

The Cabinet of Ministers of the Republic of Azerbaijan

Decree No.10

on approval of the "Rules of implementation of perpetuation of a memory of martyr and benefits of families of martyrs"

Baku, January 15 1994

Referring to Article 8 of the "Law of the Republic of Azerbaijan on perpetuation of a memory of martyr and benefits of families of martyrs" and paragraph 2 of the Decision No. 98 of Milli Majlis dated on September 3 1993 regarding the enforcement of the mentioned law, the Cabinet of the Ministers of the Republic of Azerbaijan **decides:**

1. to approve the "Rules of implementation of perpetuation of a memory of martyr and benefits of families of martyrs" (is attached) prepared by the Ministry of Labour and Social Protection of the Republic of Azerbaijan and agreed with the Ministry of Justice.
2. Ministry of Finance of the Republic of Azerbaijan, Azerbaijan State Social Protection Fund, executive committees shall allocate recourses to provide the benefits, guarantees and other costs prescribed in the Law and this Rules.

Prime Minister

S.HUSEYNOV

*Approved by the decree No. 10 of
the Cabinet of Ministers dated on
January 15 1994.*

**Rules of implementation of perpetuation of a memory
of martyr and benefits of families of martyrs**

This Rules define the main requirements of regulation and application of the status and social protection of those who died for the independence, sovereignty and territorial integrity of the Republic of Azerbaijan, went missing on the grounds of military operations and considered dead in accordance with legislation, and their families.

1. Concept of martyr

1.1. Martyr is the one who died for the independence, sovereignty and territorial integrity of the Republic of Azerbaijan, went missing on the grounds of military operations and considered dead in accordance with legislation.

1.2. The following persons are considered martyrs:

1.2.1. those who died in tragic incidents of January 1990 in Baku, Lankaran and Neftchala districts;

1.2.2. those who died in the airplane crashed in Leninakan on December 11 1988;

1.2.3. citizens died due to illegal acts or manoeuvres of Soviet Army in the Republic of Azerbaijan from 1988 until January 1990;

1.2.4. civil citizens who died or went missing due to Armenian aggression in Garabagh and boundary regions with Armenia;

1.2.5. military personnel who died or went missing due to military operations carried out for the sake of territorial integrity of the Republic of Azerbaijan ;

1.2.6. *those who died, went missing and considered dead according to a court decision in other incidents considered by legislation of the Republic of Azerbaijan connected to independence, sovereignty and territorial integrity of the Republic of Azerbaijan, including those on active military service who realize military mission or missions connected to arming at military units under battle formation or formations of Ministry of Interior ad Ministry of National Security in ceasefire period;*

1.2.7. *servicemen who died or went missing during active military service on defence of state borders of the Republic of Azerbaijan.*

2. Family of martyr

2.1. Members of a family of martyr are the following persons:

2.1.1. wife (husband);

2.1.2. parents;

2.1.3. children under 18, *disabled children above 18 whose health limitations had been determined before they reached 18 years old;*

2.1.4. brothers and sisters - those staying in an orphanage;

2.1.5. grandparents if there is no legally liable persons to provide them;

2.1.6. those mentioned in paragraphs 2.1.3 and 2.1.4 are considered a family member until 23 if they are internal students.

3. Perpetuating the memory of martyr and rights of families of martyrs

3.1. Executive Committees organizes the following events for perpetuating the name of a martyr:

3.1.1. order to sculpt busts of martyrs that were granted National Hero Award twice;

3.1.2. name streets and squares and submit a petition to the Cabinet of Ministers of the Republic of Azerbaijan to name organizations, establishments, military and civil ships after martyrs granted National Hero Award or at least two honours orders in the name of defence of motherland;

3.1.3. found Memorials of Martyrs;

3.1.4. organize protection and reconstruction of battle fields where heroism on the name of motherland was applied, including protection and reconstruction of gravesites, grave monuments and memorials;

3.1.5. put memory signs in battle fields.

3.1.6. arrange other events considered in legislation.

3.2. Benefits prescribed by legislation for members of families that obtained the status of family of martyr, are granted under the following rules:

3.2.1. pension to a family member for losing the breadwinner is assigned according to the Law on labour pensions of the Republic of Azerbaijan;

~~3.2.6. Minimum amount of pension for losing a breadwinner can not be less than 100% of minimum retirement pension;~~

3.2.8. *children under 16 (age is 18 for internal students) are assigned social allowances in the amount considered in legislation;*

3.2.9. in case of reductions members of families of martyrs shall be given preference to be remained at their workplaces, and if an establishment, entity or organization stops functioning, they shall be employed;

~~3.2.10. families of martyrs are exempted from paying public utilities (except costs of utilities expenditures in production and agriculture field;~~

~~3.2.11. they are pre-eminently provided with telephone landline and exempted from paying telephone bills;~~

~~3.2.12. exemption from tuition fee for those studying in the sections requiring payment at the state institutions of higher education and secondary vocational or technical schools, pre-eminence acceptance of children to pre-school facilities free of charge;~~

~~3.2.13. family members are provided with free medicines and concessional resort allowances;~~

~~3.2.14. right to use any type of public transport (except taxi) in cities and vehicles in public usage (except taxi) in villages and settlements free of charge;~~

3.2.15. income taxation of members of families of martyrs is regulated by tax legislation of the Republic of Azerbaijan;

3.2.16. families of martyrs that needs housing improvement shall be provided with accommodation in the first place;

3.2.17. Families of martyrs are given preferences in granting concessional building loans and land area in acreage prescribed in the legislation depending on the place of residence, and acceptance to gardening unions (cooperatives);

~~3.2.18. A family of martyr is exempted of paying notarial fees while obtaining an apartment or a private house as a private property;~~

4. Granting the status of martyr and family of martyr

4.1. Issue of granting the status of martyr and family of martyr is considered based on the application of interested person and petition of state bodies or military unit.

Person's status of martyr is confirmed based on death certificate, court decision and certificate from military unit.

Status of family of martyr is confirmed according to certificates from:

- human recourses department of the Ministry of Defence, Ministry of Interior, State Border Service for ranked warrant officers;
- relevant military commissariats where other military servicemen are registered;
- relevant executive authorities for civilians.

Ministry of Defence, Ministry of Interior, Ministry of National Security, State Border Service and executive committees immediately receive the applications on granting the status of martyr or family of martyr and issues certificates in relevance with this Rules and the Law on perpetuating the memory of martyr and benefits of families of martyrs no later than a month.

4.2. Martyr status ID cards for families are issued by social protection centres of their place of residence, based on the certificated mentioned in paragraph 4.1 of this Rules.

5. Final provisions

5.1. Funds spent on martyrs and families of martyrs are paid by the budget of the Republic of Azerbaijan and relevant executive committees, donations of individuals, various organizations, entities and facilities, including charitable foundations established on donations of foreign organizations and other funds. Expenditures on pensions and allowances are paid bay State Social Protection Fund and the state budget.

5.2. Authorities and citizens shall be liable in the order established by legislation of the Republic of Azerbaijan for violation of this Rules and the Law of the Republic of Azerbaijan on perpetuating the memory of martyr and benefits of families of martyrs.