, they say, was that it was impossible to change power in Azerbaijan by democratic means as no democratic conditions actually existed, and that it was necessary to struggle for the re-establishment of such democratic conditions. His supporters also claim that Tofiq Qasimov is on record as rejecting the use of force as a means to power.

Investigation of the case

Originally held at a police station, Tofiq Qasimov was subsequently transferred to the investigation prison of the Ministry of National Security in Baku where he is currently detained in a cell by himself. Five different investigators are said to have worked on the case, and in December it was reported that Tofiq Qasimov had decided to refuse giving further evidence as a mark of protest against his arrest on what he states are fabricated charges. The investigation is reportedly set for completion by 22 February. If this is the case the trial may be expected at the end of that month or the beginning of March.

Amnesty International's concerns

The charges against Tofiq Qasimov are grave, and Amnesty International would not normally take up the case of anyone accused of such crimes. However, the organization is concerned about allegations that the charges are false, and have instead been brought to

May 1992 of the towns of Shusha and Lachin to ethnic Armenian forces. Eldar Aliyev, the commander of an army unit, was sentenced to death by a military tribunal on 12 December. He had been charged in connection with the fall of the town of Agdam to ethnic Armenian forces in 1993, and with participating in a failed coup attempt in October 1994.

punish Tofiq Qasimov for his non-violent opposition to the Azerbaijani government. This concern is heightened by the fact that Tofiq Qasimov faces a possible death sentence if convicted. Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is a violation of the right to life.

Amnesty International has put its concern to the Azerbaijani authorities, and is seeking further information from them and other sources on the charges against Tofiq Qasimov, and the circumstances of his arrest. Amnesty International is also urging the authorities, should the case be brought to court, to ensure that Tofiq Qasimov receives a fair trial in line with international standards.

KEYWORDS: POSSIBLE POC1 / PARLIAMENTARIANS / PHOTOGRAPHS

Azərbaycan Respublikasının
Fransadakı səfirliyi

PARIS

Ambassade de la République
d'Azerbaïdjan en France

PARIS

nD - 252 le 01 mai 1996 il

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Destinataire : Secrétariat de l'Assemblée Parlementaire,
CONSEIL DE L'EUROPE

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De la part de : Service de presse de l'Ambassade d'Azerbaïdjan

Nombre de pages : 1 + 2
(y compris celle-ci)

Message :

Veuillez trouver ci-joint la Déclaration sur la paix, la sécurité et la coopération dans la région de Caucase signée le 8 mars 1996 par les Présidents de l'Azerbaïdjan et de la Géorgie, ainsi l'information sur les actes de grâce en Azerbaïdjan, présentée par le Service de Presse de la Présidence de la République Azerbaïdjanaise.

Avec nos sentiments respectueux CF

SUR LES ACTES DE GRACE EN AZERBAIDJAN

La première Constitution de la République Azerbaïdjanaise indépendante, adoptée le 12 novembre 1995 garantit les droits et libertés primordiaux de l'homme, y compris celui a la vie.

Conformément au p.22 de l'article 109 de la Constitution c'est le Président de la République qui a le droit d'adopter les actes de grâce. La procédure de la grâce est suivie par une Commission spéciale, créée par décret du Président le 14 mai 1995.

Respectant ses engagements internationaux dans le domaine des droits de l'homme, l'Azerbaïdjan **a limité** la liste de crimes châtiées par la peine capitale. Ainsi , **est annulée** la peine de mort pour des crimes économiques, ceux de l'abus de fonction et certains crimes d'Etat . La peine de mort **n'est appliquée que pour des crimes très graves contre l'Etat, la vie et la santé de l'homme.**

Il est a noter qu' **aucune peine capitale n'a été exécutée** en Azerbaïdjan pendant les dernières années.

En 1995 - 1996 **1500** personnes dont **12** condamnées a mort, ont été graciées par 6 décrets du Président de la République :

Décret du 6 juillet 1995 - 15 personnes, citoyens azerbaïdjanais, russes, iraniens;

Décret du 18 octobre 1995 - 608 personnes, dont jeunes soldats et recrutes;

Décret du 11 novembre 1995 - 6 collaborateurs du journal illégal Tchechmé";

Décret du 27 décembre 1995 - **578** personnes, dont mineurs, invalides, malades, ainsi que **7 personnes condamnés a mort;**

Décret du 19 mars 1996 - **288** personnes, dont femmes, malades, invalides et les personnes âgées de plus de 65 ans ;

Décret du 19 avril 1996 - **5 personnes condamnées a la peine de mort,** dont un citoyen russe, mercenaire dans les forces armées d'Arménie condamné pour actes terroristes en Azerbaïdjan.

Comme le prouvent les données mentionnées ci-dessus, le Président Heïdar ALIEV, garant de la justice, de la liberté et de la sécurité sur le territoire de la République Azerbaïdjanaise mène une politique suivie du respect des droits de l'homme et de l'humanisme.

SERVICE DE PRESSE

PRESIDENCE DE LA
REPUBLIQUE AZERBAIDJANAISE

Council of Europe
Conseil de l'Europe

Strasbourg, le 13 mai 1996
[S:\JV\AZERBAIJ\sginf96.10F]

SG/Inf (96) 10

ETAT ACTUEL DES RELATIONS AVEC LA REPUBLIQUE D'AZERBAÏDJAN

**Document d'information
du Secrétariat élaboré par
la Direction des affaires politiques**

A. PROCEDURE D'ADHESION

Demande:
Statut d'invité spécial auprès de l'Assemblée Parlementaire:
demandé: le 24 janvier 1992
octroyé:

Rapporteurs de l'Assemblée Parlementaire:

M. J. SOLE TURA (Espagne, socialiste), Commission des relations avec les pays européens non membres;

M. J. BAUMEL (France, démocrate européen), Rapporteur pour Avis, Commission des questions politiques.

Une délégation d'observateurs de l'Assemblée Parlementaire a suivi les élections parlementaires et le référendum sur la Constitution organisés en Azerbaïdjan du 9 au 13 novembre 1995 (rapport, Doc. 7430, addendum III, du 17 janvier 1996).

B. DIALOGUE POLITIQUE

Le Ministre des Affaires étrangères de l'Azerbaïdjan, M. Tofig GASYMOV, a participé à la réunion ministérielle spéciale du Comité des Ministres à Istanbul le 10 septembre 1992.

Lors de la 557e réunion des Délégués des Ministres (5-8 février 1996, point 2.1/8), le Comité des Ministres a décidé d'ouvrir un dialogue avec un représentant politique de l'Azerbaïdjan. Ce dialogue doit avoir lieu les 5 et 6 juin 1996.

C. ACTIVITES DE COOPERATION

Une réunion entre le Secrétariat et une délégation de hauts fonctionnaires d'Azerbaïdjan a été organisée à Strasbourg les 22 et 23 juin 1992.

A la suite de cette réunion, une délégation du Secrétariat du Conseil de l'Europe s'est rendue à Bakou du 28 au 30 avril 1993 pour un échange de vues sur les réformes démocratiques et sur les principes qui sous-tendent la prééminence du droit.

Cependant, les propositions de coopération ne se sont concrétisées qu'en novembre 1995.

Les contacts avec les autorités de l'Azerbaïdjan se sont développés après l'adoption par l'Assemblée Parlementaire de la Recommandation 1247 (1994) relative à l'élargissement du Conseil de l'Europe.

Une délégation de hauts fonctionnaires d'Azerbaïdjan a effectué une visite à Strasbourg les 27 et 28 novembre 1995 (voir document CM/Inf 95) 40), à la suite de laquelle des possibilités de coopération entre l'Azerbaïdjan et le Conseil de l'Europe ont été proposées par le Secrétariat. Elles sont présentées brièvement dans l'annexe au présent document.

Le Comité des Ministres a autorisé la mise en œuvre de ces activités de coopération lors de la 557e réunion des Délégués des Ministres tenue à Strasbourg du 5 au 8 février 1996 (point 2.1/4+6).

Mme E. HOUSEINOVA, Ambassadeur d'Azerbaïdjan en France, a prononcé un discours, au nom du Ministre des Affaires étrangères, lors de la 26e réunion de la Commission européenne pour la démocratie par le droit, qui s'est tenue à Venise les 1er et 2 mars 1996.

D. CONVENTIONS/ACCORDS PARTIELS

L'Azerbaïdjan:

- est membre de l'Accord partiel ouvert en matière de prévention, de protection et d'organisation des secours contre les risques naturels et technologiques majeurs (décision prise lors de la 486e réunion des Délégués des Ministres, janvier 1993, point 3);

- a demandé le statut de membre associé auprès de la Commission européenne pour la démocratie par le droit (lettre du Ministre des Affaires étrangères, M. H. HASSANOV, datée du 8 février 1996).

Lors de sa visite à Strasbourg, les 27 et 28 novembre 1995, la délégation de hauts fonctionnaires d'Azerbaïdjan a réitéré l'intérêt du Gouvernement de l'Azerbaïdjan d'être invité à à adhérer à la Convention culturelle européenne.

Annexe I

RELATIONS AVEC L'AZERBAIDJAN

POSSIBILITES DE COOPERATION EN 1996

Une délégation de hauts fonctionnaires d'Azerbaïdjan a visité Strasbourg les 27 et 28 novembre 1995. Sur la base des conclusions de cette réunion, le Secrétariat soumet les propositions d'activités de coopération suivantes pour 1996:

. Constitution

La nouvelle Constitution d'Azerbaïdjan a été adoptée en novembre 1995. L'assistance pour la mise en œuvre de cette Constitution, notamment en ce qui concerne les mesures législatives, institutionnelles et réglementaires sur les aspects les plus sensibles du point de vue des principes démocratiques, des droits de l'homme et de la prééminence du droit, devrait constituer une priorité de la coopération avec l'Azerbaïdjan en 1996.

Un représentant azéri sera invité à une prochaine réunion de la Commission européenne pour la démocratie par le droit, pour examiner les possibilités de coopération concrète en ce domaine.

Dès à présent, il a été convenu avec les autorités d'Azerbaïdjan que le Conseil de l'Europe procéderait à une analyse du Chapitre III de la Constitution consacré aux droits de l'homme.

. Droits de l'homme

Une documentation sur les droits de l'homme pourrait être mise à la disposition d'une institution appropriée en Azerbaïdjan.

. Expertise législative

Les textes législatifs suivants ont été mentionnés pour éventuelle expertise par le Conseil de l'Europe:

. loi sur l'organisation judiciaire;
. loi sur la police;
. loi sur la citoyenneté;
. loi sur l'administration pénitentiaire;
. loi sur l'autonomie locale (chapitre VII de la Constitution).

. Education et culture

La délégation d'Azerbaïdjan a exprimé un grand intérêt pour les activités dans le domaine de l'éducation. Elle a aussi réitéré le souhait du Gouvernement d'Azerbaïdjan d'être invité à adhérer à la Convention culturelle européenne.

Dans l'attente d'une éventuelle adhésion à la Convention culturelle, l'Azerbaïdjan sera invité à participer à titre d'observateur aux travaux des Comités intergouvernementaux dans le domaine de l'éducation (Comité de l'éducation et Comité pour l'enseignement supérieur et la recherche) [voir sous Comités intergouvernementaux].

L'Azerbaïdjan sera également invité à participer à quelques-unes des Conférences importantes organisées dans le cadre du programme du CDCC. Il s'agirait en 1996 de:

- la Conférence finale du Projet sur l'accès à l'enseignement supérieur (septembre 1996);
- la Conférence finale du Projet sur l'enseignement secondaire (décembre 1996);
- la Conférence finale du Projet sur le langues vivantes (printemps 1997) ;
- la Conférence finale du Projet "Démocratie, Droits de l'homme, Minorités: aspects éducatifs et culturels" (1997).

Suite à ces Conférences, pourrait être envisagée la possibilité d'extension à l'Azerbaïdjan des programmes de coopération du Conseil de l'Europe dans le domaine de l'éducation, notamment le Programme de réforme législative.

. Visites d'études

Afin d'établir un réseau de correspondants familiers des questions du Conseil de l'Europe dans les principaux Ministères impliqués dans la coopération avec notre Organisation, un ou deux experts pourraient être invités, en 1996, pour des visites d'études de courte durée auprès du Secrétariat à Strasbourg.

. Comités intergouvernementaux

Faisant droit à l'intérêt exprimé par les autorités de ce pays, l'Azerbaïdjan sera invité à participer, en qualité d'observateur, aux travaux des Comités intergouvernementaux suivants:

- Comité européen de coopération juridique (CDCJ);
- Comité européen pour les problèmes criminels (CDPC);
- Comité des conseillers en droit international (CAHDI);
- Comité directeur des droits de l'homme (CDDH);
- Comité directeur sur les mass media (CDMM);
- Comité de l'éducation;
- Comité de l'enseignement supérieur et de la recherche.

. Activités multilatérales

Si des ressources supplémentaires pouvaient être mobilisées (par exemple, sous forme de contributions volontaires), des participants de ce pays pourraient être invités à prendre part aux différents programmes de formation de juristes mis en œuvre ou soutenus par le Conseil de l'Europe, tels que le Programme juridique et pratique sur les droits de l'homme, organisé par l'Université de Birmingham ou la Session d'été de l'Institut international des droits de l'homme à Strasbourg.

Crime Statistics

for Azerbaijan Republic

1992-1996



Динамика преступности

в Азербайджанской Республике

1992-1996

Azerbaijan Republic was formed on 28th May 1918
Азербайджанская Республика - образована 28 мая 1918 года

Capital of the Country is Baku city
Столица - город Баку

Territory of the Azerbaijan Republic is 86.6 thousand square km
Территория Азербайджанской Республики (в тыс.кв.км) - 86.6

Administrative division:
Административное деление:

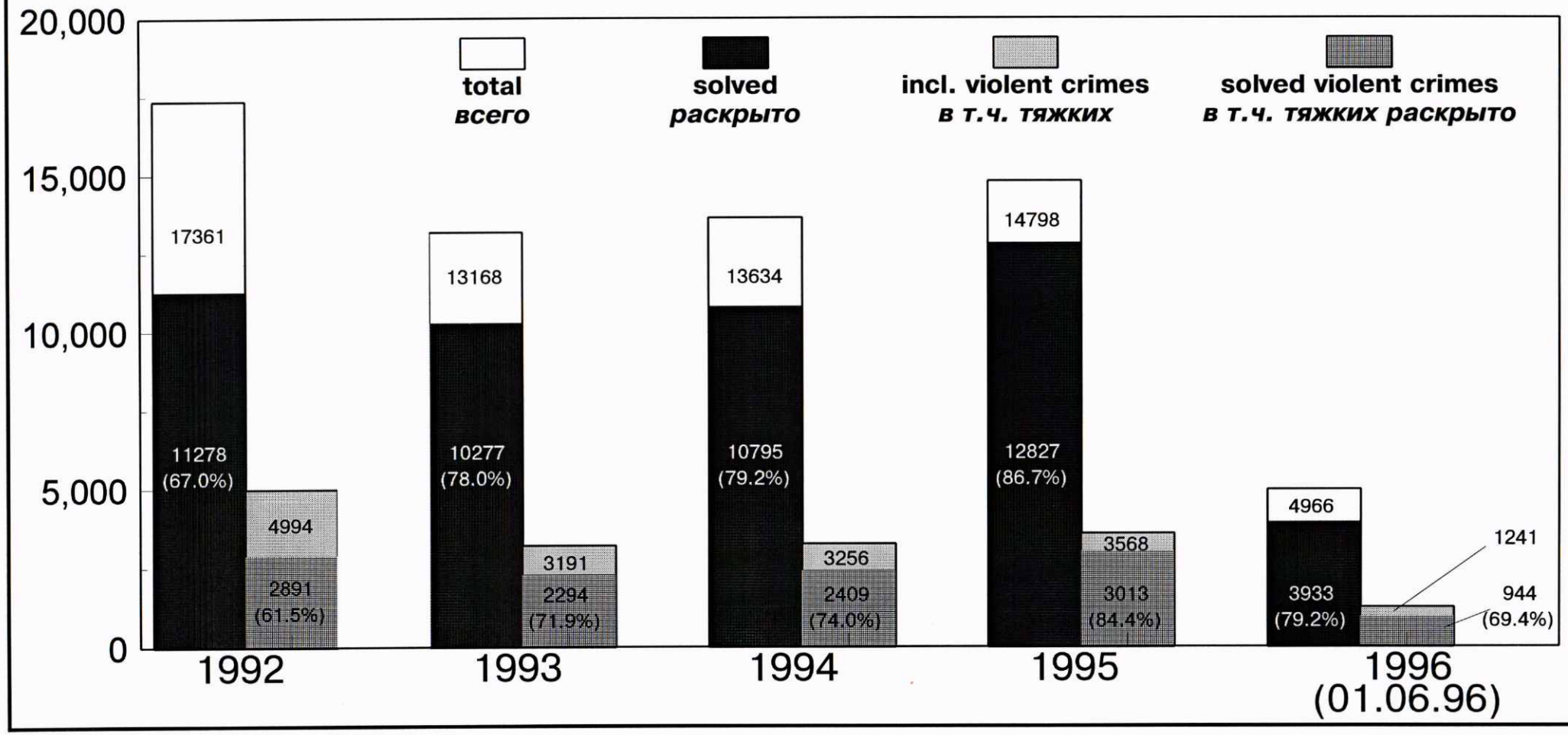
autonomous Republic ***автономных республик***	**- 1**	**(Nakhchivan Autonomous Republic)** ***(Нахчыванская автономная республика)***
districts ***районов***	**- 64**	
city districts ***районов в городах***	**- 13**	
cities and towns ***городов***	**- 65**	

population (thousand inhabitants) ***численность населения (в тыс. человек)***	**1991**	**1992**	**1993**	**1994**	**1995**
	7186.6	**7296.9**	**7367.9**	**7486.9**	**7545.1**

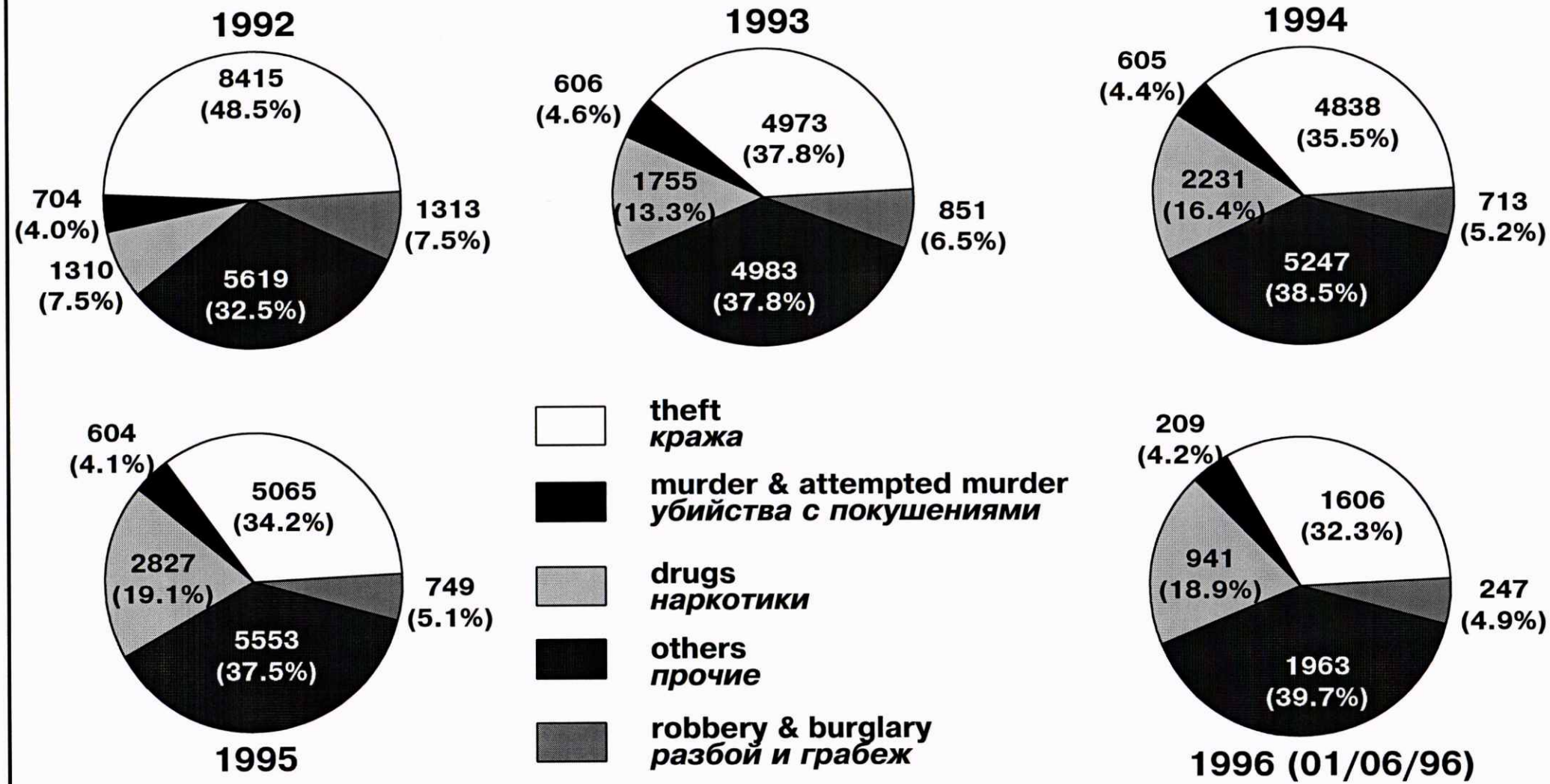
Crime statistics

Динамика преступности по линии УР

1992-1996



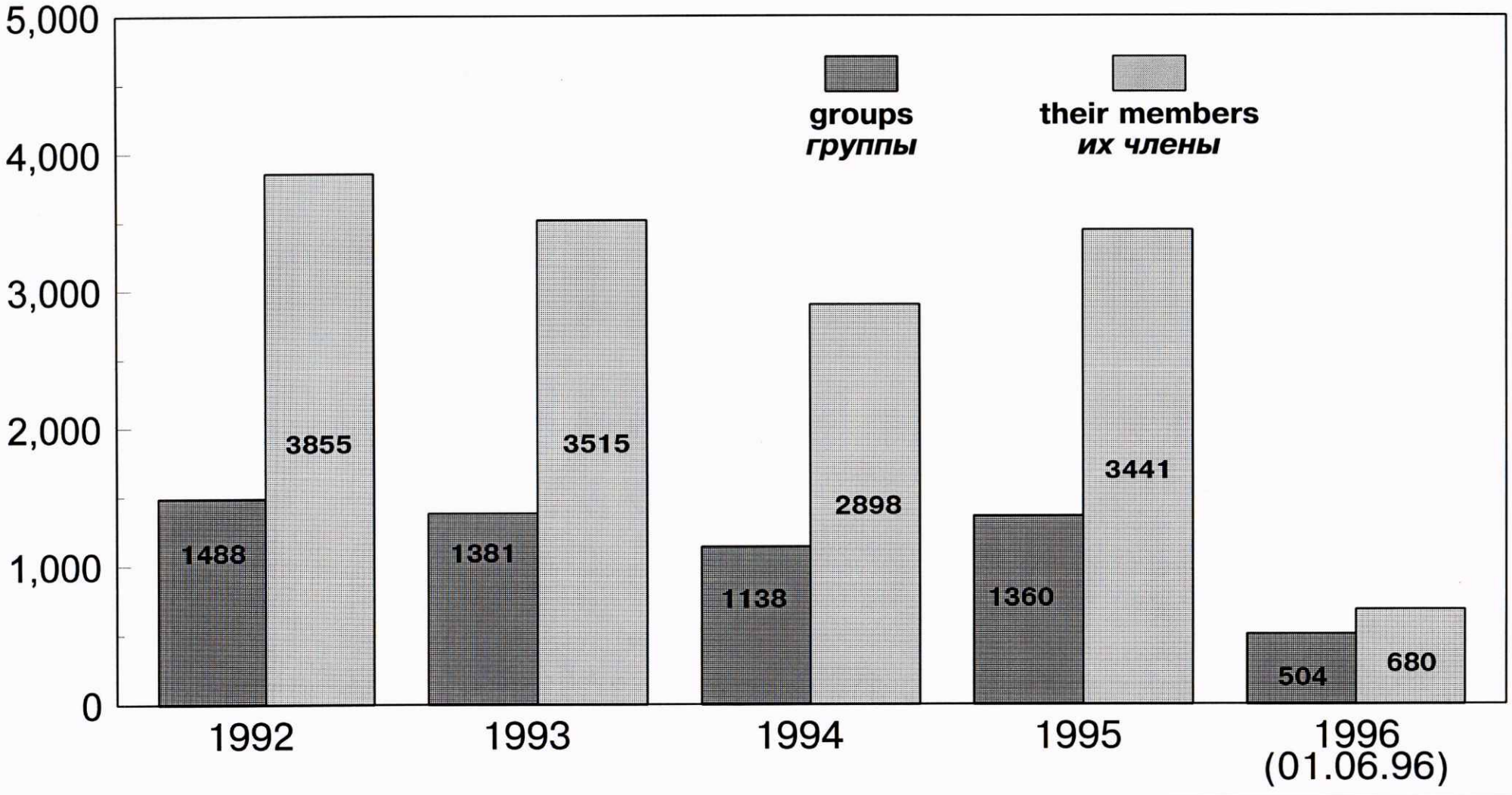
Structure of the Crime
Структура преступности по линии УР
1992-1996



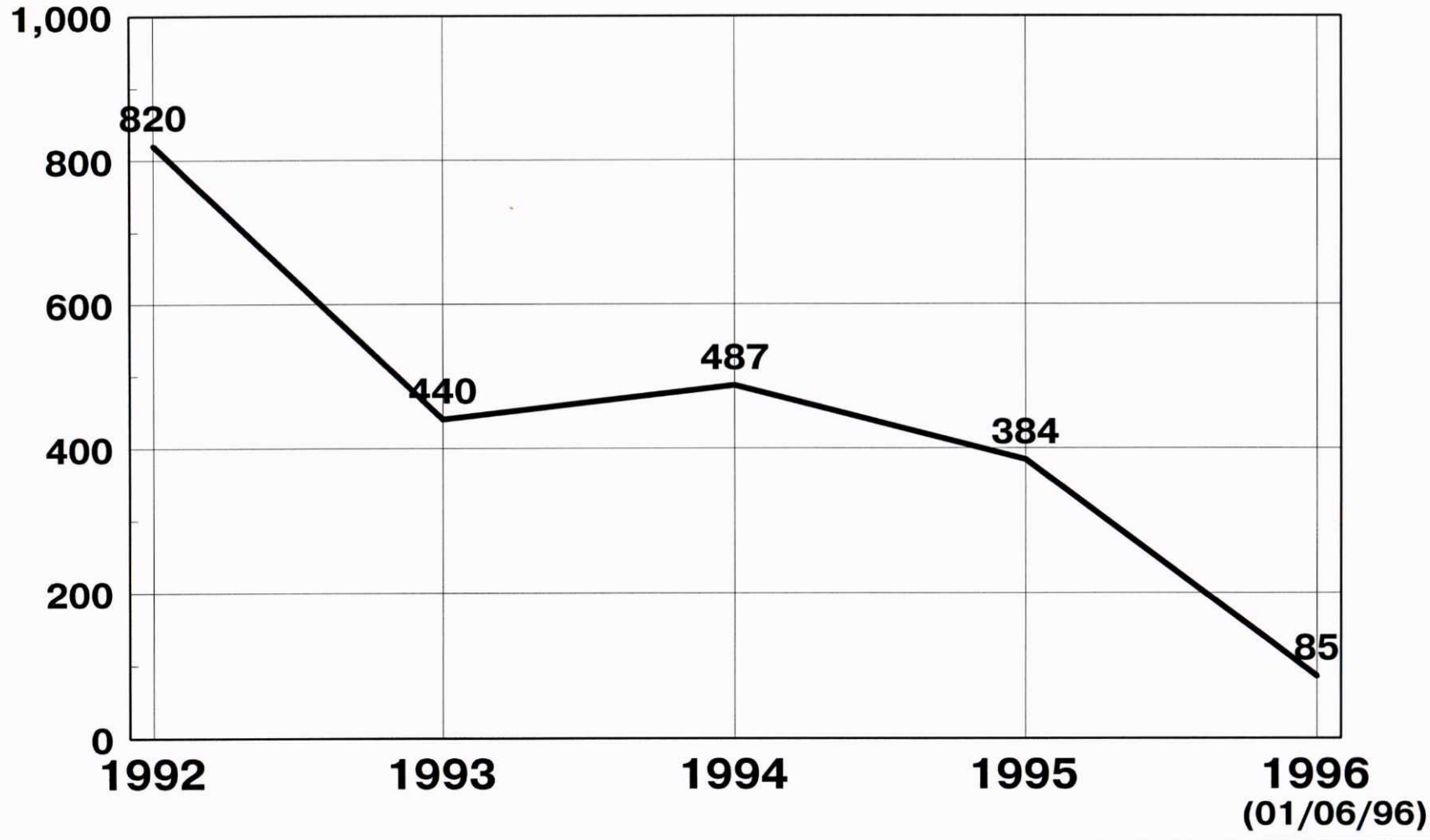
Number of the criminal groups and their members

Количество выявленных преступных групп и лиц, в них входящих

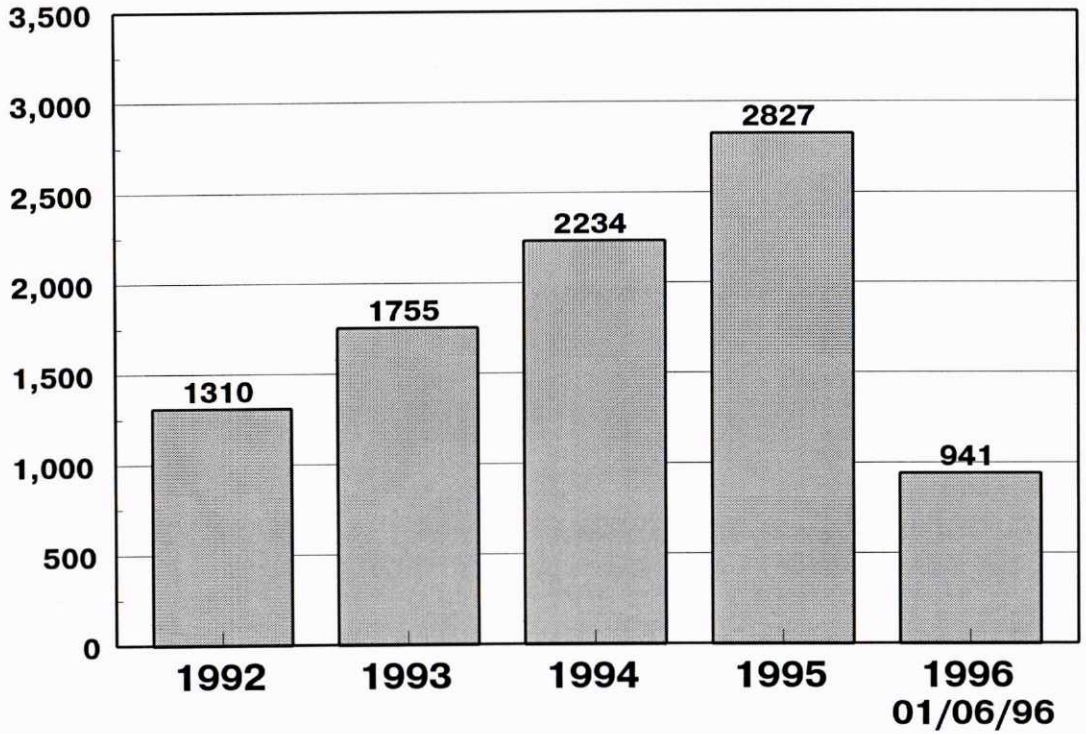
1992-1996



Number of the Crimes committed with fire-arms
Количество преступлений, совершенных с применением огнестрельного оружия
1992-1996



Number of the Drug Related Crimes
Количество выявленных преступлений, связанных с незаконным оборотом наркотиков
1992-1996



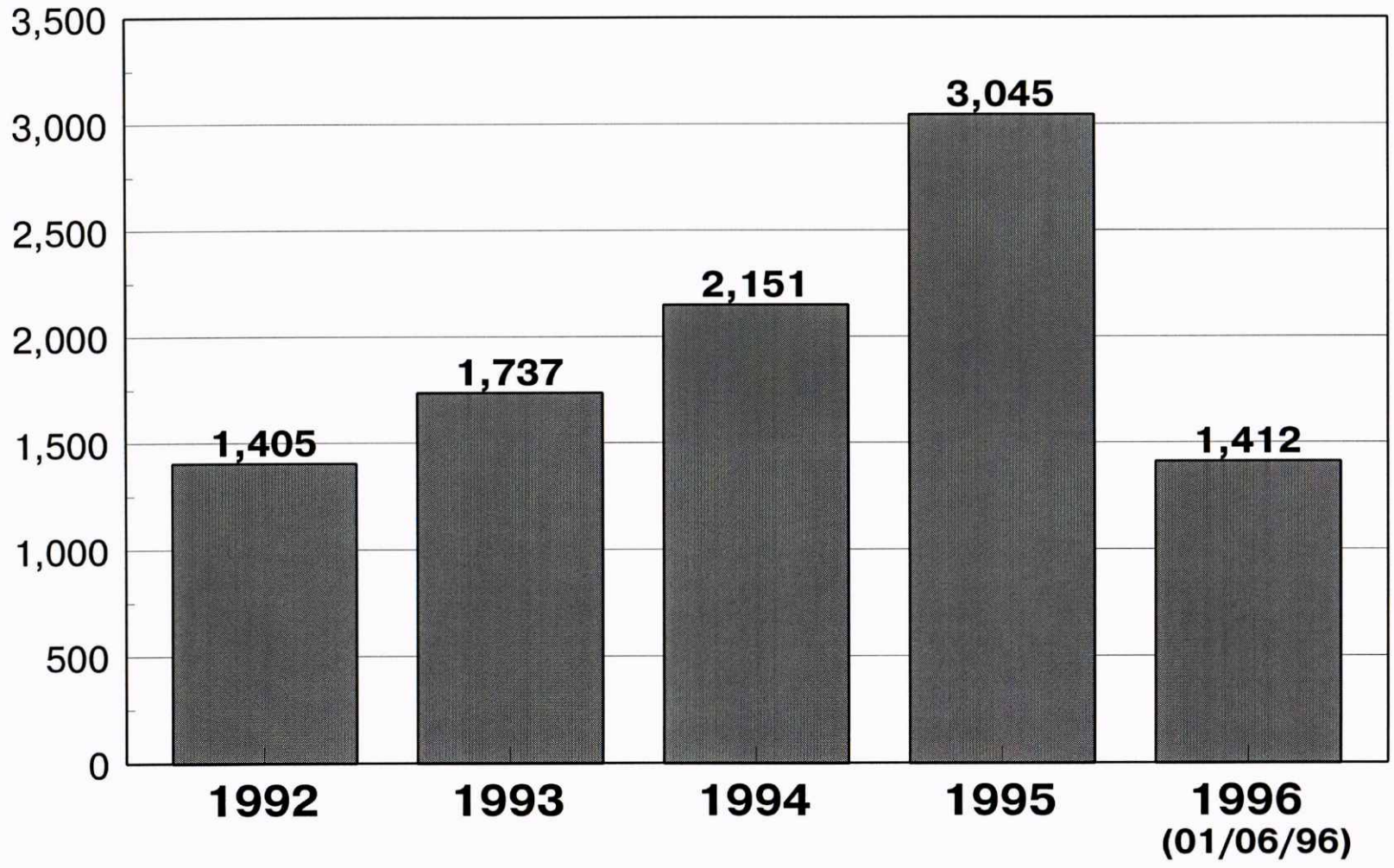
Quantity of the seized drugs (kgs)
Кличество изъятых наркотиков (кг)

	1991	1992	1993	1994	1995	1996 (01.06)
Marijuana Марихуана	169	206	327	444	245	41.9
Opium Опий	0.56	6.5	19	29	254	84.6
Raw opium Кокнар	1.9	55	7	12	6	-
Heroin Героин	-	-	-	0.097	0.124	0.062
Total Всего	171.46	267.5	353	487.097	505.124	126.562

In 1995 92 foreigт nationals (42 Iranian Nationals) were detained for drug related crimes. They were in possession of 182 kg of narcotic drugs (160 kgs - Iranian nationals). During the period of the 5 months of 1996 25 foreign nationals were detained for the same offences. They were in possession of 9.4 kg narcotic drugs (including 5 Iranian nationals in possession of 1.4 kg opium and 21 gr of heroin.)

В 1995 году за преступления, связанные с наркотиками задержано 92 иностранца, у которых изъято 182 кг наркотических средств, в т.ч. 42 гражданина ИРИ, у которых изъято 160 кг опия. За 5 месяцев 1996 года за эти же преступления задержано 25 иностранцев, изъято 9.4 кг наркотиков в т.ч. 5 граждан ИРИ, изъято 1.4 кг опия и 21 гр. героина.

Criminals located
Разыскано преступников
1992-1996



Volume of crime per 100 000 inhabitants
Число преступлений по линии УР на каждые 100 000 населения

	1992	1993	1994	1995	1996 (01/06/96)
Azerbaijan *Азербайджан*	237	178	182	198	66
Moldova *Молдова*	-	-	-	789	-
Russia *Россия*	-	-	-	1425	-
Georgia *Грузия*	-	-	-	256	-
Turkmenistan *Туркменистан*	-	-	-	239	-
Ukraine *Украина*	-	-	-	1069	-

Statistics on crimes committed by the aliens and against them
Динамика преступлений, совершенных иностранцами и в отношение них

	1992	1993	1994	1995	1996 (01/06/96)
1. by the aliens *иностранцами*	10	64	201	306	97
1.1. by the nationals of CIS countries (including) *в т.ч. гражданами стран СНГ*	-	34	147	233	63
2. against aliens *в отношение иностранцев*	59	70	137	98	35
2.1. against nationals of the CIS countries (including) *в т.ч. в отношение граждан стран СНГ*	-	9	43	29	4

Seizures of the Fire-Arms
Сведения о количестве изъятого огнестрельного оружия

Siezed *Изъято*	1992	1993	1994	1995	1996 (01/05/96)
Sub-machine-guns *Автоматов*	872	-	1540	1114	399
Machine-guns *Пулеметов*	42	-	129	54	23
Pistols *Пистолетов*	331	-	413	664	123
Total *Всего*	1467	4041	2766	2464	800

Tres tasques:

- La planificació comporta una part o totes les següents fases:
  - preparació
  - competències: / calendaritzar
    \ control
  - control de l'execució
  - la transferència d'alguns dels elements comuns (p. ex. fitxers)
  - l'eliminació de les comunicacions
  - ~~Eliminació~~ capacitat d'interpretació
  - comprimir

→ 1.8.1.0.1.1

le 5 juin, mercredi

9.00	Petit-déjeuner.
10.00	Rencontre avec des professeurs et étudiants de l'Université d'Etat Rassoulzade
12.00	Départ à l'aéroport BINA
14.00	Départ pour Moscou par le vol "AEROFLOT"

20.00	Dîner offert par M. R. ALLAHVERDIEV Maire de Bakou

le 4 juin, mardi

9.00	Petit-déjeuner
10.00	Rencontre avec M. R.OUSOUBOV, Ministre de l'Intérieur de l'Azerbaïdjan
11.30	Rencontre avec Mme L. RASSOULOVA, Ministre de l'Education
12.30	Rencontre avec M. P. BULBULOGLU, Ministre de la Culture
13.30	Rencontre avec Mme S. HASSANOVA, Ministre de la Justice p.i.
14.30	Déjeuner offert par Mme S. HASSANOVA, Ministre de la Justice
16.00	Rencontre avec des représentants de la Confédération des syndicats
17.00	Rencontre avec M. F.GOULIEV, Président du Cabinet des Ministres
18.00	Rencontre avec M. HEIDAR ALIEV, PRESIDENT de la République Azerbaïdjanaise
19.30	Rencontre avec des représentants des médias. Conférence de presse
21.00	Dîner offert par M. Y. SAMEDOGLU, Président de la Commission des relations internationales de l'Assemblée Nationale

Projet de programme de la visite d'information de la Délégation du Conseil de l'Europe en Azerbaïdjan

(1 - 5 juin 1996)

le 1 juin, samedi

17.45 Arrivée des membres de la délégation de Moscou à Bakou par le vol "TRANSAERO".
A l'aéroport BINA la délégation sera accueillie par :
M. Y. SAMEDOGLU - Président de la Commission pour les relations internationales et les liens entreparlementaires de l'Assemblée Nationale;
M. S. MIRZOEV - Secrétaire Général de l'Assemblée Nationale;
M. N.AKHOUNDOV - Chef du Département des liens internationaux de l'Assemblée Nationale.

Transfert à l'hôtel "Respoublika".

20.00 Dîner offert par M. Jean PERRIN, Ambassadeur de France à Bakou avec la participation des Ambassadeurs et Représentants des Etats - membres du Conseil de l'Europe: la Grande-Bretagne, la France, l'Allemagne, la Grèce, la Turquie, la Russie

le 2 juin, dimanche

9.00 Petit-déjeuner.

10.00 Intervention à la TV Nationale

11.00 Rencontre avec des représentants de partis non présentés au Parlement

13.00 Déjeuner

14.00 Visite au Musée des Beaux-Arts,
au Musée du Tapis , à Itchéri - Chéher
(ancienne cité)

20.00 Dîner offert par M. Hassan HASSANOV,
Ministre des Affaires Etrangères

le 3 juin, lundi

9.00 Petit- déjeuner

10.00 Rencontre avec M. H. HASSANOV,
Ministre des Affaires Etrangères

12.00 Rencontre avec M. R.GOULIEV,
Président de l'Assemblée Nationale

13.00 Déjeuner offert par le Département des liens internationaux du Parlement

14.00 Rencontre avec les Présidents et Vice-présidents des Commissions permanentes de l'Assemblée Nationale

15.00 Rencontre avec des représentants des groupes politiques de l'Assemblée Nationale:
"Nouvel Azerbaïdjan", , "Parti de l'Indépendance Nationale de Azerbaïdjan", "Parti du Front Populaire".

16.00 Rencontre avec des représentants des communautés nationales (russe, juive, lezghienne) à l'Assemblée Nationale.

17.00 Rencontre avec Cheikh Ul Islam Allahchukur Pachazade, le Père Alexandre, Chef des Eglises russes orthodoxes, M. Semen Ikhiilov, Chef de la communauté religieuse des Juifs de montagne à la Direction spirituelle des musulmans du Caucase

18.00 Rencontre avec M. R. ALLAHVERDIEV, Maire de Bakou

KHODJALY

ITS LAST DAY



FEBRUARY 25—26, 1992.
ARMENIAN ARMED FORCES BACKED BY SUB-UNITS OF CIS ARMY (INFANTRY GUARDS REGIMENT № 366) DESTROYED THE AZERBAIJAN TOWN OF KHODJALY. THE RESIDENTS OF THE TOWN WERE BEING RUN DOWN BY MOTORIZED INFANTRY VEHICLES AND ARMED PERSONNEL CARRIERS; OLD-AGE PEOPLE, WOMEN AND CHILDREN WERE BEING FIRED POINT-BLANK; THE INJURED WERE SCALPED, THEIR TOE-NAILS WERE PULLED OUT. ARMENIANS WERE PIERCING DEAD-BODIES' EYES, THEY WERE CUTTING OFF THEIR EARS. THESE POOR PEOPLE WERE GUILTY OF ONE THING — THEY WERE AZERBAIJANIS.



KHODJALY

ITS LAST DAY

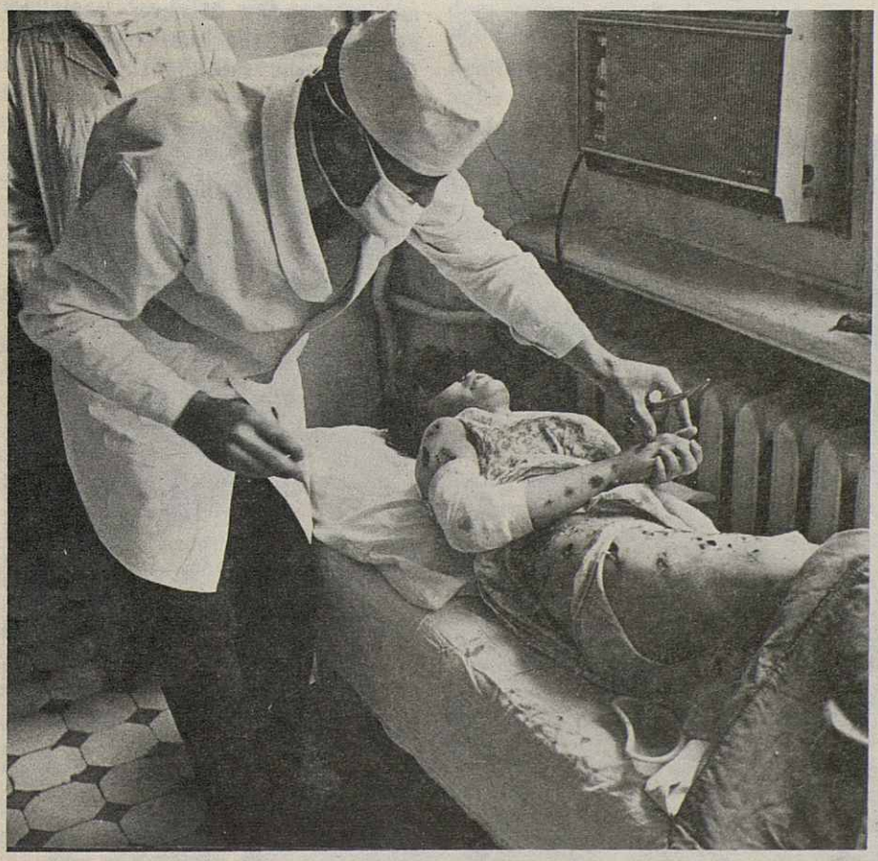


BRIEF INFORMATION: Khodjaly is a settlement of Azerbaijan situated in the strategic point on the road Agdam-Shusha, Khankendi (Stepanakert) — Askeran near the only airport in Karabakh. Its population is more than 7 thousand people. It has recently acquired the status of the republican town due to the increase of the population (many Turks — meskhets with families escaping from Fergana and Azerbaijan refugees from Armenia took shelter here), construction of new blocks of flats and branches of powerful industrial enterprises.

Late on February 25 the city was under the intensive fire from the town of Khankendi and Askeran. The airport and neighboring houses were destroyed. More than 150 people defending the airport were killed by sporadic artillery shelling of regiment No 366. The next day, on February 26 the fire shooting grew heavier and more fierce. After powerful artillery shelling the armed men launched a massive attack. Armoured vehicles of Soviet Army regiment No 366 were in the first rows of the attackers. They were followed by Armenian armed bandit units. The weak self-defence of the town was overwhelmed by superior forces and artillery shelling. The fight continued even after the aggressors had entered the town. The residents defended every house and street. The Armenian armed men backed by armoured vehicles killed the defenders of the districts and houses. The most valuable property and personal possessions were loaded onto the trucks and taken away towards the town of Khankendi.

We are Eyewitnesses...





Mushfig ALIMAMEDOV, the resident of Khodjaly. Escaping from the town he was injured and had been left to lie on the snow for 2 days:

...We had guns: machine-guns, rifles, shotguns. We didn't have any ammunition or food. We were exhausted by a long-term blockade. On February 25 Armenians started shooting at midnight, armed forces and vehicles launched the attack. First they captured the airport and burnt it down. They didn't spare anyone, either old-age people and women or children. Many people were burned alive in their homes, especially near the airport. An awful smell of burned meet haunts me even now...

Most of town-defenders were killed in action. The survivors were trying to escape in the woods on the way to the village of Shelli to break through to Agdam. They were ambushed near the Armenian village of Nakhichevanik on the way to Agdam.

Many people were killed in the ambush near the village. The director of the airport Alif Hadjiyev was killed here. He was there to rescue women. He was the one to have organized the efficient work of the airport. Armenians had already promised the award for his life before.

MINESH ALIYEVA, 50, the resident of Khodjaly, with a bullet wound in the arm.

...We wandered along the woods falling through the deep snow. When we were crossing the road a bullet lodged in my arm. I fell down and couldn't get up.

A very intensive shooting started from the wood and shelters. Alif grabbed me and started pulling to the rear of the road. Then he rushed towards the bushes to hide and started retaliating shooting at Armenian armed men. Shooting from the woods ceased for some time. Alif started

We are Eyewitnesses...

shouting at the women lying on the other side of the road and ordered them to cross the road as soon as possible. He used to shoot sporadically and every time he did the Armenians stopped shooting. About 20 women managed to run across the road. When Alif started to change the cartridge — drum Armenians shot in retaliation. At this moment he was shot through the forehead.

It was an awful sight...

ELMAN MAMEDOV, head of the executive power:

...The storming of the town started with artillery shelling that had been going on for 2 hours. Armenian armed men fired from tanks, armed personnel carriers, using shells of 'Alazan' type. We were blocked from three sides. The only break out line was Askeran gap. When Armenian infantry soldiers launched the attack everything in Khodjaly had been destroyed. Most of its residents had been shot dead. We defended the town down in trenches till 2 a.m. We failed to resist any more, the defenders and civilians started retreating. Having crossed the ice-cold river we were moving towards Keteen mountain. A lot of people died on the way in the woods where they were frozen to death. We were walking until 7 a.m. when we came out of the woods near Armenian village of Nakhichevanik. We were trapped in a gorge, where Armenians armed with machine-guns and submachine guns were waiting for us in armed personnel carriers. That's when the real slaughter began. Armenians just shot and shot innocent defenceless people. Many children and women were shot dead here. Some people were fleeing towards the village of Gulably where about 200 people were taken hostage. We helped the survivors and some of the residents of the town managed to get to Agdam. Seven of my friends with me failed to get out of the ambush, it was too late, but we got lucky; we found the cover from fire. We were hiding there from 9 a.m. till 8 p.m. And only in the evening when it started snowing we managed to get out of it and reach Agdam early in the morning of February 27.

CHINGHIZ MUSTAPHAYEV, Azerbaijan Television reporter:

... Dozens and dozens of shot dead people (most of them point-blank through the head), children aged from 2 to 15, women, old age people. The location of the corpses proves that it was a cold-blooded slaughter, there were no signs of resistance or attempts to escape.

Some civilians were shot separately, the others were killed in groups, or families. Some corpses have several wounds but every corpse has at least one wound in the head. It means that the wounded were finished off afterwards.

The camera witnessed several children with their ears cut off. The skin from the left part of the old woman's face was missing. Men were scalped. There were corpses with the signs of pillage.

First time we arrived at the scene of massacre by two war helicopters on February 28. Up from the helicopter we saw the mountainside of about 500 metres long filled with corpses. The pilots were scared of landing because the area was controlled by Armenian bandits. However when we managed to land and stepped onto the land the shooting started. The Internal Ministry men were to load



the corpses and take them to the relatives of the dead. They managed to load only 4 corpses. We were all shocked. Two men after seeing so many dead and mutilated corpses fainted. Many people got sick.

The same thing happened on March 2, when we flew there with foreign journalists. Many dead-bodies were even more mutilated than before. They had been scoffed at for several days...

SANUBAR ALEKPEROVA, the resident of Khodjaly

... Hasanabad, Mehdikend, Bozdagy — these are the places they were shooting from. The land shuddered at the sound of armoured infantry vehicles smashing into Khodjaly. At first women and children were told to hide in the basements.

Then Elman Mamedov, head of the executive power came and said that we had to escape, otherwise we would be exterminated. Alif Hadjiyev, director of the airport organized a breakthrough through Armenian lines to lead the civilians to Agdam. We were trapped in an ambush near the village of Nakhichevanik. I will never forget what I saw here: there were mountainsides filled with corpses. My mother was shot dead. My daughters Hidjran and Sevindj were injured. At the same moment the bullet lodged on me. Young women and children perished from the wounds on the snow.

We had radio station with us. We cried, we tried to report what was happening , we begged for help, but nobody helped us.

DJAMIL MAMEDOV, the resident of Khodjaly.

Tanks and armed personnel carriers destroyed the houses, smashed down the people.

Russian soldiers were followed by Armenian bandits. I took my 5-year-old grandson and 14.000 roubles and ran towards the woods. I took off my clothes and wrapped the child up in them so that he wouldn't die of cold. But it wouldn't help. We had to hide inside the snow with the child.

In the morning I realized that the child wouldn't stand the cold any more and I started walking towards



the nearest armenian village of Nakhichevanik where we were trapped by Armenian armed men. I begged them to take my money for the sake of the child and let us pass to Agdam. They cursed and beat me in response and brought me to their commander. He ordered to keep us locked up in the cattle-shed. There had already been Azerbaijani women and children. They kept us in the cattle-shed for 4 days without any food or water. But for one kind family that used to stealthily bring us some bread and water at night we could have died, we wouldn't have been able to stand all these tortures. But there is no limit to anger. When four days later I was brought to Askeran with my grandson the events I saw here were so awful that cattle-shed in Nakhichevanik seemed paradise to me.

Foreign mercenaries (I know Armenian and I can tell local Armenian people from foreign ones) pulled out my toe-nails. Negroes who were among Armenians were jumping high kicking me into the face. After these tortures I was exchanged for some Armenian. However they took away my grandson. I know nothing about the fate of my wife and my daughter.

SARIYA TALYBOVA, the resident of Khodjaly.

...They brought us to the Armenian cemetery. It is hard for me to describe what happened here. Four young Turks-meskhets (they fled from Uzbekistan and took shelter in Azerbaijan — Editor's Commentary) were shot dead on the grave of an Armenian armed man to sacrifice for him. Then they cut off the dead men's heads. Later the soldiers and Armenian bandits started killing and torturing the children in front of their parents.

Then the truck arrived and it threw the corpses into the ravine. But they didn't satisfy their appetites yet, these predators with human appearance brought two Azerbaijanis wearing national army uniform and pierced their eyes with screwdrivers...

DJANAN ORUDJEV, the resident of Khodjaly.

...We tried to break through the woods to Agdam, but we were fired by sporadic shooting by armed soldiers near the village of Nakhichevanik.A lot of women and children were shot dead. My son was killed. He was 16 years old. They took away my daughter, 23, with her twin-babies and my second 18-year-old daughter who was pregnant. I beg you to rescue them...

YURI YAKHOVITCH, the private of infantry regiment № 366.

...They persuaded that we were Christians and we had to fight against Moslems. They kept us in awful subhuman conditions, we couldn't bear being there and we had to desert the regiment and escape to Khodjaly.

We are Eyewitnesses...

JEAN-IVE-YUNET, journalist (France)

...We happened to be the witnesses of Khodjaly massacre, we saw the dead — bodies of hundreds of civilians — women, children, old-age people and defenders of Khodjaly. We managed to fly by helicopter, we were taking photographs of everything we saw around Khodjaly at a height of a bird's flight. However Armenians started shooting our helicopter and we couldn't manage to finish our job. That was a terrible scene. I heard a lot about wars, about cruelty of German fascists, but Armenians went beyond them, killing 5 or 6 year-old children, innocent people. We saw a lot of injured people in hospitals, carriages, even in kindergarten and school buildings.



KHANLAR HADJIYEV, the head of medical service of Azerbaijan Defence ministry.

It was here that one could see the real side of this cruel and meaningless war. The soldier with his intestines out by fragments of the grenade, frozen to death fleeing women, a three-year old child with his bandaged stump of amputated leg. He had been shot by the heavy machine gun. The girl with her face carved by knife...

...Even our people in Baku couldn't suspect what was going on here. Our medical train was sent to the scene because local doctors were unable to treat so many injured people. All the doctors were volunteers. They were prepared for everything, but what they saw shocked them.

...There are a lot of people frozen to death. They are, as a rule, the fleeing Khodjaly residents escaping to the woods and hostages who returned from captivity. I saw the way some people were returning from captivity, bare-footed with frozen feet that lost their sensitivity. Many people after being released had to be operated and their feet had to be amputated.

Khodjaly's Refugees.

They recall the following scenes. Militiamen, soldiers of the local national guard were sorted out of the crowd of hostages and simultaneously their heads were cut off in front of the others.

They were kept in the cold. They were raped. Armenians never release hostage taken girls as a rule. They sort them out at once and take somewhere. Now that the shooting around Agdam is becoming heavier many women who fear surprise attack are getting ready for burning themselves.

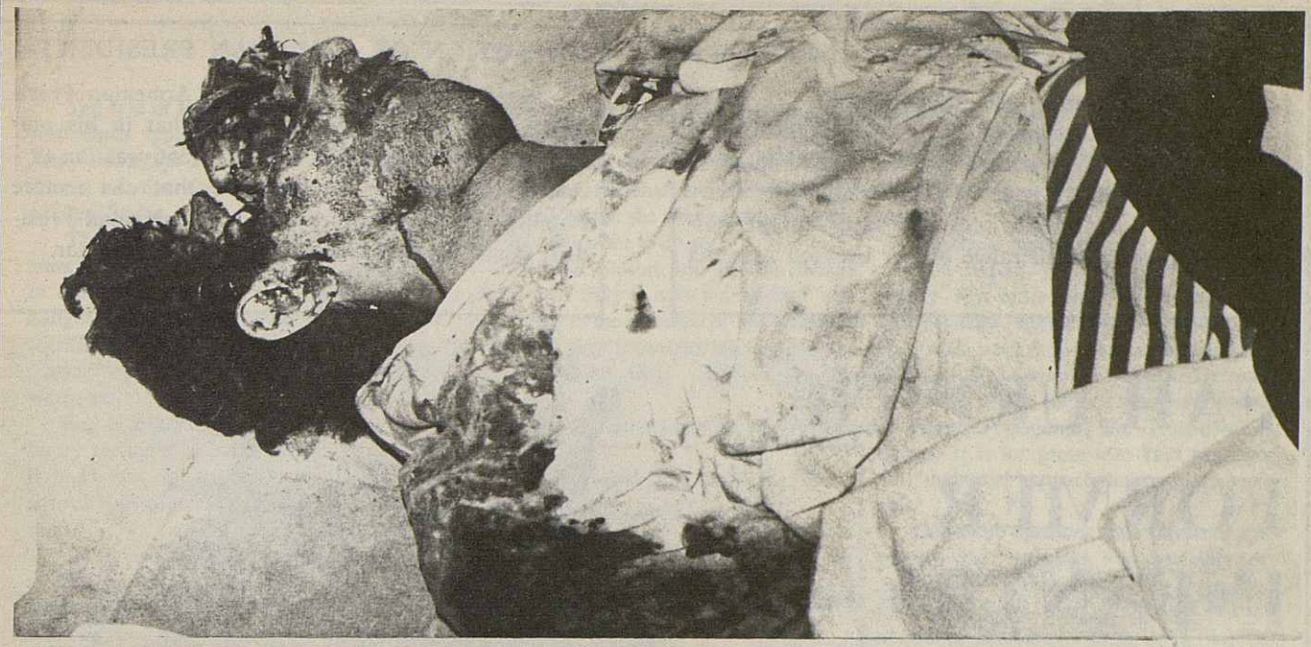
A 5-year-old daughter of Malik Ismailov, the local doctor, asked his father in a grown up manner. 'Dad, if something happens, first you kill my mum and me and only then you can die yourself'

V. Belykh 'Izvestia' newspaper reporter

...The dead-bodies exchanged for the alive hostages are occasionally brought to Agdam. You won't see it even in a nightmare: pierced out eyes, cut off ears, scalped heads, cut off heads. A number of corpses were dragged by ropes after the armed personnel carriers. There was no limit to humiliation.

Leonid Kravets, officer, major.

On February 26 I was taking the wounded out of Stepanakert by helicopter and returning through Askeran gap. Some bright spots downwards took my eye. We started to descend and my co-pilot cried: 'Look! There are women and children over there'. I saw about two hundred corpses scattered down the hillside. Armed men were walking among them. Then we flew there trying to pick up corpses. Militia captain, I can't remember his name, was with us. He found his 4-year-old son with crashed skull and he went out of his mind. The other child that we had managed to pick up before they started shooting had his head cut off. I saw mutilated bodies of women, children, old — age people everywhere...





Their View Point

*

ROBERT ARAKILOV, the adviser to the Armenia's Permanent Representative in Moscow. "Talks about 'the extermination' of Khodjaly is nothing more but propagandistic action of Azerbaijan."

*

'PRO ARMENIA' AGENCY quoted the viewpoint of Head of Internal Affairs Department of Nagorno-Karabakh Republic as saying: 'Military actions didn't last long and there were no killed or dead people of Azerbaijan nationality among civilians inside the settlement of Khodjaly'. In the course of fighting in and around Khodjaly 30 or 40 soldiers of Azerbaijan army were killed, more than 100 people were taken prisoners. As for the corpses of the civilians, it was Azerbajan army that 'presented' them on the road leading from Khodjaly to Agdam. By the way, as Head of Internal Affairs Department said, many of them perished from cold.

Approximately the same coverage of the events was given by member of Armenian Parliament O. Kazaryan. 'I'd like to draw your attention to the willingness of putting two events together side by side: Armenian pogroms in Sumgait and Khodjaly tragedy. This parallel, however, doesn't hold water, because Khodjaly is the result of a military operation to destroy weapon emplacement of the enemy. It was Azerbaijan troops that prevented civilians to get out of the encirclement.'

*

ITAR - TASS - SNARK

An independent journalist Igor Burgansky on returning from Karabakh to Yerevan told the reporter of SNARK that the reports about massacre by Armenians in the village of Khodjaly were not real. Burgansky believes that photos and video tapes from Khodjaly that west mass media spreads are forged ones. As the journalist states he was the only one to film Khodjaly events. At ane rate, I. Burgansky said — 'I didn't see any cameraman there.'

*

Armenian information centre 'Pro Armenia' in Moscow reported that TV France reporter Florence David called the photos of thousands of killed Azerbaijanis in Khodjaly to be forged ones.

Florence David in her letter denied categorically the citations that were reported to be hers.

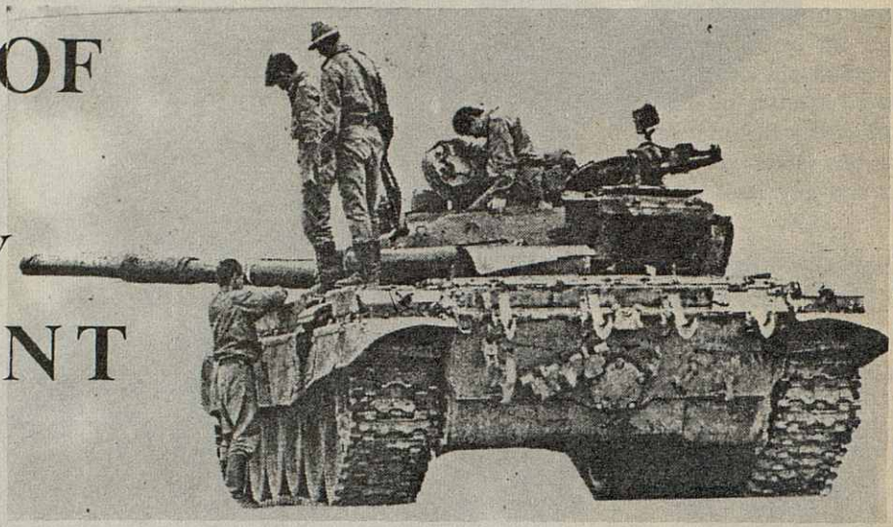
THE ORDER OF COMMANDER - IN - CHIEF

Moscow, February 28 (ITAR-TASS). Yevgheny Shaposhnikov, Commander - in - Chief of the United Forces of the CIS, Marshal of Air Force ordered to withdraw Infantry regiment № 366 from the territory of Nagorno - Karabakh and take away all the outposts from the administrative border between Armenia and Azerbaijan.

REACTION OF ARMENIAN PRESIDENT

Yerevan, March 3 ('Izvestiya'). Armenian President Levon Ter-Petrosyan declared that in his opinion the withdrawal of regiment № 366 was 'an ill - considered step'. If the measures that can restore stability in the region are not taken, Armenian President would consider it the beginning of great war.

FAILURE OF FORMER INFANTRY REGIMENT № 366



THE VIEW FROM WITHIN

Pavel Zuyev,
Alexey Bondarev,
Pavel Natipin,
Soldiers of regiment № 366

The uniform was taken away and instead of it we were given threadbare clothes. No bread, no salt, no letters from home. We sleep on a bare mattress. We've had a bath twice this year. The whole regiment, both soldiers and senior commanders have become lice - ridden, and the lice stings turn into abscesses and purulent feet. They say in the medical unit: 'You'll be treated at home'. You must pay for tablets and injections. Civilians freely stroll about the regiment and offer home-made distilled vodka. Where do soldiers get their money? The guys arrange matters with a sentry, 'steal' cartridge-pouches, then sell them to get money for a drink. And everybody is drunk in the unit, both soldiers and officers. They often start quarelling. And it is very bad job to get into the guard-room. At night officers come with sticks, then they beat you unmercifully, make you crawl on hands and knees stark naked; in winter they water you. As far as the relationship with the local population is concerned, it's quite incomprehensible. When the town of Shusha was fired from tanks, everything was O. K. Then the Armenians came to the check — point and shot a Kazakh soldier in the eye, and wounded another.

Once the commander of the 1st battalion secretly planned with the commander of battery artillery battalion to begin the withdrawal of the weapons and equipment as soon as they took over the watch, and at their own peril to break through and out of Karabakh. The commander of the regiment happened to know about that and changed the guard. But all the same soldiers keep deserting. Three or five soldiers a day. Though it is very dangerous. We remember two soldiers taking to their heels. And some days later we were informed that on the road between Khodjaly and Askeran there was a dead-body and we had to pick it up. It was Gorokhov Alexandre from the artillery battalion, the second one was never found.

Once 11 soldiers deserted together. They were marching on the road with white flag. In Mardakert region they were fired on. Only six of them could reach Agdam alive. Two other run-aways were captured by the Armenians and changed in the regiment for 800 litres of diesel-oil. We were fired on too, and it was a wonder that we escaped.

Since October at nights battle turning movements from the regiment have begun. But only officers and old confident servicemen, chiefly operator drivers, sometimes tipper-offs took part in them. They used armoured personnel carriers, tanks, sometimes cannons. In the morning they return drunk with all the ammunition used up. Soldiers told that first they drank hard with the militants, and then at latters' bidding they went to the Azerbaijani villages and shelled them...

'Izvestiya', March 14, 1992.

THE VIEW FROM OUTSIDE

The fate of Infantry regiment № 366 is very much typical for the former Soviet Army nowadays called the United Armed Forces of the Commonwealth of Independent States.

The Army with its complicated problems referring not only to our country, but to the whole world as well, poses global danger, as there is the ferment and disintegration in this enormous structure so densely larded with the most ultramodern weapons.

So, is everything happened with Infantry regiment № 366 a mere chance? As it is known, even chance is a particular case of laws conformity. Let's adduce some facts.

Weapons and military property were regularly sold from the unit. And this fact is not uncommon for the present-day situation in the CIS. Almost every day we are convinced that all the country is plundered and sold. And there can be no doubt that in more than one local war the weapons are in need. The criminal underworld strengthening today also needs them. There is a want, there is goods, but no order, no responsibility. So buying and selling are in full swing in the guards regiment.

The regiment was stationed in Khankendi (Stepanakert), where there has been no normal life for already four years. In the regiment there were many Armenian officers and even more warrant officers holding key posts. Everything is quite clear with the warrant officers. They have mostly been recruited from the local population. Any other time or in any other situation it would be simply improper to speak about the nationality of the army officer of the State having united the representatives of more than hundred nationalities. What is the difference whether he is Russian or Ukrainian, Armenian, Kazakh or Azerbaijani? He is an army officer of the great state.

But just in this specific case, in Khankendi where forcing of anti-azerbaijani sentiments was at the top, this factor has played its part. The military unit of the then USSR, in point of fact, was international, but it was conformably 'worked on'.

And I'd say, the most important factor here was the situation of hysteria. Who said that Stepanakert was definitely inclined against Azerbaijanis? Impartial historians of the conflict in due course will tell how window-glasses were broken in the houses of those who didn't want to go out for a demonstration, how in the newspaper 'Sovetsky Karabakh' (under the heading 'traitors') there were the lists of the Armenians who decided to leave the town; how in broad daylight the recreants from 'the great struggle for the reunification with Armenia' were either unmercifully beaten or exterminated. Let's recall the woman, chief of the airport in Khodjaly, or V. Grigorian, the former Soviet executive official, who opposed national chauvinists. They were killed before the eyes of witnesses for teaching others not to do so.

Could the soldiers and officers remain loyal to their duty in such a situation? You know, army is the outcome of the society it serves, and any processes taking place in the society find their reflection in the Army.

Raging of nationalism in the former USSR (by the way it began in Karabakh) and impudent disregarding the laws, absolute irresponsibility had its impact on the Army as a whole, and regiment № 366 that was found in the hot spot, — in particular.

Infantry Guards Regiment № 366:
Strength (personnel) — 1800
Actual strength — to 350
Armoury — more than 100 units
Place of stationing — the town of Khankendi
Commander — Colonel Y. Zarvigorov
49 officers and warrant officers of the Regiment are Armenians.

The cases of deserting the regiment became more frequent, the personnel was demoralized. Fresh forces brought to the regiment by fraud and the chemical battalion attached to it turned out to be unreliable...

But the ferment was not noticed by the leaders of the United Armed Forces of the CIS.

As far as mass media was concerned, there was a duel between the Azerbaijani side and the Headquarters of the UAF according to the scheme: 'Regiment № 366 takes part in destroying Azerbaijani villages. — No, it doesn't'. One side produced more and more new evidences of tens of the soldiers deserted the regiment, another side pedanticly announced one and the same phrase: 'We have no such information'.

And now it is Khodjaly. Other 3 soldiers of the same regiment, deserted already in the middle of February, found themselves in Khodjaly which had already been encircled. Naturally that night together with others they stood up for the defence of the town from their own advancing regiment and Armenian troops. They saw with their own eyes both servicemen and Armenian bandits kill peaceful residents; parents were killed before the eyes of their children, and everybody was fired point-blank. Both at night and the next morning these monsters of cruelty finished off the wounded. Captives were shot to death, people were tormented in every possible way. And bastards following the bandits were busy plundering and marauding.

But there is nothing to be surprised at.

The habit of 'earning additional money' was quite stable in the regiment. The regiment servicemen got twenty litres of alcohol each from Armenians for every shelling of the town of Shusha. Here are the names of the soldiers who informed us of that: Y. Numanov, Sh. Tanghirov, S. Ezizov. It is for those who kept repeating that they had no such information available.

Generally speaking, the payment system in the regiment was perfectly organized, and there is much to learn even for businessmen. For a night raid of the armoured personnel carrier from the unit to 'military patrolling' (Read: shelling of Shusha) the commander got one thousand roubles. If there were five raids, then it made up five thousand roubles. Though, it is not too expensive if compared with nowadays prices.

However the Headquarters of the United Armed forces of the CIS denied the obvious facts, anyway they had to take some steps. Thus, approximately a month ago Iosif Oganyan, Lieutenant-general from the Headquarters of the Transcaucasian Military District came to the regiment. He came... to persuade the regiment officers to continue their service in Khankendi.

The officers' meeting decidedly declared against it. And here even Armenian lobby in the Soviet Army didn't help. But this lobby seized power in a well-known episode of capturing tanks, cannons and armoured personnel carriers.

Just think over it! The officers turned weapons on their own companions in arms! It happened on March 2—3 during the regiment withdrawal which was to be headed by the same general I. Oganyan.

Let's recollect now, that the leadership of Armenia was the first who recognized the CIS and unconditionally gave its troops under the command of the United Armed Forces of the CIS.

But how can we really speak about the Headquarters of the UAF when the operation of the regiment withdrawal, which attracted the attention of almost all the world, could be forcibly stopped by... the chief of the battalion?

And how are we supposed to consider other Armenian officers serving in the Army of the CIS? Who are they subordinated to? And whose orders do they fulfil?

Such is this criminal history with tragic end, and as we see this end is not accidental, but naturally developed.

Mazair SAHAR.

SOME DETAILS OF THE SITUATION

'KRASNAYA ZVEZDA', March 4

In some mass media the fabrications about the participation of the servicemen and Infantry regiment № 366 as well, in the military operations between Karabakh 'self-defence forces' and Azerbaijani armed units are being published as before. It especially refers to the events of February 26—27 in the vicinity of Khodjaly.

AS OUR CORRESPONDENT WAS TOLD, PRESS-CENTRE OF THE UNITED ARMED FORCES OF THE CIS FLATLY REFUTES SUCH REASONLESS STATEMENTS. ACCORDING TO PRESS-CENTRE, SUCH MISINFORMATION IS PROVOCATIVE AND IT IS DIRECTED TO CASTING ASPERSIONS ON THE MILITARY MEN and, subsequently, involving them into the ceaseless interethnic conflict in Nagorno-Karabakh.

'KRASNAYA ZVEZDA', March 11.

...Editorial staff have the data available that some servicemen of Infantry regiment № 366 while moving from Stepanakert to the place of stationing, nevertheless let the 'self-defence forces' have a part of the weapons, in particular some antiaircraft self-propelled carriers 'Shilka', cannons, and etc. The causes of it are still being cleared up.

'IZVESTIYA', March 5.

Major S. Oganyan, chief of infantry battalion № 2, together with several Armenian officers and soldiers of different nationalities subordinated to him, occupied main positions 4 kilometres southward of the village of Balija blocking the way for two other battalions which were moving from Stepanakert. By the way, many soldiers deserted the subunit taking with them a tank, three armoured cars (according to other data — twenty armoured cars) and cannons.

'MOSKOVSKIYE NOVOSTI', March 16, own correspondent.

...I didn't see soldiers of Infantry regiment № 366 during the assault of Khodjaly. *But I watched with my own eyes the Army armoured technical equipment and artillery bombardment preceding the attack.*

'IZVESTIYA', March 14.

...A black man (mercenary?) was apparently killed in the battle. His dead - body was changed for the Azerbaijani hostages.

The soldiers of former Infantry regiment № 366 also state that they have seen armed and uniformed foreigners in Stepanakert (Khankendi) more than once. Many of those soldiers were even suggested joining the troops of Armenian fedains with a guaranteed payment of 3-4 thousand roubles a month plus free food, wine and women according to the contract.

THOUGH ARMENIAN SIDE ITSELF DOESN'T PARTICULARLY CONCEAL THE FACT OF HIRING FOREIGN SOLDIERS OF FORTUNE.

'KRASNAYA ZVEZDA', March 11.

...Despite explicit orders of the District Headquarters late in February, some servicemen of Infantry regiment № 366 did take part in the military operations in the vicinity of Khodjaly on the Armenian side. At least two such cases were witnessed. AND DURINC THE EVACUATION OF THE REGIMENT PERSONNEL PARATROOPERS CHECKED SOME SERVICEMEN AT RANDOM AND DISCOVERED GREAT SUMS OF MONEY, IN HARD CURRENCY AS WELL.



Levon Ter-Petrosyan:
'National self-determination is the absolute for me'

GALINA STAROVOYTOVA,
adviser to the Russian President on interethnic relations.

...I was very much astonished to learn that the session (the session of the District Deputies' Council of NKAO held on February 20, 1988 in the absence of the Azerbaijani deputies) adopted this resolution. And I thought: 'so, they have made up their mind, so they do not want to preserve everything as it has been'. And they did it in a civilized way enough appealing to one Supreme Soviet, another, and then to another... In accordance with the right of the nation to self-determination fixed in the international documents.

...I KNEW THAT IT WAS A BEGINNING OF A GREAT INCITEMENT, A BIG SERIES OF HISTORIC EVENTS THE RESULTS OF WHICH WOULD ECHO NOT ONLY IN THE USSR, BUT ALSO ALL OVER THE WORLD.

Here the correlation of such notions as sovereignty, territorial integrity, the rights of a nation to the self-determination is very important, but it is the theme of a special study.

...AT THAT TIME I WROTE TO YEREVAN THAT, IN PARTICULAR, I WAS SURE THAT THESE EVENTS WOULD GO DOWN IN HISTORY. I CALLED FOR THEM TO RECORD ALL DAILY EVENTS AND CHRONICLE THEM. I WROTE: 'I FEEL SORRY THAT MY RUSSIAN PEOPLE IS NOT READY FOR THE UNITY AND SOLIDARITY, BUT I AM HAPPY THAT THE OTHER NATION OF MY COUNTRY (i. e. ARMENIANS) IS READY FOR IT'.

...How the Russian army was welcomed in Armenia! Every Armenian textbook of literature is opened with the words of Khachatur Abovyan: 'Be that moment blessed when a Russian soldier stepped to the Armenian land'. And it has become a part of the consciousness of people.

This is the information given by Mrs. Starovoytova, the ethnopsychologist, expert of longevity investigation in this unique region of Nagorno-Karabakh, to the Azerbaijani televiewers before the massacre of Khodjaly.

ANDREY NUYKIN,
People's Deputy of Russia, publicist.

Azerbaijani side is going to settle the Karabakh problem.

And the quite definite ways of its settlement are expressed by forming the punitive troops of OMON (Special Internal Ministry Forces) and raising 200 thousand regular armed forces that has just started. According to categorical demands, they are to be consisted of the fourth army, two thirds of which are Azerbaijanis, with all its weaponry. In this respect the talks opened by Azerbaijani side can really be estimated as the attempt of gaining time for such strategic task to be settled. The question is whether the sovereignty gives anybody the right to exterminate and deport hundreds of thousands of people of other nationality or religion.

...BUT RUSSIA IS ALSO PARTICULARLY GUILTY TOWARDS ITS OLD FRIENDS AND ALLIES. Its army and military equipment were used mostly for unmerciful deportation of Armenian villages, for terrorizing peaceful residents of Karabakh. AND RUSSIAN PEOPLE DELUDED BY THE FALSE PROPAGANDA, ADHERED, ALAS, A SIT-ON-THE-FENCE POLICY. THIS FAULT MUST BE REDEEMED. Defence of rights and freedoms of the residents of this long — suffering region must be provided by all diplomatic, economic and intellectual potential of Russia, and in case of new large-scale attempts of genocide — by its MILITARY MIGHT MULTIPLIED BY ITS INTERNATIONAL INFLUENCE AND MORAL PURITY OF ITS GOALS.

This is the prophecy of a well-known Russian thinker, essayist and publicist Mr. Nuykin given as far back as in October, 1991.

JOHN LLOYD,
correspondent of 'Financial Times' in Moscow.

GROWINC HORROR DOESN'T SEEM TO WORRY OTHER MEMBER-STATES OF THE CIS. IT DOESN'T LOOK AS IF THE COUNCIL OF PRESIDENTS OF THE CIS WERE PREPARING ANY INITIATIVE, or some meeting would take place before the meeting scheduled for March 20 in Kiev. In February this problem was considered in Minsk, but this discussion was not well prepared and it didn't yield any results.

From that a concluson inevitably comes to mind, that the CIS didn't manage to form within its bounds a system of international structures in the framework of which there could be a common reaction to the events like those in Karabakh. No wonder! Ministries of foreign affairs and diplomatic services of new states are chiefly rudimentary. They lack information, resources and what is even more important - experienced personnel. The governments of the member-states of the CIS appeared to be up to the eyes in tasks they were not able to settle after being faced the problem of establishing a great number of international relations and joining international organizations some of which like the UN, demand the permanent representatives to be appointed. THUS, NAGORNO - KARABAKH TURNED OUT TO REFER TO THE FILE NAMED 'THIS IS NOT OUR PROBLEM' AND IT IS STILL IN THIS FILE NOW. AND I'D SAY THAT IT DECIDEDLY CONFIRMS THE FACT THAT THE CIS DOESN'T EXIST AS THE EFFICIENT POWER EITHER ON THE WORLD OR EVEN ON THE REGIONAL ARENA. Its incapability of taking difficult decisions, promoting the economic unity of its member-states became more apparent after the meeting in Minsk. However these shortcomings are the problem of the Commonwealth itself. But the fact that the CIS didn't consider the conflict in Nagorno-Karabakh a problem worth paying a first and foremost attention to, now is the problem of all the world. And as the CIS doesn't raise this question, its settlement passes into the competence of other countries.

And that is the viewpoint of a European, Mr. Lloyd watching the development of the tragedy with a heavy heart and horror quite natural to any normal human being.

The conflict in Karabakh exceeded the bounds of Transcaucasia long ago. MONSTROUS IN ITS ABSURDITY INTERPRETATION OF THE SELF-DETERMINATION AS THE PRIMACY OF THE RIGHT OF NATIONAL MINORITIES TO CREATE THEIR OWN STATE INEVITABLY LEADS, AND HAS ALREADY LED, NOT TO PRESERVING THE CULTURE OF NATIONAL MINORITIES, BUT TO THE EXPANDING MASSACRE FOR THE SAKE OF THE BOUNDARIES SEPARATING PEOPLE. However in Armenia, in fact there isn't any national minority now. After Azerbaijanis Kurds are succesfully being driven away...

V. Djanashia, 'Komsomolskaya Pravda'















Bagatur GAIBOV

ECLIPSE

We live in strange time in a strange country... No, we live in terrible time and in a terrible country.

What can be more terrible than the situation when human blood is depriciated?

Two azeri young men were killed four years ago in Askeran. Who learned about them?

Driving away about 200 thousand Azerbaijanis from their forefathers' lands in Armenia the monsters outraged them and cruelly killed 216 of them. Who, who learned about them at that time, if even in Azerbaijan a member of the Komsomol, already touched by age sclerosis, Abdul Rahman Vezirov raised to the top of the pyramid of power by the wave of Gorbachev's perestroika, did his utmost to conceal this crime from the world and the people whose son he liked to call himself.

Isn't it natural that a year later these events were followed by 'the black January'?

And again more than hundred people were killed and many hundreds-wounded. But noboby beyond the bounds of Azerbaijan knew the truth...

Impunity encourages the criminals. First the death-toll began with only few people, then tens and hundreds were added.

And today the death-toll includes thousands of people.

From now on and for ever the name of the Azerbaijan town of Khodjaly will become the mournful page in the memory of Azerbaijan people, and all the men of honour and good conscience in the world.

We bow our heads before the memory of the peaceful Azerbaijani residents brutally killed, tormented and mutilated by the scums.

We demand the criminals to be punished.

But the criminals will not be punished. Alas, but this has happened more than once.

Far-fetched 'conflict' turned into the problem has been spreading with an ominous natural development and speed.

In the mountainous part of Karabakh there were killed:

5 men in 1988
32- in 1989
90- in 1990
more than 150 - in 1991
? in 1992

It's terribie to imagine the final figure, as only in Khodjaly and in the vicinity of it on February 26, 1992 there were killed more people than for the whole period since the beginning of the struggle of Artsakh for independence.

Let those who want continue this terrible iist.

Did that handful of people who on January, 1988 went out into the streets of Stepanakert with slogans 'Miatsum' (Reunification) and 'Lenin-Party-Gorbachev' know what would come of it?

Let's recall what they were talking about at that time and what the result of their 'great struggle' was.

They were talking about social and economic backwardness of Nagorno-Karabakh, that land of plenty the situation in which was much better than that in Azerbaijan and Armenia taken together.

And here is today's result: Khodjaly was reduced to ashes, tens of Azerbaijani and Armenian villages were ruined, Khankendi (Stepanakert) was also destroyed.

This year there would hardly be any harvest on the bare land, and even if there would, then nobody would be able to gather it under bullets and rockets... Who started this bloody massacre? It's not the Azerbaijanis on whose land Armenians lived for centuries; and even in Baku, its heart, and in the most fertile parts of it there were over half a millon of them, at the time when in Armenia there was not a single Azerbaijani left.

So, SCORCHED EARTH that once was abundant is the result of the struggle for overcoming the social and economic backwardness.

The second slogan was 'Miatsum!' and exaggerated thesis about historical possession of Artsakh by Armenia. Very soon they gave up the thesis of 'historical possession', as it was too weak even to be discussed. Anyway the Armenian side has not reverted to it for a long time. But as far as 'Miatsum' is concerned, it was preserved a little bit more. 'Only Reunification; there is no way back!' But they will have to seek the way back, as although the Armenian SSR recognized NKAO as its part, and fixed it by the legislation, now Mr. President Levon Ter-Petrosyan stated officially that 'the status' of autonomous republic in the bounds of Azerbaijan would completely satisfy all the sides, because in this case Karabakh would remain a part



of Azerbaijan, and the territorial inregrity would be preserved, and the residents of Karabakh, in their turn, would have the guaranteed vital activity. It is our position'.

But where is 'Miatsum' then?

So, the Armenian side is for preserving territorial integrity of Azerbaijan, at least in words. But 'Miatsum' wasn't realized, and it couldn't be.

The third slogan was 'Lenin-Party — Gorbachev'. As it becomes clear today, that was not serious at all. They went wrong with Lenin and the Party. As far as Gorbachev is concerned, he helped as far as he could. And here the question arises: whom did he help? The answer is: he helped the chaos and bloody muddle to be established under the slogans of freedom and democracy. This policy was leading to the massacre of Khodjaly. And if the CIS inherits THIS POLICY from the USSR, it's not difficult to foretell what it will lead to. It will lead to the ALL-OUT CIVIL WAR. And civil war is always terrible, but in the nuclear age... But in the Russian empire, even former one (or all the more, former one!)...

We are far from causing a scare and prophesying disaster. But we must say and repeat it, and call out to all those who are 'sick and tired of these Karabakhs'. GIVE IT UP!

Yes, today the peaceful Azerbaijanis have been killed, but it is your house that is in danger, it is you for whom the bell tolls...

The tragedy of Sumgait was the tragedy of every honest Azerbaijani. It was committed by the rabble and riff-raffs. And who was its guiding force is still unknown, just like all the secret mainsprings of 'the black January' in Baku are still far from being revealed.

But in Khodjaly there were neither bandits nor criminals raging. The atrocities there were committed by a well trained Armenian army, foreign mercenaries. And may be the most tragic fact in this bloody drama is the participation of the CIS troops.

Of course, Marshal Shaposhnikov will say again that he 'didn't issue an order'. And it will not be a lie. May be he didn't.

But the participation of the Army and armoured military equipment in the massacre of Khodjaly is the fact witnessed by the survivors.

A terrible fact.

We know the price of the army that can be used against people. But there's no limit for the worse.

And if the order on bringing the troops in Baku was issued by Yazov (by the way, already in the summer of 1990 A. Yevstigneyev, G. Malov, and other independent military experts took him into court, though in vain), then how much more terrible it is when some major S. Oganyan is in command of the Army. The Minister of Defence can be taken into Court. He may be held up to shame. But in present situation the major who broke his oath has every prospect of becoming a national hero and even a deputy. (Halloo, neighbors, is there a vacant place?).

Nagorno-Karabakh is dangerous because of the fact, that it is here where for the first time the words 'I'm first Armenian, and only then — a Prosecutor!' (or any other official, no matter) were implemented in life.

Such national self-determination in the army where the representatives of tens of nations serve, is a catastrophe. A universal catastrophe. The Apocalypse. And, alas, it is not far off, if at last there doesn't appear the force that can stop the logical, precise and well predicted (stop telling stories about unpredictability) way to it.

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ALLAH TÄALA RUHUNUZU BEHİŞTLİK ELÄSİN

GOD GIVE PEACE TO THE SOULS OF THOSE INNOCENT KILLED!





'This victory has been 'forging' for a long time. In the photo taken from the magazine 'Armenia' of 1986 there are the militants of the Armenian Secret Army for the Liberation of Armenia — ASALA (terrorist organization).

HAVE THEY WON?
YES, THEY WON RUINING THE TOWN OF KHODJALY! BUT THEY COULDN'T SUBDUE THE RESIDENTS OF THE TOWN. WOMEN AND CHILDREN, GREY - HAIRED OLD MEN WERE MARTYRIZED BY THE BUTCHERS. THEY WILL NEVER BE ABLE TO GAIN A VICTORY OVER THE PEOPLE UPHOLDING ITS LAND.

SKETCH-PRESENTATION of

the National Independence Party of

AZERBAIJAN



BAKI 1995



The NIPA Chairman, Mr.Etibar Salidaroğlu MAMMEDOV

The new Azerbaijan will be built up in Azerbaijan.

We are to do that !

SKETCH-PRESENTATION OF THE NATIONAL INDEPENDENCE PARTY OF AZERBAIJAN

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Foreword

Azerbaijan is anew independent on the eve of XXI century! Azerbaijan is a state over again! Azerbaijan gained a new historical chance to perpetuate its Independence and Liberty, to safeguard a free, prosperous and of great development opportunities way of life of its citizens. Making the chance become a reality is our own — Azerbaijanians' sacred duty, and we are sure to do our duty at all costs!

The National Independence Party of Azerbaijan, which unites in its ranks the people, who leads the struggle for just such a high principles, was born in the flame of war for Freedom, Democracy and Integrity of our Motherland. The Party members and supporters, at least the great part of them, actively participated in the National Liberation Movement. The Party members and supporters proved their great courage, bravery and valour in the struggle for Freedom and Integrity of the Country. The Party members and supporters want a Peace for our people, but if there is a need, they manage and did managed to devote their lives for their Motherland.

It's certainly impossible to give a complete information on a short, but glorious historical way, being passed by the National Independence Party of Azerbaijan up to nowadays, on taken stand in present Azerbaijan society, on internal and foreign activity, on set goals and duties, on organization and structure and the Party leaders, and all in short notes. But we hope, the people reading these notes will get a short, but objective information about the National Independence Party of Azerbaijan.

So considering...

...First Acquaintance

The foundation of the National Independence Party of Azerbaijan (NIPA) was announced by a special Declaration on 16-th of October 1991. The creation of the Party was leaded by one of the most influential leaders of the Azerbaijan National Liberation Movement - Etibar Mammedov. The Organizing Committee consisted of well-known intellectuals of Azerbaijan, active supporters of ***national state view***. Most of them are now the members of the NIPA Leadership.

The local partocrats, supporters of the Soviet Empire and authoritarian regime were still at the power in autumn, 1991 in Azerbaijan. Joining to any opposite political organization was considered with a definite risk to an ordinary citizen. Despite it, thousands of Azerbaijanians during several months applied to the Organization Committee to become a member of the NIPA. That people joined in the first Party cells and they set cooperation links and formed the NIPA regional organizations. There was a wide, open and democratic discussion of drafts of the Party Programme and Charter. During the 1-st (Constituent) Party Congress on 3-4 of July 1992 participated 476 selected delegates represented there 5000 the NIPA members from 30 regional organizations.

The 1-st (Constituent) Congress officially established the National Independence Party of Azerbaijan and approved its leading documents. The Ministry of Justice of Azerbaijan Republic officially registered the Party on July 17, 1992. Considering this, *the NIPA was **the first** political party in the country, passed official state registration, after Azerbaijan gained anew independence.*

The NIPA continued more rapidly expanding and more seriously organizing the structure after the official registration. During the 2-nd Party Congress in September 1993, there were representatives of 72 regional organizations of the NIPA. The 2-nd Party Congress made some changes in the NIPA Charter and Programme, improving them, extending inter party democracy, developing the fundamental principles of the Party philosophy.

There are now more than 15 thousands' members of the National Independence Party of Azerbaijan. The Party has its local organizations in all the areas of the country (excluding only towns and districts of Nagorno Karabakh). *The NIPA is organized on the principle of strong membership, and it's the greatest one among this type of parties in Azerbaijan.*

There are two Party organs of the press — newspapers published: three times a week "Millyat" and weekly "MIP Gazeti."

The NIPA is a national party. It has an ability to represent and it does represent all the Azerbaijan people without distinction of ethnic affiliation, religion, language, sex and background.

The NIPA, which associates nationalism not with the ethnic roots, but unity of compatriots, has a serious political influence in Azerbaijan regions of settling of the ethnic minorities — Talysh, Lezghin, Slavonic people.

The NIPA, according to its members social structure, unites the people of all the strata of modern Azerbaijan society without exception. Many people in Azerbaijan reasonably consider the NIPA the most wealthy party of the country. It is no coincidence, because the NIPA from the day of foundation, owing to attractiveness of its economic programmes, managed to gain the favor of newly formed, — although hasn't taken the leading position in economy, but played the progressive part, — private sector, proprietors.

Certainly, there was a definite role of advantageous circumstances, created by present social situation, as well as great and productive organization work of the Party leaders and active civic stand of every Party member, in transformation of the National Independence Party of Azerbaijan to one of the most influential political organization in the country.

But the first and the main condition are the attractiveness of the NIPA new ideas, presented to the society, the constructivism of its suggested programmes of the political and economic reforms, the forming of professional personnel, capable of implementing that programmes.

Our Symbolism

The emblem of the National Independence Party of Azerbaijan was accepted on 4-th of July 1991, during the 1-st (Constituent) Party Congress.

The emblem is tricolour as the Azerbaijan State Flag — blue, red and green. The blue colour means our national affiliation, turkic, the red — contemporaneity, and the green colour is a symbol of our respect to Islam, Religion.

The green coloured garland on the emblem symbolizes the NIPA peaceableness and the same time it shows that the NIPA considers Religion only the herald and mediator of peace. The Crescent in the centre of the emblem is an attribute of the State Flag and symbol of Justice, and six arrows indicate the NIPA

ideological principles. The Party principles and the symbols of activity are reflected on the blue background, because the idea of National State is leading for the NIPA. This circle, reflecting the Party philosophy and activity, is red-rimmed, because the NIPA leads the struggle to introduce its country to the row of the most contemporary and progressive states of the world.

Our Philosophy

The National Independence Party of Azerbaijan considers itself centre-right political organization, based on the conservative values. Naturally, when we say "conservatism" and "right-wing," we take its meaning in the civilized countries, first in Europe.

The philosophy of the National Independence Party of Azerbaijan is based on six main principles.

The name of the Party reflects first of them — **Loyalty to Independence.** We believe, that by the God blessing our Nation obtains the right to get free of dependence and live independent. The nation couldn't take an honourable place in the modern world if it's not liberated, and its individuals wouldn't obtain human

worthy way of life. We want for Azerbaijan people actual political, economic and cultural independence.

We believe, that the Liberty of the Nation should be indivisible with the personal freedom of its individuals. Therefore **Loyalty to Freedom** is one of the principles of our philosophy. Every human should have the opportunities to make his life the way he dreams and desires, provided don't violent the freedom rights of others. Provision of the basis for development of human rights and freedoms, indicated in the international documents, is an absolute priority for us.

We believe, that Azerbaijan is a common and indivisible Motherland for all the ethnic groups and individuals, settled on its territory. All of them have to have the opportunities to develop their culture, language and religion. Meanwhile, Azerbaijan is the Motherland for all of them equally, and they all have to be equally the citizens of Azerbaijan. From this point **Patriotism** is our principle.

We believe, that the symbol and safeguard of every Nation's freedom is its State. Nevertheless, the Nation is not for the State, but the State is for the Nation. As the

State is to safeguard the interests, rights and freedoms, justice and equality of its citizens, so every Azerbaijanian has to defend its independent State. We always kept and will keep high up the principle of **National Statehood.**

We believe, that the conception of the Nation along with the ethnic origin, to an even greater degree, is bound up with the Statehood and co-citizenship of the people. The principle of **One Nation** is important for us from the very point. Azeri Turks, representing the absolute ethnic majority of Azerbaijan, are responsible for cultural, linguistic and religious development of all the ethnic minorities along with themselves.

We believe, that Azerbaijan is to be opened country to the world. We take the principle of **Superiority** as a building the society of up-to-date world standards using the progressive experience of the world free, open and democratic countries.

Concerning the State System the NIPA Considers...

*...The Law is supreme; all the citizens should be absolutely equal under the Law without regard for racial, ethnic, religious and political affiliation and social status and have to observe and respect the Law equally.

*...The wide-scale political reforms should be carried out in Azerbaijan and the Parliamentary Republic to be build up in consequence of it, provided keeping the Institution of Presidency as a symbol and safeguard of the State.

*...exactly limit and separate the supreme Legislative and Executive powers, but the Court power has to be absolutely independent of both above mentioned. The supreme executive power should be responsible to the Parliament and the President.

*...the government is to provide equal opportunities for political parties and organizations for actual independent activity and legal campaigning for the State power, because we believe, that the main conditions of the political democracy are providing the electoral, excluding all the possible falsifications and freedom of creating the effective Parliamentary opposition.

Our Current Political Requirements

The NIPA, from the time of foundation, claimed to carry out early Parliamentary elections in Azerbaijan. Because the present Parliament was "elected" during the existence of USSR, the time of communist methods of governing, and therefore incapable to represent an activity as a legislative body of the independent state. It has no moral right or legal legitimacy to adopt a new Constitution, so necessary required to the country. However, against the background of political instability, continually convulsing Azerbaijan, and above all, through the eagerness of consecutively superseding authorities to keep their power at all costs, unfortunately, the election still hasn't been conducted.

The term of office of the present Parliament is over anyway, and consequently, elections are inevitable. The NIPA is in the decisive mood to run up and win the elections. The Party, unlike the Government, already presented the draft law on "Elections to Milli Majlis (Parliament) of Azerbaijan Republic," worked out by the NIPA experts, to the Parliament discussions and the public opinion.

This project stipulates electing in Azerbaijan now a transition Parliament, the main task of which will be preparation and submitting to the people's discussion the new Constitution project.

This Parliament should be:

- unicameral;
- elected on the principle of proportional representation, based on the party lists, provided all the country referred as a single constituency (otherwise, the population of 20% occupied territories, new more than 1,2 mln. refugees — 15% of Azerbaijan population will be de-facto deprived of the electoral);
- functioning on the professional basis and all the MP's couldn't be appointed to any posts at the bodies of the Executive Power;
- formed, provided constituencies and polling stations consisted of all the participating political parties representatives;
- elected under the international observe (starting the pre-election campaign).

We believe, that the main term of democratic and fair Parliamentary elections is setting a free and equal condition for pre-election campaign. Therefore, the most important requirements of the NIPA current political

activity is establishing a democratic political situation in Azerbaijan, and consequently obtaining the opportunity for free assembling and carrying out other popular arrangements, abolition of presently existing censorship over the press, with the purpose of providing actual freedom of speech and the press.

Foreign Policy

The taken stand of the National Independence Party in the sphere of foreign policy is very clear explained. We believe, that the foreign policy of Azerbaijan should be based on the new priorities and aimed at strengthening of the State security, acceleration of national progress and attaining a worthy place in the world community.

This policy should be established on three conceptual bases:

a) priority of political and economic interests of Azerbaijan;
b) consideration for interests of other countries, particularly contiguous to Azerbaijan states;

c) defence of Independence, Freedom and Democracy all over the world.

The NIPA considers the ideas of Peace, mutually beneficial Cooperation, Progress and Humanity as the basis of international relations. The NIPA supports the meeting of Azerbaijan Republic engagements in the sphere of international law to the full extent and opportunely.

The War in Karabakh

Regarding the war didn't go a day on the territory of Armenia, more than 20% of Azerbaijan territory is occupied by Armenia, and therefore more than 1 mln people off 7 mln Azerbaijan population are refugees in their own country and many other facts, the NIPA considers Armenia, openly and confidentially supported by some countries, aggressor and invader.

The NIPA views the way of termination of the state of war in the priority of political resolution methods, provided territorial integrity of Azerbaijan.

This process should be based on the principle of immutability of borders reflected in the Charters of the UN, OSCE and other international organizations. Azerbaijan, along with this, should safeguard the security and cultural autonomy for all its citizens, ethnic minorities, including armenians of Nagorno Karabakh.

The NIPA always regarded unacceptable the one state mediation in the political negotiations, and disposition of its military troops in the region as a peacemaking forces, and considered, that the negotiations should be carried out only through the mediation of the international organizations, UN and OSCE.

We believe, Azerbaijan will liberate its occupied territories ultimately at all costs, and safeguard its territorial integrity and inviolability of borders. We believe, Azerbaijan should rapidly form its national security system and precipitate raising armed forces, capable to defend its borders and territory.

Our Economic Views

The National Independence Party of Azerbaijan is the first and still only political organization, which

didn't satisfy with declaring the necessity of transition to free market economy, but proposed its complete programme of realizing this transition. The first version of this Economic Reforms Programme was published the same day with the NIPA Declaration on Foundation (October 16, 1991). Even if there appeared three more versions, considered changing of situation, the principles stayed immutable.

There are our economic aims:

* **Economic Independence.** Azerbaijan, after the collapse of Russian-Soviet empire gained the opportunity to use its natural-economic resources for the interests and wealth of Azerbaijan people. In order to get the best out of this opportunity, Azerbaijan should gather in its hands all the instruments of economic regulation (the right of policy decision in the spheres of taxation, credit, customs, inflation, encouragement of foreign capital, amortization, employment and investment), and none of these rights to be passed on any foreign state or commonwealth of states (CIS included). The idea of Azerbaijan entering to the CIS as a solving of its economic problems sounded ridiculous to the NIPA, who was always against it.

*** Free market economy.** The NIPA considers free enterprise, based on private property, people's personal economic freedom, initiative and responsibility, the only true way of improvement of society wealth, providing of extensive opportunities for development of culture, science, health protection and education, based on the most profitable utilization of economic resources. The NIPA believes, that the forms of property and enterprise should be equal in rights. The state guarantee should be provided for inviolability of private property. During the reforms, carried out for providing of the above mentioned points, the economic freedoms of pricing, competition and foreign economic activity should be created. The purpose of agrarian reform is to return land to working it people, finally assigning a private property on the land.

*** Bring to the minimum the State intervention in economy.** We believe, that the main role of the State in economic development is to safeguard national security and internal political stability of the country. Its intervention in economy should be limited to the general regulation of economic relations and directed to keeping the inflation and unemployment in the bounds of possible control, encouragement of export and foreign

capital, defence of economic interests of Azerbaijan abroad. We believe, that the State is not a rival of businessman in the economic activity, but his assistant, providing the convenient conditions for his activity and encouraging him to gain more high profits.

Our Current Economic Requirements

The NIPA, instantly declaring the delay of Azerbaijan in carrying out the economic reforms, considers, that **privatization**, as a basis of the reform, should be urgently started. Privatization should be directed to legalization and using for development of Azerbaijan economy of all the illegal fortunes, accumulated in previous soviet period, irrespective of their source (except illegal weapon trade, pornography and drugs business). The NIPA repeatedly brought to Azerbaijan Government and the public attention its systematized views on the ways and terms of privatization, the rules of property estimation to be privatized and other conditions of principle.

The NIPA considers wrong the increase of taxes' number and amount, the way they do it in Azerbaijan

now, and believes, that it couldn't be the way in principle of reduction of the budget cuts. The NIPA, on the contrary, demands ***simplification of taxation system, reduction in taxes and, on this basis, raising the enterprising activity.***

The NIPA considers bribery and corruption, enveloped all the State and the Government bodies in Azerbaijan at the time, one of the most serious obstacles on the way of economic development, particularly in private sector foundation. The NIPA appraises the repressive measures against bribery as necessary, but only tactical steps in a number of cases, and gives preference to its elimination by means of establishment of new economic mechanisms. It's exactly one of main objects of the draft "Law on Tender," presented to the Parliament by NIPA.

The NIPA, along with the above mentioned, put in claims the realization of economic reforms and improvement of state regulation in Azerbaijan, including anew moulding of anti-inflation policy, providing of guarantees for foreign capitals (the Party presented a special draft Law, concerning this point, to the Parliament), creating of equal conditions for

development of private and state sector and constructive demands, concerned some other issues, and is intended to continue this activity.

Oil and Gas

The NIPA, from the day of starting the negotiations between the Azerbaijan State Oil Company and Western oil companies on exploitation and exploration of oil and gas fields on Azerbaijan related part of the Caspian Sea shelf, and "The contract of the century" called production-sharing contract, always supported them and welcomed the signing of the contract, despite having some claims to its text.

The NIPA, in present situation, considers very important the speeding-up of operations on the Contract, especially soon completing of international talks on the route of oil pipeline.

The NIPA considers, that Azerbaijan and its foreign partners should meet each other economic and political interest and cooperate on the system of mutual guarantee, as at the present stage, so during the future activity on the Contract.

Social Justice

The NIPA regards the idea of social justice as creating the wide, real and equal opportunities for all the society members to realize their mental abilities, business-like character, labor and initiatives.

The NIPA's idea of Social Justice implies establishing the state guarantees of providing a minimum life standard for disabled citizens and weak and less fortunate, particularly by encouraging self-help and individual enterprise, along with reduction of differences in tax rates, absolute liquidation of baseless privileges for occupied the government posts, liquidation of all the presently existing artificial obstacles on the way of people to rise their wealth, to increase their fortunes.

Regarding Religion

The NIPA, considering absolute detachment of Religion from the state and the establishing of worldly State system in Azerbaijan as the one of its strategic objectives, at the same time regards freedom of religion one of the most important human rights and gives the great priority to creating full State guarantee of this freedom.

The NIPA considers one of the most important objectives the maintain and development of progressive co-residence traditions of Moslem, Christian and Jewish religions and high standard of religious tolerance, formed in Azerbaijan.

The NIPA considers, that all the monotheistic religions, including Islam, have a great cleaning and creative potential. The society's respectful and deferential considerations of Religion, without rolling down to religious fanaticism, and enriching of people's spiritual values by the way of believe in ALLAH are very important for realizing of this potential.

The NIPA is a supporter of establishing a free atmosphere for religious activity, spreading of progressive religious standards, development of religious views and theological science, the State assistance to the religious institutions.

The Family Traditions of Azerbaijan...

... should be kept and developed. We believe, that the exemplary family model, typical to Azerbaijanians

and traditionally strong, has an extremely great importance in

- protection of national spiritual values and morals,
- development of national culture,
- sound education of new generations in the spirit of Freedom, Patriotism and Democracy.

The First Step of the NIPA as if a Governing Party...

... will be fundamental renovation of the Government structure. The NIPA believes in correctness of ***Small Government principle.*** The small bureaucratic apparatus is an indicant of the State and the Government confidence in the People and every Citizen.

The fundamental tenets of the Programme of the Government structure renovation, worked out by NIPA experts, are the following:

—the State leadership, and first economic management, should be based on functional principle. The economy couldn't be managed through the separate fields, as it's now;

— the Government structure, on every concrete stage, should be instituted, directed to solving of the country prior problems — presently to carrying out the economic and

political reforms. Far from being helpful, the present Government structure is even openly impeding it;

— the Government and the entire State bureaucratic apparatus should be reduced to the required minimum, considering the Government maintenance on the people paid taxes and requirement of reduction in the taxes, and also the necessity to decrease a budget deficiency and inflation.

The NIPA, right after coming to power, means to submit the Programme of the Government reform to the country main political forces' approval, and after the Parliament ratification, to form the Government individual composition, determined by project.

The NIPA Organization and Structure and Leaders

The NIPA supreme body is a Party Congress, summoned once in two years. The Congress deputies are elected on the democratic basis during the Regional Organizations Conferences proportional to the number of the Party members. The regional organization conference participants are elected at the initial organizations — party cells' meetings.

The Congress elects — NIPA Chairman, NIPA Deputy Chairman, NIPA Central Council, NIPA Central Control-Inspection Commission. The Party current activity is guided by the Political Council, elected by and from the members of Central Council.

The NIPA Central Apparatus consists of organization, ideology, public and international relations department, the group of counselors, press-centre, analytical-information agency and library. There are 56 staff members in the Apparatus.

There is NIPA Central Electoral Headquarters, attached to the Central Apparatus, formed in the view of preparation to the Parliament elections. Its according divisions operate in all the Party regional organizations.

The Party Chairman —
Etibar Salidaroglu MAMMEDOV:

... is one of the creators and leaders of the Azerbaijan National Liberation Movement,

... is member of the Azerbaijan Milli Majlis (Parliament), Leader of the NIPA Parliamentary Party,

and... is the President of the Azerbaijan Wrestling Federation. "Politics is Struggle (wrestling), while Wrestling (struggle) is also Politics," such is a favorite saying of E.Mammedov.

He was born in 1955 in Baki, in the family of a teacher.

He started his political activity in the underground groups, fighting for Azerbaijan Independence, when studying at the Baki State University, History department, and was expelled from the University for this activity in 1975. But he managed to reinstate to the University in a while and to finish his education.

In 1981 he started lecturing Azerbaijan History at the same University. In 1987 he defended a thesis for a candidate's degree on the theme "Russian czarism and Caucasian aristocracy in 19 century" and was conferred a candidate's degree on History.

The process of the USSR disintegration started about that time. Armenia, "using the moment," started the occupation of Azerbaijan territory — highland part of Garabakh. The political activity of Azerbaijan population increased first in reaction to it.

In the Spring of 1989 he founded, together with the group of young intellectuals, the Azerbaijan Popular Front (APF).

It was the organization, established with the tide of national movement of the people, failed to submit the existed situation. Naturally, its participants were different kinds of people—atheists and islamists, communists and anti-communists, republicans and monarchists, democrats and autocrats. But the absolute majority of them were consolidated by one wish — Independence of Azerbaijan. Soon after there appeared the significant question within the APF concerning the character and orientation of the movement: which way to advance — from independence to democracy, or from democracy within the USSR to independence? Which way is primary? They started calling, for some reason, the second way supporters -- liberals, and the first — radicals.

E.Mammedov appeared to be indubitable and indisputable leader of the APF radical wing. People, even up-to-now, sometimes call him "The most radical politician of Azerbaijan.

Starting July 1989 the tide of mass-meetings enveloped all Azerbaijan. The Constitutional Act on Azerbaijan State Independence was adopted under their

pressure. At the end of 1989 APF had a hundred-percent chance to win the Parliamentary elections. It could be the end of communism in Azerbaijan and the beginning of complete separation from the USSR. As a result, in January 1990 the Kremlin, under the semblance of ethnic conflict in Baki, on the night off 19 on 20 brought special military forces of the USSR ministries of Defence and the Internal Affairs and KGB into the city. The bloody massacre of peaceful population took place. Hundreds of people were killed.

E.Mammedov confidentially left for Moscow on January 22. The purpose was bringing to the world public notice the truth about Black January. He gave a number of press-conferences and got his way. But right after he was arrested by KGB and was a prisoner of the Lefortovo prison for 9 months.

1.5 mln. people in Azerbaijan, with the population of 7 mln. people and 4 mln. voters, signed the Petition to release E.Mammedov.

In November 1990 E.Mammedov was transferred to the Baki prison. There started a show called trial, but E.Mammedov turned it in several days into the actual Trial against the communist system. The "trial" was

dropped in a month under the public pressure and E.Mammedov has been discharged.

In December 1990 E.Mammedov was elected to the Supreme Soviet of Azerbaijan, and at the end of 1991 became a member of the Milli Majlis — the present Parliament. Actually, he was one of a few MP's really elected to the Parliament by people.

In 1991, E.Mammedov, because of intensification of the APF internal contradictions, decided to establish an independent political organization. It was the National Independence Party of Azerbaijan. E.Mammedov was elected the NIPA Chairman during the 1st (Constituent) Party Congress.

The communist regime in Azerbaijan fell down in May 1992. However the APF, the NIPA rebellion mate, allied with the former common enemies — compartnomenclature. So, the NIPA proclaimed itself the loyal opposition to the new Government. In summer 1993, after the Ganja events and regular change of the power, the NIPA received an offer to participate in the Government and declined, considering elections the only legitimate way of coming to the power. At the moment NIPA is the most

extensive and well-organized loyal opposition party.

E.Mammedov's political biography is closely interlaced with the history of New Independence of Azerbaijan, its struggle for Freedom, Democracy, Integrity and Prosperity. He is a politician of Azerbaijan new generation and plays one of the leading roles among them.

E.Mammedov, besides his native Azeri language, perfectly speaks also Turkish and Russian.

He is married and has got a daughter and two sons.

NIPA Deputy Chairman Nazim Muzaffaroglu IMANOV:

... is one of the most prominent Azerbaijan economists, Doctor of Science (Economy), Professor,

... is Academician of the International Ecoenergy Academy,

... is one of the creators of the National Independence Party of Azerbaijan.

He was born in 1955 in Baki in the family of the University lecturers.

He devoted himself to science starting the student days, when he has been graduating at the Baki State

Economic Institute. In 1975 his scientific work on ecological problems in economy gained the First prize at the International scientific competition of Eastern-Europe students in Bratislava.

He defended a thesis for candidate's degree in Baki in 1982, and for doctor's degree in Moscow in 1990. Both of his thesis and 3 books and more than 50 scientific articles, published in Azerbaijan and abroad, were dedicated to the problems of management of ecological-economic systems.

Starting 1990, he is investigating the problems of economic reforms on obtaining by Azerbaijan the economic independence and transition to the Free-market system of economy regulation.

Since 1991 he has been actively engaged in political activities.

True, in 1988 during the draft Programme of the APF was drawn up, at the request of the initiators, he prepared its economic part. But, strange as it may seem, his economic views were considered "too radical" that time and his cooperation with that organization didn't work. In 1991, when destruction of old economic system was mostly finished and

conditions for construction of new one were provided, the intellectuals started more actively getting involved in politics. N.Imanov came into politics on this wave.

N.Imanov, who actively and with the great interest got the hang of establishing the NIPA, were elected, during the 1st (Constituent) Party Congress, NIPA Deputy Chairman. He has worked out several Programmes of economic reforms, assembled a group of talented economists around himself. One of them was awarded the National Prize.

The right-wing Conservative ideas of the NIPA economic programmes were found to be attractive to the private proprietors. Though the private sector reflects a small part of Azerbaijan economy, still the NIPA gained serious spiritual, intellectual and financial support of the free proprietors, which is very important for the Party.

He is an author of a number of the draft Laws. His last work in this field — "The Tender Law" is discussed in the Azerbaijan Parliament now.

He considers the conformity with morality the main principle of his political activity. "If I would ever feel

the necessity to take a decision, contradicting the conventional, common to all mankind moral principles, I leave politics the same day!" - he says.

Along with Azeri language, he also speaks Turkish, Russian and English.

He is married and has got two sons.

Members of NIPA Political Council:

Fouad AGAYEV

He is the youngest and only single member of Political Council. He was born in Baki in 1961. He graduated from the Baki State University, department of Law in 1988. He is one of Azerbaijan most competent experts in the field of the Constitutional law. He is a member of the Republic Central Electoral Commission on Parliamentary elections. He started his political activity in the middle of 80-es. He was one of the most active participators and organizers of the National Liberation Movement. He closely cooperated on founding of "Chanlibel," "Oguz," Varlyg," "Taraggy" organizations — the first examples of political pluralism — and the APF. He has rendered great services in adoption, under the Movement pressure, the Official Language of Azeri

language in 1988. He has been arrested several times for participation in the National Liberation Movement in 1988-90-se. He was a member of the NIPA Organization Committee, and after the 1st (Constituent) Party Congress he has been elected a member of the Political Council. He is an author of adopted in 1991 draft "The Constitutional Act on the State Independence of Azerbaijan Republic," and presently being discussed in the Parliament draft "The Election Law". Besides Azeri, he speaks Turkish and Russian and average English.

Hajiamy ATAKISHIYEV

He was born in 1951 in Shuvalan settlement of Baki city. He graduated from the Azerbaijan Polytechnic Institute in 1974. He is an architect-designer. He is the Chief Painter of Baki city, Head of Advertisement and Design department of Baki city Executive Power, President of "BakReklam" company. He is a Professor of the International Ecoenergy Academy from 1994. Many buildings and monuments, decorating Baki, including "Green theatre," memorial flat of J.Jabbarly, Dakkar square, Park of Izmir, Fountains square, was constructed on the basis of his projects. Some religious monuments, including Mausoleum of Mir Mohsyum Aga and Keshlya Mosque are his last works. He started his political activity in 1987. He was an active participator of the National Liberation Movement. He is

a member of the NIPA since September 1992. He was elected to the NIPA Central Council in 1993, and to the Political Council in 1994. He is a coordinator of the Party relations with the scientific, cultural and art workers and organizer of numerous cultural arrangements, first exhibitions and presentations. He is a deputy of the Baki City Council. He is married and has got two sons. His wife is an architect also. Besides Azeri, he speaks Turkish and Russian and average German language.

Geiboulla GEIBOULLAYEV

He was born in 1945 in Katekh village of Balakan district of Azerbaijan. He graduated from the Azerbaijan Polytechnic Institute with the specialty of civil engineer. Then he graduated in construction economy. He is a doctor of economy, professor. He is an academician of the International Ecoenergy Academy. He is an author of 12 scientific editions, more than 100 scientific publications and 12 scientific inventions. He was a director of Construction and Architecture Institute in 1984-1993, and from 1993 he is a Head of the Azerbaijan Civil Engineers University. He is a member of the NIPA from January 1993. He was elected a member of the NIPA Political Council in 1994. He is distinguished by taking the emotionless, sound decisions. In the field of scientific work organization he

is directing the preparation of reforms programmes of the Party. He is married and has got a daughter and a son. He speaks, along with Azeri, Turkish, Russian and English language.

Elshad GOURBANOV

He was born in 1951 in Urud village of Sisyan district of Zangezur region that is in Armenia. He finished the Baki Medical College in 1973 and graduated from the Baki State University, Biology department in 1979. He is a head of Botany department at the University at the moment, doctor of botany, professor. He started his political activity in 1988, reacting to mass deportation of Azerbaijanian population from Armenia. He was persecuted for, carried out that time, practical political work at the Baki University. He did a very serious work on forming of the NIPA. During the 1st and 2nd Party Congresses he was elected to the NIPA Central Council, and in September 1993 he became a member of the NIPA Political Council. He rendered great services in creating and carrying out fruitful activity of the Party cells and regional departments, establishing the relations between the Central Apparatus and regional departments, organization of meetings with the various strata of society. He is married and has got two sons. He speaks Azeri, Turkish and Russian languages.

Shargiyya ALEKPEROVA

She was born in 1931 in Baki. She graduated from the Moscow Energy Institute in 1954. She is a physicist. She is a candidate of engineering sciences and senior research fellow at the Institute of Physics, Azerbaijan Academy of Sciences. She is an author of 9 scientific inventions, passed official state registration. She started her political activity at the end of 80-se. She is one of the active participators of the Azerbaijan National Liberation Movement, creators and leaders of Women organizations, fighting for Azerbaijan Independence. She is one of the creators of the National Independence Party, at the beginning member of the Organization Committee, and all the rest period member of the Political Council. She is an author of numerous official documents, adopted by the Party. The human feature, she loves is an ability to think independent; the feature, she hates — obedience and hypocrisy. She is a missis of the big family and has got three daughters and six grandchildren. She speaks perfect Azeri, Turkish, Russian and good English.

Zafar ALIYEV (UNAL)

He was born in 1953 in Sharur district of Nakhchivan region of Azerbaijan. He graduated from the Baki State University, Journalism department in 1975. He continued his education in different periods and was higher educated first on Persian language and then on State system. He has worked as a counselor at the Azerbaijan Journalists Union and was a research worker at the Institute of History. He established "Ulfat" newspaper, the press organ of the Azerbaijan Trade Union in 1990 and was Editor-in-chief of this newspaper. He started his political activity from the very moment. He is a member of the NIPA starting the day of its foundation. He was the Party Secretary on International affairs in 1992-1993, and in 1993 he became Editor-in-chief of the "Millyat" newspaper. He regularly writes not only for this newspaper, but for a number of local and foreign press organs, elucidating the views of the NIPA on different political matters. He is an Honorary Professor of the State System and the International Relations Institute of Azerbaijan since 1995. He is married and has got two sons. He speaks, along with Azeri, Turkish, Persian and Russian languages.

Isi MALIKZADE

He was born in 1934 in Agjabedy town of Azerbaijan. He graduated from the Azerbaijan State Oil Academy in 1957. He is a mining engineer. Although he worked as an operator, expert, engineer in different organizations, he always reached after art creative work. He is a professional writer from the middle of 60-se. He is Editor-in-chief of "Azerbaijanfilm" film studio and one of the well-known Azerbaijan writers. There are his 15 published books. His plays were staged in several theaters and there is some being staged now. His works were translated into English, French, Russian, German, Arabic, Bulgarian, Ukrainian, Belorussian and other languages. There are more than 10 movies and many documentaries shot on the basis of his scripts. The beginning of his political activity coincides with the time of the NIPA foundation. In 1992 he was a creator and chairman of the NIPA Agjabedy Regional organization. He was a deputy of both the NIPA Congresses, member of the Central Council from the time of creation and was elected a member of the Political Council in 1993. As a senior man, he endeavors for taking always considered and steady decisions by the Party leadership. He is married and has got a son, two daughters and six grandchildren. He speaks Azeri, Turkish and Russian languages.

Isa MAMMEDOV

He was born in 1950 in Shakhriyar village of Sharur district of Nakhchivan region of Azerbaijan. He graduated from the Azerbaijan State Economy Institute in 1971. He is a senior lecturer at this Institute at the present. He defended a thesis for a candidate's degree in 1989 and was conferred a candidate's degree on economy. He is an author of about 20 scientific works. He started his political activity in the middle of 80-se. He was an active participator of the National Liberation Movement and mass meetings and strikes in 1988-1992. He was a member of the NIPA Organization Committee and took part in founding of the NIPA. He was a deputy of both Party Congresses and is a member of the NIPA Central and Political Councils. As an economist-scientist, he actively participates in the NIPA Economic Commission's work and in preparation of reform Programmes of the Party. He was awarded the Azerbaijan National Prize in 1992, as one of the authors of the Programmes. His role in establishing and development of the Party relations with the creative intellectuals, particularly arranging of various receptions and readings for poets and writers, giving them consideration, concern and support, is of great importance. He is married and has got three daughters. His wife is a child's physician. He speaks Azeri, Turkish and Russian.

Mehdi MAMMEDOV

He was born in 1952 in Kurday district of Janbul region of Kazakhstan. (His family was exiled there during the repression of 1937.) He moved to Baki with his family in 1956. He graduated from the Baki State University, History department in 1976. He is a candidate of history from 1988 and in 1989 became a Chief research worker of the Baki University. He started his political activity in 1979. He took part in organization and activity of illegal political groups of that period, propagandized the ideas of national independence among the students. He joints the National Liberation Movement in 1988. He was the first official representative of Radio "Svoboda" in Azerbaijan and one of the organizers of the Movement revealing to the world mass media. He is a Deputy Chairman of Azerbaijan branch of the International Human Rights Society. As one of the creators of the NIPA, he actively participated in its organization. He is a member of the NIPA Central Council from 1992, and became a member of the Political Council in 1993. His disability (blindness) notwithstanding, he always successively took part in all the forms of struggle for Azerbaijan Independence. He is married and has got six-year-old son. His wife is a medical worker. He speaks Azeri, Turkish and Russian languages.

Vahid MURSALIYEV

He was born in 1959 in Mijan village of Ismayilly district of Azerbaijan. He was a worker almost half part of his life. He graduated from the Baki State University, department of Law, with a first-class honours degree, in 1987, still working. Now he is a well-known expert in the field of the International Law, doctor of the Law. He is one of the creators of the International Ecoenergy Academy and the Head of its International Relations department. He is a Chief Lawyer of the State Oil Company and one of the authors of the oil-gas contracts, signed with the Western companies. He took part in preparation of the legal documents on Oil Export Pipeline. He is the Parliament expert from 1994. He is an author of "Oil and Gas Law". He created one of the first NIPA cells — Oily Rocks Party cell in 1992. He was elected to the NIPA Central Council in 1993, and became a member of the Political Council in July 1994. He is a fan of Azerbaijan music and likes to play mugams and folk music on the tar and guitar. He is married and has got two sons. He speaks perfect Azeri, Turkish, Russian and good English.

Bakhtiyar NAJAFOV

He was born in 1956 in Baki. He graduated from the Baki State University, History department in 1978. He is a doctor of history, professor of the Azerbaijan Technical University. He is an author of the monographs "History of Azerbaijan Democratic Republic. 1918-1920." (1993), two volumes "The face of enemy. History of Armenian nationalism in Transcaucasus at the end of XIX— beginning of XX c.c." (1994-1995) and dozens of scientific-historical publications. He started his political activity at the end of 80-se. He was an active participator of the National Liberation Movement. He leaded the struggle for discharge of E.Mammedov in 1990 and was a creator and one of the leaders of "Protest" society, transformed into Azerbaijan branch of the International Human Rights Society. In 1991-1992, being a member of the NIPA Organization Committee, he voluntary joined the National Army and fighted for Azerbaijan Integrity. The military unit, he commanded, displayed courage and gained the serious military attainments. He was elected a member of the NIPA Political Council in 1992. He was a leader of the NIPA delegation, visited the Great Britain on the problems of Parliamentary elections and training seminar. He is married and has got two sons. He speaks Azeri, Turkish, Persian and Russian languages.

Firudin JALILOV

He was born in 1947 in Vedisabar region of Armenia in the family of a teacher. He graduated from the Baki State University, Philosophy department. He is a prominent educationist-democrat, teacher, well-known expert in the field of Azerbaijan history and language, doctor of philosophy, professor. He is an author of 7 editions and more than 100 scientific publications. He started his working activity as a worker at the quarry. His scientific-educational activity started after graduating from the University. He started his political activity in the middle of 80-se. He was one of the creators and leaders of the National Liberation Movement. He was elected a member of the Parliament and a chairman of its Science, Education and Culture Committee in 1990. He was a Deputy Minister of Education in 1991, Deputy Prime-Minister and Education Minister in 1992-1993. He obtained the realization of Alphabet reform, adoption of the Education Law and Science Law, realization of test system on entry examinations to the institutes of higher education. He became a member of the NIPA in 1993. He is an Editor-in-chief of the "MIP" newspaper — the official Party press organ. He is married and has got two sons. His spouse is a lecturer, candidate of philosophy. He speaks Azeri, Turkish, Russian, Kirghiz and Uzbek languages.

Shadman HOUSEINOV

He was born in 1945 in Taytan village of Vedy district of Armenia. He moved with the family to Ganja town of Azerbaijan in 1950, during the regular mass deportation of Azerbaijan population from Armenia. He finished the primary school in 1964 in Ganja and graduated from the State Medical Institute in Saratov city of Russia in 1970. Then he worked as a physician. He was a head physician of a hospital in Ganja in 1977-1991. He started his political activity at the end of 80-se. He was an active participator of the National Liberation Movement. He was one of the creators of Ganja Regional Organization of the APF. He left the Communist Party in protest against the mass carnage, inflicted by the Soviet Army in Baki on 20 of January 1990. He is a member of the Supreme Soviet from 1990, and became a member of the Milli Majlis (present Parliament) in 1991. He is considered a resolute, constructively working member of the Parliament. He was a member of the NIPA Organization Committee. He is a member of the Political Council since the time of the NIPA foundation. He is the NIPA Secretary on Organization matters since 1993. His role in the Party guidance, establishing and strengthening of the regional organizations is of great importance. He is married and has got three sons. His spouse is a physician. He speaks perfect Azeri, Turkish, Russian and average English.

Farman JEIRANOV

He was born in 1957 in Yormuganly village of Sagarejo district of Georgia. He graduated from the Azerbaijan Medical Institute in 1980. He defended a thesis for a candidate's degree at the Moscow Medical Academy in 1986, and in 1991 he defended there a thesis for a doctor's degree. He is one of the most prominent Azerbaijan surgeons, doctor of medicine, professor; director of the Scientific-Research Clinical and Experimental Surgery Institute. He started his political activity after the Bloody January events of 1990. He actively participated in the NIPA establishing from 1992. He became a member of the Political Council in 1993. He is a Head of the NIPA Health Service Committee. The conceptual documents on renovation of Azerbaijan Health service system, worked out by this Committee is a matter of present public interest. He is married and has got two daughters. His spouse is a physician.

Rauf TAGIYEV
Chairman of the NIPA Central Control-Inspection Comission (CCIC)

He was born in 1954 in Gafan town of Zangezur region, which is in Armenia now. He lives in Baki after his

family's deportation from Armenia. He graduated from the Baki State University, Applied Mathematics department in 1975. He is a candidate of Physics and Mathematics and senior lecturer of the Baki State University. He is an author of a number of scientific articles, published in Azerbaijan and abroad. He started his political activity in 1988, the time of joining the National Liberation Movement. He was one of the organizers of the National Movement in the Baki State University. He left the Communist Party in protest against the mass carnage, inflicted by the Soviet Army in Baki on January 1990. He actively participated in the NIPA founding. He was a Deputy Chairman of the Organization Committee's Executive Apparatus in 1991-1992. Then he was an assistant of the NIPA Chairman — head of Chairman's staff, and a head of the NIPA Organization department. He was elected a member of the NIPA Central Control-Inspection Commission in 1993, during the 2nd NIPA Congress, and then on its meeting was elected CCIC Chairman. His role in the Party management and coordination of the Regional department's activity is of significant importance. He is married and has got three sons. His spouse is a physician. He speaks Azeri, Turkish and Russian languages.

Concluding Remarks or...

the National Independence Party of Azerbaijan Is Ready for the State Power!

The National Independence Party of Azerbaijan is the first Azerbaijan Party, officially declared its intention to come to the power for realization of its programme purposes; and we are going to come to the power only by constitutional means;

The National Independence Party of Azerbaijan is constantly preparing itself to the state power and permanently improving its political and economic reform programmes;

The National Independence Party of Azerbaijan has an excellent team of highly educated and resolute reformatories and is the only political organization, completely ready to take the state power in Azerbaijan in its hands.



We highly appreciate
your kind attention and spared time
to get acquainted with the
Sketch-Presentation of
the National Independence Party
of Azerbaijan!



THE NATIONAL INDEPENDENCE PARTY OF AZERBAIJAN

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Tel : (8922) 62 29 17, 61 52 56
Fax : (8922) 98 00 98

AZERBAIJAN REPUBLIC



National capitals
Capital of autonomous republic
Region centres
Other residentials settlements

Urban settlements

BAKU	1 000 000 and over
SUMGAIYT	50 000 — 500 000
Agdam	10 000 — 50 000
Dzhulfa	10 000 and less
Kyalvaz	rural populated places

Notes:
1. Centres of regions on the mainlands are marked red.
2. Figures I, II, III, IV, V, VI, VII, VIII denote territories submitted to the city Soviets.

State boundaries
Provincial boundaries
Railways
Motorways

Scale 1:1 500 000

State Committee of Azerbaijan Republic on geodesy and cartography
Baku 1994

Base map by Baku cartographical factory in 1994
Editors in chief — I.V.Konovalova, G.A.Musaeva
Executive editor — V.V.Popova
Format of paper 42×43
Paper of cartographical mark V 100 g/m²

Hal l. 1 conventional mail l. 0,33
Amount 500 order № 18
Baku cartographical factory
370026 Baku, Nobel avenue, 96
© Goscomgeodesy of Azerbaijan Republic 1994

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COUNCIL OF EUROPE — CONSEIL DE L'EUROPE

ASSEMBLÉE PARLEMENTAIRE

COMMISSION DES RELATIONS AVEC LES PAYS EUROPÉENS NON MEMBRES

Strasbourg, le 16 avril 1996

Monsieur le Député,

M. Jean Seitlinger, Président de la Commission des relations avec les pays européens non membres, m'a chargé de vous rappeler qu'à sa réunion du 19 mars 1996, le Bureau de l'Assemblée a autorisé la visite d'une délégation en Azerbaïdjan dans le cadre de sa demande de statut d'invité spécial.

La délégation sera composée de M. Seitlinger, M. Baumel, rapporteur pour avis de la Commission des questions politiques, et vous-même en tant que rapporteur de la Commission des relations avec les pays européens non membres.

Les dates proposées par M. Seitlinger sont les suivantes:

- départ le dimanche 2 juin à 12 h 55 de Frankfurt
- retour le jeudi 6 juin (arrivée à Frankfurt à 8 h 25).

Gicadoix
M. Plenière
UEO

Je vous serais reconnaissant de m'informer dès que possible si ces dates vous conviennent.

Veuillez agréer, Monsieur le Député, l'assurance de ma considération très distinguée.

Bien à toi,

G. DUFOUR
Secrétaire de la Commission

Monsieur J. SOLE TURA, Député
BARCELONE

Fax: 19 343 280 35 45

Dimanche Potsdam
Fin Pol
(Azerbaïdjan)