

## EXECUTIVE SUMMARY

The main objective of the CPT's fourth periodic to Azerbaijan was to review the measures taken by the authorities in response to the recommendations made by the Committee after previous visits. In this connection, particular attention was paid to the treatment and conditions of detention of persons in police custody and penitentiary establishments. The delegation also examined the treatment, conditions and legal safeguards offered to psychiatric patients as well as residents of a social care institution.

### **Police establishments**

The delegation received very widespread, consistent and credible allegations of physical ill-treatment by the police; some were supported by medical evidence. Based on the delegation's findings, the CPT can only conclude that persons in police custody in Azerbaijan continue to run a very high risk of being ill-treated or even tortured, at the time of their apprehension but mostly when being questioned by law enforcement officers. There is also a clear link between the phenomenon of torture/ill-treatment and the corruption in law enforcement agencies; furthermore, impunity amongst law enforcement officials remains systemic and endemic.

Unfortunately, as before, superficial medical examinations together with scant and often inaccurate descriptions of injuries did not contribute to combating ill-treatment of detained persons.

As regards the legal safeguards against ill-treatment, while these safeguards are envisaged by the relevant legislation, the Committee's conclusion is that they remain largely a dead letter.

Material conditions in the temporary detention centres visited were generally acceptable or even good for the duration of police custody i.e. 72 hours.

### **State Security Service establishments**

The delegation carried out a follow-up visit to the Investigative Isolator and Temporary Detention Centre of the State Security Service (SSS). From the outset, the Committee reiterates its view that it is necessary to transfer the responsibility for the Isolator to the Ministry of Justice.

The delegation received hardly any allegations of ill-treatment of detained persons by the custodial staff working at the Isolator. That said, the delegation did hear some allegations of recent ill-treatment, including torture (electric shocks, "falaka") and threats with rape, concerning SSS operative officers and investigators. Most of the ill-treatment alleged was said to have occurred in the course of interviews, with the purpose of extracting confessions.

Material conditions at the Isolator continued to be on the whole acceptable. However, the cells were clearly in need of repair and redecoration.

As had been the case in the past, no organised activities were available at the Isolator and detainees and prisoners spent most of their time locked up in the cells with virtually nothing to occupy themselves with.

One of the few positive changes concerned the inmates' contact with the outside world that had become possible from December 2015, when remand prisoners had been permitted to receive visits and make telephone calls.

### **Penitentiary establishments**

The delegation carried out follow-up visits to Gobustan Prison, pre-trial detention facilities in Baku (Zabrat) and Ganja, and the Central Prison Hospital. Further, for the first time, the delegation visited Penitentiary Establishment No. 4 (for women) in Baku.

Unfortunately, the delegation's findings during the 2016 visit confirm that corruption remains a serious and widespread issue in the Azerbaijani prison system. The worst situation was observed at Pre-Trial Detention Facility No. 2 in Ganja where payments were expected and demanded even for the most basic services to which prisoners were entitled by law.

The delegation heard no allegations of ill-treatment of prisoners by staff at Baku Pre-trial Detention Facility (Zabrat), and hardly any recent credible allegations at Gobustan Prison. At Penitentiary Establishment No. 4, the delegation received a number of credible allegations (consistent with recorded medical evidence) of physical ill-treatment (truncheon blows) of female prisoners by the establishment's Director, as unofficial punishment for regime violations.

The worst situation was observed at Pre-Trial Detention Facility No. 2 in Ganja, where the delegation was literally inundated with allegations of systematic and severe physical ill-treatment of inmates by staff, including severe beatings whilst prisoners were handcuffed to bars in a crucifixion position in the prison's underground tunnel, sometimes combined with pouring cold water over the prisoners and placing a cold fan in front of them.

Inter-prisoner violence clearly appeared to be a problem at Gobustan Prison where conflicts between inmates sometimes resulted in severe injuries.

All the prisons visited were overcrowded to varying degrees, with the most dramatic situation observed at Pre-Trial Detention Facility No. 2 in Ganja, where there were 19 prisoners in the cells for eight, 20 inmates in the cell for 12 and 32 inmates in the cell for 17, which resulted in prisoners sleeping, and even sitting around the table, in shifts. This extreme situation was aggravated even more by the advanced state of dilapidation and insalubrity in Penitentiary Establishment No. 4 and Pre-Trial Detention Facility No. 2 in Ganja.

Turning to activities and regime, only Penitentiary Establishment No. 4 offered some work and vocational training to well under half of the women prisoners; none of the other establishments visited had anything even remotely resembling a regime in place.

As regards activities for life-sentenced prisoners, the situation had remained unchanged since the 2011 visit, with lifers being confined to their cells for 23 hours per day. Furthermore, they continued to be kept apart from other inmates despite repeated CPT's recommendations to end such segregation.

Health-care services at the penitentiary establishments visited were (with the exception of Penitentiary Establishment No. 4) adequately staffed as regards doctors but severely understaffed as concerns fieldshers and/or nurses; furthermore, only the two pre-trial detention facilities ensured the 24/7 health-care coverage repeatedly recommended by the CPT.

The health-care facilities were very basic and dilapidated in the prisons visited with the exception of Baku Pre-trial Detention facility where they remained of a good standard.

Upon arrival, a prompt medical screening was carried out for newly-arrived prisoners; however, individual medical files and a variety of other medical records in all the establishments visited were often poorly or inconsistently kept, with information missing or being very succinct.

Medical confidentiality was frequently not respected as the files and other medical documentation were often accessible to non-medical custodial staff. Furthermore, medical consultations and examinations generally continued to take place in the presence of custodial officers.

Custodial staffing levels were grossly insufficient in all the penitentiary establishments visited. This created serious challenges for the staff who had to frequently work overtime and was not always able to ensure effective control.

Formal disciplinary punishments were not applied excessively in the establishments visited, with the exception of Baku Pre-trial Detention Facility. However, the Committee is concerned by the widespread recourse to “special means” as a kind of informal punishment.

The Committee is also very concerned by the fact that, despite its repeated earlier recommendations, self-harm continues to be considered as a disciplinary offence and punished accordingly.

### **Psychiatric establishments**

The CPT’s delegation carried out follow-up visits to the Republican Psychiatric Hospital No.1 in Mashtaga, the Regional Psycho-Neurological Dispensary in Sheki and the Psychiatric Hospital in Ganja.

In all the hospitals visited, only a very small number of patients were formally involuntary. However, numerous patients were in fact not free to leave the hospital and were thus de facto deprived of their liberty.

The delegation received no allegations of ill-treatment of patients by staff at Mashtaga Psychiatric Hospital. However, a few isolated allegations of orderlies slapping patients were heard at Sheki Psychiatric Hospital. Further, at Ganja Psychiatric Hospital, the delegation received a number of allegations that orderlies would slap and also at times punch patients.

Inter-patient violence did not appear to be a significant problem in Mashtaga and Sheki Psychiatric Hospitals; by contrast, the environment at Ganja Psychiatric Hospital was chaotic, with palpable hostility among patients and reports of fights among them.

As regards material conditions, the CPT calls upon the Azerbaijani authorities to attach the highest priority to the speedy completion of new psychiatric hospitals in Sheki and Ganja in order to address the problems of overcrowding at Republican Psychiatric Hospital No.1 in Mashtaga and the poor living conditions at Psychiatric Hospitals in Ganja and Sheki. At the same time, the Committee encourages the Azerbaijani authorities to make every effort to promote de-institutionalisation and to substantially develop psychiatric care in the community.

The delegation noted that there were no isolation rooms and that seclusion was not used at Sheki and Ganja Psychiatric Hospitals (and was not used excessively in Mashtaga). As regards mechanical restraint, there was no evidence of its excessive use at any of the psychiatric establishments visited.

Despite the Committee's repeated recommendations, there seemed to have been very little progress in ensuring the practical operation of the legal safeguards concerning civil involuntary placement provided by the law.

### **Social care establishments**

The CPT's delegation carried out a follow-up visit to Psycho-neurological Social Care Institution No. 3 in Qırıqlı, Göygöl district, previously visited in 2011 and 2013.

The delegation concluded that, apart from some verbal rudeness by staff, residents were at times physically ill-treated by staff, including by a member of the medical team (the Director's husband). As regards inter-resident violence, there were clearly frequent verbal altercations and physical assaults between residents.

The numbers of staff required to adequately care for the needy and highly dependent residents were clearly grossly insufficient. As a consequence, some residents took on the role of attempting to control their co-residents, which is not acceptable.

With regard to therapeutic activities, the low levels of staffing meant that care was based upon containment, with very limited opportunities for any rehabilitative occupational or recreational activities. Furthermore, access to outdoor exercise was limited to summer months only.

Turning to safeguards, the examination of residents' personal files revealed that the initial placement procedure foreseen by the law was not applied in practice, and periodic review of placement was not carried out.

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The CPT's findings during this visit confirmed yet again the Azerbaijani authorities' persistent failure to implement most of the Committee's long-standing recommendations. Given this extremely regrettable state of affairs, the CPT decided to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.<sup>1</sup>

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<sup>1</sup> "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."