

## EXECUTIVE SUMMARY

The main objective of the ad hoc visit to Azerbaijan was to review the situation of sentenced prisoners. To this end, the delegation visited prisons No. 6 and 14 as well as the Correctional Establishment for Juveniles in Baku.

The delegation received hardly any allegations of deliberate physical ill-treatment of inmates by staff at penitentiary establishments visited. However, the CPT is concerned by what appears to be a practice of punitive use of truncheons and recommends that it be stopped immediately. Furthermore, the CPT recommends that steps be taken to upgrade the skills of custodial staff in handling problematic situations without using unnecessary force, and in reporting on instances of use of “special means”.

In the course of the visit, the delegation enquired about the circumstances of the death of prisoner A.<sup>1</sup> at Prison No. 14 on 22 December 2014. Unfortunately, the delegation was not able to meet with the prosecutor directly in charge of the investigation. The CPT requests to be provided, in due course, with full information on the outcome of the investigation.

Similar to the situation observed on the previous visits to Azerbaijan, the delegation was struck by the very low custodial staffing levels at Prisons No.6 and 14, which lead to relying on certain prisoners to maintain good order and control. Such a practice greatly increases the risk of inter-prisoner violence and intimidation (as was confirmed during the visit) and is unacceptable. The CPT recommends taking steps to increase significantly custodial staffing levels and to ensure that no prisoner is put in a position to exercise power over other prisoners. Furthermore, the Committee recommends that all custodial staff be instructed to use all appropriate means to prevent and combat inter-prisoner violence and intimidation.

As regards material conditions, Prisons No.6 and 14 were both overcrowded, accommodating prisoners in dilapidated large-capacity dormitories. The prisons’ communal sanitary facilities were invariably in a rundown condition, dirty and smelly. The CPT recommends that the Azerbaijani authorities take necessary steps to decrease the occupancy levels and to ensure adequate standards of accommodation.

As concerns the Correctional Establishment for Juveniles, the delegation took note of the fact that it was to be relocated to a new facility in Kurdakhani in the beginning of 2016.

While juveniles at the Correctional Establishment for Juveniles were offered a range of activities, the majority of inmates at Prisons No.6 and 14 were left to spend their time without any purposeful organised activities. The CPT recommends making efforts to increase the number of prisoners engaged in such activities.

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<sup>1</sup> In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the name has been deleted.

In both prisons visited, the health-care services were grossly understaffed and insufficient to meet the needs of the prisoners; the situation at the Correctional Establishment for Juveniles was better. The CPT recommends reinforcing the health-care teams in the Prisons No.6 and 14. Other recommendations regarding the health care include that a person qualified in first-aid always be present in prisons including at night and on weekends; a medical screening be carried out systematically within 24 hours of admission of a newly arrived prisoner; all medical examinations of prisoners be conducted and all medical documentation kept in the manner respectful of medical confidentiality. The Committee also recommends to the Azerbaijani authorities that they improve the provision of psychiatric care to prisoners and develop the role of prison psychologists.

As regards the role of the prison health-care services in the prevention of ill-treatment, the CPT recommends that the Azerbaijani authorities take immediate steps to ensure that prison health-care staff receive appropriate training and clear instructions on the drawing-up of medical records. Furthermore, the existing procedures should be reviewed in order to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the competent authorities, regardless of the wishes of the prisoner.

The delegation was concerned by the excessive recourse to placements in punishment cells (“kartzet”) at Prisons No. 6 and 14. Furthermore, in both prisons visited, there were inmates who had been subjected to consecutive placements in a “kartzet” with only a day of interruption. As previously, placement in a “kartzet” was accompanied by bans on visits and telephone calls. The CPT recommends reviewing the practice of segregation on disciplinary grounds as well as amending the relevant provisions in line with the European Prison Rules and relevant CPT standards. Moreover, the Committee is concerned by the fact that self-harm continues to be considered as a disciplinary offence and punished accordingly; this is not a correct approach.

Regarding the disciplinary punishment of juveniles, the CPT reiterates its recommendation that the Azerbaijani authorities reduce to 3 days the maximum possible period of confinement in a disciplinary cell in respect of juvenile prisoners. Preferably, such placements should last no longer than a few hours.

As concerns contact with the outside world, the CPT reiterates its view that a system under which the extent of such a contact is determined by the regime under which a prisoner serves his/her sentence (as imposed by court) is fundamentally flawed. In principle, all prisoners, irrespective of the regime, should have the same possibility for contact with the outside world.

Finally, the Committee calls upon the Azerbaijani authorities to take all necessary steps to ensure that the right of prisoners to lodge confidential complaints is fully respected in practice and that complainants are free from any pressure and reprisals.