

**The Law of the Republic of Azerbaijan
On changes and amendments to some legislative acts
of the Republic of Azerbaijan in connection with combating corruption**

The “Milli Mejlis” of the Republic of Azerbaijan takes decision:

I. To make below amendments to the law of the Republic of Azerbaijan on “Rules of reviewing the citizens’ applications”:

1. add the section 8 with below content to the article 7:

“State power authorities can conduct acceptance and answering of applications in an electronic form.”

2. add the article 10.1 with below content:

“Article 10-1. The features of reviewing of applications related to corruption offences

10-1.1. In state power authorities applications related to corruption offences are reviewed according to this law taking into account features of this article.

10-1.2 Service investigation is assigned by head of state power authority when application related to corruption offences is submitted. Service investigation is conducted by internal control service of the relevant state power authority. Service investigation should be completed in 20 days period and the result should be presented to head of state power authority. Head of state power authority can prolong the period for 10 days if there is a need to require additional materials or conduct other measures.

10-1.3 Head of state power authority takes one of the following decisions about application as soon as receives the result of service investigation.

10-1.3.1 take measures according to legislation of the Republic of Azerbaijan if application is proved to be grounded, as well as if there are signs of civil, administrative and criminal liability in the complained act .

10-1.3.2 involve related persons to disciplinary measures according to the legislation of the Republic of Azerbaijan if application is proved to be grounded but there is no signs which can create civil-legal, administrative or criminal liability.

10-1.3.3 cancel the proceeding on complaint if application is proved not to be grounded.

10-1.4 Applicant shall be given motivated response about taken decision and shall be explained his right to appeal the decision.

10-1.5 complaint can be lodged to higher state power authority about the decision of state power authority. This provision doesn’t limit the person’s right to lodge a complaint to court about the decision of state power authority.

10-1.6 Applications related to corruption offences in bodies, organizations, institutions which are not considered state authority body are reviewed in 20 days period according to general rules defined in this law.

II. To make below amendments to the Penal Code of the Republic of Azerbaijan:

1. add words “objects of the crime” after the words “means” in the article 51.1.

(After the amendments article 51.1. shall be read as follows:

*Confiscation of property is compulsory gratuitous withdrawal to the property of State of instruments and means used by condemned at commitment of a crime, **object of crime** and also a property extracted in criminal way)*

2. add article 51.3 with below content:

“51.3. property obtained through criminal acts or objects of the crime if can't be taken into the benefit of state because of its usage, assignation to other person and other reasons, the money or other property equal to the amount of the same property belonging to the condemned shall be confiscated.”;

3. Replace the numbers “192-198” with “192, 193, 194-198” in the “Note” of the article 190

4. add article 193-1 with below redaction:

“Article 193-1. Legalization of money proceeds or other property obtained through criminal acts

193-1.1 Legalization of money proceeds and other property obtained through criminal acts - that is to give legal status to money resources and other property knowing that they have been obtained through criminal acts, to conceal the real source of their obtainment, to carry out financial operations or other acts by using such money resources and property –

shall be punished by a fine at a rate from two up to five thousand of nominal financial¹ unit or imprisonment from two up to five years with confiscation of property with deprivation of the right to hold the certain post or to engage in the certain activity for the term up to three years or without it.

193-1.2 The same acts if:

19-1.2.1. committed by group of persons on preliminary arrangement

194.-1.2.2 committed repeatedly

193-1.2.3 committed by an official with use of his/her service position

– shall be punished by imprisonment from five years up to eight years with confiscation of property, with deprivation of the right to engage in certain activities and to hold certain post up to three years or without it

193-1.3. The actions provided for by articles 193-1.1 or 193-1.2 of this Code if:

193-1.3.1 committed by organized group or criminal union (criminal organization);

193-1.3.2 committed in large amount –

shall be punished by imprisonment from seven up to twelve years with confiscation of property with deprivation of the right to hold the certain post or to engage in the certain activity for the term up to three years or without it.

¹ Note: Nominal financial unit is equal to 1.1 new manats ~ 1 euro

Note: “large amount» given in the article 193-1.3.2 of this Code is understood the sum over the amount of forty five thousand of nominal financial unit.

5. delete article 241.

6. Chapter 33 shall be named as follows:

Chapter 33. Corruption offences and offences against public service interests, service in the local self-administration, as well as, other commercial and non-commercial organizations.

7. Article 308.1 shall be set forth as follows:

308.1 Abuse of official powers, i.e. in the exercise of his (or her) official functions using by the official of his (or her) official authorities in deliberate contradiction to the interest of service with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these authorities when the official interests require to do so, if it caused substantial damage to the rights and legitimate interests of natural and legal persons, or to the interest of the state or society protected by law -

shall be punished by fine in the amount of one thousand to two thousand of the nominal financial unit or imprisonment up to three years with confiscation of property or deprivation of the right to hold the certain post or to engage in the certain activity for the term up to three years or without it or corrective works up to two years.

8. Replace the words “from three years up to seven years” with “with confiscation of property from three years up to eight years” in the sanction part of the article 308.2

(Sanction part of the article 308.2. after the amendments shall be read as follows: shall be punished by imprisonment for the term from three years up to eight years with confiscation of property, with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years.)

9. In the “Note” of the article 308

9.1. In section 1:

After the words “*noncommercial organizations*”² shall be added the following words: “, representatives of international organizations, as well as other persons considered public officials for the purposes of the Law “On Combating Corruption” of the Republic of Azerbaijan”

(The Section 1 of the Note of the article 308. after the amendments shall be read as follows:

*Officials in articles of the present chapter, shall be persons constantly, temporarily or on special power carrying out functions of authority representative either carrying out organizational - administrative or administrative functions in state bodies, institutions of local government, state and municipal establishments, enterprises or organizations, and also in other commercial and noncommercial organizations, **representatives of international organizations, as well as other persons considered public officials for***

² Due to translation the place of the amendments in the sentence changes in the English version.

the purposes of the Law “On Combating Corruption” of the Republic of Azerbaijan”.)

9.2 delete the word “other” from the section 2.

10. replace the words “citizens or organizations” in Articles 309.1, 310 and 314.1 with “natural or legal persons”.

11. replace the words “or without it” with the “with confiscation of property” in the sanction part of the article 309.1.

*(Sanction part of the article 309.1. after the amendments shall be read as follows: shall be punished by the fine at a rate of from one up to two thousand of nominal financial unit, or corrective works for the term up to two years, or with imprisonment for the term up to three years with deprivation of the right to hold the certain posts or to engage in certain activities for the term up to three years **with confiscation of property.**)*

12. add words “with confiscation of property” after the words “deprivation” in the sanction part of the article

*(Sanction part of the article 309.2. after the amendments shall be read as follows: shall be punished by imprisonment for the term from three up to seven years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to three years **with confiscation of property.**)*

13. Article 311 shall be named and Article 311.1 be forth as follows

«Article 311. Receiving of bribe (Passive bribery)

311.1. Receiving of bribe, i.e. – requesting or receiving by official person directly or indirectly, personally or by intermediary of third persons, of any material and other values, privileges or advantages for himself (or herself) or third persons, for any act (inaction), as well as general patronage or indifference, in the exercise of his (or her) official functions -

shall be punished by four to eight year imprisonment with deprivation of the right to hold certain positions and be engaged in certain activities up to three years with confiscation of property.

14. add words “with the confiscation of property” after the word “deprivation” in the sanction part of the article 311.2.

*(Sanction part of the article 311.2. after the amendments shall be read as follows: shall be punished by imprisonment for the term from five up to ten years with deprivation of the right to hold certain posts or to engage in the certain activities for the term up to three years **with the confiscation of property.**)*

15. replace the word “seven” with “eight” in the sanction part of the article 311.3
Sanction part of the article 311.3. after the amendments shall be read as follows:

shall be punished by imprisonment for the term from eight up to twelve years with confiscation of property.)

16. “Note” of the article 311 shall be set forth as follows:

Note: “large amount” given in the article 311.3.3 of this Code is understood the sum over the amount of five thousand of nominal financial unit.

17. Article 312 shall be named and disposition of the Article 312.1 shall be set forth as follows:

‘Article 312. Giving of bribe (active bribery)

312.1 Giving of bribe, i.e. giving of any material and other values, privileges or advantages, directly or indirectly, personally or by intermediary of third persons, to official person for himself (or herself) or third persons to act or refrain from acting in the exercise of his (or her) functions-

shall be punished by fine in the amount of one thousand to two thousand nominal financial unit or imprisonment from two years to five years with confiscation of property.

18. replace the words “or without it , three” with “four” in the sanction part of the sub article 312.2.

(Sanction part of the article 312.2. after the amendments shall be read as follows: shall be punished by the fine at a rate of from two up to four thousand of nominal financial unit or imprisonment for the term from four up to eight years with confiscation of property.)

19. Article 312-1 shall be added in below disposition:

‘Article 312-1. Influencing the decision of official (Trading in influence)

312-1.1. Requesting or receiving by any person of any material and other values, privileges or advantages for himself (or herself) or third persons for exerting an improper influence over the decision-making of an official using his (or her) real or assumed possibilities of influence -

shall be punished by the fine in the amount of three thousand to five thousand nominal financial unit or imprisonment from three years to seven years with confiscation of property.

312-1.2. Giving to any person of any material and other values, privileges or advantages to exerting an improper influence over the decision-making of an official using his (or her) real or assumed possibilities of influence -

shall be punished by the fine in the amount of one thousand to two thousand nominal financial unit or imprisonment from two years to five years with confiscation of property

20. delete the words “or public works for the term up to two hundred forty hours” and replace the words “or without it” with “confiscation of property” in the sanction part of the article 313.

*(Sanction part of the article 313. after the amendments shall be read as follows: shall be punished by the fine at a rate from five hundred up to one thousand of nominal financial unit, or corrective works for the term from one year till two years, or with imprisonment for the term up to two years with deprivation of the right to hold the certain posts or to engage in the certain activities for the term up to two years **with confiscation of property.**)*

21. delete the words “or without deprivation of the right to hold certain posts” from the sanction parts of the articles 314-1, 314-2.1 and 314-2.2

III To make below amendments to the Criminal Procedure Code of the Republic of Azerbaijan:

1. add number "193-1," after the number "191," in the article 215.3.1

IV. This act shall be effective as of the day of signing.

Ilham Aliyev
President of the Republic of Azerbaijan

Baku, «07» April 2006