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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**LAW (\*)**  
**ON FREEDOM OF ASSEMBLY**  
**OF THE REPUBLIC OF AZERBAIJAN**  
**(November 1998)**

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(\*) *unofficial translation - courtesy of the OSCE Office in Baku*

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## **CHAPTER 1. GENERAL PROVISIONS**

### **Article 1. Freedom of assembly**

- I. Everyone's freedom to assemble together with others is ensured by Article 49 of the Constitution of the Republic of Azerbaijan. The realization and limitation of this freedom is determined by this Law.
- II.
- III. The state ensures the realization of the freedom of assembly and takes relevant measures for having assemblies, organized peacefully and without arms in accordance with the present Law.

### **Article 2. Basic definitions**

I. Using of a notion of "assembly" in the present Law means temporary gathering of some persons in a public place for certain purposes. Such an assembly can be in the following forms:

- 1) "Gathering" - it is an assembly of persons for a joint discussion of any question and for making decision on the issue;
- 2) "Meeting" - a mass event conducted for expressing common opinion of the assembled persons and/or to speak out with common slogan and to make demands;
- 3) "Demonstration" - it is an expression of an opinion of a group of persons on issues connected with social and national life;
- 4) "Street procession" - it is an expression of an opinion of a group of persons moving on a certain route on issues connected with social and national life;
- 5) "Picket" - gathering in a certain place of a small group of persons participating in a demonstration expressing their opinion on issues connected with social and national life.

### **Article 3. Application of the freedom of assembly**

Freedom of assembly ensured in Article 49 of the Constitution of the Republic of Azerbaijan shall be applied on the basis of the present Law in accordance with the principle of international law. The government shall ensure equality of persons during the realization of the freedom of assembly.

### **Article 4. Assemblies not regulated by the present Law**

I. Peaceful assemblies conducted in the following places shall not be regulated by the present Law:

In places which are in private ownership of persons, are under rent or other type of lawful usage;

In closed places especially designed for conducting public events.

II. The following forms of assemblies shall not be regulated by the present Law:

Wedding and funerals ceremonies;

Holiday and mourning events;

Religious ceremonies.

Using wedding and funeral ceremonies, holiday and mourning events and religious ceremonies for organizing gatherings, meetings, demonstrations, street procession and pickets shall be prohibited.

III. Each participant of peaceful assemblies provided for in parts I and II of the present article has to follow general requirements of the legislation of the Republic of Azerbaijan.

## **CHAPTER II. RULES OF ORGANIZATION OF ASSEMBLIES**

### **Article 5. Notification on convening an assembly**

I. A person or persons organizing any assembly enumerated in Article 2 of the present Law have to notify in advance the relevant body of executive power in written. A notification has to be submitted 5 days prior to the day of convening the intended assembly.

II. A written notification shall include the following information:

1) name of an intended assembly;

2) purpose of assembly;

3) place and time of convening an assembly;

4) approximate number of participants;

5) if it is a street procession, a proposed route (a place of beginning, distance and place of ending the procession);

6) name, surname, patronymic name and address of organizers of an assembly;

7) date of submission of a written notification;

8) contact phones or in case of their absence contact addresses.

III. All organizers of an assembly have to sign a written notification.

IV. For fortuitous assemblies submission of a written notification is not required. Fortuitous assemblies in accordance with the requirements specified in Article 7 and 8 of the present Law can be restricted or suspended.

### **Article 6. An organizer of an assembly**

I. Organizer of a gathering, meeting, demonstration, street procession or picket is a person who organized a peaceful assembly and whose name is mentioned in a written notification submitted to the relevant body of executive power.

II. Persons under 18 or persons whose capability is restricted by the court decision that entered into legal force can not be organizers of a peaceful assembly.

III. Foreigners and stateless persons can not be organizers of a peaceful assembly pursuing political goals.

IV. A political party, public unions, organizations of trade unions or an initiative group advancing a proposal on holding an assembly have to appoint an organizer of the mentioned event.

V. Organizers of assemblies or their representatives have to participate in assemblies in person. If it is impossible then organizers or their representatives have to inform the relevant body of executive power no later than 3 hours prior to the beginning of the event that they can not come to an assembly, and at the same time they have to inform the participants about it. In this case an assembly can not be held.

## **CHAPTER III. GROUNDS AND ORDER OF RESTRICTING OR BANNING A PEACEFUL ASSEMBLY**

### **Article 7. Lawful restrictions of freedom of assembly**

I. Any restriction of the freedom of assembly can be made only by law and in purposes of protection of the following interests important in a democratic society:

- 1) for protection of public interests and interests of a national security;
- 2) for prevention of violation of a public order;
- 3) for prevention of disorder or crime;
- 4) for protection of health of a population;
- 5) for protection of morals;
- 6) for protection of rights and freedoms of others.

II. Freedom of assembly provided for in Part 1 of the present Article can be restricted in any forms including change of time and place of an assembly.

III. Restriction of the freedom of assembly provided for in part 1 of the present Article must be proportionate to pursued goals. To reach the goal such a restriction must not exceed necessary and sufficient limits.

IV. Measures taken for restriction of the freedom of assembly provided for in part 1 of the present Article must be highly needed for reaching the goal which was the cause for making the restrictions.

### **Article 8. Prohibition or suspension of an assembly**

I. Assemblies accompanied by calls to discrimination, hostility, violence, propagandizing national, racial or religious discord shall be prohibited.

II. Assemblies propagandizing war shall be prohibited.

III. Holding peaceful assembly with political goals shall be prohibited in the following cases:

1) 24 hours prior to the day of elections of a President of the Republic of Azerbaijan (on state territory), elections of deputies to Milli Mejlis (Parliament) of the Republic of Azerbaijan (on state territory), elections of deputies to Ali Mejlis (Parliament) of Nakhichevan Autonomous Republic (on the territory of Nakhichevan Autonomous Republic), municipal elections (on the territory of respective city and region) and till closure of constituencies on a day of elections;

2) 24 hours prior to the day of referenda and till closure of constituencies;

3) during the period of preparation for international events of state importance determined by the decision of the relevant body of executive power and on days of holding them on the territory of cities and regions where they are conducted.

IV. An assembly can be prohibited by an order of the relevant body of executive power in important cases in a democratic society observing restrictions provided for in part 1 of Article 7 of the present Law.

V. If necessary an assembly can be suspended by an order of the relevant body of executive power observing restrictions provided for in part 1 of Article 7 of the present Law.

VI. In accordance with parts IV and V of the present Article prohibition or suspension of an assembly shall be considered as a measure of last resort and shall be applied only when restrictions provided for in Article 7 of the present Law are not sufficient.

### **Article 9. Restriction or prohibition of place and time of conducting a peaceful assembly**

I. Restriction or prohibition of place of conducting a peaceful assembly shall be made in accordance with the criteria determined in Article 7 of the present Law.

II. If another event is arranged at the place and time stipulated in a written notification of organizers of an assembly, a relevant body of executive power shall provide a possibility for organizers to determine another place and time. A written notification about the changed time and place shall be submitted to the relevant body of executive power no later than 3 days prior to a new date of an event.

III. Conducting of gatherings, meetings and demonstrations in the following places shall be prohibited:

- 1) in a radius of 300 meters around buildings of legislative, executive and judicial powers of the Republic of Azerbaijan;
- 2) on the territory where railway, oil and gas pipelines and electric wires of high tension pass;
- 3) in places allocated by relevant body of executive power for conducting special state events;
- 4) on the territory used for military purposes and in places located closer than 300 meters to the boundaries of these territories;
- 5) in institutions of confinement, on the territory of psychiatric medical institutions and in places located closer than 300 meters to the boundaries of these territories.

IV. Assemblies of political content shall not be held in places of worship, chapels and cemeteries.

V. The number of picketers shall not be more than 50 persons and they shall not be located closer than 10 meters to the entrance of a picketed object, shall not make obstacles for entry and exit into the picketed object and shall not use amplifiers above 10 watt.

VI. Relevant bodies of executive power shall provide a special area for conducting gatherings, meetings and demonstrations in each city and region. A list of places designed for gatherings, meetings and demonstrations shall be published in a press and shall be brought to the population by other means. Organizers can choose one of the places designed for gatherings, meetings and demonstrations.

VII. Organizers of a street procession shall have to coordinate its route with the relevant body of executive power.

VIII. In summer time an assembly can be held from 8.00 till 19.00 and in other periods of a year from 9.00 till 17.00. A time of any assembly must be coordinated with the relevant body of executive power.

#### **Article 10. Bringing the decision of the relevant body of executive power on assembly to organizers of an assembly**

All the decisions of the relevant bodies of executive power about assemblies provided for in Articles 7-9 of the present Law must be brought to organizers of the event in written no later than 2 working days prior to the intended date of the event and these decisions shall be clear and grounded.

#### **Article 11. The Right to Appeal**

All the decisions provided for in Article 7-9 of the present Law can be appealed in a relevant court. A complaint shall be considered by court within 3 days. Court decisions on these complaints can be appealed before superior courts.

## **CHAPTER IV. AN ORDER OF CONVENING ASSEMBLIES**

### **Article 12. Rights and duties of organizers of a peaceful assembly**

I. Preparatory work on conducting peaceful assembly can not be restricted except cases stipulated in article 7 of the present Law.

II. During an assembly, organizers shall enjoy the right of freedom of thought and speech orally and in written in accordance with the Constitution of the Republic of Azerbaijan. Realization of this freedom can be restricted in accordance with the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.

III. Organizers of an assembly shall use all available means for ensuring that an event is conducted peacefully and in accordance with the law, pursuant to conditions stipulated in a written notification and applicable to an assembly.

IV. Participants of an assembly must have clearly visible signs distinguishing them.

V. It shall be prohibited for organizers of an assembly to carry on them spitfire and cold steel, pieces of stone, glass and wood, bludgeons that can create a danger for live and health of people or damage the property, as well as articles particularly designed for making body injury, explosives or pyrotechnic articles, potent, toxic, inflammable or corroding articles and radioactive materials.

VI. The organizer of an assembly which was banned under part IV of Article 8 of the present Law must use all available means to inform its participants about prohibition of the assembly.

VII. The organizer of an assembly which was suspended by the order under part V of Article 8 of the present Law must use all available means for the implementation of this order.

VIII. The government shall have the responsibility for ensuring the security of an assembly. However, with an aim to ensure the security of an assembly that went beyond security limits ensured by the government, organizers can request to attract additional police forces under the condition of paying for it.

### **Article 13. Rights and duties of participants of a peaceful assembly**

I. Any person participating in a peaceful assembly must observe restrictions and conditions specified in accordance with Articles 7 and 8 of the present Law.

II. Persons shall participate in assemblies voluntarily. Those who force someone to participate in assemblies shall bear responsibility in accordance with the legislation of the Republic of Azerbaijan.

III. Participants shall enjoy the right of freedom of thought and speech orally and in writtenduring assemblies in accordance with the Constitution of the Republic of Azerbaijan. Realization of this freedom can be restricted in accordance with the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.

IV. During assemblies its participants must assist in protection of public order and use all available means for observing lawful requirements of organizers as well as representatives of the relevant bodies of executive power.

V. A participant of a lawful assembly can not be later brought before responsibility for participation in such an assembly. Only the participants of a lawful assembly who violate the law can be brought before responsibility.

VI. It shall be prohibited for participants of an assembly to carry on them spitfire and cold steel, pieces of stone, glass and wood, bludgeons that can create a danger for live and health of people or damage the property, as well as articles particularly designed for making body injury, explosives or pyrotechnic articles, potent, toxic, inflammable or corroding articles and radioactive materials.

VII. In cases provided for in part V of Article 8 and part II of Article 14 of the present Law participants of an assembly must disperse by the decision of the relevant body of executive power, organizers of an assembly or representatives of organizers on suspending an assembly.

#### **Article 14. Powers of bodies of police in connection with convening an assembly**

I. Bodies of police shall have the following rights in connection with convening an assembly:

- 1) to check the place of convening an assembly a day before the gathering, meeting, demonstration, street procession or picket for security reasons;
- 2) to suspend when necessary an assembly which did not have a written notification except assemblies provided for in part IV of Article 5 of the present Law;
- 3) to suspend when necessary an assembly if holding of this assembly does not meet the conditions stipulated in a written notification;
- 4) to detain individuals who came to an assembly with spitfire and cold steel, pieces of stone, glass and wood, bludgeons that can create a danger for live and health of people or damage the property, as well as articles particularly designed for making body injury, explosives or pyrotechnic articles, potent, toxic, inflammable or corroding articles and radioactive materials and to send them away from the place of holding an event;
- 5) to conduct personal examination of individuals who are seriously suspected in carrying articles or substances stipulated in item 4 of the present article.

II. Bodies of police shall have the following rights with regard to ensuring prohibitions provided for in parts I-III of Article 8 and Article 7 as well as orders provided for in parts IV and V of Article 8 of the present Law:

- 1) to inform organizers and participants about the suspension of an assembly and its dispersal;
- 2) to order organizers and participants of an assembly to use all available means for suspension of an assembly and for participants to disperse;
- 3) to warn organizer and participants that a force will be used against them in case of refusal to observe the order on suspension of an assembly and for participants to disperse;



4) to use relevant force for the suspension of an assembly and dispersal of its participants;

5) to detain individuals who refuse to follow the order on the suspension of an assembly and dispersal.

III. The bodies of police in cases provided for in this article must use relevant means that are utterly necessary for the purpose of restoring legal order.

IV. Internal troops can be used for maintaining, restoring public order and ensuring security of people during assemblies.

V. During dispersal of an assembly with application of force in cases provided for in this article employees of police and internal troops can use handcuffs, shields, batons, water-jet, gases of special function, rubber bullets and other special means designed for these purposes.

VI. Powers of bodies of police provided for in the legislation of the Republic of Azerbaijan are not limited to the present Law.

#### **Article 15. Cooperation between organizers of an assembly and bodies of police**

The bodies of police shall cooperate with organizers of an assembly. The bodies of police shall, as far as possible, assist organizers in realization of the right to freedom of assembly and at the same time organizers of an assembly shall assist bodies of police in protection of public order and follow their lawful demands.

### **CHAPTER V. FINAL PROVISIONS**

#### **Article 16. Responsibility for the violation of the present Law**

Persons who violated parts I-III of Article 8, parts III, V, VI and VII of Article 12 and part VI of Article 13 of the present law shall bear responsibility in accordance with the legislation of the Republic of Azerbaijan.

#### **Article 17. Entering of the present Law into force**

The present Law shall enter into force since the day of publishing.