

Public statement Concerning Azerbaijan

This public statement is made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Strasbourg, 3 July 2024

Public statement concerning Azerbaijan

adopted at the 114th plenary meeting (July 2024)
of the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
pursuant to Article 10, paragraph 2, of the Convention establishing the Committee

Introduction

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is a non-judicial preventive mechanism whose task is to examine, by means of visits to places of deprivation of liberty, the treatment of persons held in such places with the view to strengthening, if necessary, the protection of those persons from torture and from inhuman or degrading treatment or punishment. In doing so, the CPT and the competent national authorities are bound by the Convention to co-operate with each other.¹

2. The CPT has carried out 13 visits to Azerbaijan since 2002. The reports and responses in relation to 11 of these visits have been published to date. The Azerbaijani authorities have not given their authorisation for the publication of the most recent reports, on the visits undertaken in 2020 and 2022.²

3. For more than 20 years now, the CPT has consistently expressed its deep concern regarding a number of issues related to the treatment of persons held by law enforcement agencies, in particular those under the Ministry of Internal Affairs.

In its reports, the Committee has many times drawn the Azerbaijani authorities' attention to the fact that the principle of co-operation between State Parties and the CPT, as set out in Article 3 of the Convention establishing the Committee, requires that decisive action be taken to improve the situation in light of the CPT's recommendations.

Unfortunately, in the course of the Committee's most recent visits to Azerbaijan in 2020 and 2022, the CPT's delegations have witnessed a continuing lack of such action, with its long-standing key recommendations remaining unimplemented, or only partially implemented.

Cooperation so far and the need for an enhanced dialogue

4. In its most recent report on Azerbaijan, concerning the ad hoc visit carried out in December 2022, the CPT was pleased to observe several major improvements in the two prison establishments it visited as compared with the situation it had found during its 2020 visit. This clearly demonstrates that the Azerbaijani authorities can make significant progress whenever they are genuinely resolved to bring about improvements in the treatment of persons deprived of their liberty.

By contrast, virtually none of the Committee's key long-standing recommendations regarding the treatment of persons held in establishments under the responsibility of the Ministry of Internal Affairs have been implemented. In fact, the CPT stated in the report on the 2022 ad hoc visit that it was "extremely concerned by the virtual absence of progress regarding the implementation of its long-standing recommendations on the subject of the widespread resort to physical ill-treatment (including, on occasion, torture) by the police in Azerbaijan." These findings showed that there had been no improvement since the 2020 visit, when an almost identical state of affairs had been described in the report.

1. Articles 1 and 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereafter referred to as "the Convention").

2. These visit reports and the corresponding Government responses, where publication has been authorised, are available on the CPT website: <https://www.coe.int/en/web/cpt/azerbaijan>.

5. This deplorable state of affairs led the CPT to decide to open the procedure set out in Article 10, paragraph 2, of the Convention³ in the course of the Committee's 111th plenary meeting held from 3 to 7 July 2023. A letter informing the Azerbaijani authorities of this decision was sent on 4 August 2023.

6. For the CPT, the opening of the Article 10, paragraph 2, procedure entails a more intensive dialogue with the relevant authorities to address the issues of concern, including through high-level talks with senior national officials and targeted ad hoc visits. Accordingly, the CPT informed the Azerbaijani authorities that it expected them to demonstrate convincingly their determination to implement the Committee's long-standing recommendations and take steps to put an end to the phenomenon of ill-treatment inflicted by law enforcement officials on detained persons.

7. The CPT also proposed that high-level talks be held between a CPT delegation led by the President of the Committee and relevant senior members of the Government of Azerbaijan, to discuss the implementation of the Committee's recommendations concerning the treatment of persons held in police custody.

The Azerbaijani authorities responded positively, and talks were scheduled in Baku for 30 and 31 January 2024. However, on 26 January 2024, two days after [decision](#) by the Parliamentary Assembly of the Council of Europe (PACE) not to ratify the credentials of the Azerbaijani delegation to PACE, the authorities informed the CPT that the high-level talks were cancelled without explanation.

8. The aforementioned PACE decision cannot in any legal manner be conceived as altering Azerbaijan's obligations, pursuant to the Convention governing the CPT, to cooperate with the Committee. Likewise, it has no impact on the Committee's duty to cooperate with the Azerbaijani authorities.

The Committee continued its efforts to engage in a constructive dialogue with the Azerbaijani authorities. By letter of 29 April 2024, the President of the CPT formally proposed that the high-level talks with the Azerbaijan authorities be rescheduled to take place in Baku on 11 June 2024. In his letter, the President stated that the Committee would, during its 114th plenary meeting, to be held from 1 to 5 July 2024, discuss the follow-up to the ongoing Article 10, paragraph 2, procedure in respect of Azerbaijan. He reiterated that, it was of "utmost importance that the Azerbaijani authorities be granted the opportunity to provide the CPT with updated information and to make known their views with respect to the implementation of the CPT's recommendations in the context of the ongoing dialogue between the authorities and the CPT. Further, the outcome of high-level talks should enable the CPT to reach an informed and objective decision regarding the follow-up to the aforementioned Article 10, paragraph 2, procedure."

Regrettably, no response was provided to this letter by the Azerbaijani authorities.

Failure to cooperate

9. Given the absence of any reaction by the Azerbaijani authorities, the Committee decided to carry out an ad hoc visit to Azerbaijan, focusing on the treatment of persons in police custody. On 4 June 2024, the President of the Committee notified the Azerbaijani authorities in writing of the CPT's intention to carry out a visit to Azerbaijan on 11 and 12 June 2024 and requested that the authorities prepare the necessary credentials to enable its delegation to visit places of deprivation of liberty.

3. "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."

The CPT never received an official response to this letter. Instead, on 7 June 2024, the Azerbaijani authorities informed the Committee, through the intermediary of the Permanent Representative of Azerbaijan to the Council of Europe, that they were not prepared to extend any cooperation to the CPT's delegation, either in terms of access to the places of deprivation of liberty or the possibility to have confidential interviews with detained persons. Further, no meetings with Ministers or senior officials would be accorded.

The Azerbaijani authorities provided no justification for refusing to cooperate with the Committee. None of the grounds for arguing for a delay to the CPT visit, as set out in Article 9, paragraph 1, of the Convention, were invoked. This represents an unprecedented blatant violation of the [Convention](#), in particular its Articles 2, 3 and 8.

10. At the Committee's 114th plenary meeting, held from 1 to 5 July 2024, the Committee discussed this state of affairs and decided to make a public statement pursuant to Article 10, paragraph 2 of the Convention.

11. Given the seriousness of the issues at stake, ill-treatment and even torture by law enforcement officials of detained persons, the Committee has also decided to publish the report on the 2022 ad hoc visit to Azerbaijan as an annex to this public statement.

The outright refusal of the Azerbaijani authorities to cooperate with the Committee, through not responding to the letters from its President, represents a fundamental and unprecedented breach of the Convention.

Persistence of torture and ill-treatment by law enforcement officials

12. The Committee considers that it has given every opportunity to the Azerbaijani authorities to address the serious substantive issues concerning torture and inhuman or degrading treatment or punishment by Azeri law enforcement officials under the authority of the Ministry of Internal Affairs.

13. Such a state of affairs is not a recent phenomenon in Azerbaijan. The CPT held high-level talks with the Azerbaijani authorities in Baku in February 2017 and again in June 2018, to address the issue of ill-treatment by Azeri law enforcement officials. Thereafter, on 18 July 2018, when Azerbaijan authorised the [publication of six visit reports](#), the CPT stated that torture and other forms of physical ill-treatment by the police and other law enforcement agencies, corruption in the whole law enforcement system and impunity remained systemic and endemic. The reports contained detailed recommendations designed to address these problems and stamp out torture. Little, if any, progress has been noted in the subsequent visits.

14. Torture is abhorrent and all Council of Europe member states have an obligation to eradicate its application by public officials and, where it does occur, to bring the perpetrators to justice. The CPT acts as a preventive body identifying shortcomings in the treatment of persons deprived of their liberty by public authorities. It requires State Parties to act upon its recommendations and to engage in a constructive dialogue with the Committee.

By refusing to take action to end torture and other forms of physical ill-treatment by law enforcement officials, the Azerbaijani authorities are sending a message that ill-treatment, including acts of torture, is tolerated. This is totally unacceptable for a Council of Europe member state governed by the rule of law and committed to the protection of human rights.

Way forward

15. Despite the extraordinarily grave violation of the duty to cooperate, as set out in Article 3 of the Convention, the Committee remains hopeful that the Azerbaijani authorities will be willing to resume a constructive dialogue. The priority should be on implementing the CPT's long-standing recommendations regarding the manner in which persons in the custody of law enforcement agencies are treated in Azerbaijan. Progress observed during the 2022 ad hoc visit in the implementation of the Committee's recommendations regarding prisons demonstrates that this is possible provided there is the political will.

16. In furtherance of its mandate, the CPT is fully committed to continuing its dialogue with the Azerbaijani authorities. By making this public statement, which the Committee felt compelled to issue under the circumstances, the CPT hopes to motivate and assist the Azerbaijani authorities, and in particular the Ministry of Internal Affairs, to take decisive steps in line with the fundamental values to which Azerbaijan, as a member state of the Council of Europe, has subscribed. In this context, the Committee's long-standing recommendations should be seen as a roadmap which helps the Azerbaijani authorities to identify shortcomings and make the necessary changes.