

Law of the Republic of Azerbaijan on the Control of Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors

This Law, which stresses the danger of offences associated with illegal trafficking in narcotic drugs, psychotropic substances and precursors, defines a legal framework for the prevention of criminal activities involving illicit trafficking in narcotic drugs, psychotropic substances and precursors, for the identification and punishment of persons committing such offences, and in this connection also establishes the rights and obligations of the competent State authorities and physical and juridical persons.

Chapter I: Basic provisions

Article 1:

Definitions

Narcotic drugs

- Plants, raw materials and natural or synthetic substances classified by law in the Republic of Azerbaijan as having narcotic properties and subject to limited circulation, and also other substances and materials defined by law as belonging in the above categories and representing a danger to human health if used abusively;

Psychotropic substances

- Any natural or synthetic substances or natural materials similarly classified by law in the Republic of Azerbaijan, subject to limited circulation, and also other substances and materials assigned by law to the above-mentioned categories and representing a danger to human health if used abusively;

Precursors

- Chemical substances and their salts used for the purpose of producing narcotic drugs and psychotropic substances, and any chemical substances and their salts assigned by law in the Republic of Azerbaijan to the above-mentioned categories, the circulation of which is limited;

Analogues

- Substances that are substantially similar to particular narcotic drugs and psychotropic substances and having an analogous psychoactive effect, which are not controlled by the law in the Republic of Azerbaijan but are subject to control by virtue of their chemical structure;

Trade in narcotic drugs, psychotropic substances and precursors

- The import into Azerbaijan or the export from Azerbaijan of narcotic drugs, psychotropic substances and precursors, trade in which is controlled, restricted or prohibited (in what follows the word "controlled" will be used) under procedures established by law in the Republic of Azerbaijan, or the carrying of such materials in

transit through Azerbaijan, and also the storage, procurement, distribution, transport, consignment, destruction, or use of such narcotic drugs, psychotropic substances and precursors, and the performance of other operations defined by law in relation to them;
Illicit trafficking in narcotic drugs, psychotropic substances and precursors

- Any activities carried out with narcotic drugs, psychotropic substances and precursors in violation of the regulations established by law in the Republic of Azerbaijan;
Illicit cultivation of plants with narcotic properties

- The planting, raising or growing of plants with narcotic properties in violation of the regulations established by law in the Republic of Azerbaijan;
Illicit production of narcotic drugs and psychotropic substances

- Any activities, no matter how carried out, aimed at the direct manufacture of narcotic drugs and psychotropic substances, whether fit for use or not, i.e. at the production, processing and refinement of narcotic drugs and psychotropic substances or the production of narcotic drugs and psychotropic substances through the conversion of one narcotic drug or psychotropic substance to another narcotic drug or psychotropic substance, or at enhancing their effects, or growing plants with narcotic properties; further, any other activities aimed at producing narcotic drugs and psychotropic substances in violation of the regulations established by law in the Republic of Azerbaijan;
Illicit transport or consignment of narcotic drugs, psychotropic substances and precursors

- All activities, no matter how carried out, which are in violation of the regulations established by law in the Republic of Azerbaijan and are aimed at changing the location of narcotic drugs, psychotropic substances and precursors, whether in the possession of the guilty party himself, or through the mails, or by some other means of transport, or in the possession of a person who is unaware of the presence of the narcotic drugs, psychotropic substances and precursors in the object which he is carrying, or by any other means;
Illicit procurement of narcotic drugs, psychotropic substances and precursors

- All activities, however carried out, involving violation of the regulations established by law in the Republic of Azerbaijan, which are aimed at the purchase of narcotic drugs, psychotropic substances and precursors, their use as a gift or as a means of mutual gain, their exchange for other commodities and wares, or the appropriation or acquisition of them by any other means;
Illicit storage of narcotic drugs, psychotropic substances and precursors

- All activities, no matter what their purpose, which are in violation of the regulations established by law in the Republic of Azerbaijan and are aimed at maintaining custody of narcotic drugs, psychotropic substances and precursors in the possession of the guilty party;
Illicit sale of narcotic drugs, psychotropic substances and precursors

- Actions in violation of the regulations established by law in the Republic of Azerbaijan which are aimed at the distribution of narcotic drugs, psychotropic substances and precursors, whatever the quantities involved, through barter or sale for profit;
Illicit introduction of narcotic drugs or psychotropic substances into the human body

- The introduction of narcotic drugs and psychotropic substances, by whatever means, into the body of another person against that person's will;
Illicit addition of narcotic drugs and psychotropic substances to food and drink

- The addition of narcotic drugs and psychotropic substances to foodstuffs, drinks or food without the knowledge of the user;
Toleration of or direct assistance in the illicit use of narcotic drugs and psychotropic substances by another person

- The provision by any person, and also by persons in charge of institutions where large numbers of people gather or where space is made available for the use of the general public, of facilities, equipment or premises for the illegal use by another person of narcotic drugs and psychotropic substances as well as any form of direct assistance provided in connection with such use;
Instigation to illicit use of narcotic drugs or psychotropic substances

- Instigation by direct or indirect means to the use of narcotic drugs and psychotropic substances employing artistic, audiovisual and other productions, including the provision of computerized information;
Inducement to engage in the illicit use of narcotic drugs and psychotropic substances

- The attraction by direct or indirect means (proposals, entertainment-related inducements etc.) of other persons, without regard to the result, to the illicit use of narcotic drugs and psychotropic substances;
Illicit use of narcotic drugs and psychotropic substances

- The consumption, in violation of the regulations established by law in the Republic of Azerbaijan, of narcotic drugs and psychotropic substances subject to control by law without sound medical reasons and without a doctor's prescription;
Abuse of narcotic drugs and psychotropic substances

- The consumption, in violation of the regulations established by law in the Republic of Azerbaijan, of narcotic drugs and psychotropic substances without due medical indication and without a doctor's prescription, which could lead to dependence on those narcotic drugs and psychotropic substances;
Drug addiction

- A morbid state characterized by psychological or physical dependence on narcotic drugs and psychotropic substances and caused by abuse of narcotic drugs and psychotropic substances leading to chronic intoxication;
Drug addict

- A person who has lapsed into a state of psychological and physical dependence on narcotic drugs and psychotropic substances resulting from the abuse of such drugs and substances and who has been diagnosed as a "drug addict" by a medical institution specializing in drug abuse through a procedure established by law in the Republic of Azerbaijan;

Voluntary therapy

- The treatment of a patient for drug addiction with his or her agreement or that of his or her legal representative, in a medical drug institution;

Compulsory therapy

- Enforced treatment in a specialized medical institution of an individual who has become subject to drug addiction, carried out in cases and under procedures established by law in the Republic of Azerbaijan.

Article 2:

Legislation on the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors

Legislation relating to the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors includes the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan subscribes, and this Law, as well as other legislative acts of the Republic of Azerbaijan.

Should it emerge that there is a conflict between this Law and the international treaties to which the Republic of Azerbaijan subscribes, the provisions of the international treaties shall prevail.

Article 3:

Guarantee of legality in the application of the Law

With a view to the early detection, prevention and elimination of any infringement of the rights and legal interests of physical and juridical persons, or of the interests of the public and the State of Azerbaijan, the courts and the public prosecutor shall, within the scope of their powers, ensure uniform and correct application of legislation relating to the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors.

Existing legal instruments adopted in connection with efforts to control illicit trafficking in narcotic drugs, psychotropic substances and precursors which already have the force of law shall not be taken as conferring any powers or duties on State bodies or physical or juridical persons that do not derive from the present Law itself.

Chapter II: Principles for regulating trade in narcotic drugs, psychotropic substances and precursors

Article 4:

The purpose of trade in narcotic drugs and psychotropic substances

Trade in narcotic drugs and psychotropic substances on the territory of the Republic of Azerbaijan serves only medical needs and the requirements of science.

The development of new narcotic drugs and psychotropic substances may be undertaken in Azerbaijan only for the purposes indicated in paragraph 1 of this article.

Article 5:

General rules governing the trade in narcotic drugs, psychotropic substances and precursors

The rules and conditions applicable to trade in narcotic drugs, psychotropic substances and precursors, and also the rules governing medical applications thereof, shall be defined by the competent executive authority of the Republic of Azerbaijan. With a view to regulating the trade in narcotic drugs, psychotropic substances and precursors subject to control in Azerbaijan, appropriate lists shall be drawn up in accordance with the international treaties to which Azerbaijan subscribes and decisions taken concerning the trade in narcotic drugs, psychotropic substances and precursors.

The cultivation and production of narcotic drugs and psychotropic substances is prohibited on the territory of the Republic of Azerbaijan except in cases where they are required for the preparation of experimental samples of medical products.

Narcotic drugs required for medical purposes may be introduced into Azerbaijan only by the competent State authorities. The competent executive authority shall determine the amounts of narcotic drugs required annually within the country and trade in these drugs shall be limited to the amounts corresponding to this requirement. The import into Azerbaijan of narcotic drugs in amounts greater than those referred to above shall be permitted only in time of war or during a state of emergency or a natural calamity.

The activities of non-State organizations taking part in the trade in narcotic drugs, psychotropic substances and precursors shall be subject to special licensing arrangements. A special licence must be issued separately for each type of activity connected with the trade in narcotic drugs, psychotropic substances and precursors.

Notification regarding each special licence issued to organizations taking part in the trade in narcotic drugs, psychotropic substances and precursors shall be sent immediately to the competent executive authority for inclusion in the national data bank covering the trade in narcotic drugs, psychotropic substances and precursors. The notification in question must include the full name of the organization, the type of activity, the period for which the special licence is to be granted, the name of the narcotic drug, psychotropic

substance or precursor to be used (in the Azerbaijani and Latin languages), its location and period of storage and other information required by law.

Persons licensed to participate in the trade in narcotic drugs, psychotropic substances and precursors must conduct all relevant operations in the presence of a

counterpart equally licensed to take part in this type of activity. Violations of this rule shall incur sanctions as specified in the relevant legislation of the Republic of Azerbaijan.

Trade in analogues of narcotic drugs and psychotropic substances is prohibited on the territory of the Republic of Azerbaijan except in cases where they are required for the experimental production of narcotic drugs and psychotropic substances. The experimental production of narcotic drugs and psychotropic substances may be carried out only by the competent State authorities. Every new narcotic drug and psychotropic substance produced shall be reported to the competent executive authority of the Republic of Azerbaijan. This report shall be passed on within 10 days by the competent executive authority to the relevant international organizations.

Article 6:

Duties of the competent State bodies relating to the trade in narcotic drugs, psychotropic substances and precursors

For the purposes of regulating the trade in narcotic drugs, psychotropic substances and precursors, the competent executive authority of the Republic of Azerbaijan shall:

Establish separate lists of narcotic drugs and psychotropic substances, trade in which is prohibited, restricted or controlled on the territory of the Republic of Azerbaijan;

Establish a list of precursors, trade in which is restricted on the territory of the Republic of Azerbaijan;

Establish separate lists of narcotic drugs and psychotropic substances, trade in which is permitted on the territory of the Republic of Azerbaijan provided the purpose for which they are to be used is declared;

Establish a list of equipment used in the production of narcotic drugs and psychotropic substances, trade in which is subject to control;

Define, on the basis of this Law, procedures for the storage, purchase, sale, procurement, distribution, release, transport, consignment and use of narcotic drugs, psychotropic substances and precursors, and also for the compilation and storage of documents relating to the trade in narcotic drugs, psychotropic substances and precursors, and for the conduct of all other operations required by law in connection with the drug trade;

Define conditions and procedures for the production, storage, transport, consignment, sale, procurement, use, import and export of equipment used for the production of narcotic drugs, psychotropic substances and precursors;

Define procedures for the experimental production of narcotic drugs and psychotropic substances and designate the State bodies to be employed in this activity;

Establish regulations to govern import, export and transit operations in the customs area of the Republic of Azerbaijan involving narcotic drugs, psychotropic substances and precursors;

Define procedures for the destruction of confiscated narcotic drugs, psychotropic substances and precursors;

Organize a national data bank covering the trade in narcotic drugs, psychotropic substances and precursors and also persons taking part in illicit trafficking in narcotic drugs and psychotropic substances, including drug addicts, defining procedures for the provision of information to this data bank and the acquisition of information from it;

Define procedures and conditions for the use of narcotic drugs and psychotropic substances in medicine, and also procedures for the medical care of drug patients;

Define procedures for the medical utilization of narcotic drugs and psychotropic substances confiscated from illicit trafficking operations " materials which it would be inappropriate to destroy because they are in the form of medical products and can be used for medical purposes;

Define regulations and conditions for the use of narcotic drugs, psychotropic substances and precursors and also regulations to govern medical uses;

Prepare an appropriate programme for the campaign against illicit trafficking in narcotic drugs, psychotropic substances and precursors and the spread of drug addiction.

The lists referred to in subparagraphs 2 and 3 of paragraph 1 above shall be subject to confirmation by a law of the Republic of Azerbaijan.

Article 7:

Principles for the establishment of a national data bank on trade in narcotic drugs, psychotropic substances and precursors

A national data bank is being established in the Republic of Azerbaijan on trade in narcotic drugs, psychotropic substances and precursors and on illicit trafficking in these products.

The national data bank consists of three sections:

A section containing information on the legal trade in narcotic drugs, psychotropic substances and precursors and on the persons participating in that trade;

A section containing information on illicit trafficking in narcotic drugs, psychotropic substances and precursors and on persons participating in such trafficking;

A section containing information on persons who have become drug addicts and who abuse narcotic drugs and psychotropic substances.

Procedures for the transmission of information contained in the national data bank shall be governed by the relevant legal instruments of the Republic of Azerbaijan.

Chapter III. Medical treatment of persons who have become drug addicts

Article 8:

Principles governing medical treatment

With the exception of medical observation, application of the measures referred to in this chapter to any person shall be permitted only when a medical check-up carried out in the manner prescribed by the relevant laws of the Republic of Azerbaijan has led to a diagnosis of "drug addiction".

Article 9:

Medical check-up

Medical check-ups shall be carried out in specialized drug clinics (whatever their status as regards ownership) in accordance with procedures established by law in the Republic of Azerbaijan and exclusively for the purpose of establishing or confirming drug addiction in the individual concerned (i.e. the fact that the person is a drug addict).

The diagnosis of "drug addiction" may be established only by a qualified medical commission in accordance with procedures established by law in the Republic of Azerbaijan.

The conclusions formulated by the medical commission with regard to the medical check-up performed on an individual must answer the question whether that person has become subject to drug addiction or not and, if he or she has, the conclusions must reflect the stage the illness has reached and the urgency of treatment.

If the diagnosis of "drug addiction" is confirmed, the medical commission must inform the competent executive authority of this fact in accordance with the procedures established by law in the Republic of Azerbaijan.

The costs associated with medical check-ups carried out pursuant to decisions taken by the investigating authorities, the office of the public prosecutor, the relevant court and other State bodies shall be covered from State funds.

The procedures used in medical check-ups shall be defined by the competent executive authority of the Republic of Azerbaijan.

Article 10:

Voluntary treatment of drug addicts

In establishing the need for treatment of a person who abuses narcotic drugs and psychotropic substances and who has been diagnosed as a victim of "drug addiction" (hereinafter called "drug addict"), the specialist shall propose to the person concerned a course of treatment on either an in-patient or outpatient basis to be accepted voluntarily, and if the person agrees he or she will be assigned to an appropriate drug clinic.

Urgent measures to eliminate a person's dependence on narcotic drugs and psychotropic substances shall be carried out in drug clinics in accordance with specific clinical procedures.

Treatment for the effects of narcotic drugs and psychotropic substances shall be carried out in accordance with prescribed procedures in drug clinics specially qualified to perform such therapy, whatever their status as regards property or ownership.

The anonymity of a patient who has voluntarily accepted treatment in a specialized drug clinic shall be respected upon the patient's request. Information on the therapy applied may be released only for inclusion in the national data bank or to law enforcement authorities if the patient is charged with a misdemeanour or a felony.

For the period of voluntarily accepted treatment, the patient shall receive a medical certificate attesting unfitness for work, and after completion of the treatment, at his or her request, shall receive a certificate indicating the purpose of the therapy.

Article 11

Compulsory treatment of drug addicts

Drug addicts who have committed a criminal offence shall be subject to compulsory treatment in accordance with procedures established by law in the Republic of Azerbaijan.

Compulsory therapeutic measures for a drug addict shall be ordered by a court only in connection with the sanctions applied for the offence committed and in accordance with procedures established by law in the Republic of Azerbaijan.

Along with their sentence of imprisonment, persons subjected to compulsory therapeutic measures shall be treated during the period of their sentence and, where necessary, in specialized drug clinics after their release from confinement. Persons who are subjected to compulsory therapeutic measures shall be treated for a period of six months to two years in specialized drug clinics and, upon completion of the therapy, shall remain under observation for five years.

The treatment of invalids, pregnant women and nursing mothers, men over sixty years of age and women over fifty-five, and also persons having certain illnesses listed by the competent executive authority of the Republic of Azerbaijan, shall be carried out in accordance with regulations established by the competent executive authority.

The drafting and submission to court of the documents required for the assignment of drug addicts to compulsory therapy shall be carried out in the manner prescribed by law.

If a person in connection with whom an application for compulsory therapy has been made fails to appear in court, that person shall be brought to court by the competent executive authority of the Republic of Azerbaijan.

A person sent for compulsory treatment who escapes from the specialized drug clinic to which he or she is assigned, or takes flight while being transferred to that institution, shall be brought to justice in the manner established by law in the Republic of Azerbaijan.

Article 12:

Early release from compulsory treatment for drug addiction

If a drug addict undergoing compulsory medical treatment for drug addiction in a specialized institution suffers a severe illness that makes it impossible for him to remain in that clinic, or if in the opinion of the drug clinic the need for further treatment of drug addiction no longer exists and a medical certificate confirms that conclusion, the competent court in the region of the clinic may decide that the patient qualifies for early release from the clinic.

Article 13:

Extension of the period of compulsory treatment for drug addiction

If a drug addict undergoing compulsory treatment in a drug clinic regularly violates the therapeutic regime applied and the treatment for that reason fails to give positive results, the competent court in the region where the clinic is located may, on the basis of medical reports and conclusions from the clinic, decide to extend the period of therapy in the clinic in accordance with the procedures established by law in the Republic of Azerbaijan.

Article 14:

Payment of expenses incurred for treatment of drug addiction

Expenses incurred for the treatment of drug addicts in State medical clinics shall be covered by the State budget. The costs of treatment of drug addicts who wish to receive therapy in special clinics, or in State clinics where such therapy is subject to payment, shall be borne by the patients themselves.

Chapter IV. Measures to control illicit trafficking in narcotic drugs, psychotropic substances and precursors

Article 15:

Measures to control illicit trafficking in narcotic drugs, psychotropic substances and precursors

Measures to control illicit trafficking in narcotic drugs, psychotropic substances and precursors shall focus on propaganda against drug addiction and the prevention of offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors.

With a view to preventing illicit trafficking in narcotic drugs, psychotropic substances and precursors, it is essential:

To identify and prevent ways and means of engaging in illicit trafficking in narcotic drugs, psychotropic substances and precursors;

To identify and prosecute persons who take part in illicit trafficking in narcotic drugs, psychotropic substances and precursors. The competent executive authority of the Republic of Azerbaijan may establish specialized subunits for the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors;

To obtain factual information on the production, supply and storage of narcotic drugs, psychotropic substances and precursors and to destroy the facilities used for these purposes;

To find and destroy illegal plantations of crops having narcotic properties;

To carry out such measures as are needed to prevent drug addiction, to cure drug addicts and return them to normal life and to eliminate the causes underlying the spread of drug addiction;

To arrange for publication in the mass media of information on the steps being taken to control illegal trafficking in narcotic drugs, psychotropic substances and precursors, and on the results obtained with those measures;

To introduce measures favouring the development of international cooperation in the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors.

Article 16:

Restrictions imposed on persons who have taken part in illicit trafficking in narcotic drugs, psychotropic substances and precursors

Restrictions related to illicit trafficking in narcotic drugs, psychotropic substances and precursors may be imposed only in connection with drug addiction of the person concerned or participation in illicit trafficking in narcotic drugs, psychotropic substances and precursors.

Persons who have taken part in illicit trafficking in narcotic drugs, psychotropic substances and precursors for personal profit and who have been convicted on that count, and also drug addicts, may not be admitted to professions connected with the trade in narcotic drugs, psychotropic substances and precursors, and may not be engaged for work in institutions, enterprises and organizations " whatever their status as regards property or ownership " that are involved in the trade in narcotic drugs, psychotropic substances and precursors.

In order to protect the rights and legitimate interests of the population and the safety of the State, restrictions are imposed in accordance with procedures established by law in the Republic of Azerbaijan on the employment of drug addicts in specific types of professional activities and also in activities involving dangerous materials or facilities. A list of such professions and employments is to be established by the competent executive authority in the Republic of Azerbaijan.

Article 17:

Definition of the dose of narcotic drugs and psychotropic substances for personal consumption (personal consumption dose)

In order to identify persons engaged in illicit trafficking in narcotic drugs and psychotropic substances for personal profit and to prosecute such persons in the manner prescribed by law, and also in order to distinguish between such persons and those who suffer from drug addiction, a dose of narcotic drugs and psychotropic substances for personal consumption (personal consumption dose) must be defined.

The personal consumption dose shall be defined separately for each individual narcotic drug or psychotropic substance on the basis of the quantity which an individual user might reasonably be expected to consume on a single occasion. The personal consumption dose shall be defined separately for narcotic drugs and psychotropic substances in the pure and mixed states. The daily dose of narcotic drugs and psychotropic substances shall be limited to the quantity required to neutralize withdrawal symptoms.

The personal consumption dose shall be established by the competent executive authority of the Republic of Azerbaijan.

Actions associated with the use of narcotic drugs and psychotropic substances in quantities limited to the personal consumption dose shall constitute cause for charging the person concerned with a misdemeanour (under the rules governing administrative responsibility), whereas actions associated with use in quantities larger than the personal consumption dose shall result in criminal charges.

If a person charged with illegal production, cultivation, procurement, storage and transport of narcotic drugs, psychotropic substances and precursors is found to be carrying them in quantities which are not in excess of the personal consumption dose, this shall be taken to mean that these drugs and substances are not for sale but for personal consumption only.

Article 18:

Measures under administrative law to combat offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors

The use in violation of the regulations established by law in the Republic of Azerbaijan of narcotic drugs and psychotropic substances, the production, cultivation, procurement, storage, transport or consignment for purposes other than sale in quantities not exceeding the personal consumption dose of narcotic drugs, psychotropic substances and precursors, toleration of, or assistance with, the use by another person of narcotic drugs and psychotropic substances, and also avoidance of a medical examination carried out for the purpose of detecting cases in which narcotic drugs and psychotropic substances have been used or carried, or a state of intoxication resulting from such use, shall incur administrative responsibility under the procedures established by law in the Republic of Azerbaijan.

The administrative responsibility established by this Law for offences involving precursors and equipment designed for the manufacture thereof shall be incurred only in cases where they are used in connection with illicit trafficking in narcotic drugs and psychotropic substances or where such use is intended.

When a person who has received medical treatment for abuse of narcotic drugs and psychotropic substances or a drug addict is charged under the relevant provisions of administrative law in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors, the institution where that person received treatment is to be informed of the charges.

Article 19:

Measures under criminal law connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors

Laundering and use of proceeds derived from illicit trafficking in narcotic drugs, psychotropic substances and precursors, the sale of narcotic drugs, psychotropic substances and precursors in violation of the regulations established by law in the Republic of Azerbaijan, their production, cultivation, procurement, storage, transport or consignment, whether for purposes of sale or not, in quantities exceeding the personal consumption dose, and also the theft or forcible seizure of narcotic drugs, psychotropic substances and precursors, the issuing of prescriptions entitling the holder to obtain narcotic drugs and psychotropic substances, and also the use of narcotic drugs and psychotropic substances in heavily frequented public places or in private, inducement or instigation of others to engage in the use of narcotic drugs and psychotropic substances, or the toleration of or provision of assistance with such use, the introduction of narcotic drugs and psychotropic substances into the body of another person against his or her will or the addition of such materials to food, drinks, or foodstuffs, and any other actions intended to violate the regulations established by law governing the trade in narcotic drugs, psychotropic substances and precursors or to infringe the rights of persons through their use, shall be sanctioned under the criminal law in accordance with the procedures established by law in the Republic of Azerbaijan.

The criminal responsibility established by this Law in respect of illicit activities involving equipment intended for precursors and the production thereof shall be incurred only in cases involving their use in illicit trafficking in narcotic drugs and psychotropic substances, or the intention of engaging in such use.

When a person who has undergone treatment for the abuse of narcotic drugs and psychotropic substances or a drug addict is prosecuted for a criminal offence involving illicit trafficking in narcotic drugs, psychotropic substances and precursors, the institution where that person was treated shall be informed of the prosecution.

Chapter V: Measures for the investigation and detection of offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors

Article 20:

Measures for the investigation and detection of offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors

The competent executive authorities of the Republic of Azerbaijan which are responsible for the control of illicit trafficking in narcotic drugs, psychotropic substances and precursors are entitled, under the procedures established by law for criminal investigation work, to dispatch and control consignments, to monitor goods consigned and the mails, to receive narcotic drugs and psychotropic substances for monitoring purposes, and to resort to such other operational and investigative procedures as are established by law.

Article 21:

Medical examination

Medical examinations may be carried out in accordance with the procedures established by law exclusively for the purpose of determining a person's state of narcotic intoxication and detecting cases in which narcotic drugs and psychotropic substances are being used or are being concealed within a human body. A person who can reasonably be suspected of being in a state of narcotic intoxication or concealing narcotic drugs and psychotropic substances within his or her body, or on whose person narcotic drugs and psychotropic substances are found, may be compelled to undergo a medical examination in accordance with the procedures established by law in the Republic of Azerbaijan. Such medical examinations are carried out in specialized drug clinics, whatever their status as regards property or ownership.

The medical examination may be carried out only by a physician who is a drug specialist, in accordance with regulations established by law in the Republic of Azerbaijan. The decision by which a person is committed for medical examination must indicate whether that person is in a state of narcotic intoxication or not, as well as the type and quantity of the narcotic drugs and psychotropic substances found in the person's body and the time over which those were used.

A person who is required to submit to a medical examination shall first be given the opportunity to undergo the examination on a voluntary basis. The person must give his or her agreement to the medical examination in writing. If the person refuses to accept the proposal, a compulsory examination shall be carried out on the basis of a court (judge's) order. A compulsory medical examination may not be carried out without a court (judge's) order except in cases involving administrative offences.

The costs of medical examinations carried out by decision of the investigating authorities, police, public prosecutor and courts shall be borne by the State.

The procedures for carrying out medical examinations shall be determined by the competent executive authority of the Republic of Azerbaijan.

Article 22:

Inspection of transport vehicles in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors

With a view to detecting offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors, the competent bodies of the executive authority in the Republic of Azerbaijan have the right to inspect transport vehicles in accordance with procedures established by the laws governing police operations and investigations in the Republic of Azerbaijan.

Article 23:

Monitoring of the mails in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors

With a view to detecting offences connected with illicit trafficking in narcotic drugs, psychotropic substances and precursors, the competent bodies of the executive authority in the Republic of Azerbaijan have the right to check postal consignments in accordance with procedures established by the laws governing police operations and investigations in the Republic of Azerbaijan.

Article 24:

Control consignments of narcotic drugs, psychotropic substances and precursors

Control consignments of narcotic drugs, psychotropic substances and precursors, as defined in the regulations established by law in the Republic of Azerbaijan, involve the transport, shipment or change of place by some other means on the territory of the Republic of Azerbaijan of illicit narcotic drugs, psychotropic substances and precursors, or of such materials giving rise to a suspicion of illegality, under the control of the competent executive authorities of the Republic of Azerbaijan who are empowered to carry out investigations in connection with the campaign against illicit trafficking in narcotic drugs, psychotropic substances and precursors.

Control consignments of narcotic drugs, psychotropic substances and precursors may be carried out only for the purposes of prevention and detection of offences involving illicit trafficking in narcotic drugs, psychotropic substances and precursors already committed or being planned by organized criminal groups, identification of the persons responsible for these offences and prosecution of them.

Decisions to carry out control consignments may be taken only by the competent executive authorities of the Republic of Azerbaijan who are empowered to carry out investigations in connection with the campaign against illicit trafficking in narcotic drugs, psychotropic substances and precursors. Such decisions must contain information on the source and quantity of the narcotic drugs, psychotropic substances and precursors used.

The competent executive authorities of the Republic of Azerbaijan who are empowered to take decisions regarding control consignments shall maintain direct control over the conduct of such operations on the territory of the Republic of Azerbaijan.

Control consignments involving analogues of narcotic drugs and psychotropic substances are prohibited.

Article 25:

Procurement of narcotic drugs, psychotropic substances and precursors for control purposes

In order to gather evidence on criminal activities involving illicit trafficking in narcotic drugs, psychotropic substances and precursors, members of the competent executive authority of the Republic of Azerbaijan shall be entitled to procure narcotic drugs,

psychotropic substances and precursors for control purposes in accordance with the laws governing police operations and investigations.

Article 26:

Inducement to engage in the illicit sale or purchase of narcotic drugs, psychotropic substances and precursors

In order to identify and prosecute persons taking part in the commission of any offence defined by law in the Republic of Azerbaijan in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors, officials of the competent executive authority of the Republic of Azerbaijan, or other persons acting on their behalf and upon their instructions, shall be entitled " though only in cases where convincing evidence regarding the commission of such a crime by a particular person is available " to induce a suspect to engage in illicit sales or purchases of narcotic drugs and psychotropic substances and precursors on the basis of the laws

governing police operations and investigations in the Republic of Azerbaijan. Decisions regarding such deliberate involvement in illicit sales of narcotic drugs, psychotropic substances and precursors must indicate the source and quantities of the narcotic drugs, psychotropic substances or precursors used. Decisions regarding the involvement of a suspect in illicit purchases of narcotic drugs, psychotropic substances and precursors, shall also indicate the sources and the quantities of the narcotic drugs, psychotropic substances or precursors used.

The operative and investigative measures referred to in this article, involving as they do significant quantities of narcotic drugs, psychotropic substances and precursors, shall be permitted only when sufficiently convincing proof is available regarding the commission or preparation for commission of a crime by an organized criminal group.

Article 27:

Confiscation

Narcotic drugs, psychotropic substances and precursors involved in illicit trafficking, and also the instruments and equipment used for the illicit production of such materials, as well as property and financial means used for illicit trafficking in narcotic drugs, psychotropic substances and precursors, or obtained through such trafficking, shall upon detection be confiscated in the manner established by law in the Republic of Azerbaijan and in appropriate cases shall be transferred to the account of the State or destroyed.

The destruction of narcotic drugs, psychotropic substances and precursors retained in storage as material evidence or confiscated shall be carried out by a commission consisting solely of representatives of the competent court authorities, the office of the public prosecutor of the Republic of Azerbaijan and the competent executive authority of the Republic in the manner established by law in the Republic of Azerbaijan.

The wealth yielded by property confiscated as a result of the application of provisions of the criminal law in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors and transferred to the State shall be used only for the treatment of drug addiction and the curing and social rehabilitation of persons who have fallen victim to drug addiction.

All confiscated narcotic drugs and psychotropic substances shall, if they are present in medicinal form and in a form appropriate for medical purposes, be transferred to the competent body of the executive authority to be used for medical purposes.

Chapter VI: Final provisions

Article 28:

Control of analogues of narcotic drugs and psychotropic substances

The provisions governing illicit trafficking in narcotic drugs, psychotropic substances and precursors set out in this Law and other relevant legislative acts of the Republic of Azerbaijan, including provisions defining responsibility in connection with illicit trafficking in narcotic drugs, psychotropic substances and precursors, shall apply equally to analogues of narcotic drugs and psychotropic substances.

Article 29:

Entry into force

This Law shall enter into force upon promulgation.

The President of the Republic of Azerbaijan

GEIDAR ALIEV

Baku, 18 June 1999

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