

## **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 29 March to 8 April 2016**

The Azerbaijani Government has requested the publication of this response. The CPT's report on the March/April 2016 visit to Azerbaijan is set out in document CPT/Inf (2018) 35.

Strasbourg, 18 July 2018

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*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 and other data have been deleted.*

**Information for 69, 73, 86, 165 and 190th paragraphs of the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.**

**On Paragraph 69**

In accordance with the information of the State Security Service, it should be noted that "Kartzer"s as penal cells in Investigative Isolator and Temporary Detention Facility of former Ministry of National Security have already been removed from use as they are considered not being relevant to the provisions of the Law of the Republic of Azerbaijan on "Ensuring rights and freedoms of detainees" dated 2012, 22 May, numbered 352-IVQ, the decision of the Cabinet of Ministers on "Confirmation of the internal disciplinary rules of detention facilities" dated 2014, 26 February and the internal regulation of the State Security Service (SSS) "Protection, accompaniment of the detainees and organization of service in Investigative Isolator and Temporary Detention Facility" and those cells are used as a storage. It should be emphasized that any detainee who has violated the internal disciplinary rules has not been placed in those cells.

Furthermore, we inform that according to the provisions of the Articles 39.1 and 39.1.3.7 of the Law of the Republic of Azerbaijan on "Ensuring of rights and freedoms of detainees" dated 2012, 22 May, placing in a penal isolation cell was determined as one of the punishment measures applied to arrested persons who violated the internal rules and its application basis, the rules of placing in a penal isolation cell and detention conditions are regulated with the Articles 40.1- 40.10 of the mentioned Law, as well as the paragraphs 33.1.3.7 and 34.1.-40.10 of "Internal Disciplinary Rules of Investigative Isolators" approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan dated 2014, 26 February, number 63.

Being used for short period of time 2 of those cells in Investigative Isolator and Temporary Detention Facility of SSS were equipped in accordance with the provisions of above-mentioned legislation and internal regulation of SSS and used as penal isolation cells in order to place arrested persons who violated the internal rules. Those cells had been equipped with sanitary and warming systems, bedding, table and stools.

**On Paragraph 73**

In accordance with the information of Ministry of Justice, it should be noted that as a result of measures taken, the below mentioned issues has been resolved; repair, construction and rebuilding works have been conducted in order to reduce overcrowding in both facilities.

As a result of execution of the 4<sup>th</sup> amnesty act adopted by the National Assembly of the Republic of Azerbaijan on 20 May 2016, close to 11 thousand persons have been exempt

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aid.

from various sentences, including 2,833 sentenced persons exempted from imprisonment punishment.

Also some actions have been decriminalized in the economic field by important amendments made to criminal legislation on 6 May 2016. In this regard, the Ministry of Justice has filed presentations to courts in relation to 1,463 sentenced persons falling under the new law's scope of application. According to the information as of 1 January 2017, 122 sentenced persons have already been released; sentences of 229 convicts have been reduced. Other presentations are currently being processed by the courts.

At the same time it should be noted that the Ministry has conducted joint analyses and discussions with high instance courts and the General Prosecutor's Office regarding imposition of imprisonment measure. As a result, it was decided that application of the imprisonment measure should be approached with more attention and that in order to form a single practice, imprisonment for offences not causing significant public danger and which are mildly severe should be imposed in exceptional cases, while presentations in this regard shall be duly agreed upon; relevant prosecution and investigation organs have been instructed accordingly.

The abovementioned measures have positively affected the reduction of prison population, also ensuring that every prisoner at Baku Pre-Trial Detention Facility and Detention Facility No. 2 has his/her own bed.

For the purpose of preventing overcrowding in penitentiary establishments, including pre-trial detention facilities in the future, in order to complete the construction of new penitentiary complex' in the regions (pre-trial detention facilities will also operate within the establishments in Lankaran and Ganja) and to accelerate their launch, appeals have been filed to the Ministry of Finance for providing the necessary funds in 2017.

#### **On paragraph 86**

In accordance with the information of Ministry of Justice, it should be noted that, in relation to the issues noted in the immediate observations on the visit, the materials on the inquiry carried out at the Pre-Trial Detention Facility No. 2 were reviewed.

It is informed that during the inquiry, meetings were held with detained persons, statements were taken from them and from prison employees, relevant documents were collected and analysed, the medical-sanitary section of the facility was inspected. In the oral and written statements made by detained persons during the inquiry, they did not note being subjected to any ill-treatment or torture.

Moreover, in the result of the inquiry conducted, the following shortcomings were observed: severe violations of legislative requirements of arrested persons' detention, subjectivity in the exercise of their rights, flaws in the operation of the medical service, as well as non-

compliance with modern requirements of the medical examinations of persons requiring treatment and of the registration of injuries discovered.

For faults in their professional activity, the Director of the Pre-Trial Detention Facility No. 2 was dismissed from justice organs and other disciplinary measures were applied to 6 employees.

Execution of the Order of the Penitentiary Service Director numbered 5/s dated 11.04.2016 regarding the use of special means, placement of detainees and sentenced persons in disciplinary cells, inquiry into injury cases recorded in penitentiary establishments, searches on persons arriving to penitentiary establishments, including the women's prison, has been kept under supervision. As a result, in comparison with 2015, the number of cases of special means use has decreased by 29.9% in 2016.

In line with recommendations made by the CPT, an agreement has been reached for carrying out a series of events jointly with the International Committee of the Red Cross for the purpose upgrading the skills and professionalism of the penitentiary system staffers in respect of the application of special means, and such trainings have been commenced since November 2016.

#### **On paragraph 165**

In accordance with the information of Ministry of Health, it should be noted that during the last years the technical basis of almost all psychiatric hospitals, specifically Republican Psychiatric Hospital No.1 located in Baku, was strengthened. Only in 2016, one building of the Hospital was refurbished and one new building was built.

To improve patients' living and treatment conditions medical equipment, furniture and inventories were provided to all newly constructed and renewed wards.

In 2016, the infectious diseases ward mentioned in the Report was completely renovated and equipped. It was re-opened on September 9, 2016. The 30-bed ward was equipped by air-conditioners, TVs, soft furniture and fixtures. The ward is also provided by laundry.

In 2016, as result of construction of new psycho-neurological hospitals in Kurdemir and Lenkoran and renovation of psycho-neurological hospital in Guba, female patients from ward 7a of Republican Hospital No.1 were returned to their home regions. As soon as return is completed the ward will be closed and the building will be demolished. The seclusion area was taken out of service.

As mentioned above, new 100-bed building with geriatric ward was constructed for Republican Psychiatric Hospital No.1. The elderly patients from the other wards are placed to geriatric ward with an aim to improve their living conditions.

## **On paragraph 190**

In accordance with the information of Ministry Labour and Social Protection of Population, it should be noted that a new Charter of Psycho-neurological social care institution No:3 located in Qiriqli village of Goygol district has been developed and approved by the relevant decision of the Board of the Ministry of Labour and Social Protection of Population to eliminate causes of deficiencies revealed at this establishment which was previously designed to provide more clinical settings, as well as limited medical and rehabilitation services for the residents and was operating based on the Charter approved in 1978 and to raise a quality of provided service.

Besides, based on a number of new normative legal acts adopted in the field of organization of the social services in order to provide citizens with a quality social services as well as in line with the recommendations on international standards related to the number of staff units at social service facilities a draft proposal on changes to the current staffing table of the institution has been prepared and submitted for approval to the Ministry of Finance of the Republic of Azerbaijan.

3 representatives of the Ministry were sent to Goygol district to get acquainted with the progress of work on elimination of shortcomings and deficiencies reflected in the observations. During the inquiry on the quality of provided services and based on the interviews with the residents it was concluded that the residents haven't been physically ill-treated in recent times. Staff members have been notified to strictly follow the rules of conduct with residents at the institution. Serious awareness raising activities in this respect are going on.

The observations prepared as a result of the visit of the delegation of the European Committee for the Prevention of Torture, also stated that the accommodation areas at the establishment were cold. It should be noted that in the near future the institution plans to carry out major repair and restoration work. The project-estimate documents are currently being drafted by the Commission specially established for this purpose. Along with major restoration work the draft documents also reflect scheduled establishment of a new heating and ventilation systems and renewal of the water-sewage system.

The report also noted the infestation of the dormitories by mice. During the inquiry the representatives of the Ministry took notice that the staff made necessary arrangements to solve the problem.

**Information regarding 29 March - 8 April 2016 visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

**Information of the Ministry of Internal Affairs**

Shortcomings in the following areas of activities of temporary detention facilities (hereinafter referred to as TDFs) under the Ministry of Internal Affairs have been specified in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):

1. Medical examination of detainees in TDFs,
2. Violation of detention period in TDFs;
3. Failure to provide legal support to detainees in TDFs;
4. Unsatisfactory technical support of TDFs;
5. Improvement of conditions and logistics in TDFs,
6. Torture of detainees and violation of their rights and freedoms by police officers in some territorial police departments.

1. Medical examination of detainees in temporary detention facilities (30<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup>, 37<sup>th</sup>, 38<sup>th</sup> and 44<sup>th</sup> paragraphs of the report):

"The Regulations on Delivery of Medical and Psychological Aid to Detained or Arrested Persons and Keeping in Medical Setting" were approved by Decision No: 67 of the Cabinet of Ministers of the Republic of Azerbaijan dated 18 April 2013 in connection with the implementation of the Law of the Republic of Azerbaijan on the "Ensuring rights and freedoms of persons held in detention facilities" of 22 May 2012. According to paragraph 2 of this Law, detained or arrested individuals are medically examined by healthcare professionals of the detention facility within 24 hours from the time of detention or arrest and a medical card is issued to every person admitted to a temporary detention facility. If there is no healthcare professional at the temporary detention facility, a healthcare professional of a relevant specialty from a state medical facility is engaged. Any bodily injuries detected during the first medical examination are recorded in the medical card regardless of the time of infliction.

If any bodily injuries are identified, the date and time of the examination and the circumstances of infliction of bodily injuries are recorded in the medical card. The detainee and the doctor sign the card.

If a detainee or an arrested person becomes ill or gets injured, the doctor carries out medical examination and registers its results. Moreover, this information is provided to the detainee or arrested person as well as to the lawyer of such person. When it is required, medical examination is also carried out by specialists of other medical facility that selected by the detained or arrested person based on a petition of such person or their lawyer and according to a decision of the authority which conducts the criminal investigation.

The above-mentioned Decision No: 67 of the Cabinet of Ministers of the Republic of Azerbaijan dated 18 April 2013 was enacted for execution by order No: 9319-001-13 of the Ministry of Internal Affairs dated 3 March 2013. In addition, medical cards were delivered to the police authorities and appropriate measures were consistently taken to engage the medical staff from state territorial medical facilities for carrying out primary medical examination of detainees in TDFs.

In case, if any complaints about torture and inhuman or degrading treatment as well as any bodily injuries supposedly inflicted as a result of such treatment and identified during a medical examination, written data on such cases are immediately submitted to the public prosecutor who carries out the procedural management of preliminary investigation to conduct appropriate investigation.

2. Violation of detention period in TDFs (16<sup>th</sup>, 53<sup>rd</sup>, 54<sup>th</sup> and 57<sup>th</sup> paragraphs):

At present, in accordance with Article 148.4 of the Code of Criminal Procedure of the Republic of Azerbaijan (detention of a person who is suspected of committing a crime) and 150.3 (detention of a person for criminal charge), a person suspected of committing a crime is held at the temporary detention facility for a period not exceeding 48 hours according to the detention report made by the authority carrying out the criminal procedure.

Persons arrested under the court decision are transferred to the pre-trial detention facility of the Ministry of Justice within 24 hours.

In accordance with Article 8.1 of the Law on the "Ensuring rights and freedoms of persons held in detention facilities", when it is necessary to carry out investigative actions in a place distant from the pre-trial detention facility or to provide participation of the arrested person in judicial proceedings and it is impossible to provide daily transportation of such person, the arrested person can be transferred from such pre-trial detention facility to TDF for a period not exceeding 10 days per month under the reasonable decision of the court. This period can be extended till the end of judicial proceedings under the reasonable court decision based on a petition of the arrested person. In whole, no case of breach of the above mentioned detention periods established by the legislation was registered and the Ministry of Internal Affairs strictly controls this aspect.

### 3. Failure to provide legal support to detainees in TDFs (39<sup>th</sup>, 40<sup>th</sup>, 41<sup>st</sup>, 43<sup>rd</sup>, 45<sup>th</sup> and 48<sup>th</sup> paragraphs):

In accordance with the Law of the Republic of Azerbaijan on the "Ensuring rights and freedoms of persons held in detention facilities" dated 22 May 2012, any person suspected of committing a crime and delivered to a TDF is informed about the reason and grounds for detention as well as about his/her duties arising in this regard, and has the right to inform his/her family, relatives or third parties about the detention.

In all TDFs, conditions have been created for detainees to know their rights and freedoms in accordance with international standards and statutory instruments which regulate activities of Ministry of Internal Affairs in this area and this information has been written on boards that installed in visible places in TDFs.

For the purpose of preventing imminent crime and ensuring criminal prosecution and safety of persons, the right of detainees to a phone call can be restricted for a determined period by a reasonable decision of the authority carrying out the criminal process or by the chief of TDF, when it is necessary to maintain regime in TDF. In case of such decision, the detainee can exercise this right only based on the written consent of the decision making authority. The detainee has the right to lodge a complaint from a decision restricting the right of a phone call to the court, and from kind of decision made by the chief of TDF to a superior official.

All temporary detention facilities of city and regional police departments of the state feature visit rooms. Information about dates of visits and visitors is recorded on a special sheet of the personal record and in the summons.

From the time of declaration of a decision regarding being detained or selection of arrest as a restriction, appropriate conditions are created for a detained person in TDFs for the purposes of meeting and maintaining confidential contact with his/her lawyer and legal representative without restriction to number and timing of the visits.

According to the Code of Criminal Procedure of the Republic of Azerbaijan, any person suspected of committing a crime, among others, has the rights to know what crime he (she) is suspected of, grounds for detention, if detained, to receive legal aid from the defence counsel from the outset of detention, and to receive written notification of his rights from the person who detained him, preliminary investigator, investigator or prosecutor.

In addition, suspects or persons remanded in custody are provided with a lawyer immediately upon the detention or remand in custody and have the right to inform their family about the detention immediately upon the detention by a phone call to the place of work (study) or by other means. A suspected person can also select or remove a lawyer at own discretion or conduct his (her) own defence waiving the right to lawyer.

Detained foreign citizens are informed of their right to contact their diplomatic missions and appropriate conditions are created for such detainees to exercise this right. Interpretation services are also available in case of a need.

### 4. Unsatisfactory technical support of TDFs (50<sup>th</sup> paragraph):

Technical facilities are also used to carry out control of detainees or arrested person's activities.

In order to timely ensuring prevention of any illegal acts against detained persons in 72 temporary detention facilities of the Ministry of Internal Affairs and to improve the whole security system, alarm devices were upgraded and new video surveillance equipment was installed in 70 detention facilities (in Sabirabad and Ujar Regional Police Departments this equipment was removed due to construction of new TDFs).



In accordance with Article 234 (record of interviewing a suspect or an accused person) of the Code of Criminal Procedure of the Republic of Azerbaijan, records of every interview with a suspect or an accused person shall be drawn up by the investigator. Notes about the circumstances of the interview with a suspect or an accused person, the use of audio, video and film shootings or other recording equipment during the interview, shall be added to the record. According to Article 260.5 (verification of testimonies at the scene) of the mentioned Code, with the instruction or permission of the investigator, photo, video and film shootings or other recording equipment can be used during the verification of testimonies at the scene.

5. Improving the conditions and utilities in the temporary detention facilities (51<sup>st</sup>, 52<sup>nd</sup> and 56<sup>th</sup> paragraphs):

Currently, there are 72 temporary detention facilities under the police authorities of the country. 70 of them are functioning, being in line with international standards and regulations.

Construction of new temporary detention facilities of the police authorities of Sabirabad and Ujar regions of the country is underway.

To meet social, medical and other necessary needs of detained persons, the temporary detention facilities are equipped with sanitary facilities, interview, meeting, medical, prayer and other rooms.

Cells of all temporary detention facilities are equipped with single and two-tier beds, tables and chairs at 0.4 linear m<sup>2</sup> per person, hanger at 1 meter per 10 person, wall cupboard and bedside tables, washbasin and sanitary facility.

Detained or arrested persons are kept in cells not smaller than 4 square meters per person and each of them are provided with bedding items (pillow, mattress, blanket, bed sheet, pillow slip).

Pregnant women or mothers with children under 3 years and juveniles are placed in separate and brighter cells. During the cold season of the year, the temperature at the temporary detention facilities becomes not lower than +18 degrees.

In each cell of the temporary detention facilities a jug for drinking water, a glass and a bin made of plastic mass are available during the cleaning of cells, a broom and dustpan made of plastic mass are provided and an electric cooker for heating meals and a water heater are installed in the kitchen.

Three times a day and at normal intervals, detained or arrested persons are provided with food free of charge that meets the contemporary requirements for quality and hygiene and the established nutritional standards, prepared taking into account age, health condition and religious traditions.

Special food standards have been established for pregnant women or mothers with children under 3 years and juveniles.

Food for detained persons is brought by the squad on duty and they have meals in their cells. A lidded container for boiled water is placed in the kitchen and water is given to each detained person in an individual jug.

Service rooms and cells are illuminated by lamps. In cells electrical lamps are mounted over the door gaps or on the ceiling and they are covered with metal railing or metal netting.

Cells and other rooms of TDFs are cleaned with detergents and disinfectants every day. Generally, thorough clean-up of all rooms of TDFs is carried out at least once a month. Arrested or detained persons are provided with an opportunity to take a shower in the shower-room of TDFs at least once a week

The results of the examination of the sanitary condition of TDFs carried out by a physician of the Sanitary and Epidemiological Control Service and the information on elimination of any detected shortcomings are recorded in an appropriate log.

All temporary detention facilities are equipped with the working room of the TDFs' chief, investigation room, pat search room, medical officer's room, disinfection room, prayer room, shower room, kitchen, warehouse and walking yard, and cells are supplied with windows that can be opened, sewage and air-purifying equipment and the corridors are provided with air conditioners.

According to the Internal Order Regulations of Temporary Detention Facilities, during the period of detention in the TDFs, detained or arrested persons have the right to use literature, including special literature, to take literature, newspapers and magazines from the library of TDFs or to purchase on their own expenses writing supplies, literature, newspapers and magazines from commercial network through the chief of the TDFs, to carry out religious worship, to use religious supplies and literature, to receive parcels, dispatches and packages, to participate in the civil law relations, to enjoy the services of a notary public, to walk at least 2 hours per day (daily walking time shall not be less than 4 hours for pregnant women or mothers with children under 3 years and not less than 3 hours for juveniles), to do sports and to play table games.

Juveniles are provided with opportunity to watch TV programs, to continue their secondary education and to do sports during leisure time with observance of the mentioned Regulations..

6. Torture of detainees and violation of their rights and freedoms by police officers in some territorial police departments (19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> Paragraphs): (about R. A., B. M., G. I., A. A., S. M. and B. A.)

Note: The source of information connected with torture to the above mentioned persons (R. A., B. M., G. I.) was indicated to be obtained from the web portals like [www.azadliq.info](http://www.azadliq.info); [www.youtube.com](http://www.youtube.com) and [www.meydan.tv](http://www.meydan.tv).

6.1 The official investigation was conducted in the Ministry of Internal Affairs in May of 2016 based on the application of E. A. received by the "102" service on 23 March 2016 about torture of his brother R. A. when he was brought by police officers to the 1<sup>st</sup> Police Division of the Sumgayit City Police Department

It was identified that the criminal case was launched by the Prosecutor's Office of Sumgayit city under Article 120.1 of the Criminal Code of the Republic of Azerbaijan (intentional homicide) and investigation was conducted on the fact that an unknown person killed N. M. with knife having caused cut-opened injuries to his stomach in front of building No 6, the 13<sup>th</sup> micro-district, Sumgayit city at about 01:00 o'clock, 23 March 2016. R. A. who was suspected of this crime was brought to the 1st Police Division of Sumgayit city Police Department later on the same day. The suspect wasn't interrogated in time and Chief of Department Azar Ahmadov created conditions for his detention for the period more than the period provided for in the legislation, Notwithstanding the fact that Chief of the Criminal Investigation Department witnessed the groundless detention of R. A. at the police department for a long time, he did not attempt to prevent this.

In the result of the conducted internal investigation, information on physical violence committed by police officers against R. A. was not confirmed. "Severe reprimand" was announced to Police Lieutenant Colonel, Chief of the 1st Police Division of the Sumgayit City Police Department A. A. and Chief of the Criminal Investigation Department of the City Police Department, Police Major M. M. by the order of the Ministry of Internal Affairs dated 4 April 2016

6.2 Based on the information received at about 15:00 o'clock on 10 May 2016 with respect to the fact that B. M. illegally obtained drugs in a large amount with the purpose of sale, conspiring a group of persons, B. M. was detained at Y.Saratov street, in the Sabunchu district in the result of investigative measures conducted by police officers of the Baku city Main Police Department. During the search, 2,904 grams of heroin were detected on him and taken from the back right pocket of his pants, and 1150 grams of heroin were detected and taken from the house where he lived. Later on the same day, B. M. was detained as a suspected person.

When B. M. was placed to the Temporary Detention Facility of the Narimanov District Police Department on May 11, 2016 no injury was detected on him during the examination and no application on exposure to any unlawful actions was filed.

The criminal case was launched under Articles 234.4.1 and 234.4.3 (illegal preparation, production, purchase, possession, transportation, transfer or sale of narcotic drugs, psychotropic substances or precursors) on 11 May 2016 by the Baku City Main Police Department on this fact and B. M. was indicted and charged with the criminal offences under the above-mentioned articles. On 12 May 2016, the Khatai District Court applied remand in custody for 4 months to B. M. as a selected measure of restraint and on 13 May 2016, he was placed to the Baku Detention Facility of the Penitentiary Service of the Ministry of Justice. No bodily injury was detected on B. M. during the initial examination and no complaints about health were received from him, which was duly documented in the detention facility.

On 12 October 2016, the investigation of the criminal case was completed and the case with the indictment was submitted to the Baku Court for Grave Crimes. On October 25, 2016, this Court sentenced B. M. to imprisonment for a period of 10 years by pleading guilty under Articles 234.4.1 and 234.4.3 of the Criminal Code.

6.3 On 10 May 2016 at about 19:00 o'clock in the result of investigative measures taken by police officers of the 22<sup>nd</sup> Police Division of the Nasimi District Police Department and Baku city Main Police Department, large amount of heroin weighing 2,607 grams were taken from G. I. who was detained near a building in Nasimi district, and 1100 grams of heroin was taken from the place of his residence and later on the same day he was detained as a suspect.

At the moment of bringing to the police department, there was a site of redness on the left side of G. I.'s neck and this fact was registered in the log of medical examination of G. I. in the temporary detention facility of the Narimanov District Police Department on 11 May 2016. G. I. filed no application on exposure to any unlawful actions in the TDF.

The criminal case was launched under Articles 234.4.1 and 234.4.3 (illegal preparation, production, purchase, possession, transportation, transfer or sale of narcotic drugs, psychotropic substances or their precursors) on 11 May 2016 by the Baku City Main Police Department on this fact, and G. I. was indicted and charged with the criminal offence under the above-mentioned articles. On 12 May 2016, the Khatai District Court applied remand in custody for 4 months to B. M. as a selected measure of restraint, and on 13 May 2016 G.I. was placed to the Baku Detention Facility of the Penitentiary Service of the Ministry of Justice. No injury was detected on G. I. during the initial medical examination and no complaints of his health status was received which was duly documented in the detention facility.

On 25 August 2016, the investigation of the criminal case was finished and the case with the indictment was submitted to the Baku Court for Grave Crimes. On 8 December 2016, the Baku Court for Grave Crimes sentenced G. I. to imprisonment for a period of 10 years by pleading guilty under Articles 234.4.1 and 234.4.3 of the Criminal Code.

Note: the CPT delegation met the persons (A. A., S. M., and B. A.) on 31 March 2016 in the Baku Detention Facility and interviewed them.

6.4 At about 12.00 on 13 February 2016, 1200 AZN in cash, a "Samsung" mobile phone at the cost of 50 AZN and a tablet at the cost of 200 AZN were robbed by unknown person from the Nissan Gashgay vehicle by breaking the car glass in front of the Bina Mall in Lokbatan settlement, Garadagh district. A criminal case was launched under Article 177.2.4 (robbery) of the Criminal Code on this fact based on the application of P. E. on the damage caused to her in the amount of 1450 AZN, and investigation was conducted at the investigation department of the Garadagh District Police Department.

On 14 February 2016, A. A. was detained as a suspect on this criminal case and on 15 February 2016 he was indicted under the above mentioned article, and the Garadagh District Court applied remand in custody for 3 months to him as a selected measure of restraint.

The duration of the preliminary investigation on the criminal case was extended for 2 months till 13 July 2016 by the decision of Baku city Prosecutor's Office dated 10 May 2016, but according to the decision on refusal of the extension of the period of detention on remand made by the Garadagh District Court on 13 July 2016, A. A. was immediately released from custody. On the same date, the criminal case was interpreted from Article 177.1 of the Criminal Code to Article 177.2.2 and travel restrictions were selected as a pre-trial measure for A. A., the criminal proceedings were stopped according to Article 53.1.4 of the Code of Criminal Procedure.

A criminal case was launched under Article 177.1 of the Criminal Code of the Republic of Azerbaijan and the investigation was conducted in the Garadagh District Police Department based on the report of G. G. made to the police about a theft of property at the cost of 350 AZN from the Toyota Prado vehicle parked in the front of the Bina Mall in Lokbatan settlement of the Garadagh district at 14:00 o'clock, on 30 July 2016 by breaking the car glass. On the same date, A. A. was detained as a suspect and indicted on 1 August 2016 under the above mentioned article, and the Garadagh District Court applied remand in custody for 3 months to him as a selected measure of restraint. At present, the investigation of this case is complete and the case materials with the indictment are to be submitted to the district court for further proceedings.

During the investigation, no complaint was received from A. A. about bodily blows and any illegal acts against him, and the medical examination conducted upon his entry to the temporary detention facility of this District Police Department on 1 August 2016 revealed no bodily injury on detainee.

6.5 On 9 February 2016, at 20:00 o'clock, S. M. (referred to as 'S' in the report), who stole the bag with 13 AZN, ID card and passport owned by E. K. in front of a house in Nasimi district, for the purpose of theft, was detained when running away from the crime scene by police officers, who were nearby, and delivered to the Nasimi District Police Department. On the same date, the criminal case was initiated on this fact under Article 29 (attempted crime), and 180.1 (robbery) of the Criminal Code and S. M. was detained as a suspect. At the moment of bringing to the police department, there were bruises on S. M.'s left arm and eye and this fact was registered in the log of medical examination of S. M. in the temporary detention facility of the Nasimi District Police Department on 10 February 2016. S. M. filed no application on any unlawful actions in the TDF.

On 11 February 2016, S. M. was indicted and charged with a criminal offence under Article 29 and 180.1 of the Criminal Code, and the Nasimi District Court applied remand in custody for 3 months to him as a selected measure of restraint and on 12 February 2016, he was placed to the Baku Detention Facility of the Penitentiary Service of the Ministry of Justice.

The case investigation finished on 13 April 2016 and the case materials with the indictment were submitted to the Nasimi District Court for further proceedings. The court sentenced S. M. to imprisonment for a period of 1 year.

6.6 A criminal case was launched under Article 177.2.4 of the Criminal Code of the Republic of Azerbaijan (theft) in the Nasimi District Police Department on 24 March 2016, based on the materials collected on the report of L. A. made to the police about the theft of an automobile parked in Nasimi district on March 23, 2016, at 03.50. On the same date, B. A. was detained as a suspect. At the moment of bringing to the police department, there were bruises on B. A.'s right eye, back and leg and this fact was registered in the log of medical examination of S. M. in the temporary detention facility of the Nasimi District Police Department on 25 March 2016. B. A. filed no application on any unlawful actions in the TDF.

On 26 March 2016 he was indicted under Article 177.2.4 of the Criminal Code of the Republic of Azerbaijan, the Nasimi District Court applied remand in custody for 3 months to him as a selected measure of restraint and on 27 March 2016, he was placed to the Baku Detention Facility of the Penitentiary Service of the Ministry of Justice.

The case investigation was completed on 31 March 2016 and the case materials with the indictment were submitted to the Nasimi District Court for further proceedings. The court sentenced B. A. to imprisonment for a period of 6 months.

On the whole, the Department of Internal Investigations under the Ministry of Internal Affairs carries out internal investigation based on all received complaints or mass media reports on any facts of violation of human rights and freedoms by police officers, and adequate measures are taken based on results of such investigation

Should any deed constitute a criminal offence, collected materials of such case are submitted to the relevant authorities in accordance with the requirements of the procedural legislation. Crimes committed by police officers are investigated by the Prosecutor's Office according to the Code of Criminal Procedure. The Ombudsman also can conduct investigation of any facts of violation of human rights and freedoms within the limits of their competence established by the applicable law.

As a result of activities carried out by the Ministry of Internal Affairs within the procedure of internal control in connection with violation of human rights and freedoms in the past 5 years, 1259 facts were detected and thorough and impartial investigation was conducted. In the result of these activities, 1647 officers were subjected to disciplinary actions for groundless detention, arrest, prosecution, illegal search, violation of drivers' rights, harsh treatment. 156 of them were dismissed from the internal affairs authorities, 139 were removed from their office and 1351 police officers were subjected to other disciplinary actions. No facts of torture, cruel, inhuman or degrading treatment or punishment of detained or arrested persons were registered.

In 2016, the number of facts of violation of human rights and freedoms reduced by 10,9% (-31; 284-253), including cases of groundless detention that reduced by 33,3% (-7; 21-14), and cases of cruel treatment that reduced by 41,3% (-52; 126-74).

On the whole, we place high priority and focus on the proposals and recommendations given by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment at the meetings with the Committee representatives and on the report of the Committee. In this view, we consider the recommendations given in this report acceptable and state that all necessary measures will be taken to put them into practice.

### **Information of the State Security Service of the Republic of Azerbaijan**

On the implementation of the recommendations contained in 62<sup>nd</sup>, 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 68<sup>th</sup>, 70<sup>th</sup> and 71<sup>st</sup> paragraphs of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):

#### **Concerning 62<sup>nd</sup> paragraph of the Report:**

Investigative Isolator and Temporary Detention Facility of the State Security Service (SSS) provides detention of detained and arrested persons, implements duties regarding administration of criminal examination and realizes its activity on the basis of respect to human and citizen rights and freedoms, rule of law and humanism principles.

The persons that suspected of committing terrorism, espionage and other grave and special grave crimes investigated by General Investigative Department of SSS in accordance with the provisions of legislation are detained by court decision in Investigative Isolator and Temporary Detention Facility of SSS on a temporary basis for a certain period of time in accordance with law. It is expedient to detain the persons in Investigative Isolator and Temporary Detention Facility during preliminary investigation in order to provide rapid and urgent investigative-operational measures about the persons who have fought in armed formations that known as terrorist groups by UN and European institutions and making preparation of crimes of terrorism, and to implement urgent and agile investigative- operational measures, to prevent leakage of information, to protect general security and to ensure protection of detainees' security. The Investigative Department of SSS, Investigative Isolator and Temporary Detention Facility of SSS are independent from each other. There is no any reason to assume that detained persons' procedural and other rights can be affected for the reason that Temporary Detention and Investigative Isolator are in the structure of SSS.

#### **Concerning 63<sup>rd</sup> paragraph of the Report:**

The structure of SSS has been formed by the decree of the President of the Republic of Azerbaijan dated 13 January 2016, No: 724. During 2016, the detainees in the Investigative Isolator and Temporary Detention Facility of SSS have been detained in the conditions of respecting human and citizen's rights and freedoms. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had visited our country on 29 March - 8 April 2016 and that time the detainees in Investigative Isolator and Temporary Detention Facility of SSS were those people who had been arrested in the period of the former Ministry of National Security. There has not been registered any inhuman treatment, torture or any violent acts against detainees from the staff of SSS for obtaining confession or any other purpose and such requests have not been received from detainees, or their family members or advocates.

Concerning 63<sup>rd</sup> paragraph of the Report:

Capital repair works have been carried out since April 2016 in the Investigative Isolator and Temporary Detention Facility of the newly formed SSS. All cells have been repainted as well as sanitary systems have been changed. The repair works are being continued. The works are being continued to cover all sanitary systems and it is planned to be completed in a short period time. It is provided to have shower at least 2 times a week for prisoners.

Concerning 65<sup>th</sup> paragraph of the Report:

TV sets have been placed in the most of cells of the Investigative Isolator and Temporary Detention Facility of SSS in accordance with the requirement of legislation. The placement process is going on. The detainees detained in the Investigative Isolator and Temporary Detention Facility is taken for a walk and to go for sports not less than two hours every day. The walking rooms have been equipped with shelters against inclement weather (the roof of one third of the room was closed) and means of rest. The gym was equipped with modern sport equipments for ensuring to have physical exercises.

During 2016, 8 employees have been hired for filling vacant posts in the Investigative Isolator and Temporary Detention Facility of SSS.

Concerning 66<sup>th</sup> paragraph of the Report:

The vacant nurse post has been filled since 11 May 2016 in the Temporary Detention and Investigative Isolator Facility. There had not been a psychologist in isolator during the period of abolished Ministry of National Security. At the same time the isolator has already been provided with psychologist staff.

Concerning 67<sup>th</sup> paragraph of the Report:

Within 24 hours from the moment received into Investigative Isolator and Temporary Detention Facility, all arrested and detainees are examined by health-care staff in isolator, the administrative files are arranged for each detainees and medicine for them are provided free of charge and they are held under supervision of a doctor regularly. The medical examination is conducted by medical staff without participation of any other persons. If any suspicious cases about the health status of arrived persons appeared, they are checked up using X-rays examination, at the same time, in case of recording of tuberculosis, infectious and any other diseases, by taking necessary measures, they are immediately transported under guard to the Treatment Institute of the Penitentiary Service of the Ministry of Justice. If any injuries are observed on the detainees, the complete records are made on appropriate administrative files and for this purpose a special registration book has been kept.

Concerning 68<sup>th</sup> paragraph of the Report:

In Investigative Isolator and Temporary Detention Facility, the health-care staffs make decisions independently on their field, but the chief of Investigative Isolator and Temporary Detention Facility is generally informed about the work.

When a newly arrested person arrived, doctors in various fields of Medical Department of SSS make appropriate records by examining the newly arrived person not late than one day. If any necessity occurs for examination and medical treatment for detainees, all specialists of Military Medical Department of SSS and when needed the specialists of other medical institutes drawn into examination or treatment of the detainees.

During the year of 2016, pursuant to the requests of the detainees, they have been medically examined 1163 times and doctors of Military Medical Department have been invited to Investigative Isolator and Temporary Detention Facility 260 times.

Concerning 70<sup>th</sup> paragraph of the Report:

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited our country on 29 March - 8 April and that time the detainees in Investigative Isolator and Temporary Detention Facility of SSS were those people who had been arrested during the period of the former Ministry of National Security Now, in the frame of the requirements of the relevant legislation, the detainees in Investigative Isolator and Temporary Detention Facility are permitted to make phone calls and to receive visits. During the year of 2016, the arrested persons in the Investigative Isolator and Temporary Detention Facility of SSS have been permitted to receive visits by family members 191 times and to make phone calls to their close relatives 1497 times Receiving short visits through glass is pursuant to the requirements of the corresponding legislation in the Republic of Azerbaijan.

Concerning 71<sup>st</sup> paragraph of the Report:

Now, detainees in Investigative Isolator and Temporary Detention Facility of SSS are provided with different sizes of envelopes whenever they want, in order send their requests to other bodies confidentially.

During the year of 2016, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has monitored once and the delegation of Working Group on Arbitrary Detention and the Commissioner for Human Rights (Ombudsman) Mrs Elmira Suleymanova with the delegation of the International Committee of the Red Cross have monitored Investigative Isolator and Temporary Detention Facility 5 times During the monitoring there have not been recorded any complaints.

Note: While meeting with lieutenant-general Mr Madat Quliyev, the chief of the State Security Service, these issues were brought to the attention of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on 17 February 2017.

**Information of the Ministry of Justice**On paragraph 5 (reprisals for speaking with the CPT delegation):

No fact has been found of prosecution or punishment of convicted or arrested persons detained in penitentiary establishments, including the establishments visited, for their appeals or for providing information to representatives of visiting organizations, no complaints have been received from them in this regard.

On paragraph 6 (incorrect information provided to the CPT delegation by the head of Penitentiary Service and administration of the establishments visited):

Information was provided on penitentiary establishments (relocation, capacity (limits, administration and etc.)) prior to CPT delegation's visit to the Republic of Azerbaijan.

As regards the procedures for opening cell doors at night, it is informed that cell doors may be opened only in exceptional cases for the purpose of providing urgent medical aid to prisoners and based on doctor's recommendation, as well as during emergency situations and in order to ensure safety. In such cases, the Penitentiary Service administration and the security service are informed verbally (via telephone) and cell keys are given to the duty station. As far as ensuring security is concerned, the cell doors can be opened again whenever necessary, in compliance with these procedures.

On paragraphs 73, 76, 85 and 93 (providing prisoners with 4 m<sup>2</sup> of living space and individual bed):

It should be noted that as a result of execution of the subsequent amnesty act adopted by the National Assembly of the Republic of Azerbaijan on 20 May 2016 within the policy of reducing the number of prisoners, nearly 11 thousand persons were exempt from various sentences, including 2,901 convicts exempted from deprivation of liberty.

In addition, some acts in the economic sector have been decriminalized as a result of significant changes made to criminal legislation on 6 May 2016. In this regard, the scope of application of the new law was determined by the Ministry of Justice, the presentations in relation to 1,770 prisoners were sent to the courts. According to the information as of 1 April 2017, a large part of sentenced persons whose cases were reviewed by the courts have been released or had their sentences reduced. Other presentations are currently being processed by the courts.

In 2016-2017 1,798 convicts have been released on parole by court decisions. In 2016-2017 551 convicts have been released from sentences by Presidential pardons. Thus, it resulted in decrease in number of persons detained in prisons and Pre-Trial detention facilities of the Penitentiary Service, allowing for provision of individual beds and 4 m<sup>2</sup> of living space per prisoner.

It should be noted that Azerbaijan's resort to detention practice was analyzed already in 2009, a wide discussion took place with the participation of relevant judges at the Supreme Court Plenary Session on 3 November 2009 and a comprehensive decision was adopted aiming to eliminate irregularities in this field and forming the single judicial practice. Also, nearly 30 judges and prosecution professionals were disciplined for violations in this area. At the same time, the Ministry has conducted joint analyses and discussions with high instance courts and the General Prosecutor's Office regarding imposition of imprisonment measure. As a result, for the purpose of more attentive approach to application of imprisonment and forming a single practice, it was decided that imprisonment shall be resorted to exceptionally in cases not posing a great public safety threat and in less severe cases, and that presentations in this regard shall be agreed upon in special order; respective instructions were given to relevant prosecution and investigation organs. The courts' attention has been drawn to the issue in this respect.

For the purpose of reducing the number of arrested and convicted persons detained in penitentiary establishments, especially in Pre-Trial detention facilities, as well as widening the scope of non-imprisonment sentences and their application practice, the President of the Republic of Azerbaijan signed an Executive Order "On improving work in the penitentiary system, humanization of the punishment policy and expansion of alternative punishments and procedural enforcement measures not associated with isolation from society" on 10 February 2017. Paying special attention to modernization of the work of penitentiary establishments, upgrading the infrastructure and continuing measures for improving the administration mechanism in the Order, for the purpose of organizing effective control over execution of punishments not associated with isolation from society and improving the efficiency of management in this area the Probation Service under the Ministry of Justice was introduced (organizational measures are being taken to launch the Service's work).

The Executive Order laid the groundwork for reliable exercise of the rights of convicts, decriminalization of a number of crimes, humanization of the penal policy and broader use of punishments alternative to deprivation of liberty. In this regard, it is planned to introduce a number of changes to the legislation, including those related to decriminalization of crimes in the economic sphere, addition of sanctions for crimes alternative to deprivation of liberty, wider application of existing alternative punishments, release on parole and conditional sentencing, and the use of preventive measures alternative to arrest. A joint working group of the Ministry of Justice, the General Prosecutor's Office and the Supreme Court has already prepared and duly presented relevant draft laws.

A working group was set up for the purpose of establishing probation in the Republic serving to reduce the number of arrested and convicted persons in penitentiary establishments, especially Pre-Trial detention facilities, as well as to study international practice in mediation, while determining models and mechanisms of their application.

Moreover, in relation to organization of the probation service in the Republic of Azerbaijan, measures continue to be taken this year on preparation of its concept and legal basis, in the framework of the project implemented by the European Union in the Republic.

At the same time, in order to ensure the use of information-communication technologies in execution of punishments and application of preventive measures, the Executive Order envisages the use of electronic monitoring devices. To this end, the Ministry's working group promptly visited Georgia to study the practice of electronic bracelets; preparation work is being conducted for the use of electronic monitoring devices, taking into account international norms in this field. Testing measures are being taken currently, taking into account the proposals of a number of organizations.



Execution of this important Order was discussed at an expanded meeting of the Plenary Board of the Ministry of Justice on 15 February 2017, specific measures were identified for due and proper implementation of this program-type document, a presentation was made about the functionality and rules for the use of electronic monitoring devices.

It is a result of immediate execution of the Order's recommendations and instructions that in the past two months about 520 detainees have been legally released from Pre-Trial detention facilities. Many of them had their detention decisions replaced with house arrest and preventive measures not associated with imprisonment. The works are continued in this area.

It should be noted that at the Ministry's initiative the judicial practice in this field was summarized again by the Supreme Court and was discussed recently at an expanded plenary session with the participation of the Justice and Internal Affairs Ministers, Prosecutor General, leadership of the Department on Work with Law-Enforcement Bodies of the Presidential Administration, chairs and judges of first and appeal instance courts, and heads of investigative bodies.

At the meeting, primary investigation bodies and the courts were advised to strictly comply with requirements of the criminal procedural legislation when applying procedural enforcement measures, as well as to expand the application of punishments and preventive measures not associated with deprivation of liberty in order to achieve the purposes of punishment and preventive measure without isolating the person from society.

The summary of judicial practice in this field shows that although the Courts process presentations on selecting arrest as a restraining measure and on prolonging the term of detention, as well as the motions on substituting arrest with alternative preventive measures in accordance with the legislative requirements, certain cases of shortcomings and violations of law have been discovered.

At the same time, it was recommended that primary investigation bodies and courts strictly comply with requirements of the criminal procedural legislation when applying procedural enforcement measures, and that the application of punishments and preventive measures not associated with deprivation of liberty is expanded in order to achieve the purposes of punishment and preventive measures without isolating the person concerned from society. In this regard, a commentary letter was sent to courts in order to ensure that they apply the law in the same manner and to create a single judicial practice.

The paramount importance of the 10 February 2017 Presidential Order on humanization of the penal policy was noted at the Judicial-Legal Council meeting held on 13 April of this year.

The measures on execution of the Order were discussed at the meeting; it was highlighted as a "road map" for ensuring human rights in the country, especially the right of freedom, and for establishing the work of judicial, prosecution and investigation bodies at the level of new requirements. Changing the approach to selecting arrest as a preventive measure, and selecting arrest in exceptional circumstances only in cases not posing a great threat to public safety and in cases of less severity was determined as one of Executive Order's main goals.

Also, the information provided by the joint working group of the Supreme Court, General Prosecutor's Office, and Ministry of Justice created to execute the Order's instructions was presented at the Council. Draft laws on over 200 changes to criminal legislation, including decriminalization of many crimes in the economic field, prescription of alternatives to deprivation of liberty, as well as amendments allowing the application of conditional conviction, release on parole, and wider use of preventive measures alternative to arrest were discussed in detail.

At the meeting it was emphasized that in order to properly execute the Order there is a necessity to increase responsibility of judges and investigation organs, to not tolerate any violations, to summarize the practice of selecting arrest as a preventive measure by regularly analyzing it, to prepare new effective control mechanisms over extending of the detention period, and to form a just penal policy.

At the same time, the Order emphasized the importance of expanding the use of alternative punishment measures in order to achieve the purposes of punishment without isolating the person from society. Proposals on amendments to legislation were drafted and presented for review in respect of decriminalization of crimes, especially in the economic sphere, addition of sanctions for crimes alternative to deprivation of liberty and improving the existing basis for application of alternative punishments, application of a preventive measure not

associated with imprisonment in cases of complete compensation of damages in cases where public threat of the deed is related to material damages, and determining grounds for selecting punishments alternative deprivation of liberty, replacing the non-served part of deprivation of liberty with lighter punishment, wider application of release on parole and conditional conviction, as well as expanding preventive measures alternative to imprisonment.

Once the changes on humanization of the penal policy are made and the new penitentiary establishments being built in various regions of the Republic are opened for use, the mentioned overcrowding problems will be completely solved.

On paragraph 77 (speedy completion of the new prisons):

The construction works of the Baku and Lankaran penitentiary establishments, the new prison in Umbaki Settlement and new prison for women and correctional establishment for juveniles in Zabrat Settlement are continued based on financial resources allocated from the state budget. A letter was sent to the Cabinet of Ministers of the Republic of Azerbaijan requesting to provide assistance in speeding up the construction works.

On paragraphs 78, 102 and 103 (involving prisoners in education, work and organization of free time):

There are certain problems with providing work for persons detained at Pre-Trial detention facilities and prison visited. However, in recent years a series of successive measures are being taken in other prisons regarding provision of work for convicts. As a result, in 2000-2016 the number of prisoners involved in work has increased 6.4 times. The number of convicts involved in work during this period is as follows:

- In 2000 - 846
- In 2005 - 1,194
- In 2010 - 3,749
- In 2015 - 5,351
- In 2016 and the first quarter of 2017 - 5,543

It should be noted that as a result of creation of work areas for wood processing, repair and production of furniture, nails, high-voltage electrical equipment, production of semi-finished metal products, stones, and socks in 9 establishments, the number of convicts involved in work increased by 100 persons in the first quarter of 2017.

At present, the measures are continued on increasing the number of convicts working in production areas, including those involved in individual labor, as well as inviting entrepreneurs to participate in organization of production.

The work on providing prisoners with labour beneficial to the public was continued, despite the release of a number of working prisoners by the Amnesty decision of 20 May 2016, in comparison with 2015 the number of working prisoners increased by 2%.

The Presidential Executive Order "On improving work in the penitentiary system, humanization of the punishment policy and expansion of alternative punishments and procedural enforcement measures not associated with isolation from society" instructed to study the opportunities for restoration of existing production areas and creation of new ones in prisons, for the purpose of involving prisoners in socially useful labour, as well as to take measures aimed at stimulating entrepreneurs to be involved in this activity.

In recent years within the Justice Reform Support Programme implemented in the framework of the European Neighborhood Policy, 4 new production areas have been created in the establishments for the purpose of creating additional jobs; the devices, instruments, machine tools and equipment of 5 production areas have been modernized, worktables and tools of 10 individual work areas have been renewed. Repair work has been done in the production areas, new devices, instruments, worktables and equipment have been provided.

It should be noted that currently there are production areas in 11 prisons of the Penitentiary Service. In addition, there is a plastic door and windows workshop at the Medical Establishment.

At present, full secondary education schools function in 6 prisons. In the 2015-2016 academic year 15 subjects were taught to 807 convicts, graduation exams were conducted by representatives of the State Examination Centre, with 108 convicts who completed 12 grades receiving attestation and 79 convicts who completed 9 grades receiving certificates. In the 2016-2017 academic year 793 convicts receive full secondary education in the same manner.

For the purpose of efficient organization of prisoners' free time, various individual and collective events, prepared by the bodies responsible for educational work, are being held. To this end, a club, library, computer rooms, and sports gyms and grounds function at the prisons. Representatives of state organs and non-governmental organizations take part in the events for prisoners

For the purpose of further enriching the book stock, which plays an important role in effective educational work, the book stock of the establishments' libraries is regularly filled, currently the overall number of books in libraries is 117,345. At the same time, for the purpose of raising prisoners' legal awareness, the journals named "Guiding European principles for the effective investigation of ill-treatment cases", published as part of the joint European Union and Council of Europe program against ill-treatment and Impunity, and the "Human Rights Textbook for Penitentiary Professionals", published and translated into Azerbaijani in the framework of the technical project between the Government of the Republic of Azerbaijan and the Office of the UN High Commissioner for Human Rights, with Ministry of Justice as main partner, were distributed to libraries of the prisons and pre-trial detention facilities.

In order to ensure freedom of conscience and religious faith of convicts belonging to various confessions, praying rooms and places were set up at penitentiary establishments, they were provided with religious literature and appliances, representatives of state-registered religious organizations were enabled to visit the establishments.

It is informed that social adaptation of convicts, their reintegration to society and raising socio-educational essence of the punishment is constantly kept in focus. Series of regular events are carried out in prisons in this direction.

Another such event took place at the Penitentiary Service prison on 11 April 2017. The seventh book by Sergei Strelyayev, sentenced to life imprisonment and serving in prison, called "Echo of the Mind", consisting of a collection of poems written in Russian, was presented. The presentation was attended by the officials of the Penitentiary Service's General Department and of the Gobustan Prison, as well as representatives of the Union of Azerbaijani Writers and convict S. Strelyayev's close relatives. At the event it was proposed that Mr. Strelyayev, whose books have been translated into several languages, be accepted to membership of the Writers Union.

It should be noted that three years ago Mr Strelyayev entered into marriage and had a child.

On paragraph 79 (inmates being supposed to spend almost all of their time inside the cell or in a small balcony attached to the cell in newly built or under construction penitentiary establishments):

The design, layout and detention conditions of under-construction penitentiary establishments are in compliance with international standards.

Prior to construction of the newly opened Baku Pre-Trial Detention Facility and the Shaki Prison, in accordance with recommendations made by the Council of Europe, a number of trips were organized to European countries for the purpose of studying positive experience, reviewing prisons; project-estimates were drafted and construction works commenced accordingly. The abovementioned apply to walking areas of the Baku Pre-Trial Detention Facility. Entry of fresh air and natural light is ensured. It should be noted that the structure of these establishments, including the walking areas, were perceived positively by international organizations during their visits and no remarks were expressed.

Taking into account the CPT's proposals, significant changes were made to the project of the new establishment for lifers being built in Umbaki Settlement of Baku, in order to ensure that such prisoners spend part of their day outside their cells, it is planned to organize special walking and working-out yards near every detention block

As regards involving lifers in education and work, proposals on amendments to legislation were drafted; creation of a relevant block and areas in under-construction establishments is planned.

On paragraph 81 (strengthening efforts to combat corruption):

For the purpose of preventing corruption cases, the boards with phone numbers of the “Hotlines” of the Ministry of Justice and the Penitentiary Service and complaint boxes have been hanged in all penitentiary establishments. Also boxes were installed in the territory of establishments for detainee letters. In accordance with the legislation in force, the correspondence of detained persons is not subjected to censorship, with the exception of cases of prevention of prepared crimes, criminal prosecution, serving sentence procedure, life and security of persons, and compliance with prison regime. Correspondence with the attorney or other persons lawfully providing legal assistance, proposals, appeals and complaints addressed to authorities supervising the work of penitentiary establishments, to the Ombudsman of the Republic of Azerbaijan, to the National Preventive Mechanism, UN bodies for protection of human rights and freedoms, and the European Court of Human Rights are not subjected to censorship.

Increasing transparency in work was kept in focus especially; letters and complaints on abuse of powers and corruption cases were taken under supervision and inquired comprehensively. In comparison with 2015, the number of appeals regarding corruption and other negative circumstances addressed to the Penitentiary Service decreased 2.8 times in 2016 (13/37, -24). During inquiry the materials on circumstances described in 2 letters (2015 - 5, -3) were forwarded to relevant prosecution authorities for legal assessment.

The efficient public control mechanisms are widely used in this field. Thus, the Public Committee under Minister of Justice pays attention to the abovementioned issue during its visits to prisons. For the purpose of increasing the efficiency of those visits, as well as ensuring simplicity and effectiveness of monitoring reports, a respective opinion form was drafted back in 2007 based on the Minister’s instructions, in addition to a number of issues subject to public control, a special paragraph was included on whether corruption circumstances can be observed at penitentiary establishments.

More detailed information on the Public Committee’s work is provided below in the information on paragraph 157.

On paragraphs 83, 84, 89, 90 and 143 (stopping the practice of using truncheons as punishment and vaginal examination of female prisoners):

After the CPT visit, the Order numbered 5/s on application of special means, transferring detainees and convicts to penalty cells, inquiry of registered injuries, examination of persons entering penitentiary establishments, including the prison for females, in compliance with legislation requirements and sanitary-hygiene rules was signed by the Penitentiary Service Director on 11 April 2016, taken into supervision and sent to subordinate establishments. In comparison with 2015, the number of application of special means cases decreased by 30% in 2016, no cases of groundless or inadequate resort to special means, including toward female prisoners, were recorded.

It was taken under supervision that examination of arrested, convicted persons, especially women, as well as other persons entering penitentiary establishments shall be conducted in strict compliance with legislation requirements, while internal examinations shall be conducted in exceptional cases only, based on valid information received in advance and in line with sanitary-hygienic norms. No complaints, including from female prisoners, were made in this regard in 2016.

Respective records are kept in relation to special means use. In accordance with in force Internal Disciplinary Rules and relevant regulations, every fact of special means use on inmates is reported to the leadership of the Ministry of Justice and the Penitentiary Service internal investigation is launched regarding the person ordering and applying it.

The control was strengthened over execution of the prior instruction banning the custodial staff from carrying truncheons

In accordance with recommendations made by CPT, for the purpose of increasing training and professionalism levels of the staff in respect of special means use in the penitentiary system, an agreement was reached to hold joint events with the International Committee of the Red Cross Office in Azerbaijan and such trainings were conducted in November 2016, the work in this field is continued.

On paragraph 86 (carrying out an independent and thorough inquiry regarding the manner in which Pre-Trial Detention Facility No. 2 in Ganja is operated):

The materials on the inquiry conducted at the Pre-Trial Detention Facility No. 2, in relation to issues expressed in the immediate observations on the visit, were reviewed.

It is informed that during the inquiry the detained persons were visited, statements were taken from them and from the establishment staff, respective documents were collected and analysed, the medical-sanitary unit of the establishment was inspected. During the inquiry, in their verbal and written statements the detained persons did not inform of any ill-treatment and cases of torture against them.

Moreover, gross violation of legislation requirements on detention conditions, subjectivity in exercise of rights, shortcomings in the medical service, as well as non-compliance with modern requirements of the medical examination of persons requiring treatment and the recording of discovered injuries were found out during the inquiry.

For violations in his work the Director of the Pre-Trial Detention Facility No. 2 was fired from the justice system and 6 staffers were strictly disciplined.

On paragraph 87 (information for 2015 and 2016 regarding the number of complaints of ill-treatment lodged against prison staff and an account of disciplinary and/or criminal sanctions imposed):

In 2015 and 2016 no cases of torture and ill-treatment by prison staff were found and there were no disciplinary or criminal sanctions in this regard.

25 letters (8 of them being duplicates) in 2015 and 22 (14 duplicates) in 2016 on ill-treatment and other circumstances were filed. The circumstances expressed in the letters were not confirmed.

On paragraph 88 (presenting copy of the text of new regulations on the use of "special means" to the CPT):

In this paragraph it was noted that at the outset of the visit, senior officials of the Ministry of Justice informed the delegation that draft new regulations on the use of "special means" (truncheons, handcuffs and teargas) had been prepared.

In this regard it should be clarified that the procedure for use of special means in penitentiary establishments is regulated by the Enforcement of Punishments Code, the "Law on Ensuring the Rights and Freedoms of Detainees", the Internal Disciplinary Rules and the "Regulations for security measures and their application rules in the penitentiary system of the Republic of Azerbaijan" approved by the 18 February 2004 Ministry of Justice Order numbered 9-T.

The drafting of the new regulations on security measures and their application in the penitentiary system is being continued currently.

On paragraph 91 (inter-prisoner violence):

Incidents of inter-prisoner violence at penitentiary establishments, especially at the Penitentiary Establishment No. 4, the Baku Pre-Trial Detention Facility and Prison were not allowed, no cases of inmates controlling other inmates were found and no complaints were made by other inmates about this.

In accordance with the legislation in force, medical staff examines the convicts entering the establishment and the injuries observed are recorded and inquired into. At the same time, injuries sustained by convicts in the establishment are recorded immediately and reported to the leadership of the Ministry of Justice and the Penitentiary Service. The materials collected on inmates injuring each other are sent to respective law enforcement authorities for legal assessment.

Most of self-harm cases at the penitentiary establishments were due to tensions in family relations and supposed subjectivity of investigation. Self-harming detainees and convicts are taken into special registration, the custodial staffs are warned to pay extra attention to them and psychological assistance is provided by the psychiatrists.

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 convict to another correctional facility with the same regime.

Convicts prone to committing violence toward other convicts are taken under control. In case of observance of breach of internal disciplinary rules in their actions, they are subjected to reproach measures in accordance with legislation. Convicts 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 92, 137, 138, 139 and 145 (increasing staffing levels of the Penitentiary Service, especially custodial and female staff, for the purpose of preventing inter-prisoner violence and decreasing excessive workload. Ensuring that no prisoner is put in a position to exercise power over other prisoners):

Respective proposals were made for the purpose of increasing staffing levels of the penitentiary service and determining new privileges for them, thus the stage by stage resolution of this problem is being considered.

Women represent nearly 10% of the overall number of penitentiary service employees. Hiring women is kept in special focus when considering work applications to this service.

Legislation prohibits prisoners to exercise powers of the custodial staff. No prisoner was put in a position to supervise over other prisoners. According to the Enforcement 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 labour competitions, executing production tasks, increasing labour 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 secondary and technical vocational education of inmates. Otherwise, no convict has a right to give instructions to another convict.

On paragraphs 94 and 95 (steps taken to ensure that all prisoner accommodation areas at Baku Pre-Trial Detention Facility are maintained in a satisfactory state of repair, providing hot water at least twice a week):

In 2016 the external and internal communication systems of the Baku Pre-Trial Detention Facility's blocks were repaired, 2000 meters of electric lines were replaced. Baku Pre-Trial Detention Facility was provided with 60 mattresses, Pre-Trial Detention Facility No. 2 with 80 shoes, 200 pairs of socks, 700 bed-sheets, 700 hand-face towels and 700 pillowcases. Relevant instructions were given to provide hot water at least twice a week.

On paragraphs 96 and 97 (improving material conditions, increasing quality of food):

Bedside appliances of persons detained at Pre-Trial Detention Facility No. 2 were replaced with new ones; two new rooms in the regime blocks were refurbished and are now used as cells, repair works have been done in the cells, sanitary units; the cells and other rooms are regularly disinfested by Ministry of Health experts; the detainees are provided with hygiene products in line with the approved norms, i.e. tooth brush, tooth paste, soap, cleaning powder; the kitchen was refurbished, provision of quality food complying with the norms is ensured.

On paragraphs 98-101 (increasing the number of sanitary facilities at Prison No. 4, refurbishing the bathroom, providing sanitary-hygienic materials for women's monthly needs and increasing the quality of ventilation and artificial light):

The bathroom was repaired, two additional cabins were added, thus their number increased to 6. Sanitary-hygienic materials are provided. It is planned to continue repair and refurbishment works in the future.

On paragraph 104 (equipping all newly-constructed establishments with spacious areas for exercise):

Relevant changes were made to the daily schedule of the Pre-Trial Detention Facility No. 2, enabling one hour of daily outdoor exercise to detainees, the possibility is offered from 8 am. It is planned to equip newly-constructed establishments with spacious areas for exercise.

On paragraphs 105 (taking out of use the former "kartzet" cells at the Gobustan Prison, currently used to accommodate prisoners held in solitary confinement for their own protection Increasing the frequency of showers to twice a week):

The cells used for solitary confinement were taken out of use and are currently being used to stock items belonging to convicts. Respective steps will be taken in the summer in order to provide necessary conditions to use showers twice a week.

On paragraph 106 (providing adequate accommodation of female inmates, who are being held in a separate room in the Prison's health-care unit Preferably, this should include setting up a high-security unit within the future new women's establishment in Zabrat):

Due to the fact that currently the Prison lacks adequate accommodation conditions for female prisoners in line with national legislation and international norms, they are being held in the medical-sanitary unit, separate from other convicts. Relevant conditions were created for for them there. Adequate conditions are planned to be provided for them at the new Prison in Umbaki Settlement.

On paragraphs 107-110 (prisoners spending all their time in the cell, effective organization of free time, stopping routine handcuffing of life-sentenced prisoners and the practice of keeping life-sentenced prisoners apart from other inmates, providing convicts arriving from penitentiary institutions with TV):

Taking into account the CPT's recommendations, significant changes were made to the project of the new establishment to be built for life-sentenced persons in Umbaki Settlement of Baku, in order to ensure that these prisoners spend part of their day outside their cells it is planned to equip every detention block with yards for walking and exercise. Proposals were drafted on amendments to legislation regarding involvement of lifers in education and work, creation of proper blocks and areas is envisaged. Construction of the new prison for these convicts is conducted by funds allocated from state budget. Life-sentenced persons are kept apart from other convicts in accordance with Article 72 of the Enforcement of Punishments Code of the Republic of Azerbaijan. This practice protects the persons who committed less severe crimes from the negative influence of persons who committed especially grave crimes.

Convicts transferred from penitentiary institutions to prisons are not allowed access to TV in accordance with Article 102.4 of the Enforcement of Punishments Code of the Republic of Azerbaijan. Proposals were made on amendments to legislation allowing access to television for convicts transferred from penitentiary institutions to prisons.

According to Article 46.2.6 of the Internal Disciplinary Rules of penitentiary establishments, if there is valid information regarding illegal actions that may be committed by convicts detained in solitary cells of prisons with strict regime, cell-type rooms of penitentiary establishments, or penalty isolators, handcuffs are used when they are temporarily removed from cells and accompanied.

Routine handcuffing of life-sentenced prisoners is not practiced in the prison and handcuffs are applied in accordance with legislation on application of special means and security measures.

On paragraph 111 (offering a realistic prospect of conditional release to all sentenced prisoners, including life-sentence prisoners):

Legislation does not prohibit life-sentenced prisoners to be conditionally released, currently 4 out of 280 lifers have become eligible to file a request with the court and they have been informed about this. At the same time, for the purpose of improving this procedure and eliminating the problems that may arise, a working group was set up by the 20 December 2017 Order of the Ministry of Justice In accordance with the 16 March 2017 Presidential Executive Order, 2 lifers were pardoned and had their sentenced replaced with a sentence of determined term, one of them was conditionally released by the decision of a District Court issued in April of this year.

On paragraph 112 (transfer of the responsibility for prison health-care services to the Ministry of Health, using the joint EU/Council of Europe project on Additional Support to Penitentiary Reform in Azerbaijan):

In 2005 the Ministry's medical service was removed from the structure of the Penitentiary Service and on its basis the Medical Department General was established under the Minister of Justice. Employees of the Ministry's medical service work independently. This setup was directly in line with the CPT recommendations.

The issue of transfer of prison health-care services to the Ministry of Health is not appropriate in current circumstances. Among post-Soviet countries, such practice was implemented in Georgia and Moldova, and was not successful. Integration of the penitentiary medical service to the Ministry of Health is a process that could be implemented gradually.

Currently, the penitentiary medical service functions in close cooperation with the Ministry of Health. For the purpose of providing equivalency between medical service provided to convicted and detained persons and the country's medical services, in complex clinical and diagnostic cases the medical means of the Ministry of Health are widely used.

In 2016 various instrumental examinations, consultations, surgical procedures and other medical measures were conducted on 178 convicts, including 68 magnetic- resonance tomography procedures, 37 computer tomography procedures, 15 ophthalmology and 48 other (endoscopy, mammography, colonoscopy and etc.) various examinations were performed.

Also, chemical therapy was performed on 30 oncological patients under supervision of the National Oncology Centre's (NOC) doctors, the 55 tumor samples were analyzed in the NOC laboratory.

In addition, 193 consultations were held by leading experts at the Medical Facility and 28 surgeries were performed with their participation.

In the framework of the joint EU/Council of Europe project on Support to Penitentiary Reforms in Azerbaijan, three international experts conducted evaluation visits to pilot establishments The results of the evaluation, the effects of the project desired by the Azerbaijani side were discussed with the experts at the Medical Department General.

Moreover, information on conclusive evaluation based on results of the visits, the proposed short and long term recommendations, were widely discussed on 17.03.2017 and during April of this year, it was decided to draft an Action Plan.



On paragraphs 113 and 114 (increasing the number of feldshers and/or nurses in the penitentiary establishments, replacing temporarily the doctor on maternity leave at Penitentiary Establishment No. 4, filling the vacant post of radiologist, ensuring that someone competent to provide first aid is always present in every penitentiary establishment, including at night and during public holidays, authorizing custodial staff to open cell doors at night in case of emergency):

Regular announcements are placed in various publications and official web-sites to fill vacant posts and other measures are being taken. However it should be noted that the stressful psychological atmosphere characteristic to prisons discourages medical professionals from working there, resulting in human resources leakage and constitutes one of the main negative effects on staffing procedure.

The work of hiring to medical service by competition was continued in 2016, 40 new persons were hired, including 14 graduates of the Azerbaijan Medical University.

The doctor of the medical-sanitary unit of the Penitentiary Establishment No. 4 has returned early from maternity leave and is working. The Gobustan Prison was provided with a doctor radiologist.

In most penitentiary establishments, presence of a medical worker at night and during weekends or holidays is not envisaged. 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, employees of the medical-sanitary unit of the establishment are called into the establishment whenever necessary and provide proper medical care to prisoners. In 2016, approximately 34 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.

Moreover, the Medical Department General is taking certain measures to ensure that someone competent to provide first aid is always present in every penitentiary establishment at evening and night hours, on weekends and non-working days.

In order to strengthen provision of pre-doctoral first medical aid, special attention was paid to the awareness-raising and educational work with non-medical staff. To raise awareness about first aid in injury, burns and other cases before arrival of a doctor, as well as about transmissible diseases and TB, the Medical Department General associates taught medical topics to non-medical staffers and the Academy of Justice and the Training Centre of the Penitentiary Service.

For the purpose of instilling the habits and knowledge on first medical aid, the "Emergency First Aid" booklet prepared for non-medically trained personnel was distributed and recommended for use to the Gobustan Prison, Pre-Trial Detention Facility No. 2 and Prison No. 4.

Also based on the Justice Minister's instructions, the work on instilling pre-doctor first aid habits onto newly hired employees was continued in 2016 at the Academy of Justice. Overall, 527 non-medical employees participated in these courses.

For the purpose of increasing knowledge and awareness of non-medical employees, the means of the Tuberculosis Training Centre of the Specialized Treatment Establishment (STE) are widely used. In 2016 various medical topics were taught to a total of 72 non-medical penitentiary employees.

It should be noted that prison cell doors may be opened at night only in emergency medical situations based on doctor's recommendation. In such cases the Penitentiary Service administration is informed and door keys are given to the duty station.

In 2016, only once an EMA team was called to the prison at night, and no delays in performing medical examination or difficulties for doctors entering the cell were observed.

On paragraph 115 (accessibility of medical care for every prisoner, more variety in dental care, not limited to extractions only, facilitating prisoners' access to outside specialist medical care, custodial staff at Pre-Trial Detention Facility No. 2 in Ganja punishing prisoners if they requested to see a member of the health-care team at night):

In all penitentiary establishments the medical service, including dental service is accessible to all prisoners. There are open possibilities to see a doctor.

After the CRT's visit, activity of the medical-sanitary unit of the Pre-Trial Detention Facility No. 2 was inquired into and the unit's director was disciplined for not performing his duties properly.

Strict control was ensured over providing accessibility to medical care for every prisoner at Baku Pre-Trial Detention Facility and Pre-Trial Detention Facility No. 2, and in case of shortcomings in this area, the issue shall be raised with establishment directors without delay.

In order to strengthen dental service at Pre-Trial Detention Facility No. 2, by the end of 2016 the cabinet was equipped with new modern dental equipment and a roentgen visiograph, and relevant instructions were given to pay special attention to dental work. Thus, provision of other services was made possible.

Modern dental cabinets, equipped with modern apparatus and inventory, were set up in the penitentiary establishments, fully favourable conditions were created to provide necessary dental assistance. At present, the convicts and detainees can have their teeth treated and restored, extracted, get prosthesis and other dental assistance. In 2016 such treatment was performed 17,341 times for prisoners. The dentist of the Pre-Trial Detention Facility No. 2 performed such assistance 520 times.

At the penitentiary establishments in Ganja, Shaki and Salyan, the Medical Department General sent official letters to the Central Hospitals of those areas, establishing mutual relations in provision of medical care. Whenever necessary in any medical case, the transfer of prisoners to a civil hospital or invitation of a specialist to the establishment is provided without delay.

The results of investigation into ill-treatment of detainees at Pre-Trial Detention Facility No 2 are mentioned in information on paragraph 86. No cases of "punishment" measures toward persons requesting medical assistance were found and no appeals were made in this regard.

In 2016 two detainees were transferred from Pre-Trial Detention Facility No. 2 to the Ganja City Hospital to receive medical care. Also, various specialists of civil hospitals located in Ganja paid 55 consultation visits to the detention facility.

On paragraph 116 (the impression that some prisoners were being kept in the infirmary of the medical-sanitary unit of the Baku Pre-Trial Detention Facility for reasons other than medical necessity):

This issue was inquired into at the medical-sanitary unit of the facility and it was found out that patients with changing conditions after stationary treatment are kept here under doctor's supervision for a certain period. It can be presumed that the CPT delegation members saw them as prisoners kept for non-medical reasons.

The issue of keeping detainees in the medical-sanitary unit for operational, isolation and other purposes and prevention of such practices was discussed between the Penitentiary Service and the Medical Department General.

On paragraph 117 (maintaining the Gobustan Prison, Prison No. 4 and Pre-Trial Detention Facility No. 2 in a decent and hygienic condition):

Refurbishment of the medical-sanitary units of these establishments was included in the action plan of the Medical Department General for 2017 and allocation of Financial resources was requested. The Hygiene and Epidemiology Centre of the Medical Department General was tasked with control over hygienic condition of the establishments.

On paragraph 118 (training the health-care staff of the Gobustan Prison and Baku Pre-Trial Detention Facility in the use and maintenance of defibrillators; providing all prisons with defibrillators):

The health-care staff working at Baku Pre-Trial Detention Facility and the Gobustan Prison was taught again on how to use defibrillators. Relevant instructions were given in order to provide all prisons with this equipment.

On paragraph 119 (ending the practice of conducting medical procedures through metal bars):

In accordance with the CPT recommendations the practice of conducting medical procedures through barred areas was stopped.

On paragraph 120 (some vital medicines missing (e.g. adrenaline at medical-sanitary unit of the Penitentiary Establishment No. 4) despite a generally adequate stock of pharmacies in the prisons visited):

All penitentiary establishments are fully provided with pharmacies, including vital medicines, based on requisites. The mentioned problem at the Penitentiary Establishment No. 4 (no adrenaline) was eliminated.

On paragraph 121 (prompt medical screening carried out for newly-arrived prisoners at Baku Pre-Trial Detention Facility and Pre-Trial Detention Facility No. 2 in Gania, and soon after arrival at the Gobustan Prison and Penitentiary Establishment No. 4, but were only directed toward determining TB and other transmissible diseases, not conducting any work to find physical and psychological effects confirming torture):

It has been instructed that every person on whom injuries have been observed during preliminary examination shall undergo repeat examination several days later by establishment doctors, the causes of injury shall be inquired once more, the detained person shall be visited by a medical employee once again after returning from investigation or court, and in case new bodily injuries are observed, related records shall be made in the medical booklet with relevant information duly forwarded.

Paragraphs 2.5 and 2.7.3 of the “Rules for medical and psychological assistance for arrested and detained persons and their detention at medical facilities” approved by the Cabinet of Ministers, instructs medical workers to record and inform the establishment administration and the Medical Department General about injuries, signs of torture and ill-treatment discovered. Medical Department General summarizes and presents the data to the Penitentiary Service twice a month.

Complaints on torture and inhuman or degrading treatment, discovery of bodily injuries presumed to be the result of torture and inhuman or degrading treatment are recorded in specifically determined pages of the medical cards.

Copies of all pages on body images of Annex 3 on description of injuries of the “Istanbul Protocol’ have been added to the medical booklets and the employees have been ordered to register injuries in the body image.

On paragraph 122 (poorly or inconsistently kept medical files with information missing or very succinct; detailed information on plans to introduce electronic medical database):

All medical-sanitary units were provided with bookcases for medical booklets and medical files and with a safe for psychotropic substances CPT recommendations on keeping medical files with detailed information were brought to the attention of medical workers and officials of the Medical Department General were instructed to strengthen supervision over this function.

A special working group was set up to launch the electronic database of the medical-sanitary units of the penitentiary establishments and to accelerate the uploading of data relevant computer and technical equipment was provided. Currently, the uploading of the electronic medical data is underway and some technical shortcomings that occurred at some establishment are being dealt with Joint works are being conducted with programmers to ready the program.

On paragraph 123 (not ensuring medical confidentiality at establishments visited, medical documentation being often accessible to non-medical custodial staff, medical examinations taking place in the presence of custodial officers (especially at the Gobustan Prison and Penitentiary Establishment No. 4, in particular upon arrival and after use of "special means", collective medical examinations and consultations (especially at Baku Pre-trial Detention Facility), inmates being obliged to explain to custodial staff the reasons for their request to see a doctor and medication being distributed to prisoners by non-medical staff):

All necessary conditions are in place in all medical-sanitary units to ensure confidentiality of medical documentation. Individual cases mentioned by the CPT delegation were due to medical worker's misconduct, which can be explained by his/her irresponsible approach to his/her duties.

The recommendations made, including in relation to collective medical examinations of prisoners, medication being distributed to prisoners by non-medical staff and other such cases were discussed in detail with participation of officials responsible, unacceptability of such cases was brought to attention and respective instructions were given. Medical staff was informed that, unless the doctor requests otherwise, non-medical custodial staff shall stay on non-audible and non-visible distance during examinations, and were warned about being disciplined in case of breach of these procedures.

Medical measures directed at early discovery of diseases at penitentiary establishments is implemented on a voluntary basis. Compulsory medical screening is not allowed. Persons evading treatment and examination are dealt with case by case, involving psychologists are involved in this work.

On paragraphs 124-125 (no treatment of hepatitis B and C virus available (other than symptomatic)):

Proper means were created at laboratories within penitentiary establishments to test for presence of hepatitis B and C virus. Laboratories are mainly located at treatment facilities.

For the purpose of managing and regulating preventive measures against hepatitis B and C virus, the Medical Department General drafted the "Regulations on preventive measures against transmission of HIV/AIDS, B and J virus" and currently all preventive measures at penitentiary establishments are implemented under these Regulations.

Every detained and convicted person in the risk group is tested for this disease on a voluntary basis. First, a special diagnostic testing method is used to determine whether a person has been infected with hepatitis viruses. If the test is positive, their blood sample is examined with a special analyser. If stationary treatment is necessary the persons concerned are subjected to medical treatment at Central Prison Hospital. Treatment is conducted based on national clinical protocols Hepatitis-infected persons requiring treatment are presented to the Special Commission created at the Ministry of Health and treatment is carried out based on the opinion and prescription of the Commission.

Additional resources were requested from financial structures for carrying out vaccinations to prevent hepatitis viruses.

Recent KAP Surveys have shown constant decrease in HIV and hepatitis in penitentiary establishments. Another KAP Survey is planned for 2018.

For the purpose of increasing the quality of hepatitis treatment and in order to increase doctors' knowledge about the disease, trainings were organized for medical staff with specialized teachers of the Ministry of Health as lecturers; participation of employees was ensured at conferences and seminars held in the Republic with topics on hepatitis. As far as preventive measures against hepatitis C and B are concerned, awareness-raising among prisoners holds a strategic importance. In this direction, various brochures and booklets on hepatitis infection and protection measures against it were prepared, mass published and distributed to all penitentiary establishments.

On paragraph 126 (Clozapine administered without regular blood tests; efforts to enlarge the range of therapeutic options available to prisoners suffering from psychiatric conditions, beyond pharmacotherapy):

In the framework of the joint EU/Council of Europe project on Additional Support to Penitentiary Reform in Azerbaijan, for the purposes of organizing medical care, as well as psychiatric service to prisoners, 3 prisons, including Prison No 4 were appointed as pilot establishments. Evaluation was made at those establishments and together with the Medical Department General main directions and topics of improving psychiatric assistance were determined. The project envisages resolution of a number of general medical and psychological issues.

At the same time, special training courses were set up in order to increase the knowledge levels of psychiatric-narcologists. Knowledge levels of course participants were evaluated.

Clozapine is administered at the treatment facilities to stationary patients only and is not administered in prisons (excluding stationary treatment circumstances). It was strictly instructed to conduct regular blood tests when using clozapine and additional information was provided to the doctors about this drug.

On paragraph 127 (no clinical psychologists among psychologists employed at the establishments: the psychologists' role essentially limited to carrying out risk assessment of prisoners and assisting in the management of inmates presenting a suicide risk or on hunger strike):

In accordance with Article 11.1 of the Internal Rules of Prisons, during detention in the quarantine block the convicts are received by a psychologist, relevant interviews are conducted with them and their psychological portraits are drawn. Psychological assistance is provided to resolve cases of moral-psychic shakeup, shock, depression, stress, crisis and other psychological difficulties during their detention. Persons in the risk group, inclined toward suicide, self-harm, or escape, potential conflicted persons, as well as juveniles are taken under supervision of a psychologist and are interviewed regularly. Psychological assistance to detainees is provided in accordance with the "Rules for medical and psychological assistance for arrested and detained persons and their detention at medical facilities", approved by the 18 April 2013 Cabinet of Ministers decision. Psychologists working in penitentiary establishments are employees of the Penitentiary Service.

Moreover, associates of the "Youth for Development" public union provide psychological aid to the convicts in the "health room" of medical-sanitary units, in the framework of the HIV/AIDS project of the Global Fund.

It was proposed to be added to the "Law on Psychological Assistance" that medical services provided at the treatment facilities of the Ministry of Justice shall be accompanied with psychological assistance provided by a clinical psychologist.

The issue of adding the position of a clinical psychologist to the staff of the Specialized Hospital and the Central Prison Hospital was raised. By the Order of the Medical Department General, responsible persons were charged with involving clinical psychologists and occupational therapy specialists in the treatment process for the purpose of continuous and regular treatment of mental patients.

On paragraph 128 (repression-oriented approach, with efforts focused on detecting drugs and other intoxicating substances entering the establishments, prisoners who had been on methadone therapy prior to incarceration having this therapy interrupted upon arrival, no harm-reduction measures (e.g. distribution of condoms, syringe and needle exchange programmes, provision of disinfectant and information about how to sterilize needles) available):

The normative-legal documents regulation the work of penitentiary establishment limits methadone therapy in prisons.

The "Rules of compulsory treatment of drug abuse patients in prisons", approved by the Cabinet of Ministers (Decision No. 14 dated 28.01.2016), significantly affected compulsory treatment of convicts with substance abuse problems, laying ground for legal basis of conducting compulsory treatment in establishments' medical-sanitary units and for increasing the quality of treatment.

At present, treatment of drug-addicted persons is accompanied with psycho- sociological support and social awareness-raising measures.

In the framework of the HIV/AIDS project, the 'Youth Assisting in Resolving Social Problems' public union ensures provision of medical, psychological, material, social and legal assistance to persons released from prisons. In 2016, 526 released persons were provided with such assistance. 235 of assisted former prisoners are drug addicts.

Even though needle exchange programmes are not implemented in prisons in the framework of the harm-reduction programs, the work is done on distribution of condoms and provision with hygiene packages.

For the purpose of preventing infections transmitted by blood, every person entering penitentiary establishments is provided with a hygienic package consisting of personal protection remedies, protection masks, sterile napkins, and other individual items; protection items are located in meeting rooms, sanitary units, medical-sanitary units and made accessible to all for anonymous use. The convicts are regularly informed about protection from transmissible diseases by medical staff, specially prepared booklets are distributed, films are demonstrated, and promotions are made via theater acts. Civil society representatives are involved in medical awareness-raising measures for convicts. 48,942 condoms and 10,122 hygienic packages were distributed to penitentiary establishments in 2016.

For the purpose of improving medical provision for the convicts, the issue of upgrading psychiatric help in penitentiary establishments was added to Justice Ministry's action plan for the first half of 2017.

On paragraphs 129, 134 and 135 (legislation regulation placement in a "padded cell' at pre-trial detention facilities; adopting a comprehensive policy on seclusion and restraint (including chemical restraint) which would be accompanied by practical training on approved physical control and restraint techniques for all staff concerned; introducing specific registers for recording every instance of the use of restraint and seclusion):

Drafting was commenced of respective rules for ensuring medical and administrative control in case of necessity to isolate withdrawing drug addicts and convicts with psychological pathologies due to psychological or behavioural agitation and they will be duly presented for approval.

On paragraph 130 (opening of the Reanimation and Intensive Care Unit in the Central Prison Hospital):

After the CPT's visit the bedside reanimation and intensive care unit was set up at the Central Prison Hospital, uninterrupted and organized medical aid for the seriously ill was ensured. In addition to reanimation measures, there are plans to apply hemosorption at this unit.

On paragraph 131 (efforts to improve living conditions for psychiatric patients at the Central Prison Hospital by offering more congenial and personalized surroundings):

Repair works in the psychiatric unit of the Central Prison Hospital were concluded in 2016. Works are being conducted directed toward strengthening and personalizing psychiatric aid at the Central Prison Hospital in the framework of the Additional Support to Penitentiary Reform in Azerbaijan project.

On paragraph 132 (ensuring that a psychologist regularly visits all the wards and that a nurse is always present on the ward, including at night and on weekends):

The human resources and the head of the medical service of the establishment were instructed regarding recommendations made as to the involvement of the psychologist in treatment of patients and ensuring constant presence of a nurse including at night and on weekends; one nurse was seconded to the ward.

On paragraph 133 (a regular presence of specialists qualified to provide therapeutic and rehabilitative activities, such as psychologists and occupational therapists to provide opportunities for psycho-social rehabilitation; an individual treatment plan drawn up for each patient, involving patients in the drafting of their individual treatment plans and informing them of their progress):

There are plans to employ specialists, including psychologists and occupational therapy experts, aiming to provide regular rehabilitation treatment at the psychiatric ward of the Central Prison Hospital.

The psychologists were instructed to draw up individual treatment plans in accordance with the CPT's recommendation and responsible officials were charged with this task.

In 2016 the psychiatrist of the Central Prison Hospital, who completed residency at the Republican Psychiatry Centre, carried out trainings on modern approaches to psychiatric assistance for psychiatrists-narcologists and mid-level medical staffers of penitentiary establishments.

Aiming to hold these trainings on a regular basis, a yearly plan was drafted, determining the topical themes for penitentiary establishments Doctors and feldshers of the Central Prison Hospital and prisons participate in these trainings.

Trainings for psychiatrists are planned within the Additional Support to Penitentiary Reform in Azerbaijan project as well.

One psychiatrists from each of the Central Prison Hospital and the Specialized Hospital was chosen to be trained a clinic psychologist. There is a certain agreement in place with the Training Institute for Doctors of the Ministry of Health for this purpose.

Creation of the therapy room and involving a psychiatrist in this work in the psychiatric ward was commenced.

On paragraph 136 (confirmation that the renovation of all the cells in the Hospital has now been completed: ensuring that systematically performing examinations through door hatches does not become a usual practice):

Renovation of all the cells in the Hospital has been completed. The leadership of the Central Prison Hospital's medical service was instructed to increase control over execution of the Order on conducting examinations without the presence of custodial staff, allowing only for supervision from distance when necessary.

On paragraph 140 (reviewing the 24-hour shift system for custodial staff):

The 24-hour shift system is in place based on the staff's request, due to the fact that they have to travel long distances to work at the Prisons No. 8, 12, 13, 14 and the Gobustan Prison. Also, a 24-hour shift system is applied at the Baku Pre-Trial Detention Facility due to insufficient staffing levels. The 24-hour shift was taken into account and proper conditions were created. No problems were observed in the activity at the abovementioned establishments. This issue may be reviewed if the 24-hour shift system shows negative effect in the future.

On paragraph 141 (the maximum period of placement in a punishment cell, granting prisoners placed there the right to receive visits and make telephone calls):

Proposals were drafted are currently under expertize regarding legal amendments aimed at shortening the period of placement in a punishments cell from 15 days to 10 days and removing the ban on receiving visits and making telephone calls.

In accordance with the recommendations made in reports on CPT's previous visits the disciplinary isolator of the Correctional facility for juveniles and the quarantine buildings have been discontinued.

Solitary confinement is applied to detainees and convicts, including to juveniles, to ensure safety and at their own request in accordance with legislation requirements. Although adequate disciplinary sanctions to be applied for violations by arrested and convicted persons are regulated by the enforcement of punishments legislation of the Republic of Azerbaijan, additional instructions were given to the penitentiary establishments in this regard.

On paragraph 144 (ensuring that prisoners subject to a disciplinary sanction are always given a copy of the decision):

Transfer to punishment cells is approached more attentively; according to legislation, the persons subjected to such sanction are informed about the possibility to appeal the decision prior to signing under it. In accordance with the 17 May 2016 amendments made to the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Detained Persons" and to the Enforcement of Punishments Code of the Republic of Azerbaijan, as well as to the Internal Disciplinary Rules of places of detention and prisons, prisoners have to right to appeal disciplinary sanctions with the Ministry of Justice and the courts. The processing authority shall review the appeal without delay and suspend the disciplinary measure meanwhile.

According to another amendment made to legislation on 14 June 2016, administrative-legal responsibility is envisaged for penitentiary service employees for breaching requirements on receiving, sending and processing complaint letters, as well as for appeals and prosecution.

At the same time, according to paragraph 69.5 of the Internal Disciplinary Rules of the penitentiary establishments and their annex no 49, convicts being transferred to punishment cells are informed of this decision and explained that they have the right to appeal the decision with the Ministry of Justice and the judicial authorities.

On paragraph 146 (ensuring that there is a minimum of 4 m<sup>2</sup> of living space per prisoner (sanitary annexe excluded), addressing the deficiencies with regard to access to natural light, artificial lighting and heating (partly screened sanitary annexes)):

Repair works on the abovementioned issues are being conducted in respective succession.

On paragraph 148 (considering self-harm of psychiatric nature as a disciplinary offence):

It is forbidden to subject to disciplinary sanctions the persons inflicting self-harm related to psychiatric problems.

On paragraph 149 (Isolation/segregation only on disciplinary grounds):

The proposals on using punishment cells only on disciplinary grounds, ensuring safety of convicts in these cells, stopping the practice of placing detainees with various transmissible diseases, prisoners with psychiatric conditions, also using them as a waiting cell before transfer to prison are being studied.

On paragraph 150 (ensuring that remand prisoners" possibilities to maintain contact with the outside world are never restricted unduly):

Visitations are carried out in accordance with requirements of the Law on Ensuring the Rights and Freedoms of Detained Persons. The grounds for restriction of contact are prescribed in Article 19.8 of the Law.

On paragraph 152 (adopting a flexible approach as regards visits to the Prison No. 4 for women and to providing the possibility for combining visit entitlements into one or two longer sessions: a similar approach applied with respect to the future prison in Umbaki):

Visits at the establishment are carried out based on discussions with women prisoners and taking into account the requirements of legislation. No complaints were made by women prisoners in this regard.

On paragraph 153 (holding short-term visits without partitions, except in certain cases, where it may be justified for security-related reasons):

Provision of short-term visitation rooms is regulated by Annex 1 to the Internal Disciplinary Rules and equipping these rooms with partitions is in line with the international practice

Partitions are used in visitation rooms of pre-trial detention facilities to ensure physical and medical safety of visiting citizens, including children. At the request of the parties, short-term visitations are held in rooms without partitions as well



On paragraphs 154 and 155 (narrow visitation yard at Penitentiary Establishment No. 4 and increasing the number of telephones for prisoners):

Additional phone lines were installed to increase the number of telephones at Penitentiary Establishment No. 4 and this problem, including providing prisoners with spacey visitation yards, will be resolved by the new establishment in Zabrat Settlement.

On paragraphs 156 and 158 (ensuring that the right of prisoners to lodge confidential complaints is fully respected in practice and that complainants are free from any pressure and reprisals, Information (on their rights and obligations, on house rules, on visiting entitlement, procedures regarding access to health care, etc.) in other languages):

The right of correspondence is provided by law to the prisoners. According to Article 83 of the Enforcement of Punishments Code of the Republic of Azerbaijan, the correspondence of detained persons is not subjected to censorship, with the exception of cases of prevention of prepared crimes, provision of criminal prosecution, serving the sentence life and security of persons, and compliance with prison regime. Mail boxes are hanged in the establishments for their letters and the procedure of lodging an appeal is explained to them.

No pressure or reprisals on complainants have been allowed in penitentiary establishments. After the normative acts ensuring the rights and freedoms of detainees were adopted, the documents were distributed to pre-trial detention facilities to be used by the detainees. Moreover, information booklets and books were published and given for use to convicts. There are plans to publish a new booklet.

On paragraph 157 (monitoring visits to penitentiary establishments):

The Public Committee, consisting of esteemed rights defenders functions since 22 September 2006, aiming to ensure public control and transparency in the justice system.

Since the day of its establishment, the Committee conducted 646 visits overall, among them 337 were made to various prisons without prior warning and since 2013, 309 visits were made in relation to application of release on parole.

During the visits the Committee members met with convicts in private, focused on a wide-range of issues, and presented reports reflecting relevant recommendations. Necessary steps were taken by the Ministry in this respect.

It is informed that the powers of the Public Committee were further expanded by the 2013 Law on Public Participation and in addition to the penitentiary service it is now involved in other various areas of justice.

Also it should be noted that the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and her National Preventive Group, local non-governmental and international organizations pay regular visits to places of detention and hold meetings with the convicts.

As to the request made by the CPT President regarding information on prison population in Azerbaijan during the meeting at the Ministry of Justice on 17 February of this year, according to data as of 1 April 2016, the overall number of persons detained in penitentiary establishments under the Ministry of Justice was 24,434. As of 1 April 2017, this number is 23,265.

### **Information of the Ministry of Health**

On the implementation of the recommendations contained in 173<sup>rd</sup>, 177<sup>th</sup>, 184<sup>th</sup> and 185<sup>th</sup> paragraphs of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):

#### **As recommended in Article 173 of the Report:**

- In order to fill vacant posts and solve the staff problem in the Mashtaga and Ganja psychiatric hospitals, the Ministry has given instruction to Human Resources Department for taking relevant measures.
- Steps have been taken for increasing the number of nurses and sanitary personnel
- Patients have been given hospital uniform in all psychiatric hospitals, at the same time, they all have access to their personal belongings
- Patient rehabilitation programs are being held in Mashtaga, Sheki and other psychiatric hospitals.
- Long-term and short-term treatment plans are drawn-up for psychiatric patients by specialists in accordance with international treatment protocols.

#### **As recommended in Article 177 of the Report:**

- Determinants are being prepared for the purpose of physical and chemical isolation of patients that are in aggressive and acute psychotic conditions
- Seminars and trainings are being held on isolation of patients that are in aggressive and acute psychotic conditions.
- Isolation jacket is not used routinely; it is used only as an exception.

#### **As recommended in Article 184 of the Report:**

- Patients have an access to phone call and communicate with outside world, unless there is a justified order of a doctor or there is a special circumstance

#### **As recommended in Article 185 of the Report:**

- Audit control groups regularly examine psychiatric hospitals without prior notice and in case of any kind of incompliance, the measures are done in order to urgent elimination of it.

### **Information of the Ministry of Labour and Social Protection of the Population**

It should be noted that No:3 psycho-neurology social service institution subordinated to the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan was approved in 1978 that locates in the Girigli village of the Goygol region. It had been operated under a statute that ensured stationary conditions more and provided medical and rehabilitation services in a limited context. In order to eliminate that causes of shortcomings and improve the quality of services in the institution, a new statute of the institution has been approved.

Moreover, draft proposal has been prepared and has been sent to the Ministry of Finance for the purpose of achieving agreement with regard to making changes in the existing staff schedule of the institution in order to provide citizens with qualified social services in accordance with some new adopted legal and normative acts in the field of providing of social services, and recommendations relating to ensuring of staff units and their numbers in line with international standards.

On 18-19 July 2016, 3 employees of the Ministry were sent to Goygol to get acquainted with the situation in the institution and eliminating a number of shortcomings and deficiencies which reflected in the report. After checking of services provided in the institution and during the conversation with the residents, it was noted that they were not subjected to any physical violence.

In the report, prepared according to the results of the visit of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to our country, it was noted that the living rooms in institution are cold. It should be noted that, it is planned to carry out major repairs and restoration work in the institution in the near future. The Commission, established in this regard, prepares design and estimate documentation. The documents, along with the restoration works, stipulate installation of heating and ventilation system, as well as, renewing water and sewage system.

In the report it was also noted that there were mice in the living rooms. Relevant measures have been taken for elimination of this problem and the employees of the Ministry had witnessed to this.

Also, a large park with fountains and artificial waterfalls, small bridges entertainment facilities, places to rest, various ornamental flowers and etc. has been laid out in the area of the institution.

Besides to this, for spending efficient leisure activities in the institution, computers and TV in the rest rooms has been placed. There is a library for the residents There is also a labour training room with tailor tools and equipment which residents are trained initial skills by trainer for occupational therapy.

### **Information of the Prosecutor General's Office of the Republic of Azerbaijan**

The followings are reported in connection with the questions indicated in the report about the visit of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Republic of Azerbaijan on 29 March - 08 April 2016:

1. In the section of the report called "Police stations" (page 5) it was indicated that, the delegation obtained vast, successive and true information about persons exposed to physical ill-treatment by police, some of them were certified with medical evidences.

Also, (pages 26-45) this section deals with the problem of non-conducting of efficient investigation on numerous applications about torture, cruel, inhuman or degrading treatment not considered torture or punishment, and not taking measures in relation to persons who had done these acts

It is reported that, after the restoration of independence, the Republic of Azerbaijan has become party to many international instruments in the field of protection of human rights and freedoms, as well as to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and European Convention for the Protection of Human Rights and Fundamental Freedoms, has undertaken commitments on efficient legislation and other measures in order to prevent acts of torture, A number of successive and expedient steps were taken in this direction and institutional reforms have been implemented as well.

First of all, it should be noted that according to Article 12 of the Constitution of the Republic of Azerbaijan, ensuring the rights and freedoms of a person and a citizen and decent living conditions for the citizens of the Republic of Azerbaijan is the highest priority objective of the state. In Article 71, it is stated that observing and protecting rights and liberties of a human being and a citizen specified in the Constitution are under the responsibility of legislative, executive and judicial power.

In order to provide the implementation of those provisions of the Constitution, specific duties of law enforcement bodies have been established in the applicable laws and other normative acts.

So, it was indicated in the article 10 of the Code of Criminal Procedure of the Republic of Azerbaijan that, no one may be incriminated or charged with a view to prosecute as a suspect or accused person, detained arrested, searched, taken by force or subjected to other coercive procedural measures, nor convicted, punished or subjected to other limitations of rights and freedoms other than on the basis of the rules and principles established by laws of the Republic of Azerbaijan which are in force and published. It was considered in the Article 12 of the Code of Criminal Procedure that, the judicial authorities shall observe the human and civil rights and freedoms afforded by the Constitution to all participants in criminal proceedings. It shall be prohibited to use methods and means that may threaten life and health or the environment during criminal prosecution.

Also, according to the Article 13 of the Code of Criminal Procedure, it shall be prohibited to take decisions or allow acts during the criminal prosecution which debase the honour and dignity of the person or may threaten the life and health of the participants in the proceedings. During a criminal prosecution nobody shall be subjected to treatment or punishment that debases human dignity, be held in conditions that debase human dignity and be forced to participate in carrying out procedures that debase human dignity.

Also, it was indicated in the Article 15 of the Code of Criminal Procedure that, search and personal examination and other procedures which breach the right to inviolability of the person may not be carried out against the will of the person concerned or his legal representative without a court decision except in cases of detention and arrest. During the criminal prosecution the followings shall be prohibited: use of torture and physical and psychological force, including the use of medication, withdrawal of food, hypnosis, deprivation of medical aid and the use of other cruel, inhuman or degrading treatment and punishment, the imposition of long-term or severe physical pain or acts which are detrimental to health, or any similar ill-treatment, taking evidence from victims, suspects or accused persons or from other participants in the criminal proceedings using violence, threats, deceit or by other unlawful acts which violate their rights.

The same principles are considered in the Criminal Code of the Republic of Azerbaijan also.

The Article 133.3 of the Criminal Code was cancelled under Law dated 29 June 2012 No 405-IVQD of the Republic of Azerbaijan on "Amendments to the Criminal Code of the Republic of Azerbaijan" and the name of Article 293 was changed and called as "Torture, cruel, inhuman or degrading treatment or punishment not considered torture".

According to this Article, personal cruel, inhumane or degrading treatment or punishment by official of public authority and other person acting in this position or with his/her instigation or by his/her consent or if he/she is aware by other persons related to fulfilment of official power, also torture by official of public authority and other person acting in this position or with his/her instigation or by his/her consent or if he/she is aware by other persons related to fulfilment of official power is determined as actions to be punished under criminal law.

Also, it was indicated in the Article 9.2 attached to the Criminal Code under above mentioned Law that, punishment and other measures of criminal-legal nature applied to the person, who has committed a crime, shall not have the purposes causing physical sufferings or humiliation of human dignity.

Moreover, imprisonment for certain periods is considered for crimes of false arrest, imprisonment or holding in custody in the Article 292 of the Criminal Code of the Republic of Azerbaijan.

"National Action Program in the field of increasing of the protection of Human rights and freedoms in the Republic of Azerbaijan" certified under Disposal No 1938 dated 27 December 2011 of the President of the Republic of Azerbaijan has great importance from the standpoint for protection of human rights and freedoms and conducting of measures in this field in more organized form in our country.

In the program, besides other duties, the Office of the Prosecutor General is charged to investigate cases strictly such as violation of the requirements of legislation and human rights, abuse of mistreatment and duty and other cases at the time of arrest, imprisonment or holding in custody and detention facilities and to implement measures considered under legislation.

In order to provide fulfilment of those duties arose out of program, Action Plan of the Office of the Prosecutor General, the Republic of Azerbaijan consisting of 7 clauses was certified on 9 February 2012 and directed to execution.

It was indicated in the Article 15 of the Law of The Republic of Azerbaijan on "Ensuring rights and freedoms of persons held in detention facilities" adopted on May 2012, that individuals arrested or detained in the detention facilities shall have the following rights immediately after being brought to the detention facility to get an opportunity to inform about it his/her close relatives or those persons of legal interest to him/her, by phone, to be detained with guarantee of personal security, not to be subjected to ill-treatment, insulting treatment or punishment, to meet with defence counsel, to participate in the civil relations, to enjoy the services of a notary and other rights.

According to the Article 27 of the Law, the detained or arrested individuals cannot be subject to torture and other form of inhuman or degrading treatment or punishment. They can't be detained in detention facilities in degrading conditions.

It was considered in the Article 22,3 of the Law, complains regarding torture, ill- treatment and other degrading treatment, as well as written information about bodily damage as the result of ill-treatment, torture and other degrading treatment that was revealed during medical examination are sent to the prosecutor that supervises preliminary investigation in order to conduct proper investigation on the mentioned issues.

Concrete associates in territorial prosecutor's offices were charged to control on execution of laws in places of detention (temporary detention facilities, investigative prisons) by order No 10/117 dated 21 December 2012 given to the Office of the Prosecutor General to fulfil duties charged to prosecution authorities under that Law.

According to the requirements of the order No 10/70 dated on 28 June 2010 about "Increasing the efficiency of prosecutor in charge of procedural aspects of preliminary investigation, strengthening supervision over investigation, inquiry and improvement of case in this field once again" on the Office of the Prosecutor General of the state, bringing of citizens by associates of district prosecutor's offices to the district police stations and legality of detaining them in temporary detention facilities are examined constantly and proper documents are made related to it. Hereby, their opportunity to give information about any illegal actions of citizens against them to the employees of the prosecutor's office and taking of important measures to prevent them is provided.

By Order No 08/10 dated 17 February 2003 on "Duties of prosecution authorities regarding becoming party of the Republic of Azerbaijan to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, taking charge of procedural aspects of the preliminary investigation are required to take necessary measures in time for adoption of decisions humiliated and insulted the honour or dignity of human during criminal prosecution and for prevention from allowing to actions.

The same claims were raised in order No 09/84 dated 01 December 2006 about "Considering of case law of the European Court of Human Rights and provisions of the Convention for the "Protection of human rights and fundamental freedoms" before prosecution authorities during criminal prosecution" on the Office of the Prosecutor General.

Besides those mentioned, order No 10/102 dated on 12 November 2010 about "Measures for the provision of implementation of more efficient duties fell on the prosecution authorities in the field of execution of obligation arising from the international contracts supported by the Republic of Azerbaijan" on the Office of the Prosecutor General signed for the purpose of establishment of qualified expert groups to be provided the application exactly in the activity of prosecutor's office of provisions of important international instruments.

In order to provide the execution of the said order No 10/102, "Expert group on international contract adopted in the field of fight against torture, also other cruel and inhuman treatment" consisting of associates of different structural organizations of the Office of the Prosecutor General was created under Disposal No 10/104 dated 18 November 2011 and deputy head of the department for control on investigation in the Office of Prosecutor was appointed as a head of the group under Disposal No 10/83 dated 3 August 2012, and new composition of expert group was determined under Disposal No 10/65 dated 4 November 2016.

That expert group acts constantly in the direction of fulfilment of duties charged under Disposal mentioned.

Registration of information and application about torture, cruel not considered torture, inhuman or degrading treatment or punishment of citizens is made in special book in Department for Control to the Investigation in office of prosecutor of the Office of the Prosecutor-General of the state, their investigation in district (city) prosecutor's office is kept in the control, collected materials are required constantly prior to adoption of decision and are learned in the office and measures considered under law are provided to adopt objective decisions.

By considering their offers and recommendations in meetings held with representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), during checking of applications about torture, cruel, inhuman or degrading treatment or punishment not considered torture, detailed instructions were made to provide complying with requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms, criminal procedure legislation, Law of the Republic of Azerbaijan on "Ensuring rights and freedoms of persons held in the places of detention", orders of the Office of the Prosecutor-General of the state on 20 December 2012, and it was sent to district (city) prosecutor's office and its execution was kept under control.

It was determined at the time of generalizations conducted in the department for control on investigation in the Prosecutor's Office that, investigation was conducted related to 220 applications and information in 2014 and 214 application and information in 2015 entered about torture, cruel, inhuman or degrading treatment or punishment not considered torture in the region and city prosecutor's offices of the state and proper decisions were adopted on the materials collected.

In 2014-2015, investigation has been conducted on 2 criminal cases (first under Article 309.1 of the Criminal Code of the Republic of Azerbaijan on the fact of death of B. E. S. on 22 December 2014 in Prison No 14 of Penitentiary Service of Ministry of Justice of the State who considered as guilty under article 234.1 of the Criminal Code of the Republic of Azerbaijan by Surakhani district court, Baku city and sentenced to the imprisonment for 1 year and 2 months, second under Article 309.2 of the Criminal Code of the Republic of Azerbaijan according to the materials collected in relation with consideration of application of R. S. I. about taking him to Police Section 22, Nasimi district police office, his detention there being illegally and his beating by police officers, started on materials collected related to consideration of applications and information about torture and inhuman or degrading treatment or punishment in district (city) prosecutor's offices) since criminal event has not been determined, therefore the execution of those cases have been terminated.

The number of applications and information of this kind which entered prosecution authorities have decreased considerably in 2016 as a result of measures taken.

When materials collected related to examining in district (city) prosecutor's offices those applications are required and explored in the department for control on investigation in Prosecutor's Office, in several cases, not conducting of full and comprehensive investigation and adoption of decisions prematurely was determined therefore decision about refusal of starting of criminal case was cancelled, was returned to subordinate prosecutor's office for additional examination by instructions and efficient investigation was conducted and adoption of legal decisions were provided.

Last year, in the Department for supervision over execution of laws in investigation, inquiry and operational-search activities of the State Customs Committee, Ministries of Justice and Taxes, investigation was carried out on 5 applications on mistreatment, abuse of official capacity and other such cases and those details were not certified, therefore decisions were adopted about refusal of starting of criminal case on the materials collected.

In 2016, 350 associates were punished disciplinarily for the reason that citizens were brought to the police groundlessly, detained, drawn to the responsibility, illegal search was conducted, breached the drivers' rights, allowed to rude conduct and other such faults with measures conducted in the rule of internal control by the Ministry of Internal Affairs of the state, 52 of them was excluded from service, 42 of them was dismissed and other disciplinary measures were applied for 256 associates.

2. It is indicated in the paragraph 16 (page 22) of the section called "Establishments under the Ministry of Internal Affairs" of the report that, according to the Code of Administrative Offences being in force at present, concern was expressed about detention of persons who is suspected in procreating of offence to be punished with administrative arrest till 48 hours, also extension of maximum period of administrative arrest from 15 days up to 90 days.

Public relations covered under the Code, prescriptive and restrictive conditions were determined on the basis of principles stipulated in that Code. If we take into account that, the duty of the Code as legal act consists of prevention from violation of human rights and freedoms or determination of responsibility, also punishment according to the offence at the time of violated rights and freedoms, in this case, determination of restrictive conditions determined on the basis of higher principles and international practice is important.

It should be noted that, new Code has more liberal character. Proper conditions have been considered during selection of administrative arrest and environment of persons which may be the object of administrative arrest has been decreased.

So, though administrative arrest could not be applied on women having a child till eight age, men who bring up a child under eight age without assistance and other persons determined under administrative law of the Republic of Azerbaijan in previous code, women having a child till fourteen age and men who bring up a child till that age without assistance and other persons may not be arrested in administrative rule under the new Code. Also, the circle of cases to be considered was enlarged at the time of application of administrative measure on legal entities.

It should be noted with regard to the information in report related to concern expressed about detaining of persons who are suspected in procreating of offence to be punished with administrative arrest till 48 hours that, person on whom execution is conducted on administrative offence considered the application of administrative arrest reproach on him/her may be arrested under administrative order till 24 hours, persons who procreated offences indicated in the articles 157, 206, 227, 513 or 535 of Code of Administrative Offences may be arrested under administrative order till 48 hours if complexity of the case about administrative offence or the majority of the number of persons procreated offence delays or impede in other form the conducting of the case.

Concern was noted in the report about extension of the period of administrative arrest from 15 days up to 90 days. According to the article 30.1 of Code of Administrative Offences being in force till March 2016, administrative arrest may be determined up to three months. According to new Code, administrative arrest, only in exceptional cases, is applied by judge up to three months according to the separate kinds of administrative offences. This period is determined not under conservative rule, but is determined by considering the severity of administrative offence, cases characterized persons procreated an administrative offence and etc.

3. It was noted in paragraph 18 (page 25) of the section called "Establishments under the Ministry of Internal Affairs" of the report that, forcing of persons invited to police stations to be detained factually without registration with indefinite legal status, their keeping in offices or cells, interrogation of the arrested person in order to collect evidences prior to his/her declaring as persons suspected in procreating of a crime officially or in order to force him/her to confess on the subject of criminal action procreated, also it is claimed in the paragraph 19 that, undergoing of persons arrested by law enforcement authorities (or being in arrest) to physical mistreatment spread widely recently. Two cases were referred related to it (Note 31). In the first case, according to the claim of R. A., he subjected to electroshock and truncheon (called as "falaka") blows on his feet' clutches on March 22-23 by some associates of Sumgait city police office to confess the criminal action procreated by him.

It is notified related to it that, information is given about entering of A. R. S., residing in the Apartment 79, Building 6, 13<sup>th</sup> micro-district, Sumgait city, to the hospital with the diagnosis of "bruise of thorax" to standby unit of Sumgait city police office from Sumgait city Emergency Aid Hospital at 19:20 o'clock on 23 March 2016 and his beating by police officers.

It was determined that, it was recorded in the row 258 of registration book of the persons who brought to police in standby unit of Sumgait city police office that, A. R. S. was suspected in procreating of murder happened in the 13<sup>th</sup> micro- district of the city at about 2 o'clock on 23 March 2016, therefore he was brought to the office.

A. E. S., who residing in 13<sup>th</sup> micro- district, Sumgait city, applied with application on 25 March 2016, he declared that, his brother R. A. was beaten by associates of the Police Section 1, Sumgait city police office.

Proper investigation was conducted in Sumgait city prosecutor's office on the basis of that application and it was determined that, joint operational group was created by presence of associates of the Police Section 1 and Sumgait city police office to reveal severe criminal event with hot pursuit happened in unknown condition on the criminal case started under article 120 1 of Criminal Code of the Republic of Azerbaijan in Sumgait city prosecutor's office for the fact of deliberate murder of M. N. A. by beating once from epigastric region of the front part of his stomach with a knife by unknown person(s) in 13<sup>th</sup> micro-district, Sumgait city at about 1 o'clock on 23 March 2016 and by damaging him with cut and pierced injuries passed inside and operational-search measures were conducted. A. R. S. and other persons were invited to police section on 23 March 2016 as persons suspected in procreating of event with primary investigation conducted and they were discharged after proper testimonies related to the event occurred. Information about beating of A. R. S. by associates of the Police Section 1 on 23 March 2016, closing of his hands and feet, beating to different regions of his body with electroshock was not proved, no pressure was exerted on R. A. when he was in police section, no threat was allowed and he was not tortured.

It was indicated in the reference on the result of service control conducted in the Ministry of Internal Affairs of the state, R. A., who was suspected in procreating of that crime on the criminal case started under article 120.1 of the Criminal Code of the Republic of Azerbaijan in Sumgait city prosecutor's office for the fact of deliberate murder of N. M. and who was brought to the Police Section 1, Sumgait city police office at about 06:50 o'clock on 23 March 2016, was not presented immediately to investigation, he was interrogated in service room for a long time by M. B., the head of criminal search section and by F. A., the head of drug control department, he was discharged at 17:03 o'clock at that day, Z. A., the police inspector acting temporary as officer on duty made false records in the journal about detention period of R. A., 'Severe reprimand" was declared to A. A., the head of the Police Section 1 and M. B., the head of the criminal search section for the said violation made by them, valid "severe reprimand" disciplinary measure of F. A., the head of drug control department was considered and was satisfied with it, Z. A., the inspector of the Police Section 1, was warned strictly, the said details about hospitalization of R. A. by bringing to the Police Section 1 by police officers and damaging in the result of beating and application of electric shocks to his body were not proved in the result of service research conducted.

It was concluded that, beating and torturing of R. S. A. by associates of the 1<sup>st</sup> police office of Sumgait city was not proved under investigation conducted, starting of criminal case according to the articles 39.1.1 and 212 of Code of Criminal Procedure of the Republic of Azerbaijan was refused by decision dated 21 June 2016 on the material collected.

In the second case, it deals with subject of B. M. and G. I. to acute mistreatment and torture by associates of Baku city Narimanov district police office, Baku city Head Police Office on 10 May 2016. It is notified related to it that, according to the task of Ombudsman Elmira Suleymanova, Human Rights Commissioner of the Republic of Azerbaijan, the members of National Preventive Group visited Baku Investigative Prison, Penitentiary Service of the Ministry of Justice of the Republic without prior notice on 18 May 2016.

The purpose of the visit was to investigate the conditions of detention and the treatment with detainees, as well as to investigate received appeals, to provide the rights of accused persons and to review the situation of relevantly carrying out of documentation process.

B. M. and G. I. had separate talks with the visitors. During the meeting with the members of the National Preventive Group, B. M. and G. I. noted that they were arrested on 10 may 2016 by the Baku city Police Department They told that they were tortured and ill-treated in the Department, and their investigation was biased No injuries were detected on detainees during the examination with the participation of the doctor of the National Preventive Group. All documents proving the grounds of the accused persons' detention and medical notes were inspected.

During the inspection, it was revealed that the accused persons went through medical examination upon arrival to the Baku Investigation Detention Centre and no signs of torture were detected. B. M. and G. I. said that they were satisfied with the treatment in the centre; they had phone conversations with their family members, received packages and met with their lawyers.



It was determined at the time of investigation that, when the issue of selection of restrictive measure was heard by I. I., the judge of Khatai district court, Baku city on M. B. F., the person accused under articles 234.4.1 and 234.4.3 of the Criminal Code of the Republic of Azerbaijan on the basis of petition of H. H., the inspector of Investigation and Research Department of Baku city Head Police Office, he declared that, he was beaten by associates of Baku city Head Police office, subject to torture, wrote testimonies under pressure, there were not drugs on him and at his home, in general he did not use of drugs and he asked from court not to secure the petition.

The copy of decision No 4(011)-351/16 dated 12 May 2016 of Khatai district court, Baku city on selection of restrictive measure about B. M. was sent to Baku city prosecutor's office to investigate details indicated about his beating and torture and its execution was charged to A. S., the senior inspector of Investigation department on May 20, 2016.

It seems from documents attached to the material that, criminal case No X was started under articles 234.4.1 and 234 4.3 of the Criminal Code of the Republic of Azerbaijan about M. B. F. and others on 11 May 2016 by the police senior lieutenant, the senior inspector of investigation department on Grave crimes of Investigation and Research Department of Baku city Head Police office, B. M. was drawn as accused person on that case on 12 May 2016 and accusation was declared to him under those articles.

It was indicated in the reference dated 10 May 2016 of forensic physical and chemical examination that, substance with net weight of 2,904 grams in one silver paper pack in an envelope signed and with the word of "on citizen M. B. F." on it which revealed and taken from M. B. F. is drug made of opium primitively - heroin and also substance with net weight of grams (1 kg 150 gr) in one black polyethylene package covered with sticky tape signed and with the word of "from residential house of citizen M. B. F." on white paper is drug made of opium primitively - heroin Heroin in one envelope and one polyethylene package are the same for their contents and their total net weight is 1152,904 gram (1 kg 152,904 gr).

It is clear from decision about "attraction in the person of accused" dated 12 May 2016 attached to the material that, M. B. F. was detained in Sabunchu district by associates of Drug Enforcement Administration of Head Police office, Baku city at about 15:00 o'clock on 10 May 2016 and when he was examined in the office, heroin with net weight 2,904 gram in one pack from right rear pocket of his jeans trousers, then at the time of search at his home 1150 gram heroin wrapped in black polyethylene bag was revealed and taken from back of computer processor on the table in his bedroom.

M. B. F. declared in his testimony that, when he left his home at about 14:00-15:00 o'clock on 10 May 2016, white "Jeep" mark automobile moving in front of the home intercepted him. Two civilians got off front seat of automobile and one pedestrian came towards him, these persons put him in automobile by force and took him to the Police Section 12 of Sabunchu District Police Office. 7-8 police officers with unfamiliar names whom he didn't recognize beat him, swore with indecent words and insulted him. Then, 3 police officers in civilian clothes with unfamiliar names whom he didn't recognize put him in that white "Jeep" mark automobile and took him to Drug Enforcement Administration of Head Police office, Baku city. There, 7-8 persons asked him from which period did he take drug, he said that, he did not use and sell drugs. Those associates beat him and damaged his body, made unethical actions and threaten him with his family. At the said time, one police officer in civilian clothes put his hand in his right rear pocket and placed something. Then, opened his handcuffs, and required to take things in his pocket out and put on the table. When he was arrested, there was not anything on him and in his pockets. He felt that, there was a pack in his right rear pocket Police officers forced him to take substance in pack out of his right rear pocket. Upon their request, he forcibly said that, he kept the remaining part of drugs at his home, he bought it from citizens of IRI in order to sell before 5-6 months, but he had changed his mind and hid it at his home. He accepted false accusations forcibly under influence of torture. Police officers took him to his home with automobile and forced him to open the door of the home and delayed him a little at street. Other police officer entered to the home before them, placed drugs to the back of computer in his room. Then, took him to his room and said to take drugs from there. They recorded all of his actions with video camera. He was taken to Temporary Detention Facility (TDF) of Narimanov District Police Office, Baku city at 00:30 o'clock. There, the head of TDF charged him to sweep the yard. He objected to it, therefore the head of TDF cuffed and punched him. Restrictive measure for 4 months was selected on him by Khatai district court and he saw 2 persons in civilian clothes when he was taken from court to the room of the head of TDF. He was forced to give a testimony in the room against unfamiliar persons. He objected to it, therefore the head of TDF phoned, invited his associates to the room and the latter closed his hands with handcuffs, took to other room, beat there, beat to this hand, also to the lower part of his feet with handcuffs But, he didn't know those

persons and didn't know their names. He was beaten repeatedly with handcuffs, handcuffs cut his hands and feet, therefore he substituted the handcuffs with scotch and closed his mouth with scotch. Then, closed his hands behind, 5-6 persons covered his face with paper on floor, beat him, sat on his back, struck below to his feet with handcuffs and tortured in other forms, The name of persons who beat him in Baku Head Police Office was Vugar and other's name was Shirinbay, but the names of others are unknown.

It was determined when review was conducted to the registration book for rendering of medical aid and conducting of medical examination of persons who brought to TDF of Narimanov District Police Office that, when M. B. F. was brought to that TDF at about 10:00 o'clock on 11 May 2016, he was healthy, there was no damage on his body and he had no complaints related to his health.

G. H. A., who worked in the position of police officer of TDF of Narimanov District Police Office, declared in his testimony at the time of investigation that, when was on duty, there was no damage on the body of M. B. F. kept in TDF, also this person made no complaint to them related to his health or any damage in his body. When he entered to TDF, he had no relations with him. He was not a witness of any torture of B. M., also illegal actions of associates of TDF and P. Z., the head of TDF against him. His words are slander and aspersion and have a purpose to dodge from criminal responsibility.

Police officers of TDF of Narimanov District Police Office and the head of TDF gave testimonies in the same content with H. G. at the time of investigation and in addition, when B. M. was brought to TDF, he was examined by doctor, the latter said to the doctor that, he had no damages and no complaints related to his health.

A. R. A., the operational commissioner of Police Section 12 of Sabunchu District Police Office, Baku city declared in his testimony that, according to the information entered by Drug Enforcement Administration of BHPO related to drug trafficking on 10 May 2016, operational group was created in the composition consisting of S. B., the police major, senior operational commissioner of Drug Enforcement Administration of Baku city HPO, N. O., operational commissioner, police captain, Y. A., police captain, deputy head of Police Office 12 of Sabunchu District Police Office, F. B., field inspector, police lieutenant, R. A., operational commissioner, police captain and him. When he was in Y. Saratov str., Sabunchu settlement, Sabunchu district with group members, he saw a person, whose external indications were conforming to B., standing at Dadashov Str intersected with that street, approached to him, kept him and brought him to Drug Enforcement Administration of Baku city HPO. Review was conducted on B. M. at one of the rooms, heroin filled in one pack was revealed and taken from right rear pocket of his blue jeans trousers. During oral conversation, B. M. said that, drugs in pack was heroin, he bought it from the citizen of the Islamic Republic of Iran who he didn't recognize in order to sell and he wanted to deliver voluntarily the remaining part of heroin which he kept at his residential address. Nobody beat, swore and insulted this person, he presented drugs voluntarily.

O. N. V., the police captain, operational commissioner of Drug Enforcement Administration, Baku city HPO, B. S. A., the police major, operational commissioner of that office and A. Y. H., the deputy head of Police Office 12 of Sabunchu District Police Office certified details mentioned by R. A. in his testimonies and additionally they declared that, B. M. was reviewed by presence of witnesses and defenders, nobody tortured him, nobody beat him and nobody insulted him with indecent words, nobody humiliate his dignity and words mentioned by him about it were not correct.

It was indicated in the reference dated 30 May 2016 of forensic medical examination conducted on the material that, no damage was found on the body of M. B. F. during his examination.

It was determined at the time of investigation that, M. B. F. was detained at the address of Y. Saratov str., Sabunchu settlement, Sabunchu district by associates of Drug Enforcement Administration of Head Police office, Baku city at about 15:00 o'clock on 10 May 2016 and when he was examined in the office, heroin with net weight 2,904 grams in one pack from right rear pocket of his jeans trousers, then at the time of search at his home, 1150 gram heroin wrapped in black polyethylene bag was revealed and taken from back of computer processor on the table in his bedroom.

Criminal case No X. was started under articles 234.4.1 and 234.4.3 of the Criminal Code of the Republic of Azerbaijan for the fact of detection and taking of drugs from B. M. on 11 May 2016 by H. H., the police senior lieutenant, the inspector of investigation department on Grave crimes of Investigation and Research Department of Baku city Head Police Office, he was drawn in as a person accused under those articles on case on May 12. 2016 and accusation was declared to him. When the issue on selection of restrictive measure was heard in Khatai district court on accused B. F. M. on May 12, 2016, he declared that, associates of Head Police office, Baku city and associates of TDF beat him and tortured.

Details indicated by B. F. M. were not certified at the time of investigation, it had a purpose to dodge from responsibility, there were not criminal content in the action of police officers, therefore starting of criminal case under articles 39.1.2 and 212 of Code of Criminal Procedure of the Republic of Azerbaijan was rejected by decision dated 7 June 2016 on material collected.

Also it was determined that, when the issue on selection of restrictive measure was heard in Khatai district court on I. G. H. accused under articles 234.4 1 and 234,4.3 of CC, The Republic of Azerbaijan on the petition of M. G., the inspector of Investigation and Research Department of Baku city Head Police office, he declared that, associates of Head Police office, Baku city and associates of TDF beat him and tortured.

The copy of decision dated May 12, 2016 of Khatai district court on selection of restrictive measure on G. I. was sent to Baku city prosecutor's office to investigate the fact of his beating and torture and its execution was charged to A. S., the senior inspector of Investigation department on 20 May 2016. It seems from documents attached to the material that, criminal case No Y. was started under articles 234.4.1 and 234.4.3 of Criminal Code of the Republic of Azerbaijan about I. G. H. and others on 11 May 2016 by M. G., the colonel-lieutenant, the senior inspector of investigation department on Grave crimes of Investigation and Research Department of Baku city Head Police Office, G. I. was drawn in as person accused on the case on May 12, 2016 and accusation was declared to him under those articles.

It was indicated in the reference dated May 10, 2016 of forensic physical and chemical examination that, drug made of opium primitively with net weight of 2,607 gram in one cellophane pack tied with a rope in its end part in an envelope signed and with the word of "on citizen I. G. H." on it which revealed and taken from I. G. H. -is heroin and also drug made of opium primitively with net weight of 1010,0 gram in one red polyethylene package covered with sticky tape signed and with the word of "from residential house of citizen I. G. H." on white paper- is heroin. Heroin in one envelope and one polyethylene package are the same for their contents and their total net weight is 1012,607 gram (1 kg 12,607 gr).

It is clear from protocol about "conducting of operational measure and taking of material evidence" dated 10 May 2016 attached to the material that, I. G. H. was detained near the building located in Nasimi district by associates of Drug Enforcement Administration of Head Police office, Baku city at about 19:00 o'clock on that date and when review was conducted on him in the office, substance like heroin in one pack was found from left inner pocket of his khaki coloured jacket.

Also, when review was conducted in the apartment in Nizami district where G. I. lived, he presented red coloured package under mattress laid out on his bed and declared that it was heroin.

I. G. H. declared in his testimony that, when he took an examination in Baku Slavic University and went to home on 10 May 2015, 9-10 persons in civilian clothes surrounded him suddenly about 20-30 meters from the University, beat 1-2 blows behind, knocked down, then put him in blue coloured automobile, which mark and plate number was not known to him and took him to Drug Enforcement Administration of Head Police office, Baku city. He did not know other 4 persons in a vehicle; he did not see them previously and didn't know their names. There, 7-8 police officers in civilian clothes, whom he did not know, beat and kicked him, swore with indecent words and insulted him. He was examined by presence of witnesses who were invited to the room after few minutes and the defender appointed at public expense. They found heroin in one pack from left pocket of his jacket. That pack was put to his pocket in Police office. So, he doesn't use drugs. Then, police officers in civilian clothes, whom he did not recognize and whose names he did not know, beat and kicked him, swore with indecent words and insulted him. When he said that, he didn't use drugs, police officers said that, they will conduct a search at his home and they required from him to say any special place for putting of drugs at home. When he asked not to do it, police officers again beat him, insulted him and threatened him with

torture to his parents. Thus, he was forced to go to the home with police officers and police officers found 1 kg 10 gram drugs in cellophane pack under his bed at his home. He did not put that drugs to there and he was not aware of how, in which condition and by who it was put (here. He was taken from home to TDF of Narimanov District Police Office. There, the head of TDF charged him to sweep the yard. He objected to it, therefore the head of TDF beat to the right side of his face once and he was taken to the room of the head. Department head swore, insulted and beat him in the room.

It was determined when review was conducted to the registration book related to medical examination and medical assistance to the persons who brought to TDF of Narimanov DPO that, there were red spots in the left side of the neck of I. G. H. when he was brought to TDF at about 10:00 o'clock on 11 May 2016, but he had no complaints related to his health.

G. H. A., who worked in the position of police officer of TDF of Narimanov District Police Office, declared in his testimony at the time of investigation that, when was on duty, there was no damage on the body of I.G.H. kept in TDF, also this person made no complaint to them related to his health. He did not see any torture of this person, also illegal actions of associates of TDF and P. Z., the head of TDF against him. His words don't correspond to reality and have a purpose to dodge from criminal responsibility.

Police officers of TDF of Narimanov District Police Office and the head of TDF gave testimonies in the same content with H. G. at the time of investigation and in addition, when G. I. was brought to TDF, he was examined by doctor, he said to the doctor that, he had no damages and no complaints related to his health

S. C. A., who worked in the position of operational commissioner on Criminal Search of Nasimi District Police Office, Baku city, declared in his testimony that, operational group was created according to the information entered by Drug Enforcement Administration of Head Police Office, Baku city related to drug trafficking on 10 May 2016. I. G. H. was detained near the building in Nasimi district by them at about 19:00 o'clock on that date, was taken to Drug Enforcement Administration of Head Police office, Baku city. When review was conducted on G. I. by presence of witnesses and defender invited in the office, substance like heroin in one pack was found from left inner pocket of his khaki coloured jacket During oral interrogation, G. I. said that, that substance is heroin, he bought it from the citizen of the Islamic Republic of Iran and he hid its other part at his residential address. G. I.'s residential address was reviewed by presence of witnesses and defender by hss consent after packing of found substance and signing of envelope by all, He presented red coloured package under mattress laid out on his bed and declared that, it was heroin. Package was packed, protocol was made and taken and protocol was signed by all participants. During operations, nobody beat G. I., nobody insulted him with indecent words and nobody allowed to actions humiliating his dignity.

The operations commissioners of Police Section 22 of Nasimi District Police Office and operational commissioner of Drug Enforcement Administration of Head Police office, Baku city certified in their testimonies the details indicated by C. S.

B. K. F., who worked in the position of operational commissioner on CA of Police Section 25 of Nizami District Police Office. Baku city, declared in his testimony that, according to the information entered by Drug Enforcement Administration of BHPO on 10 May 2016, I. G. H. engaging in drug trafficking in the territory of Nasimi district was detained. He said that, he kept the remaining part of drugs at Apt.x of building x, Nizami district where he lived, he gave a consent to review his apartment by presence of police officers, witnesses and defender in order to show the place of drugs. When review was conducted at residential address of G. I. by presence of associates of Baku HPO, Nasimi District Police Office, witnesses, defender and by his presence, he presented red coloured package under mattress laid out on his bed and declared that, it was heroin. Package was packed, protocol was made and taken and protocol was signed by all participants During operations, nobody beat G. I., nobody insulted him with indecent words and nobody allowed to actions humiliating his dignity. His words are slander and aspersion.

T. R. I., the operational commissioner of Police Section 25 of Nizami District Police Office, gave testimony in the same content with K. F. B. at the time of investigation.

It was indicated in the reference dated 30 May 2016 of forensic-medical examination that, no damage was found on the body of I. G. H. during examination.

It was determined during investigation that I. G. H. was detained near the building located in Nasimi district at the time of operational-search measures conducted by associates of Drug Enforcement Administration of Head Police office, Baku city and associates of Nasimi District Police Office at about 19:00 o'clock on 10 May 2016 and when review was conducted on him in the office, heroin in one pack made of opium primitively in the net weight of 2,607 gram was found and taken from left inner pocket of his khaki coloured jacket.

Also, when review was conducted at the Apartment, Nizami district where G. H. I. lived, heroin made of opium primitively in the net weight of 1010,0 gram in one red coloured polyethylene package under mattress laid out on his bed was found and taken. Heroin found on him and from his residential home is the same for their contents and their total net weight is 1012,607 gram (1 kg 12,607 gr).

G. H. I. was drawn in as accused person on 12 May 2016 on the criminal case No Y. started under articles 234.4.1 and 234.4.3 of the Criminal Code of the Republic of Azerbaijan about G. H. I. and others on 11 May 2016 by M. G., the police colonel-lieutenant, the senior inspector of investigation department on Grave crimes of Investigation and Research Department of Baku city Head Police Office and accusation was declared to him under those articles. When the issue of selection of restrictive measure on the accused G. H. I. was heard in Khatai district court on 12 May 2016, he declared that, he was beaten and tortured by associates of Baku city Head Police Office and TDF.

But, those details mentioned by G. H. I. at the time of investigation had self-defence character and were not certified.

It was concluded with investigation that, there was not criminal content in the actions of police officers, starting of the criminal case was refused according to the articles 39.1.2 and 212 of the Code of Criminal Procedure of the Republic of Azerbaijan by decision dated 7 June 2016 on the material collected.

The copies of decisions adopted were sent to the authors of application, if they were dissatisfied with them, they were explained related to their rights to complain to senior prosecutor or court according to the article 212.3 of the Code of Criminal Procedure of the Republic Azerbaijan.

Decisions adopted on both materials were considered legal and founded.

4. The paragraph 21 (page 28) of the section called "Establishments under responsibility of the Ministry of Internal Affairs" of the report deals with exposing to torture of A. A. at Police Section 10 of Garadagh district Police Office and of S. M. at Police Section 20 of Nasimi district Police Office.

It is notified related to it, A. A. M., applied with application to Garadagh district Prosecutor's Office on 15 February 2016, he was beaten by A. A., deputy head of the Police Section 10 of Garadagh district Police Office at 13 o'clock on that day and stated to damage him.

During the investigation, A. A. M. indicated in his explanation that, he broke the right rear window of white «Nissan Qashqai» mark automobile stood in front of "Bina" Trade Centre at 10 o'clock on 13 February 2016 and took a piece handbag on the back seat. Associates of the Police Section 10 of Garadagh district Police Office detained him in the territory of Nizami district at 13 o'clock on that day and brought him to the Section located in Lokbatan settlement. Although he confesses his criminal action in the Section, A., who introduced himself as deputy head of the Section 10 required from him to confess two crimes uncommitted. When he didn't agree with it, A. gave instructions to police officers that, they close his feet with floor board and then started to beat his feet with police baton. That man paused about 5 minutes and again delivered blows to the bottom of his feet with baton, also to the left side of his face with hand and foot. Nearly 8 policemen in the room at noted time had not used physical force against him. He was only beaten by deputy head, A. and damaged to the bottom of his right eye, right ear and feet.

A. A. A., deputy head of Police Section 10 of Garadagh district Police Office, Baku city was indicated in his explanation that, information on breaking of window of the right rear door of «Nissan Qashqai» mark automobile belonging to E. P. U. stood in the right side of road crossing against of "Bina" Trade Center and stealing of money in the amount of 1 200 manat into the paper parcel on the back seat, «Samsung» mark mobile phone in the value of 100 manat and «Samsung» mark tablet in the value of 500 manat entered in the Section on February 13, 2016. As a result of operational-research measures conducted related to it, A. A. M., who committed that crime was brought to the section by detaining in the territory of Yasamal district at 04:00 o'clock on February 14, 2016. He confessed his crime committed in the section and presented things stolen by him from «Nissan Qashqai» mark automobile. Anybody didn't use physical force against A. A. in the section, also beat and damage him.

A. A. A., operational commissioner of Police Section 10 of Garadagh district Police Office, Baku city confirmed details indicated by A. A. A. in his explanation.

It knows from copies of documents concerning criminal case No W. attached to the material that, A. A. M., previously convicted, arrested as an suspected person in the commitment of the criminal action described in the article 177.2 4 of Criminal Code of the Republic of Azerbaijan by H. N., inspector of the Investigation Department of Garadagh district Police Office at 04:00 o'clock on 14 February 2016 and confessed the criminal action committed while interrogating as suspected person. During the interrogation, he didn't give any information on beating in the Police Section 10 in his testimony.

Non-revealing any damage on his body during the examination of A. A. M. was indicated in the act No 95 dated 15 February 2015 of forensic medical examination conducted on the material.

Conclusion of non-confirmation of using physical force against A. A. M. by the associate of Police Section 10 of Garadagh district Police Office and damaging him and failure of the criminal composition in actions of police officers was come during the investigation, starting of the criminal case on the collected material under articles 39.1.2 and 212 of Code of Criminal Procedure of the Republic of Azerbaijan was rejected by decision dated 20 February 2016.

5. The paragraph 21 (page 29) of the section called "Establishments under responsibility of the Ministry of Internal Affairs" of the report deals with exposing to torture (injuring various body damages while beating by hitting punches and baton by associates of Police Station 20 of Nasimi District Police Office, Baku city) of S. M. at Police Section 20 of Nasimi District Police Office.

Also it is noted in the same report that, B. A., who detained there when being in Baku Investigative Prison of Police Station on 31 March 2016 was previously beaten by associates of Shamakhi region Police station after arresting on 24 March 2016, then delivered to associates of Nasimi District Police Office, Baku city. He was beaten by hitting punches and baton to different parts of the body by associates of that office after bringing to Baku city. When B. A. is examined by court experts of CPTs delegation, damages on different parts of his body was observed.

It was determined that, A. B. E., accused person under the article 177.2.4 of the Criminal Code of the Republic of Azerbaijan was detained in Baku Investigative Prison from 24.03.2016 till 24 09.2016. For the reason of fail to include any application on beating and exposing to torture or inhuman or degrading treatment or punishment of B. A. to prosecution authorities, proper investigation on this fact wasn't conducted.

It was not determined that, S. M., who noted the name of the report and indicated to detain in Baku Investigative Prison, detained in the said prison on that period.

However, it was assumed based on information given by the Committee to the authorized persons (bringing to the Police Section 20 of Nasimi District Police Office detaining by police officers in the middle of February 2016), person noted as S. M. in the report is M. S. A., accused person under the article 29.180.1 of the Criminal Code of the Republic of Azerbaijan, not S. M.

It is indicated related to it that, materials of the criminal case under appeal complaint given by the defence counsel of the sentenced from judgment dated 16 June 2016 of Nasimi district Court, Baku city on the conviction by the article 29.180.1 of the Criminal Code of the Republic of Azerbaijan were sent to Baku Court of Appeal.

During the appeal proceedings, M. S. A. indicated to expose to force by police officers during his detention and gave petition on investigation of damage traces on him.

Proper investigation related to those above-mentioned was conducted on the basis of letter entered in Nasimi district prospector's office by Baku Court of Appeal on 16 November 2016.

M. S. A., who received explanation during the investigation, indicated that, he gave appeal complaint from judgment passed by Nasimi district Court on consideration as guilt under the Article 29 and 180.1 of the Criminal Code of the Republic of Azerbaijan and he currently is detained in Baku Investigative Prison, After beating unknown woman to his foot with bag when crossing the near of CMC at 20:00 o'clock on 9 February 2016, 3 persons in civilian clothes about 3-4 meters away from them approached to him and they seated to automobile, which he doesn't remember its model and colour. When he and one of those persons are in the automobile, they went to PC 20 of Nasimi District Police Office after that woman calls to 102 by car. They took him to one of service rooms. H., a man in civilian clothes indicated him to be signed documents given in the room, 2-3 persons, whom I don't know names other than H. were also indicating to commit his robbery by confirming the words of H. and notified to be signed documents given him. He naturally objected to them without making such action After this, H. in that service room, also other persons, whom I don't know names delivered him heavy blows to all body with baton and kick. After beating approximately 2-3 hours, he rose to near of the investigator in anaemic situation forcing always and forced to sign all documents given him at room, M. S. A. notified in reply to questions given him that, he knows the name of H. only from persons, who brings to the police section detaining and there is no information on their ranks without all of them in civilian clothes.

B. H. G., operational commissioner of PS 20 of Nasimi District Police Office, who received an explanation, indicated in his explanation that he conducted service in the administrative area together with his service friends: police captain with operational commissioner and police-lieutenant and police inspector at 20:30 on 9 February 2016. When they crossed the street, they saw shouting of a woman loudly and often approached to that woman, they tried to learn about what happened, by introducing to him as police officer themselves because they were wearing civilian clothes at the time. That woman notified them to run taking black bag on her hand of unknown man passing from the front of her. They saw to run speedily with black bag on hand of a man when looking at the direction indicated of that woman and immediately began to run after that person. They arrested him after a short time, carried to the Police Section 20 of Nasimi District Police Office, that woman recognized man noted in the section and notified that he is a man, who stole her bag. Then they looked into that bag, they revealed money in the amount of 13 manat, identification card and foreign passport belonging to K. E. M. into that bag. When identifying the personality of that person, it knew to them that, person committed the event is M. S. A.. They reported with report to N. B., head of Police Section 20, police colonel-lieutenant in order to take legal measure on S. M.. He didn't use any force against S. M., force him to sign any document and beat him.

I. E. B., area inspector of Police Station 20 of Nasimi Distirct Police Office, who received an explanation during the investigation, indicated in his explanation that, he conducted service in the administrative area together with his service friends and operational commissioners: police captain and police- lieutenant at 20:30 on 9 February 2016. When they crossed the street, they saw shouting of a woman loudly and often approached to that woman, they tried to learn about what happened by introducing to him as police officer themselves That woman notified them to run taking black bag on her hand of unknown man passing from the front of her. They saw to run speedily with black bag on hand of a man when looking at the direction indicated of that woman and immediately began to run after that person. They arrested him after a short time, carried to the Police Section 20 of Nasimi District Police Office, that woman recognized man noted in the section and notified that he is a man, who her bag stole. Then they looked into that bag, they revealed money in the amount of 13 manat, identification card and foreign passport belonging to K. E. M. into that bag. When identifying the personality of that person, it knew to them that, person committed the event is M. S. A.. They reported with report to head of Police Section 20, police colonel-lieutenant in order to take legal measure on S. M.. S. M. wasn't beaten by anybody and used force against him. Anybody didn't force him to anything. He confessed his action frankly.

M. K. M., operational commissioner of PS 20 of Nasimi District Police Office, who received an explanation during the investigation, indicated in his explanation that, he conducted service in the administrative area together with his fellow workers, operational commissioners and patrol and police area inspector and police-lieutenant at 20:30 on 9 February 2016. When they crossed the street, they saw shouting of a woman loudly and often approached to that woman, they tried to learn about what happened by introducing to him as police officer themselves. That woman notified them to run taking black bag on her hand of unknown man passing from the front of her. They saw to run speedily with black bag on hand of a man when looking at the direction indicated of that woman and immediately began to run after that person. They arrested him after a short time, carried to the Police Section 20 of Nasimi district Police Office, that woman recognized

man noted in the section and notified that he is a man, who her bag stole. Then they looked into that bag, they revealed money in the amount of 13 manat, identification card and foreign passport belonging to K. E. M. into that bag. When identifying the personality of that person, it knew to them that, person committed the event is M. S. A. They reported with report to head of Police Section 20, police colonel-lieutenant in order to take legal measure on S. M.. S. M. wasn't beaten by anybody. Anybody didn't force him to anything. He confessed his action frankly.

It seems from materials of the criminal case No Z. that, the same criminal case started under Articles 29 and 180 of the Criminal Code of the Republic of Azerbaijan by T. T., general police- lieutenant and inspector of ID of Nasimi District Police Office on 9 February 2016.

It seems from materials of the criminal case that, M. S. A. robbed openly her black handbag into money in the amount of 13 manat, identification card and foreign passport on hand of the citizen K. E. M. in order to obtain another property at 20:00 o'clock on 9 February 2016, unable to complete a criminal action committed intentionally for reasons not depending on own will for keeping by police officers in the surroundings when running from event place by robbery and involved to rob.

M. S. A. hereby committed the criminal action described in Articles 29 and 180.1 of the Criminal Code of the Republic of Azerbaijan.

M. S. A. was arrested as a suspected person on 10 February 2016, drawn in as an accused person under the Articles 29 and 180.1 of the Criminal Code of the Republic of Azerbaijan on 11 February 2016, declared accusation to him under that article and selected restrictive measure per 3 months on him by Nasimi district Court's decision on that date. M. S. A., accused person who considered the limitation of rights with petition in the court notified that, he did not expose to torture or inhuman or degrading treatment or punishment during the detention and exert any physical and moral pressure on him.

Also it seems from the copy of judgment dated 16 June 2016 passed by Nasimi district Court on M. S. A. that, latter did not give any information on exposing to torture or inhuman or degrading treatment or punishment, physical and moral pressure during the detention in the court sitting, he was considered as guilty under the Articles 29 and 180 1 of the Criminal Code of the Republic of Azerbaijan and sentenced to imprisonment for 1(one) years.

It seems from act dated 10 February 2016 made in TDF of Nasimi District Police Office that, old damages in the region of his left ear, left eye, shoulder, both feet when M. S. A. entered in TDF was revealed and he notified that, he received these damages before his detention.

It seems from letter dated 12 December 2016 included region prosecutor's office from Baku Investigative Prison that M. S. A. did not make complaint on his health when he entered in Baku Investigative Prison on 12 February 2016, when it was reviewed his body, large purple bruise traces in the front and outer surface of the left humerus, in the outer surface of average 1/3 of the right humerus, in the outer surface of the left thigh and left shin region was revealed.

It seems from opinion dated 9 December 2016 of forensic medical examination that, damage wasn't revealed on body surface of the citizen S. A. M.. Existence of old damages in the said left eye, shoulder and both feet regions was noted in reference made in TDF to the name of the citizen S. A. M.. But damages of the said regions is impossible to assess in terms of forensic-medicine of these damages without indicating the presence of any type of damage (bruise, abrasion, wound and other) and revealing damage and damage traces (wound, scar and other) in said regions during the examination of S. A. M. Damages noted on body surfaces of S. A. M. in medical reference made Baku Investigative Prison: purple bruises of both humerus, left thigh and left shin formed from the impact of hard blunt thing (things) before 4-5 days from the date of 12 February 2016 when he examined in prison and isn't appointed degrees for the reason of concerning in damages not caused to healthy both generally and separately.

It was determined from material collected during the investigation conducted that, he received damages revealed on his body surface when M. S. A. entered in Baku Investigative Prison before the detention by associates of Police Station 20 of Nasimi District Police Office on 9 February 2016, i.e. on 07.02.2016 or 08.02.2016.



Also during the investigation, exposing to violence of M. S. A. beating by B. H. G., associate of PS 20 of Nasimi DPO and others, forcing to confess the crime committed didn't find its approval in the collected explanations, medical documents and opinion of forensic medical examination.

Moreover, composition signs of torture or inhuman or degrading treatment or punishment described in the Article 293 of the Criminal Code of the Republic of Azerbaijan was not determined in the material collected during the investigation conducted.

Therefore, starting of the criminal case was rejected under decision dated 16 December 2016 without criminal action in material No 320-C-16 conducted the investigation of region prosecutor's office.

Also, although B. A. indicated to expose to torture in Shamakhi and Nasimi district Police Sections in that clause, that person was determined not to apply to the prosecution authorities related to this matter and not to conduct investigation related to it.

Therefore, instruction in connection with ensuring of conduction investigation objectively, impartially, comprehensively and fully associated with the fact noted without conducting any investigation related to receiving damage of B. A. in time and condition noted in the report at the prosecution authorities was given to Baku Prosecutor's Office, currently investigation of this fact is continuing at Nasimi district Prosecutor's Office, Baku city.

6. Concern on impunity by regulatory authorities of way obtaining of "voluntary" confession in paragraph 24 of the report was expressed It shall be noted that, it was directly indicated in the Article 126.6 of the Code of Criminal Procedure of the Republic of Azerbaijan that, the accused person's confession of guilt may be accepted as grounds for charge against him only if confirmed by the contents of all the evidence on the case. Voluntary confession does not assume evidence importance if confirmed by other evidences.

Also, in accordance with Article 125 of the Code of Criminal Procedure, if there is no doubt as to the accuracy and source of the information, documents and other items and as to the circumstances in which they were obtained, they may be accepted as evidence.

In accordance with the Article 125.2 of that Code, information, documents and other items shall not be accepted as evidence in a criminal case if they are obtained in the following circumstances:

125.2.1. If the accuracy of the evidence is or may be affected by the fact that the parties to the criminal proceedings are deprived of their lawful rights or those rights are restricted, through violation of their constitutional human and civil rights and liberties or other requirements of this Code;

125.2.2. Through the use of violence, threats, deceit, torture or other cruel, inhuman or degrading acts;

125.2.3. Through violation of the defence rights of the suspect or accused, or the rights of a person who does not know the language used in the criminal proceedings;

125.2.4. Where the rights and duties of a party to the criminal proceedings are not explained, or not explained fully and accurately and, as a result, he exercises them wrongly;

125.2.5. Where the criminal prosecution and investigative or other procedures are conducted by a person who does not have the right to do so;

125.2.6. Where a person whose participation should be objected to, and who knows or should know the reasons precluding his participation, takes part in the criminal proceedings;

125.2.7. Where the rules governing investigative or other procedures are seriously violated;

125.2.8. Where the document or other item is taken from a person unable to recognize it or who cannot confirm its accuracy, its source and the circumstances of its acquisition;

125.2.9. Where evidence is taken from a person unknown at the trial or from an unknown source;

125.2.10. Where evidence is taken through means conflicting with modern scientific views.

125.3. Information, documents and other items taken in the circumstances described in Article 125.2 of this Code shall be regarded as invalid and may not be used to prove any circumstance with a view to determining a charge correctly.

7. It is offered that, Investigative Isolator and Temporary Detention Facility attached to that Service give under the Ministry of Justice in sections (pages 6 and 59) called "Establishments under the State Security Services" of the report.

It is notified related to it that, report considered as advisable to learn in the execution office of laws in the investigation, examination and operational-research activity of the State Security Service, State Border Service, also to act Temporary Detention Facility and Investigative Isolator under the State Security Service by considering the complexity, national security interests and the need for protection of state secrets of criminal cases in the execution of the State Security Service, as well as the nature, the degree of public danger and riskiness of the identity of the persons detained (in most cases, radical terrorists, recidivist and other) of those crimes.

8. Paragraphs 15-16 (page 23) of the section called "Establishments under responsibility of the Ministry of Internal Affairs" of the report deal with the periods of detention of the accused person in the temporary detention facility, arrest of person in administrative rule who procreated an administrative offence, as well as extension of maximum period of administrative arrest from 15 days up to 90 days after the detention of person, declaring accusation to him, choice of restrictive measure.

In accordance with the article 148.1 of the Code of Criminal Procedure of the Republic of Azerbaijan, a person suspected of committing an offence shall be detained if there is a direct suspicion that he committed the offence or other information giving grounds for suspicion that he committed the act provided for in criminal law.

It was indicated in the Article 148.6 of Code of Criminal Procedure that, if there is suspicion to commit a crime, the detention of person may not exceed 48 hours excluding circumstances described in the article 148.7 of the present Code. Accusation shall be declared to the arrested person till passing that time, if there is a presentation of prosecutor related to the arrest, he shall be brought before a court, court shall be started without delay and decision on the choice of restrictive measure about that person or its releasing shall be passed.

In accordance with the Article 148.7 of the present Code, majority of the number of the suspected or accused persons on criminal cases conducted the investigation under articles 102, 114, 120.2.11, 169, 214, 214-1, 214-3, 215.3, 217, 218, 219, 219-1, 220, 274, 275, 276, 277, 279, 280, 282 or 283-1 of Criminal Code of the Republic of Azerbaijan, if the special complexity of the case or largeness of the volume of materials collected prevent from making of actions described in the article 148.6 of this Code within 48 hours, that period may be extended for a period not exceeding 48 hours on the basis of the petition grounded by the prosecutor and the presentation of the prosecutor taking charge of procedural aspects of the preliminary investigation under the court decision.

It was indicated in the article 157.3 of the Code of Criminal Procedure that, a person arrested on the grounds of a court decision may not be held in a temporary detention facility for longer than 24 hours, and before the expiry of this period, he shall be transferred to the investigating authority's remand facility (this period shall not include the time spent transporting the arrested person to the remand facility).

Complying with requirements of the criminal-procedure legislation related to the detention of the person in a temporary detention facility during the criminal prosecution is kept under strict control.

Thus, in accordance with the requirements of order No 10/70 dated 28 June 2010 on "Increasing efficiency of procedural aspects of the preliminary investigation, strengthening supervision over the investigation, inquiry interrogation and further improvement of case in this field" on the Prosecutor General's Office, legality of bringing of citizens by associates of the district prosecutor's office to the district police offices and keeping them in temporary detention facilities is examined constantly when associates of the district and city prosecutor's offices, as well as associates of proper organization charged of control activity over the investigation and research of the Prosecutor General's Office of the State are sent to places and proper documents are made related to it.

Associates of the prosecutor's office met with citizens during those examinations, investigated the legality and substantiality of their bringing to the police offices and keeping them in detention facilities and made query about whether or not exposing to torture and other cruel, inhuman or degrading treatment against them with those persons, hereby the execution of real measures is provided in order to prevent from unreasonable keeping of citizens and allowing to any illegal against them.

Moreover, in accordance with the article 30 of the Code of the Administrative Offences of the Republic of Azerbaijan, administrative arrest is applied only in exceptional cases for separate types of administrative offences by the judge for a term up to 3 months.

Also, in accordance with the article 89 of the Code of the Administrative Offences, person who procreated an administrative offence may be arrested in administrative rule for 3 hours. Also, the application of arrest is allowed in administrative rule within 24 hours, 48 hours in separate cases and within 3 days by the decision of court.

9. The paragraph 16 of the section called "Establishments under responsibility of the Ministry of Internal Affairs" of the report deals with issues on non-allowing to transfer the accused persons to the temporary detention facilities of the police authorities in the investigative prisons, their carrying from the investigative prisons and providing of medical examination when their returning back.

It was indicated in the Article 8 of the Law dated 22 May 2012 of the Republic of Azerbaijan on "Ensuring rights and freedoms of persons held in detention facilities" that in places distant from residence areas, when it is necessary to ensure conducting of investigation activities or participation at the court hearing, or daily transfer is impossible, the arrested person can be transferred from the investigation isolator to the places of temporary detention on the basis of substantiated court decision during the period of the court hearing, or for the whole period of the court proceedings, and during the investigation proceedings for the period not exceeding 10 days within 1 month. During the court proceeding in the exceptional cases and because of the complicity of the criminal case or based on the motion of the arrested person the said period can be prolonged by the court decision until the end of the court proceeding.

When transferred to the investigation isolator and back the arrested person is medically examined.

Transfer of the arrested person from the investigation isolator to the isolator of temporary detention for the purpose of carrying out investigation and search operations is prohibited.

The same requirements were indicated by considering in articles 159-1.1-159-1 6 of the Code of Criminal Procedure of the Republic of Azerbaijan that in order to conduct investigation activities in places distant from residence area where investigation isolator locates, inspector considered necessary to transfer the arrested person from investigation isolator to the place of temporary detention gives substantiated petition about it to the prosecutor conducted procedural guidance to primary investigation. If prosecutor taking charge of procedural aspects of the preliminary investigation agrees with necessity of transfer of the accused person from investigation isolator to the place of temporary detention, he adopts substantiated decision about transfer of the accused person from investigation isolator to the place of temporary detention by indicating the period. If prosecutor taking charge of procedural aspects of the preliminary investigation comes to a conclusion about lack of enough grounds for transfer of the accused person from investigation isolator to the place of temporary detention, he adopts a decision about cancellation of petition.

Transfer of the arrested person from investigation isolator to the place of temporary detention related to the necessity for providing of the participation of the arrested person in the judicial execution is conducted under decision of the court on the basis of parties' petition at the time of court review.

It was determined during learning of criminal cases entered in the Prosecutor General's Office of the State that, although the existence of all the necessary conditions for conducting of the investigation actions in the modern investigative prisons established newly, the accused persons, who detained in the arrest during the execution till the court, are constantly transferred to temporary detention facilities with the name of fulfilment of actions (interrogation, declaring of examination opinions, submission of defender, taking of samples and other) possible the execution in prisons without sufficient grounds.

Such cases cause making many complaints of the accused persons and defenders about receiving of confession testimonies from them by the way of application of illegal measures in the temporary detention facilities and other issues and to create dispute about the objectivity of evidences collected as a result of actions fulfilled on the criminal cases when they stayed there.

Therefore, by keeping under strict control the same issue to the region and city prosecutors of the State on 15 July 2016, in cases of only creating necessity and impossible to conduct separate actions in the investigative prisons, powers determined with the criminal-procedure legislation were used for the purpose of ensuring of their transferring of the accused persons to the temporary detention facilities and instruction on taking of proper measures was given.

It is worth to mention that, in cases revealed traces showed to the application physical force over their body, by conducting medical examination in each case transferred and returned back investigative prison of the accused persons, controlling by sending to prosecutor taking charge of procedural aspects of the preliminary investigation on the territorial jurisdiction of the relevant documents and adoption of legal decisions is provided.

10. The paragraph 41-43, 45 (page 46-47, 50) called "Forms of torture and ill-treatment" of the section called "Establishments under the Ministry of Internal Affairs" of the report deal with issues on their providing with the defence counsel immediately if the suspected and accused persons are arrested, their unable inviting the defence counsels that their wishes, their unable meeting with defence counsels at any time, failure to render effective legal assistance to them by the defence counsels appointed by the state as well as to explain their right in time and to submit to them documents about it.

It was notified related to it that, complying with rights of participants of the criminal process was kept in the spotlight during the investigation of criminal cases in the execution of the investigative organizations of prosecution authorities of the state and other law enforcement agencies and legislative requirements relating to defence issues were mainly provided.

It was considered in the article 90 7 of Code of Criminal Procedure of the Republic of Azerbaijan that, the suspected person has a right to know the grounds for detention and to receive legal assistance from the defence counsel, to receive written notification of his rights from the person who detained him or the preliminary investigator, investigator or prosecutor from the time of announcement of the decision on the arrest or the choice of restrictive measure; as well as, according to the article 91.5 of Code of Criminal Procedure, the accused person has a right to know what he is accused of (content, factual description and legal classification of the charge) in cases and rule described in the present Code, to have defence counsel from the time of the arrest or the announcement of the charge, as well as to receive a copy of the corresponding decision immediately after the charge is brought, the accused is remanded in custody or the decision on the choice of restrictive measure is announced, to receive written notification of his rights from the person who detained or arrested him or from the preliminary investigator, investigator or prosecutor, also to meet with the defence counsel confidentially without any limitation and to interview.

In accordance with the same requirements related to right to defend suspected and accused persons of the criminal-procedure legislation, the necessary measures were taken during the criminal prosecution.

Firstly, in accordance with articles 153.2 6-153.2.7 of the Code of Criminal Procedure, if the detainee does not have a lawyer of his own, present him with a list of lawyers from the bar association offices in the vicinity of the temporary detention facility, contact the chosen lawyer and create an opportunity for the detainee to meet him; if the financial position of the detainee does not enable him to retain a lawyer at his own expense, create an opportunity for him to meet the duty lawyer from one of the bar association offices in the vicinity of the temporary detention facility, at the state's expense.

All investigative proceedings related to the suspected or accused person on the criminal cases were conducted with direct participation of defence counsels appointed by the state, which they concluded a contract or selected independently. Any information on exerting pressure or pressure to the defence counsels related to signing of documents made on the conclusion of the same investigative proceedings did not entered Office of the Prosecutor General.

Moreover, arrested or accused person, who requested for legal assistance during the investigation of the criminal cases was not interviewed till fail to receive legal assistance or its interview was not continued without the presence of lawyer, it was not referred as evidence to the confession testimonies gave without the presence of the defence counsel of the arrested person, who did not refuse the defence counsel during the court review (articles 232-233 of Code of criminal Procedure of the Republic of Azerbaijan).

Petitions gave by the suspected or accused persons, as well as their defence counsels in the criminal proceedings were reviewed within the periods determined with the law, legal decisions were adopted and information about it was given to them by sending the copies of decisions.

Applications related to issues noted by the accused persons and their defence counsels did not entered prosecution authorities of the state.

11. Their forcing to give confession testimony by the way of torture and other illegal actions of the persons by the police officers, their attracting to the criminal responsibility on the basis of it, failure to investigate peculiarities indicated by them in testimonies gave afterwards about their committing of crimes, which they are accused and to give a proper legal assessment to them were indicated in the sections noted in the report.

It is indicated related to it that, criminal prosecution authority's duties charged directly with the law are as follows: to comply strictly with requirements of the laws during the attraction to the criminal responsibility and conviction of persons committed a crime in the Republic of Azerbaijan, to eliminate shortcomings allowed in this field uncovering in time and to take necessary measures constantly in order to restore rights violated of the citizens.

System, activity principles and directions of authorities conducted the criminal prosecution in our country, requirements put forward the collection, examination and evolution of evidences in the criminal process makes impossible their drawing in to the criminal responsibility for unreasonable doubts of the citizens and their conviction.

Existing legal system and its applied mechanisms guarantee widely to investigate independently and comprehensively the legality and substantiality of drawing in to the criminal responsibility of the citizens by investigation bodies and completeness, comprehensiveness and objectivity of preliminary investigation on the criminal cases during the court review.

12. Paragraphs 45 and 48 (page 50 and 52) called «Forms of torture and ill-treatment» of the section called «Establishments under the Ministry of Internal Affairs» of the report deal with issues on submission of proper documents to participants of the criminal process in Azerbaijani language, not in languages they knew, their forcing to sign the content of documents of foreign nationals drawn in to the responsibility to them without their understanding, their providing with information in any language they understood and interpreter.

It is indicated related to it that, in accordance with the Article 45 of the Constitution of the Republic of Azerbaijan everyone has the right to use his/her native language. Everyone has the right to be educated, carry out creative activity in any language, as desired.

Nobody may be deprived of right to use his/her native language.

It was indicated in the Article 69 of the main Law that, foreign citizens and stateless persons staying in the Republic of Azerbaijan may enjoy all rights and must fulfill all obligations like citizens of the Republic of Azerbaijan if not specified by legislation or international agreement in which the Republic of Azerbaijan is one of the parties.

Rights and liberties of foreign citizens and stateless persons permanently living or temporarily staying on the territory of the Republic of Azerbaijan may be restricted only according to international legal standards and laws of the Republic of Azerbaijan.

These principles were also stipulated in the criminal-procedural legislation of the Republic of Azerbaijan.

It was considered in the article 26 of the Code of Criminal Procedure that Criminal proceedings in the courts of the Republic of Azerbaijan shall be conducted in the official language of the Republic of Azerbaijan or in the language of the majority of the population in the relevant area.

The judicial authority shall explain a right to use their native language to participants of the criminal process, who do not know the language conducted of the criminal proceedings and shall guarantee the rights to use the services of an interpreter free of charge during the investigation and court hearings, to be fully familiar with all materials relating to the case and criminal prosecution after the completion of preliminary investigation, to use their native language in court to them.

The rights of participants of the criminal process, who do not know the language conducted of the criminal proceedings, as provided for under Article 26.2.2 of this Code, shall be secured at the expense of the budget of the Republic of Azerbaijan.

The judicial authority shall provide the relevant persons with the necessary documents in the language conducted of the criminal proceedings. Documents to be submitted to the relevant persons, who do not know the language conducted of the criminal proceedings, shall be submitted in their native language or other language, which they knew.

In accordance with the Article 99 of the Code of Criminal Procedure of the Republic of Azerbaijan, persons who do not know the language conducted of the criminal proceedings during the criminal prosecution shall be provided with the interpreter at the expense of the budget of the Republic of Azerbaijan.

In accordance with the requirements of the Constitution of the Republic of Azerbaijan, criminal-procedural legislation, also order No 10/70 dated 28 June 2010 on «Increasing efficiency of procedural aspects of the preliminary investigation, strengthening supervision over investigation and interrogation and further improvement of case in this field» on the Office of Prosecutor General of the state, if they don't know the language conducted of the criminal proceedings from the time of the drawing in to the investigation of suspected or accused persons during the investigation of criminal cases, investigation proceedings shall be conducted in native language of the suspected or accused persons or in language, which they knew, by their direct presence by appointing with the interpreter at public expense, as well as proper documents shall also be submitted to them in these languages.

Moreover, any applications on violation of these requirements of laws had not been submitted by our citizens or foreigners or stateless persons during the criminal proceedings.

**Information of the Commissioner for Human Rights as a National Preventive Mechanism inquired in the Paragraphs 12 and 13 of the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

As approved in Paragraph 11 of the Report, in the frames of the activity of the Ombudsman of the Republic of Azerbaijan as a National Preventive Mechanism (NPM ) planned and ad hoc visits are conducted on the regular basis to the places which detained persons cannot leave on their own will. The total quantity of the police offices, departments, stations, temporary detention places, penitentiary institutions, military guardhouses, educational, healthcare and social facilities under the jurisdiction of the NPM and which detained persons cannot leave on their own will is 240.<sup>1</sup>

In 2015, the members of the National Preventive Group (NPG) of the Commissioner have conducted 250 planned visits, 79 ad hoc visits, in total 329 visits to the places which detained persons cannot leave on their own will<sup>2</sup>.

In 2016, NPG members have conducted 254 planned visits, 83 ad hoc visits, in total 337 visits to the places which detained persons cannot leave on their own will.

The comprehensive information regarding the visits to the institutions of the Ministry of Internal Affairs and State Security Service alongside with the institutions from the other group can be obtained from the attached link.

It should be mentioned that these visits have been conducted with participation of the Ombudsman as a National Preventive Mechanism, the staff of the National Preventive Group and staff of four Regional Centres who are the NPG members, the information is distributed in the media.

Regarding the matter of methodology of visits noted in the Paragraph 12 of the Report, we would like to mention that the visits are conducted upon the demands of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and methodological recommendations of the Subcommittee for the Prevention of Torture (SPT) for NPMs.<sup>3</sup>

Collective interrogation is not carried out within the frames of the visits. Collective meetings are possible during the meetings of the Ombudsman in the institutions and legal educational events as an integral part of her activity as NPM.

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<sup>1</sup> <http://ombudsman.gov.az/upload/editor/files/NPM-Ombudsman-EN-2015.pdf> (Page 78)

<sup>2</sup> <http://ombudsman.gov.az/upload/editor/files/NPM-Ombudsman-EN-2015.pdf> (Page 78)

<sup>3</sup> <http://tbinternet.ohchr.org/treatybodyexternal/Download.aspx?symbolno=CAT/OP/12/5&Lang=en>

Within the frames of the visits, in order to investigate the treatment issues and situation with provision of the detention conditions upon international standards, the circles of persons to be received are carried out on an accidental choice.

Alongside with this, the detainees were received, private and confidential meetings were held with numerous urged persons, the applications are received and invest gated on the spot<sup>4</sup> during the visits paid each year in planned and *ad-hoc* manners to the temporary detention places, investigation isolators and penitentiaries, educational, healthcare and social facilities<sup>5</sup>, other institutions which persons cannot leave on their own will. The visits completely covered the objects of the facilities. The inquiry blanks prepared upon the CPT and SPT recommendations on detention conditions and treatment matters are used as well from the standpoint of efficiency of monitoring during the visits.

Considering the appeals received by the NPM within the frames of visits relevant measures have been carried out, legal advice was given, the reception of the appeals for execution was ensured. If to observe the number of visits, as well as executions upon appeals carried out at the Ombudsman Office, we can witness that during a year a sufficient number of persons has been received, their appeals have been investigated and replied individually and provided.

At the same time, the names of numerous persons were addressed to the Commissioner for their reception by the International Committee of the Red Cross and local NGOs, human rights defenders and during the visits these applications were ensured. This did not create any obstacles in conduction of visits.

The applications addressed to the Commissioner, as well as received by two 24/7 "hot-line" services (one is for child rights violations, and the other is for information on torture) by the detainees themselves, their family members, as well as from their human rights defenders, lawyers are of a sufficient number. This is an indicator of confidence to the Ombudsman and her activity as an NPM.

The hot-line services enable feedback, ensuring repeated applications, as well as protection of received persons, prevention of possible persecutions, swelling the matters of their concern.

The relevant investigations were conducted with regard to all received applications, the Prosecutor General, Minister of Internal Affairs and the Minister of Justice and other authorities were urged for investigation when necessary, In all cases the applied persons were replied on-time officially in written with regard the investigation with ensuring the confidentiality.

The thoughts regarding addressing these appeals to the administration of the facilities are groundless. However, in our practice we met the cases when the administration of the facility got acquainted with the letters addressed to the applicant and with regard to this, the Commissioner informed corresponding authorities about her cavils and recommendations in the Annual report on the activity as NPM for 2015 and emphasized prevention of such cases<sup>6</sup>.

At the same time, the visits upon SPT, CPT recommendations and other international standards have been conducted by the NPG members independently, the confidentiality was ensured in all cases, during the entrance and conducted visits to cells, punishment isolators and other detention places, as well as at the processes revise of the documents there were no participation, accompaniment or intervention of representatives of any institution including Gobustan Prison of the Penitentiary Service.

We would like to especially mention that alongside with the local independent experts, on different times the experts from foreign countries, representatives of National Human Rights Institutions from Germany, Poland, Portugal and Greece within the frames of the Twinning Project realized in cooperation of the Ombudsman with the European Union also participated at the visits, witnessed monitoring practice, independence of the Azerbaijani NPM and became participants of the visits paid to penitentiaries, educational and healthcare facilities upon accidental choice without prior notification.

All these enable us to say that the mentioned cavils are groundless.

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<sup>4</sup> <http://ombudsman.gov.az/upload/editorZfiles/NPM-Ombudsman-EN-2015.pdf> (Page 14-15)

<sup>5</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806fc22b>

<sup>6</sup> <http://ombudsman.gov.az/upioad/edftor/files/NPM-Ombudsman-EN-2015.pdf> (Page 59-60)

Regarding the Paragraph 13 of the Report, we would like to note that within the frames of the activity of the Ombudsman as NPM preventive visits to the places which detained persons cannot leave on their own will are conducted regularly, in planned or ad hoc manners and in all cases without any prior notification. The Article 18-1.2.1 of the Constitutional Law on the Ombudsman gives full guarantees to this.

Direct on-site investigation of the appeals addressed to the Commissioner, as well as the appeals received during receptions, through hot-line, information get from human rights defenders, lawyers and mass media assume high importance from the standpoint of prevention of ill-treatment.

Additionally we would like to mention that under the Article 18-1.1 of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, the members of NPG were appointed by the Commissioner for the period of 3 years for the first time on 26 December 2013 and due to the expiry of the term, for the second time on 26 December 2016, according to the relevant Decree of the Commissioner basing on transparent procedures.

When forming the new content, the SPT and CPT recommendations given on increasing the number of NPG members at the meetings with them within their country visits were taken into consideration and the number of the NPG members increased reaching 23 persons including the representatives of NGOs.

Regarding the geographical scope, in order to cover all institutions, two persons from each of four Regional Offices of the Commissioner located in Ganja, Sheki, Guba and Jalilabad and covering surrounding regions, are also included into NPG from the first days.

Moreover, members of civil society were also involved in who urged to the Commissioner to participate in the work of NPG as experts.

Alongside with these experts, it will be continued to involve other persons specialized in different fields, as well working independently into NPG for ensuring transparency and if needed for conducting joint investigations. These approaches increase the efficiency of the work on analysis of legislation, developing the recommendations and joint reports.

The efforts for enriching practical knowledge and capacities of NPG members and experts have been increased enough and are being continued.

Thus, in the frames of the EU funded Twinning Project launched in partnership with its members - Germany and Poland and aimed at further improvement of the activity of the Azerbaijani NPM, the greater space was given to increasing the capacities of the NPG members in investigation in the places which the persons cannot leave on their own will, monitoring of ensuring the right to health and related issues, especially regarding visits paid to psychiatric facilities; the training with participation of international experts from Germany, Poland, Greece, Austria, Portugal and Spain are continued at present, The CPT member from Greece (Mr. Vassilis Karydis) was also involved to these trainings as an expert. He positively appraised the activity of the Azerbaijani NPM and its visits experience. The mutual experience sharing with regard the visits was hold with the Greece NPM, joint visits were paid to penitentiary institutions, corresponding educational and healthcare facilities.

Alongside with this, the measures are taken in the direction of "Development of the management in the penitentiary system and increasing the professionalism of medical staff services" with representation of the Commissioner's staff member as a project coordinator, being party to "Support to Penitentiary Reforms in Azerbaijan" project launched in the end of the previous year as a component of the Council of Europe Action Plan for Azerbaijan for 2014-2016 years. Also within the frames of the project the NPG members and experts will also be represented in the trainings for 2017 with participation of Council of Europe experts and psychiatrists specialized in monitoring in prisons and medical sphere

The issues of implementation of recommendations, competences, and awareness activities were given a wide space at the visits and legal awareness events in the frames of the NPM activity in the places which the persons cannot leave at their own will.



The planned and systematic trainings for judges, staff of the justice, police, education, healthcare bodies, migration service, as well as for newly admitted staff of the Academy of Justice and the Police Academy, medical personnel basing on the national and international standards, assume significant importance for awareness about the NPM, support to its activity, as well for capacity building and legal education, also from the standpoint of implementation of the recommendations in this field.

At the same time, as it was noted in the abovementioned paragraphs, the visits conducted considering reforms realized regarding the legislation, the initiatives of the Commissioner as an NPM, assume high importance for improving the detention conditions, ensuring the rights of detained persons, as well as from the standpoint of prevention of cases causing to ill-treatment. This is not accidentally that up to 70% of more than 200 proposals and recommendations put forward in the frames of the activity of the Commissioner as an NPM were adopted and implemented.

The activity of the Commissioner as an NPM is not limited only with condemning torture and cases causing to ill-treatment, but it also gives relevant recommendations regarding measures to be undertaken to corresponding institutions for strengthening prevention of such cases and keeps under the attention these issues and preventive approaches in collaboration with governmental bodies, civil society institutions, the Public Committee and other bodies.