

Security Sector Reform in Azerbaijan: Key Milestones and Lessons Learned

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List of Abbreviations

ANAMA	Azerbaijan National Agency for Mine Action
ASAN service	Azerbaijan Service and Assessment Network
CIS	Commonwealth of Independent States
DEEP	Defense Education Enhancement Program
IPAP	Individual Partnership Action Plan
MoI	Ministry of Interior
MoD	Ministry of Defense
MPs	Members of Parliament
NSM	National Security Ministry
OCC	Operational Capabilities Concept
OSCE	Organization for Security and Co-operation in Europe
PFP	Partnership for Peace
PARP	Planning and Review Process
SSR	Security Sector Reform
SSS	State Security Service
SBS	State Border Service
WMD	Weapons of Mass Destruction

Introduction

Traditionally, the security sector is understood as including “those organizations that have the legitimate authority to use force, to order force or to threaten with the use of force in order to protect the state and its citizens.”¹ This includes all institutions responsible for the provision and management of security, including the armed forces, national and local police organs, intelligence services, justice ministry agencies, private security agencies, paramilitary forces and other security forces mandated to use force by the state.

Noting the important role of military and other security forces in ensuring the independence and security of the nation-state, it must also be noted that in the absence of democratic control security actors may be used as an instrument to further political agendas and threaten a state’s political system writ large. It is especially true where democratic institutions are not developed and where political instability prevails. Peter Feaver characterizes this civil-military problem as a simple paradox: “because we fear others, we create an institution of violence to protect us, but then we fear the very institution we created for protection”.²

From these perspectives, parliamentary and public oversight over the security sector are two important dimensions for the practice of civil-military relations in a democratic society, along with a clear division of authority between the political leadership and security agencies. Obviously, the patterns of civilian control vary with changes in domestic ideology, domestic legal institutions, and any external threat.³

In this context, Azerbaijan’s civil-military relations have not been representative of those typically associated with democratic systems. The early years of independence were dominated by the period of the Armenian-Azerbaijani conflict and the use of the military in internal politics. Military formations affiliated with different factions and their defiance of elected national Azerbaijani governments have served as non-democratic examples for post-Soviet civil-military relations. Their weak institutional foundations drove instability and rebellion within the armed forces. While other components of the security sector, like the Interior Ministry and the Intelligence Service, had their own Soviet-originated structure and command headquarters, within a short period of time after independence they adapted their operations to the realities of a recently independent country. The national armed forces had no institutional history, and were very vulnerable to manipulation by non-democratic actors.

The reform of security institutions in post-Soviet countries became part of the democratization process and required clearly defined legislative frameworks for each institution. In the Azerbaijani case, the constitutional framework has had insufficient legal grounds for democratic control, placing greater emphasis on a presidential style of governance, while privileging the parliament and its relevant committees with less powers. As dictated by the political conditions in the early 1990s, control of the security sector was a cornerstone of influence and governance.

The Security Council headed by the President, composed of key security ministries and civilian leadership, represents itself as a coordinating agency rather than a decision-mak-

¹ DCAF. Intelligence Practice and Democratic Oversight. 2003. PP. 6-7- Available at: https://dcaf.ch/sites/default/files/publications/documents/op03_intelligence-practice.pdf

² Feaver P., *The Civil-Military Problematique: Huntingdon, Janowitz, and the Question of Civilian Control. Armed Forces & Society* (0095327X); Winter 96, Vol. 23 Issue 2.

³ Huntingdon Samuel P., *The Soldier and the State: The Theory and Practice of Civil Military Relations*, Cambridge, Harvard University Press, 1957.

ing body. As a consultative body, it exerts power over the entire security sector, and acts as the coordinating body between different ministries.

This paper examines the process of security sector reform in Azerbaijan through recourse to legal, political and educational developments. The paper concludes that there is a scope to enhance oversight of the security sector, and that to do so, existing challenges within security sector ministries should be addressed. While this paper includes statistics on military armaments and forces, its primary purpose is to determine the laws, concepts and regulations that have both driven and hindered reform of the security sector, as well as the effects of international cooperation programs.

The Security Environment

In the early years of independence, several internal and external factors influenced the process of security sector reform in Azerbaijan. Internal political struggles with the use and influence of military elements undermined the fragile foundations of the newly independent state leading to political turmoil, instability and insecurity. The conflict with neighbouring Armenia has played a significant role in determining Azerbaijani security policy and its approach to security institutions during the last 26 years.

The notion of stability and security has always been used by the ruling elite for internal political purposes and nation-building processes: “Public-political stability is important for successful state building. Stability is important for social-economic reforms. Stability is necessary for building of a market economy.”⁴ Highlighting the achievement in creating domestic stability, and security and economic improvement, the government policy emphasized stability in a society dominated by the security sector. This need for stability and security has shaped the approach of the Azerbaijani government to governance issues.⁵

Consequently, the absence of free democratic elections and debate have served to enhance corruption and non-transparency; becoming a heavy burden for the government as stated by President Aliyev on several occasions.⁶ These characteristics of the Azerbaijani society have become a real challenge to ensuring state security.

Energy resources have become a major underlying component of the nation’s security and economic independence. They also serve as a source of insecurity, as demonstrated by the effects resulting from the sharp fall in oil prices in late 2020, and the limited development of other sectors of the economy.

Azerbaijani relations with neighboring Russia, Iran and Turkey as well as with NATO have been dictated by the notion of security and territorial integrity. Relations with Russia and Iran have overwhelmingly been dominated by challenging security factors, while relations with Turkey and NATO have ensured that Azerbaijani security interests have been supported.

Thus, the process of security sector reform depended on the elements of internal politics and traditions of the past. As the elements of security are expanding with the emergence of new technological threats like cyber-security, security sector reform specialists need to obtain advanced technical knowledge and on its applicability to a democratic system.

⁴ Heydər Əliyev və Qanunçuluq Bakı «Adiloğlu» nəşriyyatı, 2008. Page 396. President Heydar Aliyev, Presidential Speech on the Occasion of the 80th Anniversary of the Prosecutor’s Office November 28, 1998.

⁵ Heydər Əliyev və Qanunçuluq Bakı «Adiloğlu» nəşriyyatı, 2008. Page 365. Meeting of President H. Aliyev with Council of Europe Delegation, April 1st, 1998.

⁶ President İlham Aliyev, ASAN service is most effective tool against corruption and bribery, December 7th, 2017. Available at: <https://www.azernews.az/nation/123636.html>.

Normative acts for reform and the adopted laws regulating the functions and obligations of security institutions should also meet new challenges facing security institutions within a democratic society.

I. Armed Forces

Reform of the Azerbaijan Army

At the time of independence in 1991, Azerbaijan was one of the former Soviet republics with a heavy Soviet military contingent stationed on its soil because it was located so close to the Middle East. Azerbaijan was home of the Soviet Fourth Army of the Trans-Caucasus Military District (Zakavkazskiy Voenniy Okrug) with its motorized rifle divisions,⁷ air defense, air force and the naval elements. In addition, the 104th Airborne Division, Helicopter Assault regiment, three air force regiments (bomber, a reconnaissance, ground attack), and ground support units were located in Azerbaijan.⁸ Air defense and radar systems were based on the Soviet-Iranian border and the Caspian Sea. The Caspian Sea Fleet was based in Baku with its naval combat forces.⁹ Another military installation, the Gabala radar station, served to identify and track ballistic missiles over the area of Middle East and southern borders of the Soviet Union.¹⁰

At the time of the collapse of the Soviet Union, conventional weaponry stationed in Azerbaijan was estimated at 391 tanks, 1285 armored combat vehicles, 463 artillery pieces, 24 helicopters, 124 fighter aircraft, with a combined total of 66,000 military personnel.¹¹

The formation of the national army was initiated with the decision of the Supreme Soviet of Azerbaijan dated 3 September 1991 “On formation of self-defense forces of the Azerbaijan republic.”¹² The government at that time proposed forming a self-defense force of 10,000 contractors comprising of professional military personnel rather than conscripts. However, the self-defense forces had only limited capabilities. For that reason on 9 October 1991, the Parliament adopted a Law “On the Military Forces of Azerbaijan” legalizing the formation of the Azerbaijani Army.¹³ According to the law, draftees of ages 18 to 25 were obliged to serve in the army for 18 months; contractors for three years, and women of ages 18-35 could serve with contracts on a voluntary basis. Alternative service was also allowed. The law guaranteed military ranks of the officers obtained during their service in the Soviet Army.

At the same time, the Azerbaijani government declared the former Soviet forces stationed on Azerbaijani territory as a foreign army and demanded to define the status of the army.¹⁴ Meanwhile Moscow opposed the formation of independent militaries for newly independent Former Soviet Union (FSU) countries, instead proposing single United Armed Forces for the former Soviet republics.¹⁵ This idea was opposed by Azerbaijan, Moldova, and Ukraine and led to the Minsk summit of Commonwealth of Independent States (CIS) countries in December 1991, where a decision was made that each CIS country has the “legitimate right to create its own armed forces.”¹⁶

⁷ “Nezavisimaya gazeta”, August 12th, 1992.

⁸ Patrick Gorman Central Asia Monitor, No1, 1993.

⁹ The Military Balance, 1991-1992.

¹⁰ “Krasnaya Zvezda”, May 28, 1991.

¹¹ Webber M., *The International Politics of Russia and Successor States*. Manchester University Press St. Martin's press. New York, New York.

¹² Heyat, September 3rd, 1991. Decree of President A. Mutalibov.

¹³ Azərbaycan Respublikası Ali Sovetinin Məlumatı»nda dərc edilmişdir (№ 210-XII , 1991-ci il, № 19-20, maddə 329).

¹⁴ “Nezavisimaya gazeta”, N132, October 1991. Interview with A. Mutalibov.

¹⁵ Odom W., Dujarric R., 1995. *Commonwealth or Empire*. Hudson Institute: Indiana, Indianapolis.

¹⁶ Webber M., *The International Politics of Russia and Successor States*. Manchester University Press St. Martin's press. New York, New York.

Concurrently, many voluntary self-defense forces in border areas and in the areas of hostility emerged on a regional basis, with their own commanders and independent financial sources for the purchase of military equipment. They acted independently from one another; refusing to be subordinated to the Ministry of Defence as each represented particular interests and agendas.¹⁷ They were patriotic, but discipline was low and the lack of professional military experience, self-reliance, and a lack of coordination among different groups was a source of poor operational readiness.

The Ministry decided to build the army from mobile units based on a Brigade-Corps system, which was different from the Soviet system of regiment-division-army principles. Each brigade consisted of five operational battalions. Each battalion comprised of about 450 personnel. First volunteers and national army draftees formed the first Azerbaijani brigade in late 1991. Additional brigades consisted of about 3000-3,500 personnel each.¹⁸

The strategy for the new armed forces was intended to ensure the security of the Azerbaijani-Armenian border and to allow interior ministry forces to ensure safety and security. However, Azerbaijani military capabilities were not sufficient to secure its borders with Armenia, including its airspace.¹⁹ The military's inability to protect the country's population led to the replacement of four defense ministers within six months of independence.²⁰

During this period, the process of dividing Soviet military equipment among the former union republics was formalized in a CIS Defense Minister meeting in Tashkent in May 1992. Despite the Azerbaijani opposition, the Russian Defense Minister Gracev pressured the nation to accept an equal equipment quota with Armenia and Georgia.²¹ After the signing of the Tashkent Treaty, Azerbaijan had a limit of 100 aircrafts. During the night of 9-10 June, fighter aircrafts from Cital-chay and bombers from Kurdamir area departed for Russian territory,²² with only three aircraft remaining in Azerbaijan.

In August 1992, the army leadership decided to dissolve the units of volunteers with experience from Soviet-era military service and man the army only with draftees. However, the draftees displayed their lack of experience during fighting with Armenia that consequently led to failures on the battlefield. International efforts with active Russian mediation yielded a cease-fire agreement in May 1994.

The process of forming a new national military structure began with the establishment of political stability that included the destruction of opposition's armed forces and groups inside the Azerbaijani governmental structures. The creation of a coalition government combining President Heydar Aliyev administration with rebel forces was a significant challenge because the rebels had their own influence inside the military and security elements. In October 1994 rebel forces clashed with government forces loyal to President Aliyev, resulting in the rebel leader's dismissal and arrest.²³ In March 1995, powerful internal security forces (OMON) rebelled against president Aliyev. The rebels were defeat-

¹⁷ According to interviews conducted with numerous war veterans in Baku, Gance. 2001.

¹⁸ Mekhtiev E., 1999-2001. NATO-EAPC Research Fellowship: "Security Policy in Azerbaijan". Available at: <https://www.nato.int/acad/fellow/99-01/mekhtiev.pdf>

¹⁹ "Kommunist", July 27th, 1990.

²⁰ There was a need to select a figure who had a public support at that time. Mr. Gaziyev had popular support for his volunteer activities in the front lines and for that reason he was appointed as Defense Minister in March 1992. He was one of the leaders of the Popular Front.

²¹ Azerbaijan experienced political turmoil at the time and Armenia were advancing in the Lachin area. There was no time or possibility for dispute over the number of weapons.

²² Military analyst H. Huseynov who was a member of Azerbaijani military commission that received Russian weapons under the Tashkent Treaty confirmed the unilateral steps of the Russian Defense Ministry.

²³ Heydər Əliyev qiyamı belə yatırdı. 2015. Available at: <https://axar.az/news/gundem/66921.html>.

ed by the armed forces and their commander was killed.²⁴ These two events reflected a dark period of civil-military relations for the newly independent nation.

At the same time, these events also created an opportunity for the Ministry of Defense (MOD) to take control over the armed forces and create a single, unified military within the MOD. The combination of the creation of a single command structure and the dismissal of many army veterans of the 1992-1994 war with the arrival of newly trained officers from Azerbaijani and Turkish military schools was the beginning of a new era for the armed forces. By 1998, the army had completed the formation stage of a professional force and significantly reduced the number of serving draftees, resulting in a more streamlined military structure.

NATO Oriented Educational Reform

Reform of the military required intervention by senior politicians as many high-level officers feared losing their influence and sources of income. In addition, every reform initiative was encountered with suspicion from the army and the political leadership, as it would require a reduction in the number of military personnel while the country was in the state of war with Armenia and the majority of soldiers were serving in active combat duty.

The first components of reform began with military education and support from NATO and the Turkish military. Azerbaijan was one of the first members of the 1994 NATO Partnership for Peace (PfP) initiative. This represented an Azerbaijani foreign policy change to establish integrated relations with NATO and other western institutions.²⁵ The initiative created a cooperation framework with NATO and ensued strong relationship with the Alliance. Azerbaijan used the NATO PFP platform for cooperation on a multilateral level with NATO and a bilateral level with individual NATO allies. Turkey was then able to introduce a Turkish-NATO style military education system.

In late 1990s and early 2000s, the U.S. and other Western countries invested heavily in Azerbaijani oil and gas fields. The US government and Congressional leaders repeatedly expressed their interest in “boosting bilateral military cooperation through NATO’s Partnership for Peace program.” Azerbaijan’s “geo-strategic importance in the region had repeatedly been emphasized for its immense oil reserves and as a transit country playing the role of a gateway between Europe and Asia.”²⁶ By 2003, Azerbaijan openly indicated its intention to join NATO or host US bases. The government established a State Commission on the relationship with NATO under the deputy prime minister and President Aliyev declared the country’s intention to join NATO.²⁷

Expanded bilateral Azerbaijani-NATO relations and the US-Azerbaijan Security dialogue,²⁸ along with frequent visits of U.S. European Command leaders to Baku, have been a sign of firm policy decision on greater integrated relations with NATO.²⁹

President Aliyev’s policies started to gradually change the shape of the Azerbaijani armed forces. NATO military training and education programs played an essential role for alternatives and change. Changes to the military education system and the full participation of Azerbaijani officers at NATO headquarters led to incremental steps to conform with NATO standards. As an example, Azerbaijan’s participation in PfP sponsored exercises and

²⁴ 1995-ci ilin mart hadisələri. 2018. Available at: <https://sia.az/az/news/social/668285.html>.

²⁵ Statement of MFA of Azerbaijan Republic, Sintra, Portugal. May 1997.

²⁶ Interfax News Agency, Moscow. April 8th, 1998.

²⁷ Analysis: A time of change for Azerbaijan. 2003. United Press International.

²⁸ Joint statement on US-Azerbaijan relations. 1997. USIA, EUR 506.

²⁹ JCorrell, John T., European Command Looks South and East. Air Force Magazine, December 2003, Vol. 86, No. 12 Air Force Association.

training dramatically increased from 75% in 1997 to 100% in 1998.³⁰ Azerbaijan hosted some PfP training programs in Baku and took part in their activities.

Active military cooperation with Turkey took place on both a bilateral basis and within the PfP program. The Council on Military Cooperation (Askeri Ish Birliyi Koordinasyon Kurulu) was formed between Azerbaijan and Turkey with its office in Baku; responsible for coordinating the training of Azerbaijani officers in Turkey and in Azerbaijan.³¹ This military training was conducted according to NATO standards. Turkey had already been serving as a link between Azerbaijan and the PfP program because Turkey was the NATO Liaison Country for Azerbaijan. By 1997, the Higher Military Academy began adapting NATO military education system standards into its educational program, followed later by other military institutions like the War College of the Armed Forces and the Education and Training Center.

Military education has also been a part of Individual Partnership Program (IPP) initiated between Azerbaijan and the Alliance. This program included English language training, defense policy and strategy building, as well as participation in military exercises. These programs also created the opportunity for the Azerbaijani military to be trained to participate in international peacekeeping operations.

Joining the NATO Planning and Review Process (PARP) in 1997 allowed Azerbaijan to develop peacekeeping units in accordance with NATO standards. This allowed Azerbaijan to enhance the interoperability of peacekeeping forces in multi-national peace operations and be able to operate alongside NATO forces. PARP participation ensured defense and force planning could be conducted in accordance with NATO standards. PARP also served as a platform for the Azerbaijani military to work together with NATO experts to review and further develop a set of NATO partnership goals.³²

Within this framework new NATO-Azerbaijan partnership structures had been initiated such as the NATO Individual Partnership Action Plan (IPAP) for Azerbaijan, envisioning a reform of military and force structures as well as a societal reform. The application of NATO standards into the military training and education systems was part of the IPAP program, including curriculum for tactical and operational-level courses on defense planning and strategy as conducted in NATO countries.³³ This program has been developed and implemented in different stages. Five stages of cooperation included the periods of 2005-2007, 2008-2010, 2011-2013, 2014-2016 and 2017-2019.³⁴ Referring to IPAP, the Azerbaijani national security concept called it a “mechanism for reforming the security sector to meet NATO standards.”³⁵

Experience and knowledge gained from NATO's Operational Capabilities Concept's (OCC) Evaluation and Feedback Programme (E&F) served to develop the armed forces in accordance with the requirements of modern warfare and to achieve the necessary operational capabilities of NATO, allowing direct participation in NATO-led operations. It is also intended for achieving a level of interoperability with NATO forces. Under the supervision of NATO and national evaluators, including experts from the U.S. and Turkey, Azerbaijan conducted evaluation exercises for a number of its units including elements

³⁰ Howard G., *Caspian Crossroads*, Volume 4, Issue N3.

³¹ Mekhtiev E., 1999-2001. NATO-EAPC Research Fellowship: “Security Policy in Azerbaijan”. Available at: <https://www.nato.int/acad/fellow/99-01/mekhtiev.pdf>.

³² MOD. Military interoperability of forces with NATO. Available at: <https://nato-pfp.mfa.gov.az/content/21>.

³³ MOD. Education and training. Available at: <https://nato-pfp.mfa.gov.az/content/23>.

³⁴ MOD. Cooperation with NATO. Available at: <https://mod.gov.az/az/nato-ile-emekdasliq-028/>.

³⁵ National security concept of the Republic of Azerbaijan. Signed by the President on 23 May 2007. Page 9. Available at: <https://www.files.ethz.ch/isn/154917/Azerbaijan2007.pdf>.

of a motorized-rifle division with the participation of nearly 900 personnel, 100 vehicles, and helicopters.³⁶

Azerbaijani officers have also served at seven various tactical, operational and strategic level staff positions in NATO including at U.S. Central Command Headquarters in the U.S. and in the International Multi-Coalition Headquarters in Baghdad, Iraq.³⁷

NATO's Defense Education Enhancement Program (DEEP) program was initiated in 2008 with the purpose of fostering defense reform by adapting NATO standards into the curriculum and faculty development at the War College and High Military School, and establishing a foreign language training centre.³⁸ NATO DEEP has a particular role in the development of foreign languages, which plays a crucial role for facilitating interoperability and cooperation. The Ministry of Defense has also been cooperating with the security and peace program.³⁹

All of these programs allowed the MOD to conduct defense reforms, including the development of strategic documents, implementation of NATO standards in the military education and training systems, preparation of peacekeeping forces, personnel management, maritime security, cyber-security, energy security consultations, and airspace surveillance.

The Azerbaijani foreign ministry reiterated that the relations within the PfP were "one of the important directions" of Azerbaijan's "foreign and security policy," while the MOD called the program "one of the most successful engagements" between Azerbaijan and NATO.⁴⁰ In turn, senior NATO officials commended Azerbaijan for being a "close, trusted and valued partner."⁴¹

Conceptual Documents for the Development of the Armed Forces

The Ministry of Defense was restructured by a December 2013 Presidential decree adopting a new Charter for the ministry that regulated the staff structures and numbers of servicemen. A strategic decision was made to modernize the army, including the high precision-guided weapon systems.⁴² Professionalization of the army was expanded with professional soldiers under contract. These were tank, artillery, and special forces, whose role in the 2020 conflict was critical: "90% of the army are now professional soldiers. Professional soldiers are serving in all positions related to combat tasks. For instance, tank crew members must serve on active duty for at least three years, but many of them have served 5 and 10 years."⁴³

³⁶ Azərbaycan Respublikasının müdafiə naziri, general-polkovnik Zakir Həsənovun AzərTAc-a müsahibəsi. 2014. Available at: <https://mod.gov.az/az/news/azerbaycan-respublikasinin-mudafie-naziri-general-polkovnik-zakir-hesenovun-azertac-a-musahibesi-12046.html>.

³⁷ MOD of Azerbaijan. Cooperation with NATO. Available at: <https://mod.gov.az/en/cooperation-with-nato-028/>.

³⁸ Ibid.

³⁹ MOD of Azerbaijan. Participation at peacekeeping operations. Available at: <https://mod.gov.az/en/participation-in-international-peacekeeping-operations-027/>.

⁴⁰ Azerbaijan and NATO Mark 25 Years of Partnership. 2019. Available at: <https://jamestown.org/program/azerbaijan-and-nato-mark-25-years-of-partnership/>

⁴¹ NATO Military Committee Chairman. Air Chief Marshal Sir Stuart Peach Azerbaijan a trusted and valued partner. 2019. Trend Agency. Available at: <https://www.azernews.az/nation/150124.html>.

⁴² Azərbaycan Respublikasının müdafiə naziri, general-polkovnik Zakir Həsənovun AzərTAc-a müsahibəsi. 2014. Available at: <https://mod.gov.az/az/news/azerbaycan-respublikasinin-mudafie-naziri-general-polkovnik-zakir-hesenovun-azertac-a-musahibesi-12046.html>.

⁴³ Azərbaycan Respublikasının müdafiə naziri, general-polkovnik Zakir Həsənovun AzərTAc-a müsahibəsi 25 İyun 2014. Available at: <http://www.moderator.az/news/253444.html>.

In analyzing the development and the reform process in the army, it is apparent that institutional and organized reform policy was improved following the adoption of three strategic documents. These documents elaborated the road map of the Azerbaijani armed forces, which, in practical terms, had the primary purpose of strengthening defense capability and restoration of territorial integrity of the country.

The impact of the 2007 National Security Concept that formulated defense policy and reform objectives can now be estimated as mostly accomplished with clear and tangible evidenced as regard increased combat capabilities.⁴⁴

The Concept declared the nation's defense capability as key for supporting the two major aspirations of the nation:

- Protecting the independence and sovereignty of the Republic of Azerbaijan, restoring its territorial integrity, and ensuring control over its territory.
- Maintaining the capability of the Armed Forces to mobilize and conduct military operations for the purpose of preventing and repulsing foreign armed aggression.⁴⁵

Establishing the optimal correlation between the economy and defense and developing the national defense industry is highlighted as one of the important directions of the national defense policy. Integration into the Euro-Atlantic security system, establishing interoperability with the forces of NATO member-states, and participation in peacekeeping operations were among the main objectives of the defense policy declared in the National Security Concept. Comprehensive development of international military-political and military-technical relations has been stated as an important factor in the process of strengthening the defense capability of the country.

Azerbaijan's National Security Concept laid out the purposes, foundations, and principles of defense policy and defense reform and it has served as a basic document for the development of the nation's Military Doctrine.⁴⁶ Adopted in 2010, this document defined the objectives and tasks, current and mid-term priorities, and reform objectives of the Azerbaijani armed forces to form an effective defense system with efficient interagency interaction.

The Military Doctrine has elaborated the position of the Azerbaijani government on military security and the preparation of the state, population and territories for the development of an expedient military security system. It highlighted the complex security environment created by the unresolved conflict and the necessity of removing it either by peaceful or military means.

The Military Doctrine also identified the conditions for the stationing of foreign military forces in Azerbaijan, declaring that "except in the cases stipulated in its international agreements," Azerbaijan does not allow any foreign military base on its soil; but in case of substantial military-political circumstances, it reserves the right for the temporary hosting of foreign military forces."⁴⁷ The Doctrine defines the main principles of defense policy as:

- Centralized command over the armed forces and democratic control over its actions;

⁴⁴ National security concept of the Republic of Azerbaijan. 23 May 2007. Baku. Available at: <https://www.files.ethz.ch/isn/154917/Azerbaijan2007.pdf>.

⁴⁵ Ibid.

⁴⁶ "Azərbaycan Respublikasının hərbi doktrinasının təsdiq edilməsi haqqında Milli Məclisin Qərarı. 2010. Bakı. Available at: <https://mod.gov.az//images/pdf/1840a650b19f3c1a6b1e8166000f1ef2.pdf>.

⁴⁷ Military doctrine of Azerbaijan. Chapter 1V, article 29. Available at: <https://mod.gov.az//images/pdf/1840a650b19f3c1a6b1e8166000f1ef2.pdf>

- Early prognosis of potential challenges to military security, their identification and assessment;
- Early planning of activities and their timely implementation;
- Ensuring necessary means, power and reserves, their planning and beneficial deployment for maintaining military security;
- Implementation of unified state policy on military-technical issues.

In peacetime the Military Doctrine envisages the following activities for defense policy:

- Protection of state borders and ensuring its inviolability;
- Preventing of infiltration of foreign terror groups, weapons, narcotics, and weapons of mass destruction;
- Protection of Caspian Sea borders;
- Maintaining combat readiness of the armed forces;
- Development of defense industry infrastructure and its improvement;
- Maintaining the appropriate readiness of the armed forces and other security formations for immediate transition into fighting.

The Military Doctrine identifies Armenia as a major challenge to Azerbaijan's national security, and predicts that the emergence of other military threats from external states is unlikely. The Doctrine defines options for the resumption of military operations against Armenia, options for expansion of military conflict to full-scale military operations, and conditions for the employment of military forces for the restoration of territorial integrity.

The Military Doctrine connects future military organization and structure with the political/military situation in the South Caucasus and in the mid-term creates the following priorities for the Azerbaijani force development:

- Acquire modern defensive and offensive capabilities to be able to rapidly adjust to changing operational situations;
- Develop an effective capacity to counter opposing asymmetric military operations;
- Create a system of management, control, communication and automation for the armed forces;
- Interoperability between the Azerbaijani armed forces and specified foreign military forces;
- Development and strengthening of special forces;
- Application of NATO's IPAP program.

The 2020 conflict demonstrated the implementation of many provisions of the Military Doctrine for the interoperability of different branches of the Azerbaijani armed forces. The MOD's Strategic Defense Review (SDR) that developed the national defense transformation strategy created the basis for the development of a more effective and capable armed forces organization, infrastructure, and capacity to implement required security missions as identified by the Military Doctrine.⁴⁸

⁴⁸ Azerbaijan-NATO relations, Defense reforms, / Mission of the Republic of Azerbaijan to NATO. Available at: <https://nato-pfp.mfa.gov.az/content/21>.

The 2017 Armed Forces Law of the Azerbaijan Republic regulates the armed forces mission, management and military building issues as well as obligations and legal foundations of their actions.⁴⁹ In determining the mission, it prioritizes issues related to the country's national security and the issues described in the military doctrine, as well as controversial issues like the role of the armed forces in ensuring public security. It is a summary of laws and regulations for the functioning of the armed forces. It also contains the provisions of military doctrine specifying the armed forces missions and responsibilities.

The Law declares that personnel of the armed forces of Azerbaijan are composed of military servicemen, state servicemen, and other civilians. According to the Law, the legal foundations of military service and rights and social security of military service personnel and their families, as well as reserved and retired servicemen are also regulated by the laws on the "Status of Military Personnel;"⁵⁰ "Military Duties and Military Service;"⁵¹ "Charter on Military Service;"⁵² "Law on "State Service;"⁵³ the Azerbaijani "Labor Code"⁵⁴ as well as the Internal Charter of the Armed Forces.

Administrative and criminal responsibilities of military servicemen and armed forces civilian personnel are regulated by the Criminal Code of the Azerbaijan Republic. Any criminal activity conducted by military service personnel is also regulated by Azerbaijani civil codes. Internal control is carried out by the commanders of military units and the leadership of state structures.

According to the Law on the Armed Forces, the Supreme Commander, President of the country, has general control over the Azerbaijani Armed Forces. Defense of the country during mobilization and war time is executed by the direction of the Security Council and orders of the Supreme Commander. The Supreme Commander has the sole authority over the delegation of power among military commanders during mobilization and war time.

⁴⁹ Azərbaycan Respublikası silahlı qüvvələri haqqında Azərbaycan Respublikasının qanunu, № 955-VQ. 29 Dekabr 2017-ci il. Available at: <https://mod.gov.az//images/pdf/8e68f1fdc10d2d83f17c3aade5013e43.pdf>.

⁵⁰ Law of the Azerbaijan Republic "About the status of the military personnel". December 25th, 1991. Baku. Available at: <https://cis-legislation.com/document.fwx?rgn=2894>.

⁵¹ Hərbi xidmət və hərbi vəzifə haqqında Azərbaycan Respublikasının qanunu. N274-IVQ. 23 Dekabr, 2011. Baku. Available at: http://e-qanun.gov.az/alpidata/framework/data/23/c_f_23021.htm.

⁵² Hərbi xidmətkeçmə haqqında Əsasnamə. N 377-İQ. Baku. 3 Oktyabr, 1997. Available at: <https://mod.gov.az/en/regulations-013>.

⁵³ Law of Azerbaijan Republic on Civil Service, 21 July 2000. Available at: https://www.caa.gov.az/index.php?option=com_k2&view=item&id=118:the-republic-of-azerbaijan-civil-service-law&Itemid=173&lang=az.

⁵⁴ Azerbaijan Labour Code. 1999. Available at: <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/54131/65184/E99AZE01.htm>.

Conditions for Military Personnel and Changes to Internal Regulations

Social conditions for military personnel, especially those in combat units, have improved as regard food and accommodation. Soldiers are now freed from garrison maintenance responsibilities, which are still practiced in many former Soviet military system militaries. “Over 20,000 civilians” are working for military installation maintenance in services like dish washing, cooking, sanitary and cleaning, and laundry activities. This policy creates new working places for civilians and permits military personnel to devote themselves to training and combat readiness.”⁵⁵ Also, serious efforts have been made to ensure the military receives food that has been deemed safe by health authorities.

Within the reform processes, the Soviet-inherited Military Commissariat functioning within the Defense Ministry was abolished in 2012 and the State Service for Mobilization and Conscription was established. Recruitment of conscripts is now carried out directly by this Service and through its agencies across the country. According to the law on “Military Duties and Military Service”, all men from age 18 to 35 in proper health standards are called on to serve in the armed forces and conscripts with higher education serve for one year while the conscripts with no higher education serve for 1.5 years. Exemptions are made for those that have three children or where the potential service member is the only child in the family whose father is disabled, has health problems, or possesses a doctoral degree. The Constitution guarantees alternative service for some but there is still no law on alternative service. Students studying in a master’s degree program are not conscripted during their studies. Those that have completed their military service as reservists, or women, can become contracted service personnel for a period of three years, which may be extended every five years until retirement. Non-commissioned officers initially serve for five years, which can be extended every five years until retirement. Reserve officers (that graduated from a high school military education program) are contracted for 1.5 years of service.⁵⁶

There is now less evidence of abuse and hazing within the armed forces, while 10-15 years ago numerous reports about abuse and non-combat deaths of soldiers had been reported by media and civil society groups. Military personnel now have a right to complain about issues such as social and housing conditions; there is a hotline for communications and military prosecutors encouraging soldiers to complain about any abuses. Military commissions regularly visit units and listen to complaints of soldiers. Widespread bribery practiced in the past has also been reduced. While still imperfect, the Azerbaijani approach to corruption and abuse within the armed forces has dramatically improved.

International Military Cooperation

The foundation for relations with NATO, partner nations, and Azerbaijani international commitments to international peace and security have been conceptualized in the National Security Concept, stating that integration into the European and Euro-Atlantic political, security, economic, and other institutions is the strategic goal of the Republic of Azerbaijan. It also views such partnerships as means for contributing to bilateral security and economic prosperity as well as for strengthening Azerbaijani defense capability.⁵⁷

Military cooperation comprises of a number of areas including military education for military-political and military-technical cooperation, bilateral and multilateral cooperation with

⁵⁵ Azerbaijan Labour Code, February 1st, 1999. Available at: <http://www.moderator.az/news/253446.html>.

⁵⁶ Hərbi xidmət və hərbi vəzifə haqqında Azərbaycan Respublikasının qanunu N274-IVQ 23 Dekabr, 2011. Baku. Available from: http://e-qanun.gov.az/alpdata/framework/data/23/c_f_23021.htm.

⁵⁷ Ministry of Defense, International Military Cooperation. Available at: <https://mod.gov.az/en/international-military-cooperation-025/>.

regional states, and cooperation with Euro-Atlantic structures and international organizations. Such cooperation involves participation in international military exercises. Different tactical, peacekeeping, and computer-assisted military exercises ensure higher levels of combat readiness and international interoperability for the Azerbaijani armed forces.⁵⁸ The MOD developed close military–technical relations with Russia and Belarus, as well as with Israel and Turkey. The development of strategic cooperation with Turkey and Israel is aimed at developing defense industry and technology infrastructure. The Azerbaijani-Turkish Agreement on Strategic Partnership and Mutual Support (Stratejik İşbirliği Anlaşması) signed in 2010 declared an allied relationship in case of a military attack or other aggressive behavior against either of the countries and promoted intensified military and military-technical cooperation.⁵⁹ The Office of Defense Cooperation (ODC), established at the U.S. Embassy in Baku, also boosts military-to-military cooperation by supporting a broad spectrum of military-to-military programs. According to the ODC, Azerbaijan received funding to increase the interoperability of Azerbaijan’s forces deployed in NATO and coalition operations, defense reform, and the modernization of air base facilities.⁶⁰

As a member of the Commonwealth of Independent States (CIS), Azerbaijan is also represented in the CIS defense and security structures, with the exception of the military component, which is a part of the Collective Security Treaty Organization (CSTO). Bilateral military cooperation activities, conducted with more than 40 nations, are primarily program-based, and in general last for one year. Multilateral level relations and consultations with NATO, Turkey and Georgia are part of multilateral military cooperation focused on the security of international strategic projects such as energy and transportation routes.⁶¹

Peacekeeping Operations

The “Law on the Participation of the Azerbaijan Republic in Peacekeeping Operations” adopted in 2010⁶² established the foundation for Azerbaijani peacekeeping forces to be deployed in international missions. The purpose, roles and international foundations for participation in peacekeeping forces are reflected in the Military Doctrine.

In the context of international cooperation, an Azerbaijani peacekeeping platoon served in a UN Mission in Kosovo as part of a Turkish Mechanized Infantry Company. Also, an Azerbaijani detachment served in Iraq within the International Coalition Forces from August 2003 to December 2008. Another 100 Azerbaijani personnel began serving under the International Security Assistance Force (ISAF) in Afghanistan in November 2002. As of January 2019, Azerbaijani forces have been deployed on the United Nations Mission in South Sudan (UNMISS). Azerbaijan also provided opportunities for members of the Afghan military to study and train in Azerbaijan’s military schools: “By providing troops to the NATO-led Resolute Support Mission and by contributing to the Afghan National Army Trust Fund with troops and assistance and to NATO Allies on transit routes, on land, in the air, and by rail, Azerbaijan works with us in furthering international peace and securi-

⁵⁸ Ministry of Defense, Bilateral and Multilateral Military Cooperation. Available at: <https://mod.gov.az/en/bilateral-and-multilateral-military-cooperation-023/>.

⁵⁹ Abbasov S., 2011. Azerbaijan-Turkey Military Pact Signals Impatience with Minsk Talks – Analysts. Eurasia.net. Available at: <http://www.eurasianet.org/node/62732>.

⁶⁰ US Embassy in Baku. Office of Defense Cooperation. Available at: <https://az.usembassy.gov/embassy/baku/sections-offices/odc/>.

⁶¹ International cooperation activities of the Ministry of Defense. Available at: <https://mod.gov.az/en/cooperation-with-nato-028/>.

⁶² “Sülhməramlı əməliyyatlarda iştirak haqqında”. Azərbaycan Respublikasının Qanunu. 11.05.2010. Collection of Legislative Acts of the Republic of Azerbaijan, No. 7, 31.07.2010, Article 573, p. 1392-1404. Available at: <http://e-qanun.az/framework/19857>.

ty”, said the Director General of NATO’s International Military Staff.⁶³ “Today our practical cooperation covers many areas, from capability development to energy security, to cooperation in the defense and security sector, defense institution building, civil emergency planning, scientific cooperation, and public diplomacy.”⁶⁴

Azerbaijani National Security agencies have worked with NATO to establish an International Anti-Terrorism Training Centre ensuring training for the security of energy and transportation links, including against terrorist attacks. Cooperation with the Euro-Atlantic Disaster Response Coordination Centre focused on development of Azerbaijan’s national civil emergency and disaster management capabilities. Participation in the Partnership Interoperability Initiative is again serving to increase the interoperability of Azerbaijani troops. Through NATO sponsorship and expertise, Azerbaijan converted highly toxic stocks of mélange into harmless chemicals. The NATO Trust Fund project supported the Azerbaijan National Agency for Mine Action (ANAMA) to demilitarize hundreds of thousands of unexploded ordnance in large areas.⁶⁵

Azerbaijan has acceded to the CFE Treaty and the Vienna Document on Confidence and Security Building Measures within the OSCE and participates in the Annual Exchange of Information (AEI) and Annual Exchange of Military Information (AEMI) on its military forces. It also accepts inspections from other State Parties. 32 “evaluation” visits and 70 inspections of “specified areas” in the Azerbaijan Army had been held under the framework of the Treaty.⁶⁶ In addition, since 2015, the Azerbaijani armed forces have taken part in International Military Competitions such as the Tank Biathlon, Sniper Frontier, Military Medical Relay Race, Field Kitchen, and the Masters of Artillery Fire Sea Cup.⁶⁷

Azerbaijan cooperated with the International Committee of the Red Cross (ICRC) during the recent fighting. The military ensured protection for civilian objects and the civilian population living in the war zone as well as Armenian military prisoners captured during the conflict. Soldiers were provided with education materials on International Humanitarian Law, and the rules of human treatment of enemy soldiers. In addition, more officers study International Humanitarian Law during their studies at the War College.⁶⁸

Military Education System of the Azerbaijan Armed Forces

The military education system comprises of a network of military education institutions and management agencies implementing consistent multi-stage education programs for the Azerbaijani military. The management of the military education system, the rights and duties of the personnel involved in military education system, and the fundamental principles and norms in the field of military education are determined in accordance with the regulations of military education institutions and requirements of the “Law on the Education of the Republic of Azerbaijan” adopted in 2009. Multiple education institutions

⁶³ 25 years of NATO-Azerbaijan partnership: Director General of NATO International Staff visits Azerbaijan. 16 April, 2019. Baku. Available at: https://www.nato.int/cps/en/natohq/news_165769.htm?selectedLocale=en.

⁶⁴ Air Chief Marshal Sir Stuart Peach, Chairman of the NATO Military Committee: Azerbaijan a trusted and valued partner. 3 May 2019. Trend Agency. Available at: <https://www.azernews.az/nation/150124.html>. Chairman of the NATO Military Committee, Air Chief Marshal Sir Stuart Peach: Azerbaijan a trusted and valued partner. 3 May 2019. Trend Agency.

⁶⁵ Successfully implemented first ANAMA-NATO/NSPA Partnership for Peace Trust Fund Project – unexploded ordnance clearance Project in Saloglu (2005-2011). Available at: <http://anama.gov.az/en/operations/intproj>.

⁶⁶ MOD. International arms control activities in the Azerbaijan Army. Available at: <https://mod.gov.az/en/cooperation-with-osce-029/>.

⁶⁷ MOD. International army games. Available at: <https://mod.gov.az/en/international-army-games-797/>.

⁶⁸ MOD. Cooperation with ICRC. Available at: <https://mod.gov.az/en/cooperation-with-icrc-520/>.

support the MOD: The War College of the Armed Forces, Training and Education Center of the Armed Forces, Azerbaijan High Military School named after Heydar Aliyev, Military Lyceum named after Jamshid Nakhchivansky and Military Lyceum named after Heydar Aliyev.

The MOD defines the main purpose of the military education system as to train officers, warrant officers and non-commissioned officers (NCO) and soldiers to use weapons and military equipment, preparing dedicated military personnel to enhance the combat readiness of the army as well as increase their overall military and intellectual qualifications. The Law on Education determines the stages and levels of the military education in the Armed Forces as secondary education, further education, high education (bachelor and master levels) and ad juncture. The initial or lowest level of military education (secondary education) is implemented in the Military Lyceums named after Jamshid Nakhchivansky and Heydar Aliyev. Further education is conducted at a complementary military education institution known as the Training and Education Center. Azerbaijan High Military School (Azərbaycan Ali Hərbi Məktəbi) named after Heydar Aliyev specializes in 23 academic disciplines, and grants bachelor's degrees to newly commissioned lieutenants in all three services.⁶⁹

The War College of the Armed Forces (Silahlı Qüvvələrinin Hərbi Akademiyası) was established in 1999 to educate senior military officers. Students with two years of education at the War College are prepared for command and staff positions at the operational level. The War College focuses on military strategy, operational-tactical issues, and as well as military-political and military-economic issues. A NATO-standard Simulation and Modeling Center was established within the War College to address operational plans, maps, and terminology used in commanding post and field exercises.⁷⁰

According to a protocol signed between Azerbaijani and Turkish militaries, the Training and Education Center of The Armed Forces (TEC) was established in 2001 to facilitate the adaptation of NATO standards into the Azerbaijani Armed Forces. It conducts a six-week officer's advanced course four times a year to professionalize the training of captains. Reserve officer training courses, warrant officer training courses, and Non-Commissioned Officers (NCO) training courses are also provided to prepare personnel for command and specialist positions.

The Military Medical Faculty within Azerbaijan Medical University is designed to prepare professional military medical officers. Selected students who have completed four years of study continue their education on specialized subjects for two years.⁷¹ There is also a military medical school within the Military Medical Faculty where military doctor's assistants are trained for 2 years.⁷²

⁶⁹ MOD. Azerbaijan Military Academy named after Heydar Aliyev. Available at: <https://mod.gov.az/en/azerbaijan-military-academy-named-after-heydar-aliyev-070/>.

⁷⁰ MOD. War College of the Armed Forces. Available at: <https://mod.gov.az/en/war-college-of-the-armed-forces-435>.

⁷¹ MOD. Military medical faculty of Azerbaijan Medical University. Available at: <https://mod.gov.az/en/the-faculty-of-military-medicine-of-azerbaijan-medical-university-065/>.

⁷² MOD. Military medical school. Available at: <https://mod.gov.az/en/military-medical-school-145/>.

II. State Border Service

The State Border Service (SBS) originated from the former State Border Troops which were part of the National Security Ministry (NSM) until 2002. The SBS is a separate government agency with its own statute and structure, and is responsible for border security and protection. The SBS structure consists of border troops, coastal service, rapid reaction forces, border control services, military aviation groups, maritime forces, other military groups and non-military entities (such as education, training, communication, etc.). The SBS has wide-ranging responsibilities for security of the state and its citizens, including a broad variety of activities on land, sea and air.

Azerbaijan's geographic location - with land and sea borders with five countries - makes it vulnerable to international terrorism, illegal immigration, transnational organized crime, human and drug trafficking, and the proliferation of weapons of mass destruction, and requires a wide range of specialized personnel to deal with it. For that reason, the SBS has its own intelligence and counter-intelligence agencies to assess and detect the illegal movement of goods, prohibited materials, and terror elements, and to ensure protection of the state border on a daily basis.

Border security facilities on land and sea have been upgraded and modernized, and personnel are trained to international standards. The U.S. Defense Department and Customs Service personnel have trained and equipped the Azerbaijani border guards and customs officials to prevent and detect weapons of mass destruction (WMD) at border checkpoints.⁷³ Azerbaijan-U.S. cooperation on border and maritime security have helped to upgrade the old systems and the U.S.-donated patrol boats have helped to monitor and improve Azerbaijan's ability to secure its territorial waters in the Caspian Sea.⁷⁴ To prevent the trafficking of illegal products in the international waters of the Caspian Sea, under a Caspian Guard initiative,⁷⁵ Azerbaijani Navy personnel were trained on the maritime interception of terrorists, drugs and weapons.⁷⁶ Two radar stations were built with U.S. assistance to strengthen border security in the country.⁷⁷

Border security is an increasingly important concern, particularly in the context of securing international energy transit corridors for gas and oil. The SBS guards the borders with Iran and Russia on the land and sea, which themselves have their own complications due to sanctions, requiring more international cooperation and knowledge, particularly regarding the transportation of dual-use goods and materials through Azerbaijan. Azerbaijan also has maritime borders with Kazakhstan and Turkmenistan with their own specific issues on international maritime law and fishery.

After 44 days of war in 2020, Azerbaijan managed to restore its 132 km border with Iran and 530 km with Armenia, resulting in a completely new situation for border troops and the SBS. Azerbaijan will have more responsibility with the expanded international border and more required coordination with the armed forces in unstable areas of the state border. For implementation of these tasks, post-war training programs for personnel will be needed and appropriate specialists should be trained.

Given these new realities, Azerbaijan's border security concept could benefit from revision. The militarized structure of border troops has changed and been transformed into

⁷³ USIA. European file. 10/07/99.

⁷⁴ United States is going to deliver two new radar stations and three boats to Azerbaijan, January 17, 2006. Available at: <http://www.day.az/news>.

⁷⁵ Air Force Magazine: European Command Looks South and East By John T. Correll. December 2003. Vol. 86, No. 12 Air Force Association.

⁷⁶ United Press International. August 29, 2005.

⁷⁷ ITAR-TASS news agency, Washington, D.C., USA. April 7, 2006.

a law enforcement agency. International cooperation with the European Union, the International Organization for Migration, the International Atomic Energy Agency, and the International Conference on Border Management have helped the SBS to achieve international border monitoring standards.⁷⁸ A more effective border control system has been established as a result of the reforms carried out in cooperation with NATO and other foreign partners. In cooperation within the IPAP program, Azerbaijan had a large reform agenda with NATO, including border management reform, an increase in border security standards, improvement of communications systems, better border control and technical facilities, improved maritime security, and raising the border control education system to international standards.⁷⁹

As a security sector agency, the SBS is accountable to the nation's president. The SBS personnel have the same rights and privileges as those serving in the Armed Forces. As in the case of the Interior Ministry, the SBS remains in regular contact with the international community, providing a greater opportunity to evaluate its transformation process. To increase effectiveness and transparency and "increase trust and respect of people for the state border service", the SBS adopted an ethical code regulating the behavior of its service personnel.⁸⁰

⁷⁸ Azərbaycan Respublikası dövlət sərhəd xidmətinin rəsmi saytı. Available at: http://www.dsx.gov.az/beynelxalq_elaqe;

⁷⁹ Ibid.

⁸⁰ Azərbaycan Respublikası dövlət sərhəd xidməti əməkdaşlarının etik davranış qaydaları. Available at: http://www.dsx.gov.az/senedler/doc_54.

III. Intelligence Services

Brief History

The first branch of the intelligence services emerged within the Defense Ministry during the initial rise to modern Azerbaijani statehood between 1918-1920.⁸¹ Such structures existed as part of different agencies of Soviet Azerbaijan and ultimately led to a united security service in the Soviet Union known as the Committee of State Security (Komitet Gosudarstvennoy Bezopasnosti (KGB)). Similar to other republics, Azerbaijan also had its own KGB with its branches in all administrative regions of Azerbaijan. A historical organizational legacy of brutality, intimidation, and fear catalyzed a perception that this entity would be a major threat to Azerbaijan at the time of its independence in 1991. Nevertheless, in November 1991, using the former KGB staff as a basis, the Ministry of National Security was formed.⁸² The Ministry adopted its internal statute with a commitment to the newly independent State of Azerbaijan.

Complex Environment

In the months proceeding after the independence, the security sector remained unchanged. When the first democratically elected president came to power in June 1992, changes in the National Security Ministry began. A six-month training course taught by former Soviet KGB personnel was conducted for new National Security Ministry personnel. New sections and departments emerged.

In the early 1990s, the National Security Ministry was primarily used to support the state-building process, and to establish stability and control over the country. In addition to it, issues including ethnic cleansing, loss of properties, detentions of hostages, and so-called “tent cities” for hundreds of thousands of refugees and internally-displaced persons, produced numerous security challenges. Many Chechen refugees had also found shelter in Azerbaijan in 1990s. The National Security Ministry also had to deal with the groups that committed numerous terror attacks around the country.⁸³

The cease-fire agreement with Armenia allowed the central government to establish control over the rest of the country. Despite this, internal political confrontations continued between rival factions within the government, all of whom commanded their own troops. Continued conflict with the existing prime minister’s forces and then the revolt of the deputy interior minister against the Aliyev government⁸⁴ resulted in the overreaction of the National Security Ministry, leading to the arrests of alleged anti-government forces.⁸⁵

While not diminishing the legitimate functions of the security services in those periods of Azerbaijani history, it should be noted that they had also been used as an instrument by the political leadership. As a former National Security Ministry official said, “(the) mid

⁸¹ Azərbaycan Xalq Cümhuriyyətinin təhlükəsizlik orqanları. 1918-1920. Available at: <http://www.dtx.gov.az/tarix1.php>.

⁸² Azərbaycan xüsusi xidmət orqanlarının tarixi. Available at: <http://www.dtx.gov.az/tarix3.php>.

⁸³ 26 лет назад армяне совершили теракт на пароме шедшем из Красноводска в Баку. January 9, 2018. Available at: cbc.az/ru/news/news1515485992; Акиф Наги. Кровавая хроника Карабахской войны. 1985 -2020. Available at: ru.wikipedia.org/wiki/Katastrofa_MI-8_bliz_Şuşi_28_yanvarya_1992_qoda; 27 лет назад армяне взорвали поезд. Kislovodsk-Baku. Vesti.az. 2020. Available at: vesti.az/politika; Azərbaycan Respublikası Ali Məhkəməsi, “Azərbaycan ərazisində törədilən terror –təxribat faktları. Available at: supremecourt.gov.az/static/wiew/12; «Kommersant» qəzeti (Rusiya), 22.03.1994. Available at: [ru.wikipedia.org/wiki/Vzrivi_v_Bakinskom_metropolitene_\(1994\)](http://ru.wikipedia.org/wiki/Vzrivi_v_Bakinskom_metropolitene_(1994)).

⁸⁴ OMON hadisələrindən 25 il ötür. Criminal.az. 17 Mart, 2020. Available at: <https://criminal.az/omon-hadiselerinden-25-il-tur/>.

⁸⁵ Based on the interviews conducted with the former security service people.

1990s was also a period of time at the ministry when many professionals left the ministry due to internal disagreement with the top leadership over excessive arrests and for pressure of officers for illegal actions against suspects. This politically motivated period had also influenced the Security Ministry in selection and in firing (of) employees.”⁸⁶

Objectives and Structure

The National Security Ministry (NSM) by its statute was an executive agency acting under the authority provided by the Azerbaijani legislation. It was structured along the lines of the former Soviet KGB, with directorates, senior directorates, divisions and a bureaucratic apparatus. It had branches in all regions, (including a National Security Ministry of the Nakhchivan Republic but under Baku’s subordination), military counter-intelligence agencies, national security academy, and military-medical enterprises. State border troops were also part of the ministry, but in 2002 were separated into an independent State Border Service. The Special Service Department for counterintelligence that operated under the president had been dissolved by that time and transferred to the NSM as a military counterintelligence department.

With the arrival of a new minister in 2004, new bureaucratic and other high profile structures were organized but did not lead to any reforms. Additional senior directorates included: Counter-Intelligence, Military-Counter-Intelligence, Anti-Terror, Energy and Transportation Security, Personnel, and Investigations. The number of personnel increased to an estimated 7,500 personnel.⁸⁷ Some of the directorates served as a source of bribery and corruption.

2004 was a significant year, with a number of decrees related to national security passed, including one decree that reformed the security services as an independent entity. The National Security Ministry’s statute, structure and the number of personnel were determined by a presidential decree dated March 27, 2004.⁸⁸ The National Security law adopted in June 2004 determined the legal foundation for national security policy.⁸⁹ The Law on National Security, the Law on Intelligence and Counter Intelligence activities, the Law on Operational and Search activities, the Law on State Secrets, and the Internal Regulation of the National Security Ministry served as the legal basis for the functioning of the Ministry. The Ministry prioritized the protection of Azerbaijani constitutional system, economic interests and security by preventing the activities of the special services of foreign countries, organizations, criminal groups and espionage activities.⁹⁰

Under the Law on National Security, the ministry is required to provide counter-intelligence information to the Ministry of Defense and other security agencies. It provides information to state agencies on political, economic, military and environmental issues, and was responsible for military-security issues, including security of weapons and ammunition of armed forces, protection of poisonous and radioactive materials, protection of military objects, and problems that could lead to an emergency situation.⁹¹ It is also

⁸⁶ Interview with the former national security officer.

⁸⁷ Paper presented at Istanbul Conference on Security Sector Reform on Nov20, 2018 by I. Ismail who served as a national security officer for 19 years.

⁸⁸ Azərbaycan Respublikasının Milli Təhlükəsizlik Nazirliyi haqqında Əsasnamə. Available at: <http://www.e-qanun.az/framework/5860>.

⁸⁹ «Azərbaycan» qəzeti, 6 avqust 2004, № 181 Available at: <http://www.dtx.gov.az/pdf/qanunlar/1.pdf>.

⁹⁰ Ibid.

⁹¹ The Law on National Security. «Azərbaycan» qəzeti, 6 Avqust 2004. № 181. 19.2.9-10 of the Law. Available at: <http://www.dtx.gov.az/pdf/qanunlar/1.pdf>.

responsible for maintaining secrecy in diplomatic missions abroad, the protection of state secrets, providing encrypted codes for communication, and ensuring their security.⁹²

The Law also identified three major subjects to be protected by the security services:

- human beings: their freedom and liberties;
- society: its material and moral values;
- state: its independence, sovereignty, constitutional formation, and territorial integrity.

However, the Law has some provisions that could be interpreted differently in different societies and might be used against political opponents and activist groups in internal politics.⁹³ The Law has special provisions for the protection of human rights and liberties and declares that every citizen may obtain information regarding the restriction of his/her rights while security services are involved in ensuring security. The security services will bear full responsibility for any action they take beyond their authority.⁹⁴

The Law on National Security enables the security services to detect, prevent and preempt any activities which may weaken armed forces preparedness and military capabilities, as well as military, and economic capabilities of the country in a timely manner. They should also prevent any proliferation of the weapons of mass destruction, their development, production or their transit via the country. It also ensures the security of military research, information and personnel are part of the security services' responsibility.⁹⁵

The Law on Intelligence and Counterintelligence adopted in June 2004⁹⁶ states that counterintelligence activities are focused on protection from circumstances, processes, and factors that threaten or undermine the national security. The Law stipulates the main principles of intelligence and counterintelligence activities as legality, respect for human rights and liberties, humanity, transparent and non-transparent methods. The Law states that no one should be humiliated during intelligence and counterintelligence activities and any personal cooperation with these agencies should be on their own accord.⁹⁷

Any information obtained about a person and/or their family should not be disclosed without their consent. The rights of any individual are inviolable and must be protected, with the exception in some rare cases, as indicated by Law.⁹⁸ In contrast, the Law on "Search and Operations" and articles of the Criminal Code provide for the possibility of justifying violations of privacy, as well as surveillance measures for gathering of information.⁹⁹

The Law states that citizens have a right to obtain information about the activities of security services¹⁰⁰ but in reality it is limited to statements released by a ministry's press service, along with information about food security, economic embezzlement, or any operation carried out jointly with other agencies.

⁹² Ibid.

⁹³ Ibid., Article 11.

⁹⁴ Ibid., Article 13.

⁹⁵ Articles 19.2.9-10 of the Law on National Security. Available at: <http://www.dtx.gov.az/pdf/qanunlar/1.pdf>.

⁹⁶ «Azərbaycan» qəzeti, 5 avqust 2004, № 182. Available at: <http://www.dtx.gov.az/pdf/qanunlar/2.pdf>. Kəşfiyyat və əks-kəşfiyyat fəaliyyəti haqqında Azərbaycan respublikasının qanunu. Available at: <https://www.dtx.gov.az/uploads/documents/2020/08/01/5f2525e5a9bf4-aea3f359be877a43196bde9abad3be-665f2525e5a9bff-r-7Jz8BUJuBN46g.pdf>.

⁹⁷ Article 3 of the Law on Intelligence and Counterintelligence. Available at: <http://www.dtx.gov.az/pdf/qanunlar/2.pdf>.

⁹⁸ Ibid., Article 4.

⁹⁹ Əməliyyat –axtarış (Search and operations) jfəaliyyəti haqqında Azərbaycan respublikasının qanunu. «Azərbaycan» qəzeti. 17 noyabr 1999, № 263. Available at: <http://www.dtx.gov.az/pdf/qanunlar/4.pdf>.

¹⁰⁰ Article 5 of the Law on Search and Operations. Available at: <http://www.dtx.gov.az/pdf/qanunlar/4.pdf>.

According to the Law, the authority of security services responsible for intelligence and counterintelligence activities is determined by the appropriate executive agency. Coordination of their activities is regulated by the rules made by the appropriate executive agency.¹⁰¹

The Law lists the objectives of counterintelligence activities as the prevention and elimination of the plans of foreign intelligence services operating inside the country and abroad, that seek to undermine the independence, sovereignty, integrity and other national interests of Azerbaijan.

In addition to information related to military capabilities, it emphasizes information security and securing the means of providing information security. Article 12.1 of the law states that the findings of intelligence and counterintelligence activities be reported on a regular basis to the government's senior leadership.

During the organization and implementation of intelligence and counterintelligence activities, it must be ensured that all conduct conforms to the existing laws of the Azerbaijani Republic.¹⁰² To that end, intra-departmental and external control is carried out by a separate department and the appropriate executive agency of the country. According to the Law,¹⁰³ control over operational-search activities by counterintelligence units is regulated by the Law on "Search and Operational Activities."

The Prosecutor General and authorized prosecutors carry out investigations and preliminary counterintelligence investigations. Control over the activities of counterintelligence service investigations, compulsory measures undertaken by them, and operational and search activities are regulated by the government's criminal procedural laws. In practice, the extent of the applicability of these provisions is a subject for additional research.

According to the Law on State Secrets¹⁰⁴ adopted in 2004, agencies responsible for protection of state secrets are the appropriate central executive agency. State agencies, departments, business sectors and organizations, and their appropriate sections are responsible for protection of state secrets. Rules for identifying information as a state secret are determined by the appropriate executive agency. The security services are responsible for protection of all state secrets.¹⁰⁵

According to the Law on Search and Operational Activities,¹⁰⁶ the application of search and operation measures in counterintelligence activities is based on the Law on Search and Operational Activities, the Law on Intelligence and Counterintelligence Activities and state criminal procedural law.

Severe measures are applied by the Law on Religious Extremism,¹⁰⁷ which granted the security services intrusive powers.¹⁰⁸ The Law does not currently define, which security actor is responsible for designating a particular group as a religious extremist group. If the executive agency itself decides, then the law will be applied automatically. But such an approach may also contradict the rule of law provisions of other national laws. It is

¹⁰¹ Ibid., Article 6.

¹⁰² Article 7 of the Law on Intelligence and Counterintelligence. Available at: <http://www.dtx.gov.az/pdf/qanunlar/2.pdf>.

¹⁰³ Ibid., Article 22.4.

¹⁰⁴ Dövlət sirri haqqında Azərbaycan Respublikasının qanunu. 7 Sentyabr 2004. Bakı. «Azərbaycan» qəzeti, 16 noyabr 2004, № 266. Available at: <http://www.dtx.gov.az/pdf/qanunlar/3.pdf>.

¹⁰⁵ The Law on State Secrets, Article 31, 1, 2. Available at: <http://www.dtx.gov.az/pdf/qanunlar/3.pdf>.

¹⁰⁶ 17 Noyabr 1999, № 263, «Azərbaycan» qəzeti. Available at: <http://www.dtx.gov.az/pdf/qanunlar/4.pdf>.

¹⁰⁷ «Azərbaycan» qəzeti, 6 dekabr 2015, № 269. Available from: <http://www.dtx.gov.az/pdf/qanunlar/3.pdf>.

¹⁰⁸ Law of Azerbaijan Republic on the fight against religious extremism Article 7, 8. Available at: <http://www.dtx.gov.az/pdf/qanunlar/5.pdf>.

apparent that the Law on Religious Extremism provides for harsher measures than those contained in the Law on Terrorism.¹⁰⁹

From National Security Ministry to State Security Service

The National Security Ministry gained popularity in 2005 when it arrested an organized crime group led by senior officials from the Ministry of Interior, who were involved in the murder of high profile Azerbaijanis, along with human trafficking and the kidnapping of wealthy families for ransom. Following the successful completion of the operation “Black Belt”,¹¹⁰ the Interior Ministry’s popularity rose, with it being viewed as the only “effective” security institution operating in Azerbaijan.

Taking advantage of the trust and confidence of the political leadership, the ministry’s senior leadership became involved in similar actions, including corruption and bribery, racketeering and extortion.¹¹¹ They were involved in corruption and bribery, blackmailing businessmen people for money, and imposing certain monthly extortion amount on government ministries.

After the President’s intervention and removal of the minister, the Prosecutor General’s office made a statement regarding the arrests and detentions in the ministry. As reported, the prosecutor’s office formed a special investigation-operation group to investigate the “misuse of positions and other violations of law” by some high profile officials in the ministry and as a result revealed that “some officials of the ministry misused their positions, violating the requirements of the law on search and operation and unlawfully intervened in the entrepreneurial activities of people, violated their rights and benefits.” Under the criminal code of the Republic, by the decision of the courts, seven high-profile officials of the ministry were arrested and jailed.¹¹²

Arrests expanded as the investigation continued¹¹³ and extended to senior officials in other ministries. The Prosecutor General’s office only released limited information detailing the arrests and changes in the former ministry. In response to these developments, the President signed a decree¹¹⁴ on 14 December 2015 restructuring the old system and dividing the National Security ministry into two parts. The State Security Service (SSS) and Foreign Intelligence Service (FIS) emerged from the former National Security Ministry. Their new statutes, structures, and the number of personnel were endorsed by the President but their content was not made public.¹¹⁵

Both the SSS and its predecessor, the National Security Ministry, have had to adhere to the same laws and regulations. The SSS underwent a radical transformation, with the number of employees reduced by approximately 30%, and new branches opened to fo-

¹⁰⁹ Terrorçuluğa qarşı Azərbaycan Respublikasının qanunu. 18 İyun 1999. Baku. Available at: <http://www.dtx.gov.az/pdf/qanunlar/10.pdf>.

¹¹⁰ Hacı Məmmədovun bandasının ifşasından 10 il ötdü. Yeni Müsavat 10 Mart, 2015. Available at: http://musavat.com/news/kriminal/haci-memmedovun-bandasinin-ifshasından-10-il-otdu_252076.html

¹¹¹ MTN generallarına görə hakimlərə etiraz edildi Meydan TV. 29 Oktyabr 2018. Available at: <https://d9mc3ts4czbpr.cloudfront.net/ru/article/mtn-generallarına-gore-hakimlere-etiraz-edildi/>.

¹¹² Mətbuat icmalı: MTN də həbslər, biznes və media. BBC news. “Xalq qəzeti”: Milli Təhlükəsizlik Nazirliyinin 7 vəzifəli şəxsi barəsində həbs qətimkan tədbiri seçilib (7 high officials of the national ministry have been arrested). Available at: https://www.bbc.com/azeri/azerbaijan/2015/10/151021_media_review_10_21.

¹¹³ Naxçıvanın milli təhlükəsizlik naziri həbs olundu Qlobal,az. Mart 19,2016. Available at: <http://qlobal.az/naxcivanin-milli-tehlukesizlik-naziri-hebs-olundu/>.

¹¹⁴ Müstəqil Azərbaycan Respublikasının Təhlükəsizlik Orqanları. 1991-2020. Available at: <https://www.dtx.gov.az/az/history/musteqil-azerbaycan-respublikasinin-tehlukesizlik-orqanlari.html>.

¹¹⁵ Dövlət Təhlükəsizliyi Xidmətinin Əsasnaməsi və strukturu təsdiq edildi. 2016. Available at: [//atv.az/news/social/56948-dovlet-tehlukesizliyi-xidmetinin-esasnamesi-ve-strukturu-tesdiq-edildi](http://atv.az/news/social/56948-dovlet-tehlukesizliyi-xidmetinin-esasnamesi-ve-strukturu-tesdiq-edildi).

cus on larger urban centers.¹¹⁶ Also, new employees were hired and professionals that had been dismissed by the former ministerial leadership were rehired. In addition, the SSS established “Appeal Councils” for complaints by people in case of any obstacles to their business activities.

Due to the above issues and others, the security services of Azerbaijan have traditionally been viewed with suspicion by the Azerbaijani population. Dissatisfaction of the counter-intelligence services had even been voiced by President Aliyev, the former head of the Azerbaijan KGB.¹¹⁷ However, the newly formed Azerbaijani intelligence and counterintelligence services demonstrated their effectiveness through successfully identifying enemy targets, including highly sophisticated weapons and storage facilities.

Combating Terrorism and International Cooperation

The SSS cooperates with security services and law-enforcement agencies of 51 countries on issues of global challenges, organized crime, and terrorism, and participates in activities organized by international organizations. Further cooperation is taking place within the Council on Special Services and Security Agencies of CIS countries and with Turkic States (which include Azerbaijan, Turkey, Uzbekistan, Kazakhstan and Kyrgyzstan) Special Service Agencies.¹¹⁸ The issues of terrorism, economic crimes, cybercrimes, illegal transit of narcotics, and security of international transportation lines are coordinated and discussed.

The security services participate in international anti-terrorism coalitions. These include detainment and extradition of terrorists to foreign countries, the prohibition of the activity of organizations serving as terrorist structures falsely represented as serving humanitarian purposes, the freeze of terrorist-related bank accounts; all due to the cooperation of the Ministry with other international bodies.¹¹⁹ Despite this, cooperation and coordination with the security services of foreign countries needs to be improved, particularly in the areas of illicit transit of nuclear materials, radioactive substances and narcotics.

An important aspect of this coordination began after the events of 9/11, with cooperation with international organizations and foreign intelligence services to detect and arrest al-Qaeda suspects. In recent years, this cooperation has expanded with the fighting in Syria. The SSS’s counter-terrorism center is cooperating with NATO within the IPAP program. To this end, the Counsel of Europe’s MONEYVAL Committee has praised the Azerbaijani Security Agencies efforts against money laundering, and funding for terrorist, and its institutional capacity, which have been assessed as meeting internationally recognized standards.¹²⁰

Since 9/11, counter-terrorism cooperation was mostly focused on surveillance and detection of foreign terror suspects inside Azerbaijan or during their transit through Azerbaijan. But in the Syrian case it was directly related to Azerbaijani citizens that had been recruited by radical Islamic groups fighting in Syria. The work of Azerbaijani security

¹¹⁶ Qlobal.az, Dövlət təhlükəsizlik xidmətinin rayon şöbələri olmayacaq-açıqlama. Dekabr 16, 2015. Available at: <http://qlobal.az/dvlet-tehlukesizlik-xidmetinin-rayon-sbeleri-olmayacaq/>.

¹¹⁷ Azərbaycan respublikası prezidenti Heydər Əliyevin Azərbaycan Milli Təhlükəsizlik orqanlarının yaradılmasının 80 illiyinə həsr olunmuş təntənəli yubiley mərasimində nitqi. 27 Mart, 1999. Available at: http://files.preslib.az/projects/toplu/v2/f3_9.pdf.

¹¹⁸ DTX-nin beynəlxalq əməkdaşlıq sahələri. Available at: <https://www.dtx.gov.az/az/beynelxalq-emekdasliq.html>.

¹¹⁹ State Security Service of Azerbaijan Republic. International documents. Available at: <https://www.dtx.gov.az/en/international-cooperation.html>.

¹²⁰ CoE MONEYVAL. Committee has positively evaluated counter-terrorism financing system in Azerbaijan. Available at: <http://www.fiu.az/eng/the-council-of-europe-moneyval/>.

services has intensified as these people started returning from Syria. Many of them have been arrested and/or killed in clashes with the Security Services. The SSS has issued numerous reports of arrests of individuals who had been accused of fighting in Syria,¹²¹ the killing of members of radical religious groups¹²² and individuals, and the arrests of religious groups.¹²³

¹²¹ “Azerbaijan arrests 10 citizens suspected of fighting in Syria”. January 07, 2015. Available at: <https://www.rferl.org/a/azerbaijan-syria-connection-islamic-state-isis/26781551.html>.

¹²² Country report on Terrorism 2017-Azerbaijan, US Department of State, 19 september, 2018. Available at: <https://www.refworld.org/docid/5bcf1fb813.html>.

¹²³ “Azerbaijani authorities say two extremists killed in tense city of Ganca”. November 5, 2018. Available at: <https://www.rferl.org/a/azerbaijani-authorities-say-two-extremists-killed-in-tense-city-of-ganca/29583259.html>.

IV. Ministry of Interior

Structure of the Ministry

The Ministry of Interior (Mol) is one of the older and more capable institutions inherited from the Soviet past, having to confront political turmoil in the nation as it attempted to provide public safety and security in the early years of independence. As the only legitimate law-enforcement agency to use force, it was deployed to protect the safety of the population in the early 1990s. During this time, 460 police officers and 511 Mol troops were killed while performing their duties.¹²⁴ The Ministry is organized with militarized interior troops and around 20 departments focusing on issues including criminal investigation, interrogation and organized crime.¹²⁵

The ministry is headed by the minister appointed by the President. It has its advisory Board composed of deputy ministers and other senior members of the ministry. The semi-autonomous Internal Troops have both police and military functions and are employed to protect important state locations, military bases and facilities, safeguard communication facilities, prison facilities, to assist in rescue operations and to prevent mass riots.¹²⁶ During wartime, internal troops serve as part of the land forces.

The Mol's internal troops have been very receptive to reform and international cooperation. Extensive relations with separate foreign countries and NATO helped to modernize the training and educational system of the internal forces and to infuse international standards into their operations. A special relationship has been developed with the Turkish Gendarmerie within the framework of a 1997 Protocol forming the legal foundations for comprehensive mutual military cooperation. Under the Protocol, new training for Internal Troops has been developed and Mol internal troops have taken courses in Turkish military schools.¹²⁷ Cooperative relations with similar French, Italian, Russian, Belarusian and Chinese organizations have also been developed.

The Mol has also engaged in various NATO programs, especially within the IPAP program and several tasks have been implemented designed to modernize interior troop training. Dozens of internal troop personnel have participated in NATO-conducted courses in Europe. Internal troops also joined NATO's Operational Capabilities Concept (OCC) to assess their performance capabilities.¹²⁸ The cooperation with the OSCE Baku office has also ensured participation in international seminars on "Management of Mass Casualty Events," "Police Duties in a Legal State," "International Human Rights Law" and "International Humanitarian Law."¹²⁹

Police Reform

In general, the Azerbaijani population mistrusted its police forces until the 2000s, considering them corrupt. Such perceptions emerged from daily encounters with policemen, especially with traffic police officers or during investigations resulting in false accusations

¹²⁴ Ministry of Internal Affairs. Historical background of the MIA. Available at: <https://m.mia.gov.az/?/en/content/131/>.

¹²⁵ Ministry of Internal Affairs. Structure of the Ministry. Available at: <https://m.mia.gov.az/index.php?/en/content/129/>.

¹²⁶ Ministry of Internal Affairs. Internal troops. Available at: <http://m.dq.mia.gov.az/?/en/menu/12/>.

¹²⁷ MIA. Internal Troops within the framework of international relations. Available at: <http://m.dq.mia.gov.az/?/en/menu/16/>.

¹²⁸ Ibid.

¹²⁹ Azerbaijan, OSCE polis. Available at: <https://polis.osce.org/country-profiles/azerbaijan>.

and unjust treatment. The 2005 revelations of the crimes of the MoI's organized crime unit compounded these perceptions.¹³⁰

This case clearly played a role in the formation of Azerbaijan's policing system. For example, the once corrupt passport department, responsible for issuing foreign passports to Azerbaijan citizens, is now considered as one of most trustworthy departments within the MoI.

During the 2000s, the MoI became more responsive to people's calls for assistance; with its forces deployed to keep public order during political protests and demonstrations gradually began adhering to international calls of the Council of Europe and OSCE to ensure traditional Euro-Atlantic police practices were followed. For example, this ensured that journalists would be respected during public disturbances.

Dramatic changes occurred in the composition, behavior, and style of work of the traffic police. They were transformed from a profoundly corrupt organization into much more transparent one. While traffic police could stop and make unfounded demands against any driver in the past, now they can only stop a car for a speed limit violation. Any violation made by a car is registered by the central computer system and available to both traffic police officers and the accused.

Significant transformation of the police force has been made to some degree through increased social support of police officers by dramatically increasing the wages for all law enforcement agencies. Their wages are now much higher than any teachers, doctors, or state clerks. Police are also more sensitive to treating the public fairly because any serious complaint could lead to dismissal. Also, some police administrative requirements have been transferred to an electronic system (ASAN), which has transformed the bribery traditions deeply rooted in the police system. The systemic changes are not yet complete with some adjustments not yet transferred to the ASAN system, but much progress has been made.

Beginning in 2004, the ministry conducts crime analysis on a bi-annual basis with the intent to determine the roots of crime in the society and identify ways to eliminate them. A comparative analysis is made, comparing the new results with the previous years' crime statistics, the degree and scale of the crimes, and whether the crime is a threat to a general public safety. As an example, their analysis for the first half of 2020 indicated that 87.2% of crimes committed in the first six months of 2020 were not the crimes posing a significant threat to public safety. They classify crimes as crimes against individuals, crimes committed in the economic field, crimes against property, crimes against public safety and public order, and crimes committed against state authority. A list of all types of crimes is compiled from drug trafficking to human trafficking, and identifies the composition of criminals – male, female, educated, uneducated, employed and unemployed.¹³¹

The current crime level in Baku makes it one of the safest cities in Eurasia. A "Safe City" System has been implemented using technical surveillance and traffic regulation systems. There was a 10% drop in acts of violence from 2019 to 2020. Crimes committed against foreign citizens in Baku account for less than one per cent of all recorded crimes. 43 of the 52 crimes committed against foreign citizens (82.7%) were solved.¹³² Finally, the number of crimes committed in public places decreased by 35.1%, with the restrictive impact of the COVID pandemic likely playing a role.

¹³⁰ Hacı Məmmədovun bandasının ifşasından 10 il ötdü.Yeni Müsavat 10 Mart, 2015. Available at: http://musavat.com/news/kriminal/haci-memmedovun-bandasinin-ifshasindan-10-il-otdu_252076.html.

¹³¹ MIA. Crime Analysis of the 1st half of 2020. Available at: <https://m.mia.gov.az/?/en/content/30007/>

¹³² Ibid.

According to the Law on Police, “police is a centralized and united executive law enforcement body” and the “police officer is a public servant.” Objectives of police forces are “to protect human lives, rights and freedoms of people, property of physical and juridical entities and the state from illegal actions.”¹³³ The law determines the duties and principles of police force activities, highlighting the principles of respect for individual rights and freedoms. But, “in case of any restriction of rights and freedom of an individual, the police officers shall explain the reasons and grounds for this restriction.” Any damage inflicted by the illegal actions of police officers shall be compensated.¹³⁴ Any failure to implement the legitimate demands of the police officer, including resistance, violence and insults shall entail legal liability.

However illegal actions of police are not always compensated or condemned, and such cases and behavior are becoming a subject of debate in Azerbaijan, triggering popular condemnation and protest. Omissions in the law governing police conduct contradict its own provisions and allow for different interpretation depending on circumstances and conditions. An example is Article 24 of the Law on Police, which attempts to regulate the access of police into private residences, while other parts of the article refer to circumstances that automatically grant the police the authority to act on their own discretion. These cases took place during the time of the COVID pandemic in Baku, when police behavior sparked popular grievances among society.

Human trafficking-related activities of the MoI, both within and outside the nation’s borders, have been impressive. The country adopted a special law on combating human trafficking and joined a number of international conventions and cooperation activities within the CIS and other international organs: the “UN Convention Against Transnational Organized Crime,” the Council of Europe “Convention on Action Against Human Trafficking.”¹³⁵ The MoI approved its own National Action Plan on Human Trafficking in 2008 and has extended it every four years since its inception. This plan is focused on prevention and protection as well as exploring the causes and ways to eliminate human trafficking. This includes reducing the risks of exposure and protection of victims. It also contains measures for rehabilitation, integration of victims into society and improvement of their living standards. International cooperation, the involvement of civil society organizations and educational activities are also part of the plan.¹³⁶

The Ministry has also established an Organized Crime Department by presidential decree to tackle the most dangerous types of criminal offences, including terrorism, banditry, hostage taking, extortion and money laundering. In addition to operations, search, detection and neutralization activities, the department is involved in the “collection and storage of data on organized crime, data analysis and drafting manuals.”¹³⁷

Despite the cited improvements, interviews and a survey among lawyers and other experts indicates that reform is still needed for some separate MoI departments; which lack proper oversight or control mechanisms and their functions sometimes overlap.¹³⁸ The high number of investigation and interrogation departments inside the ministry and in other law enforcement agencies is still a pending reform issue. Formation of a single

¹³³ The law on Police of the Republic of Azerbaijan adopted on December 13th, 2002. Baku. Available at: <https://m.mia.gov.az/index.php?/en/content/29004/>.

¹³⁴ Ibid.

¹³⁵ MIA, Main department on Combating Trafficking in Human beings. Available at: <https://www.mia.gov.az/index.php?/az/content/153/>.

¹³⁶ National coordinator on Combating Trafficking in Human beings. Available at: <http://www.insanalveri.gov.az/>.

¹³⁷ MIA, Main organized crime department. Available at: <https://m.mia.gov.az/?/en/content/28968/>.

¹³⁸ Based on Interviews conducted with lawyers and law enforcement agencies officials. Baku 2020.

Investigation Center would eliminate the multiple investigation departments that currently exist in all security, law enforcement agencies, and financial institutions, and could lead to the removal of outdated practices in investigation and interrogation procedures.

Education and Training Schools

The MoI has created an education and training system for its members. This includes the Police Academy established in 1992¹³⁹ to prepare officers for the Ministry. Admission is governed by the “Law on Education” as applied to other civilian Universities but it also requires meeting certain physical requirements. The High Military School of the Internal Forces was established in 2011 to prepare senior personnel for service in the internal forces. It also serves to train junior officers and sergeants. It is a four-year program designed to train new lieutenants for the Ministry.¹⁴⁰ Another school named after A. Heyderov is designed to train newly recruited police officers.

International cooperation activities with European and Black Sea countries (especially CIS members) law-enforcement agencies are multifaceted. Bilateral agreements have been created to regulate relations between the appropriate ministries on issues of combating transnational organized crime, international terrorism, illegal transfer of drugs and weapons, human trafficking, criminal identification and detention, and information exchanges between the signatories. Membership in the International Criminal Police Organization (Interpol) has also promoted stronger relations with foreign law enforcement agencies. Within the past 18 years, 48 bilateral and 27 multilateral cooperative agreements have been signed with 40 nations. This included consultations with legal specialists from France, Germany, Spain, and the UK.¹⁴¹

In support of the anti-terror campaign associated with the events of 9/11 and the Syrian war, Azerbaijani police forces have executed numerous operations to search for and arrest suspected criminal elements and extradite them to their countries of origin. This has included work with foreign partners to identify and capture radical religious elements supporting the conflicts in Afghanistan and Syria.

¹³⁹ MIA. Educational institutions. Police Academy. Available at: <https://www.pa.edu.az/?/az/menu/44/>.

¹⁴⁰ MIA. Educational institutions. The High Military School of the Internal Forces. Available at: <https://m.mia.gov.az/?/az/content/242/>.

¹⁴¹ MIA. Internal Troops within the framework of international relations. Available from: <http://m.dq.mia.gov.az/?/en/menu/16/>.

V. Military Justice

History

Since Azerbaijan did not have its own armed forces during the Soviet era, the military justice system at the time (military prosecutor and tribunals) did not operate within the legal system of the Azerbaijan Soviet Republic and were directly accountable before the appropriate agencies of the Transcaucasia Military District of the Soviet Army located in Tbilisi, Georgia.¹⁴² In the early years of independence, the newly established military prosecution bodies and military tribunals of Azerbaijan followed Soviet practice under the traditions of the appropriate Soviet justice system.¹⁴³

Since the country was in a state of war at that time, war time regulations governing discipline, violence and other irregularities required adoption of new laws on the role of military prosecutors and military courts. The operational situation on the ground dictated more power and authority be provided to military forces and law enforcement bodies for public safety and discipline in the newly formed armed units. Consequently, the provisions of the “Law on the Military Prosecutor’s Office”¹⁴⁴ and “Law on Military Tribunals”¹⁴⁵ clearly reflected war time realities. These laws delegated more power and authority to military forces and law enforcement bodies in the newly formed armed units.

Consequently, all justice related issues regarding the activities of military units were entrusted to the Military Prosecutor’s Office of Azerbaijan by the order of MoD. The staff members of the Military Prosecutor Office were included on the staff list of the Armed Forces of Azerbaijan. The provisions of the Charter and Regulations designed for the military service had been applied to active duty personnel in the Military Prosecutor’s Office. The list of positions and appropriate ranks for the positions nominated by the Prosecutor General’s Office had to be approved by the Chief of the General Staff of the MoD, who was responsible for defining the budget of the Military Prosecutor’s Office. As a result, each military or security service (Army, Air Force and Air Defense, Navy, Interior, and Border Troops) created its own military prosecutors and tribunals. Many of these bodies have since been abolished due to various reform processes.

Steps toward Reform

Transformation of the military justice system began as part of the transformation of the civil justice system in the late 1990s. As state officials claim, “Azerbaijan took the course of bringing all areas of state management to international standards” and in this context “democratic reforms based on respect for human rights and fundamental freedoms” were launched.¹⁴⁶ Based on the experience of other newly formed nations, the formation of new legal and judicial systems was considered a critical factor for independence.

The nation’s ambition to become a fully-fledged democracy with the rule of law and human rights as priorities, close bilateral and multilateral cooperation with Western democratic and security institutions, a bid to join the Council of Europe, the presence of European

¹⁴² Prosecutor General’s Office of Azerbaijan, History. Available at: <https://genprosecutor.gov.az/en/page/sistem/herbi-prokurorluq/tarixi>.

¹⁴³ Hərbi Tribunalar Haqqında Azərbaycan Respublikasının qanunu № 138. 27 may 1992. Bakı. Available at: <http://www.e-qanun.az/framework/7166>.

¹⁴⁴ Azərbaycan Respublikasının hərbi prokurorluğu haqqında. Available at: https://az.wikipedia.org/wiki/Azərbaycan_Respublikasının_Hərbi_Prokurorluğu.

¹⁴⁵ Ibid.

¹⁴⁶ AR Ali Məhkəməsinin sədri Ramiz Rzayev: Yeni məhkəmə hakimiyyətinin formalaşdırılması dövlət müstəqilliyimizin bəhrəsidir. 2011. Available at: <http://www.supremecourt.gov.az/post/view/242>.

and U.S. democratic institutions in Azerbaijan, and the desire to bring an independent state structure into the harmony with other democratic nations played decisive roles in reforming the military legal system. However, while on paper, laws and regulations have become more democratic, their implementation remains problematic.

The transformation of the Azerbaijani legal system occurred in three stages. By the adoption of 1995 Constitution the protection and the observation of human rights and individual freedoms were declared to be the duty of legislative, executive and judicial bodies. The term “Judicial Power” was introduced into the Constitution and the concept of judicial system reform considered, among other things, to ensure an independent court system through which citizens could make complaints.¹⁴⁷

Azerbaijan’s cooperation with European legal systems encouraged new reforms and the start of the second stage of legal reforms. A 2006 Supreme Court decision directed that all courts of the Azerbaijan Republic apply the norms of the European Convention on “Protection of Human Rights and Freedoms” in their court proceedings. The presidential decree of 2006 on “Modernization of the Court System in Azerbaijan”¹⁴⁸ characterized the state’s third stage of legal reforms.¹⁴⁹ This reform period addressed the filing of complaints, negative court tendencies, the introduction of new technologies in the court system, formation of a territorial court of appeals, the status of local economic courts, and other issues. Among these reforms, the “Law on Courts and Judges,”¹⁵⁰ “Law on the Prosecutor’s Office,”¹⁵¹ and the “Law on the Judicial-Legal Council”¹⁵² (Məhkəmə-Hüquq Şurası) were part of the additional reforms implemented in the judicial system.

New laws considered the immunity and tenure of judges. Judgeships were determined to be lifelong and their disciplinary responsibilities delegated to Legal-Judicial Council’s authorities. The process through which judges were selected also underwent a series of changes, including through the introduction of face-to-face interviews and written tests to ensure the most suitable and knowledgeable candidates were chosen. Similar procedures applied to candidates for the prosecutor’s office. This process involved international experts and scholars, including the Council of Europe’s Human Rights Commissioner, European Court of Human Rights judges, and experts from the American Bar Association (ABA), the Central and Eastern European Law Initiative Institute (CEELI), and the European Center for General Law.

As a result of the reform of the judiciary, a new three-part independent judicial system was established comprised of trial courts, courts of appeal, and cassation (appellate court to interpret relevant law). New regional courts of appeal were formed and the number of judges doubled. At present, the Azerbaijani judicial legal system consists of district (city) courts, military courts, local administrative-economic courts and courts that address serious crimes; all three operate under territorial jurisdiction. The Military Tribunals formed in 1992 have been replaced by military courts. Military courts on serious crimes were

¹⁴⁷ Ibid.

¹⁴⁸ Azərbaycan Respublikasında məhkəmə sisteminin müasirləşdirilməsi və “Azərbaycan Respublikasının bəzi qanunvericilik aktlarına dəyişikliklər və əlavələr edilməsi haqqında”. Azərbaycan Respublikası Prezidentinin Fərmanı. 19 Yanvar 2006, Bakı. Available at: <http://www.e-qanun.az/framework/11357>.

¹⁴⁹ AR Ali Məhkəməsinin sədri Ramiz Rzayev: Yeni məhkəmə hakimiyyətinin formalaşdırılması dövlət müstəqilliyimizin bəhrəsidir. 2011. Available at: <http://www.supremecourt.gov.az/post/view/22>.

¹⁵⁰ The law of Azerbaijan Republic on Courts and Judges signed by President H. Aliyev. June 10, 1997. Available at: <http://www.judicialcouncil.gov.az/Law/AR/emehkemeler.pdf>.

¹⁵¹ Law of Azerbaijan Republic on Prosecutor’s office on December 7th, 1999 N767 IQ/ Available at:<http://cis-legislation.com/document.fwx?rgn=2800>.

¹⁵² Məhkəmə hüquq şurası haqqında Azərbaycan Respublikasının Qanunu № 818-IIQ. Bakı. 28 dekabr 2004. Available at: <http://www.e-qanun.az/framework/7303>.

completely abolished in 2010.¹⁵³ Military prosecutors and judges act under the “Law on the Prosecutor’s Office” and the “Law on Courts and Judges.”

According to Article 132 of the Azerbaijani Constitution, courts of appeal function in six regions of the country under relevant territorial jurisdiction and consist of four boards: civil, criminal, military and administrative-economic. Each Territorial Court of Appeals has its own military judges.

The Supreme Court of Azerbaijan¹⁵⁴ as an instance of Cassation has four Collegiums – Civil, Criminal, Military and Administrative-Economical Court. The Constitutional Court of Azerbaijan¹⁵⁵ ensures the supremacy of the Constitution of Azerbaijan as the supreme constitutional judicial body. The “Law on Constitutional Court” elaborates the mechanisms for exercising the right of citizens to appeal directly to the Constitutional Court.

The military justice system has authority over the service personnel of the state’s Defense Ministry, State Border Troops, Emergency Ministry, and Internal Security Forces. Its authority over National Security Agencies has some modalities. In sum, the military justice system in Azerbaijan is part of the civil justice system with its own military prosecutors and judges.

Military Prosecutor’s Structure

Within the context of judicial-legal reforms, the role of prosecution bodies has also been restructured in view of international standards and as the authorities sought to align themselves with best democratic practice. A new law adopted in 1999 on the Prosecutor’s Office relinquished some of prosecutors’ powers such as “sanctions for arrest” which is now under the competence of trial courts, and “supervision over courts.” The Prosecutor’s Office now serves as an independent body to initiate criminal cases, conduct preliminary investigations, supervise the enforcement of laws and defense of state prosecution, and file claims for the defense of state interests in civil cases. All these functions and roles are characteristic of military justice systems and are part of Azerbaijan’s Unified Judicial Portal.¹⁵⁶ Today, there is one centralized Military Prosecutor’s office and single military prosecutor of Azerbaijan. Its functions are based on legal processes and laws adopted from the state Constitution, the Law on the Prosecutor’s Office, the Law on the Service in the Prosecutor’s Office,¹⁵⁷ the Law on Conscription and Military Service,¹⁵⁸ and the Law on the Status of Military Personnel¹⁵⁹ and other regulations.

Military Prosecutor offices are located in the military garrisons of the Armed Forces depending of the number of military units. There are eight territorial-military prosecutor’s offices in the country. The Military Prosecutor of the Azerbaijan Republic is a Deputy Prosecutor General of Azerbaijan Republic. Within its authority the Military Prosecutor of the Republic issues orders, instructions, and other acts, with their implementation compulso-

¹⁵³ Məhkəmə quruluşunda bəzi dəyişikliklər və hakimlərin ümumi sayı haqqında Azərbaycan Respublikası prezidentinin Fərmanı № 310. 9 avqust 2010. Bakı. Available at: <http://www.e-qanun.az/framework/19913>.

¹⁵⁴ Structure of the Supreme Court. Available from: <http://www.supremecourt.gov.az/en/static/view/252>.


¹⁵⁵ Azərbaycan Respublikası Konstitusiyası Məhkəməsi haqqında. Available from: <http://constcourt.gov.az/en/>.

¹⁵⁶ Azərbaycan Respublikasının vahid məhkəmə portalı. Available at: https://courts.gov.az/az/main/page/Mhk-km-hakimiyti_2306.

¹⁵⁷ Law N 167-IIQ of 29th of June 2001. “On Service in the Prosecutor’s Office”, amended 17 November 2017. Available at: <http://e-qanun.az/framework/4363>.

¹⁵⁸ Law of the Azerbaijan Republic about conscription and military service N274 IVQ, December 23, 2011. Available at: <http://cis-legislation.com/document.fwx?rgn=50247>.

¹⁵⁹ Law of Azerbaijani Republic on the status of Military personnel N36. December 25, 1991 amended in 20.11.2020. Available at: <https://cis-legislation.com/document.fwx?rgn=2894>.



ry for all Military Prosecutor office members. Military Prosecutor office members are appointed and dismissed by the Prosecutor General on the recommendation of the Military Prosecutor. The military prosecutor's office of Azerbaijan, as a specialized prosecutor's office, performs its duties according to Article 12 of the "Law On the Prosecutor's Office" and is responsible for control over the observance of the laws and military regulations in detention centers and prisons, disciplinary units, as well as for the proper exercise of law in military units. It exercises intra-departmental coordination within the armed forces.

The application of legal reform can be demonstrated by the recent events in the Nagorno-Karabakh (NK) region. After the conclusion of fighting in November 2020, new regional military prosecutors and military courts were formed or included in adjacent territorial courts and the Military Prosecutor's Office. Hundreds of lawsuits alleging the committal of crimes in the conflict area are currently being reviewed. As of January 2021, there are 7000 investigative actions for murder in the Military Prosecutor's Office.

Criminal investigation could be launched on the basis of applications, complaints, appeals, criminal search activities, as well as other information related to the destruction of property, criminal acts committed or planned by servicemen, or for activities against the armed forces. The Military Prosecutor's Office may sanction investigations inside the military and can form a group of specialists for this purpose to ensure whether the derived information is sufficient for criminal prosecution. The Military Prosecutor's Office performs its duties independently, without any direction from the military command and management bodies, and it enjoys free access to the premises and territory of military management, units, and infrastructure. Military prosecutors have a significant degree of independence because they have no affiliation with the leadership of the Armed Forces.

In cases where the nation's political stability comes under threat or where an investigation might lead to the disclosure of classified information, the security sector's inter-agency decision-making process will likely be enacted. Also, in case of discovery of customary violations inside the armed units, law enforcement bodies could cooperate with army leadership to dismiss the case.

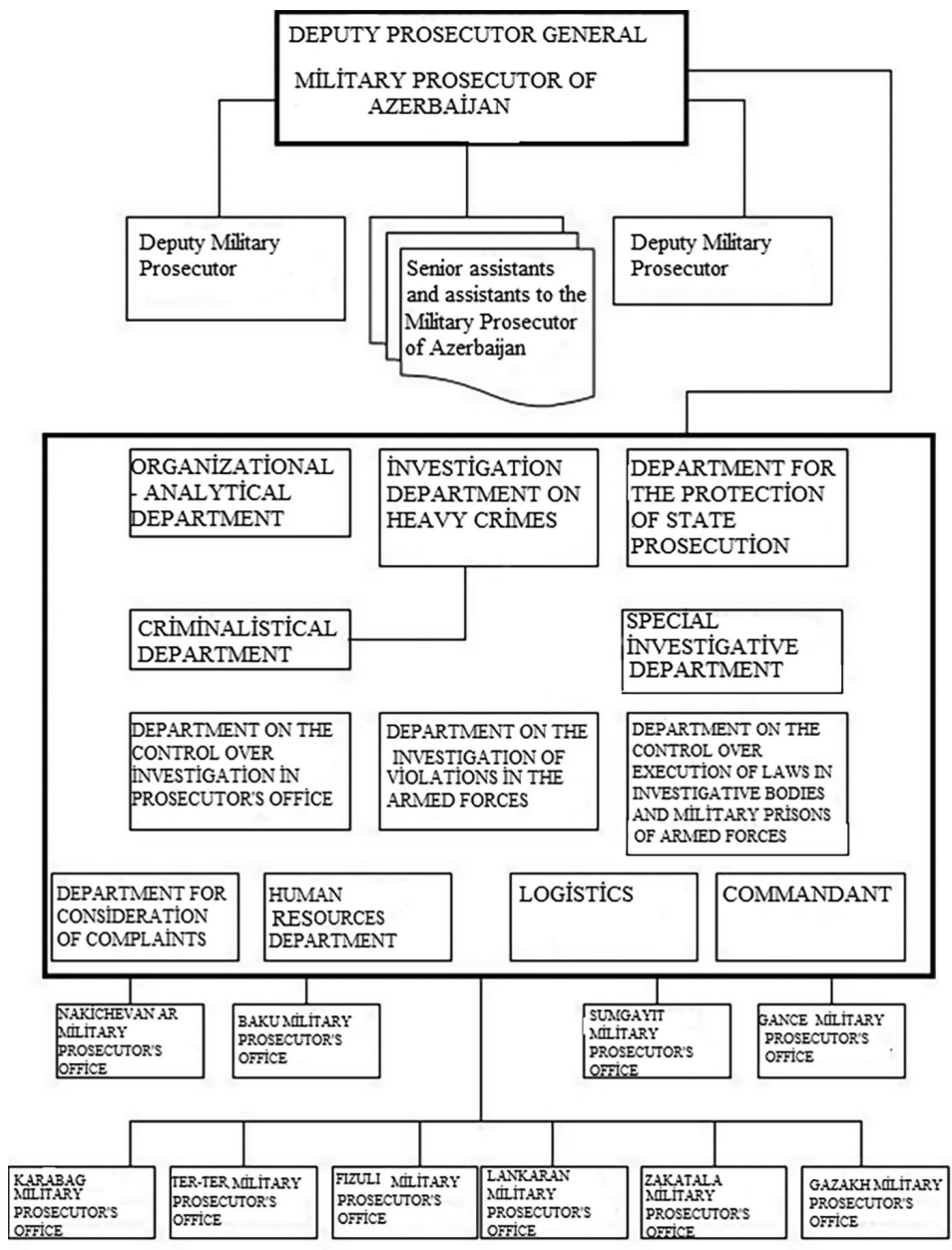


Figure 1. The structure of Military Prosecutor's Office.¹⁶⁰

Military Courts

Chapter VI of the “Law on Courts and Judges” addresses military courts. Article 31 of the Law describes military courts and their powers: “Military Courts are courts of first instance, which consider the cases within its powers as well as disciplinary offences.” Military courts are formed in the administrative territorial units where Azerbaijani Armed Forces and other military units are deployed. The organization of a military court, its location, and territorial jurisdiction is determined by the Judicial-Legal Council according to the Azerbaijani Constitution (Provision 109, point 32). Courts consist of a chairman and judges. If military courts have twelve or more judges then the position of deputy chairman is created. Military courts operate as part of the unified court system and are formed on a territorial basis. There are six territorial military courts in the country.

¹⁶⁰ Prosecutor's General Office. The structure of military prosecutor's office. Available at: <http://www.genprosecutor.gov.az/project/57/struktur>.

There is no specific education requirement for the appointment of military judges. Any civilian judge may be appointed as a military judge. They are all part of a unified Azerbaijani state court system and act under the Criminal Code. Within their territorial jurisdiction they deal with criminal actions that are considered “against military service committed by military servicemen.” If such criminal actions are committed by a civilian that is not in military service then their case could also be considered by the military court.

The division of labor between civilian and military law enforcement bodies and the courts is regulated by the “Law on the Prosecutor’s Office”, and the “Law on Courts and Judges.” The responsibilities are clearly identified under the “Reform of the Legal System,” under which law enforcement bodies now operate. If a military service member is suspected of criminality, then the Military Prosecutor will investigate. If one military serviceman and three civilians are involved into one case, then the case will be pursued by a Military Prosecutor. But in cases where civilian criminal actions are committed within the MoD, then the civilian justice system will investigate. National security bodies are also under the military prosecutor’s sovereignty but in some cases the civilian system is also involved. The Ministry of Interior only deals with the civilian justice system, while internal forces fall under the jurisdiction of the military justice system. The military units of the Emergency Ministry fall under the military law enforcement bodies.

Despite significant improvements in the justice system in terms of amending the rules for the selection of judges and hiring young people into the Prosecutor’s Office, problems still remain. These include issues related to the rule of law and independence of the justice system. Despite acts and laws adopted by the parliament, presidential decrees, and directly by the Prosecutor’s Office, the leadership of the justice system is still *de facto* dependent on the will of nation’s political leadership. Instructions and telephone calls from the executive are still decisive, sometimes to the detriment of the will of the judges and investigators. From this perspective, there is an expectation that the military justice system will become independent. As independent experts argue,¹⁶¹ some influential political figures have created their own investigative departments inside their own ministries and agencies, thus restricting the activities of military prosecutor inside those agencies.

Complaint Mechanisms

The Military Prosecutor’s Office schedules meetings with people issuing complaints and it includes the military prosecutor, their deputies and senior staff, and the territorial military prosecutors. Civilian citizens may be included twice a week and in case of emergency they should be received immediately. The Prosecutor General’s Office has developed a long list of complaint mechanisms for people related to the responsibilities of military prosecutors and their offices. Complaints can be submitted via mail, fax, and e-mail as well as during the live events on TV and radio with the participation of the prosecutor’s office.

The Presidential decree of February 2014 establishing the “Electronic Court Information System”¹⁶² allows citizens to file their complaints via email. The system ensured the conduct of all cases in electronic form beginning from submission of complaints to all procedural documents and testimonies. Under the Prosecutor Office rules, the territorial military prosecutors should visit military units at least once a month to receive any complaints. According to the law, the complaints must be received, registered and placed in

¹⁶¹ Interview with a civil society activist conducted in 2020.

¹⁶² Elektron Məhkəmə informasiya sistemi haqqında əsasnamənin təsdiq edilməsi barədə Azərbaycan Respublikası prezidentinin fərmanı № 1043. . Bakı. 1 iyun 2020. Available at: <http://www.e-qanun.gov.az/framework/45080>.

an electronic database within one day of receipt. The law demands designating appropriate assistance to the prosecutor to supervise the organization of the efficiency of citizens' reception and obliges the district and territorial prosecutors for proper organization to receive people. To that end, the Prosecutor's Office has developed a special form for complaints.

VI. Civilian Oversight over the Security Sector

The purpose of oversight is to protect the rights and liberties of citizens by identifying and preventing abuses within the government and to ensure the government acts in a transparent manner; and holding the government accountable for tax revenue spending.¹⁶³ This issue remains a problem for the Azerbaijani security sector. To make inquiries or organize committee hearings with the participation of security service representatives is not possible nor can an individual visit security services facilities. The appointment of high-ranking officials at security ministries does not require parliamentary confirmation. The Azerbaijani Constitution has stipulated no significant oversight responsibilities for Parliament. Despite this, the two Parliamentary Committees, the Defense, Security and the Anti-corruption Committee and the Law and State Building Committee are constitutionally involved in developing and approving legislative acts for the security sector.

Parliamentary oversight is minimal in today's Azerbaijan. Major legislation like military draft laws, the "National Security Concept" and the "Military Doctrine" do not include provisions for parliamentary oversight. The same is true for the "Law on the Armed Forces," and further complimentary laws and decrees such as the "Law on the Status of Military Servicemen," the "Law on Veterans,"¹⁶⁴ the "Law on the Armed Forces Discipline Charter," and the "Law on Military Duties and Military Service," none of which include oversight with the exception of their budgets. The parliamentary authorized auditor general and his office do not disclose the analysis it receives from the security ministries.¹⁶⁵ The "Law on Peacekeeping Operations" did not include any requirement for additional oversight and the "Law on State Secrets" adopted by the parliament in 2004 created obstacles for any oversight initiatives.

Another example concerns the 2015 scandal in the Ministry of National Security, which demonstrated the limited power of the parliament as regard oversight of the security sector. The Parliament chose not to create an investigative commission or hearing on the subject, nor was there any discussion or assessment on the years of criminal activities inside the MNS.

Defense and Security Committee roles for defense procurement and weapon purchases have not been stipulated in legislation and consequently defense procurement issues remain outside the realm of parliamentary oversight. The analysis of the draft laws submitted to the Defense and Security Committee have demonstrated that the Committee had considered important draft laws but the Constitution did not specify any provision for parliament to monitor or oversee those laws. While Azerbaijani parliamentary international cooperation and participation with NATO and OSCE Parliamentary Assemblies have contributed to the emergence of experienced parliamentarians who believe in parliamentary oversight, no advances in parliamentary oversight practices can be made until parliamentary internal procedures and Constitutional provisions for oversight have been adapted. One option would be the Azerbaijani parliamentary invocation of Section III Article 95 of the Constitution, which mandates oversight of the security sector and other state bodies.¹⁶⁶

¹⁶³ See: *The Role of Parliaments*, Hans Born. *Oversight and Guidance: Parliaments and Security Sector Governance* Editors Eden Cole, Philipp Fluri & Simon Lunn. Published by DCAF Geneva in 2015.

¹⁶⁴ *Veteranlar haqqında Azərbaycan respublikasının qanunu N841 25 İyun 1994*. Baki. Available at: http://e-qanun.az/alpdata/framework/data/8/f_8964.htm.

¹⁶⁵ Interview with a MP conducted in 2020. Baku.

¹⁶⁶ Section III of the Article 95 says that "Resolutions shall also be adopted with respect to issues in respect of which the Milli Majlis of the Republic of Azerbaijan deems necessary to express its position. Available at: <http://www.president.az/articles/1616>.

Effective oversight requires experienced parliamentarians with either a security sector background or a sincere interest in the security sector and parliamentary staff members with significant security sector expertise. This is a problem in the Parliament where the entire committee has a maximum of two experts and each parliamentarian only has one assistant. Another decisive factor is the need for political will on the part of parliamentarians to hold the government accountable, requiring a legal framework and competencies for the Committee they represent.

In addition, because of the military situation on the ground, any parliamentarian involved in the investigation of defense issues such as military procurement or the social conditions of personnel inside the Armed Forces could be viewed in a negative light. As a result, parliamentarians have often distanced themselves from issues involving the security sector.

One of the reasons for a cautious approach is that parliamentarians do not have sufficient access to the Defence Ministry, security agencies,¹⁶⁷ or the justice system. If the political leadership is not interested in the public disclosure of such reports, then it is unlikely that the information will be provided to parliamentarians by security agencies. As a result, the parliamentarians are becoming overwhelmingly dependent on executive branch and security sector personnel to obtain needed information. Owing to the 2020 conflict, receiving any information which is not in the interest of the security ministries is unlikely due to secrecy arguments, except in the case of scandalous events and whistle-blowers. Responses to MP inquiries are typically too official and polished and therefore cannot be used for oversight purposes.¹⁶⁸

There are some elements of oversight or control that could be carried out now if a Parliamentary Committee like the Budget Committee or auditing office would address security sector accountability. In such a case, the Committee might be able to obtain more information regarding corruption and embezzlement, which would further open channels for expanded oversight.

Parliamentary initiatives in the form of commissions or inquiries could lay the foundation for further involvement of the Parliament in overseeing the security sector. Legislation provides for authorized prosecutors to carry out investigation and preliminary investigation into intelligence services and court control over investigations, but these measures are all regulated by internal control mechanisms existing within intelligence services with no practice for parliamentary bodies.

Societies in transition frequently face corruption by intelligence personnel for unaccounted expenses. Absence of oversight bodies and consequent ex-ante or ex-post oversight, along with the absence of internal and external oversight entities is wide-spread in such countries due to the absence of a tradition of governmental and legislative oversight required.

As regard oversight of the police, the “Law on the Police” has no effective provision regarding the oversight of police activities; only referring to intra-organization and outside supervision. The lack of objective internal of control mechanisms is not in line with democratic principles. There is an internal investigation department within the Ministry of Interior that supervises compliance of officers with law, human rights, and civil liberties in executing their duties. It conducts inquiries into complaints, carries out investigations, and reports about illegal actions of its officers to the Minister of Interior.¹⁶⁹ Referring to

¹⁶⁷ Interviews with a former and current MPs conducted in Baku. 2020

¹⁶⁸ Interviews with a former and current MPs conducted in Baku. 2020.

¹⁶⁹ Ministry of Internal Affairs, Internal Investigation Department. Available at: <https://m.mia.gov.az/index>.

external supervision or oversight the Law says that “it shall be exercised by the other respective executive body”, which again refers to intra-executive agencies control, not parliamentary. Any media reports are viewed as exceptional occurrences, which, in the worst case may be deplored or punished administratively by the ministry. The Law recognizes the role of prosecutor’s office and courts over the implementation of the state’s laws by the police. In reality interviews with MPs show that the Mol is the most responsive to parliamentary inquiries. It concerns inquiries related to citizens’ complaints and reports of the ministry’s officials before the parliament.

Regarding the military justice system, Chapter 8 of the “Law on Prosecutor’s Office” states that the prosecutor’s office informs the parliament about its activities except for the investigation of criminal cases. The “Law on Ombudsmanship”¹⁷⁰ gives the right to an ombudsman’s office to independently investigate the violations of human rights, but the ombudsman office is not significantly involved in the military justice system. The auditor general is accountable before the parliament, but the analysis of available reports indicates that no audits have been carried out for law-enforcement bodies during the recent period.¹⁷¹

There are no constitutional guarantees or any law guaranteeing civil society’s oversight and involvement. The role for civil society has been stipulated in bilateral international programs and documents signed between Azerbaijan and NATO and others such as IPAP, the OSCE Code of Conduct, and the European Convention on Human Rights. On the other hand, civil society groups will need greater experience and expertise to be able to adequately monitor or provide oversight over the security sector. The general atmosphere of transparency in the society is also not fertile for any robust oversight let alone over the security sector. Civil society’s role is confined to interviews, articles, research materials, fact-finding initiatives, conferences, and calls for reform in the media as well as in advocacy activities for the protection of rights of servicemen. They are typically acting on behalf of abused or deceased military conscripts. Retired or reserve officers defend their rights at courthouses and sometimes win their cases. But these activities can only now be carried out on an individual basis by qualified lawyers.

The access of defendants to lawyers is not limited but civil society activists may assist in filling out necessary documents, file complaints with appropriate agencies, and educate them on their legal rights, but they are not allowed to defend them in the courts, as they did in the past.

<http://en/content/285/>.

¹⁷⁰ Azərbaycan Respublikasının İnsan hüquqları üzrə müvəkkili (ombudsman) haqqında Konstitusiya qanunu № 246-İİKQ. 28 dekabr 2001-ci il. Bakı. Available at: <http://e-qanun.az/framework/1407>.

¹⁷¹ Azərbaycan respublikası hesablama palatası fəaliyyətləri, hesabatları. Available at: <http://sai.gov.az/1/hesabatlar/>.

VII. Conclusion

As demonstrated, a number of positive changes have been identified within Azerbaijan's security sector. The adaptation of newly crafted doctrines, equipment procurement, and supporting legislation has allowed the armed forces to become more aligned with its Euro-Atlantic counterparts. The professional military education system has become reform oriented and is employing NATO-standard curricula and teaching methodologies. This has also led to the development of national strategy documents. Finally, the overall professionalism of the officer corps and contract enlisted personnel has increased, in part because of improved social conditions, and a reduction in the cases of abuse and hazing against junior soldiers.

Many observers contend that in the given context, there will be greater opportunities for improved oversight, as people and the society feel greater ownership over the armed forces. The central role of popular social media outlets is becoming important in this regard.

Reforms of the State Border Service have transformed the organization into a modern law enforcement agency. Cooperation with foreign counterparts and a reform agenda have promoted professional border security standards and border control mechanisms. The service is now equipped with modern equipment and trained personnel.

Reform of the Ministry of Interior is highly visible in its components that are in daily contact with the populace. Reforms in the areas of passport control, traffic police management, and the patrol service have led to a clear change in the perception of the police in Azerbaijani society. International cooperation on terrorism, organized crime, and human trafficking has expanded and, in contrast to other security sector institutions, the Mol has become much more comfortable and professional in its reaction to media reporting and parliamentary inquiries.

The formation of a national intelligence service with its own national objectives represents an ongoing professionalization process. Recent structural changes and the cleansing of corrupt intelligence service elements are encouraging. The implementation of anti-corruption activities is also an additional indication of increased trust in the intelligence services.

Legal reform mechanisms have helped to change the military justice system. This was demonstrated by the separation of the military prosecutor's office from the MOD. Military courts have replaced previously existing military tribunals and now operate as part of the country's unified court system. The military justice system is regulated and is now part of the civil justice system with its own military prosecutors and judges.

VIII. Lessons Learned:

- Azerbaijan is open to cooperation with the international organizations, to include NATO, for transformation of its security sector actors.
- Reform of its military education system has demonstrated significant change in adherence to Euro-Atlantic standards and is contributing to international interoperability.
- The progress of reforms is allowing both civil society and the nation's security sector to discard old animosities and mistrust; creating a far more amenable working relationship in their daily conduct.
- The 29 years of the country's existence have indicated that any fundamental security sector reform requires political reform; without which the style and methods of security sector agencies will be limited in their ability to change.
- In the Azerbaijani case, the state power's is heavily concentrated with the president and the division of power principle reflected in the Constitution does not give enough authority to the parliamentary legislative body to take advantage of a genuine division of power, therefore weakening effective control oversight.
- To a great degree, the concept of oversight will be dependent on the effectiveness of the state's security agencies. This becomes particularly important for a nation with a strong executive, a weak legislative body, and an ineffective and inefficient security sector. In this case, the executive may not be willing to accept criticism of the security sector because it will reflect poorly on it. Without a strengthened legislative body, Azerbaijani oversight mechanisms are likely to remain underdeveloped.

There is no specific model to apply for each country but the experiences of developed nations in the last two decades could serve as examples. For a democratically governed security sector to flourish with independent oversight, there will be a need for a real political reform entailing transformation and transparency for both governing institutions and the security sector's ministries and agencies. In the Azerbaijani case, its specific location and security environment necessitate employment of the best practices of developed nations and multinational organs to strengthen the nation's security capacities.

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