

## **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 15 to 22 June 2015**

The Azerbaijani Government has requested the publication of this response. The CPT's report on the June 2015 visit to Azerbaijan is set out in document CPT/Inf (2018) 33.

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, the name of an individual has been deleted.*

## INFORMATION

Regarding execution of recommendations made in the report on the 15-22 June 2015 visit of the European Committee for the Prevention of Torture (CPT)

**On paragraph 7** (*non-reprisal of prisoners for providing information to Committee representatives*):

No facts were registered regarding prosecution or reprisal of prisoners detained at penitentiary establishments, including penitentiary establishments No. 6 and 14 for any of their appeals or for providing information to delegates of visiting organizations.

**On paragraph 12** (*punitive use of special means*):

Security measures may be applied to inmates, who refuse to obey legitimate orders of the custodial staff, participate in riots and holding of hostages, attack citizens or commit other acts of public danger, also in an effort to prevent illegal acts that occur during prison escape or during the arrest of runaway prisoners which may harm surrounding persons or themselves, as well as to prevent prepared or committed crimes. The procedure of use of special means is regulated by the relevant instructions. A prisoner may file a complaint regarding the use of special means in accordance with the procedure setup by legislation.

Relevant records on use of special means are being kept. In accordance with the Internal Disciplinary Rules of Prisons in effect, the leadership of the Ministry of Justice and the Penitentiary Service is informed about every fact of application of special means toward inmates. In relation to this issue, relevant documentation is compiled, the legality of the application is checked, and measures are taken depending on the results.

For application of force toward a prisoner at the penitentiary establishment No. 13 on 22.10.2014 without any legal grounds, by the 03.12.2014 order of the Penitentiary Service 3 employees of the establishment were discharged from the justice system, 1 employee was sacked, and 4 employees were warned to be completely unfit for their position.

At the same time, directors of penitentiary establishments were instructed in writing by the Department General to ensure the use of special means, including rubber truncheons only in cases stipulated by legislation.

**On paragraph 13** (*upgrade the skills of custodial staff in handling problematic situations without using special means*):

Application of special means is regulated by legislation and is only resorted to in case one or several grounds occur. The application of special means does not pursue punitive purposes.

As noted above relevant records on use of special means are kept and those cases are immediately investigated. Custodial staff is held responsible in accordance with legislation for abusing their powers, breaching the line of necessary defense and last resort, and using special means by exceeding necessary measures in order to detain the person who committed a crime. In the 2014-2015 periods, three primary investigation materials regarding application of special means were duly forwarded to prosecution authorities.

Attention is paid to upgrading the skills of custodial staff for the purpose of handling problematic situations without using special means, relevant explanatory work is conducted in this field, lectures on the theme of the UN and the European Conventions on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Prison Rules, their essence, and the obligations of member states are given at the training courses held at the Academy of Justice, as well as at the Training Center of the Penitentiary Service.

As an awareness-raising measure, in the frame of the Justice Reforms Support Program, implemented together with the European Union, the legislation on execution of punishments dedicated to treatment of prisoners, including the UN and European Conventions on the Prevention of Torture (Compilation of main normative and international acts for penitentiary service employees) and the scientific-practical commentary of the Execution of Punishments Code were published and distributed to employees of all penitentiary establishments.

Employees accepted to penitentiary service obtain theoretical knowledge and practical habits on legal grounds for application of special means at the initial preparation courses. Topics on the application of special means are included in the annual programs of professional and service workshops for the penitentiary staff.

At the same time the employees of the penitentiary establishments regularly attend workshops at the Training Center of the Penitentiary Service. Topics related to application of special means are taught in the training seminars held every Wednesday, for the purpose of increasing general and professional knowledge of the Department General staff.

**On paragraph 14** (*drawing up regulations governing the use of teargas*):

The procedure of application of special means, including teargas is regulated by "The Instructions on security measures at the penitentiary system of the Republic of Azerbaijan and the rules of their applications", confirmed by the 18.02.2004 Order of the Minister of Justice of the Republic of Azerbaijan.

The instructions set out the types of teargas used indoors and outdoors. The instructions also require ensuring rapid medical treatment of subjected persons in all cases of special means application (including teargas), the use of special means by trained penitentiary employees and military servants, and due provision of information in this regard.

**On paragraph 15** (*Video recording of special operations. Staff wearing some means of identification*):

In accordance with the requirement of legislation the leadership of the Ministry of Justice and the Penitentiary Service is informed about every fact of application of special means and their investigation is provided. With the exclusion of urgent cases, video recording of special measures related to concrete situations is normally provided whenever possible.

Taking into account the recommendation of the CPT, all the employees serving at penitentiary establishments carry special badges showing their positions, ranks, surnames and names.

**On paragraphs 16-18** (*Investigation of the death of prisoner ██████████*):

On 10.01.2015 the prosecutor's office opened a criminal case under Article 309.1 of the Criminal Code regarding the death of prisoner ██████████ at the penitentiary establishment No. 14 on 22 December 2014, investigation was conducted and legal assessment was given to the acts of the Service employees concerned.

**On paragraph 19** (*giving inmates the task of supervising over other inmates*):

Legislation prohibits tasking inmates with exercising the competences of the custodial staff and the inmates at penitentiary establishments were not given the task of supervising over other inmates.

According to the Execution of Punishments Code amateur organizations are created for the purpose of correction of prisoners, their education, assisting their moral and physical development, developing positive habits in prisoners and encouraging their beneficial initiative, participating in organization of living conditions and beneficial use of their free time, strengthening discipline among inmates and molding positive relations with each other, as well as helping prisoners and their families.

Amateur organizations consist of the collective establishment council, collective group council and their units and assist prison administration in creating relevant conditions for correction and education of prisoners, molding positive social view of inmate collective, developing social activity and beneficial interests among inmates, organizing labor competitions, executing production tasks, increasing labor productivity and quality of products, strengthening discipline and good order among inmates and obeying Internal Disciplinary Rules of prisons, holding mass and cultural educational events, organizing general high and technical vocational education of inmates.

Members of the amateur organizations are elected by the open election at the general gathering of prisoners and are subordinate to them.

**On paragraph 20** (*a group of prisoners attacking other prisoners on 08.11.2014 at the penitentiary establishment No. 6*):

Prisoners having power over other prisoners, inter-prisoner violence and intimidation cases are considered illegal deeds and are liable depending on characteristic and the result of the deed. For this purpose in addition to application of

security measures to inmates, the practice of isolation of those prisoners from the main prisoner population and their transfer to other penitentiary establishments, as well as prisons is used.

In several cases the materials compiled on the fact are sent to the relevant investigative body in order to hold the person to criminal responsibility. Service investigation was carried out in relation to the fact of inter-prisoner violence and disobedience to custodial staff by a group of prisoners at the penitentiary establishment No. 6 on 8 November 2014, the Prosecutor's Office of the Baku city Nizami district opened the criminal case based on the collected documents and after completing the investigation sent said documents to the Nizami district court.

**On paragraph 21** (*prevention of inter-prisoner violence*):

Supervision over prisoners at penitentiary establishments is organized in accordance with the requirements of legislation. On the day of admittance to the facility the requirements of internal disciplinary rules, the need to respect the rules of communal living are explained to him/her and he/she is informed of the responsibility for breaking these rules. The associate of the Organization of Correctional Work Service assigned to the prisoner prepares and implements the correctional measures plan for that prisoner. Prisoners are not charged with tasks of supervision over other prisoners. Preventive and other measures are taken for the purpose of preventing inter-prisoner violence situations. Every appeal or information on danger to life and health of a prisoner is immediately looked into and security of the prisoner is provided.

If danger arises to life, health, or dignity of the prisoner from other prisoners or other persons, he/she is immediately moved to the specially allocated, isolated and protected room within the territory of the establishment. If danger is not overcome, the prison administration takes other measures in order to ensure security of the prisoner. One of such measures is transfer of the prisoner to another penitentiary facility with the same regime.

Prisoners prone to committing violence toward other prisoners are taken under control. In case of observance of breach of internal disciplinary rules in their actions, they are subjected to reprobation measures in accordance with legislation. Prisoners who commit tendentious breach of these rules may be transferred to a prison by a court decision.

The leadership of the Ministry of Justice and the Penitentiary Service is informed about cases of violence by prisoners and the preliminary investigative materials are duly sent to law enforcement bodies in order to receive legal assessment.

**On paragraphs 23 and 26** (*overcrowding of the penitentiary establishments No. 6 and 14, detention conditions of prisoners*):

At all penitentiary facilities prisoners are provided with individual beds and personal hygiene products.

As a result of repair and maintenance works at the penitentiary establishment No. 6 inmate dormitory was expanded, new beds (for 232 prisoners) and communal space was given to use. Although the number of prisoners at the time of CPT visit exceeded the limit, the living space standard for every inmate set by legislation was not breached.

Once the penitentiary facilities being built in the regions of the Republic are opened for use, there will be grounds for more favorable detention conditions of prisoners at the establishment within the limit.

At the same time, it should be noted that the quarantine building of the penitentiary establishment No. 6 was repaired. Special attention is paid to cleaning work at the establishment. The repair work is intended to be carried out in line with the financial resources allocated throughout the year.

**On paragraph 25** (*opening of the new correctional establishment*):

Relevant works are being carried out for juvenile prisoners in order to create better conditions in line with international standards, to provide general high and vocational education, as well as to involve them in labor and sports. In this regard, measures are continued in order to complete the construction work of the new, modern correctional establishment for juveniles in Zabrat settlement of the capital.

**On paragraph 27** (*communal sanitary conditions*);

Bathroom and sanitary units of the penitentiary establishments No. 6 and 14 were repaired and there are no problems for prisoners to take showers in accordance with legislation. The problem encountered at the bathroom of the penitentiary establishment No. 14 during the visit was due to disorder of water pipes. Water pipes were replaced with new ones and now there are no problems observed with water supply.

**On paragraph 28** (*refurbishment and cleaning of food areas*):

The canteen of penitentiary the penitentiary establishment No. 6 and areas allocated for prisoners to reheat their food (penitentiary the penitentiary establishments No. 6 and 14) were refurbished. The cleanliness is observed. The legislative norms regarding providing prisoners with food are observed. Normally, prisoners provided with food parcels prefer to use food products brought to them, in this regard they are provided with all the necessary conditions for storing and using those food products.

**On paragraph 29** (*refurbishment works*):

The dormitory, the quarantine building, the laundry room, the sanitary units of the penitentiary the penitentiary establishment No. 6 were refurbished, the number of showers in the bathroom was increased, and also one shower cabin was built for handicapped prisoners.

Prisoners are provided with conditions to exercise and watch TV programs. Cleanliness is observed all over.

The laundry room is supplied with washing and drying machines, shelves were installed for placing dirty and clean clothes. Refurbishment works were conducted at sanitary units, normal conditions were created.

The individual kitchen area of prisoners was refurbished, a sufficient number of standard gas stoves for cooking were installed and closets were supplied.

Refurbishment works were conducted at dormitory of the penitentiary the penitentiary establishment No. 14, natural lighting and ventilation was provided. Gas stoves were installed at individual kitchens of the establishment; tables were placed in hall-rooms. Sanitary hygienic norms are observed in the kitchens.

Classroom, sanitary area and bathroom were built in the quarantine zone; a table for 40 people was placed in the food hall. TV viewing is provided for prisoners, measures are taken for organizing their free time. Sitting benches were placed in the walking yards; measures are being taken for providing some sheltering.

Refurbishment works will continue depending on allocation of financial resources.

**On paragraph 30** (*dividing large-capacity dormitories into smaller cell-type accommodation*);

While the refurbishment work at old prisoner dormitories is underway, the possibility of dividing them into smaller rooms is being assessed and implemented when possible. At the new penitentiary facilities built in the regions, the prisoners are intended to be detained at cells for 2, 4, and 6 inmates, and this practice was used at Shaki penitentiary establishment opened in 2012.

**On paragraph 31** (*criteria used to allocate prisoners to small-capacity rooms*):

Small-capacity rooms were created in the establishments as a result of refurbishment works conducted there. In future, this work is intended to be continued if possible during refurbishment.

**On paragraph 32** (*unacceptable conditions of the quarantine cell of the Correctional Establishment for Juveniles*):

The use of the quarantine cell of the Correctional Establishment was discontinued, as informed by the 21 August 2015 letter sent to the Committee.

**On paragraph 33** (*involvement of prisoners in labor and organization of free time*):

Prisoners of the penitentiary establishment No. 6 are involved in labor in agriculture works, production and individual labor areas. The production area produces furniture goods and the individual labor area produces various souvenirs. Measures are being taken to expand the production area.

In accordance with the Justice Reform Support Program, implemented jointly with the European Union, furniture production was improved with the supplementation of machine tools for the penitentiary the penitentiary establishment No. 6. In order to increase the number of prisoners involved in labor, the production



areas for production of plastic bags and iron nets were established. For the purpose of learning the art of carpet-weaving and creating a workshop in the future, carpet looms were supplied to the establishment.

At present 60 prisoners are involved in vocational training on 3 specialties in 3 groups ("parquet joiner-carpenter" – 20 persons, "electric-gas welder" – 20 persons, "electrician for repair and maintenance of electronic devices" – 20 persons) at the penitentiary facility No. 6.

Inmates at the penitentiary the penitentiary establishment No. 14 are also involved in individual labor, agriculture and household services work. In accordance with the Justice Reforms Support Program 12 tools of 7 names were given to the establishment. For the purpose of learning the art of carpet-weaving and creating a workshop in the future, carpet looms were supplied to this establishment as well.

At present 40 prisoners are involved in vocational training on 2 specialties in 2 groups ("builder-joiner" – 20 persons, "technician for computer repair and maintenance" – 20 persons) at the establishment.

For the purpose of organization of prisoners' free time, the bodies responsible for organization of correctional work carry out individual and mass events of various directions. To this end, the establishment runs a club, a library, computer rooms, sports halls and pitches. State authorities, non-governmental organizations are involved in the events with the prisoners. Sporting competitions are regularly held at the establishments.

In both prisons, the measures are continued in order to create new work places for prisoners.

**On paragraph 34** (*improving conditions of the quarantine units and their outdoor area*):

The quarantine unit of the penitentiary the penitentiary establishment No. 6 was refurbished and proper conditions were created. A TV-set was installed in the quarantine unit of the penitentiary facility No. 14; necessary work was carried out to organize free time of prisoners. Some parts of the outdoor area were sheltered against inclement weather, some seating was provided.

**On paragraph 35** (*engaging prisoners at the Correctional Establishment for Juveniles during school holiday periods, consideration of staging the teachers' holidays*):

General high and vocational schools of the Correctional Establishment operate based on the educational program of the Ministry of Education. During school holidays, the prisoners are involved in other activities (sports competitions, individual educational, cultural and so on).

**On paragraph 36** (*keeping an individual education record at penitentiary establishments*):

According to the requirement of the instructions that regulate the educational work of prisoners, individual education records are started for persons detained at all

prisons. The record includes the features that describe the prisoner's personality, information about conviction for the committed crime, and information on the results of the individual educational work (studying the prisoner's individual characteristics and social psychological shifting; selecting and applying relevant pedagogical-psychological influence instruments; planning of individual educational work with a concrete person; holding educational talks; educators charging the persons being educated with personal tasks, taking into account their interests and abilities; daily control of prisoner's behavior, studying and supervising his approach to labor and education; controlling the performance of given tasks; establishment staff organizing individual patronage over prisoners).

**On paragraph 37** (*understaffed health-care services*):

The shortage of doctors and medical workers at penitentiary establishments are still a priority problem on the agenda. At present there are 58 vacancies at the Medical Department General, 50% of which are doctoral positions.

Complex measures are being taken to invite doctors and feldshers for the purpose of eliminating the shortage of personnel.

In order to solve the issue at its roots, since 2009 20 persons were added to the admittance plan of the Azerbaijan Medical University (AMU) to prepare professionals for penitentiary establishments. In 2015, for the first time 19 graduates of the Military Medical Department of the AMU who were trained to work at the medical service of the Ministry of Justice were hired to work. Also, it is intended to hire 14 graduates in 2016. Thus, the vacancies shall be partly filled.

It should be noted that, one of key factors in the staffing is the ability of medical workers to adapt to the specific peculiarities of the penitentiary facilities. In many cases, given the choice, the medical workers prefer to work in the private sector and this factor to a certain degree affects the staffing of the establishments.

However, it should be noted that as a result of purposeful work carried out in the direction of selection and allocation of personnel the hiring of professional medical workers to this important field was achieved.

It is reported that, during the period after the CPT visit, 21 doctors, 5 general medical workers were hired to the medical service, also penitentiary establishments No. 6 and 14 both hired a therapist and those vacancies were filled. At present, 4 doctors and 4 feldshers are under consideration to be hired to the penitentiary establishments.

**On paragraph 39** (*24-hour presence of medically-trained staff*):

The staff schedule of the medical service does not provide for presence of a medical employee at penitentiary establishments during evening and night hours, weekends and non-work days. During such times, medical care is provided by using the Emergency Medical Assistance (EMA) stations of the Ministry of Health, located closest to the establishment.

However, in case of necessity the employees of the medical-sanitary unit of the establishment are called into the establishment and provide proper medical care

to prisoners. In 2015, 25 medical teams entered penitentiary establishments outside of work hours and all medical needs were met by them. In most cases when EMA doctors arrived to the establishment, the medical employee of the establishment who lived nearby would also arrive to the establishment and participate in medical treatment. EMA services were not required at the penitentiary establishments No. 6 and 14 in 2015.

In addition, the Medical Department General is taking certain measures to ensure the presence of a person trained to provide first medical aid during evening and night hours, weekends and non-work days in every establishment.

For the purpose of instilling medical knowledge in non-medically trained employees of the penitentiary establishment, since 2013 medical topics are included in the thematic programs of the Academy of Justice and the Training Center of the Penitentiary Service. The courses provide general knowledge about first-aid in cases of injury, burns and others before arrival of a doctor.

For the purpose of instilling medical aid habits in emergency situations, training spanning 52 hours was carried out during 2015 and technical and educational instruments were widely used for the purpose of proper learning. Questionnaires are filled by the participants in order to determine the quality of training.

**On paragraph 40** (*prohibition of the practice of using prisoners in health-care units as medical orderlies*):

Prisoners in health-care units of the penitentiary establishments are involved in cleaning works, solely on voluntary basis. Medical staff is strictly prohibited from using prisoners in health-care units as medical orderlies and this matter has been brought to the attention of all health-care personnel again.

**On paragraph 42** (*treatment of inmates in civilian hospitals and signing of relevant agreements for this purpose*):

There is an agreement between the Medical Department General of the Ministry of Justice and the Ministry of Health on medical examination and treatment of inmates in civilian hospitals when such examination or treatment is required.

Every matter raised by health-care services on examination and treatment of a prisoner in an outside medical establishment is ensured by appealing to the Ministry of Health.

Moreover, the relevant legislation has been enacted on an arrangement of medical examination of inmates and those under arrest by a doctor they want and each request is executed in accordance with the law.

There have been official requests by the penitentiary establishments of Gandja, Sheki and Salyan to the relevant regional hospitals and mutual cooperation agreements have been reached between them. In all medical matters, when necessary, inmates can immediately be taken to civilian hospitals or provided with outside specialist assistance.

Overall, in complex clinical and diagnostic cases, the technical and human resources of the leading medical establishments of the Ministry of Health are widely and effectively used during the medical examination or treatment of special contingent. During 2015, in total 137 inmates underwent through various instrumental examinations, consultations, surgeries and other medical services, including 51 cases of computer tomography, 51 magnetic resonance tomography, 11 ophthalmic and 24 other (endoscopy, aortography, angiography and others) different medical examinations.

In order to determine the final clinical diagnosis, 14 patients have undergone through special commission examination in the leading hospitals, 5 inmates have been provided with free of charge, 3 times a week hemodialysis treatment and 3 pregnant women have been provided with obstetrical measures in the private sector.

Furthermore, 50 consultations and 13 surgeries have been conducted by the Republic's leading specialists in the Health-care establishment of the Ministry of Justice.

**On paragraph 43 (*infirmary at the new Correctional Establishment*):**

The construction plan of the state of the art infirmary at the Correctional Establishment for Juveniles has already been approved and final works are currently being carried out in the facility.

**On paragraph 44 (*ensuring that the medical screening of newly arrived prisoners at the penitentiary establishments No. 6 and 14 is carried out systematically and within 24 hours from arrival*):**

The medical screening of newly arrived prisoners within 24 hours from arrival has been prescribed by law and is included in the job description of every prison employee.

The infirmary officers and staff have been strictly instructed to follow the above mentioned procedure at the penitentiary establishment No.6 and 14. In some cases the medical screening of prisoners arriving at non-working days or at the end of the working day and at times when there is a large number of arrivals is carried out no later than the next day. This matter has been discussed by the relevant departments of the Ministry with various settlement methods considered.

Health-care staff has once again been instructed to ensure that the medical screening of newly arrived prisoners is carried out systematically and within 24 hours from arrival. The implementation of this matter has been taken under strict control.

**On paragraphs 46 and 50 (*ensuring the confidentiality of all medical examinations*):**

Medical examinations are conducted in infirmaries within the penitentiary establishments. The employees of establishments do not intervene to the process of medical screening. They can enter doctors' rooms only out of necessity.

Moreover, health-care staff has been ordered by the relevant regulation that during examinations, unless the doctor concerned expressly requests, prison officers shall stand out of their sight and hearing. Medical staff has been warned about

disciplinary proceedings initiated against them in case if they allow such situations to occur.

According to the relevant order, medical files of prison inmates are stamped with special numbers assigned to each of them and kept in rooms and cupboards available only to health-care staff. Non-medical custodial staff is prohibited from looking at medical files of prisoners. All medical documentation and relevant notes are kept in medical files, including the ones presented by an inmate, records on medical examination and treatment conducted before the imprisonment.

The recommendations of CPT have been communicated to health-care staff, including staff of infirmaries of the penitentiary establishments No. 6 and 14, during the extensive meetings of the Medical Department General and they have once again been instructed to ensure confidentiality of prisoners' medical files. The relevant instruction has been given to install iron cupboards to store medical files at all penitentiary establishments.

**On paragraph 47 (ensuring detailed description of injuries):**

According to the Agreement between the Medical Department General of the Ministry of Justice and the Forensic Medical Examination and Pathological Anatomy Scientific Research Association of the Ministry of Health (FME and PASRA), two special seminars on detailed recording and description of injuries are scheduled to take place in March-April 2016 for employees of penitentiary establishments. During the last 2 years, topics on recording and description of injuries, taught by the experts from FME and PASRA, have been included in the curriculum of courses conducted at the Academy of Justice for health-care employees.

All the page copies of Annex 3 of the Istanbul Protocol containing "body-charts" have been included as an annex to the existing medical files and the staff was ordered to mark the relevant injuries on them.

**On paragraph 48 (reporting the registered injuries):**

According to the "Rules on provision of medical and psychological assistance to detained and arrested persons and holding them at health establishments", health-care staff has been instructed to register and send information on any injuries and signs of torture or violence to the director of the establishment or to the Medical Department General.

If injuries are discovered during the medical examination, health-care staff provides written information to the establishment administration with a copy of it being sent to the Medical Department General.

Prison administration provides special information on injuries exposed on inmates to the administrations of the Ministry of Justice and the Penitentiary Service, relevant investigation is conducted and the collected materials are sent to competent law-enforcement authorities. Both, allegations of torture and inhuman or degrading treatment and bodily injuries indicative of torture and inhuman or degrading treatment, if exposed, are recorded in the relevant pages of a medical file.

Instructions have been given on a repeated reception by a doctor of a person, with injuries exposed several days following the initial medical examination and investigating the reasons of injuries, repeated reception of a defendant by health-care staff and a record of any new injuries exposed on defendant's body in his/her medical file following his/her dispatch to an investigation authority or a court.

**On paragraph 49** (*medical records in medical files*):

The recording standards in medical files of inmates at the penitentiary establishments No. 6 and 14 have been restudied and extensive discussions were held with the participation of heads of infirmaries of other penitentiary establishments. All employees, including heads of infirmaries of the Correctional Establishment, penitentiary establishments No. 6 and 14 have been instructed to keep detailed and systematic medical records.

**On paragraph 51** (*Prohibition of inmates being obliged to explain to custodial staff the reasons for their request to see a doctor and of medication being distributed to prisoners by non-medical staff*):

Infirmaries of penitentiary establishments function on a daily basis and every inmate can approach a doctor anytime of the day.

During the inspections conducted by the Medical Department General, no cases of custodial staff creating obstacles to inmates wishing to see a doctor and medication being distributed by non-medical staff have been detected. Neither there have been any complaints by prisoners about these matters.

Nonetheless, the competent authorities work on prevention of occurrence of such cases.

**On paragraph 53** (*treatment of inmates infected with Hepatitis B and C virus*):

Prisoners infected with Hepatitis B virus get relevant treatment in the transmissible diseases section of the Health-care establishment of the Penitentiary Service. There are relevant laboratories and medication for this purpose.

Prisoners infected with Hepatitis C virus undergo treatment on individual basis depending on the harshness of the infection. Comments, medical care and evaluation of treatment are provided by the special commission of the Ministry of Health, organized for the purpose of treatment of diseases of this category.

**On paragraph 55** (*provision of psychiatric care to prisoners*):

A narcology doctor-psychiatrist is employed at penitentiary establishment No. 14. Psychiatric care to prisoners in this establishment is provided by this psychiatrist.

Penitentiary establishment No. 6, due to its close location to a Health-care facility, is visited by a doctor-psychiatrist from the mental illnesses department 3 times per week, which provides psychiatric care to prisoners.

Prisoners with mental disorders are provided with relevant care at the Health-care facility and once inmates return to their establishment, they are also provided with medicines as per doctor's prescription.

**On paragraph 56** *(provision of psychological care to prisoners):*

According to paragraph 11.1 of "The Internal Disciplinary Rules of Penitentiary Establishments", during the time when prisoners are held in "quarantine" units they are screened and interviewed by a psychologists, with their psychological portrait being drawn up. Prisoners are provided with psychological care in order to eliminate psychological trauma, shock, depression, stress, crisis and other psychological problems. Individuals in the risk group (those presenting suicide, self- injury or escape risk, potentially conflicted persons, as well as juveniles) are taken under the supervision of a psychologist with regular interviews being conducted with them. This work is done in cooperation with other service areas, in particular with the health-care service.

Psychological care to arrested persons is provided in accordance with "The rules on provision of medical and psychological assistance to detained and arrested persons and holding them at health establishments" adopted by the 18.04.2013 decision of the Cabinet of Ministers.

**On paragraph 58** *(implementing other measures along with medical treatment to drug-addicted prisoners):*

Compulsory treatment measures of drug-addicted prisoners at penitentiary establishments are provided in accordance with "The rules on compulsory treatment of drug-addicted inmates at penitentiary establishments".

Drug-addicted prisoners are provided with various psychological care and socio-educational support. During 2015, seminars and trainings were organized as well as films and performances were shown on promoting healthy lifestyle and on negative impact that drug-addiction and other harmful habits have on an individual's life. Moreover, posters and brochures on prevention of illegal drug trafficking and on diseases caused by harmful habits were distributed to prisons.

**On paragraphs 59 and 60** *(increasing custodial staffing level):*

The relevant application has been made to the Ministry of Finance in order to increase custodial staffing level and this matter is being assisted to find step by step solution within the financial capabilities.

**On paragraph 61** *(increasing the number of female custodial staff at penitentiary establishments):*

Approximately 10% of the total number of employees working in the Penitentiary Service is female. When considering applications for admission to work, special attention is paid to the issue of women recruitment in this service.

**On paragraph 62** (*the sanction imposed being proportionate to the offence, reduction in the maximum possible period of confinement in a disciplinary cell in respect of juvenile prisoners*):

The relevant instructions have been given to penitentiary establishments on imposing sanctions proportionate to the offence. The proposals have been prepared (currently under the review and approval stage) to amend the relevant legislation in order to reduce the maximum possible period of confinement in a disciplinary cell.

**On paragraph 63** (*investigation of offences committed by the prisoners and providing them with the copy of the decision*):

The relevant proposals have been prepared on modernizing prisoners' living conditions and elimination of prohibitions with regard to prisoners confined in disciplinary cells. These proposals are currently under the review and approval stage. Ensuring that sanctions imposed are proportionate to the offence is under regular control.

According to "The Internal Disciplinary Rules of Penitentiary Establishments", the right to appeal is explained to prisoners when signing the relevant decision on disciplinary sanction against them and a copy of the relevant decision is made available to them at their request.

The matter of reviewing the disciplinary procedure and improving the appellate procedure is under review and, if considered acceptable, the relevant proposals will be given to amend the legislation.

**On paragraph 64** (*prisoners being put in a position to exercise power over other prisoners*):

See paragraph 19.

**On paragraph 65** (*participation of health-care staff in placement of prisoners in a disciplinary cell of the Correctional Establishment*):

Giving opinion by health-care staff prior to placement in a punishment cell is not envisaged by existing legislation. The case observed by CPT delegation at the Correctional Establishment was a gross misconduct by the head of the Health-care Unit, committed on his own discretion. He was penalized and transferred to another job.

**On paragraph 66** (*an interruption between the disciplinary confinements*):

Heads of Prisons have been warned and instructed that whenever a prisoner has been placed in a punishment cell for a total of more than 15 days in relation to two or more offences, there should be an interruption after 15 days.

**On paragraph 67** (*amending legislation to grant rights on visits and telephone calls to prisoners placed in a disciplinary cell*):

The relevant proposals have been prepared in order to eliminate restrictions on visits and telephone calls to prisoners placed in a punishment cell which will be submitted for consideration in an appropriate manner.



**On paragraph 68** (*conditions of detention in disciplinary cells*):

The punishment cell and KTOs at the penitentiary establishment No. 6 have been recently refurbished and equipped with beds and beddings. Natural lighting and ventilation are in accordance with relevant norms. There is a washbasin and a partially screened toilet in the outdoor yard.

There is a bathroom area in the punishment cell of the penitentiary establishment No. 14. It is impossible to enlarge the outdoor yard due to territorial restrictions.

There is a 4 m<sup>2</sup> norm to each prisoner placed in a punishment cell. The provision of prisoners placed in KTO with the possibility to work is currently under consideration.

There is not a separate premise to be used as a disciplinary cell in the Correctional Establishment for Juveniles. In this regard, placement in a disciplinary cell as a type of disciplinary measure is not applied there. There are currently works being done to make a new premise available for the purposes of a disciplinary cell.

**On paragraph 69** (*consideration of self-harm as a disciplinary offence, treatment of such persons*):

The heads of penitentiary establishments have been instructed by the administration of the Penitentiary Service about the prohibition of disciplinary measures against persons who committed acts of self-harm.

It should be noted that all persons having committed self-harm are consulted by a psychiatrist regardless of their mental state, with their current mental status being determined only by the opinion of psychiatrist. In the event of any mental illness, a prisoner is transferred to a health-care facility where he undergoes a relevant treatment. If no mental illness is determined, a prisoner is provided with psychological care by a psychologist of a penitentiary establishment.

**On paragraph 70** (*"Quarantine" premise in the Correctional Establishment for Juveniles*):

There is no "Quarantine" premise currently in operation in the Correctional Establishment. The measures are being taken to make a new appropriate "Quarantine" premise available in the Establishment. The "Quarantine" premise is set aside in the new establishment.

**On paragraph 71** (*long-term visits at the penitentiary establishment No. 14 and at the Correctional Establishment for Juveniles*):

The refurbishment and upgrade of the long-term visiting facilities at the penitentiary establishment No. 14 will be carried out depending on financial resources made available. Combining visit entitlements is not envisaged by legislation.

There are no appropriate conditions for long-term visits in the Correctional Establishment for Juveniles and they have been considered in the new establishment.

**On paragraph 72** (*amending the relevant legislation in order to ensure that all prisoners, irrespective of the regime, have the same possibility for contact with the outside world*):

The relevant research is currently being conducted with regard to this recommendation.

**On paragraph 73** (*The confidentiality of prisoners' correspondence*):

Right to correspondence of prisoners is provided by legislation. According to Article 83 of the Executions of Punishments Code, no censorship is applied to correspondence of prisoners, with the exception of a relevant decision to censor, for the purposes of crime prevention, ensuring criminal prosecution, the order of sentence, and protection of life and security of persons. Mailboxes are available to inmates in territories of prisons and the complaint procedure is explained to them. There have been no cases of persecution of inmates in penitentiary establishments on the ground of their complaint.

Following the adoption of normative acts on ensuring rights and freedoms of persons held in detention facilities, sets of documents have been distributed to prisons for the use of prisoners. Moreover, an information booklet and a book have been printed and distributed to prisoners at different periods of time. The preparation of a new booklet is planned for this year.

**On paragraph 74** (*the National Preventive Group of the Ombudsman*):

Members of the National Preventive Group, have the right to have access, at any time, without hindrance and prior notification, to penitentiary institutions, meet and interview detained persons in private, get acquainted with and obtain copies of all documents confirming the lawfulness of detention, as well as relating to treatment of detainees or detention conditions, draw up acts, and minutes to document the flow and results of undertaken actions.

Matters shown in the reports on the results of visits carried out by the National Preventive Group are brought to the notice of the administration of penitentiary establishments.

**Ministry of Justice  
of the Republic of Azerbaijan.**