



CPT/Inf (2009) 29

**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 8 to 12 December 2008**

The Azerbaijani Government has requested the publication of its response. The report of the CPT on its December 2008 visit to Azerbaijan is set out in document CPT/Inf (2009) 28.

Strasbourg, 26 November 2009



**Information on the measures undertaken regarding the recommendations in the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during its visit to Azerbaijan from 8 to 12 December 2008**

**Gobustan Prison**

**Regarding paragraph 6**

As regards the observation by the CPT delegation on the attempt to threat of the prisoner by the staff member, it should be noted that this action was committed by ... \*, the senior inspector of the Training Division, against the prisoner .... Following the inquiry, ...was charged with disciplinary sanction and was given an official reprimand by the Order of Chief of Prison No.37/i dated 12 December 2008, taking into account his repentance and the fact that this was his first misconduct.

All employees of the prison have been warned of charging sanctions for such ill-treatments against prisoners by the instruction of the Chief of the Prison. The staff were instructed to apply physical force and special devices (means) during security measures only in exceptional circumstances determined by law.

The allegation that there was a warning by the prison administration not to put complaints before the CPT delegation during its visit to the prison was not confirmed by the relevant investigation.

**Regarding paragraph 9**

The establishment of modern infrastructure of penitentiary system is carried out in accordance with the requirements of the Decree of the President of the Republic of Azerbaijan dated 17 August 2006 entitled "Development of justice system", and in conformity with the "National Action Plan on protection of human rights in the Republic of Azerbaijan" approved by the Head of our state on 28 December 2006. Besides, international documents in this field are analyzed and progressive experience is learnt. For the purpose of effective organization an Order on the "Establishment of a Working Commission for effective organization of project and construction works in the Penitentiary Service" was signed by the Minister of Justice of the Republic of Azerbaijan on 22 May 2009. Senior and experienced officials from the Penitentiary Service, Head Medical Department and penitentiary establishments were included into that working commission.

Following the construction of new facilities, in accordance with the requirements of the Code of Execution of Sentences, prisoners should be located close to their previous places of residence. Provision of the prisoners with socially useful labour during the punishment period, making their free time efficient, training of staff fit for service, etc. are always in the focus of public authorities. Various trainings are organized for staff in the training Centre of the Penitentiary Service, as well as the Justice Academy.

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\* Certain names have been deleted, in accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which stipulates that "no personal data shall be published without the express consent of the person concerned".

We should mention that the “State Program on development of justice in Azerbaijan in 2009-2013” approved by the President of the Republic of Azerbaijan on February 6, 2009, has provided for the measures on the preparation of proposals for improvement of the legislation setting rules and conditions for accommodation of prisoners, the intense training courses for staff, the increase of the level of professionalism in the justice system, the modernization of the activity of the Penitentiary Service and the improvement of its infrastructure. Within the measures carried out in the prisons, there are the restoration of existed production spheres and the establishment of new production spheres, bringing the penitentiary establishments and imprisonment conditions in conformity with international standards, ensuring the protection of human rights of convicted and accused persons, improvement of sanitary-hygienic conditions, strengthening the logistical support to the Penitentiary service, broadening the use of information technologies in the work of penitentiary establishments.

In addition, for the purpose of the implementation of the Program, on February 27, 2009 the Order 9-T was signed by the Minister of Justice of the Republic of Azerbaijan. It defined the implementation of the Program as well as the tasks of the bodies of the Ministry with the aim of modernizing the activity of the Penitentiary Service and improvement of its infrastructure.

As mentioned in the Report, the implementation of the broad programs on the establishment of new penitentiary establishments with modern infrastructure is to the benefit of prisoner, as it will provide them with the opportunity to spend more time in an open air, enable them to use their rights in accordance with international norms and standards, as well as will help them in reintegration into free society and realisation of their educational rights.

### **Regarding paragraphs 11, 12,13**

Due to the fact that names and surnames of the sentenced persons who claimed to have been beaten were not indicated in the Report, it was impossible to investigate into the mentioned case.

For information, in 2008 and in the first half of 2009 16 applications were received by the Penitentiary Service from prisoners regarding threatening, physical force, and not addressing their appeals. These applications have been investigated by the internal investigation division, but the facts stated in their applications were not confirmed. At the same time, it was determined that physical force, handcuffs and rubber bludgeons have been used against the prisoners in accordance with the law.

In 2008 the mother of a person sentenced to life imprisonment ... did not agree with the results of investigation which was carried out by the Penitentiary Service with respect to the harsh conditions of detention of her son and lodged an application before the Garadagh district court. On October 31, 2008 the application was considered by the court with participation of all parties and the application was not satisfied. On March 30, 2009 the Baku Appeal Court rejected ...’s appeal and confirmed the decision of the lower court.

During 2008, by a decision of the prison administration in conformity with the law, special means were applied to nine prisoners for stopping and preventing them from committing violations and illegal acts. In the first six months of 2009, the number of prisoners to whom security measures had been applied was nine. The use of special means was documented and registered in the special book.

In the prisons of the Penitentiary Service, and as well as in other prisons in order to increase the professionalism of staff relevant trainings on security measures and on the grounds for application of security measures are provided. At the same time, by an Order of the Chief of the Penitentiary Service dated July 18, 2009, it was demanded from the chiefs of all prisons to resort to security measures against prisoners, in particular physical force, handcuffs and rubber bludgeons only in case of necessity and sufficient justification.

The grounds for use of security measures against prisoners, in particular physical force, service dogs and in exceptional cases fire-arm were reflected in Article 78 of the Code of Execution of Sentences of the Republic of Azerbaijan. The law only provides for notification of the prosecutor organs during the use of fire-arm. This law permits the prisoners to complain about the use of security measures to the relevant bodies - the Penitentiary Service or the Ministry of Justice, as well as the courts.

### **Regarding paragraphs 16, 18 and 19**

With regard to renovation work, it has to be noted that as stated in the Report the conditions have been substantially improved as a result of refurbishment in several parts of the prison and these works continue. Currently, the repair works are undertaken in 1, 2, 3 regime parts of the prison for changing the water and sewerage systems.

Regarding the hygienic matters, it is noted that every regime part was provided by a washing machine. At the same time, it was decided to establish a centralized laundry. A stationary washing machine is planned to be installed in the 3<sup>rd</sup> semester of 2009. After this, the prisoners will not have to wash themselves their own clothes and linens.

According to Annex 24 of Decision No. 154 of the Cabinet of Ministers of the Republic of Azerbaijan dated 25 September 2001, prisoners are provided with hygienic means, that is, laundry soap (250 gr. per month), bath soap (100 gr. per month), detergent (150 gr. per month), tooth brush (one per year) and toothpaste (one per three months). Prisoners are regularly supplied with these hygienic means. All the prisoners were provided with new toothpastes and toothbrushes in the end of 2008 and in July of 2009. At the same time, amendment proposals to the relevant decision of the Cabinet of Ministers regarding more frequent provision of prisoners with toilet papers and women prisoners with hygienic pads and also toothpastes and toothbrushes have been developed and submitted for adoption.

As regards food, it has to be noted that according to the nutrition norms approved by Decision 154 of the Cabinet of Ministers of the Republic of Azerbaijan on 25 September 2001, accused persons, convicts and also life-sentenced prisoners are provided with hot meals three times a day. Daily volume of the meal norm is 3,000 calories. According to the norms set out for the period of 2008 and first six months of 2009, the Department of Logistics of the Penitentiary Service has provided to the prison as well as to other penitentiary establishments various sorts of cereals, meat, fish and other necessary nutrition products. Also, amendment proposals to the Decision of the Cabinet of Ministers on food supply of elderly and life-sentenced prisoners with fruits and dry fruits have been prepared and submitted for adoption. Besides, it has to be taken into account that prisoners have the right to receive parcels, packages and banderols, and spend their own money.

According to the Presidential Order of 11 June 2006 concerning the relocation of the Gobustan prison, 15-hectare plot of land was allocated for the construction of a new establishment in Umbaki settlement. The construction started in July 2007. It is planned that this new premises will be able to hold 1,500 prisoners on average. It is envisaged to construct one-storey 22 regime corps. Each regime corp will have cells for up to 2, 4 and more prisoners. Open walking rooms in front of each cell, where the inmates could walk freely during a day, with sanitary utilities, shower and table are under development. The space of no less than 4 m<sup>2</sup> was allocated for each convict in prison. In two parts of the prison, the construction of necessary separate infrastructures, as well as the cells that would make it possible to engage in social labour and other activities and to receive education, is envisaged. At present, the construction of the establishment continues. Subject to full allocation of financial resources for this construction, the prison is expected to start functioning in 2011.

### **Regarding paragraph 17**

In compliance with internationally accepted minimal standards, this norm constitutes 4 m<sup>2</sup> for each prisoner in a multi-personal cell and 6 m<sup>2</sup> in a single cell. These minimal standards were based on the broad analysis of the time the prisoners really spend in their cells.

In accordance with Article 91.2 of the Code of Execution of Sentences of the Republic of Azerbaijan, the norm of living space for each prisoner at penitentiary establishments, reformatory establishments and prisons cannot be less than 4 m<sup>2</sup>, and in medical establishments cannot be less than 5 m<sup>2</sup>. In the aftermath of the amendments made to the Code of Execution of Sentences on June 24, 2008, restriction that existed in the legislation concerning the detention of more than two life-sentenced prisoners was lifted as indicated in the CPT Report. As a result of the application of this provision in practice, the delegation noticed the detention of three sentenced persons in the cells and observed that the legal requirements of living space rules had been met.

It should be taken into account that this situation is driven by the current structure and condition of the prison, as well as the particularities of the prison contingent. As soon as a newly constructed prison becomes operational, positive changes will be brought to the detention conditions of prisoners including their living spaces.

### **Regarding paragraph 20**

During the administration of two former heads of the prison in 2005-2007, who were later dismissed from justice bodies for serious shortcomings in their activities, it was the case that prisoners were voluntarily engaged in some refurbishment work in their cells. But after the appointment of a new head of the establishment, such cases were suspended; refurbishment are carried out only on the expense of the state budgetary funds, and the prisoners are placed in the cells not according to their wish, but according to the requirements of the legislation in force. A group of prisoners were relocated to other cells in order to ensure security, as well as on the basis of their requests. Information on relocation of prisoners to other cells or changing their places by the administration for material interests is not true.

### **Regarding paragraph 21**

Relevant conditions were created for the prisoners detained at penitentiary establishments and prisons to watch TV programs everyday in a centralized manner according to the amendments made to paragraph 243 of the Internal Disciplinary Rules of Penitentiary establishments concerning the amendments made to the Code of Execution of Sentences by Law of 24 June 2008. The time to watch TV programs for prisoners is determined not more than 4 hours in working days and 6 hours in day-off and holidays as a daily rule subject to compulsory implementation. If necessary, this term may be extended one more hour by the administration. It should be noted that the prisoners are allowed to freely watch TV programs of the channels they want. At present, the prisoners watch TV programs in prison from 18<sup>00</sup> to 22<sup>00</sup>. In accordance with the daily rule, during a day until 18<sup>00</sup>, the prisoners are taken out for a walk, given possibility to take a shower, to pass medical treatment and to see administration. During this time measures are also carried out to ensure security, to search prohibited items, etc. In the future, when a new establishment is in operation, the extension of TV watching time for inmates may be reviewed again because their walking and taking a shower will be directly provided through the cells which will not require additional time.

### **Regarding paragraph 22**

As mentioned above, the “State Program on development of justice in Azerbaijan in 2009-2013” approved by the President of the Republic of Azerbaijan on February 6, 2009 provides for the restoration of the existing production spheres and the creation of new production spheres at penitentiary establishments in order to involve the prisoners in socially useful labour.

In accordance with the current legislation, the life-sentenced prisoners are entitled to engage in socially useful labour under prison conditions. In order to secure a job to prisoners, including life-sentenced inmates, the establishment of production departments and workshops is envisaged. At the same time, in order to efficiently organize their free time, it is planned to construct in the prison a playing field and a gym.

Detention of life-sentenced prisoners in isolation from the rest of prisoners is determined by Article 56 of the Criminal Code and Article 72 of the Code of Execution of Sentences of the Republic of Azerbaijan. Such approach is based on the gravity of crimes committed by those prisoners and on the high level of danger.

### **Regarding paragraph 23**

According to the requirements of Article 104.6 of the Code of Execution of Sentences, necessary conditions for self-education of life-sentenced prisoners are created in conformity with the rules and procedures of execution of sentences. After the entry into force of the new Law of the Azerbaijan Republic on Education adopted by the Milli Majlis (Parliament) in June 2009, it is envisaged to make and submit proposals on amendments to the Code of Execution of Sentences with the aim of ensuring the right of inmates, including life-sentenced prisoners, to receive education, as well as on the organisational mechanisms of such education.

### **Regarding paragraph 24**

In 2008 and in the first half of 2009 the administration of the prison received information on the possibility of causing injury by a group of prisoners to other prisoners, as well as to the staff. Guided by Article 78 of the Code of Execution of Sentences on August 1, 2008, the head of the prison ordered to temporarily handcuff 87 inmates while taking them out of the cell in order to ensure the safety measures. This decision is reviewed on a monthly basis: the use of handcuffs is stopped when it is deemed unnecessary, but in case if it is necessary a decision is taken to continue the use of handcuffs. Up to July 15, 2009 based on the decision of the head of the prison the use of handcuffs was temporarily applied to 35 prisoners when taking them out of the cell.

The study of the situation at the establishment and the analysis of the processes which take place between the inmates by relevant agencies of the Penitentiary Service demonstrate that there is necessity to continue this measure. A group of prisoners have not yet given up their intention to attack personnel and other prisoners, cause them injury and take them hostage, as well as commit other illegal acts.

We could bring as an example the event which happened on July 10, 2009. On that day one life-sentenced inmate fought with two staff members ... and ... and caused them injuries. The Prosecutor of the Garadagh district instigated a criminal case based on the facts of the case according to Article 315 of the Criminal Code (resistance and/or use of force against the government representative). The investigation is under way at the moment.

At the same time, for the purpose of more effective ensuring of the rights of prisoners, it is important to determine concrete time for temporarily use of handcuffs while taking the prisoners out of ward. For that purpose, preparation and submission of amendment proposals to the above-mentioned article are considered. By the order of the Chief of the Penitentiary Service of July 18, 2009 the prison administration was given a task to ensure re-examination of the grounds of the temporary exercise of handcuffs and reconsideration on a monthly basis of the decision taken in this respect.

## **Medical Treatment Institution**

### **Regarding paragraph 26**

As mentioned in the Report, carrying out capital and current repairs in the Medical Treatment Institution was included in the Action Plan for 2009. It is planned to arrange financial means to provide normal temperature regime for the establishment by building a new boiler-house, changing heating lines and sewerage system, refurbishing sanitary junctions and mental diseases sections, finalizing repair works on the second floor of the narcology division. After the visit, within the framework of joint activities between the “Control on narcotics in the South Caucasus” (SKAD 5) Regional Aid Program and the Medical Head Department, capital repair works of sanitary junction on both floors of the narcology division and the setting of a new narcological treatment cabinet have been launched.



At the same time, in order to heat the premises and chambers in the medical establishment, the repair of the existing boiler-house is being carried out. This year, measures on providing the narcology division with heating will be finalized. In order to avoid the density in the narcology division of the medical establishment, the capital repair of a new medical division is being carried out. After this division is put in operation, prisoners who have been directed to the compulsory narcological treatment by courts will be provided with adequate accommodation and an increased level of medical service. It is planned to carry out the capital repair of mental and internal diseases divisions of the medical institution in 2009-2010. In order to ensure the high level medical treatment in the divisions of the institution, new modern X-Ray, ultra sound, gastroscopy and functional diagnostic examination cabinets were opened during 2006-2008. Apart from this, the expansion and modernization of the laboratory of the medical institution is planned.

After the visit of the Committee, in order to set the emergency medical service for prisoners the divisions of the medical establishment were provided with special first aid bags containing relevant medicines. With the aim of organising medical service and treatment of high quality for prisoners, the ultrasound examination equipment made by "Medisson" Company, the universal surgical table, the vacuum aspirators, the endoscope table, the big surgical and traumatic instrument kits, as well as the X-Ray and artificial respiratory machineries were purchased and started to function.

On July 18, 2009 the Chief of the Penitentiary Service gave a concrete task to regularly change the beddings of inmates, to always keep clean the sanitary junctions and bathrooms, to regularly perform the cleaning and disinfection works. The laundry for washing beddings and clothes of inmates has been repaired and it is now fully operational.

### **Regarding paragraph 27**

The reason why the prisoners are supplied by food prepared by their families is not related to the quality of food in the establishment. The Code of Execution of Sentences permits prisoners to receive, in certain quantity and weight, parcels, packages and banderols with food and other stuff. Thus, in ordinary prisons the prisoners have a right to receive packages or parcels once a week, in special prisons once a month. The weight of one package or parcel is set as 31.5 kg. The Code of Execution of Sentences also gives the prisoners a right to purchase food and other necessary products from food shops operating in the establishments. Following the amendments made by the law of June 24, 2008 to the Code of Execution of Sentences the amount of money for purchasing food and other necessary products was increased. This amount is at present equal to 25-50 Azerbaijani Manats (about 30-60 USD). The prisoners who are transferred to the medical establishment for reasons of illness enjoy the same rights during the treatment period. According to Article 82.2 of the Code there is no limitation for seriously ill prisoners in receiving packages and parcels. Thus, apart from the three-time-a-day meals in the institution, the prisoners who are transferred to the medical institution have the opportunity to use food brought by their relatives and to purchase food from shops. For this purposes, the administration of the institution has created conditions for preparing and warming up the food. Prisoners are provided with adequate food three times a day, and this constitutes the main course of their nourishment. Over the last few years, no complaints have been received on the quality of food provided by the Penitentiary Service.

### **Regarding paragraph 28**

For organisation of medical service for prisoners, it is planned to establish, within new penitentiary establishments, new medical-sanitary units which would meet the modern day standards. It is also planned to establish small stationeries within medical units for sick prisoners. Over the last years, in a specialized medical institution built for prisoners with consumption, a lot of work have been done to ensure a high level treatment and to create normal accommodation conditions for prisoners. This has been highly appreciated by some international organizations, such as the World Health Organization and ICRC. By the Decree of the Mayor of Baku dated July 24, 2009 a plot of land was allocated in Zabrat settlement for construction of a new medical establishment for prisoners. At the moment, the facility studies documents are under preparation. As mentioned above, the measures have been carried out for provision of prisoners with personal hygiene means, and proposals for the improvement of the work in this direction have already been developed and submitted to the appropriate bodies for consideration.

### **Regarding paragraph 29**

In all prisons, including medical establishments, the issue of employment of prisoners remains in the focus. First of all, in order to solve the problem of the involvement of prisoners in socially useful labour activity, new working places have been opened in several establishments. In the “State Program on development of justice in Azerbaijan in 2009-2013” special importance is attached to the involvement of inmates in socially useful labour. It is planned to restore the existing production spheres and to create new ones in the prisons during next five years. That is why, the inventory of production departments in the prisons has been carried out and additional measures on imprisonment employment have been taken within the EU Project “Support to the justice reforms” (for 2009-2011). In order that prisoners can spend their free time in a more efficient way, within the frameworks of the above mentioned State Program and EU Project it is planned to build new playing fields and facilities, strengthen libraries, open computer and language courses and take other necessary steps in prisons and medical establishments.

## **Medical service of the Gobustan Prison**

### **Regarding paragraphs 30, 31**

Taking into account the recommendations of CPT (2006) by Order No. 39/T dated October 31, 2007 the number of employees in the staff of the Head Medical Department was increased up to 80 persons. At this time, additions have been done to the staff of the medical sanitary of the prison, and the number of doctors and medical assistants has increased twice. The issue of recruiting employees remains on the agenda as a main problem. To fill the existing vacancies in public places, advertisements were distributed including in the media.

With the purpose of fundamental solution of the problem on the basis of agreement with the administration of the Azerbaijan Medical University, since 2007 the university began the preparation of specialists for the Head Medical Department of the Ministry of Justice.

With the special direct order of the Cabinet of Ministers of the Republic of Azerbaijan as from 2009 20 persons have been added to a special curriculum scheme of the Azerbaijan Medical University for preparation of future specialists in the penitentiary establishments. From the first academic year onward, the students will have been educated with a view to their future recruitment by the penitentiary service after graduation from the Medical University.

Medical help in prisons during evening hours and at nights is provided by the Emergency Station of the settlement where the establishment is situated. Thus, in the first half of 2009, the Emergency Station has been called three times after working hours.

State units of the medical sanitary of the prison in the new structure of the Head Medical Department have increased to nine. Eight of them are doctors and one is an assistant. Besides this, the creation of 10 reserve vacancies is under consideration.

Relevant measures are taken to provide each establishment with the medical emergency, including at nights and on weekends. There were some cases of voluntarily medical intervention, especially during nighttime. But the order of the Chief of the Penitentiary Service dated 18 July 2009 prohibited the use of prisoners for medical assistance or practice, including at nights, for other prisoners irrespective of their specialty.

### **Regarding paragraph 32**

An X-ray cabinet for X-ray devices was constructed in the new medical-sanitary part of the prison which is up to the medical standards. Until the end of this year it is planned to establish there an X-ray device capable of taking breast and bones X-ray.

### **Regarding paragraph 33**

The measures of annual mass examination taken in order to detect the diseases among the prisoners are increasing. During July 2009, a team composed of nine different specialized doctors (therapeutic, surgeon, neurologist, psychiatrist, otolaryngologist, ophthalmologist, and urologist) led regular mass examination. During 15 days doctors examined 456 prisoners, made a breast X-ray of 521 prisoners and a blood test of 423 prisoners. As a result of this examination, an appropriate treatment for several prisoners was provided.

### **Regarding paragraph 34**

Some measures were taken to improve the medical service provided to the prisoners. In order to improve the quality of medical service provided to prisoners, the doctors working in the civil sector are more involved in examinations and treatments. In the first half of 2009, 17 prisoners were examined by specialists working in the civil sector. Examination of prisoners by doctors working in the medical institutions subordinated to the Ministry of Justice was carried out. In the first half of 2009 31 consultations took place.

In May 2009, in cooperation with the specialists from humanitarian NGO "Caspian Caring Project" which is engaged in medical activities, the prisoners passed ophthalmologic examination and 22 patients received special corrective eye glasses. The ophthalmologic examinations are also planned in the second half of the year.

Five doctor-interns of different specialties, selected among the graduates of the Medical University who wished to work in the medical service of the Ministry of Justice, worked temporarily according to the adopted schedule in the TSH of prison. In order to improve the knowledge of medical personnel working in the prison, one therapeutic form TSH participated in the "Actual issues in therapeutics" training from 10.04.2009 till 10.05.2009 organized in the medical establishment by the Azerbaijan State Institute for Improvement of Qualification of Doctors named after Aziz Aliyev.

Medical personnel of the prison were involved in seminars organized on 24-25 February, 2-3 and 6-7 April, 11-12 and 25-26 May 2009 by the Council of Europe in Azerbaijan within the project of "Support for Prison Reforms 2008-2009"

### **Regarding paragraph 35**

The new prison psychologist was appointed on 6 February 2008. At the same time, in order to improve the efficiency of psychological assistance to inmates, including life-sentenced prisoners, a group of psychologists working in the apparatus of the Penitentiary Service decided to provide psychological assistance to above-mentioned persons. Further, a group of psychologists visited prison nine times in 2008 and three times in 2009, and provided psychological assistance to the prisoners. When a new prison is in use, the possibility to employ an extra psychologist will be considered.

After the visit of CPT, in order to provide psychological assistance to prisoners, the psychologist of the department of mental diseases of the medical establishment was sent on mission to the prison. In the first half of 2009, as a result of the examination, he assigned outpatient treatment for 48 prisoners.

## **Information on the Medical Treatment Institution**

### **Regarding paragraph 37**

The low level of proportion between doctors and patients in the sections of medical establishment, especially in the sections of internal diseases and drug addiction, is the result of lack of vacancies in these establishments. On 1 July 2007 16,5 of the 76 workplaces, otherwise 21,7 per cent of it was vacant. 10,5 vacancies belong to doctors and six to the medium-level medical personnel.

Recruitments to vacant positions are regularly held in the Medical Treatment Institution. During 2006-2008 years seven physicians, five medical servants were hired and during the first half of 2009 one physician and two new medium medical servants were hired for the Medical Treatment Institution.

Given demand in medical personnel in the Institution, the number of physician interns increases each year. During the 2009-2010 academic year, 12 physician interns are going to be sent to the Institution for a year of practice. Like in the prisons, the Medical Treatment Institution has also taken measures to attract medical workers. The Human Resources Department of the Ministry of Health and the Baku General Health Department are regularly informed about vacancies here. Meetings are held with the alumni of the Medical Technical Schools, relevant information is being published in the media.

For ensuring medical care for convicts during the evenings and nights, a physician and a medical brother are put on duty. These personnel are responsible for providing emergency medical care to all sick convicts.

In case of necessity medical experts in certain fields of expertise, according to a confirmed list, are invited to the Institution.

### **Regarding paragraph 38**

After the last visit of CPT, there have been several measures to increase the level of medical care for inmates in the internal diseases, necrology and psychiatrics divisions of the Medical Treatment Institution.

There has been a qualification course on actual issues of therapy from 10<sup>th</sup> of April till 10<sup>th</sup> in May 2009, with participation of physicians of the Internal Diseases Department of the Azerbaijan State Institute for Qualification of Physicians. 20 physicians participated in the course, of which 12 were physicians of the Medical Treatment Institution.

After the end of course, there will be an evaluation of the knowledge of physicians. One of the staff members of the Medical Treatment Institution has been sent to the qualification course for two months (02.03.2009-30.04.2009) to the First Internal Diseases Department of the above mentioned Institute on the subject "Pharmacotherapy of internal diseases".

The qualification course on "Emergency Medical Aid" for physicians of the Penitentiary Service and Medical Treatment Institution is planned to be held together with staff members of some Departments of the Institute for qualification rising of physicians during October-November, 2009.

There have been trainings for medical personnel on 24-25 February, 2-3 and 6-7 April, 11-12 and 25-26 May 2009 within the framework of "Support to Prison Reforms" organised by the Council of Europe. 130 medical personnel participated in these seminars, 27 of which were staff of the Medical Treatment Institution. The topics of the seminars were "Ensuring psychic and psychological health of prisoners", "Awareness raising on ... diseases in the prisons", "Providing aid to prisoners with drug addiction". Lecturers on these topics were experts of COE, Liina Arpo (Finland), Norbert Konrad (Germany), Yorq Pont (Austria), Schvein-Erik Ekeyd (Norway) and Reiner Poehnl (Germany).

At the same time, there will be some lectures and presentations of new medicines to the medical personnel of the Medical Treatment Institution by professors of the Pharmacology Department of the Medical University.

Prisoners have a right to apply to private medical institutions providing paid service for consultation and treatment. This kind of services and medicines are paid by prisoner or his or her relatives. In such cases medical consultation and treatment are provided in the medical unit of penitentiary institution or in the Medical Treatment Institution with the observation of institution's medical personnel.

For improvement of the medical service provided, the experts of Ministry of Health are extensively involved to the activity of the Medical Treatment Institution and treatment of prisoners. Seven experts of the Ministry are working at the Institution as consultants and the treatment of all serious patients is under control. During 2008 15 experts of the Ministry of Health have checked up the prisoners in the medical treatment Institution and 58 prisoners of Institution have passed specific check ups in the medical institution of the Ministry of Health.

### **Regarding paragraph 39**

After the last visit of CPT, the issue of preservation of X-rays has been included in the budget of 2009 and during the first half of the year special furniture has been installed and relevant conditions created in the X-ray division of the Medical Treatment Institution.

**Regarding paragraph 40**

According to the recommendations made after the last visit of CPT, certain measures have been undertaken for improvement of medical service of the Medical Treatment Institution (see para.38). Development of knowledge and skills of the medical personnel of the Medical Treatment Institution and other institutions of the Penitentiary Service are one of the priorities of the Principal Medical Department. There is an agreement between Principal Medical Department and the Republican Narcology Clinic of the Ministry of Health about the involvement of physician-addictologists and psychiatrists in practical work, as well as in qualification courses. Sending psychiatrists and narcologists to international trainings, extending application of projects on injury reduction and involvement of NGOs in these activities are the measures that intend to solve the raised problem.

**Regarding paragraph 41**

Considering the recommendations of CPT, the principal physician was requested to make sure that after his working hours all medical files used by him are submitted to the central office which would enable the next doctors on duty to make use of them.

**Regarding paragraph 42**

Keeping alone in a hospital chamber in the Medical Treatment Institution is only applied as a temporary measure for inmates who psychologically raise concerns or for the purpose of security. Before this measure is applied, its reasons are thoroughly examined, doctors' opinions with regard to the illness are considered and only then a relevant decision is taken. Prisoners in such hospital chambers are under strict control with a guard on watch.

## **Other issues regarding CPT's mandate**

### **Regarding paragraph 43**

According to the Amendments made to the Code of Execution of Sentences by the Law dated 24 June 2008, individuals deprived of liberty for life have rights for two long and six short visits during a year and each month for two telephone calls for 15 minutes. According to article 122.2 of the Code of Execution of Sentences, detention conditions of these prisoners may be improved after 12 years of imprisonment, in case they do not violate the terms of punishment execution. In this case prisoners have right for extra two short and one long visit and two telephone talks during a year besides the one already determined by the law. With regard to extending the right to telephone calls, the additional telephone line was established in the prison.

The suggestion to extend the right on telephone calls of individuals deprived of liberty for life is going to be considered during implementation of the "State Program on the development of justice in Azerbaijan in 2009-2013". Thus, the Plan of Action regarding the implementation of the Program which was approved by the Head of State does include a provision (paragraph 1.6) on preparation of proposals as from 2009 for improvement of the legislation that regulates detention terms and conditions with a view of enhancing the realization of prisoners' rights.

### **Regarding paragraph 44**

The specific features of rooms for short term are listed in the 18<sup>th</sup> annex to the "Internal Disciplinary Rules of the Penitentiary Institutions" which was approved by the Minister of Justice. Thus, according to the established rule, these rooms are divided into two equal parts by iron-bars and 100x100cm sized cabins with the locked iron doors being placed face-to-face from both sides. This kind of organization of rooms for short visits is related to the safety; firstly safety of the visiting citizens, prevention of providing prisoners with prohibited things. It should be noted that according to the existing legislation in other penitentiary institutions too the rooms for short visits are divided by bar between a prisoner and a visitor. At the same time it is worth noting that long visits to inmates, including life-sentenced prisoners, is provided in separate rooms where they live together with their family members and close relatives and no control is undertaken by the administration.

When a new prison is ready, the visiting conditions of the prisoners will be improved.

### **Regarding paragraph 45**

Receiving and posting of the letters and telegrams of prisoners is conducted by the secretariat of the institution. With a view of more effective organization of this process according to the Order of the Head of the Penitentiary Service dated 14 May 2009, receiving and delivering to post offices of the letters and telegrams sent by prisoners in the penitentiary institutions as well as in prisons and those sent to them was assigned to two staff members and a registry was set for registration of all correspondences.

#### **Regarding paragraph 46**

Visiting rooms for long term visit of the Medical Treatment Institution were repaired and used by prisoners during meetings with their families. According to the requirements of the law in order to provide long term visits for life-sentenced prisoners in the Medical Treatment Institution, like in the specialized medical institution for prisoners with tuberculosis, there is a need to renovate the visiting building and to provide a separate room there for this category of inmates. In order to solve this problem, it is planned to establish this kind of meeting rooms till the end of 2009.

#### **Regarding paragraph 48**

When a decision on administrative penalties is taken, prisoners' right to appeal against that decision is explained to them according to article 109.2 of the Code of the Execution of Sentences and they are asked to cosign the decision. Always paying special attention to this issue, informing prisoners of their right to appeal to the Ministry of Justice, Penitentiary Service and court is explicitly mentioned in the Order by the Minister of Justice dated 21 July 2008.

#### **Regarding paragraph 49**

According to paragraph 262 of the Internal Disciplinary Rules, when prisoners are transferred to penalty isolator, there should be an opinion of a doctor. This attitude aims at determining the impact of the penalty measures to prisoner's health, for preventing isolation of ill persons and misuse by the management of the institution. Doctors visit prisoners in penalty isolator every day, examine their health conditions and make notes in relevant register. When necessary the doctor may suggest the administration releasing the prisoner from the penalty isolator in advance because of his health condition.

#### **Regarding paragraphs 50 and 51**

There has been an instruction to the head of the institution by the Head of the Penitentiary Service dated 18 July 2009, regarding the placement of prisoners in the cells of the disciplinary isolator with due consideration to the living space. It is planned to set up a calling device for the prisoners' contact with the staff when necessary. The repair of the bathroom in the isolator is planned for the second half of this year.

The disciplinary unit in the Medical Treatment Institution has been repaired; its artificial lightening system has been changed. According to the legislation prisoners go out for a walk every day. It is planned to build a heating system for warming the penalty hospital chambers.

#### **Regarding paragraph 53**

Some limitations of prisoners as a disciplinary punishment during their stay in the disciplinary isolator, for instance prohibition of visits, telephone calls, limits to purchasing food and necessary products, and to receiving parcels and banderols are defined by article 110.1 of the Code of Execution of Sentences. It is envisaged to reconsider this provision within the framework of the "State Program on development of justice in Azerbaijani in 2009-2013".



**Regarding paragraph 54**

Currently, according to relevant decisions made by the head of institution, six prisoners are held in single cells for different reasons. According to Article 121.1 of the Code of Execution of Sentences, prisoners may be transferred to single cells by a decision of the head of institution with due consideration to their personality, psychological state and relations with other prisoners. This is not considered to be a disciplinary measure against the prisoner. According to article 109 of the Code, prisoner is given the chance to explain his or her own actions in written or oral form and prisoners have a right to appeal against that decision to the court or the Ministry of Justice.

According to the existing legislation when prisoners purposefully breach the rules of execution of punishment, they can be subject to a disciplinary measure of being held under strict conditions from two to six months. Considering the recommendations of CPT, based on the Order of the Head of the Penitentiary Service dated 18 July 2009 the head of the prison was instructed to review the decisions on detaining in solitary confinement at least once in two months.

## **Ministry of Health**

The European Committee for the Prevention of Torture (CPT) visited Azerbaijan from 8 to 12 December 2008. During its visit, the establishments under the authority of Ministry of Justice and psychiatric hospitals of the Ministry of Health were examined.

Taking into account the obligations of the Republic of Azerbaijan under Article 8, paragraph 2 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, the Ministry of Health organized the examination by CPT in all three hospitals without any restrictions and obstacles on getting information, and in accordance with Articles 3 and 4 of the mentioned Convention the interviews were also organized both with patients and medical staff.

After the visit CPT submitted the Report to the Government of the Republic of Azerbaijan.

Bearing in mind the report of CPT the following measures have been undertaken by the Ministry of Health of the Republic of Azerbaijan:

### **On the Republic Psychiatric Hospital No.1 of the Ministry of Health of the Republic of Azerbaijan**

- **As regards physical and verbal attack cases against patients and possible violation cases among patients.**

In case of physical and verbal attack against patients by auxiliary and nursing staff in the Republic Psychiatric Hospital No.1, Article 6 of the "Law on psychiatric assistance" dated 12 August 2001 envisages serious punishment measures by applying appropriate strict administrative or criminal responsibility against medical employees who abuse their power.

There are adequate security system and staff for preventing possible violation among patients who receive treatment in the hospital.

A special room for the security staff was completely equipped and refurbished.

- **As regards living condition, restoration, nutrition of patients, lack of patient uniforms, sanitary norms**

Besides other five departments of the hospital, the building with children and juvenile departments has been fully repaired, provided with furniture and equipment and put into service.

The neurology department, the assembly hall and the entrance of the hospital have all been completely repaired.

Boiler-house of the hospital was restored and put into service.

Dining-hall for 1800 patients was reconstructed and the patients of the hospital are provided with food in accordance with generally accepted standards.

New equipment was bought for the laundry and capital restoration works were launched.

General bath-room of the hospital was restored and the condition of health care service was improved.

The sewage system in five departments of the hospital was reconstructed.

The department of compulsory therapy was completely repaired and supplied with appropriate equipment.

The patients have been provided with seasonal uniforms.

- **On 12<sup>th</sup> Department and quarantine (isolation) rooms of the hospital**

In compliance with the recommendation, refurbishment of the 12<sup>th</sup> Department of the Hospital has been launched. The isolation rooms mentioned in the Report have been abolished and those rooms now serve as a storehouse.

- **On the absence of treatment with psychical-social activity and about walking, television, radio and reading matters of patients.**

In order to prepare the patients for independent life and facilitate their return to their families, some measures have been taken to improve therapeutic treatment methods and to involve patients of long-term treatment to psychical-social rehabilitation, as well as labour-therapy learning and development of communication skills.

To this end, the special workshops situated in the area of the hospital are being restored. This will give an opportunity to carry out labour therapy which in turn will facilitate the integration of patients into society, and help them to obtain new professions.

Involving of patients to labour activity within the hospital will be done in accordance with the Labour Code of the Republic of Azerbaijan on a non-compulsory basis and with payment of appropriate salary.

There are 2 psychologists and 46 occupational therapists in the hospital.

Television and radio sets have been provided in most rooms.

There is a library in the hospital.

The hospital's area which is 56 ha has been illuminated and renovated, walking places and pathways were laid out.

3550 fruit-trees and decorative trees were planted in the area of the hospital.

Daily walking schedule of the patients has been drawn up for each department and instruction table was prepared for the junior medical (auxiliary) staff.

- **On the insufficient number of medical staff and professional improvement**

Order No. 151 of 31 October 2009 of the Ministry of Health prescribes 0.06 physicians, 0.118 nursing staff, and 0.2 beds per 1000 persons for providing psychiatric services. It complies with standards of countries with developed public health system.

Recruitment of auxiliary staff is being continued. Some measures are taken for educational improvement of the nursing and auxiliary staff of the hospital. The project on professional training of the nursing staff was developed by the hospital leadership, in close co-operation with the Republic Association of Psychiatrists and non-governmental organization "Global Initiative". The training started in March 2009.

- **On the voluntarily treatment of the patients and their consent forms**

Special forms of consent (approval) are filled for every patient received in the hospital. Moreover, information papers or forms describing the full course of treatment are filled when they leave the hospital. There is also a form on voluntary rejection of a treatment.

Furthermore, 5000 brochures for medical awareness-raising of patients and their legal guardians, as well as on the rights of patients, and on a few diseases have been published and distributed.

Special boxes for patients' proposals and complaints have been placed in each department of the hospital.

Days were set and announced for reception of applications, proposals and complaints from parents and relatives of patients. There is a staff lawyer engaged with these issues in the hospital.

## **On the Clinical Psychiatric Hospital No.2 of Baku Head Medical Department**

General situation in the hospital has been evaluated as satisfactory, although some insignificant shortcomings were identified.

- **Issues on insufficient number of the medical staff of the hospital and on dampness in some places**

The old building of the Psychiatric Hospital No.2 of Baku city has been completely repaired in 2008 and new administrative building was constructed.

Modern furniture and equipment has been provided and a heating room has been built.

Dampness level and ventilation system in the hospital and wards are normal.

Other problems reflected in the first report have been solved shortly.

## **On the Sheki Psycho-Neurological Dispensary**

- **Repairing matters and heating of the hospital wards**

Construction of a new building for the central hospital in the Sheki region is envisaged within the framework of the Project of Reform realized with financial support from the World Bank. After the construction is over, Sheki Psycho-Neurological Dispensary will be moved to one of the units of the central hospital.

The administration of the Sheki Psycho-Neurological Dispensary was instructed to settle minor shortcomings noted by CPT.

## **About the general recommendations concerning the preparation of the National Program on the psychiatric service**

The psychiatric service is one of the most important duties of the Ministry of Health of the Republic of Azerbaijan. There are a strong political support and relevant legislation in this area in the country, and a special plan with main objectives and concrete measures has been developed.

The psychiatric service of the Ministry of Health of the Republic of Azerbaijan is carried out in accordance with the requirements of the “Law on the Psychiatric assistance” dated 12 July 2001.

The Ministry of Health with the technical support of the World Health Organization has prepared the Reports on the “National policy in the field of psychological health” and on “Assessment of the psychological health system in Azerbaijan” which are in line with international standards and were submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

