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Date: 08/11/2021

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Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities (08/11/2021) concerning the MURADOVA, MAMMADOV (JALALOGLU) and MIKAYIL MAMMADOV groups of cases v. Azerbaijan (Applications No. 22684/05, 34445/04, 4762/05).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication des autorités (08/11/2021) relative aux groupes d'affaires MURADOVA, MAMMADOV (JALALOGLU) et MIKAYIL MAMMADOV c. Azerbaïdjan (requêtes n° 22684/05, 34445/04, 4762/05)
[anglais uniquement].

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



**İNSAN HÜQUQLARI ÜZRƏ AVROPA MƏHKƏMƏSİ YANINDA
AZƏRBAYCAN RESPUBLİKASININ SƏLAHİYYƏTLİ NÜMAYƏNDƏSİ**

AGENT OF THE REPUBLIC OF AZERBAIJAN BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS
AGENT DE LA REPUBLIQUE D'AZERBAÏDJAN AUPRES DE LA COUR EUROPEENNE DES DROITS DE L'HOMME

Prezident Sarayı, Bakı Az-1066, İstiqlaliyyət küçəsi, 19

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DGI

08 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Mme Clear Ovey
Head of Department
Department for the Execution of
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Council of Europe
F-67075 Strasbourg CEDEX

8/2- 2809

5 November 2021

BY E-TRANSMISSION ONLY

Subject: Muradova/Mammadov (Jalaloglu)/Mikayil Mammadov groups of cases

Dear Madame,

It is my pleasure to write you to update on further developments in the execution of the Court's judgments in the above group of cases.

In this connection, please find enclosed the Action Report on general measures concerning the above group of cases, in particular concerning implementation of the recommendations made in the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Yours faithfully,

Çingiz Əsgərov

Encl.

Muradova/Mammadov (Jalaloglu)/Mikayil Mammadov group of cases

Application	Case	Judgment of	Final on
<u>22684/05</u>	MURADOVA	02/04/2009	02/07/2009
<u>31805/06</u>	RIZVANOV	17/04/2012	17/07/2012
<u>2594/07</u>	NAJAFLI	02/10/2012	02/01/2013
<u>47137/07</u>	TAHIROVA	03/10/2013	03/01/2014
<u>34445/04</u>	MAMMADOV (JALALOGLU)	11/01/2007	11/04/2007
<u>22062/07</u>	LAYIJOV	10/04/2014	10/07/2014
<u>32132/07</u>	JANNATOV	31/07/2014	31/10/2014
<u>46505/08</u>	IGBAL HASANOV	15/01/2015	15/04/2015
<u>54204/08</u>	UZEYIR JAFAROV	29/01/2015	29/04/2015
<u>59075/09</u>	MEHDIYEV	18/06/2015	18/09/2015
<u>59135/09</u>	EMIN HUSEYNOV	07/05/2015	07/08/2015
<u>81553/12</u>	HILAL MAMMADOV	04/02/2016	06/06/2016
<u>39254/10</u>	PIRGURBAN	20/12/2016	20/12/2016
<u>42119/12</u>	MUSTAFA HAJILI	24/11/2016	24/02/2017
<u>4762/05</u>	MIKAYIL MAMMADOV	17/12/2009	17/03/2010
<u>35587/08</u>	ALIYEVA AND / ET ALIYEV	31/07/2014	31/10/2014
<u>8937/09</u>	GASIMOV	10/11/2016	10/11/2016
<u>10653/10</u>	HUSEYNOVA	13/04/2017	13/07/2017
<u>30500/11</u>	MALIK BABAYEV	01/06/2017	01/09/2017
<u>47095/09</u>	MUSTAFAYEV	04/05/2017	04/08/2017
<u>36837/11</u>	MAMMADOV	14/02/2019	14/02/2019
<u>35432/07</u>	MAMMADOV AND OTHERS	21/02/2019	21/05/2019

INFORMATION**I. On the recommendations of the Committee on Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT)**

- *Action to combat torture, other forms of ill-treatment and impunity of law enforcement officials (including statistics of complaints, investigations and sanctions, as from 1 June 2018):*

According to the 22.05.2012 Law of the Republic of Azerbaijan “On Ensuring the rights and freedoms of persons held in detention facilities”, any bodily injuries observed on arrested persons immediately after their admission to the pre-trial detention center, as well as during their transfer to and return from the temporary detention center, and their complaints on torture and inhuman or degrading treatment before being admitted to the detention center shall be recorded. Within 24 hours of being admitted to the detention center, the arrested person undergoes a medical examination by medical personnel, and complaints on torture and inhuman or degrading treatment, as well as written information about bodily injuries determined during the medical examination, are immediately forwarded to the prosecutor in charge of the procedural aspects of preliminary investigation.

The penitentiary service pays special attention to ensuring the rights and freedoms of prisoners and detainees, and provides for an immediate response by the staff to violations, corruption, torture and other ill-treatment and, if necessary, a serious investigation. In order to provide information on torture and other ill-treatment, as well as corruption, signs were posted at the entrances and on the territory of penitentiary institutions, indicating the contact numbers of the Service Hotline. Materials collected during the official investigation of the appeals received in these cases shall be submitted to the prosecutor's office.

At the same time, in accordance with the relevant legislation, arrested persons and convicts regularly meet with close relatives, as well as other persons of interest to them, as well as their lawyers, write uncensored, and exercise the right to telephone twice a week. These rights are important enough to protect them from torture, inhuman and degrading treatment.

In addition, the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, members of his National Preventive Group, the Public Committee under the Minister of Justice, and representatives of the International Committee of the Red Cross have access to penitentiary institutions at any time, without hindrance and without prior notice.

The Public Committee under the Minister of Justice, consisting of influential human rights activists and non-governmental organizations, has been functioning successfully since 2006. The Committee makes important contributions to the promotion of the principles of transparency, public scrutiny and open government in the field of justice, as well as to the expansion of dialogue and cooperation between civil society and law enforcement agencies. Committee members exercise public control over penitentiary institutions, are involved in the process of applying the institution of parole, and implementing pardon and amnesty acts. It shall be noted that the Public Committee has conducted approximately 1000 visits to various penitentiary establishments. At the same time, the Committee has provided legal assistance to about 4,237 prisoners (more than 187 during the first 9 months of 2021).

Taking into account the recommendations contained in the reports of the European Committee against Torture (CPT) on the results of visits to penitentiary institutions, the draft "Instructions on security measures and rules of their application in the penitentiary system of the Republic of Azerbaijan" were prepared and adopted on 28 September 2018.

Official investigations were conducted at the Ministry of Justice into 18 cases of alleged torture and other ill-treatment cases in 2018, 16 in 2019, 8 in 2020 and 6 in the first 9 months of 2021 but the cases complained of were not confirmed.

In 2018-2019 and the past period of the current year, 22 suicides and attempted suicides were registered in temporary detention facilities. Serious responsibility measures were taken against 40 employees of temporary detention facilities who didn't perform their duties properly in order to prevent these incidents in a timely manner. 6 of them were dismissed from the internal affairs bodies, 1 was dismissed from his post, and other disciplinary sanctions were imposed on 33 employees. In order to prevent the spread of the

COVID-19 virus and its transmission to penitentiary institutions, awareness-raising activities were intensified, and disciplinary sanctions were imposed on 13 employees of the Penitentiary Service who did not comply with the requirements of the special quarantine regime during the pandemic.

Measures to strengthen the rule of law in prisons and to protect human rights and freedoms are controlled and implemented systematically. Temporary detention facilities are equipped with video surveillance systems to prevent possible adverse events in a timely manner.

Direct unlimited monitorings in temporary detention facilities by observers from the governmental and non-governmental organizations as well as representatives of the Azerbaijani Committee Against Tortures and National Preventive Mechanism Group under auspices of the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) are allowed.

It is reported that, during the period from 2018 to 01.07.2020 4 criminal cases related to torture and cruel, inhuman or degrading treatment or punishment that is not considered torture were initiated and due investigation was carried out. 3 of them were instituted under Article 293.2 of the Criminal Code of the Republic of Azerbaijan (*torture committed by an official of state body in connection with performing its official duties, or a person so acting, or with his instigation or consent, or other persons under his awareness*), and 1 – under Article 308.2 (*abuse of office, i.e., deliberate, in defiance of interests of the service, use or non-use where it is necessary for the service interests, by an official of his authorities to acquire in connection with the performance of his duties improper advantage for himself or third parties, if this entailed significant damage to the rights and legitimate interests of natural or legal persons or legally protected interests of society or the state*). Of these criminal cases, 1 - initiated under Article 293.2 of the Criminal Code, 1 - under Article 293.1 (*cruel, inhuman or degrading treatment or punishment against a person committed by an official of state body in connection with performing his official duties, or other person so acting, or with its instigation or consent, or other persons under his awareness, in case of no evidences of tortures stipulated for by the Article 293.2 of present Code in such act*) and 1 - under Article 308.2 were forwarded to court. In each of these cases, the court passed sentences, in 1 criminal case, the proceedings were suspended.

Thus, on 04.05.2018, criminal case was instituted by Garadagh District Prosecutor's Office against former Deputy Head of the 10th Police Station of the Garadagh District Police Office, Aghayev Aligulu, who was accused under Article 293.2 of the Criminal Code of the Republic of Azerbaijan. Files collected in connection with the complaint of Allahverdiyev Ali Mammad related to the fact of him being subjected to beating and ill-treatment by police officers served as basis for initiating the criminal case. On February 11, 2019, the criminal case was forwarded to the Baku Court on Grave Crimes for consideration. By the court sentence of 13 May 2019 Mr Aligulu Aghayev was found guilty under Article 293.1 of the Criminal Code of Azerbaijan.

Additionally, the Sumgait city Prosecutor's Office received information that Mr Rashad Abbasov received bodily injuries of various degrees. Based on the material collected upon

this information, it was established that Rashad Abbasov was injured by the officer of the Sumgait city Police Office in order to force him to confess to a crime that he had not committed. On 04 May 2018, criminal case was initiated against Elnur Mammadov, a former junior inspector of the Criminal Investigation Department of the Sumgait City Police Office, with due investigation carried out. Elnur Mammadov was charged under Article 293.2 of the Criminal Code of the Republic of Azerbaijan. On 30 April 2019, the criminal case together with the indictment was forwarded to the Sumgait City Court for consideration. Under the sentence of Sumgait City Court dated 14 October 2019 Mr Elnur Mammadov was found guilty under Article 293.1 of the Criminal Code of Azerbaijan. However, he was not sentenced to principal and complementary penalties due to the expiration of the criminal prosecution terms.

On 26 September 2018 the Gazakh District Prosecutor's Office began a preliminary investigation of the criminal case concerning the death of Mr Elmir Akhundov at the Gazakh District Police Department. The case was further forwarded to the Department for the Investigation of Grave Crimes of the General Prosecutor's Office of the Republic of Azerbaijan. The criminal case was initiated against Ilham Suleymanov, the responsible officer who oversaw the duty section of the Gazakh Police Department, had been separated from this case. Mr Ilham Suleymanov was accused under Article 308.2 of the Criminal Code of the Republic of Azerbaijan. According to the court decision of 13 May 2019 Mr Ilham Suleymanov was found guilty under Article 308.2 of the Criminal Code of the Republic of Azerbaijan and was conditionally sentenced to 2 years 10 months and 15 days in prison with a probationary period of 1 year and 6 months and with deprivation of the right to hold leading positions in state and local government bodies within 1 year and 6 months.

Furthermore, on 4 May 2018, the Binagadi District Prosecutor's Office conducted an investigation and instituted criminal case under Article 293.2 of the Criminal Code of the Republic of Azerbaijan, based on materials collected in order to verify the complaint of Rashad Safarov about the alleged beating by police officers. During the preliminary investigation, due to the absence of *corpus delicti* in the actions of the police officers, on 27 December 2018, in accordance with Article 39.1.2 of the Criminal Procedure Code of the Republic of Azerbaijan, the proceedings were terminated.

In 2019-2020 the number of cases investigated on the basis of information or complaints received in connection with torture, and cruel, inhuman or degrading treatment or punishment that is not considered torture decreased on average by more than 45%.

- *Steps taken to implement CPT's long-standing recommendations concerning the practical implementation of legal safeguards against torture/ill-treatment of persons in the custody of law enforcement agencies (notification of custody, access to a lawyer, access to a doctor, information on rights):*

Pursuant to Article 15.1.3 of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Detained Persons", immediately after admission to detention and during detention, detainees shall exercise their rights and responsibilities, internal disciplinary rules, including the regime in detention, have the right to get acquainted in writing with the

procedure for submitting proposals, applications and complaints in a language that is clear to them, and to keep written information about it. In order to ensure this right, after admission to the pre-trial detention facility, they are accepted by the administration and explained to them their rights and obligations in accordance with the law, including the internal disciplinary rules of the pre-trial detention facility, and creates for them an opportunity to inform their close relatives or other persons interested in contacting them about detention.

Detainees are provided with free food, material and medical services while in custody.

Detainees undergo a medical examination within 24 hours of being admitted to the temporary detention facility. An arrested or detained person shall be immediately called for a medical examination if he becomes ill or injured. The results of the medical examination are registered and submitted to the person and, in case of appeal, to his/her lawyer.

Pursuant to the Articles 12.1.4 and 19.7 of the Law, the right to be provided with the opportunity to inform his close relatives or other persons of legitimate interest to contact him by telephone immediately after his arrest shall be ensured. At the same time, according to Articles 15.2.6 and 19.7 of the Law, detainees have the right to talk on the phone twice a week for up to 15 minutes.

The national legislation does not impose any restrictions on the number or duration of meetings of persons arrested and convicted for receiving legal assistance in penitentiary institutions with lawyers, as well as with other persons entitled to such assistance. In order to ensure the confidentiality of these meetings, special lawyer rooms with the necessary conditions were organized and put into operation in penitentiary institutions. Necessary conditions shall be created for lawyers applying for legal assistance in order to exercise their rights.

At the same time, their telephone conversations and correspondence with lawyers are carried out unsupervised.

Employees involved in the initial training courses at the Academy of Justice are entitled to the European Convention on Human Rights, the UN Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment, its essence, and the obligations of States Parties, "Conducting service inspections in the penitentiary system", "Concept and importance of international standards for the treatment of prisoners, European Penitentiary Rules", "Human rights in the field of national legislation", "Human rights in the international sphere", including the study of the Istanbul Protocol, which provides for the investigation and documentation of punishment, torture, inhuman and degrading treatment.

In accordance with the requirements of the criminal procedure legislation of the Republic of Azerbaijan, the procedural supervision of the investigative bodies of all law enforcement agencies of the republic is implemented by the prosecutor's office. In this regard, criminal procedural rights of the suspects or persons detained or arrested by the prosecutors in charge of the procedural aspects of the investigation, or to the persons subjected to other procedural measures or to the accused persons during 01.01.2018 and 01.07.2020, while

providing them with the adopted decisions or written or drawn up records, immediate defense by the defense council (except the cases, when the defense council is waived under the law), providing them with unlimited time to meet their defense council in private, explanation of the procedural rights and duties, providing them with the full presence of interpreter in appropriate cases were protected and attempts to admit the procedural violations against them were prevented.

Detention as a suspect in criminal cases under investigation of the State Security Service (SSS), as well as indictment of the accused are recorded in all cases in accordance with the procedure established by law, and their rights to have the assistance of defence counsel from the moment when the suspect or accused has been arrested, detained or, until the first interrogation as a suspect or from the moment the accused is charged, to receive written notification of his (her) rights, to be given him (her) adequate time and opportunity to prepare his (her) defence, to be defended personally or through the defence counsel of his (her) choice or, if unable to pay for defence counsel, to receive free legal aid are ensured.

Detained and arrested persons are medically examined by the medical service operating in the facility within 24 hours of their admission to the temporary detention facility and remand facility, a medical booklet is opened, psychological assistance is provided by a psychologist, medicine for them are provided free of charge and they are being hold under constant medical supervision. Medical examination is carried out by medical staff alone without the participation of other persons. In case of doubt about the health of the admitted persons, they are sent for X-ray examination, and if tuberculosis, infectious and other diseases are registered, taking necessary measures they are immediately transported to the Medical Institution of the Penitentiary Service of the Ministry of Justice. If any necessity occurs all medical staff of SSS and, if necessary, specialists of other medical institutes are involved in the medical examination or treatment of the detainees. The healthcare staff of temporary detention facility and remand facility consists of a doctor and a nurse.

Detainees are provided with decent conditions for private meetings and confidential communication with their lawyers without any restrictions of time or number of meetings.

According to the law "On provision of rights and freedoms of detainees" detained and arrested persons' close relatives or other persons, contacting whom would be of legal interest to them are immediately informed after they are brought to the detention.

According to the Decision "On confirmation of the internal disciplinary rules of detention facilities" the detainees' right to meet with family members 4 times a month for up to 4 hours, to make phone calls twice in a week for up to 15 minutes, to apply with proposals, complaints, applications and letters to State agencies, public organizations, the Ombudsman and other officials are ensured.

- *Progress in setting up systematic audio and video recording of all interviews, including initial questioning by operative officers:*

In accordance with the requirements of Article 51.1 of the Code of Criminal Procedure of the Republic of Azerbaijan, the course and results of procedural actions in criminal prosecution must be reflected in the protocol and other written documents, as well as in photographic negatives, photographs, slides, audio recordings, phonograms, video filming and filming, in tapes, plans, diagrams, copies and prints, drawings, electronic and other media attached to them as integral parts. Additionally, in accordance with the requirements of the criminal procedure legislation, audio recordings, video filming and filming can be made during interrogations as well as during other investigative actions by the investigative body, but only in case if they are registered.

Therefore, audio-recording, video and filming of interrogations or other investigative actions by the bodies conducting the preliminary investigation on their own initiative or at the request of the participants of the investigation using various technical means has increased.

The structural units of internal affairs bodies are equipped with modern audio, photo and video recording equipments in order to use in carrying out criminal-investigation measures, procedural activities, including interrogation investigative actions. The use of these technical means is defined in the national legislation as the right of the relevant authorized officials. It's mandatory to use video recording only in the course of a search or seizure without the presence of witness of inquest. The video recording is not allowed if it is necessary to undress a person during the search and seizure.

Preliminary operational-investigative measures in criminal cases under investigation by the State Security Service, including the interrogation of suspects and accused persons or witnesses, on-site verification of their testimonies and, if necessary, other investigative actions are being registered in accordance with the requirements of the Criminal Procedure Code of the Republic of Azerbaijan using video recording and are attached to the materials of the criminal case.

Statistics on release from punishment

As a continuation of the humanization policy, 1,241 convicts (including 2 persons sentenced to life imprisonment) were released from their sentences by pardon orders in 2018-2020, and the sentences of 3 persons sentenced to life imprisonment were replaced with imprisonment for a determined term.

The application of the institution of parole has been widely covered, and 5.474 prisoners have been released since 2018.

Reasons for release from punishment	2018	2019	2020	Until 01.11.2021
Pardon	634	431	176	625
parole order	1859	2140	2072	1391
The sentence was replaced by a lighter sentence	8	4	2	6
on other grounds provided by the legislation	471	30	69	32
due to a serious illness	9	14	11	5

At the same time, as a result of amendments to the Criminal Code of the Republic of Azerbaijan in 2017 and 2020, a number of criminal acts provided for in the Code were decriminalized, as well as the terms of imprisonment were reduced as a result of classifying the actions of some convicts with lighter articles. During this period, 2168 people were released from prison, 3490 people had their sentences reduced, the sentences of 47 people were commuted to lighter sentences. The implementation of the Law on the amendments made to the Criminal Code on 01.05.2020 continues.

(State Security Service) The official activity in the temporary detention facility and remand facility of State Security Service is organized according to the Constitution of the Republic of Azerbaijan, international treaties, to which the Republic of Azerbaijan is a party, the Codes of Criminal, Criminal Procedure and Penal Execution of the Republic of Azerbaijan, the law of the Republic of Azerbaijan "On provision of rights and freedoms of detainees" and other legislative acts.

Detained or arrested persons are held in temporary detention facility in cases and within the terms established by the Code of Criminal Procedure and the law "On provision of rights and freedoms of detainees", and detained are held in remand facility for the period established by the Code of Criminal Procedure.

During the current year, the International Committee of the Red Cross, Azerbaijan Committee Against Torture and The Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) has conducted one monitoring in the temporary detention facility and remand facility of SSS, and the working process of staff was positively evaluated. Any cases of torture or ill-treatment have not been revealed during the monitoring.

- Changes introduced to the legislative framework for imprisonment since 1 June 2018:

According to the amendments made to Article 171 of the Code of Execution of Punishments by the Law of the Republic of Azerbaijan of October 12, 2018, parole of persons sentenced to life imprisonment after the expiration of the term established by the Criminal Code and or in the event that the court rejects an application to commute the sentence to a term of imprisonment, the re-application may be considered one year (six months in the previous edition) from the date of the decision to reject it.

In addition, Part 2 of the Presidential Decree No. 604 of April 3, 2019 "On deepening reforms in the judicial system" instructed to develop relevant draft laws to continue the measures to humanize the penal policy and decriminalization of crimes. In accordance with the Law of the Republic of Azerbaijan of May 1, 2020, about 200 different amendments were made to the Criminal Code to fulfill this task.

Under the new law, 35 acts are decriminalized either completely or partly, by increasing the criminal liability limit, some crimes were exempted from criminal liability on the condition of reconciliation with and compensation for the victim; to reduce the use of imprisonment, alternative punishments were introduced to the sanction of 30 articles, including fines, correctional labor and restriction of liberty, and punishments for crimes against military service were made more lenient.

The changes were mainly related to the reduction of the use of imprisonment, giving preference to alternative punishments, i.e. those that are not related to the isolation of the convict from society. Thus, a number of articles of the Criminal Code have added alternatives to the sanctions of imprisonment for criminal offenses, such as fines, correctional labor and restriction of liberty, and reduced the limits of imprisonment.

A new legal institution has been added to the Criminal Code to reconcile the victim and exempt him from serving the sentence of full compensation for the damage caused by the crime or the income received. Thus, according to the new Article 80-1, a number of crimes against property, economic activities, as well as violations of traffic rules and operation of vehicles (Article 263) provided for in the Criminal Code (Article 263), court verdicts, decisions or other Persons convicted for non-execution of acts (Article 306) shall be released from punishment, including penitentiary institutions, by reconciling with the victims and fully compensating for the damage or income received as a result of the crime.

Pursuant to the transitional provisions of this Law, persons convicted before the entry into force of this Law and currently serving their sentences for acts that are not considered a crime shall be released from punishment. They, as well as persons previously convicted and sentenced for acts not considered a crime by this Law, shall be deemed not to have been convicted. At the same time, if the situation of persons who have been convicted and are currently serving a sentence before the entry into force of the Law, but whose conviction is improved by that Law, the court or the court where the convict is serving, on the basis of the application, will be considered in the order of execution of the verdict or other final decisions of the court provided by the Code of Criminal Procedure of the Azerbaijan Republic.

The new law also terminates criminal cases and materials pending before courts, pre-trial investigation or inquiry bodies on the grounds of exemption from criminal liability or the initiation of criminal proceedings in connection with the entry into force of a new law, or refuses to initiate a criminal case, or the question of whether these actions lead to administrative liability should be investigated.

- *Progress in combating ill-treatment and inter-prisoner violence*

Persons detained in penitentiary institutions shall be supervised in accordance with the requirements of the legislation. From the day prisoner is admitted to the institution, he is explained that he must respect the requirements of the Internal Disciplinary Rules, the rules of coexistence, and is informed of the responsibility for violating these rules. An employee of the educational service organization to which he is assigned shall prepare a plan of correctional measures for that convict and implement it in sequence. Preventive and other measures are taken to prevent violence among prisoners. Every appeal or information about the threat to the life and health of the convict shall be immediately investigated and the convict's safety shall be ensured.

If the life, health or identity of a convict is endangered by other convicts or other persons, he / she shall be immediately transferred to a special, isolated and guarded room located on the territory of the penitentiary institution. If the threat is not eliminated, the prison administration shall take other real measures to ensure the safety of the prisoner. One of such measures is the transfer of a convict from one penitentiary institution to another, but with the same regime.

Prisoners prone to violence against other prisoners shall be taken under control. If violations of the internal disciplinary rules of the enterprise are identified in their actions, the disciplinary measures provided for in the legislation shall be applied to them. Convicts who violate these rules in a biased manner may be transferred to prison by a court decision.

Information on cases of violence by prisoners is reported to the Ministry of Justice and the Penitentiary Service, and the materials of the preliminary investigation are sent to the relevant law enforcement agencies for legal assessment.

From 01.06.2018 to the end of that year, 29 cases of infliction of injury to each other were registered on the basis of disputes between convicts and arrested persons, 26 cases in 2019 and 5 cases in the first half of 2020. The documents collected in connection with the above-mentioned cases were sent to the relevant prosecutor's office and police, and in 2018, criminal proceedings were instituted on 4 facts, and in other periods, the initiation of criminal proceedings was refused.

At present, 2,761 convicts serving sentences in penitentiary establishments are involved in compulsory medical measures for drug treatment. According to the amendments to the Criminal Code and Penitentiary Code of the Republic of Azerbaijan, persons involved in compulsory drug treatment and those whose treatment has not been completed have the opportunity to be released on parole. After their release, they are treated under the supervision of a probation officer.

The detainee is examined by medical staff immediately after entering the pre-trial detention facility. The results of the medical examination, including the injuries found or their traces, shall be registered and reported to the Ministry of Justice and the Penitentiary Service. Complaints of torture and inhuman or degrading treatment, as well as written information about allegations of torture and inhuman or degrading treatment during a medical

examination, shall be reported to conduct appropriate investigation to the prosecutor who led the preliminary investigation.

From the first day of their admission to the pre-trial detention facility, conditions shall be created for the detainees to exercise their rights provided for in the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Detainees". In addition to providing them with the necessary utilities, they have the opportunity to provide information to family members or a person of legitimate interest to them. Arrested persons are provided with conditions for confidential meetings with their family members, their lawyers without any restrictions on the number and time, and their correspondence is ensured in accordance with the procedure and in the manner prescribed by law.

- *Current situation regarding prison staff (complement, gender balance, training, salaries):*

Issues related to the social protection of penitentiary service employees have always been in the focus of the state leadership. On June 18, 2019, the President of the Republic of Azerbaijan signed an Order on increasing the monthly salaries of the staff of the Penitentiary Service and the Main Medical Department of the Ministry of Justice by an average of 40 percent.

In order to increase the service and professional training of penitentiary service employees, to inculcate professional skills, the newly recruited middle management staff is involved in the initial training courses at the Justice Academy, and the junior management staff at the Training Center. At the same time, employees are involved in compulsory professional development courses during their service.

The training courses cover topics related to service training, as well as the European Convention on Human Rights, the UN Convention against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment, its essence, and the obligations of States Parties.", "Understanding and Importance of International Standards for the Treatment of Prisoners, European Penitentiary Rules", "Human Rights in National Legislation", "International Human Rights ", as well as the effective use of torture, inhuman or degrading treatment or punishment. The Istanbul Protocol, which provides for research and documentation, is being taught.

All employees of the penitentiary service are trained in service and vocational training in accordance with the annual approved curriculum.

Within the framework of the "Additional Support to Penitentiary Reforms in Azerbaijan" project implemented jointly with the Council of Europe and the European Union, international experts conducted trainings with prison staff on the topic "Primary health care" and "Health promotion and preventive measures in prisons".

In accordance with the mutual agreement with the International Committee of the Red Cross in Azerbaijan, seminars-trainings on "Health care in penitentiary institutions",

"Increasing the effectiveness of rehabilitation services", "Improving the efficiency of parole and rehabilitation services" were held in penitentiary institutions.

- *Progress in reforming and improving the level of prisons health care*

Ensuring the equivalence of healthcare services provided in the Azerbaijani penitentiary institutions to those of the country's health services is a priority issue and is the basis of the activities of the Medical General Department (MGD). The basis for this is the strengthening of the material and technical provision of healthcare services and the continuous improvement of the knowledge level of doctors in line with modern requirements.

The training of staff to work in penitentiary institutions at the Azerbaijan Medical University (AMU) since 2009 has had a significant impact on meeting the staffing needs of the medical service in recent years. Since the first graduation in 2015, 86 AMU graduates have been employed in the medical service of penitentiary institutions. Currently, 19 graduates are being recruited. At the same time, various announcements are regularly made in various media outlets and official websites and other complex measures are taken to recruit staff. However, it should be noted that the psychologically tense environment caused by the specific features of penitentiaries reduces the motivation of medical staff to work here, leads to staff loss and is a major factor that negatively affects the staffing. On the other hand, due to the national characteristics, the female nurses who apply for employment often reject the offer to work in penitentiary establishments.

Medical care is available to every prisoner in penitentiaries. Each penitentiary institution has a Medical and Sanitary Unit (MSU). Preliminary examinations, periodic examinations and outpatient treatment of prisoners are carried out here. All MSUs (with the exception of educational institutions) have inpatient wards, where patients with mild conditions requiring short-term treatment receive inpatient care. MSUs have dental offices equipped with modern medical equipment. Medical and sanitary units of most penitentiary institutions have been reconstructed and repaired. New MSUs have been opened in the Baku Pre-trial Detention Facility and the Sheki Penitentiary Establishment.

Also, in order to provide specialized medical assistance, there is the Specialized Treatment Facility (STF), for prisoners with TB, and the Multidisciplinary Treatment Facility (MTF). These facilities house departments of various profiles.

In order to improve the quality of medical services provided in penitentiary institutions, to ensure their equivalence with the country's health services, the leading institutions of the Ministry of Health are involved in the examination and treatment of detainees and convicts; in complicated clinical and diagnostic cases, the technical and specialist resources of the country's healthcare system are being widely utilized. Doctors working in subordinate medical institutions have the opportunity to call through the MDG specialists from civilian medical centers and use their assistance in the examination and treatment of the special contingents. The quality of medical services provided to prisoners in penitentiary institutions in Ganja, Sheki and Salyan has been strengthened by establishing relations with the central hospitals in those cities. If necessary, prisoners can be taken to a civilian hospital or specialists may be invited to the facility without delay. The children's polyclinic, located

near the female penitentiary, provides medical and preventive care to infants living with their sentenced mothers.

In total, during 2014-2019, more than 1,500 prisoners underwent various instrumental examinations, consultations, surgeries and other medical measures in the civil sector, including computer tomography, magnetic resonance imaging, ophthalmology and various examinations (endoscopy, bronchoscopy, electroencephalography, etc.) were performed on more than 580 prisoners. Leading specialists of the Republic also provide consultations and perform surgical operations in medical institutions.

The above facts confirm that adequate medical care is provided to convicts and detainees in Azerbaijani penitentiaries.

At the same time, it is stated that psychiatric care is provided to prisoners in penitentiaries, and this service is now available to every prisoner. Psychiatrists and narcologists working in TSHs provide primary psychiatric care.

Persons in need of inpatient psychiatric treatment are treated in the psychiatric unit of Medical Institution and, if necessary, are consulted by psychiatrists of the Ministry of Health, and treatment is carried out under their supervision.

During the inpatient treatment process, when developing a treatment plan to provide psychotherapeutic care to the mentally ill, each patient is treated individually, non-pharmacological treatment methods are used, and a clinical psychologist is involved in the treatment process.

To improve the quality of psychiatric care and apply modern approaches, MDG uses the opportunities of joint projects with international organizations.

A "labor therapy room" has been set up in the psychiatry unit as part of the Council of Europe and the European Union's ongoing "Support to Penitentiary Reform in Azerbaijan" project.

The project also set up a "room" in the psychiatric unit of the Medical Institution to isolate persons with acute mental disorders and sudden danger of injury to themselves and others, and prepared and distributed guidelines on standards of restrictive measures for the legal regulation of detention.

In accordance with the project action plan, international experts conducted trainings on various topics, including "Mental disorders, suicide prevention, addiction to psychoactive substances", "Emergency management in psychiatry", "International standards for the treatment of drug addiction" and others.

In 2017, the International Committee of the Red Cross (ICRC) and the Medical Department General (MDG) launched the project "Protection of mental health in penitentiaries." As part of the project, the ICRC psychologist, together with the Department's psychiatric staff, began to develop and strengthen practical skills for the active detection of mental and

psychological problems in each detainee. The aim is to organize psychiatric counseling of people who have been found to have injuries or traces of injuries, regardless of the time of the initial medical examination, and to provide ongoing conversations with a psychologist if no mental pathology is detected. Also, in accordance with the activities of this project, training seminars on relevant topics are held for psychiatrists and other qualified doctors working in penitentiary institutions. Currently, the project is continuing successfully.

In the current situation, the issue of transferring medical services in penitentiary institutions to the Ministry of Health is not expedient. In the post-Soviet space, this practice has been used in Georgia and the Republic of Moldova and has not been very successful.

The integration of medical services in penitentiaries into the Ministry of Health is a gradual process. At present, medical services in penitentiaries operate in close cooperation with the Ministry of Health.

II. On the implementation of recommendations reflected in the preliminary observations made by the delegation of the European Committee for the Prevention of Torture (CPT) regarding its visit to Azerbaijan on 11-22 December 2020

During the visit on 11-22 December 2020, the CPT delegation was granted unimpeded access to the Baku pre-trial detention facility, pre-trial detention facility No. 3, Penitentiary Facility No. 4, Correctional Facility for Juveniles, as well as the Gobustan Prison, under the authority of the Ministry of Justice; having been received by the management of penitentiary institutions a working cooperation was established and necessary conditions were created for the Committee to carry out its activities.

On 22 December last year, a delegation led by the Committee's President held a meeting with the Minister of Justice in a video-conference format regarding the results of the CPT's periodic visit and presented its preliminary observations. During the meeting, the delegation was informed about the work done in relation to the 3 April 2019 Decree "On Deepening the Reforms in the Judicial and Legal System", signed by the Head of State in order to advance the process of administration of justice, which is highly praised within the community, as well as about the implementation of 20 October 2017 and 1 May 2020 Laws decriminalizing a number of criminal acts, the expansion of application of non-custodial sentences, and probation activities; discussions were held on the implementation of the Committee's recommendations, clarifications were provided on a number of issues. The CPT delegation was also informed about the changes and innovations in the penal policy.

Although no cases of ill-treatment or torture of prisoners were reported in the CPT's preliminary observations, it was noted that such cases did occur in the Penitentiary Facility No. 4, where female convicts are held, that the conditions of detention were unsatisfactory, and that there were signals of violations of the law and corruption offenses in their transfer to punishment cells and in the application of special means. At the same time, taking into account that inter-prisoner violence continued at Gobustan Prison, the situation of persons sentenced to life imprisonment has not changed compared to previous visits, the secondary school at the Correctional Facility did not operate for a long time during the pandemic, and parents had difficulty coming to the Correctional Facility for meetings, the Committee

members recommended to hold classes and meetings online.

Regarding Penitentiary Facility No. 4, please, be informed that the shortcomings and violations found during the CPT's periodic visit in 2020 were perceived by the Ministry's leadership as a worrying signal; immediately after the meeting with the delegation, on the instructions of the Minister, the activity of the Facility was thoroughly inspected by the officials of the relevant structural units.

During the inspection, shortcomings and violations were found in the activities of the Facility, in the protection of the rights of convicts, in provision with material and household supplies, in bringing them to disciplinary responsibility, and in the application of special means. In this regard, the Director of the Facility and his two Deputies were dismissed due to violations in the performance of official duties.

In the past period the Facility's leadership was strengthened (management of Penitentiary Facility No. 4 was entrusted with an experienced and professional Director of the Correctional Facility), appointments were made to the deputy director and other important positions, and all employees were strongly warned to refrain from torture, ill-treatment, and other degrading treatment. By the instruction of the Minister of Justice, activities of the Penitentiary Facility No. 4 and the Correctional Facility are kept under the strict supervision.

At the same time, in order to further ensure the rights of prisoners, representatives of the International Committee of the Red Cross, the National Preventive Mechanism Group of the Ombudsman, and the Public Committee were encouraged to intensify their visits to Penitentiary Facility No. 4 and to the Correctional Facility this year in comparison with previous years.

In the framework of the "Additional Support to Penitentiary Reforms in Azerbaijan - 2" project, jointly implemented by the European Union and the Council of Europe in 2019-2021, the efficient management of penitentiary facilities and the introduction of dynamic security measures is envisaged, which shall enable Facilities' directors to approach human rights with respect and being in close contact with prisoners, to learn and address their needs in real time. Penitentiary Facility No. 4 was included in this project as a pilot body.

In addition, in order to ensure the rights of women prisoners and provide them with appropriate legal assistance, in February-March of this year, meetings were organized with the participation of responsible officials of the Ministry of Justice, members of the Bar Association of the Republic of Azerbaijan, the "Hopeful Future" Social Initiatives Public Union, and other civil society organizations, and psychologists; prisoners' concerns were clarified and advices were given. Experienced lawyers of the Bar Association held free meetings with women prisoners, provided them with legal assistance, and such meetings receptions will continue to be held every month.

Within the framework of these measures, psychological rehabilitation was organized for female prisoners, lectures were given on increasing prisoners' self-esteem, group therapy to support development, improving their emotional and psychological state and other topics, psychological conversations were held.

In addition, having kept health protection and hygiene of prisoners in the center of

attention, and on the eve of Women's Day on 8 March, the staff of an aesthetic clinic based in Baku provided free cosmetology services at the Facility.

The measures taken and the work done were received with satisfaction and gratitude by prisoners and their relatives. It should be noted that in the last two months, there were no serious violations of the regime by convicts, there were no cases of the use of special means and transfer to a punishment cell.

Measures to provide female inmates with free-of-charge hygiene items and pampers for the infants, and to provide access to the toilets and showers for disabled prisoners: immediate measures were taken to implement these recommendations of the Committee members, relevant repair and reconstruction works were carried out at the Facility, sanitary facilities and shower cabins were renovated, and favorable conditions were created for disabled inmates. Although it is not foreseen in the relevant normative-legal acts, free hygienic means and pampers for children were provided to female prisoners at the expense of the state funds allocated for the maintenance of the Penitentiary Service in 2021.

In connection with the amendments to the 25 September 2001 Decision of the Cabinet of Ministers of the Republic of Azerbaijan "On approval of food and material norms for convicts", a proposal was prepared to add hygiene items for women to these norms.

During the repair works facades of the residential buildings were painted with light colors in order to eliminate psychological tension between convicts and employees, roofing of the 600 square meters dormitory area was changed, electric wires and distributors were replaced with new high-quality materials, a water heater was provided for the use of convicts in the food court, while in sanitary junctions, constant supply of hot water in hand-washing facilities was ensured. Moreover, the laundry area of the Facility was expanded, the number of telephone booths was increased by laying an additional telephone line to the telephone conversation room, new furniture sets were installed in the barbershop and dish-washing areas. The room of the Facility's psychologist underwent major refurbishment.

Near the Facility's entrance, a waiting room and a parcel-reception room were built for the visitors, as well as a parking lot was set up.

Combating corruption cases: special attention was paid to increasing transparency in the activity of the Penitentiary Facility No. 4, applications and complaints related to abuse of office, corruption and ill-treatment in the penitentiary system are thoroughly investigated and corresponding measures are taken (this year, no such complaints were received in relation to the Facility). In addition, remittances to prisoners, as well as salaries of convicts working in the Establishment are transferred to their personal accounts, food and household supplies are not sold for cash at the kiosk, payments are made by transfer.

During the inspection, no credible evidence was obtained of prisoners being obliged to pay for telephone calls, parcels, and showers, and of staff stealing certain items from parcels sent via post or given during the meeting. Items sent in the parcels are being listed, the convict accepts them based on the said list by signing, and the daily control is organized over this process.

Long-distance telephone calls are paid by prisoners at their own expense or by their close

relatives.

Employment of prisoners: It shall be noted that after the visits, the number of jobs in the Facility was increased, a new confectionery production workshop was opened, where it is planned to employ about 30 prisoners.

During the inspection, no cases were found of convicts being involved in production, farming and household services, as well as individual labor without pay. The convicts have not filed any complaints in this regard to the Ministry or other authorities.

As for the remarks about the work done *against the COVID-19 pandemic* in Penitentiary Facility No. 4, it shall be stated that during the inspection no complaints were received from prisoners regarding medical care.

Taking into consideration the work done to prevent the spread of coronavirus infection in the Facility, as well as the fact that most employees are women, and taking into account their family situations, their involvement in scheduled weekly shifts without leaving the Facility was not considered expedient.

However, taking into account the risk of transmission of COVID-19 by newly arrested persons and staff in penitentiaries, all pre-trial detention facilities and penitentiary establishments had been switched to a working regime in shifts; each employee, convict and detainee is allowed to enter penitentiary facility only after PCR testing. All employees of the Service were obliged to behave in a socially responsible manner, to follow personal hygiene rules, to use medical masks, not to come into contact with other people without special necessity, and to be responsible in this regard, while daily control was organized over these issues.

As in all penitentiary institutions, intensive disinfection works are conducted in Penitentiary Facility No. 4 as well, daily thermometry of staff, prisoners and other persons entering the penitentiary establishments (lawyers, investigators, doctors, etc.) is carried out, checkpoints and relevant places are provided with sanitary-hygienic means, and campaign materials are disseminated through extensive awareness-raising measures.

Regarding the construction of new penitentiary facilities, the reduction of number of prisoners and the elimination of overcrowding in facilities

Regarding the construction of new penitentiary establishments, according to the Executive Order of the President of the Republic of Azerbaijan of 26 February 2021, necessary funds were allocated to the Ministry of Justice for the completion of the construction in Baku of the Penitentiary Establishment No. 4 (for women) and the Correctional Establishment (for juveniles) as well as for the construction of relevant infrastructure, at the expense of state investment costs provided for in this year's state budget.

In this regard, following the CPT recommendation construction and installation works were intensified to complete the construction of the penitentiary complex in Zabrat Settlement. To this end consultative meetings were held with the participation of relevant contractors, a schedule for logistics and creating modern infrastructure was drawn up and approved, while relevant persons were put in charge of the execution to speed up the process. As it has been informed it is planned to complete the construction of these establishments and hand them

over in the second half of December this year. Within a week after the opening of the complex, it is envisaged to relocate both establishments there so that they start operating in the first days of 2022.

As regards to the Gobustan Prison, it should be noted that there was an active prison in Shusha, Garabagh, but following its occupation the Gobustan penitentiary facility had to be transformed into a prison establishment. Currently, a new prison is being built in Umbaki Settlement of Garadagh District for the purpose of relocating the Gobustan Prison, and 70% of the construction and installation works have already been completed. Taking into account the CPT recommendations, the Government was requested to allocate funds to the 2022 State Investment Program of the Republic of Azerbaijan, to be approved at the beginning of 2022, for the completion of the construction of the Gobustan Prison. Once the funds are received, construction works at the establishment shall be finalized by the end of next year.

At the same time, in order to bring the detention conditions in penitentiary establishments in line with international standards, including 4 m² per inmate, dormitories, canteens, showers, meeting rooms, medical-sanitary units, and utility rooms of all establishments were overhauled, in some establishments the heating and water supply were upgraded, gas and water lines were laid. Also, new asphalt was laid on large areas at the establishments, old doors, windows, and floors were replaced with new ones, and new meeting and waiting rooms were set up in a number of establishments.

As it is known, new penitentiary establishments are being built in Ganja and Lankaran, which will serve to the significant reduction of overcrowding in current penitentiary establishments and pre-trial detention facilities.

In connection with the reduction of the number of prisoners and the elimination of overcrowding in penitentiary establishments, it shall be stated that continuous measures are being taken in this direction. As a result of the implementation of the laws of 20 October 2017 and 1 May 2020 on the decriminalization of a number of crimes, over the past 3 years, 2,168 sentenced persons were released from punishment, 3,490 convicts' sentences were reduced. During that period, 7,000 sentenced persons were released on parole or transferred to open-type penitentiaries.

During the pandemic, the remand decisions against more than 1,700 accused persons were replaced with other alternative detention measures by the courts and investigative authorities.

Within the same period, 3 pardon acts signed by the President covered over 1,200 prisoners.

Taking into account that there is also a long-standing trend in Azerbaijan to adopt amnesty act, this very issue is currently under consideration.

On the Correctional Facility: Taking into account the CPT's recommendations concerning secondary school not operating for a long time during the pandemic and parents having difficulty coming to the Correctional Facility for meetings, appropriate conditions were

created, as an exception, for online meetings with juvenile prisoners' parents; convicts and their parents were notified about this. The requests of those who applied for such meetings have been fulfilled, and work is underway in this area.

In accordance with the Decision of the Cabinet of Ministers "On additional measures to organize the activities of educational institutions operating in the territory of the Republic of Azerbaijan during the special quarantine regime" and the relevant Order of the Ministry of Education, since 1 February ordinary education was partially continued in general education institutions subject to quarantine rules. In this regard entry of teachers to the Establishment is organized by ensuring the relevant epidemiological safety rules. Furthermore, for the purpose of conducting classes online, necessary equipment and software were installed at the Correctional Facility. Proposals have been prepared to amend the relevant legislation in order to allow online meetings with prisoners and to organize educational processes in that manner.

At the same time, at the initiative of the Ministry, foreign language (English), literature, computer, and culinary courses were organized at the Correctional Facility, with the involvement of teachers of the Azerbaijan University of Languages, justice volunteers, and other civil society representatives.

Also, starting this year, in collaboration with the Azerbaijan Office of the United Nations Children's Fund (UNICEF), it is planned to take measures for the psycho-social rehabilitation of juvenile convicts, and a draft action plan is being prepared to this end.

Taking into account the CPT's recommendations made during its previous visits with regard to persons serving life-imprisonment sentences, it should be noted that in recent years legislation has been amended to humanize the enforcement conditions in respect of life-sentenced prisoners, while their detention conditions have been significantly improved. Thus, the procedures for opening cells have been simplified, by taking security measures, in order to provide medical care to convicts in the prison during night hours, and the calling of ambulance brigades is provided; cells previously used as single cells in regime blocks were decommissioned; a new provision was added to the legislation on the right of prisoners to receive free psychological assistance; and relevant amendments were made to the Enforcement of Sentences Code in connection with the electronic determination of pensions and allowances for convicts.

Taking into account the Committee's proposals, the new facility's project for life-sentenced prisoners, being built in Umbaki Settlement of Baku City, was changed fundamentally, in order to enable prisoners to spend part of the day outside the cell, special yards for walking and exercise will be set up near each building wherein they will be held.

A Working Group consisting of representatives of the Supreme Court, the General Prosecutor's Office, and the Ministry of Justice of the Republic of Azerbaijan was established to carry out early conditional release of life-sentenced prisoners and to improve these procedures, their social adaptation, as well as to eliminate the problems encountered. The Working Group, taking into account the case-law of the European Court of Human Rights, is preparing proposals for the establishment of concrete criteria and a common practice regarding parole or commutation in respect of life-sentenced persons. At the same time,

working relations were established with the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan, aiming to address, in accordance with the legislation, legal, economic, organizational and socio-psychological issues related to the adaptation of persons released from serving sentences, including lifers.

Regarding violence among prisoners, it shall be noted that legislation does not provide for prisoners to exercise the powers of prison staff. In penitentiary establishments convicts were not tasked to supervise other convicts, no such cases were discovered during the inspection, and no complaints have been received by the Ministry in this regard. However, considering that such cases cause serious concern among prisoners and taking into account the CPT's recommendations, strict control has been organized over this issue.

Also, according to the current legislation, in their relations prisoners must act politely toward other prisoners. At the same time, if life, health or integrity of a convict is endangered by other convicts or other persons, he/she has the right to appeal in writing or verbally to the administration of the penitentiary facility to ensure his/her safety. The facility's administration shall ensure that the convict is transferred to a safe place or other measures are taken to eliminate the danger.

These issues are kept under strict control.

In connection with health-care staff preventing ill-treatment, it shall be noted that initial medical examination of prisoners, medical recording in case of injuries and damage, and forwarding of information to the supervising authorities are regulated by normative-legal documents. Relevant orders have been issued by the Ministry's Medical Department General to implement this. Medical personnel do not take part in placement of prisoners in punishment cells, but they are visited on a daily basis and provided with medical assistance if necessary. The heads of all penitentiary facilities have been required to inform the Head of the Medical-Sanitary Unit about transfer of prisoners to the punishment cell as a disciplinary measure.

As for the visited facilities being understaffed, it shall be noted that currently the number of staff in these establishments does not create difficulties in organizing and conducting the service. In addition, proposals were prepared to improve the structure of the Penitentiary Service and for more efficient use of staff, executing paragraph 5 of the Work Plan of the Ministry of Justice for the 1st half of 2021.

Regarding remarks about inmates with psychological and addiction issues in the facilities, it shall be informed that psychiatric care is available to persons with psychiatric pathologies held in penitentiaries, while a service area has been set up for this purpose. All facilities employ psychiatrist narcologists, while the Treatment Facility has the Department of Psychiatry with qualified psychiatrists. Leading psychiatrists from the Ministry of Health are also involved in this work as consultants.

Effective cooperation is being conducted with regional and international organizations to improve psychiatric care in penitentiaries. Thus, within the framework of the ongoing "Support to Penitentiary Reforms in Azerbaijan" project of the Council of Europe and the European Union, a "Labor Therapy Room" was set up in the Psychiatric Department of the Treatment Facility. In addition, special detention conditions have been created to

purposefully isolate those who pose a threat of sudden injury to themselves and others in cases of severe mental disorder, and a Draft Instruction has been developed with the Council of Europe experts to ensure legal regulation of detention therein.

Also, in collaboration with the International Committee of the Red Cross (ICRC), implementation of the "Protection of mental health in penitentiary establishments" project was commenced in 2017, under which an ICRC psychologist, together with local specialists, have worked to establish and strengthen practical skills for actively detecting mental and psychological problems in each person admitted to detention facility. Regardless of the time of incurring, persons with injuries or traces of injuries, discovered during initial medical examination, are taken under monitoring and their psychiatric consultation is organized, and in the absence of mental pathology, regular conversations with a psychologist are provided.

Also, within the framework of these and other projects, the needs of a number of facilities are studied and trainings on various psychological issues are held by foreign experts.

Regarding remarks about mentally disturbed prisoners, it shall be informed that prisoners with mental disorders with changes observed in their health are being sent, in a planned order, to the Treatment Facility for examination and treatment. It is not allowed to keep convicts with mental disorders and insanity in punishment cells for long periods.

As for short-term application of handcuffs to prisoners, it shall be stated that specially equipped cells, with conditions different from punishment cells, have been set up for the temporary detention of convicts prone to suicide and self-injury. According to the relevant legislation, the leadership of the Ministry of Justice and the Penitentiary Service shall be informed about every fact related to the use of special means, including handcuffs, and an official inquiry shall be conducted.

Existing legislation provides for the use of special means against sentenced and arrested persons only in cases of extreme necessity or protection, when the use of all other means of influence does not produce the desired result, and depending on the severity of the offense or the identity of the perpetrator.

In this regard, following the visit of the CPT, the heads of all penitentiary facilities, commanders of security and convoy battalions were again obliged, via an official letter, to apply security measures and special means in the penitentiary system in strict compliance with the law, only when necessary, for a short time and in exceptional cases, to inform and inquire into each fact, and to report the results without delay.