



Response

of the Azerbaijani Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Azerbaijan

from 16 to 20 May 2005

The Azerbaijani Government has requested the publication of this response. The CPT's report on the May 2005 visit to Azerbaijan was published in April 2017 and is set out in document CPT/Inf (2017) 11.

Strasbourg, 18 July 2018

Note: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

**RESPONSE OF THE AZERBAIJANI GOVERNMENT
TO THE REPORT OF CPT ON ITS VISIT TO AZERBAIJAN
FROM 16 TO 20 MAY 2005**

Response provided by the Azerbaijani authorities to the comments of the following paragraphs is given below.

Paragraph 11

Search of the garments, clothing and belongings of prisoners, as well as of the premises of the penitentiary establishments is conducted according to article 75.4 of the Code of the Execution of Sentences, provisions of the law of the Republic of Azerbaijan on “The Status of the Interior Troops” and to the provisions of Internal Discipline Rules of the Penitentiary Institutions. Forces of the Ministries of Justice and Internal Affairs could be engaged in taking of these measures, as prescribed by law.

The purpose of the measures taken on February 19, 2005 in Gobustan Prison was to conduct search of the prisoners’ garments, clothing and belongings, and of the premises and to prevent unlawful events that could take place referring to the information about prisoners’ unlawful acts (on the basis of information that prisoners were in possession of forbidden items and were planning to set up an illegal fund, as well as with a view to prevent a future riot). These measures were planned by the Ministry of Justice as a preventive means and the security forces of the Ministries of Justice and Internal Affairs were engaged according to the arrangements between related ministries. During the measures there wasn’t either a case of the use of force or any such means against prisoners, nor were they beaten, injured, and the law was not violated. During the search in the cells and prison’s area items prohibited for possession by prisoners were seized and documented properly. Neither prison’s estate nor prisoners’ effects were damaged during the investigation.

The operation was carried out under control of prison administration, the representatives of the Ministry of Justice and the Prosecutor Office and they informed their leadership about the process and its results. It should be mentioned that according to the national legislation, the Prosecutor Office is fully independent of the Ministry of Justice and security forces, although according to the Constitution and the Law on the Prosecutor’s Office, is a part of judiciary system.

During security operation there was not any fact of physical ill-treatment of inmates. During and after the security operation no allegations were made by prisoners about physical ill-treatment. Very few of the representatives of the security forces were wearing masks while exercising their duties and this practice will be avoided in future.

In the issue of preliminary investigation conducted by the Prosecutor Office it was ascertained that one of the main causes of the events in question was unlawful acts of an influential prisoner N. S., known as "Z." in the criminal world, who had been trying to apply the "laws" of the criminal world in the penitentiary system. Following his transfer from Gobustan prison to investigative isolator to conduct the preliminary investigation of his previous crimes, on February 16, 2005, a group of prisoners staged a protest by hitting the bars and doors of cells, setting their clothes and other items on fire and throwing them out of cell windows and demonstrated mass disobedience ignoring the prison administration's demand to stop the illegal acts.

During the protest which lasted for two hours damage made to the prison amounted to 48,965,734 manats (approximately 8820 Euros).

Compiled materials concerning the events had been added to the evidence of the criminal case on criminal offences of officials of penitentiary establishments subordinate to the General Department of Execution of Sentences (GDES) of the Ministry of Justice, including Gobustan Prison and on mass disturbance caused by inmates. The case is under examination of chief investigator of the Department for Investigation of Serious Crimes of the Prosecutor General's Office of the Republic of Azerbaijan.

On February 19, 2005, in connection with the investigation of the events, investigators conducted a search of the cells of Gobustan Prison in compliance with the criminal procedure law in presence of some officials, including the chief of the operative division of the GDES and commander of the unit No. 67987 of the Internal Troops of the Ministry of Internal Affairs.

As a result of the search there was found certain amount of currency and various kinds of items, including syringes, medicines, electric kettles, glasses, needles, cord, razors, sharp pointed spoons, scissors, nails, etc.

Moreover, at the backyard of unit 3, at a distance of 4-5 metres from cells 68 and 69, "Nokia" mobile phone wrapped in a paper, at the backyard of unit 4, at a distance of 2 metres from cells 114 and 115 "LG-B-1200" mobile phone wrapped in a paper, in front of unit 3, at a distance of 3 metres from the wall an awl of 30 centimetres long made from wire were found.

Items, prohibited by internal rules of the prison, found during the search were destroyed, money taken from the inmates was handed over to the director of the prison for keeping, and 2 mobile phones were added to the evidence of the criminal case.

During the investigation of the case, the above mentioned information was examined. The facts of unlawful actions of a group of inmates on February 16, 2005 in Gobustan Prison and damage to the state property as a result of these acts as well as the fact of unlawful possessing of the above mentioned items in the prison cells were confirmed. Information about use of force against and physical ill-treatment of the inmates was not confirmed. Investigators did not receive any oral or written application on that.

This criminal case has still being investigated and the investigators were recommended to examine in details the information given in the Report.

Criminal case X was commenced on the basis of revealed facts of crimes committed in penitentiary establishments of GDES, under articles 178.3.2, 179.3.2, 213.4, 220.1, 308.1, 315.2, 317.3 etc. of the Criminal Code of the Republic of Azerbaijan.

The criminal case of H. G. and others began to be investigated separately from case X, under articles 220.1, 315.2 and 317.3 of the Criminal code since September 13, 2005. As a result of the investigation it was identified that following the transfer of the prisoner N. S., known as "Z." in the criminal world, to investigative isolator No. 1, the inmates of Penitentiary establishment No. 13: G. H., E. H., J. I., R. T., R. H., G. B., N. J., E. S., E. N., S. H., Y. S. and I. H. with the incitement of the inmate of Gobustan prison R. M. organized and participated in mass riot with the intention to make the authorities to bring N. S. back to Gobustan Prison and by that to apply the laws of the criminal world, to paralyze the activity of the penitentiary establishment, to take revenge on the staff of the establishment discharging their duties and to impede the reformation of the prisoners, by using force against them, by destroying the property, posing a threat to the lives and health of the officials who were discharging their duties.

These persons (12 men) were accused in accordance with articles 220.1, 315.2, 317.3 of the CC; R. M. was accused in accordance with articles 32.4, 220.1, 32.4, 315.2, 32.4, 317.3 and criminal case was sent to Court of Serious Crimes of the Republic of Azerbaijan for trial. The case is under judicial examination at the moment.

During the preliminary investigation held by the Department for Investigation of Serious Crimes of the Prosecutor General Office of the Republic of Azerbaijan, in connection with unlawful actions in Penitentiary establishment No. 11 of the GDES, it was found out that the inmates of this establishment – M. H., B. T., N. R., B. Z. and others without being reformed, under the pretext that the director of the establishment O. H. was ill-treating the prisoners, and in order to gain back the authority (which they had lost when they failed to create an unlawful fund – "obshchak" in their establishment) among the prisoners of other penitentiary establishment by creating the fund, on February 15, 2005, at about 10:15, they organized a protest of a group of prisoners by making them go up to the roof of administrative dormitory No. 81 in the area of the penitentiary establishment, attack the staff of the establishment – I. A., H. E. and H. E., who wanted to prevent their illegal actions and resist by using force. They also used physical force and psychological pressure on other prisoners to make them join the rioters and disobey the administration. They demanded the resignation of the director of the penitentiary establishment O. H. in front of the staff of the establishment and the representatives of the administration, who wanted to prevent disturbances, in order to have the influence on the future administration for realizing their intentions and to create atmosphere of arbitrariness and lawlessness in the establishment, in case of change of the administration of the establishment. They also demanded the liberation of the prisoners detained in the penal cells and declared that if their demands were not fulfilled they would not give up. They prevented the prisoners from giving up and in order to ensure their staying there for a long time, H. M., one of the organizers of the mass disturbance, along with J. N., the accomplice of the crime, made A. R., the seller of the commercial booth in the area of the establishment, open the door of the booth by threatening with using force against his life and killing him, entered illegally into the booth, which was used as a store house, stole the food amounting to 1,701,700 manats, and sent this food by prisoner T. K. to the prisoners, who were on the roof. They tried to spread these actions among other establishments and to impede the functioning of the penitentiary system. Prisoners A. M., A. N., B. M. and others went up to the roof and took part in the mass disturbance. The inmates on the roof shouted outside the establishment, demanded the presence of the media with cameras. When the representatives of the authorities declared that if the prisoners did not stop their illegal actions they would use physical force and other special means for re-establishing the order in compliance with the law, they broke metal, wooden, slate constructions of the roof, caused physical injuries of different grades to the staff of the establishment and the representatives of the authorities – military servants of Interior Troops of the Ministry of Internal Affairs, M. I., A. A., H. S. and other 30

persons who were discharging their duties and demanding prisoners on the roof to go down. In general, they caused a damage amounting to 115,966,980 manats by making useless the administrative buildings, destroying possessions, damaging machines and mechanisms which were the state property.

During the investigation, it was found out that the accused N. R. was called for the military service in July 1993 by the Military Commissariat of Imishli District and on July 30, 1993, arbitrarily left his military unit during the war-time and never came back.

According to the above-mentioned, M. H. and N. J. were arraigned in accordance with articles 181.2.1, 181.2.3, 220.1, 315.2, 317.3, A. M., A. N., B. M., B. Z., B. R., B. T., A. V., A. S., H. A., H. R., S. F., S. R. in accordance with articles 220.1, 315.2, 317.3 and N. R. in accordance with articles 220.1, 315.2, 317.3, 243 of the Criminal Code of the Republic of Azerbaijan and the criminal case was transferred to the Military Court of Serious Crimes of the Republic of Azerbaijan to be heard on the merits. At present the case is under judicial examination.

Comprehensive measures are being taken at present to improve living conditions of Prison No. 15 and Gobustan Prison, and to eliminate flaws found out by the members of CPT.

Paragraph 14

The national legislation requires that the staff of penitentiary establishments treat the inmates decently and prevents inhuman or degrading treatment of the inmates. Obliging measures may be applied to the inmates only in compliance with the legislation. Normative acts on execution of sentences, which have been approved by the Minister of Justice, requires that the staff are instructed about the norms before starting to perform their duties, and the relevant officials regularly explain to the inmates their rights and duties.

In all penitentiary institutions as well as Penitentiary establishment No. 15 the abovementioned requirements are fulfilled. Moreover, decent treatment of the inmates by the staff is always overseen by the management of penitentiary establishments, General Department for Execution of Sentences and the Inspection for Execution of Sentences. It should be noted that the Inspection has been established not so long ago and started functioning early in 2005. Its duties include visits to penitentiary establishments at its discretion, meeting with inmates and examine their complaints. Moreover, the Inspection identifies the abuses of power by the staff of penitentiary establishments, as well as violation of generally accepted norms and standards of treatment of inmates, which are defined in the Azerbaijani legislation and international instruments to which Azerbaijan is a party.

Security measures in the penitentiary establishments are provided by the specially trained staff. In all cases, all special means used while taking security measures are reported to the management of establishments. Deeds recorded in this regard are attached to the personal file of relevant inmates. The relevant normative documents do not provide for particular recording of the use of special means. Presently, appropriate amendments to those documents are being considered.

Not a single case of inhuman or degrading treatment of inmates by the staff of Penitentiary establishment No. 15 has been recorded. The inmates of that establishment have neither seriously violated the rules nor showed disobedience. They did not act violently against each other either.

During 11 months of 2005, in that establishment, where 700 inmates are detained, only in 8 cases were used handcuffs and in 3 cases rubber truncheons with handcuffs in order to prevent self-damaging of inmates or to counter their disobedience to lawful demands of the staff.

The legislation provides that inmates, who break rules of regime, should be placed in disciplinary segregations only in accordance with the recommendation of a doctor. This provision is being followed.

It is ensured that inmates' appeals are timely examined in compliance with the rules defined in the legislation, their requests addressed to the relevant authorities are timely sent and the replies from the authorities are delivered to inmates as soon as possible.

The staff of the penitentiary system is trained regularly.

Paragraph 15.

All inmates before being accepted to the penitentiary establishments are going through medical examination by the medical sections of the establishments. They take off their clothes and their bodies are examined. All traumatic lesions on their bodies are recorded and appropriate measures are taken.

Furthermore, the medical staff is instructed to record and describe any traces of inhuman treatment or torture on the bodies of inmates, and to show the following in the medical registers after examination:

- full statement of the relevant inmate (including his claims concerning his health and maltreatment);
- full and objective description of the results of the medical examination;
- conclusions of a doctor, assessing the degree of similarity of the objective results of the examination with the claims of the inmate;
- strictly abiding by the rules of handing over of information concerning lesions if they are discovered in accordance with the inmate's claims.

Until recently, in personal files there had not been special pages for recording injuries as traces of maltreatment or torture on bodies of inmates, if any. Taking this into account, in order to avoid the difficulties in checking mistreatment, changes were made to the rules of compiling of inmates' personal medical files and keeping records. Thus, special pages are envisaged to be included to the medical files to record any traces of lesions if cases of torture are detected while inmates are placed in disciplinary segregation and afterwards.

The medical staff of the penitentiary institutions was among the participants of the qualification course on human rights and combating torture in the context of international instruments, organized by the Exercise and Training Centre of the Ministry of Justice in May-June 2004. It is envisaged that the medical staff will be trained in 2006. At that training the recommendations of the CPT will also be taken in account.

Paragraph 24.

With the purpose of improving detention conditions of life-sentenced prisoners and reducing occupancy levels of cells of prisoners other than life-sentenced ones at Gobustan prison, it was decided to build a new prison in compliance with modern standards which would allow detention of up to 4 prisoners in one cell, with each having its own walking yard. Presently, the project of that prison is being drawn.

Since early 2005, measures have been taken to eliminate deficiencies in nutrition of inmates in all penitentiary establishments that were observed during previous years. Provision of inmates with good quality food in accordance with relevant standards is ensured and this issue is always kept in focus.

The need for potable water in the prison is satisfied, the heating system was reconstructed, the power supply was improved, a library was created, and the medical unit and 45 cells were refurbished. Moreover, taking account of the recommendations of the CPT delegation during their visit, in order to improve the ventilation of the cells in units 5 and 6, there were made vent holes from cells to corridors in a short time.

It is envisaged that unit 1 of the prison, which has been functioning since 1993, as well as its quarantine cells be reconstructed, communal and other rooms be thoroughly repaired, and heating, ventilation, sewage and water supply systems be changed in 2006. Furthermore, while meeting living standards, measures will be taken to reduce the number of beds in multi-occupancy cells, to enlarge the windows in all inmates-detained places in accordance with standards for natural light access, to increase the number of shower heads in bathrooms for the inmates to take shower at least once a week.

Paragraph 30.

The national legislation does not allow for inmates to watch TV in cells, and for life-sentenced prisoners to get vocational training. Presently, suggestions are being prepared to address to the relevant authorities in order to review the norms that create such limitations.

To ensure the right of prisoners for religious practice, additional measures have been taken. Thus, the number of religious books in the library was increased, a meeting of inmates with clergymen was organized, and religious literature was disseminated among the prisoners. The measures are still being taken in this field.

It is envisaged that inmates of Gobustan prison practice individual labour (painting, souvenir making, etc.) and a tailoring workshop be created in one of the units to meet the internal demand of the prison. There the inmates will make mattresses, pillows, special garments, etc. to meet the internal demand. They also will mend their garments and bed items. It is planned to create in the future cell-type manufacturing places to involve prisoners in each unit to production process. It is also envisaged to provide the necessary condition for every inmate who wishes to practice individual labour. Besides, it is intended that the labour of exemplary inmates, who are employed, will be effectively used in the economic place that will be created in the prison area.

Construction of a new prison (ref. para 24) will enable the inmates to work, get education and effectively use their leisure time (to do sports, to rest and communicate).

Paragraph 31.

The national legislation provides that the type of penitentiary institution for life-sentenced prisoners be defined by court. The issue of amending that norm and implementation of suggested rules in the national legislation will be considered when appropriate proposals are given by the relevant experts in this field taking into account existing international experience.

Paragraph 37.

It is envisaged to thoroughly refurbish Penitentiary establishment No. 15 in 2006 to reduce the high rates of occupancy aimed at achieving 4 m² living space per prisoner.

Some vulnerable prisoners are detained along with other prisoners in dormitories. Nevertheless, necessary condition has been provided at the establishment to detain them separately from other prisoners. The appeals of vulnerable prisoners are always properly examined.

3 more windows and a vent were built in the quarantine unit of the establishment. The prisoners as well as those temporarily placed in the quarantine were provided with bed items in accordance with their number.

To ensure the right of prisoners for religious practice, a new practice area was created.

Refurbishment of sanitary facilities for prisoners and enlargement of the bathroom have begun. The medical unit has been refurbished. 2 wards, 1 manipulation room, 1 drugstore, and 2 reception rooms were opened.

Additional steps were taken to improve the heating of prisoner accommodation. Special attention is devoted to meeting the standards of the quality and quantity of the food provided to prisoners (ref. para 24).

Paragraph 38.

The national legislation provides that prisoners in general and strict regime establishments as well as correctional ones be kept in ordinary accommodation, prisoners in special regime establishments be kept in cells or in ordinary accommodation, and prisoners in prisons be kept in cells. For some time past, in a number of penitentiary establishments large dormitories in ordinary accommodation constructed in the past have been reconstructed so that to create small rooms where fewer inmates can be detained. This work is under way. At the same time, 3 mixed-regime penitentiary establishments are being constructed in compliance with modern standards in the regions of the republic. Their structure complies with the recommendations.

Paragraph 41.

To ensure the right of prisoners to get vocational training, 75 prisoners are getting training in 5 groups on 4 specialties in the vocational school, which has been functioning at Penitentiary establishment No. 15 since 2000. They are studying such specialties as construction, joinery, plastering, welding, etc. Workshops were set up in the school. It was provided with manufacturing tools, equipment and educational literature. Presently, works are being done to enable prisoners to get general education.

In order for the manufacturing place at the establishment to start functioning, steps are being taken. Old workshops have been refurbished, and those who want to engage in individual labour have been provided with special places. So far 6 prisoners have been engaged in individual labour. They make souvenirs (backgammon, rosary, tobacco pipe, die, table, chair). When the manufacturing place starts functioning, the size of the staff of the establishment will be revised.

Paragraph 44.

The proposals concerning the size of medical staff as well as possibility of introduction of night-time duties with possible enlargement of the size of medical staff in all establishments, including Gobustan prison and Penitentiary establishment No. 15, are being considered. Moreover, to fill vacancies in the penitentiary system, as well as to employ psychologists and psychiatrists through competition, special commissions have been set up with involvement of NGO representatives, and job announcements were made in media. In accordance with the proposals of those commissions, some vacancies were filled. Presently this work is under way.

Temporary problem of medication supply in the penitentiary establishments, including Gobustan prison and Penitentiary establishment No. 15, have been totally solved. Now all penitentiary establishments are regularly provided with required medication and bandaging material.

It was identified that the prisoner described in the report as working as a nurse in Penitentiary establishment No. 15 was not actually a prisoner, but an aid-man who was responsible for cleaning the medical unit. While opening the yard's door, he could be confused by CPT delegation with an inmate, as he was wearing a white gown. In fact, none of the inmates had ever been employed as a nurse.

Prisoners' need for different kind of medical consultation is satisfied by the specialists invited from appropriate medical institutions which are part of the penitentiary system. Thus, in 2005, 87 prisoners were consulted by 34 specialists.

If there is a need of any inmate for dentist's help in Penitentiary establishment No. 15, a dentist employed in neighbouring Penitentiary establishment No. 6 is invited for consultation. In 2005, 47 inmates were examined by the dentist.

Although there is not X-ray equipment at the establishment, all prisoners underwent mobile fluorography in June 2005. This examination will be conducted periodically.

Paragraph 45.

The medical staff of Gobustan prison was attached to regime units in order to provide medical service to prisoners more effectively. In the units, prisoners, who are in disciplinary segregation, undergo medical examination, and appropriate record is done in this regard. If necessary, those prisoners who can not be detained in disciplinary segregation are taken out and treated.

In 2005 in the prison, 18200 inmates were treated on an outpatient basis (approximately 55-60 inmates per day), and 222 inmates were treated in the permanent medical establishment of the prison. 228 inmates were sent to the Medical Establishment for specialized treatment, and 94 inmates were sent to the Specialized medical establishment for prisoners suffering from tuberculosis. We worry about allegations that prisoners had to pay money for treatment.

However, not a single such allegation have been recorded. Nonetheless, a meeting with the medical staffs of Gobustan prison and Penitentiary establishment No. 15 was conducted. They were informed of the allegations reflected in the report, and were instructed on the provisions of the legislation governing provision of medical service to prisoners. Presumably, such cases took place when there was a temporary deficit of medication and bandaging material, as some prisoners or their relatives could buy necessary medicines themselves. The national legislation does not prohibit for prisoners to buy medicament or pay for their treatment themselves in necessary cases. Presently, there is not any problem concerning medical care of prisoners.

Paragraph 46.

There was not any appeal to the prison staff by inmate M. A. died at Gobustan prison about his illness and the need of medical care. When an inmate addresses to the prison staff for medical care, in spite of the complex procedure, the doors of the units and cells are opened. The causes of the death of 3 inmates at the age of 30-43 mentioned in the Report were examined again. Conclusions of the forensic expertise showed that two of them died of acute myocardial infarction, and the third one died of bronchial haemorrhage.

At the moment suggestions concerning the simplification of procedures of opening the doors of the units and cells are being worked on.

Paragraph 47.

Some measures are being taken for improvement of the quality of medical care to the inmates detained in penitentiary establishments and these measures are intended to carry out first of all in investigative isolators and Gobustan prison.

At the moment the medical units of the prison and Penitentiary establishment No. 15 are under capital repair. After these works are over, it is intended to provide them with new equipment, and to set up clinical and bacteriological laboratory with the help of the International Committee of the Red Cross in 2006.

Newly arrived inmates are put under examination for detection of prisoners with tuberculosis by inquiry methods (procedure). Inmates, initially suspected of or having had tuberculosis before are examined by phthisiatrician. Phlegm of the inmate is examined for precising tuberculostatic activity. If it is BK-positive, he is transferred to the Specialized medical establishment for prisoners suffering from tuberculosis. Inmates suspected of tuberculosis are sent to the Medical Establishment for X-ray examination as well. If the disease is confirmed by X-ray examination, the inmate is sent to the Specialized medical establishment for prisoners with tuberculosis. The transfer of prisoners initially suspected of or having had tuberculosis before to the Specialized medical establishment for medical examination and treatment is based on the conclusions of medical staff and there is no limitation for hospitalization. As a rule, prisoners suspected of tuberculosis, as well as those who had passed medical treatment course DOTS completely or partly (for the reason of voluntary rejection or because of the violation of the internal rules) and had been sent back to the prison, are kept in infirmary for inmates with tuberculosis in the medical unit of the prison. Inmates from this category pass every three months examination of phlegm and only in case when results are BK-negative during a year they are allowed to be transferred to the general cells.

Exchange of views on creation of the “on-spot” medical treatment network at penitentiary establishments for inmates who had been sent back to prisons without having passed the DOTS medical course completely, are carried on with the leadership of the Tuberculosis programme of the ICRC, in order to provide them with complete course of treatment. Follow-up measures in this direction are envisaged.

In 2005, 94 inmates were transferred from Gobustan prison to the Specialized medical establishment for prisoners with tuberculosis for medical examination and treatment. 34 of them were considered initially suspicious of tuberculosis, tuberculosis process in 15 of them was confirmed and they took part in the DOTS medical treatment course, the tuberculosis process was not detected in the rest 19 inmates and they were sent back to the prison. There were doubts about tuberculostatic activity in 60 inmates who had had tuberculosis before. At the Specialized medical establishment for prisoners with tuberculosis, the activation of the disease was confirmed in 11 of them and they took part in the medical treatment course. The activation of tuberculosis was not confirmed in the rest 49 inmates and they were sent back to the prison. In 2005, 17 inmates passed the complete course of DOTS at the Specialized medical establishment for prisoners with tuberculosis, while 6 inmates who did not pose any threat to others (BK-negative) were sent back to the prison without completing the treatment course for the reason of voluntary rejection or because of the violation of the internal rules.

It is noteworthy that Armenian occupation of 20 percent of our territories resulted in 1 million refugees and IDPs, as well as the deplorable state of the country's economy in early 1990s caused social problems and created favourable conditions for the spread of tuberculosis. Nevertheless, targeted measures taken during recent years for the improvement of the well-being of people also covered the fight against tuberculosis. A new strategy was developed in this field. The activity in this area got special impetus in 2000 when the law on fighting tuberculosis was adopted.

Moreover, for the purpose of fighting tuberculosis in penitentiary establishments, close cooperation between the Ministry of Justice and the ICRC was established in 1995 and a number of documents have been signed since. Under the agreement with the ICRC signed in 2000, the representatives of the ICRC are granted access to all penitentiary institutions to get familiarized with the situation on the spot, and to talk to prisoners face to face. Creation of the Specialized medical establishment for prisoners with tuberculosis, its provision with modern equipment and laboratory by the ICRC, as well as organization of training to more than 30 medical personnel working in this field on various relevant issues are of great importance. It should be noted that the measures on improvement of medical service contributed to strengthening of the health of prisoners. As a result, the number of prisoners died of tuberculosis in 2005 was 0.4 percent of the total number of prisoners as compared to 5.2 percent in 1995. Overall death percentage among prisoners fell from 7.3 percent in 1995 to 0.7 percent in 2005.

As an expression of the attention to the fight against tuberculosis in penitentiary establishments, a ceremony of the 10th anniversary of cooperation between the Ministry of Justice and the ICRC on the struggle against the tuberculosis was held on December 6, 2005. The representatives of the international and local NGOs and intergovernmental organizations, including UN, CoE, OSCE and others, officials of diplomatic missions, relevant authorities, including the heads of penitentiary establishments, and medical staff attended that ceremony. The participants of the event visited the Specialized medical establishment for prisoners with tuberculosis of the Ministry of Justice, and were acquainted with the methods and the process of treatment of the prisoners suffering from tuberculosis.

Paragraph 48.

Very strict order was given to the chiefs of medical units of penitentiary establishments for them to ensure that newly arrived prisoners at penitentiary establishments are seen by a doctor within 24 hours of their arrival. The order is complied with.

Paragraph 49.

Order was given to the chiefs of medical units of penitentiary establishments to ensure that defects reflected in the report concerning medical documentation are eliminated. This issue will be strictly overseen. Furthermore, a special commission set up within the Medical Department has been working on the new forms and methods of medical documentation. A number of changes and innovation in the documentation is envisaged.

Paragraph 50.

Very strict order was given to the chiefs of medical units of penitentiary establishments for them to ensure that the “Guidelines on detention conditions and forced nutrition of prisoners and arrested persons in penitentiary establishments and investigative isolators who refuse to feed” is complied with by medical staff while treating prisoners on hunger strike.

Although hunger strikes do not happen frequently, an order was given to experts to examine whether the above-mentioned Guidelines correspond to the national legislation and international norms, and to prepare suggestions on the basis of their conclusions.

Paragraph 51.

While transferring inmates to infirmaries or hospitals the opinion of medical staff is taken into account unambiguously and no restriction is posed to hospitalization of inmates. In such cases, the directors of penitentiary establishments are informed only to ensure the safety of inmates in terms of operation and regime.

Paragraph 52.

The issue of raising staffing levels at Gobustan prison and Penitentiary establishment No. 15 are currently considered (ref. para 44).

Paragraph 53.

On the instructions of the President, since early 2005 comprehensive measures have been taken under direct supervision of the Minister of Justice to improve the functioning and to raise the efficiency of the penitentiary system and to eliminate existing deficiencies. At the meeting of the Board of the Ministry of Justice on March 15, 2005 concrete measures and tasks were set to improve the work in this field, to eliminate breaches of law and their causes and to strengthen the discipline taking into account recent changes in the management of GDES. At the meeting the newly created special commission started functioning.

Effective steps were taken to eliminate uncovered cases of serious violation of law, negligence and abuse, control of the functioning of the penitentiary system was strengthened, more than 30 officials were demoted and 11 of them were dismissed from the justice bodies for the deficiencies in their work. Criminal prosecution was instituted against 11 officials of the penitentiary system for abuse of power (3 of them also for the crime of corruption). The criminal prosecution of 9 of them was completed and their case was sent to court for trial. The prosecution of the rest is going on. Moreover, the employment procedure was revised taking into account sound and modern requirements. Thus, an open competition was announced to fill vacancies in the penitentiary system as well as medical staff and more than 50 persons with highly professional background and moral were employed.

As a result of steps taken, prisoners' detention condition, nutrition, provision of medical and other services were improved and lasting breaches of law in the penitentiary system were resolutely prevented.

Furthermore, favourable condition was created for the representatives of local and international NGOs and human rights defenders to visit penitentiary establishments and to effectively conduct monitoring and control. The normative act governing this issue was approved and appropriate public committee was established. Special attention is given to informing the public regularly of this work and steps which are being done in full transparency and clarity.

In brief, not a single case of bribing of prison staffs of Gobustan prison and Penitentiary establishment No. 15 was recorded. Neither inmates nor their relatives have ever officially applied on this matter. Measures are taken continuously to prevent such a scourge.

Paragraph 54.

It is national legislation that provides for the number of visits of family members and close relatives received by prisoners in high-security (strict regime) penitentiary establishments and prisons where life-sentenced prisoners are detained. However, forwarded suggestions on this issue are being examined in accordance with the task on adjustment of detention conditions of prisoners from category to modern requirements (ref. para 30).

Paragraph 55.

The visiting rooms at Penitentiary establishment No. 15 were refurbished after the visit took place. Not a single case of violation of prisoners' rights envisaged by the legislation, including the right to meet with parents and close relatives has been recorded.

Necessary refurbishment of visiting rooms at Gobustan prison is envisaged to ensure their correspondence to relevant standards. Moreover, suggestions on enlargement of the rooms for short-term visits as well as conduction of meetings under open conditions are examined by experts.

Paragraph 58.

Necessary refurbishment of the disciplinary cells at Penitentiary establishment No. 15 was carried out. The floor of the cells was covered with board, the floor of the lavatories was covered with tile and they were provided with necessary equipment. A new heating system is constructed to heat the cells.

All disciplinary segregation cells at Gobustan prison were provided with tables and chairs.

All disciplinary segregation cells at Gobustan prison have artificial lighting system. In order to improve natural lighting there it is envisaged that the windows will be enlarged. Heating system is being changed in the cells.

Prisoners detained in the disciplinary segregation unit at Penitentiary establishment No. 15 are provided with bed items at night. Prisoners placed in the disciplinary cells at the establishment undergo medical examination and are regularly checked on the existence of infectious diseases. In order to fully ensure the right of prisoners detained in the disciplinary cells for outdoor walking necessary measures are being taken.

Construction of additional 4 walking rooms to ensure outdoor walking of prisoners in unit 3 of Gobustan prison is now being completed. Measures are envisaged to increase the number of walking yards at other units.

In accordance with the legislation, all prisoners detained in disciplinary cells are allowed to take shower once a week according to the time-table.