

LAW OF THE REPUBLIC OF TAJIKISTAN
“ON THE STATE BORDER OF THE REPUBLIC OF TAJIKISTAN”

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¹ *Trans. Note: sic: this list begins with Section II, even though Section I is included in the text below.*

² *Trans. Note: The Russian term “granitsa” can be rendered as either “boundary” or “border” depending on the context. In this translation we have applied the definitions used by the State Department’s Office of the Geographer, i.e., we have used “boundary” to refer to the line or two-dimensional plane that separates*

In accordance with the Constitution of the Republic of Tajikistan, the territory of the Republic of Tajikistan shall be indivisible and inviolable. This Law defines and codifies the legal foundation for the establishment, alignment, and protection of the State Border, as well as the powers of national and [local] government authorities, the Armed Forces of the Republic of Tajikistan, and other forces and military units with respect to border issues.

SECTION I. GENERAL PROVISIONS

Article 1. State Boundary of the Republic of Tajikistan

The State Boundary of the Republic of Tajikistan (hereinafter, the State Boundary) is the line and the vertical surface passing along that line, which define the limits of the national territory (land, water, subsoil, and airspace) of the Republic of Tajikistan, i.e., the spatial limit of the state sovereignty of the Republic of Tajikistan.

The State Boundary of the Republic of Tajikistan is defined by laws and regulations and by international treaties recognized by the Republic of Tajikistan (RT Law No. 24 of May 12, 2001).

Article 2. Border Policy of the Republic of Tajikistan

Border policy shall be part of the national domestic and foreign policy of the Republic of Tajikistan, established by the supreme legislative body of the Republic of Tajikistan.

Border policy shall be predicated on the international principles of respect for sovereignty, territorial integrity, and the inviolability of state borders and shall be based on the premise that the Republic of Tajikistan:

regards the State Boundary as a line defining the spatial limit, established by law, of the territory (land, water, subsoil, and airspace) within which the Republic of Tajikistan possesses the full range of sovereign rights;

confirms, based on the declared succession to the former USSR, the alignment of its State Boundary established by international treaties in effect as of the date of entry into force of this Law, including instruments regarding the administrative-territorial

separation of the Republic of Tajikistan and other states that are former republics of the USSR;

in establishing and changing the alignment of the State Boundary, establishing and maintaining legal relations between the Republic of Tajikistan and neighboring states on the boundary, regulating legal relations in the border areas of Tajikistan and on international traffic routes in the territory of Tajikistan, implements measures consistent with the objectives of safeguarding the security of the Republic of Tajikistan and international security, the interests of mutually beneficial, comprehensive cooperation with neighboring states, and the principle of peaceful, non-violent resolution of border issues;

coordinates the establishment of the State Boundary regime and border protection and security activities with the member states of the Commonwealth of Independent States.

Article 3. State Border Protection and Security

Protection of the State Border, as part of the system for ensuring the security of the Republic of Tajikistan and implementing the state border policy of the Republic of Tajikistan, shall consist of coordinated activities of national and [local] government authorities, carried out within their competence through adoption of policy measures and organizational, legal, diplomatic, economic, defense, border, intelligence, counter-intelligence, investigative, customs, environmental protection, sanitation and epidemiological, ecological, and other measures. Enterprises, institutions, organizations, public associations, and citizens shall participate in these activities in accordance with the established procedure.

Measures to protect the State Border shall be taken in accordance with the status of the State Border as defined by international treaties of the Republic of Tajikistan and the legislation of the Republic of Tajikistan.

The Republic of Tajikistan shall cooperate with foreign states in protecting the State Border, based on the generally recognized principles and norms of international law and international treaties of the Republic of Tajikistan.

Protection of the State Border shall safeguard the vital interests of individuals, society, and the state at the State Border within the border area (border zone, the Tajikistani portion of border rivers, lakes, and other bodies of water, State Border crossing points, and the territory of administrative regions and cities adjacent to the State Border, border zone, banks and shores of border rivers, lakes, and other bodies of water, or crossing points) and shall be implemented by all executive agencies in accordance with their authority established by the legislation of the Republic of Tajikistan.

State Border security is an integral part of protecting the State Border and shall be carried out within the border area on land and in rivers, lakes, and other bodies of water by the Border Guards, and in the airspace by the Air Defense Troops of the Armed Forces of the Republic of Tajikistan (RT Law No. 24 of May 12, 2001).

State Border protection shall be undertaken to prevent unlawful alteration of the alignment of the State Boundary and to ensure compliance by natural and legal persons with the State Boundary regime, the border regime, and the regime at State Border crossing points. In this Law, State Border security measures shall be regarded as border measures. Border measures shall be part of the system of security measures implemented within the framework of the uniform state security policy, which are commensurate with the threat to the vital interests of individuals, society, and the state.

Article 4. Legislation on the State Border

Legislation on the State Border shall be based on the Constitution of the Republic of Tajikistan and on international treaties of the Republic of Tajikistan and shall consist of this Law and other laws and regulations of the Republic of Tajikistan, adopted in accordance with this Law.

If an international treaty of the Republic of Tajikistan establishes rules that are different from those contained in this Law and other laws and regulations of the Republic of Tajikistan on the State Border, the rules of the international treaty shall apply.

SECTION II. ESTABLISHING, CHANGING THE ALIGNMENT OF, AND MARKING THE STATE BOUNDARY

Article 5. Establishing and Changing the Alignment of the State Boundary

The alignment of the State Boundary shall be established and changed by international treaties of the Republic of Tajikistan and by decisions of the Majlisi Namoyandagon [Assembly of Representatives] of the Majlisi Oli [Supreme Assembly] of the Republic of Tajikistan. (Law No. 24 of the Republic of Tajikistan of May 12, 2001)

Documents on changes to or clarifications of the alignment of the State Boundary on the ground, carried out in order to verify the State Boundary on the basis of international treaties of the Republic of Tajikistan, shall be put into effect in accordance with the legislation of the Republic of Tajikistan.

Unless otherwise provided for by international treaties of the Republic of Tajikistan, the alignment of the State Boundary shall be established as follows:

- (a) on land – based on feature points, relief lines, or clearly visible fixed landmarks;
- (b) on navigable rivers – along the middle of the main channel or thalweg of the river; on non-navigable rivers and streams – along the middle of the river or stream or along the middle of the main branch of the river; in lakes and other bodies of water – along an equidistant, median, straight, or other line joining the points where the State Boundary intersects the shores of the lake or other body of water.

The State Boundary running through a river, stream, lake, or other body of water shall not shift if there is a change in the contour of the banks or shore or a change in the water level, or if the channel of the river or stream deviates to one side or the other;

- (c) on the reservoirs of hydro-engineering facilities or other artificial bodies of water – following the line of the State Boundary on the ground before the line becomes submerged;
- (d) on bridges, dams, and other facilities that span rivers, streams, lakes, and other bodies of water – along the middle of those facilities or along their technological axis, irrespective of the alignment of the State Boundary on the water.

The internal waters of the Republic of Tajikistan shall include the waters of rivers, lakes, and other bodies of water, whose banks or shores belong to the Republic of Tajikistan.

Article 6. Marking the State Boundary

The State Boundary shall be designated on site by clearly visible boundary markers.

The shape, size, and description of the boundary markers and the procedure for installing them shall be determined by international treaties of the Republic of Tajikistan and by decisions of the Government of the Republic of Tajikistan.

SECTION III. THE STATE BOUNDARY REGIME

Article 7. The Elements of the State Boundary Regime and the Establishment of the Regime

In accordance with this Law, the Law of the Republic of Tajikistan “On Defense,” and other laws and regulations of the Republic of Tajikistan, the State Boundary regime shall be established by the Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan, or in accordance with the procedure established by it, and shall include regulations on: (RT Law No. 24 of May 12, 2001)

- maintenance of the State Boundary;
- crossing of the State Border by persons and vehicles;
- movement of freight, goods, and animals across the State Border;
- passage of persons, vehicles, freight, goods, and animals across the State Border;
- the conduct of economic, commercial [*the Russian term “promyslovyy” used throughout this document generally refers to such activities as hunting, fishing, etc., carried out for commercial purposes – trans.*] , and other activities on or near the State Border in the territory of the Republic of Tajikistan;

- resolving, with foreign states, incidents involving violations of these regulations.

Taking into account the mutual interests of the Republic of Tajikistan and neighboring states, certain regulations of the State Boundary regime need not be established, or regulations that have been established may be simplified.

Article 8. Maintenance of the State Boundary

The regulations on maintenance of the State Boundary shall govern the procedure for installation, preservation, upkeep, and inspections of boundary markers; equipment and maintenance of boundary clearings, and for joint on-site inspections, with neighboring states, of the alignment of the State Boundary on site.

Documents relating to joint inspections of the alignment of the State Boundary that do not contain changes to the boundary shall be approved by the Government of the Republic of Tajikistan.

In the interests of proper maintenance of the State Boundary, the Border Guards of the Republic of Tajikistan (hereinafter, the Border Guards) shall, in accordance with the procedure established by the legislation of the Republic of Tajikistan, allocate for indefinite (permanent) use a strip of land running directly along the State Boundary on land or along the banks or shores of the Tajikistani portion of the waters of boundary rivers, lakes, or other bodies of water, in accordance with established norms.

Article 9. Crossing of the State Border by Persons and Vehicles

Persons and vehicles crossing the State Border on land shall use routes for international rail and road traffic or shall cross at other locations established by international treaties of the Republic of Tajikistan or by decisions of the Government of the Republic of Tajikistan. These instruments may establish times for crossing the State Border and shall establish the procedure for moving from the State Boundary to State Border crossing points and back; in this connection, the disembarkation/embarkation of persons and unloading/loading of goods, freight, and animals shall not be permitted.

State Border crossing point shall be understood to mean the area within a railroad or bus terminal or station, river port, airport, or airfield open for international traffic (international flights), or other specially equipped location where border, customs, and if necessary, other types of control, as well as passage of persons, vehicles, freight, goods, and animals across the State Border are carried out.

By agreement with the authorities of neighboring states of the Republic of Tajikistan, the Border Guards shall be granted the right to use a different procedure for

military personnel of that service and other persons to cross the State Border in the performance of their duties to provide security for the State Border.

Non-military and military river craft shall cross the State Border on rivers, lakes, and other bodies of water in accordance with this Law and international treaties of the Republic of Tajikistan.

Navigation on border rivers, lakes, and bodies of water that involves crossing the State Border without calling at ports (roadsteads) of the Republic of Tajikistan and neighboring states shall be governed by treaties between the Republic of Tajikistan and neighboring states.

Non-military vessels proceeding from the State Boundary to State Border crossing points and back, and foreign non-military vessels engaged in peaceful navigation in the Tajikistani portion of border rivers, lakes, and bodies of water without calling at ports (roadsteads) of the Republic of Tajikistan shall be prohibited (except as provided for in this Law) from:

(RT Law No. 24, of May 12, 2001)

- (a) calling at ports (roadsteads) of the Republic of Tajikistan that have not been opened by the Government of the Republic of Tajikistan for international traffic or foreign vessels;
- (b) leaving ports (roadsteads) that have not been opened by the Government of the Republic of Tajikistan for international traffic;
- (c) entering areas that have been announced to the general public as being off-limits to navigation;
- (d) stopping, discharging, or taking on board persons, freight, goods, or animals at locations not designated for that purpose, or at designated locations without proper authorization, launching or taking on board water craft or aircraft, or engaging in commercial, research, or other activities;
- (e) performing other actions prohibited by the legislation of the Republic of Tajikistan or by international treaties of the Republic of Tajikistan.

When navigating or present in the Tajikistani portion of border rivers, lakes, and other bodies of water, foreign non-military and military vessels shall comply with the regulations regarding radio communications, and navigation, port, customs, sanitation,

quarantine, and other regulations established by the legislation and international treaties of the Republic of Tajikistan and by decisions of the Government of the Republic of Tajikistan. (Law of the Republic of Tajikistan No. 24 of May 12, 2001)

Aircraft shall cross the State Border using specially designated air corridors in compliance with the regulations established by the Government of the Republic of Tajikistan and published in aeronautical information documents. Except as specified in the eleventh part [*sic: presumably the reference is to the eleventh paragraph. This applies throughout the text - trans.*] of this article, aircraft shall be allowed to cross the State Border outside of designated air corridors only with authorization from the Government of the Republic of Tajikistan.

When proceeding from the State Boundary to State Border crossing points and back, and when transiting through the airspace of the Republic of Tajikistan, aircraft shall be prohibited (except as provided for in this Law) from:

- (a) landing at airports or airfields of the Republic of Tajikistan that have not been opened by the Government of the Republic of Tajikistan for international flights;
- (b) departing from airports or airfields that have not been opened by the Government of the Republic of Tajikistan for international flights. In certain cases, aircraft carrying out special international flights may depart from the Republic of Tajikistan or, after take-off for [*sic*] the Republic of Tajikistan, may land at airports or airfields that are not open for international flights only with authorization from the state airline (Tochikiston) of the Republic of Tajikistan and the Ministry of Defense of the Republic of Tajikistan, coordinated with the Ministry of Security of the Republic of Tajikistan;
- (c) entering areas that have been announced to the general public as being off-limits to flights;
- (d) performing other actions prohibited by the legislation of the Republic of Tajikistan or by international treaties of the Republic of Tajikistan.

In the interests of safeguarding the security of the Republic of Tajikistan, and at the request of foreign states, crossing of the State Border in certain sectors may be

temporarily restricted or suspended by decision of the Government of the Republic of Tajikistan; notification thereof shall be provided to the authorities of the states concerned.

In the event of an emergency caused by a major accident, natural or other disaster, emergency rescue and emergency recovery units (forces) shall cross the State Border in order to bring the situation under control in accordance with the procedure established by international treaties of the Republic of Tajikistan and decisions of the Government of the Republic of Tajikistan.

The following shall not constitute violations of the regulations on crossing the State Border: the forced crossing of the State Border by persons or vehicles on land, the entry of foreign non-military and military river craft into the Tajikistani portion of border rivers, lakes, and other bodies of water, or the forced take-off of aircraft into the airspace of the Republic of Tajikistan due to an emergency: an accident, crash, or natural disaster threatening the safety of the vessel or aircraft, towing of damaged vessels, transport of rescued persons, emergency medical assistance to crew members and passengers, and other circumstances beyond their control.

In cases involving the forced crossing of the State Border or forced non-compliance with the procedure established by this Law and governing the stay of vessels or aircraft in the waters or airspace of the Republic of Tajikistan, the captain of the vessel, commander of the military river craft, or commander of the aircraft shall immediately notify the administration of the nearest river port, airport, or airfield in Tajikistan and shall thereafter act in accordance with their instructions or the instructions of the captain of a river craft or aircraft of the Republic of Tajikistan that has come to provide assistance or to ascertain the circumstances surrounding the incident.

Article 10. Movement of Freight, Goods, and Animals across the State Border

Freight, goods, and animals shall be transported across the State Border at locations and in accordance with the procedure established by international treaties of the Republic of Tajikistan, the legislation of the Republic of Tajikistan, and decisions of the Government of the Republic of Tajikistan.

Article 11. Passage of Persons, Vehicles, Freight, Goods, and Animals
across the State Border

Passage of persons, vehicles, freight, goods, and animals across the State Border shall take place at established State Border crossing points and consists in recognizing the legality of the crossing of the State Border by persons and vehicles that have arrived in the territory of the Republic of Tajikistan or of the movement of freight, goods, or animals across the State Border into the territory of the Republic of Tajikistan, or in authorizing the crossing of the State Border by persons and vehicles departing from the Republic of Tajikistan or the movement of freight, goods, and animals out of the Republic of Tajikistan across the State Border.

The possession of valid documents granting persons the right to enter or leave the Republic of Tajikistan, or documents for vehicles, freight, goods, and animals, shall be the basis for permitting persons, vehicles, freight, goods and animals to cross the State Border.

Foreign citizens and stateless persons who are not permitted to enter the Republic of Tajikistan under the legislation of the Republic of Tajikistan, and persons who are prohibited from leaving the Republic of Tajikistan pursuant to a decision adopted in accordance with the procedure established by the legislation of the Republic of Tajikistan, shall not be permitted to cross the State Border.

Treaties between the Republic of Tajikistan and neighboring states may establish a simplified procedure (as it pertains to the definition of exit and entry documents for the Republic of Tajikistan) for passage of citizens of the Republic of Tajikistan and the neighboring state across the State Border. Crossing points using the simplified procedure shall be determined by decision of the Government of the Republic of Tajikistan based on recommendations from interested ministries and agencies of the Republic of Tajikistan. Control and passage of freight, currency, valuables, and other property belonging to persons traveling under a simplified procedure, across the State Border of the Republic of Tajikistan outside areas where customs authorities are located, shall be carried out by representatives of the Border Guards.

Passage of persons, vehicles, freight, goods, and animals across the State Border shall include border control (checking of entry or exit documents for the Republic of

Tajikistan, inspection of vehicles to identify violators of the regulations for crossing the State Border), and if necessary, customs, sanitation, quarantine, veterinary, phytosanitary, and other types of control.

The components, means, and methods of control and the procedure for applying them shall be established on the basis of this Law by regulatory enactments of the relevant executive agencies of the Republic of Tajikistan, coordinated with the Ministry of Justice of the Republic of Tajikistan, the Customs Committee of the Government of the Republic of Tajikistan, and, as they pertain to safeguarding the life and health of humans, animals, and plants, with the Ministry of Health of the Republic of Tajikistan, as well as with other interested agencies of the Republic of Tajikistan.

Aircraft of Tajikistan carrying out special international flights from airports and airfields not open for international flights, and aircraft of Tajikistan and foreign countries making forced landings at unauthorized locations, shall be cleared to cross the State Border by units of the security agencies jointly with the administrations of airports and airfields or the command of air-force units of the Armed Forces of the Republic of Tajikistan, with subsequent notification of the Border Guards and other interested agencies of the Republic of Tajikistan.

Article 12. Border Processing Fee

A border processing fee shall be charged for performing border control; the sums collected shall be transferred to the national budget. (RT Law No. 498 of December 12, 1997)

The amount of the border processing fee shall be as follows:

- (1) for persons crossing the State Border – 80 percent of the minimum wage;
- (2) for owners of vehicles and freight:
 - for inspection of passenger vehicles with a seating capacity of up to 10, including the driver – two times the minimum wage; with a seating capacity of 10 or more, including the driver – three times the minimum wage;
 - for inspection of trucks with a capacity of up to 5 tons – three times the minimum wage; 5-20 tons – seven times the minimum wage; 20 tons or more

– 13 times the minimum wage. For inspection of tractor-trailers consisting of two or more trailers, each trailer shall be considered as a separate vehicle; for inspection of passenger and combination passenger-and-cargo aircraft with up to 10 seats – seven times the minimum wage; 10-50 seats – 13 times the minimum wage; 50-100 seats – 20 times the minimum wage; 100-200 seats – 26 times the minimum wage; and 200 seats or more – 33 times the minimum wage. For each full 100 kilograms of freight being carried according to independent shipping documents, an additional fee equal to 50 percent of the minimum wage shall be charged; for inspection of cargo aircraft, for each 100 kilograms of freight carried – 50 percent of the minimum wage; for inspection of freight carried by rail, for each tank car – the fee shall be equal to the minimum wage; for each other car – 1.5 times the minimum wage; for inspection of combination cargo-and-passenger river craft, for each seat – 50 percent of the minimum wage; for each full 100 kilograms – the fee shall be equal to the minimum wage.

The procedure for collecting the border processing fee shall be determined by the Government of the Republic of Tajikistan.

Article 13. Opening of State Border Crossing Points

State Border crossing points shall be established by the Government of the Republic of Tajikistan based on recommendations from the ministries and agencies of the Republic of Tajikistan, coordinated with the Border Guards and taking into account the interests of neighboring and other foreign states.

State Border crossing points shall be opened after the relevant buildings, premises, and structures have been built, equipped, and accepted for operation by the interested ministry or agency of the Republic of Tajikistan in accordance with plans coordinated with the Border Guards and the customs or other authorities involved in implementing control at a State Border crossing point. In developing these plans, provision must be made for premises and structures necessary for organizing border and

other types of control. These facilities shall be built and equipped using funds from the national budget of the Republic of Tajikistan and funds from the interested ministries and agencies of the Republic of Tajikistan.

Enterprises, institutions, and organizations, regardless of their form of ownership, may provide, free of charge at State Border crossing points, office space, structures, and equipment necessary to support the activities of border control and other authorities, internal affairs agencies, and units of the RT President's Agency for Drug Control, which monitor compliance with the regime at State Border crossing points. (RT Law No. 22 of May 12, 2001)

Article 14. Economic, Commercial, and Other Activities at the State Border

Economic, commercial, and other activities that involve crossing the State Border or otherwise affect the interests of the Republic of Tajikistan or foreign states and that are carried out by Tajikistani and foreign legal and natural persons, including activities carried out jointly, directly on or near the State Border in the territory of the Republic of Tajikistan must not:

- be harmful to the health of the population, or the environmental or other security of the Republic of Tajikistan or neighboring or other foreign states, or pose a threat of such harm;
- interfere with the upkeep of the State Border.

The activities specified in the first part of this article shall be carried out in accordance with international treaties of the Republic of Tajikistan or other agreements with foreign states and in compliance with the regulations for crossing the State Border; the Border Guards shall be notified of the locations and time for crossing the State Border and performing the work, the number of participants, fishing and other vessels, vehicles, and other equipment and mechanisms to be used.

Article 15. Resolution of Incidents Involving Violation of the State Boundary Regime

The procedure for resolution of incidents involving violation of the State Boundary regime and for referring them to the jurisdiction of border agents of the Republic of Tajikistan, the Ministry of Defense of the Republic of Tajikistan, or the

Ministry of Foreign Affairs of the Republic of Tajikistan shall be determined by treaties between the Republic of Tajikistan and neighboring states regarding the State Border and the State Boundary regime, by other international treaties of the Republic of Tajikistan, and by decisions of the Government of the Republic of Tajikistan.

Persons, aircraft, military and non-military river craft, and other vehicles that have crossed the State Border in violation of the regulations established by this Law, shall be considered violators of the State Border.

Foreign citizens and stateless persons who do not have the status of persons residing or sojourning in the territory of the Republic of Tajikistan and who have crossed the State Border from the territory of a foreign state shall be held liable as provided for by the current legislation of the Republic of Tajikistan if their actions contain elements of a crime or an administrative offense.

In cases where there are no grounds to institute criminal proceedings or proceedings for administrative offenses against the violators of the State Border referred to in the third part of this article and where they are not entitled to political asylum under the Constitution of the Republic of Tajikistan, the Border Guards shall, in accordance with the official procedure, turn them over to the authorities of the state from whose territory they crossed the State Border. If the transfer of violators to the authorities of the foreign state is not provided for by a treaty between the Republic of Tajikistan and the foreign state, the Border Guards shall expel them from the Republic of Tajikistan at locations to be determined by the Border Guards. The expulsion of foreign citizens and stateless persons from the Republic of Tajikistan at State Border crossing points shall be reported to the authorities of the state to (or through) whose territory they are being expelled, if this is not *[sic]* provided for by a treaty between the Republic of Tajikistan and the relevant state. The same procedure shall be used for expelling violators of the State Border from the Republic of Tajikistan if they have been held administratively liable and if a decision to expel them has been adopted.

Citizens of the Republic of Tajikistan arriving at State Border crossing points who have lost their entry documents for the Republic of Tajikistan during their stay abroad shall remain at State Border crossing points for the period necessary for the competent authorities to establish their identity, but no longer than 30 days. The procedure and

conditions for their stay at State Border crossing points shall be determined by the Government of the Republic of Tajikistan.

Article 16. Border Agents of the Republic of Tajikistan

In order to resolve issues regarding compliance with the State Boundary regime and to resolve border incidents, border agents of the Republic of Tajikistan (border commissioners and authorized border representatives and their deputies) shall be assigned to specific sectors of the State Border by the Government of the Republic of Tajikistan in accordance with international treaties of the Republic of Tajikistan.

In their activities border agents shall be guided by this Law and by other laws of the Republic of Tajikistan, by international treaties of the Republic of Tajikistan, and by the Regulations on Border Agents of the Republic of Tajikistan, approved by the Government of the Republic of Tajikistan.

Border incidents involving the actions of Tajikistani or foreign military aircraft and military river craft, or other military facilities or personnel (except for facilities or military personnel of the Border Guards, when the interests of preventing dangerous military activities are not involved) shall be resolved by representatives of the Ministry of Defense of the Republic of Tajikistan, if necessary with the participation of border agents of the Republic of Tajikistan.

Issues or incidents not resolved by the border agents of the Republic of Tajikistan or representatives of the Ministry of Defense of the Republic of Tajikistan shall be resolved through diplomatic channels.

SECTION IV. THE BORDER REGIME

Article 17. Border Zone and Border Strip

In order to provide the necessary conditions for protection of the State Border, a border zone and border strip shall be established by decision of the Government of the Republic of Tajikistan.

As a rule, the border zone shall be established in an area of a city, region, town, or village adjacent to the State Border, at a distance of 50 km from the state boundary line. In areas where a border zone is established, it shall also include the internal waters of the

Republic of Tajikistan, the Tajikistani portion of border rivers, lakes, and other bodies of water, and the islands in those waters.

The border strip shall be an integral part of the border zone and shall be established directly along the State Boundary on land or along the banks or shores of border rivers, lakes, and other bodies of water on a strip up to two kilometers wide.

Article 18. The Elements of the Border Regime and the Establishment of the Regime

The border regime shall include regulations on:

entry, temporary stay, and movement of persons and vehicles in the border zone;
carrying out economic, commercial, and other activities and holding large public, political, cultural, and other events in the border zone;

carrying out commercial activity, research, exploration, and other activities in the Tajikistani portion of border rivers, lakes, and other bodies of water.

The establishment of other border regime regulations shall not be permitted. Any restriction of the rights and freedoms of citizens shall be permissible only on the basis of and in accordance with the procedures provided for by the laws of the Republic of Tajikistan.

Boundary markers shall be placed at the entrances to the border zone and the border strip.

Based on the nature of the relations between the Republic of Tajikistan and a neighboring state, a border strip need not be established in certain sectors of the State Border.

The limits of the border zone and border strip shall be determined and warning signs shall be placed by the Border Guards in coordination with local executive agencies.

The specific elements and the spatial and temporal limits of the border regime regulations provided for by this Law, as well as the group of persons subject to specific regulations, shall be established by the Government of the Republic of Tajikistan and shall be published.

Article 19. Entry (Passage) into the Border Zone and the Border Strip

[The Russian terms used for “entry (passage)” and “vehicle” in this Article may refer to entry or movement by land, water, or air. – trans.]

Persons not permanently residing in the border zone shall be prohibited from entry (passage) the zone without authorization from the internal affairs agencies, unless a different procedure has been established.

Entry (passage) of persons and vehicles into the border zone shall be based on identification documents. The Border Guards shall establish the points of entry, the routes of movement, and the duration and other conditions pertaining to the stay of persons and vehicles in the border zone.

Authorization for entry, temporary stay, residence, and work in the border strip shall be issued by the Border Guards. If necessary, they may establish additional restrictions on the times for entering and conducting work in the border strip.

Article 20. Economic, Commercial, and Other Activities, and Large Public, Political, Cultural, and Other Events in the Border Zone

Economic, commercial, and other activities involving the use of land, forests, subsoil, and waters, as well as large public, political, cultural, or other events in the border zone shall be governed by the legislation of the Republic of Tajikistan and legislative and regulatory enactments of the Government of the Republic of Tajikistan and local government authorities. Specific work and events shall be conducted with a permit from the Border Guards. Except as provided for in Article 19 of this Law, a permit to perform work or hold events shall include the location, time, number of participants, and person responsible for the work or event. Permanent sites may be established for regular work or events.

Article 21. Keeping and Grazing Cattle near the State Border

In order to prevent the spread of infectious diseases across the State Border, the keeping and grazing of cattle in the strip of land (quarantine zone) along the State Border may be prohibited or restricted.

The quarantine zone, its width, the procedure for enclosing it, and the veterinary regime shall be established by the Ministry of Agriculture of the Republic of Tajikistan. The keeping and grazing of cattle in the border strip shall also be subject to the procedure provided for in Article 19 of this Law.

Article 22. Record-keeping, Maintenance, and Use of Tajikistani Small Vessels (Craft)

Record-keeping of Tajikistani small self-propelled and non-self-propelled vessels (craft) used in the Tajikistani portion of border rivers, lakes, and other bodies of water, shall be mandatory, and such vessels shall be kept at ports, piers, landings, and other basing locations. A procedure involving notification of the Border Guards may be established for the departure of these vessels (craft) from and their return to basing locations, and restrictions may be imposed on the times of departure, time spent on the water, and removal from basing locations and banks or shores. (Law No. 24 of the Republic of Tajikistan of May 5, 2001)

Article 23. Commercial Activity, Research, Exploration, and Other Activities in the Tajikistani Portion of Border Rivers, Lakes, and Other Bodies of Water

Commercial activity, research, exploration, and other activities in the Tajikistani portion of the waters of border rivers, lakes, and other bodies of water shall be governed by the legislation of the Republic of Tajikistan and by enactments of the Government of the Republic of Tajikistan and local government authorities and shall be conducted in accordance with the procedure established pursuant to the requirements of Articles 9, 20, and 22 of this Law. The activities specified in the first part of this article shall be carried out in the Tajikistani portion of the border rivers, lakes, and other bodies of water with permission from the Border Guards. (Law No. 24 of the Republic of Tajikistan of May 12, 2002)

SECTION V. REGIME AT STATE BORDER CROSSING POINTS

Article 24. Maintaining and Establishing a Regime at State Border Crossing Points

The regime at State Border crossing points shall include rules for entering, staying at, and exiting from those points for persons and vehicles, and for transporting into,

keeping at, and transporting out of [them] freight, goods, and animals; the rules shall be established solely in the interests of creating the necessary conditions for conducting border, customs, and other types of control.

The regime at State Border crossing points shall be established by the transportation ministries and agencies of the Republic of Tajikistan in accordance with the provisions of this Law and the international treaties of the Republic of Tajikistan, and by laws and regulations that have been agreed with the Border Guards and the Customs Committee of the Government of the Republic of Tajikistan.

Based on a regulatory enactment by the transportation ministries and agencies of the Republic of Tajikistan, the director of an airport, airfield, river port, pier, railroad or bus terminal, or station, or the head of another transportation enterprise shall, taking into account local conditions, publish an order (instruction) agreed upon by the relevant officials of the Border Guards, customs, and other supervisory bodies, which establishes a regime at a given State Border crossing point.

The regime at State Border crossing points that are equipped with transportation facilities outside of those specified in the third part of this Article, shall be established by the Border Guards in accordance with the requirements of the second part of this Article upon agreement with customs and other authorities that allow passage of persons, vehicles, freight, goods, and animals across the State Border at those points.

Article 25. The Procedure for the Entry and Exit of Persons and Vehicles, and the Transportation of Freight, Goods, and Animals into and out of State Border Crossing Points

Entry into State Border crossing points and exit from them of persons and vehicles, as well as transportation into and out of [State Border crossing points] of freight, goods, and animals shall be carried out in spaces especially set aside for this purpose on the basis of passes issued by the administration of airports, airfields, river ports and piers, railroad and bus terminals and stations, and other transportation enterprises with the agreement of the Border Guards.

Article 26. The Stay of Persons and Vehicles at State Border Crossing Points

The places and duration of stays at State Border crossing points of vehicles engaged in cross-border transportation shall be determined by the administration of airports, airfields, river ports, piers, railroad and bus terminals and stations, and other transportation enterprises with the agreement of the Border Guards and the customs authorities.

Access of persons to vehicles and onto vehicles engaged in cross-border transportation during the period of border, customs, and other types of control shall be limited and, if necessary, prohibited. Passenger boarding of vehicles departing from the Republic of Tajikistan and disembarking upon arrival to the Republic of Tajikistan, as well as loading (unloading) of luggage, mail, and freight shall be carried out with the permission of the Border Guards, customs authorities, and the RT President's Agency for Drug Control. (Republic of Tajikistan Law No. 22 of May 12, 2001)

If necessary, officials of transportation enterprises and organizations as well as vehicle owners shall, at the request of representatives of the Border Guards and the RT President's Agency for Drug Control and with the participation of customs authority employees, open for inspection sealed rail cars, automobiles, [cargo] holds, and other portions of vehicles and the freight being transported by them. (Law of the Republic of Tajikistan No. 22 of May 12, 2001)

Vehicles engaged in cross-border transportation may begin to leave the territory of the Republic of Tajikistan or proceed into the territory of the Republic of Tajikistan or change their parking places only with the permission of the Border Guards and customs authorities.

The stay at State Border crossing points by citizens of the Republic of Tajikistan who do not have valid documents for the right of entry into the Republic of Tajikistan shall be managed by the procedure prescribed by the fifth part of Article 15 of this Law.

Article 27. The Entry and Stay of Foreign Non-military and Military River Craft at the Ports and Piers of the Republic of Tajikistan³

³ This title of this Article could also be translated as "Port Calls by Foreign Non-military and Military River Craft at the Ports and Piers of the Republic of Tajikistan." In this case, however, "entry and stay" have been used to preserve the distinction in Russian between motion and location – *trans*.

Foreign non-military river craft may enter the ports and piers of the Republic of Tajikistan that are open for the entry of such craft. The rules for entry into and stay at such ports and piers, and the execution of freight and passenger operations, ship-to-shore communication, coming ashore by crew members and passengers, visits to vessels by persons who are not crew members of the vessel, and other rules connected with the entry of foreign vessels into the ports and piers of the Republic of Tajikistan and their stay therein, shall be determined by this Law, other laws and regulations of the Republic of Tajikistan, and decisions of the Government of the Republic of Tajikistan.

Foreign non-military river craft proceeding to the ports and piers of the Republic of Tajikistan shall inform authorities at their port or pier of destination about their time of arrival.

Non-military river craft of foreign states that have established an authorization- or notification-based procedure for Tajikistani vessels to enter their ports, shall enter the ports and piers of the Republic of Tajikistan after receiving authorization to do so from the competent Tajikistani authorities or after sending them notification in accordance with the principle of reciprocity.

Unless another procedure has been stipulated, foreign military river craft shall enter the ports and piers of the Republic of Tajikistan with prior permission from the Government of the Republic of Tajikistan. The procedure for the entry and stay of foreign military river craft at the ports and piers of the Republic of Tajikistan and their stay therein shall be established by the Government of the Republic of Tajikistan.

Article 28. Additional Rules of the Regime at State Border Crossing Points

At State Border crossing points, areas and premises where border, customs, and other types of control are carried out directly, shall be established. At these places additional regime restrictions shall be introduced, which shall be established within the scope of the regulations and by the procedure provided for by Articles 24, 25, 26, and 27 of this Law.

SECTION VI. POWERS OF GOVERNMENT AUTHORITIES REGARDING PROTECTION OF THE STATE BORDER

Article 29. Powers of the Highest Government Authorities of the Republic of Tajikistan

The Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan shall:
(Republic of Tajikistan Law No. 24 of May 12, 2001)

adopt laws regarding protection of the State Border as an integral part of national security;

ratify and denounce international treaties about the territorial delimitation of the Republic of Tajikistan including treaties about the alignment of the State Boundary.

The President of the Republic of Tajikistan shall:

ensure the coordinated operation of all branches of government regarding protection of the State Border;

conduct negotiations and sign international treaties regarding State Border protection.

The Government of the Republic of Tajikistan shall:

develop and implement measures to ensure the protection of the State Border;

ensure the implementation of this Law by ministries, agencies and local offices of the executive branch of the Republic of Tajikistan.

Judicial authorities of the Republic of Tajikistan, within the scope of their powers as provided for by the legislation of the Republic of Tajikistan, shall participate in ensuring State Border protection.

Article 30. Powers of the Republic of Tajikistan's Government Committee on Protecting the State Border

The Republic of Tajikistan's Government Committee on Protecting the State Border shall:

ensure the security of the State Border on land, rivers, lakes, and other bodies of water and at State Border crossing points;

be in charge of the Republic of Tajikistan's Border Guards and the activities of border representatives, and participate in the development and implementation of the Republic of Tajikistan's State Border policy;

develop a conceptual framework for State Border security, set the priorities for Border Guard activities, prepare targeted comprehensive programs for improving their

activities, and develop legal, organizational, economic, and other mechanisms for implementing these programs;

coordinate the activities of national government authorities that conduct, at the State Border, all types of monitoring of compliance with the State Boundary regime, the border regime, and the regime at State Border crossing points;

together with the Defense Ministry of the Republic of Tajikistan, ensure the coordination by the Border Guards of Air Defense Troops activities regarding State Border protection;

participate in the preparation by national government authorities of regulatory and other legal enactments which pertain to the activities of legal and natural persons, and which concern the interests of State Border protection;

participate in the delimitation, demarcation, and re-demarcation of the State boundary, and in the drafting of legal and regulatory enactments that establish the State boundary regime;

ensure that information about threats to the security of the Republic of Tajikistan in the area of State Border protection is procured, processed, and forwarded to the President of the Republic of Tajikistan, the Majlisi Milli and the Majlisi Namoyandagon of the Majlisi Oli of the Republic of Tajikistan, and that interested ministries and agencies are informed; (Law No. 24 of the Republic of Tajikistan of May 12, 2001)

cooperate and maintain contacts in the interests of State Border protection with the relevant border authorities of the participating states of the Commonwealth of Independent States and other states and international organizations.

Other powers of the Committee on State Border Protection of the Government of the Republic of Tajikistan, in addition to those stipulated by this Law, shall be established by the relevant Regulation approved by the Government of the Republic of Tajikistan.

Article 31. Powers of Relevant Agencies of the Executive Branch of the Republic of Tajikistan

1. The Ministry of the Foreign Affairs of the Republic of Tajikistan shall:
ensure, on the basis of decisions by the highest government authorities of the Republic of Tajikistan, the protection of the sovereignty, security, territorial integrity, and

other interests of the Republic of Tajikistan through diplomatic means; conduct negotiations on establishing and demarcating the State Boundary and establishing a State Boundary regime; and prepare the necessary documents and materials;

implement, within its competence, the foreign policy and international treaties of the Republic of Tajikistan regarding protection of the State Border;

process, within its competence, documents on the right of entry into and exit out of the Republic of Tajikistan for citizens of the Republic of Tajikistan, foreign citizens, and stateless persons;

participate in establishing a procedure on ensuring compliance with the State Border regime and resolve, within its competence, State Border incidents that have not been settled by border agents of the Republic of Tajikistan or by the Defense Ministry of the Republic of Tajikistan.

2. The Ministry of Security of the Republic of Tajikistan shall:

undertake, within its competence, the procurement, processing, and analysis of information concerning security threats in the area of State Border protection;

in cooperation with the Border Guards, conduct intelligence, counterintelligence, and investigative activities in the interests of protecting the State Border;

in cooperation with the Government of the Republic of Tajikistan's Customs Committee, develop and implement anti-smuggling measures;

provide counter-intelligence support for entry into and exit out of the territory of the Republic of Tajikistan for citizens of the Republic of Tajikistan, foreign citizens, and stateless persons, as well as regulations for foreign citizens and stateless persons staying in the territory of the Republic of Tajikistan;

cooperate with executive branch agencies and public associations of the Republic of Tajikistan and with foreign intelligence agencies and organizations in the interests of protecting the State Border;

participate in ensuring security at the State Border and in the border regions of the Republic of Tajikistan during the conduct of large-scale social and political events whose makeup is national, oblast-level, or international;

3. The Defense Ministry of the Republic of Tajikistan shall:

ensure protection of the State Border's airspace and be responsible for the performance of this task;

ensure armed protection of the State Border and the participation of the Armed Forces of the Republic of Tajikistan in protecting the State Border on land, and on border rivers, lakes, and other bodies of water, in cases and according to the procedure defined by this Law and other laws and regulations of the Republic of Tajikistan;

resolve, within its competence, incidents involving violation of the State Border regime;

assist the Border Guards with resources, intelligence, and other support for the protection of the State Border on the basis of the legislation of the Republic of Tajikistan and interagency agreements.

4. The Ministry of Internal Affairs of the Republic of Tajikistan shall:

assist the Border Guards in carrying out measures to protect the State Border, to combat illegal cross-border activity, to search for persons who have violated the State Border regime, and to clarify and examine the circumstances surrounding offenses by citizens detained in accordance with administrative or criminal procedure;

inform the Border Guards about the state of law and order in the border regions of the Republic of Tajikistan, and about the detection of unlawful acts, criminal groups, and persons having unlawful intentions with respect to the State Border and the Border Guards;

ensure the participation of the Republic of Tajikistan's Interior Ministry Troops in protecting the State Border in cases and according to the procedure provided for by this Law;

ensure the participation of internal affairs authorities in monitoring compliance with the border regime at State Border crossing points;

ensure, based on recommendations from the Border Guards, the temporary limitation or prohibition of access by citizens to certain sectors of the area or to facilities in the proximity of the State Border during a search for those who have violated the State Border, repulsion of an armed invasion, or mass crossings by citizens of neighboring states into the territory of the Republic of Tajikistan;

ensure public order while large-scale events whose makeup is national, oblast-level, or international are being held at the State Border and/or in border regions;

maintain law and order in border regions when emergencies arise or emergency rule is introduced;

participate in the legal education of people in the border regions of the Republic of Tajikistan and, together with the Border Guards, in the prevention of offenses at the State Border and in its crossing points.

5. The RT President's Agency for Drug Control shall:

- conduct investigative activities, in cooperation with the Border Guards, with the purpose of detecting, suppressing⁴, and solving crimes connected with drug smuggling in the border regions of the Republic of Tajikistan and in the territory of neighboring states;

- take measures within its competence to execute controlled delivery of narcotics.

(RT Law No. 22 of May 12, 2001)

6. Other executive branch authorities of the Republic of Tajikistan that perform customs, sanitary, quarantine, veterinary, phytosanitary, and other types of control at the State Border shall:

organize and carry out measures to protect the economic, environmental, and other interests of individuals, society, and the state at the State Border;

publish, within their competence, regulations that are binding on all legal and natural persons on the territory of the Republic of Tajikistan;

monitor compliance by enterprises, organizations, institutions, public associations, and citizens with the requirements of the international treaties of the Republic of Tajikistan and the legislation of the Republic of Tajikistan concerning issues within their competence;

establish, when necessary, monitoring authorities (stations) at State Border crossing points, organize their operations, establish means and methods of control in accordance with the requirements of the sixth part of Article 11 of this Law;

cooperate with one another and provide assistance to the Border Guards in protecting the State Border;

cooperate with relevant authorities of foreign states in protecting the State Border.

⁴ "Suppress" is used here to mean foiling a crime in progress – *trans*.

Article 32. The Powers of the Representative and Executive Authorities of the Gorno-Badakhshan Autonomous Oblast, the Oblasts, and the Border Regions

The representative and executive authorities of the Gorno-Badakhshan Autonomous Oblast, the oblasts, and the border regions shall:

create conditions for military personnel and authorities who are authorized by law to protect the State Border and adopt, for these purposes, regulations within their competence and in accordance with the requirements of this Law;

provide, in accordance with the legislation of the Republic of Tajikistan, parcels of land needed for protecting the State Border and monitor land use and compliance with the Republic of Tajikistan's environmental protection legislation in those sectors;

inform the Border Guards about matters pertaining to the situation in the border regions of the Republic of Tajikistan;

create conditions for citizen participation on a voluntary basis in protecting the State Border;

monitor and ensure, in their territories, the implementation of the Republic of Tajikistan's legislation on the State Border by all authorities, enterprises, institutions, organizations, officials, and citizens.

SECTION VII. POWERS OF THE BORDER GUARDS AND AIR DEFENSE
TROOPS OF THE ARMED FORCES OF THE REPUBLIC OF TAJIKISTAN, AND OF
OTHER FORCES AND MILITARY UNITS OF THE REPUBLIC OF TAJIKISTAN IN
THE AREA OF STATE BORDER PROTECTION

(RT Law No. 24 of May 12, 2001)

Article 33. Powers of the Border Guards

The Border Guards shall defend the State Border on land, rivers, lakes and other bodies of water and at State Border crossing points, and shall manage passage across the State Border. To these ends they shall:

use all available means to prevent an unlawful change in the alignment of the State Boundary on the ground;

repel an armed invasion into the territory of the Republic of Tajikistan; suppress armed and other acts of provocation at the State Border; and protect the people, state property, and other forms of property from aforesaid criminal encroachments;

identify and detain those who violate the State Border;

prevent and not allow crossing of the State Border by persons and vehicles outside the crossing points or by illegal means;

ensure fulfillment of the Republic of Tajikistan's obligations under international treaties concerning the State Border regime;

monitor compliance with the authorization or notification-based regulations of the State Boundary regime, the border regime, and the regime at State Border crossing points.

conduct military, intelligence, counterintelligence, military-operational, and military-technical activities, and activities associated with the regime at crossing points;

institute proceedings in cases involving administrative offenses that fall under their jurisdiction in accordance with the legislation of the Republic of Tajikistan, review these cases within the scope of their authority, and supplement the rulings in these cases [*sic: there may be a typographical error in the Russian text. It is possible that "popolnyat'" should be "ispolnyat'": in which case the text would read "execute the rulings" – trans.*];

conduct inquiries on cases that fall under their jurisdiction in accordance with the legislation of the Republic of Tajikistan;

take measures to prevent violations of the law that are within the competence of the Border Guards;

take part in activities of border agents of the Republic of Tajikistan;

if necessary, conduct border searches and operations, and

conduct immigration control at State Border crossing points (Law No. 15 of May 3, 2002).

Within the border area, Border Guards shall have the right:

(1) to build necessary engineering facilities, construct communications and utility lines, deploy and use equipment and weapons on land that has been provided in

compliance with the legislation of the Republic of Tajikistan for indefinite (permanent) use and in accordance with established norms;

(2) to be present in any and all sectors and to move around them in the performance of their official duties; to require that owners and users of parcels of land in the border zone set aside places for the movement of border guard details and equipment, and to maintain passages through fences and passages through other obstacles in suitable condition; to escort non-military river craft and other means of transportation and to station border guard details on them; in order to prevent and stop violations of the State Boundary regime, the border regime, and the regime at State Border crossing points, [the right] to inspect necessary documents of persons and vehicles and to examine (inspect) vehicles and the freight they carry;

(3) to have border guard details detain and conduct a personal search of persons who are reasonably suspected of violating the State Border regime, the border regime, or the regime at State Border crossing points, and to deliver such persons to the location of border guard units or formations or to other places in order to establish the circumstances of the violation; to have border guard cutters stop, inspect, and detain non-military vessels that have committed a violation of these regimes and to deliver them to the nearest port, pier, or landing of the Republic of Tajikistan to establish the circumstances of the violation. The vessel shall not be allowed to operate its radio while it is being inspected and escorted. A report shall be made of every instance of inspection or detention of a vessel. Vessel and freight documents taken from the captain shall be appended to the detention report.

(4) to place in administrative detention persons who have violated the State Boundary regime, the border regime or the regime at State Border crossing points, for a period of up to three hours in order to compile the report; and, if necessary, for up to three days to establish identity and determine the circumstances of the offense with written notification of the prosecutor within 24 hours from the time of detention; or for a period of up to ten days – with the prosecutor's approval – if the offenders do not have documents proving their identity; to subject the detainees to a personal inspection and, if necessary, examine and confiscate the items in their possession and other items which they own or possess, and documents. A report shall be written for each case of

administrative detention, personal search of a detainee, and examination and confiscation of personal belongings;

(5) to detain, with the approval of a prosecutor, foreign citizens or stateless persons who have illegally crossed the State Border and with respect to whom, for reasons stipulated in part four of Article 15 of this Law, decisions have been made about turning them over to the authorities of neighboring states or expelling them from the Republic of Tajikistan, or rulings have been issued about their administrative expulsion from the Republic of Tajikistan for the time necessary to implement the decision or ruling;

(6) to confine persons subjected to administrative detention in Border Guard facilities that have been specially equipped for that purpose; and to confine persons detained in accordance with criminal procedure on suspicion of committing a crime and suspects placed in custody as a preventive measure in temporary holding facilities or in Border Guard facilities specially equipped for holding persons subjected to administrative detention and, if necessary, to place such persons in pretrial detention facilities, temporary holding cells, or other specially equipped facilities of internal affairs agencies;

(7) to request that persons visit Border Guard units and have them explain the circumstances related to illegal crossings of the State Border or other violation of the State Boundary regime, violation of the border regime, or the regime at State Border crossing points of which they have knowledge. When necessary, explanations of the circumstances related to these violations can be obtained in other places as well. If such persons fail to appear upon request, they may be subject to detention;

(8) to make the appropriate notations in documents granting the right to cross the State Border and, if necessary, to temporarily take possession of such documents and take possession of invalid documents, and to extend expired Tajikistani visas for foreign citizens and stateless persons in places where there are no offices of the consular services of the Republic of Tajikistan's Ministry of Foreign Affairs. For extending Tajikistani visas that have been expired for ten days or less, a fee equal to ten times the minimum wage is charged; for extending Tajikistani visas that have been expired for more than ten days, a fee is charged that is equal to seventeen times the minimum wage;

(9) to turn over to customs authorities [any] contraband transported across the State Border and other illegally transported goods, freight, and vehicles discovered by [the Border Guards] during the performance of their assigned tasks relating to protection of the State Border within the border area or, in the absence of customs authorities, to detain them, while narcotics shall be turned over to units of the RT President's Agency for Drug Control; (Law No. 22 of the Republic of Tajikistan of May 12, 2001)

(10) to temporarily limit or prohibit movement of persons and vehicles, including small river vessels (craft), and not allow citizens onto certain sectors, or require them to remain there or to leave in order to protect the health and life of people during the conduct of border searches and operations, other investigative activities, and activities related to criminal cases and to cases involving administrative offenses;

(11) to temporarily limit the performance of various tasks if a threat arises to the interests of the Republic of Tajikistan at the State Border, with notification of national government authorities in the regions and of local government agencies, affected enterprises, institutions, and organizations, except for work having military significance and tasks involving responses to natural disasters or to especially dangerous infectious diseases;

(12) to enter at any time of day residential or other premises of citizens, and the area and premises of enterprises, institutions, and organizations, except for those with diplomatic immunity, and search them when pursuing persons for whom there are sufficient grounds to suspect that they have violated the State Border regime. If the living quarters of citizens are entered without the consent of the persons residing there, a prosecutor shall be notified within 24 hours;

(13) to use communications equipment for official purposes without hindrance, and when repelling armed invasions of the Republic of Tajikistan's territory, obstructing mass illegal crossings of the State Border, conducting searches, or transporting persons suspected of committing violations of the law, [to use] vehicles belonging to enterprises, institutions, organizations (regardless of form of ownership), public associations, and if necessary to citizens, with compensation of the owners, at their request, for expenses or damage caused, in the manner prescribed by law. Communications equipment and means of transportation belonging to diplomatic, consular, and other representative offices of

foreign states and international organizations constitute an exception, as do special-purpose vehicles;

(14) to request and receive free of charge from government agencies, enterprises, institutions, organizations, and public associations information necessary for discharging obligations conferred by law on the Border Guards except for cases when a special procedure for obtaining information has been established by law;

(15) to conduct registration of persons and keep records of factual data and statistics required for maintaining the State Boundary control regime, the border regime, and the regime at State Border crossing points, and for these purposes use information systems in a manner that is consistent with the law;

(16) to present [their] views to government agencies, enterprises, institutions, organizations, and public associations on eradicating causes and conditions that contribute to the commission of offenses whose investigation or proceedings fall under the jurisdiction of the Border Guards;

(17) to invite participation by citizens from public associations in resolving issues pertaining to the protection of the State Border within the border area on a volunteer basis as non-staff associates of the Border Guards and in other forms, and provide incentives for citizens who distinguish themselves in protecting the State Border;

(18) to use weapons, military equipment, special equipment, physical force, and service dogs in a manner and in instances provided for by this Law;

(19) in addition, in the Tajikistani portion of waters of border rivers, lakes, and other bodies of water of the Republic of Tajikistan with respect to non-military river craft:

to request that the vessel show its flag if it is not raised;

to question the captain (owner, crew) of the vessel about the purpose of its entry into these waters;

to stop the vessel and inspect it if it does not raise its flag, does not respond to challenge signals, does not obey demands to change course, or if it violates generally accepted principles and norms of international law. Depending on the results of the inspection, it may be allowed to continue operating (stay) in the waters of the Republic of Tajikistan by observing established rules or it may be requested to leave the Republic of

Tajikistan, or it may not [*sic*] be detained in accordance with the requirements of this Law;

to remove from the vessel and detain persons who have committed crimes and are criminally liable in accordance with the legislation of the Republic of Tajikistan, and turn these persons over to agencies conducting an inquiry or investigation unless stipulated otherwise by international treaties of the Republic of Tajikistan;

to pursue and detain a vessel that has violated rules for operating (staying) in the Tajikistani portion of border rivers, lakes, and other bodies of water until that vessel enters the territory of its country or of a third state, after transmitting a visual or aural signal to stop from a distance that enables the vessel to see or hear that signal;

(20) to take measures to ensure the personal safety of the Border Guards system in accordance with the Law of the Republic of Tajikistan (“On Operational Investigative Activities”);

(21) to impose a fine in accordance with the legislation of the Republic of Tajikistan for the illegal transportation of persons across the State Border (Note. Payment of the fine does not release the transporters from the obligation of reimbursing actual expenses for taking foreign citizens or stateless persons transported into the Republic of Tajikistan without the prescribed entry documents to the point where the foreign citizens or stateless persons began their journey or to any other place which permits them entry or from [*sic*] actual expenses for their maintenance and [subsequent] expulsion from the territory of the Republic of Tajikistan.)

When conducting border searches and operations on the territory of the Republic of Tajikistan, Border Guards may exercise the rights granted to them even beyond the limits established by the second part of this Article.

In the performance of their official tasks, Border Guard vessels and airplanes (helicopters) shall be granted the right, at no cost:

to use the water and air transportation of the Republic of Tajikistan, and ports, piers, airfields, and airports (landing fields) on Tajikistani territory regardless of their ownership or intended use;

to receive navigational, meteorological, hydrographic, and other information;
to be provided with support for air and water operations.

Other rights may be granted to the Border Guards only by law. Border Guards shall not be permitted to use the rights granted to them to perform tasks not assigned to them by law.

Border Guards shall not be called upon to perform tasks except for responding to the natural and other disasters, and emergencies.

Article 34. The Powers of the Air Defense Troops of the Armed Forces of the Republic of Tajikistan (RT Law No. 24 of May 12, 2001)

The Air Defense Troops shall defend the airspace of the State Border; for that purpose they shall:

monitor compliance with regulations for crossing the State Border;

intercept flights and take measures to make aircraft that have illegally crossed the State Border or have violated the procedure for using the Republic of Tajikistan's airspace land in the territory of the Republic of Tajikistan;

assist aircraft that have illegally crossed the State Border in force-majeure circumstances or in the event of unintentional actions by the aircrews by reorienting them or guiding them to a landing airfield on the territory of the Republic of Tajikistan or outside the Republic of Tajikistan's airspace.

The Air Defense Troops of the Armed Forces of the Republic of Tajikistan shall have the right: (RT Law No. 24 of May 12, 2001)

to use the means at their disposal to identify aircraft in the Republic of Tajikistan's airspace in the event of a threatened or actual illegal crossing of the State Border;

if necessary, to enlist the assistance of the forces and equipment of other branches of the Republic of Tajikistan's Armed Forces and other government authorities, in the manner prescribed by the Government of the Republic of Tajikistan to clarify the situation in its airspace and to take measures to prevent or terminate the illegal crossing of the State Border in its airspace;

to completely prohibit or limit flights of aircraft in certain areas of the Republic of Tajikistan's airspace in the event of a threatened or actual crossing of the State Border;

to request that crew members of aircraft that have illegally crossed the State Border, after landing in the territory of the Republic of Tajikistan, go to the units of the Armed Forces of the Republic of Tajikistan or to other places to explain the circumstances of the illegal crossing and for transfer to agencies conducting an inquiry or preliminary investigation unless otherwise stipulated by international treaties of the Republic of Tajikistan;

to use military equipment and weapons in accordance with this Law.

Article 35. Participation of the Armed Forces of the Republic of Tajikistan, the Republic of Tajikistan's Interior Ministry Troops, Units of the RT President's Agency for Drug Control, and Other Forces and Military Units of the Republic of Tajikistan in Protecting the State Border

(Republic of Tajikistan Law No. 22 of May 12, 2001)

Protection of the State Border in certain sectors on land, the shores and banks of border rivers, lakes, and other bodies of water, as it pertains to prohibiting illegal border crossings in places where military facilities and garrisons of the Armed Forces of the Republic of Tajikistan, Interior Ministry troops of the Republic of Tajikistan, and other forces and military units of the Republic of Tajikistan are located and which are closed to unauthorized pedestrian and vehicular traffic, shall be the responsibility of the command of these military facilities and garrisons. Such sectors shall be determined jointly by the commanders (senior officers) of the Border Guards, other forces and military units and shall be recorded in the appropriate documents.

The Armed Forces of the Republic of Tajikistan, the Republic of Tajikistan's Interior Ministry troops, units of the RT President's Agency for Drug Control, other forces and military units of the Republic of Tajikistan shall assign forces and equipment to the Border Guards to participate in border searches and operations according to the procedure established by joint decisions of the relevant ministries and agencies of the Republic of Tajikistan. (Republic of Tajikistan Law No. 22 of May 12, 2001)

Other participation by the Armed Forces of the Republic of Tajikistan, the Republic of Tajikistan's Interior Ministry troops, units of the RT President's Agency for Drug Control, and other forces and military units of the Republic of Tajikistan in

defending the State Border shall take place only on the basis of the legislation of the Republic of Tajikistan. (Republic of Tajikistan Law No. 22 of May 12, 2001)

Article 36. Cooperation in Protecting the State Border

The Border Guards and the Air Defense Troops shall:

assist each other in fulfilling the obligations conferred upon them in protecting the State Border;

within the bounds of the authority established by this Law, shall coordinate actions of government agencies that conduct various types of monitoring of compliance with the State Border regime without interfering in these actions;

organize directly at the State Border cooperation between their forces and state agencies, enterprises, institutions and organizations regardless of form of ownership, and public associations that take part in protecting the State Border or conducting activities that affect [the interests of *sic*] the State Border. The commanders of the Border Guards and the Air Defense Troops of the Armed Forces of the Republic of Tajikistan shall issue orders within the limits of their authority, on issues related to compliance with regimes at the State Border, which shall be binding on all agencies, enterprises, institutions, organizations, public associations, officials, and citizens in the territory of the Republic of Tajikistan; (RT Law No. 24 of May 12, 2001)

interact, to protect the State Border, with relevant agencies and troops of foreign states in the manner prescribed by international treaties of the Republic of Tajikistan that are of an interagency nature.

Article 37. The Use of Weapons and Military Equipment

The Border Guards and Air Defense Troops of the Armed Forces of the Republic of Tajikistan, in protecting the State Border within the border area, shall use weapons and military equipment to repel an armed invasion of the territory of the Republic of Tajikistan and to prevent attempts to hijack and take out of the country aircraft, river craft, and other vehicles without passengers. (Republic of Tajikistan Law No. 24 of May 12, 2001)

Weapons and military equipment may also be used: against persons on aircraft, river craft and other vehicles, who are crossing (have crossed) the State Border in violation of the procedure established by this Law, in response to their use of force, or in cases where stopping the violation or detaining the violators cannot be accomplished by other means: to protect citizens from an attack that threatens their lives and health; to free hostages; to repel an attack against military personnel and persons who are performing their official duties or civic duty in protecting the State Border and members of their families when their lives are in danger; to repel an attack against units and facilities of the Border Guards, the Armed Forces of the Republic of Tajikistan, and other forces and military units that protect the State Border, including in order to provide assistance to river craft, airplanes, and helicopters when repelling an armed attack against them. The use of weapons and military equipment should be preceded by a clearly stated warning about the intent to use them and by warning shots.

Weapons and military equipment may be used without warning when repelling an armed invasion of the territory of the Republic of Tajikistan; during a sudden or armed attack on military personnel and other citizens; an attack using military equipment, aircraft, river craft or other vehicles; [to thwart] armed resistance or the escape of armed detainees; and to free hostages.

Military personnel have the right to use weapons to neutralize animals that threaten the life and health of military personnel and other citizens, and to sound an alarm or call for help.

The use of weapons and military equipment is prohibited:

- against women and juveniles except in cases of an armed assault or armed resistance on their part, or a life-threatening group attack;
- against aircraft, river craft, and other vehicles with passengers;
- with respect to persons who have illegally crossed or are attempting to cross the State Border if this is obviously taking place accidentally or in connection with an emergency situation or the influence of the overwhelming forces of nature.

The military personnel of other branches of the Armed Forces of the Republic of Tajikistan, and of other forces and military units of the Republic of Tajikistan that are

called upon to protect the State Border, may use arms and military equipment in accordance with the requirements of this Article.

Article 38. Use of Special Equipment.

In fulfilling obligations to protect the State Border within the border area, military personnel shall use special equipment (handcuffs or makeshift equipment for binding, rubber truncheons, lachrymatory agents, sound/light distraction devices, devices for mandatory stoppage of vehicles), physical force including hand-to-hand combat techniques [martial arts], and service dogs in accordance with Articles 15-17 of the Republic of Tajikistan Law “On the Police.”

SECTION VIII. PARTICIPATION OF LOCAL GOVERNMENT AUTHORITIES, ENTERPRISES, INSTITUTIONS, ORGANIZATIONS, PUBLIC ASSOCIATIONS, AND CITIZENS IN PROTECTING THE STATE BORDER

Article 39. The Powers of Local Government Authorities, Enterprises, Institutions, Organizations, and Public Associations of the Republic of Tajikistan with respect to Protecting the State Border

Local government authorities, enterprises, institutions and organizations regardless of form of ownership, public associations, and their officials:

shall assist the Border Guards, the Air Defense Troops, and government agencies that carry out various types of state border control, carry out their lawful orders and provide information essential for their activities;

shall create conditions for citizen participation on a voluntary basis in protecting the State Border within the border area.

Article 40. Citizen Participation in Protecting the State Border

Citizens shall participate on a voluntary basis in protecting the State Border within the border area as part of public associations and volunteer groups, as non-staff associates of the Border Guards, and in other forms.

The procedure for involving citizens in protecting the State Border shall be established by the Government of the Republic of Tajikistan.

SECTION IX. LEGAL AND SOCIAL SAFEGUARDS FOR MILITARY
PERSONNEL AND OTHER CITIZENS PARTICIPATING IN PROTECTION OF THE
STATE BORDER

Article 41. Legal Safeguards for Military Personnel Participating in Protection of the
State Border and Members of Their Families

Military personnel that directly participate in protecting the State Border shall be granted the status of military personnel carrying out special duties established by the Law of the Republic of Tajikistan “On the Status and Guarantees of Legal and Social Safeguards for Military Personnel and Members of Their Families.” They are agents of government and are under state protection. Citizens and officials must comply with their lawful demands. No one, except persons specifically authorized to do so by law, has the right to interfere with their activities.

Obstruction of military personnel in the performance of their State Border protection duties or an attack on the life and health, honor and dignity, or property of a member of the military or members of his family, shall entail liability provided for by the legislation of the Republic of Tajikistan.

Article 42. Legal Safeguards for Citizens Participating in State Border Protection and for
Members of Their Families

Illegal actions against citizens and members of their families in connection with assistance provided by the citizens to the Border Guards for protecting the State Border shall entail liability as established by the legislation of the Republic of Tajikistan.

Article 43. Social Safeguards for Military Personnel and Other Citizens Participating in
State Border Protection

Social safeguards for military personnel and other citizens directly participating in State Border protection shall be guaranteed by the legislation of the Republic of Tajikistan.

Article 44. Establishment of Additional Guarantees and Compensation for Military Personnel and Other Citizens Participating in State Border Protection

The legislation of the Republic of Tajikistan, decisions of the Government of the Republic of Tajikistan, local offices of national government agencies, and local government agencies may, within the limits of their authority, also establish guarantees and compensation, in addition to those provided for in this Law, for military personnel and other citizens participating in State Border protection.

SECTION X. LIABILITY FOR LEGAL OFFENSES ON THE STATE BORDER AND OVERSIGHT OF IMPLEMENTATION OF THIS LAW

Article 45. Liability for Legal Offenses on the State Border

Persons guilty of violating regulations of the State Boundary regime, the border regime, and the regime at State Border crossing points, shall bear criminal or administrative liability provided for by the legislation of the Republic of Tajikistan.

Article 46. Oversight of Implementation of the Law of the Republic of Tajikistan “On the State Border of the Republic of Tajikistan”

Oversight of implementation of the Law of the Republic of Tajikistan “On the State Border of the Republic of Tajikistan” is conducted by the General Prosecutor of the Republic of Tajikistan and prosecutors subordinate to him within the limits of their authority.

SECTION XI. PROVISION OF RESOURCES FOR PROTECTION OF THE STATE BORDER

Article 47. Financial support for State Border protection shall be provided by funds from the state budget of the Republic of Tajikistan. (RT Law No. 498 of December 12, 1997)

Article 48. Logistical Support for State Border Protection

Logistical support for State Border protection shall be provided from state land, logistical, and other funds of the Republic of Tajikistan.

The norms and procedure for logistical support for protecting the State Border shall be established by the Government of the Republic of Tajikistan.

The President of the Republic of Tajikistan E. RAKHMONOV

Dushanbe, August 1, 1997, No. 481