

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2018) 25

## **Report**

**to the Azerbaijani Government  
on the visit to Azerbaijan  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)**

**from 11 to 13 January 2004**

The Azerbaijani Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2018) 26.

Strasbourg, 18 July 2018

**CONTENTS**

Copy of the letter transmitting the CPT's report ..... 3

**I. INTRODUCTION ..... 4**

**II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED ..... 6**

**1. Preliminary remarks ..... 6**

**2. Torture and other forms of physical ill-treatment ..... 7**

**3. Safeguards against the ill-treatment of persons deprived of their liberty..... 10**

**4. Conditions of detention ..... 11**

    a. Investigative Isolator No. 1 (Bayil) in Baku ..... 11

    b. Department for combating organised crime in Baku ..... 12

    c. other police establishments ..... 12

**APPENDIX I: List of the national authorities and organisations with which the delegation held consultations ..... 13**

**APPENDIX II: Recommendations from the report on the 2002 visit referred to in the present report ..... 14**

Copy of the letter transmitting the CPT's report

Strasbourg, 24 March 2004

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I enclose herewith the report to the Azerbaijani Government drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Azerbaijan from 11 to 13 January 2004. The report was adopted by the CPT at its 53<sup>rd</sup> meeting, held from 1 to 5 March 2004.

The CPT requests the Azerbaijani authorities to provide within three months a response to the recommendations, comments and requests for information set out in **bold type** in paragraphs 8, 11, 12, 13, 14, 15, 16, 17, 20, 21 and 22. The Committee would also welcome any observations which the Azerbaijani authorities might wish to make on other parts of the report. The CPT would be grateful if it were possible, in the event of the response forwarded being in Azerbaijani, for it to be accompanied by an English or French translation. It would also be most helpful if the Azerbaijani authorities could provide a copy of the response in an electronic form.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully,

Silvia CASALE  
President of the European Committee for  
the prevention of torture and inhuman  
or degrading treatment or punishment

**Mr Agshin MEHDIYEV**  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Azerbaijan to the Council of Europe  
2, rue Westercamp  
67000 Strasbourg

## I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT visited Azerbaijan from 11 to 13 January 2004. The visit was one which appeared to the Committee "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention) and was the CPT's second visit to Azerbaijan.<sup>1</sup>

2. The CPT's delegation consisted of Jean-Pierre RESTELLINI, Head of the delegation, and Marc NEVE. They were supported by Petya NESTOROVA of the CPT's Secretariat, and assisted by two interpreters, Seymour BALAMMADOV and Samira HUSSEYNOVA.

3. The main purpose of the visit was to collect information concerning the treatment of persons detained in relation to events which followed the Presidential election of 15 October 2003. In the aftermath of the election, the CPT received numerous reports from various sources according to which hundreds of persons had been arrested; it was alleged that many of the persons detained had been subjected to physical ill-treatment. A considerable proportion of these allegations concerned the Department for combating organised crime in Baku.

By letter of 23 October 2003, the CPT invoked Rule 30 (1) of its Rules of Procedure<sup>2</sup> and requested the Azerbaijani authorities to provide a full list of the persons held at the Department for combating organised crime in Baku since the Presidential election (including the precise period for which they have been held) and forensic medical reports concerning each of the persons concerned. On 5 November 2003, the Azerbaijani authorities provided part of the information requested by the CPT, i.e. the names of 18 persons detained at the establishment in question, together with details concerning their date of arrest, charges and subsequent transfer or release. Five of these persons had been remanded in custody and transferred to Investigative Isolator No. 1 in Baku. The authorities also stated that injuries had not been observed on any of the persons held at the Department for combating organised crime and that none of them had asked for medical assistance or made complaints - directly or through their lawyers - regarding ill-treatment. Only one of the detained persons had reportedly complained of a headache and received medical assistance. Other information related to the post-election events was also supplied. However, the CPT's request to be provided with forensic medical reports in respect of all persons held at the Department for combating organised crime since the Presidential election was not met.

---

<sup>1</sup> The first visit, which was of a periodic nature, took place from 25 November to 6 December 2002.

<sup>2</sup> Rule 30 (1) reads as follows: "Before deciding on a particular visit, the Committee or, if appropriate, the Bureau may request information or explanations as regards the general situation in the State concerned, as regards a given place, or as regards an isolated case concerning which it has received reports."

4. By letter of 17 November 2003, the CPT pursued its request under Rule 30 (1). It asked to be provided with forensic medical reports drawn up in respect of the five persons who had been transferred to Investigative Isolator No. 1 (it being understood that the remainder of the eighteen persons referred to above had been released after serving administrative sanctions).

The Azerbaijani authorities' response received on 3 December 2003 provided, once again, only a part of the information requested by the CPT. A forensic medical report was forwarded in respect of one of the persons transferred from the Department for combating organised crime to Investigative Isolator No. 1. However, such reports were not provided as regards the other four persons referred to in the CPT's letter of 17 November 2003. As a result, by letter of 11 December 2003, the CPT called upon the Azerbaijani authorities to take immediate steps to have these four persons examined by a recognised forensic doctor and to forward to the Committee the reports drawn up as a result of those examinations.

In response to the latter request, the Azerbaijani authorities provided, by letter of 19 December 2003, copies of health certificates issued at Investigative Isolator No. 1 in respect of the four persons concerned. The certificates contained identical information: no injuries had been found on the persons' bodies when they were medically examined upon arrival at the Isolator, and no health-related complaints had been made by them. However, once again, no forensic medical certificates containing the elements specified by the CPT were provided.

5. The manner in which the Azerbaijani authorities reacted to the CPT's request made under Rule 30 (1) of its Rules of Procedure failed to remove the Committee's concerns. In the meantime, the CPT continued to receive disturbing reports from different sources regarding the treatment of persons remanded in custody on charges related to the post-election events. Further, in December 2003, a number of these persons, held at Investigative Isolator No. 1 (Bayil) in Baku, announced a hunger strike.

In the light of the above, the Committee decided that a delegation should visit Azerbaijan in order to obtain information on the spot. The delegation visited Investigative Isolator No. 1 where most of the persons remanded in custody on charges related to the post-election events were being held. A visit was also paid to the Department for combating organised crime in Baku. Further, the delegation held discussions with a number of Azerbaijani officials (cf. Appendix I).

6. As had been the case during the first CPT visit to Azerbaijan in 2002, the co-operation provided to the Committee's delegation was of a very high standard. The CPT is grateful for the time devoted to its delegation by Fikrat MAMMADOV, Minister of Justice, Ramil USUBOV, Minister of Internal Affairs, and Elsever AGAYEV, Deputy Minister of Health. Fruitful discussions were also held with senior officials of the Ministry of Justice.

Further, the delegation received a very satisfactory reception from the management and staff of the establishments visited. There were no problems in gaining access and the delegation was able to speak in private with all persons deprived of their liberty whom it wished to interview. It was also clear that the pertinent extracts of the CPT's 2002 visit report had been circulated and that staff were striving to implement the recommendations made in it.

The CPT wishes to express its appreciation for the assistance provided to its delegation by the liaison officer designated by the national authorities, Faig GURBANOV, Head of the Division for Human Rights at the Ministry of Justice.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### 1. Preliminary remarks

7. According to information provided by the Azerbaijani authorities, a total of 625 persons were detained in the course of the mass disturbances which broke out in Baku on the evening of 15 October and on 16 October 2003, and in the few days which followed. Criminal charges were brought against 77 of them. Administrative sanctions were issued in respect of the remaining 548 persons, of whom 471 were placed in administrative arrest for up to 15 days.

Subsequently, in the course of November and December 2003, a number of other persons were detained and charged with involvement in the post-election events.

8. The delegation noted in the custody records of the Department for combating organised crime in Baku that most of the persons detained in relation to the post-election events had been there for periods of 5 to 7 days, which exceeds the legally authorised duration of police custody (i.e. 72 hours). When questioned about this, staff explained that some of the persons concerned had been placed under administrative arrest but had not been transferred to establishments for administrative detainees for “operative reasons”. No explanation was offered for the other cases.

Further, some interviewed persons charged with involvement in the post-election events indicated that they had spent up to 4 days at different police establishments (including several hours at the Department for combating organised crime) before being presented before a judge.

**The CPT would like to receive the comments of the Azerbaijani authorities on the above matters.**

9. When the delegation visited Investigative Isolator No. 1 (Bayil) on 12 January 2003, it was informed that 122 persons detained in relation to the post-election events had been remanded in custody for an initial period of three months; four of them had already been released.<sup>3</sup> The preliminary investigation had been completed in respect of 42 persons. Practically all the persons remanded in custody in relation to the post-election events were charged with the same offences: “organising and participating in mass disorders” (article 220.1 of the Criminal Code) and “use of force against officials exercising their functions” (article 315.2 of the Criminal Code).

In addition to meeting the five persons referred to in paragraph 4, the delegation interviewed some 25 other prisoners selected randomly from among those detained in relation to the post-election events. They included both persons detained in the course of the mass disturbances which followed the Presidential election (about one third of those interviewed) and persons arrested later.

---

<sup>3</sup> The total number of prisoners at the establishment was 1,022 for an official capacity of 1,250.

## 2. Torture and other forms of physical ill-treatment

10. The majority of the prisoners interviewed by the delegation at Investigative Isolator No. 1 made allegations of physical ill-treatment. Some of the allegations related to the disproportionate use of force by members of the police and the army at the time of apprehension during the post-election disturbances. The prisoners concerned alleged that, after being handcuffed and thrown to the ground, they had repeatedly been kicked and hit with truncheons on the body and the head. Several of the prisoners spoken to by the delegation bore scars on the head which they alleged were the result of injuries received at the time of apprehension.

Allegations of ill-treatment at the time of apprehension were also made by many of the persons who had been apprehended at home. In some cases, it was alleged that a large number of policemen wearing masks had broken in, fired into the air and roughly treated members of the apprehended person's family. Further, after being handcuffed, the apprehended persons had reportedly been punched, hit with truncheons and gun butts, dragged along the ground, and hit again whilst being transported.

The most disturbing allegations related to physical ill-treatment at the time of questioning by the police, with a view to extracting confessions or information implicating other persons (in particular leaders of the opposition). The types of alleged ill-treatment mainly concerned punches, kicks and blows struck with truncheons. In a few cases, the severity of the ill-treatment alleged – i.e. repeated blows to the soles of the feet and burns caused by cigarettes – was such that it could be considered as amounting to torture. Further, a number of persons gave accounts of different forms of humiliation, threats of execution or sexual abuse (against them or their relatives).

11. The allegations made in relation of the time of questioning concerned different police establishments. However, specific mention should be made of the Department for combating organised crime in Baku, in respect of which the delegation received more allegations of ill-treatment – involving combinations of the above-mentioned methods – than regarding any other police establishment. Information from various sources also indicates that persons taken into custody at the Department for combating organised crime in Baku are at high risk of ill-treatment.

**The CPT recommends that a comprehensive inquiry be carried out by an independent body into the methods used by officers of the Department for combating organised crime in Baku when questioning persons in their custody. The Committee would like to receive in due course a report on the inquiry's findings and the steps subsequently taken.**

**More generally, the CPT calls upon the Azerbaijani authorities to make it clear to all police staff that the ill-treatment of persons in custody is illegal and will be dealt with severely in the form of criminal prosecution.**

12. As regards more specifically the allegations of ill-treatment at the time of apprehension, the CPT fully recognises that the apprehension of a suspect may often be hazardous, particularly if the individual concerned resists and/or the police have reason to believe that the person might be armed and dangerous. The circumstances may be such that the apprehended person, and possibly also police staff, suffer injuries, without this being the result of an intention to inflict ill-treatment. However, no more force than is reasonably necessary must be used. Furthermore, once apprehended persons have been brought under control, there can never be any justification for their being struck. **The CPT recommends that police staff be reminded of these precepts.**

13. Only a modest amount of medical evidence consistent with the allegations of physical ill-treatment received was gathered directly by the delegation from the persons interviewed. However, this should not necessarily be taken as undermining the credibility of those allegations: they predated the delegation's visit by two and a half months, and most marks which might have been caused by the kinds of ill-treatment alleged would almost certainly have healed in the meantime.

In this connection, the CPT wishes to stress once again the role which prison health-care services can play in the prevention of ill-treatment by the police, through the systematic recording of injuries borne by newly-arrived prisoners and, when appropriate, the provision of information to the relevant authorities.

The examination of medical records at Investigative Isolator No. 1 in Baku indicated that the initial screening of prisoners is done in a superficial manner. All medical cards seen by the delegation of persons charged with involvement in the post-election events stated that no injuries had been observed upon arrival and no complaints made (cf. also paragraph 4). At the same time, many of the prisoners concerned indicated to the delegation that they had borne injuries at the time of admission to the Isolator; however, medical staff had apparently contented themselves with asking general questions about the prisoner's health without actually screening the prisoner's body. Further, the manner in which the initial examination reportedly took place – i.e. a group of prisoners lined up in the yard in front of a medical member of staff asking “who has any complaints?” – was clearly not conducive to the accurate observations and recording of any injuries borne.

**The CPT reiterates the recommendation made in paragraph 26 of its report on the visit in 2002 concerning the contents of the record drawn up by prison doctors upon examination of newly-arrived prisoners<sup>4</sup>. Further, the Committee recommends that the initial examination of prisoners be carried out on an individual basis, out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of non-medical staff.**

---

<sup>4</sup> Cf. Appendix II for the text of this recommendation.



14. As stressed by the CPT in its report on the visit in 2002, it is axiomatic that judges must take appropriate action when there are indications that ill-treatment by the police may have occurred. In this connection, some of the prisoners interviewed at the time of the January 2004 visit indicated that the judges before whom they were brought with a view to being remanded in custody paid no regard to the visible injuries on the persons concerned.

**The CPT reiterates its recommendation that whenever criminal suspects brought before a judge at the end of police custody allege ill-treatment by the police, the judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the judge should request a forensic medical examination whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that ill-treatment may have occurred.**

15. As indicated in paragraphs 3 and 4, the CPT received only one forensic medical report in respect of a person detained in relation to the post-election events and held at the Department for combating organised crime in Baku. The report in question was drawn up on 29 October 2003 upon a decision by an investigator of the Prosecutor's Office, following a request made by the detained person's lawyer on 27 October 2003. At the outset, the report quotes information provided by the investigating authorities, namely that the person concerned was one of the organisers of the mass disturbances in Baku on 16 October 2003 that resulted in violence and resistance to representatives of the authorities. According to the statement made by the person concerned, he was "injured by two masked police officers beating his legs in the isolator of the Department for combating organised crime at about 19.00 on 19 October 2003." The injuries observed by the forensic expert consisted of "a pale pink abrasion of 1x1 cm on the left elbow, an irregular 5x3 cm yellow haematoma on the back side of the upper right calf, and a 6x5 cm yellow haematoma on the inner right ankle". According to the forensic expert's conclusion, "it is not excluded that [the injuries observed] were inflicted on 16 October 2003 in the circumstances indicated in the part concerning the description of the decision". However, the conclusions do not indicate the degree of consistency between the actual allegations made by the examined person - that he had been beaten at the Department for combating organised crime on 19 October 2003 - and the forensic expert's objective medical findings. In this connection, it is noteworthy that, when interviewed by the delegation, the person concerned indicated that during the mass disturbances of 16 October he had stayed at home, where he was arrested on 17 October.

**The CPT wishes to receive the comments of the Azerbaijani authorities on the contents of the above-cited forensic medical report.**

**More generally, the CPT wishes to stress that forensic medical reports should contain: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment whilst in the custody of the Department for combating organised crime or at other stages of his detention), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings.**

As stressed by the CPT in its report on the visit in 2002, it is also important that persons who are released from police custody without being brought before a judge have the right to directly request a medical examination/certificate from a recognised forensic doctor. At present, such a request can reportedly be made, but as far as the delegation could ascertain, the document drawn up as a result (an “attestation”) has no legal force. **The Committee would like to receive clarification on this point.**

### **3. Safeguards against the ill-treatment of persons deprived of their liberty**

16. In the report on the visit in 2002, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons deprived of their liberty by the police and made a series of recommendations designed to strengthen their operation in practice. The information gathered in the course of the January 2004 visit indicates that these recommendations have not been implemented.

As regards the right of notification of custody, a number of persons detained in relation to the post-election events indicated that they had been denied the possibility to inform a relative of their detention for several days.

Concerning the right of access to a lawyer, hardly any of the prisoners interviewed had been allowed to contact a lawyer as from the outset of their deprivation of liberty. An examination of the relevant records at the Department for combating organised crime revealed that only five persons had had meetings with lawyers in the course of October 2003. All persons interviewed had been able to meet their lawyers, as often as required, after their transfer to Investigative Isolator No. 1.

Access to a doctor remained at the discretion of police staff. With one or two exceptions, none of the persons interviewed by the delegation had consulted a doctor while in police custody.

Further, the examination of the various custody records at the Department for combating organised crime in Baku revealed that a standard, single and comprehensive custody record for all persons taken into custody had still not been introduced.

Consequently, **the CPT reiterates the recommendations made in paragraphs 31, 33, 36 and 42 of its report on the visit in 2002<sup>5</sup>.**

---

<sup>5</sup> Cf. Appendix II for the text of these recommendations.

17. The delegation noted that, following the mass arrests in the aftermath of the Presidential election, police establishments (including the Department for combating organised crime in Baku) and Investigative Isolator No. 1 had been visited a number of times by the ICRC, the OSCE, Council of Europe representatives, diplomatic missions, etc. At the time of the CPT's visit, the Human Rights Commissioner arrived at Investigative Isolator No. 1 in order to interview some of the prisoners; such visits were reportedly frequent.

Many prisoners spoken to by the delegation indicated that the fact that the above-mentioned bodies had visited police establishments had had a beneficial effect: ill-treatment had decreased and detained persons had been transferred to prison establishments. **This demonstrates the importance of systems for the inspection of police detention facilities by an independent authority. The CPT once again invites the Azerbaijani authorities to introduce a system of regular visits to police establishments by external bodies (cf. paragraph 44 of the report on the visit in 2002).**

#### 4. Conditions of detention

##### a. **Investigative Isolator No. 1 (Bayil) in Baku**

18. At the outset of the visit to Investigative Isolator No. 1, the delegation was informed that a number of positive changes had taken place at the establishment since it was first visited by the CPT in November 2002. In particular, minors – whose conditions had been criticised by the Committee – were transferred to a separate block in Investigative Isolator No. 3 where they were reportedly offered a variety of activities. An overhaul of the disciplinary cells had taken place, including an enlargement of the windows and the provision of beds and a full set of bedding to prisoners placed in these cells. Further, some of the older buildings had been demolished in order to make way for modern facilities. The prison authorities were also making efforts to decrease the establishment's population; the delegation was informed that some 350 inmates were about to be moved following a decision to put an end at the isolator to the holding of sentenced prisoners awaiting transfer. It should also be noted that there was an improvement as regards possibilities for remand prisoners to receive visits.

As regards Block 5, which at the time of the visit was used exclusively for holding persons detained in relation to the post-election events, the delegation noted that some improvements had been made since November 2002. The cells had been repainted, wooden floors installed and the heating system repaired. As a result, at the time of the visit, the temperature in the cells was adequate for the season and the dampness had decreased. Further, some of the in-cell toilets had been refurbished. Attempts had also been made to decrease the cell occupancy levels by removing a number of beds. However, most of the cells remained seriously overcrowded: for example, two prisoners in a cell measuring 4.5 m<sup>2</sup>; six prisoners in a cell of 10 m<sup>2</sup>.

19. Outdoor exercise was offered twice a day and no complaints were heard in this respect. However, the situation as regards other activities remained the same: the only forms of distraction were reading books, playing board games and listening to the radio.

20. **The CPT reiterates its recommendations made in the report on the visit in 2002 in respect of Investigative Isolator No. 1 in Baku that:**

- **strenuous efforts be made to reduce the occupancy rate of the establishment's cells; the objective should be to offer a minimum of 4 m<sup>2</sup> per prisoner;**
- **all cells in Block 5 measuring less than 6 m<sup>2</sup> be withdrawn from service;**
- **serious efforts be made to develop activities for prisoners.**

**b. Department for combating organised crime in Baku**

21. When first visited by the CPT in 2002, the Temporary detention centre of the Department for combating organized crime in Baku was undergoing extensive refurbishment. At the time of the visit in January 2004, the delegation observed that the refurbished facility offered very good conditions of detention. There were ten cells designed to accommodate from 2 to 6 persons and measuring 15 to 25 m<sup>2</sup>. The cells had windows allowing satisfactory access to natural light and ventilation, and the artificial lighting and heating were also adequate. The furniture comprised bunk beds with clean mattresses and full bedding, a table and stools. Further, the in-cell toilets (which were partitioned) and the communal bathroom were in an adequate state of repair and hygiene. The facility as a whole was well maintained and clean.

The detention centre also had an exercise yard. Staff assured the delegation that detainees had access to daily outdoor exercise; however, this was not confirmed by any of the persons interviewed who had been held at the centre. **The CPT recommends that steps be taken to ensure that detained persons have access to outdoor exercise for at least one hour per day.**

**c. other police establishments**

22. The delegation received many allegations that persons detained in relation to the post-election events had been held in poor material conditions at different police establishments and had not been offered any food for several days.

The CPT refers to the criteria which it applies when assessing police detention facilities, set out in paragraph 43 of the report on the visit in 2002, and **recommends that the Azerbaijani authorities take steps to ensure that conditions in police establishments are brought into compliance with these criteria.**

**APPENDIX I**

**LIST OF THE NATIONAL AUTHORITIES AND ORGANISATIONS WITH  
WHICH THE DELEGATION HELD CONSULTATIONS**

**National authorities**

**Ministry of Justice**

Mr Fikrat MAMMADOV

Mr Aidyn GASIMOV

Mr Faig GURBANOV

Minister of Justice

Deputy Minister of Justice, Head of the Main  
Department of Enforcement of Court Decisions

Head of the Division for Human Rights

**Ministry of Internal Affairs**

Mr Ramil USUBOV

Mr Oruj ZALOV

Mr Javanshir MAMMADOV

Minister of Internal Affairs

Deputy Minister of Internal Affairs

Head of the Main Department of Public Security

**Ministry of Health**

Mr Elsever AGAYEV

Ms Shahnaz BAHSHALIYEVA

Deputy Minister of Health

Head of the Medical and Preventive Department

**International organisations**

Delegation of the ICRC in Baku

Council of Europe Office in Baku

## **APPENDIX II**

### **RECOMMENDATIONS FROM THE REPORT ON THE 2002 VISIT REFERRED TO IN THE PRESENT REPORT**

#### **Paragraph 26**

The CPT recommends that the record drawn up by a prison doctor following a medical examination of a newly-arrived prisoner contain: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings. Whenever injuries are recorded which are consistent with allegations of ill-treatment made, the record should be systematically brought to the attention of the relevant authority. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the detained person and his lawyer.

#### **Paragraph 31**

The CPT recommends that the Azerbaijani authorities take steps to ensure that:

- all persons deprived of their liberty by the police – for whatever reason – are granted the right to inform a close relative or a third party of their choice of their situation, as from the very outset of their deprivation of liberty (i.e. from the moment when they are obliged to remain with the police and not only when their deprivation of liberty is formalised in a protocol of detention);
- any possibility exceptionally to delay the exercise of the right to have the fact of one's custody notified to a relative or a third party is clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a senior police officer unconnected with the case at hand or of a prosecutor) and applied for as short a time as possible;
- the exercise of the above-mentioned right is recorded in writing.

#### **Paragraph 33**

The CPT recommends that the Azerbaijani authorities take steps to ensure that the right of access to a lawyer for persons in police custody applies as from the very outset of their deprivation of liberty (and not only when a person's deprivation of liberty is formalised in a protocol of detention). The Committee also recommends that the exercise of this right be recorded in writing.

Paragraph 36

The CPT recommends that persons deprived of their liberty by the police be expressly guaranteed the right to have access to a doctor from the very outset of their deprivation of liberty. The relevant provisions should make clear that:

- a request by a detained person to see a doctor should always be granted; police officers should not seek to vet such requests;
- a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police (it being understood that an examination by a doctor of the detained person's own choice may be carried out at his own expense);
- all medical examinations should be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police staff;
- the results of every examination, as well as any relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available to the detainee and his lawyer;
- the confidentiality of medical data is to be strictly observed, without prejudice to the right of the person concerned to make reference to that medical data;
- the exercise of the above-mentioned right is to be recorded in writing.

Paragraph 42

The CPT considers that the fundamental safeguards offered to persons in police custody would be reinforced if a standard, single and comprehensive custody record were to be kept for all persons brought into a police station. This register should record all aspects of the custody and all the action taken in connection with it (including time of and reason(s) for the arrival at the police station; time of issuing the order of detention; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when released, etc.).