



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 20 to 30 November 2006

The Azerbaijani Government has requested the publication of this response. The CPT's report on the November 2006 visit to Azerbaijan was published in April 2017 and is set out in document CPT/Inf (2017) 12.

Strasbourg, 18 July 2018

Note: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

I N F O R M A T I O N

on the commentaries of the Republic of Azerbaijan on the draft report of the European Committee for the Prevention of Torture (CPT) on the second periodic visit to Azerbaijan

With regard to paragraph 12:

The cases like the violation of the detention period observed at temporary detention center of the Sumgayit City Police Department have been removed.

New temporary detention centers that meet modern standards have been built for the Ministry of Internal Affairs of the Nakhchivan Autonomous Republic and the Sharur District Police Division and taken into use.

At present regional investigatory detention centers of the Ministry of Justice are under construction in the Nakhchivan Autonomous Republic, and the cities of Shaki and Lankaran.

With regard to paragraphs 14 and 15:

Concerning the extortion of money by the employees of the Main Department for Combating Organized Crime from the detainees, as well as the use of force and torture against them during the interrogation noted in the recommendations of the Committee, we inform that such cases in this body are sure to be an exception. In confirmation we would like to note that in the last several years, as well as in 2007 no reports of the prosecutorial and judicial authorities on the violation of law by the employees of the Main Department have been made, no disciplinary procedures have been initiated and no criminal case has been returned to re-investigation.

With regard to paragraph 17:

The measures taken in the direction of increasing the professional training, world outlook of the employees of the law enforcement bodies, benefiting from international practice are systematically and appropriately implemented. Last year 280 employees of the law enforcement bodies took part in the workshops, conferences and training courses on various topics organized by the ministry in the framework of bilateral and multilateral cooperation with the influential international organizations such as the Human Rights Commissioner of the Republic of Azerbaijan (Ombudsman), the OSCE, the Council of Europe, the European Union, as well as the respective bodies of other states.

The workshops and training courses held on the following topics are of special importance:

- “Investigation and interrogation techniques of the crime of human trafficking” (November 30, 2006, Baku);
- “Fight against international terrorism” (December 5-14, 2006, Budapest);
- “Measures on the prevention of explosions” (April 9-27, 2007, Morgantown);
- “Investigation and conviction of crimes of corruption” (May 3-4, 2007, Baku);
- “Prevention of terrorist activity” (August 20-31, 2007, Baku);
- “Fight against the theft of motor transport vehicles” (September 3-7, 2007, Baku);
- “Investigation and questioning tactics” (September 3-7, 2007, Baku);
- “Investigation of tracks” (September 10-21, 2007, Baku);
- “Police ethics” (October 9-10, 2007, Guba);
- “The role of police in preventing family violence and measures to be implemented” (October 16-19, 2007, Baku);
- “Protection of vital premises against terrorism” (October 15-26, 2007, Baku);
- “Inspection of the site of accident after explosion” (October 22 – November 2, 2007, Ankara) etc.

Besides, in order to develop the professional training of the temporary detention centers staff, stage-by-stage training seminars were held for the employees of the ministry head-quarters and local law enforcement bodies by the Main Public Security and Human Resources Departments. Such measures also included lectures on the rules of treatment of persons detained in accordance with international standards and national legislation, the provision of medical and legal assistance to them, the rules of meetings with them. The importance of preventing the violation of rights of the persons detained at the temporary detention centers, their inhuman treatment and any form of the use of force and that otherwise they would be made responsible according to the legislation should be explained to the staff in charge.

In order to improve the professional training of the police officers special trainings were held with the support of the OSCE Baku Office on the organization of service at temporary detention centers in different regions of the country in 2005-2006, as well as at district police divisions in Baku, Ganja, Sumgayit, Mingachevir, Shaki, Jalilabad, Gazakh and other cities. Moreover, recommendations were made and views were exchanged on the rights and commitments of the police officers including those who work at the temporary detention centers concerning the law observance during detentions, bringing the detained to the police office, and detaining them at the temporary detention

centers, as well as on establishing, preserving and strengthening relations between the police and citizens in compliance with the democratic values.

A number of meetings were held with the Council of Europe experts on the improvement of “The Code of ethics for law enforcement officials” approved by the Ministry of Internal Affairs under Order No. 130 of 8 April 2005.

In response to the recommendations of the Committee on the recruitment of police officers we inform that according to Article 11 of the “Statute of the Republic of Azerbaijan on the service at the law enforcement bodies” approved by the Law of 29 June 2001, only the citizens who did military service (excluding women) are accepted for service at law enforcement bodies.

With regard to paragraph 18:

In compliance with the Board decision KG-1 of 27 January 2007 of the Ministry the urgent investigation was carried out on the basis of information and appeals of the citizens, mass media and non-governmental organizations about the violation of human rights and freedoms, the use of torture against civilians by the police officers, inhuman and degrading treatment of them including other forms of violation of human rights and freedoms, the guilty employees were found out in a short period and drawn to responsibility, the submission of material having criminal content to the bodies concerned was provided.

The facts of violation of respective normative legal acts, regulating laws and official activity by 374 officers (196 – in 2005; 178 – in 2006) were confirmed as a result of 202 official examinations held on the basis of complaints received on the cases of law violations by the police in 2005-2006. 116 officers (53 – in 2005; 63 – in 2006) were dismissed; the rank of three of them was lowered, 45 officers (20 – in 2005; 25 – in 2006) were relieved from their offices, disciplinary punishment was imposed on 55 officers (18 – in 2005; 25 – in 2006) declaring them “not corresponding to official position”, 114 officers (78 – in 2005; 36 – in 2006) were “severely reprimanded”, 37 officers (24 – in 2005; 13 – in 2006) were “reprimanded”, 4 officers (2 – in 2005; 2 – in 2006) were “reproached”. 290 of the employees the disciplinary punishment was imposed on constituted officers, 84 employees were the ranks and junior command staff.

113 employees were imposed disciplinary punishment on 83 facts of violation of human rights and freedoms by police officers (51 – in 2005; 32 – in 2006).

21 of 113 employees were dismissed from office at the law enforcement bodies, 12 were relieved of their posts, the special rank of 3 was lowered, 77 of them were imposed disciplinary punishment according to the results of official inspection carried out by the Internal Investigations Department of the Ministry on ill-treatment, ungrounded bringing, detention of citizens, making them responsible, illegal search and other various violations of law. During the time of inquiry 7 employees were dismissed from office at the law enforcement bodies (4 – in 2005; 3 – in 2006) after the court verdict of guilty entered into force.

The official investigation conducted by the Committee on the basis of 6 requests (3- in 2005; 3-in 2006) received the Ministry confirmed only one fact. The complaints, requests and applications received by the ministry from natural persons through the Office of the Commissioner for Human Rights, as well as during the period of the report of the Committee of Azerbaijan against Torture were investigated by the Internal Investigations Department; the employees were made responsible on the confirmed facts.

The control over observing the requirements of orders and instructions of the ministry, correct and objective application of the laws by the employees as a result of relevant measures taken by the ministry aimed at increasing the responsibility for the work charged with, strengthening organizational activities management, official discipline and the discipline of execution was increased, positive results were achieved in fight against the rule of law violations.

With regard to 19:

In order to reflect the activity of the law enforcement bodies, to ensure the transparency, as well as to organize receiving applications and requests electronically the internet site of the ministry created in March 2005, e-mail address info@mia.gov.az, as well as the public opinion inquiry section of the ministry's website have continued their activity this year.

Along with this, the relations with the mass media were strengthened, the information on the activity of the law enforcement bodies were operatively highlighted by the newspapers of the ministry ("Mubariz keshikde", "Asgar", "Police" newspapers) as well as by other governmental and private mass media.

The hotline has been operating at the Ministry since September 2005. It has created the possibility for the citizens to inform the administration of the ministry of the violations of their rights and freedoms by police agencies. All received requests were immediately investigated; the guilty were drawn to responsibility.

According to paragraph 1.2 of the State Program (2004-2008) on the "Improvement of the activity of police agencies in the Republic of Azerbaijan" approved by the President of the Republic of Azerbaijan under the Decree 291 of 30 June 2004, "102" service call center was created in order to receive information about crimes and accidents, to set up operative line of communication between the citizens and the police agencies in this field and to improve the information system in accordance with international practice.

With regard to paragraphs 25, 26 and 27:

Referring to "Section 91 (4) (2)" of the Code of Criminal Procedures in its recommendations the Committee notes that "the provision of the detained person with lawyer during questioning is required only in specific cases (i.e. when the suspect suffers from an illness or defect that prevents him from defending himself independently, if he doesn't speak the language of criminal proceedings, if he is a

juvenile and is charged with a very serious offence)” and invites "to take steps in order to ensure, if necessary through legislative amendments, that all persons detained by the police are granted the right to have a lawyer present during any questioning, as from the very outset of their deprivation of liberty”.

It should be noted that, pursuant to Articles 90.7.5 and 91.5.4 of the Code of Criminal Procedure, the suspected person has the right to have access to lawyer from the actual time of detention or the announcement of decision on preventive punishment, as well as deprivation of liberty and accusation.

Article 92.3 determines the cases of providing the presence of the lawyer during the criminal investigation procedure. The provision of the suspect or the accused with the lawyer in case if he requires has found its reflection in this article.

In accordance with Article 232.2 of the Code of Criminal Procedure defining the rules of hearing of the suspect and Article 233.5 determining the rules of hearing of the accused in person, the suspected person has the right to give (make statements) testimony with the participation of lawyer in case of detention, the accused person has the right to have access to a lawyer present while hearing.

With regard to paragraph 28:

With respect to the inquiry of the Committee on providing information about legal provisions related to rendering medical assistance to the detained person, it should be noted that offering necessary assistance to the detained person was affirmed in Articles 153.2.12 and 161.0.4 of the Code of Criminal Procedure of the Republic of Azerbaijan.

Furthermore, paying special attention to women, juveniles, the old, patients and the disabled was set as a commitment of the body carrying out criminal procedure and employees of temporary detention centers in Article 153.2.10 of the Code.

In accordance with the legislation of the Republic of Azerbaijan district bodies were charged with the tasks (supplemented) by the administration of the Ministry of making medical examination of the arrested persons, considering their requests about medical assistance and conducting registrations in relevant registers, as well as supplying the detained persons with necessary medication.

With regard to paragraph 32:

The activity in observing human rights was set up on the basis of the principle of transparency. Pursuant to the Instruction 31 (supplemented) of 21 April 2006 by the Ministry of Internal Affairs necessary conditions were created for the representatives of governmental and non-governmental organizations to hold free monitoring at temporary detention centers, to get acquainted with the situation there.

Furthermore, according to the Agreement signed between the Government of the Republic of Azerbaijan and International Committee of the Red Cross on June 9, 2000 on “The exercise of authorities concerning the meetings with prisoners at places of deprivation of liberty between the Republic of Azerbaijan and International Committee of the Red Cross”, there is a possibility also for the representatives of the Committee to visit temporary detention centers.

The business-like relations between the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and International Committee of the Red Cross were developed, the recommendations of these organizations were followed in practical activity, and joint measures were taken directed at removing the existing shortcomings.

With regard to paragraph 33:

New temporary detention centers were built at the Ministry of Internal Affairs of the Nakhchivan Autonomous Republic, Department for Combating Human Trafficking of the Ministry of Internal Affairs of the Republic of Azerbaijan, Yasamal, Khatai, Narimanov, Azizbayov, Binagadi, Nasimi district police departments, as well as Guba, Gabala, Goychay, Oguz, Sharur and Khanlar district police divisions, the detention station of the Baku City Main Police Department for the persons placed under administrative arrest was reconstructed according to international standards and put into operation. At present, the construction of new temporary detention centers for Kurdamir, Khizi, Dashkasan district police division is on the point of being completed. Temporary detention centers of city-district police agencies have been thoroughly repaired and the conditions of detention of persons have been brought in line with modern standards.

With regard to paragraphs 35 and 36:

Certain changes were made to the detention condition at temporary detention centers. According to requirements of relevant instruction, at all the temporary detention centers of the Republic one hour of outdoor exercise is organized for the suspected and accused persons, three hours for administrative detainees, as well as each of these organizations is daily provided with newspapers, journals, books and board games.

Video-monitoring devices were set up in the corridor and investigation room of temporary detention center in the duty department of 26 police agencies during last year in order to control the conduct of the persons detained in the cells.

With regard to paragraph 37:

With respect to the recommendation on employing at least one female staff member at temporary detention centers we note that woman police officers work at all police agencies of the Republic. Search on every woman detained as suspected or accused, as well as the supervision of the women detained at temporary detention centers while taking outdoor exercise are made by them.

With regard to paragraph 40:

The outdoor exercises at isolator of Main Transport Police Department have been brought in line with relevant norms.

With regard to paragraph 43:

The allocation of the sentenced persons having verdict of the court entered into legal force, as far as possible, close to their homes while being sent to penitentiary establishments, is the requirement of Article 65 of the Code of Enforcement of Sentences of the Republic of Azerbaijan.

The entry into service of new mixed-regime penitentiary establishments at present being constructed in different regions of the Republic in order to detain the sentenced persons of different categories close to their homes and at penitentiary establishments meeting modern standards will increase opportunities to observe the requirements of this law.

The work at the establishment constructed in the Nakhchivan Autonomous Republic is on the point of being completed. The work on the second stage of construction of such complexes started in the second half of 2006 in Lankaran and Shaki is being continued.

The measures are taken concerning the construction of new prison in Baku under the instruction of the head of state; the construction work is carried out in 15-hectare plot of land in the territory of Garadagh district according to the order of Baku city executive authority.

The state policy implemented concerning the reduction of the number of the sentenced persons in the Republic of Azerbaijan is successfully continued during last years. Conditional imprisonment, conditional release (parole), substitution of the non-served part of the sentence with milder punishment, as well as pardon and amnesty institutes provided for in the Criminal Code are sufficiently used to that end.

Mr. Ilham Aliyev, President of the Republic of Azerbaijan signed Decrees on "Pardon of a number of sentenced persons" on March 19 and December 28 in 2007 considering requests of a number of sentenced persons, their family members, human rights protection organizations addressed to the head of state.

The first decree was concerned with 100 sentenced, the punishment of one of prisoners sentenced to life was substituted for 25-year deprivation of liberty, 94

sentenced were exempted from the non-served part of the deprivation and restriction of liberty, and 4 sentenced were exempted from penalty of crime.

The Decree of 28 December 2007 was concerned with 119 sentenced, 117 of them were exempted from punishment; the non-served part of the sentence of 2 of them was halved.

Recalling the unparalleled service of H.Aliyev with respect to the realization of high goals of the Azerbaijani people having rich traditions of statehood such as to live freely setting up an independent state, to establish a democratic, sovereign and legal state, in laying out the foundations of development and progress of our country, the formation of modern legal system integrated into the European legal space the Milli Majlis (Parliament) of the Republic of Azerbaijan adopted a decision on the “Amnesty dedicated to the memory of national leader of Azerbaijan Heydar Aliyev” at the initiative of Mehriban Aliyeva, President of the Heydar Aliyev Foundation, MP.

The execution of the concerned Amnesty Act was completed on August 9, 2007. It concerned 9877 persons on the whole, and 2861 sentenced deprived of liberty as well.

It should be noted that 43 decrees of pardon were granted being concerned with 4714 sentenced, as well as 8 amnesty acts were granted being concerned with more than 87000 during the period until 2008, taking into consideration the Recommendation Rec(99)22 concerning prison overcrowding and prison population inflation and Recommendation Rec(2003)22 on conditional release (parole) of the Committee of Ministers of the Council of Europe.

With regard to paragraph 44:

In order to provide work for prisoners at penitentiary establishments of the Republic of Azerbaijan important measures were taken by the Ministry of Justice during last two years, new job places were opened, and necessary conditions were created to provide practical activities for prisoners. 543 prisoners were provided with work at penitentiary establishments and the number of working prisoners extended to 1772 in 2006-2007. At the same time, the allocation of appropriate places are considered in order to provide education and work to prisoners with at new mixed-regime penitentiary establishments constructed in the regions of the Republic, as well as in prisons the construction of which has newly started. Furthermore, the work concerning the organization and improvement of libraries, clubs, outdoor sports installations and prayer rooms for prisoners to spend their free time productively in case of non-provision of work because of objective reasons, is being continued.

With regard to paragraphs 45 and 73:

The limited areas of investigatory isolators No. 1 and 3 constructed many years ago don't give an opportunity to construct here new additional buildings. In this context, the decision on the construction of new investigatory isolators was adopted by the administration of the country in 2006 in order to eliminate prison overcrowding, to provide conditions of detention relevant to international standards for the accused persons. According to the Order of 4 October 2006 of the Head of Baku city Executive Authority 20-hectare plot of land was allocated to construct 2500-occupancy investigatory isolator in the Zabrat settlement, Sabunchu district. The construction passport of the concerned body was prepared and the construction started on April 23, 2007. At present, the construction of protection fence of the concerned prison is about to finish and the draft estimate documents are examined.

At the same time, the construction of investigatory isolators are envisaged at mixed-regime penitentiary establishments constructed in the Nakhchivan Autonomous Republic, Lankaran and Shaki cities and it will pave the way for the elimination of overcrowding (it will serve as a basis for the elimination of overcrowding).

Relevant measures are taken on creating necessary conditions to provide education and work to the accused persons, to detain them under normal conditions at the above mentioned establishments.

Supplements and amendments to the legislation were recommended in the evaluation report on the results of Joint Program of the Council of Europe and the European Commission concerning reforms of the penitentiary system of Azerbaijan implemented in 2006 in order to humanize the condition and regime of detention of the accused, as well as the persons sentenced for a determined period and life imprisonment, to bring a number of main legislative acts regulating the enforcement of sentences in line with international acts of the Code of Enforcement of Sentences dedicated to the treatment of prisoners, including the European penitentiary rules. As a result of thorough analyses and discussions made in this regard, the proposals were made and improved to make relevant amendments to the Code of Enforcement of Sentences, Criminal Code, Code of Criminal Procedure and Code of Administrative Offences. The provisions granting extensive rights to the accused and sentenced, such as increasing the number of phone calls, spending much more money on food products and necessary goods, the right to receive postal tuition, as well as the right of the prisoners serving their sentence at reformatories to participate in cultural and mass events held out of the establishment and provisions expanding other rights found their reflection in the supplements and amendments made to the Codes.

Moreover, the draft law on "Detention of the suspected and accused persons at detention centers" discussed in the Milli Majlis (Parliament) will have created condition for secure protection of rights of the concerned persons.

With regard to paragraph 46:

Taking into consideration the recommendations of the European Committee for the Prevention of Torture concerning the construction of new penitentiary establishments addressing modern requirements, relevant agreement was reached with the Ministry of Justice of Finland and the delegation composed of employees of the Ministry of Justice of the Republic of Azerbaijan on April 16-22, 2007.

During the visit the delegation visited 6 penitentiary establishments, central evaluation and allocation service and got acquainted with the detention condition of the accused and sentenced persons, their treatment, the enforcement of preventive punishment and deprivation of liberty and other issues related to them.

Working group was set up at the ministry on making amendments to relevant acts of legislation taking into account the recommendations of the CPT, in particular the necessity of regulation of issues concerning the detention condition of those sentenced to life imprisonment (lifers) in accordance with the legislation. The proposals made on supplements and amendments to the legislation in order to humanize the condition and regime of detention of lifers provide for rights such as to receive postal tuition, spend much more money on food products and the most important goods and increase the number of phone calls. At the same time, the detention of lifers in cells more than one in number, as well as granting right to watch TV broadcasts and films were provided in the package of proposals in question.

With regard to paragraph 47:

The fight against corruption was in the center of attention in Azerbaijan, complex measures were taken in our country, as well as Presidential Decree on “Intensifying fight against corruption in the Republic of Azerbaijan”, Law on “The fight against corruption” and the State Programme for 2004-2006 were adopted.

“The National Strategy on the fight against corruption and increasing transparency” approved under the Order of 28 June 2007 by the head of state served intensifying measures implemented in this direction and increasing transparency in the activity of governmental bodies and was aimed at combating corruption effectively. The commitments standing before the institutions of justice concerning the implementation of National Strategy were discussed at the board meeting, the Decision of 10 August 2007 was adopted related to the execution of strategy, and the draft action plan of the ministry was drawn up to ensure the implementation of the National Strategy.

Favourable conditions were created for local non-governmental organizations to visit freely the places of execution of sentences and exert public control within the framework of measures taken to ensure the transparency within the penitentiary system, the rules regulating the control and participation of the community in reforming the sentenced were affirmed, Public Committee composed of representatives from influential NGOs was set up and began to operate.

The relevant form of inquiry was elaborated in order to simplify the submission of reports on the results of visits (monitoring) to penitentiary establishments both by the Public Committee, and other organizations and persons, to ensure the operativeness, special paragraph was included concerning the observance of cases of corruption in conjunction with paragraphs related to the cases of ill-treatment and torture, as well as the existence of overcrowding, provision of food, organization of medical assistance, the provision of right to outdoor exercise, short-term and long-term meetings, phone calls, the level of engagement in work, the condition of disciplinary cells.

The main control department was created in new structure of the Ministry of Justice according to the Decree on "Development of bodies of justice" of 17 August 2006 of the head of state. According to the regulation the exercise of internal control in the system of the ministry (as well as, in Penitentiary service) was defined as one of the directions of activity of main department.

It should be noted that the persons were entitled to directly request the administration of the ministry, as well as this body and the consideration of those requests is provided efficiently and during the period defined in the legislation.

Furthermore, we note that facts of commitment of crimes of corruption were not found out by the employees of the ministry during 2007.

According to the above-mentioned Decree of the head of state Justice Academy was set up on the base of Law-Training Center operating under the Ministry of Justice. Internal and international practice in the field of improving the vocational training of justice employees and other lawyers within the framework of measures on organization of the activity of Academy was learned, other issues concerning the status, structure and activity of the organization were discussed and draft regulation of the Academy was elaborated taking into account the comments and recommendations. 61 justice employees were involved in improvement courses at the Academy of Justice during 2007. Moreover, Training Center operates attached to the Penitentiary Service of the Ministry. The involvement of employees in primary, qualification and preliminary courses is provided in order to improve the professional level of junior, medium and senior staff in the center. Urgent topics such as fight against corruption, freedom of information along with other issues were included in training programs of both Justice Academy and Training Center.

Citizens and the sentenced persons at all establishments under the authority of Penitentiary Service were entitled to request the Department of Human Rights and Public Affairs of the Ministry of Justice, the Inspectorate on control over the enforcement of sentences and the Penitentiary service by telephone, e-mail or letter in order to ensure the transparency in their activity and intensify public control, the boards showing the phone numbers, e-mails of the above indicated organizations were placed in the corridors of the establishments under the authority of the ministry and in the meeting rooms with prisoners to that end.

With regard to paragraphs 48 and 49:

According to the Decree of 25 August 2000 by the President of the Republic of Azerbaijan, the Order of 6 December 2004 of the Cabinet of Ministers and the Order of 15 December 2004 of the Minister of Justice, the inspectorate on control over the enforcement of sentences has been formed and carries out efficient activity. Furthermore, a separate body – the Department of Human Rights and Public relations was set up at the central body of the ministry approved under the Decree on development of bodies of justice by the President of the Republic of Azerbaijan. Urgent, independent and thorough investigation has been conducted by the above-mentioned agencies concerning the complaints on any form of ill-treatment and torture, necessary measures are taken to prevent them. The concerned agencies have authority to directly and freely visit penitentiary establishments, hold meetings with prisoners in private, get acquainted with the condition of detention, require and study the documents concerning the legality of their detention.

According to Article 78 of the Code of Enforcement of Sentences of the Republic of Azerbaijan, security measures are applied in relation with inmates not obeying the legal requirements of custodial staff and resisting them. The working staff of the Penitentiary system is regularly informed about the application of security measures as a last resort and in cases provided for in the Law and the necessity of documenting such measures in a duly manner. The staff of the penitentiary establishment is inspired with the rules of right treatment of inmates and special attention is paid to the application of their knowledge and skills in practice, urgent and strict measures are taken to prevent the cases of ill-treatment.

Preventive measures are regularly taken, trainings are held, investigations are conducted in case of claims concerning the use of violent treatment for employees regarding the treatment of inmates at Gobustan Prison and Penitentiary establishment No. 11, as at all penitentiary establishments. It should be noted that the number of complaints made to the working group concerning the ill-treatment of inmates at penitentiary establishments was 9 in 2005 and 22 in 2006.

It should be noted that the issue regarding the rights of the detainees at Gobustan Prison to outdoor exercises is always in the focus of attention of the ministry. The existing condition of the establishment didn't allow the full exercise of this right of inmates and with respect to it special attention was paid to this issue

in draft-planning documents of new prison the construction of which already started. So, the full exercise of the right to outdoor exercise of the inmates will be possible after the operation of the concerned establishment.

The procedure of recruitment at the bodies of justice has been improved within the framework of reforms carried out in our country; it consists of test examination and interview and is conducted transparently. Competition Commission has been set up at the Ministry to that end. As a result of first selection started since December of the last year 67 of 258 nominees were recommended for recruitment at bodies of justice according to spiritual qualities and professional skills. These persons were appointed to vacant places, as well as the Penitentiary Service and ceremony of taking oath of those persons was held on June 25, 2007.

Furthermore, 33 persons were appointed to office by the Ministry in 2007 with the proposals of the Competition Commission operating since February 2005 in the Penitentiary System. At the same time, according to the decision of the Cabinet of Ministers of the Republic of Azerbaijan 369 new vacancies were created at Penitentiary service. These vacancies were used in order to increase the number of staff members at penitentiary establishments, as well as at Penitentiary establishment No.11. Moreover, the new structure of the Penitentiary Service of the Ministry and the establishments under its authority was approved, staff distribution was conducted, and each penitentiary establishment was provided with psychologist, relevant agencies were improved on organizing the instructive and educational work.

With regard to paragraphs 50 and 51:

While investigating the remarks of the CPT's delegation concerning sentenced J. M. it was determined that J. M. was negatively characterized during the term of punishment and 6 disciplinary measures were applied to him in 2006 because of violation of the rules of enforcement of sentences.

Medical inspection was carried out with the participation of the employees of the Penitentiary Service of the Ministry and Main Medical Department taking into consideration the requests concerning inhuman and degrading treatment of the sentenced during the concerned incident, striped spots were found out on the back of J. M. It was impossible to examine the anus region of the sentenced, because he refused.

It should be noted that an investigation was conducted by Garadagh District procurator's office according to the request of J. M., explanations were demanded from the sentenced and the employees of Gobustan prison, relevant documents, including medical ones were required and studied. The materials of official inspection of the Penitentiary system of the Ministry and Main Medical Department concerning this issue were sent to district procurator's office for adoption of relevant decision. The criminal proceeding was initiated with Article

309.2 of the Criminal Code of the Republic of Azerbaijan on the data collected by the decision of 21 February 2007 of the Procurator's Office.

According to information received from Garadagh District Procurator's Office during preliminary investigation, witness testimonies confirmed that J. M. suffering from "neurosis" wanted psychoactive drug without doctor's prescription on October 2, 2006 and required to be received by the head of the establishment using verbal abuse against custodial staff of Gobustan prison. The next day, according to the instruction of the duty officer of the establishment it was determined that J. M. humiliated the dignity of the staff accompanying him while being taken to the office of the head of prison, used verbal abuse, didn't obey despite the requirements and comments, vice-versa struck one of the prison guards and tore his official uniform, strove to run towards forbidden zone. Therefore, on October 10, 2006 rubber truncheon was used against J. M., in accordance with Article 78.2 of the Code of Enforcement of Sentences defining security measures, because of physical resistance against Gobustan prison staff and violation of rules of regime, he was given an official reprimand according to the concerned decision of the head of establishment. In compliance with the legislation, the relevant act was drawn up on the issue and the mentioned decision was attached to individual file of sentenced J. M.

Therefore, guided by relevant articles of the Code of Criminal Procedure of the Republic of Azerbaijan, criminal proceeding was overturned by the decision of 1 May 2007 of Garadagh District procurator's office.

Furthermore, J. M. was accused according to Article 127.1 (deliberate infliction of wound) of the Criminal Code and criminal proceeding was opened on May 5, 2007 at Garadagh District Procurator's Office concerning the infliction of wound pouring hot water on V. G., his cell-mate as a result of quarrel on April 14, 2007. J. M. was sentenced to 3-year 3-month 23-day imprisonment by the verdict of 29 August 2007 of Garadagh District Court.

It should be noted that the relevant documentation is conducted concerning the cases of use of force and other means as security measures against disobedient inmates and prisoners violating the rules of conduct, acts are drawn up on each individual case. This process of documentation and its observance are held under control of the concerned structural bodies.

With regard to paragraph 52:

According to paragraph 318 of "Internal Disciplinary Rules at Penitentiary establishments" approved under order 13-T of 24 March 2004 on the Ministry of Justice, hair and beard of the inmates newly brought to the establishment were shaved in order to safeguard hygiene. Then, the sentenced men are allowed to wear beard, moustache and hair observing hygiene rules and it is not forbidden.

With regard to paragraph 53:

The remarks of the CPT concerning the existence of problems related to requests of inmates have been investigated. It was determined that only in 2006 more than 350 confidential letters from independent non-governmental law-enforcement agencies addressed to the inmates were received and delivered to addresses.

The analyses showed that the number of complaints lodged against the custodial staff concerning the ill-treatment of inmates at penitentiary establishments was 9 in 2005 and 22 in 2006. Thorough investigations have been carried out on the base of these complaints and none of them was confirmed.

Necessary conditions have been created for the Public Committee composed of representatives of influential non-governmental organizations to visit freely the places of enforcement of sentences and to meet with inmates with the purpose of exerting public control over the activity of penitentiary establishments and reforming the inmates. Such visits and meetings created opportunity to directly contact inmates and lawyers, to address requests to the European Committee on Human Rights and other international or national organizations.

Furthermore, the provisions on lifting censorship on correspondence of inmates and the necessity of approaching this issue only for the purposes of security have found their reflection in proposals prepared in order to humanize the regime of detainees at penitentiary establishments. According to the draft of amendments, the administration of the penitentiary establishment is not allowed to read the letters received and sent by inmates.

The heads of Gobustan prison and penitentiary establishment No.11 were expelled from their posts because of the shortcomings uncovered in their activity in 2005-2007 years and their service at bodies of justice was put an end.

With regard to paragraphs 54-64

Last inspection at Gobustan Prison revealed a number of shortcomings, as well as incomplete implementation of the CPT's previous recommendations.

The monitoring held at Gobustan Prison by the Public Committee which ensures the participation of community in reforming prisoners and public control over the activity of the penitentiary establishments served as a basis for the formulation of the objective opinion about the measures taken.

On March 15, 2007 at the mobile board meeting held with the participation of the heads, deputies and other leading employees of penitentiary establishments and under the chairmanship of the Minister of Justice issues and shortcomings the CPT concerned about were discussed, a number of employees were dismissed for serious shortcomings, as well as head of Gobustan Prison was expelled from the bodies of justice, other responsible employees were required to improve their work.

Taking interest in the reform of the penitentiary system, Council of Europe and European Commission implemented the Joint Program; the measures were taken at Gobustan Prison as a pilot establishment, the new kitchen measuring 160 m² was equipped with modern equipment.

As a result of implemented measures cells in the prison are heated with central heating system, rules of hygiene are observed, prisoners have an access to a shower no less than once a week. Prisoners are allowed to take one-hour exercise in exercise rooms every day. Conditions were created for prisoners to read fiction and legal literature, periodical press and play board games. Conditions for engagement of prisoners in other activities do not meet the relevant requirements fully because of restricted area.

In general, on the assumption of bringing detention condition of prisoners in line with European standards and taking into account the recommendation of the UNESCO concerning the situation of Gobustan Prison near the territory of the national park, decision on the construction of a new prison in 2007-2008 was adopted. The new prison with a capacity of 1500 people being constructed in the territory of 15 hectares in Unbaku settlement of Garadagh District, Baku will settle other problems regarding the detention condition of prisoners. At present, the construction of walls of the prison is on the point of being completed and the draft estimate of expenditures of the establishment is being undergone an examination by experts. Taking into account European Prison Rules adopted by the Committee of Ministers of the Council of Europe on January 11, 2006, as well as other related international documents and principles, 4 m² of living space per prisoner in multi occupancy cells and 6 m² per prisoner in single cells, exercise rooms for each cell, bathrooms, laundry facilities, etc. are considered during the construction of the new establishment.

It should be noted regarding the CPT remarks concerning the difficulty in opening cell doors at night the new procedure is applied to make this process more effective and efficient. The practice of efficient opening of the cell doors has already improved and difficulties existing before has eliminated.

With regard to paragraph 65:

It should be noted in connection with the death of M. M. serving sentence in Gobustan was accused according to Articles 220-1 (burglary of fire-arms, ammunition and explosives), 145.2.1, 145.2.2, 145.2.3, 145.2.6 (robbery), 94.1.6, 94.4.8 (deliberate murder in aggravating circumstances), 185-2 (escape from prison or guarding), 194.2 (preparation, forging, purchase and use of official documents, seals, stamps, blanks) of the Criminal Code of the Republic of Azerbaijan (version of December 8, 1960), sentenced to life imprisonment and had served sentence in Gobustan Prison since March 28, 1998.

M. M. turned out to suffer from epilepsy in phase of remission on admission to Gobustan Prison. During the period of penitentiary punishment he was under the control of the medical unit of Gobustan Prison with diagnosis of “epilepsy” and he

underwent in-patient treatment in mental diseases department of the Medical Center regularly. Ministry of Labour and Social Protection gave M. M. second degree of disability in connection with his above-mentioned disease.

As a result of investigation carried out by Garadagh District Prosecutor's Office, it was determined that M. M. was alone in the cell because his cell-mate S. R. was receiving a long-term visit. While smoking he had an epileptic attack, as a result of which his bedding caught fire.

On the day of incident F. S., minor prison guard being on duty observed the smoke coming from cell No.94 and entered into the cell (06:40) with other employees of the establishment after having reported to duty officers. N. B., feldsher of the medical unit of Gobustan Prison determined 1st and 2nd degree burns of face, body, front and back parts of extremities and he was provided first aid.

After the incident prisoner M. M. was taken to the specialized Medical center and died about 15.30 on December 3, 2006 despite medical assistance rendered to him. As a result of forensic medical examination made by Forensic Medical Examination and pathological anatomy union of the Ministry of Health the cause of death of M. M. was determined as acute cardiac insufficiency developed against the background of pain shock and increasing intoxication due to 1st and 2nd degree burns.

As a result of an official investigation into the incident, administrative proceeding was opened against prison guard F. S. and chief prison advisor R. S. responsible for surveillance of M. M.'s cell. Special instructions regarding the strengthening of surveillance were given to the prison administration.

Taking into account Garadagh District Prosecutor's Office's decision on overturn of opening criminal proceeding and necessity of getting additional explanation and documents during the study of investigation materials by Baku Prosecutor's Office, on 16 February 2007, the above-mentioned decision was annulled and investigation materials were sent back to District Prosecutor's Office for additional examination.

Additional examination was carried out by Garadagh District Prosecutor's Office and as criminal content was absent in the collected materials on death as a result of convict's own carelessness, on 26 April 2007, Prosecutor's Office decided not to open criminal proceedings.

With regard to paragraph 66

5 prisoners died in 2006 (2 of them as a result of illness and 3 as a result of suicide) and 3 in 2007 (2 were killed by other prisoners and 1 died as a result of illness) in Gobustan Prison. All noted facts were investigated by Garadagh District Prosecutor's Office; criminal proceedings regarding the execution were opened by Prosecutor's Office and the accused were imprisoned by the Court of Grave Crimes for different periods. R. Y. serving sentence in Gobustan Prison died of cardiac insufficiency in the medical unit of the establishment on 8 April 2006. As a result of investigation conducted by Garadagh District Prosecutor's Office it was

revealed that R. Y. was treated of “bronchial asthma in acute (exacerbated) phase” and “bronchial asthma in infectious, allergic form” for several times during his imprisonment. According to witness testimonies given during investigation, materials regarding the incident, as well as conclusion of forensic medical examination it was proved that the cause of R. Y.’s death was acute cardiac insufficiency. At the end, Garadagh District Prosecutor’s Office decided not to open criminal proceedings.

On May 19, 2006 M. B. serving sentence at Gobustan Prison committed suicide by hanging himself from the iron grill of the air-hole of the cell in unit (block) 6. As a result of investigation conducted by Garadagh District Prosecutor’s Office, M. B.’s repentance for crimes (repeated deliberate murder, robbery, etc.) he committed and imprisoned for life having been accused in accordance with court verdict, several attempts to commit suicide according to the words of his cell-mate I. M. inquired during the investigation and I. M.’s interference to these attempts were revealed. Having understood the impossibility of committing suicide in the cell he served his sentence, on 17 May 2007, having been punished under pretence of attack to another prisoner, M. B. was transferred to disciplinary cell for 15 days. As he had an opportunity by staying alone to do anything he wanted M. B; committed suicide by strangling himself with linens on May 19, 2006. According to the conclusion of the forensic medical examination mechanical asphyxia happened as a result of fastening (tightening) the noose around the neck was proved as the cause of M. B.’s death. As criminal content is absent in M. B.’s suicide by hanging, Garadagh District Prosecutor’s Office adopted a decision overturning the opening of criminal proceedings.

On 20 May 2006, J. M. serving sentence at Gobustan Prison was found dead in his bed in the cell. On the basis of witness testimonies, conclusion of forensic medical examination received as result of investigation carried out by Garadagh District Prosecutor’s Office, the cause of death of J. M. was determined as cardiac insufficiency. Having got information about the incident, the employees opened the door of the cell, called the doctor, but despite rendered medical assistance it was impossible to save the life of the prisoner. Guided by Articles 39.1.1 (Absence of criminal content), 207.5.2 and 212 (Overturning of opening criminal proceedings) of Code of Criminal Procedure Prosecutor’s Office decided no to open criminal proceedings.

Criminal proceeding was opened according to Article 125 (Driving to committing suicide) of the Criminal Code by the Prosecutor’s Office regarding the suicide committed by Y. S. - sentenced to life imprisonment serving his sentence at Gobustan Prison by hanging himself in the bathroom in unit 5 of the establishment on September 25, 2006. During the preliminary investigation witness testimonies, conclusion of forensic medical examination and other documents of criminal proceeding proved that prisoner Y. S. was driven to suicide as a result of regular inhuman and degrading treatment, threats. According to witness testimony it was determined that Y. S. was sorry for the crime he committed (deliberate murder of two or more persons) and complained of rare visits of his relatives. Consequently,

Garadagh District Prosecutor's Office adopted a decision on dropping criminal proceeding as there was no criminal content in the suicide of Y. S. committed by hanging.

In accordance with the decision of Prison Administration other prisoner serving sentence at Gobustan Prison K. A. was transferred to disciplinary cell for 5 days for violating regime rules repeatedly. On 13 August 2006, on the first day of his transfer about 6 o'clock he began to shout without any reason declaring that he did not want to live, he was tired of living and he would commit suicide and required to keep the cell door open. As these demands were not satisfied, he broke the toothbrush and injured the inner part of his elbow and oedemata appeared as he struck his head against the wall. K. A. was administered the first aid immediately, put in the stitches and the act was drawn up. His level of health was examined regularly, no physical and psychological pressure was exerted on him and he was given dinner, supper. The next day at 7 o'clock K. A. made his previous illegal demands, struck his head to wood bed for several times shouting. As a result of these acts, haemorrhage of the brain in the right and left parts of the forehead, temple, oedemata and other injures dangerous for life appeared. In spite of provided first aid he died of hemorrhage of the brain.

The Prison Administration informed Garadagh District Prosecutor's Office about the incident immediately, inquire officer investigated the place and after external examination of the corpse forensic medical examination was appointed for internal examination. On the basis of collected materials criminal proceeding was opened according to Article 125 (driving to suicide) of the Republic of Azerbaijan on 15 August 2006.

A number of witness testimonies during the investigation revealed that no physical or psychological pressure was exerted against K. A., he declared that he could not bear grave punishment inflicted on him and would commit suicide. Appointed forensic medical examination focused on the issues of determination the mechanism, period, exacerbation degree of injure, the tool, possibility of striking the head with a blunt tool, the cause of death. Forensic medical examination revealed that partial haemorrhage of the brain, oedemata on forehead and around eyes, scratches on temple, wound in elbow were received by sharp cutting tool. It is obvious from the conclusion that the cause of death is haemorrhage of the brain and it is not excluded that injures on the body appeared by striking blunt tools.

Despite appointment of forensic psychiatric examination as there is no sufficient information about K. A.'s psychological condition in the criminal proceeding and presented medical files, it is impossible to make comment about his psychological condition at the moment of suicide. As a result of assessment of witness testimonies, expert conclusions and other collected proofs during the investigation, criminal proceeding was annulled as the fact of driving K. A. to death by inhuman and degrading treatment was not confirmed.

On 17 February 2007, A. I. serving sentence at Gobustan Prison died of ischemic cardiac insufficiency. Opening of criminal proceeding was overturned as criminal content was absent in connection with A. I.'s death in explanations, expert conclusion, information and other investigation materials.

On 4 March 2007, B. R. serving sentence at Gobustan Prison was found dead in his cell. As a result of investigation conducted by Garadagh District Prosecutor's Office it was revealed that B. R. was deliberately murdered by his cell mates - I. A. and T. A. As a result of investigation I. A. and T. A. were accused according to Articles 120.2.1, 120.2.5 and 120.2.10 (repeated deliberate murder with special cruelty and dangerous means by a group of persons acting in concert) and they were sentenced to life imprisonment by verdict of the Court of Grave Crimes of the Republic of Azerbaijan of 27 August 2007.

On 17 June 2007, criminal proceeding was opened and investigation was conducted by Garadagh District Prosecutor's Office regarding the deliberate murder of F. M., prisoner treated in the medical unit of Gobustan Prison by R. J. according to Article 120.1 (Deliberate murder) of the Criminal Code. It was revealed that during the quarrel between F. M. and R. J., the last deliberately murdered F. M. cutting his neck with a primitive tool resembling knife. As a result of conducted investigation R. J. was accused according to Articles 120.2.4 and 120.2.10 (repeated deliberate murder with special cruelty and dangerous means) of the Criminal Code of the Republic of Azerbaijan and he was sentenced to life imprisonment according to verdict of the Court of Grave Crimes of the Republic of Azerbaijan of 30 October 2007.

With regard to paragraph 67

The capacity limit of Investigative isolator No.3 was determined 1050 persons according to Order No. 24 (T) of The Ministry of Justice of the Republic of Azerbaijan of 31 July 2002.

As it is known most of transfers happen in investigative isolators. There is an urgent need to improve registration and recording system as prisoners are taken to court, medical establishment in case of necessity, as well as transferred to another isolator and released from court. Registration of the accused and prisoners is conducted in centralized way under control of Penitentiary Service. Development of this system in 2008 and provision of new programs are considered.

With regard to paragraph 68-73

Taking into consideration the CPT's recommendations current repairs had been carried out in the disciplinary cellular confinements and cells of Investigative Isolator No.3, artificial lighting and ventilation had been improved, electric heater had been installed in the cells of Blocks 1 and 2.

Measures had been taken to eliminate overcrowding in Blocks 1 and 3 of the establishment to improve living conditions of detainees, they were provided with beds and bed-linens.

As a result of measures taken in accordance with recommendations, current repairs had been conducted in sanitary facilities (toilets, washrooms and bathrooms) of detainees and measures had been taken to ensure their access to bathroom no less than once a week.

It should be noted that provision of detainees and accused with necessary personal hygiene items-toothpaste, toothbrush, sanitary materials for women's needs is indicated in the Order of the Cabinet of the Republic of Azerbaijan of 25 September 2001. The list of hygiene items provided to the mentioned persons had been reviewed and proposals regarding the increase of range of hygiene items prepared by the ministry will be presented to the Cabinet in the first half of the year.

With regard to paragraphs 74-77

Necessary measures were carried out regarding the implementation of right to outdoor exercise of the accused detained in Investigative Isolator No.3 taking into consideration of the CPT concerns. It should be noted that detainees are entitled to one-hour, juveniles to two-hour of outdoor exercise in exercise yards. Conditions were created to enable the accused to read fiction and legal literature, periodical press in the library and play board games. Conditions were created to make possible for prisoners to play volleyball, tennis and other games in the territory of Block 4, computer and prayer rooms were organized. The issue of making amendments to the relevant legislation in order to provide the access of prisoners detained in disciplinary cells to education is considered to be reviewed in 2008.

According to the Code of Enforcement of Sentences of the Republic of Azerbaijan persons sentenced for the first time for a period of five years and serving their sentence in general-regime colonies may be kept in investigative isolators for general and maintenance services on their own consent in exceptional cases. At the moment 65 prisoners are kept for general and maintenance services.

It should be noted regarding the employment of the accused that creation of workplaces and workshops in the new investigative isolator which is being constructed is considered taking into account the CPT recommendations on this issue.

With regard to paragraphs 78-84

According to Order 24 (T) of the Ministry of Justice of Azerbaijan of 31 July 2002 it is determined that the penitentiary establishment has an official capacity of 1050. Despite the establishment is operating below its official capacity at the moment, the overcrowding is observed because of conducted repairs. After the end of repairs in 2008 the problems existing in this field will be eliminated and detention conditions in line with European Prison Rules will be created for each prisoner.

Repair of the sanitary facilities of the establishment enabled the prisoners to have an access to bathroom at least once a week, room presumed for keeping good was restored, observance of sanitary rules were taken under control.

With regard to paragraphs 88-97

Existing close cooperation relations among Ministry of Justice, International Society of Red Cross and International Health Organization is continued to organize health-care in penitentiary system, especially to step up measures against tuberculosis, drug addiction and HIV/AIDS. On 26 July 2007, signing ceremony of Protocol was held to extend the Agreement concluded between the Government of the Republic of Azerbaijan and International Society of Red Cross (ISCR) for a year. According to the Agreement the representatives of this international organization visit penitentiary establishments, meet in private with prisoners and treatment of prisoners suffering tuberculosis is organized within the DOTS program. Necessary measures are being taken on confidential reports submitted by the ISCR regarding monitorings. It should be noted that the Ministry of Justice considered annual report on tuberculosis control program carried out by the ISCR in the penitentiary establishments of Azerbaijan. In the report tuberculosis was described as an issue of concern, however, purposeful activity of the Ministry of Justice directed to eliminate this problem was noted, achievements gained due to long-term fruitful cooperation with the Society and problematical questions were highlighted objectively, work of international and non-governmental organizations acting as partners in fight against tuberculosis in penitentiary system within the framework of rendered assistance to National Tuberculosis Program of the republic were reflected.

Regarding the provision of penitentiary establishment with necessary medication and equipment, it should be noted that within the framework of the project of Global Fund against tuberculosis, HIV/AIDS and malaria implemented in Azerbaijan, in March 2007, 3-number in-patient (hospital) fluography machine and in April second rank medications against tuberculosis required for DOTS+ course of treatment of "resistant" patients, as well as modern equipment made in the US detecting tuberculosis microbacterium in a short time were brought and put into operation.

Furthermore, in order to elaborate the DOTS+ treatment scheme of prisoner suffering from multi-resistant tuberculosis and provide them with Clophamisin medication, Medical Department of the ministry applied to the World Health Organization and the latter presented medication in required quantity for the 6-month treatment scheme of 25 patients.

It should be noted that necessary measures against above-mentioned diseases are continued, relevant consultations, meetings and researches (“Knowledge, relation and experience”) are held regularly with the participation of related international organizations, participation of the representatives of the ministry in international events is provided and posters serving to this purpose are made public.

Within the framework of implemented measures regarding the organization of health-care within the penitentiary system, about 30 applications related to qualified health-care service staff complement was considered by the Competition Commission of the Ministry and relevant decisions were taken.

During that period 10 persons relevant for job for their theoretical and practical training were appointed to relevant posts in the ministry, 8 of them are doctors.

In order to increase the level of medical care rendered to life sentenced special ward-cells were allocated in the newly opened medical unit of Gobustan Prison. In case of necessity relevant medical aid is rendered to prisoners. During 2007, 20 prisoners belonging to this category took in-patient treatment in medical units and 31 prisoners in the Central Penitentiary Hospital.

During the past period measures were taken to allocate special cells in the Central Penitentiary Hospital for life sentenced. Furthermore, outside specialists invited to the Central Penitentiary Hospital conducted medical inspection of prisoners during the monitoring. Prisoners serving sentence at Gobustan prison had medical examination. Examinations were conducted by 2 teams composed of therapists, tuberculosis specialists, surgeons, dermatoneurologists, neuropathologists, psychiatrists. On the basis of doctors’ recommendations prisoners underwent ultrasonic, ECG, biochemical and ophthalmologic examinations.

Gobustan Prison and Investigative Isolator No. 3 are being provided with qualified doctor staff, including medical servants (as well as nurses) in order to apply new methods of medical examination and diagnostics to the accused and prisoners. At the same time new X-ray machines had been ordered for establishments, doctors were provided with individual medical bags.

Furthermore, necessary measures were taken to eliminate delay observed in the provision of first aid and steps were taken either to improve medical maintenance or to efficiently abolish obstacles regarding the issues of security.

In general, the CPT recommendations regarding the health-care service in penitentiary establishment No.11 were discussed in detail at the meeting of employees of Medical Department of the Ministry and necessary measures were taken to improve the equipment of the medical unit.

Employees' attention was drawn to the inadmissibility of involvement of prisoners in the performance of health-care tasks and distribution of medication. Furthermore, ECG, equipments of physiotherapy and others had been ordered to improve medical equipment of penitentiary establishment No.11. Psychiatrist and psychologist posts had been added to staff, doctors of the establishment were provided with first aid bags supplied with special equipment and medication.

With regard to paragraphs 98-112

Justice Academy being established within the framework of reform of the judicial system is a multi-staged educational establishment presumed for increasing proficiency of persons with higher legal education for their appointment to relevant posts, as well as qualification of employees of judicial bodies and lawyers. Academy carries out training, retraining and qualification of employees of bodies of justice, prosecutorial agencies, judiciaries, central and local authorities, public and private notaries, municipal officers and workers and other persons. Training of judges and public prosecutors will be provided by establishment not being under executive authority, in this context, training sector of judges and public prosecutors was established under Council of Court and Law and began to operate.

Faculty of Retraining the Penitentiary Service employees was included in the structure of Justice Academy together with other faculties.

Furthermore, necessary measures are taken to increase proficiency of Penitentiary Service staff and lectures on human rights, public relations, combat against corruption and terrorism are delivered to the staff within the framework of preliminary, qualification and retraining courses. At the same time, new action plan was developed to train Penitentiary Service Staff regularly.

Measures are taken for increasing the number of staff members in penitentiary establishments, staff complement by the Ministry of Justice (*see: information on paragraph 48*).

In all penitentiary establishments non-admission of pressure by one prisoner against another and torture is under strict control. During nine month of 2007, 161 prisoners were transferred to prison regime for violation regime rules deliberately. There were prisoners attempting to violate constant working regime and to lead other prisoners.

Necessary measures were taken to increase the number of women working in the unit of Investigative Isolator No.3 presumed for women and new work places were opened in the investigative isolator.

Legislative proposals prepared for bringing the detention regime of life sentenced in line with international standards considers provisions on increasing opportunity of the prisoners belonging to this category to benefit from right to meet determined in the legislation. We think that it will create conditions for relations of prisoner with outside world. Furthermore, provisions regarding the necessity of lifting of censorship on correspondence of prisoners and approaching this issue for purposes of security were reflected in the prepared proposals.

With regard to paragraph 113

Ministry of Justice had established business relations with public organizations and created circumstances for performance of regular objective monitorings and meetings with convicts in order to organize the work of the penitentiary service in accordance with modern requirements improve detention conditions of convicts and protect their rights.

In this context, on 8 August 2005, conference was held, “Memorandum of Mutual Understanding” was adopted between non-governmental organizations and the Ministry of Justice to discuss issues of organization of interaction and working group was set up for development of normative legal act drafts to regulate public control on penitentiary system. “Rules on participation of community in treatment of prisoners and exercising public control over the activity of establishments performing punishment” developed taking into account the proposals of advocates, NGOs functioning in the field of penitentiary, Ombudsman, as well as other interested bodies was adopted.

Election Commission comprising members of parliament, scientists, religious figures, influential representatives of the community and representatives of relevant bodies was set up after consultations with concerned governmental and non-governmental organizations in order to set up Public Committee to participate in the treatment of prisoners and exercising public control in accordance with the rules.

Since May 2006, advertisements on announcement of competition for establishment of Public Committee and acceptance of requests to participate in its function had been placed in mass media, website of the Ministry of Justice, publications and persons desiring to partake in the treatment of prisoners and exercise public control on the activity of the establishments administering punishment had been invited to the Election Commission to request with their programs and proposals. As a result of objective, fair and transparent discussions, the most active non-governmental organizations acting in the field of the human rights and meeting all the requirements fixed in the Rules were elected as members of the Public Committee at the meeting of the Election Commission.

The members of the Committee are provided with special cards signed by the Ministry of Justice for their free access to the penitentiary establishments. Ministry creates circumstances for visits of the Committee members to the penitentiary establishments, holding monitorings in the establishments of their own choice and organizations of meetings with prisoners. In order to support the activity of the Public Committee, relevant opinion forms were developed to ensure efficiency in submission of the reports on the results of monitoring held by the Committee members at penitentiary establishments and fast mechanism was developed to achieve the implementation of necessary measures on the reports in a short period.

The first staff of the Public Committee carried out more than 75 monitorings at 19 penitentiary establishments of their choice and relevant reports on the results, as well as proposals and recommendations regarding the improvement of detention conditions, opening of workplaces at the establishments, development of work conditions of the staff and other issues were presented. Ministry of Justice took necessary measures for implementation of these measures and awareness of the community is secured.

Awareness-raising regarding many social issues had been carried out for vulnerable groups, especially women and juveniles serving sentence, meetings were organized with them at relevant penitentiary establishments.

Moreover, within the framework of the format of the Public Committee performances were displayed to sentenced prisoners serving sentence in penitentiary establishments by State Theater of Young Spectators and National Theatre of Academic Drama, these events were lightened by the mass media.

The establishment of relations between the Public Committee and influential international organization had been promoted. Meeting of acquaintance was organized between the representatives of the International Society of Red Cross and Committee in the Ministry of Justice during the past period. Furthermore, last year on July 26 representatives of the Committee partook in the signing ceremony of Protocol on dragging out the Agreement signed between the Government of the Republic of Azerbaijan and International Society of Red Cross.

On November 20-30 last year during the second periodic visit of the CPT information was provided about the activity of the Committee at the meeting between the CPT and Public Committee.

Moreover, within the framework of the visits of the Public Committee representatives to abroad, the international community was informed about this organization acting in Azerbaijan, meetings of acquaintance was held with the representatives of the US Congress and State Department.

As the term of office of the first staff of the Public Committee came to an end on 22 September 2007, assessment of the activity of the organization and analysis were made on the basis of the individual report of the members of the Committee in accordance with the rules. Advertisements on announcement of competition for establishment of the new staff of the Public Committee had been placed in mass media, website of the Ministry of Justice, publications and non-governmental organizations and lawyers acting in this field were invited to participate in this establishment.

On 31 October 2007, at the meeting of the Election Commission the new staff consisting of previous 9 members of the Public Committee and head of the Azerbaijani Center on Protection of Human Rights Eldar Zeynalov was formed.

The new staff of the Public Committee monitoring the activity of the penitentiary establishments carried out 5 monitorings at the penitentiary establishments during the past period.

According to the agreement reached at the first meeting of the new staff of the Public Committee held on 5 November 2007, a visit was paid to Gobustan Prison the next day (06.11.2007). Correspondents from “APA”, “Trend”, “Olaylar” agencies and “Azadliq”, “Zerkalo” and “Interpolis” newspapers participated in the visit together with the members of the Committee.

Moreover, monitorings were held in penitentiary establishment No.1 on 28 November, No.5 on 7 December 2007 and relevant opinion were submitted to Minister of Justice. Necessary measures were taken by the Department of Human Rights and Public Relations, Penitentiary Service, Medical Department, Inspectorate on Control over Enforcement of Sentences of the Ministry on issues indicated in those opinions.

It should be noted that during all the monitorings with participation of the Committee members, as well as representatives of the NGOs not included in this body, they get acquainted with food, detention, living, medical and sanitation conditions of the sentenced prisoners, explanation were made public.

Public control on the detention of the accused persons in investigative isolators is not considered in the existing legislation. At the moment norm concerning the public control over the activity of investigative isolators have been included in the relevant draft law discussed at the Milli Majlis (Parliament) and the mechanism of implementation will be determined after the adoption of the law.

With regard to paragraph 124

Regarding to City Psychiatric Hospital No.1 in Baku

The Hospital consists of 4 buildings with a capacity of 200 beds. A reception, 2 in-patient wards for men, 1 for women and a laboratory operate in the hospital. Water supply of the hospital is satisfactory, but 10-ton cistern had been installed in the hospital yard for reserve.

Current repairs had been carried out in wards for men and women. However, ceilings and walls of wards had been painted; frameworks of windows had been repaired and fitted with panes. Curtains for windows had been ordered. Split air conditioners had been installed in women section, other wards were supplied with new electric heaters.

Toilets, washing and bathing facilities had been refurbished; washbasins had been replaced with new ones, lighting system had been improved. Patients had been provided with a range of personal hygiene items, including toothbrush, toothpaste, soap dish and soap, toilet paper, etc.

Patients' bed-linens and clothes had been replaced with new ones. Quality and quantity of food had been improved and it is under the control of the hospital administration.

TV sets had been put in the sections and circumstance had been created for prisoner to spend their free time productively

Construction work had been carried out in the hospital yard, most of the building from the outside had been whitewashed and roof of the building had been partially repaired.

Regarding to Regional Psycho-Neurological Dispensary in Sheki

Regional Psycho-Neurological Dispensary in Sheki consists of 3 buildings with a capacity of 100 beds. Water supply in Dispensary based on artesian water and though the requirement was fully met 12-tonn cistern was installed in the hospital yard.

During the past period the lighting of wards had been improved at the expense of additional lighting. Appropriate circumstances had been created for washing and repair had been carried out to enable the patients to observe hygiene rules, new wash-stand will be installed in the near future. Personal hygiene items (toothbrush, toothpaste, soap dish and soap, toilet paper, etc.) had been replaced with new ones and Region Central Hospital provided the establishment with relevant furniture for placing of these items, works are being done in this direction. The issue concerning the renewal of bed-linens and patients' clothes had been settled.

A number of works had been done to improve the quality and quantity of food. It was recommended to Region Central Hospital to pay special attention to the abovementioned issues in the estimate of expenditures of the coming year in order to carry out capital repair and improve supply of medication.

With regard to paragraph 127Regarding to City Psychiatric Hospital No.1 in Baku

Walking schedule of patients had been drawn up; instruction schedule for paramedical staff had been developed. Reception day was appointed by head doctor to listen to requests, proposals and complaints of the parents and relatives of the patients and announcement about this had been hung.

Works had been done to increase means of therapeutic treatment for preparation of patients for independent life and their return to their families, involve long-term patients in psycho-social rehabilitation activities and develop the skills of learning and communication- labour therapy.

There is relevant circumstance for paramedical personnel and nursing staff to meet with head doctor for discussion and settlement of definite problems.

Regarding to Regional Psycho-Neurological Dispensary in Sheki

Relevant room had been created for psychotherapy-one of the most important methods for the treatment of patients. Walking schedule of patients had been drawn up and trainings on “Characteristics of mental diseases and rules of treatment (conduct) of such patients” are being held for awareness-raising and instruction of paramedical personnel and nursing staff. The Hospital Administration had strengthened control on this issue.

Topics of studies to be held for intellectual development and rules of conduct of patients had been developed and it will be realized in the near future. Registration of complaints and proposals of patients, their parents and relatives had been regulated; the medical personnel had been warned about the inadmissibility of use of insulting words, degrading treatment against patients and imposing of serious punishment in case of the abovementioned incidents.

With regard to paragraph 128City Psychiatric Hospital No.1 in Baku

Patients undergo a number of medical examinations on admission (blood and urine test, X-ray chest examination for TB, etc.). The administration of the hospital increased attention to the issue concerning the supply of somatic medication. According to the agreement on consultative medical care between the hospital and the out-patients clinic nearby, if it is necessary professionals in different fields are invited to the hospital.

With regard to paragraph 131Regarding to City Psychiatric Hospital No.1 in Baku

A formal on-call duty system for the doctors at night, holidays and weekends had been introduced.

Taking into consideration that the building of the hospital is old and needs capital repair at the moment it is impossible to organize (arrange) the activity of the establishment in accordance with the present-day requirements. However, it is planned to transfer all patients to other appropriate hospitals in Baku in case of capital repair.

Regarding to Regional Psycho-Neurological Dispensary in Sheki

A formal on-call duty system for the doctors at night, holidays and weekends had been introduced.

On the basis of the Health Project realized by the World Bank it is intended to construct a new hospital in Sheki. In this context the issue of transfer of Shaki Regional Psycho-Neurological Dispensary to a more appropriate and suitable building can be considered.

With regard to paragraph 154

Taking into account recommendations regarding the “Hauptvacht” of Nakhchivan Garrison the following measures had been taken:

- Heating system in the cells had been repaired and put in commission;
- Access to natural light and artificial lighting in the cells had been improved;
- All detained military servants are provided with mattresses and blankets at night;
- Remand and convicted military servants are trained in accordance with the Laws of the Republic of Azerbaijan and Statute of the Armed Forces, provided with newspapers and magazines regularly.

With regard to paragraphs 156 and 157

Necessary measures had been taken to implement recommendations indicated in these paragraphs.

Temporary detention cells of Nakhchivan Border Division had been repaired, natural lighting system had been improved and the level of the artificial lighting had been raised to the required standards in the cells intended for soldiers and sergeants.