



**International Covenant on
Civil and Political Rights**

Distr.: General
25 June 2012

Original: English

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Azerbaijan

Addendum

**Information received from Azerbaijan on the implementation
of the concluding observations of the Human Rights
Committee (CCPR/C/AZE/CO/3)***

[31 May 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Additional information on some paragraphs contained in the concluding observations of the Human Rights Committee (CCPR/C/AZE/CO/3) following consideration of the third periodic reports of Azerbaijan on the implementation of the International Covenant on Civil and Political Rights

The number of extradition requested to the State in the last five years, by which States, and the number of cases in which extradition was refused.

1. The breakdown of requests with regard to the extradition (except CIS countries) of the accused persons made to the Ministry of Justice was as follows: in 2007 – 4 requests, in 2008 – 2 requests, in 2009 – 1 request, in 2010 – 13 requests, and in 2011- 2 requests. In 2008, due to expiration of the period within which the criminal proceeding had to be initiated against the accused person, the extradition request received from the United Kingdom of Great Britain and Northern Ireland was declined.

The progresses realized for the implementation of the “Azerbaijan State Program for Development Justice System for 2009-2013 years” and for the adoption of draft law on protection of rights and freedoms of sentenced persons.

2. In order to conform the detention conditions to international standards in 2011 repair and construction works took place in 15 penitentiary institutions.

3. Moreover, the construction of new penitentiary institutions, which conform to contemporary standards, has been continued. The work on completion of construction and operation of Baku Pre-trial Detention is being carried out. The construction of mixed regime penitentiary institutions in Ganja and Lankaran, penitentiary institutions for women and underaged children, Prison Complex in Umbaki district is being continued. The complex of mixed regime penitentiary institution constructed in Shaki will be ready for usage this year. The draft task on construction of mixed regime penitentiary institution which will be built in Kurdamir region has been prepared and introduced to relevant bodies.

4. With regard to execution of the Presidential Order dated 25 June 2011 on the application of the Law “About amendments to the Code of Execution of Punishments of the Republic of Azerbaijan” dated 31 May 2011, numbered 138-IVQD applications were made to district and city executive bodies with request to allot the land for the construction of 25 new station type penitentiary institutions.

5. In order to improve logistical resources of penitentiary institutions, in 2011 24 hour CCTV system was established in four institutions, digital wireless connection was established in seven institutions and in three institutions the repairing work had been conducted on camera control systems which were already in use. Moreover, in order to organize computer and English courses the language laboratories were established in two institutions.

6. With a view of widening the rights of people detained in the penitentiary institutions, including those who serve life imprisonments, international experience is being taken into account in order to study the areas of the legislation that needs improvement. Besides, preparation of proposals is being carried out.

7. It should be noted that the draft Law on “Protection of rights and freedoms of prisoners” is at the last review stage of the Parliament. At the same time, by taking into account the recommendation of the European Committee for the Prevention of Torture, who visited our country in December of 2011, we have put forward further proposals; thus, the document has been further improved.

8. Moreover, “The National Action Programme in the field of increasing the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan” was approved by the Order of the President of the Republic of Azerbaijan in 27 December 2011.

9. By developing the concept of State activities in the field of protection of human rights, the mechanism of the conducting, implementing, coordinating, monitoring and assessment of a number of measures in different directions and the main purposes were defined in National Action Programme.

10. This document envisages the following issues: the continuation of measures in the direction of improvement of detention conditions of accused and sentenced persons and conformation of the regimes to international standards; the attraction of attention of community, NGOs to the correction process of the sentenced persons and application of public control mechanism; organization of learning of the United Nations Convention against Torture and its Optional Protocol’s requirements by the employees of law enforcement bodies; and other issues.

Creation of a mechanism allowing aliens who claim that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect; and the actual content of the diplomatic assurances applied during the extradition process to countries where persons would be put at risk to suffer torture or ill-treatments.

11. According to article 3.2 of the “Law on extradition of people who have committed crimes” dated 15 May 2001, the requested country can deny the extradition when there is a sufficient basis for supposition that in requesting country the person about whom the extradition request has been made will be subjected to torture, inhumane treatment or punishment; or persecuted for his race, nationality, religion, citizenship, political views or sex.

12. In its extradition request letters the Ministry of Justice of the Republic of Azerbaijan guarantees that the person who will be extradited will not be exposed to torture, inhumane treatment or punishment, and it also ensures that the extradition request does not carry any political, racial, sexual, national and religious purposes; besides, after the extradition the accused person will be provided with defence lawyer and interpreter.

The measures taken to effectively protect media workers against attempts on their integrity and life.

13. The equality of rights and freedoms, the protection of the personal immunity, the honour and dignity, the rights of voting, freedom of information, thought and expression of any person in the territory of the Republic of Azerbaijan are guaranteed. A responsibility was defined by article 163 of the Criminal Code of the Republic of Azerbaijan with regard to any form of obstacle to implementation of professional obligations by the representatives of mass media and legal professional activity of journalists without considering their political position and press authority which they represent.

14. The necessary measures are being taken by the Government in order to provide safety of each person, including journalists and if a crime is committed against them legal proceedings will be instituted and investigation will be carried out by a relevant law-enforcement agency in accordance with the requirements of the procedural legislation.

15. The necessary measures are being implemented in the field of strengthening mutual relations with civil society and improvement of cooperation relations with the representatives of mass media for the purpose of providing public security.

16. The round table talks were recently held in many regions of the Republic by the Ministry of Internal Affairs together with “Journalists in extreme conditions” Public Union and OSCE Office in Baku, Azerbaijan within the framework of “the improvement of police and media relations” project.

17. The aim of these events is to open a new stage of relations between law enforcement officials and journalists from the point of view of quality and improve the opportunity of press representatives with regard to obtaining information from police as well.

18. The close and business relations have emerged between the Ministry of Internal Affairs and the Press Council. Three officials of the Ministry of Internal Affairs being member of a Commission of the Press Council on considering applications and complaints take an active part in investigating the cases resulted impediment to journalists in their professional activity.

19. The special vests with a sticker “PRESS” thereon were prepared under financial support of the OSCE Office in Baku, Azerbaijan and have been distributed to the representatives of media authorities’ members of the Press Council. This creates an opportunity to the journalists to engage in their professional activity, deliver and spread over necessary information efficiently in extreme conditions and mass demonstrations.

20. The numerous inquiries and applications received from local and foreign mass media are efficiently considered and comprehensively answered by the Press Service of the Ministry of Internal Affairs and placed in the official website of the Ministry.

The number of foreigners or internally displaced persons registered during last five years.

21. During 2006-2011 years 238.054 registration certificates were issued by police authorities to foreigners applying for temporarily (more than 30 days) live in the territory of the Republic of Azerbaijan.

22. According to the 6th paragraph of the Regulations approved under decision No.32 of the Cabinet of Ministers of the Republic of Azerbaijan dated January 15, 1993 the State Committee on Affairs of Refugees and Internally Displaced Persons of the Republic of Azerbaijan organizes registration of refugees and internally displaced persons on the regions and cities of Azerbaijan.

23. With regard to systematically non-provision of audio and video equipment and keeping conditions in police stations (11th paragraph) we hereby inform you that the right of an investigator to capture video and audio, take photos by using technical means during implementation of procedural actions and interrogation of an accused person is defined by articles 232-234 of the Criminal Procedural Code of the Republic of Azerbaijan.

24. During the last five years, 26 temporary detention centres under police authorities, detention centre for administrative arrests in Baku city and temporary isolation ward for juveniles were reconstructed and the capital reconstruction works are underway in other centres.

25. Furthermore, the signalization equipments of 64 detention centres were replaced with new ones; the modern video control system was installed in 61 detention centres.

26. During 2010-2011 years 523 monitoring visits have been held in temporary detention centres of police authorities by United Nations representatives, relevant commissions of the Council of Europe, the International Committee of the Red Cross, the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) and the Azerbaijani Committee against Tortures.

27. It should be mentioned that during the last five years the different disciplinary measures have been taken against 1068 officials with regard to ill-treatment to citizens,

bringing to police without any substantial reason, detention, calling into account, as well as conducting illegal search.

28. An active participation of employees of Ministry of Internal Affairs is provided in workshops, trainings and conferences organized by the international organizations in our country and abroad as well. Thus, during the last four years, approximately 800 policemen participated in about 60 events dedicated to prevention of torture and inhuman or degrading treatment or punishment within the framework of observance of the human rights.

The number of extradition requested to the State in the last five years, by which States, and the number of cases in which extradition was refused.

29. Over the past five years (2007-2011) 156 surveys for extradition were received from CIS countries and 65 of them are still pending solution.

The number of cases in which the victims of torture or ill-treatment were compensated during the last five years, and the nature of the reparations that were provided.

30. During past five years there were not any persons who faced with ill-treatments or tortures.

The progress realized for the implementation of the "Azerbaijan State Program for Development Justice System for 2009-2013 years" and for the adoption of draft law on protection of rights and freedoms of sentenced persons.

31. As it was mentioned above "The National Action Programme in the field of increasing the effectiveness of human rights and freedoms" was approved by the Decree of the President of the Republic of Azerbaijan, dated 27 December 2011.

32. In accordance with paragraph 1.2.2 of the program in order to ensure the legality of the keeping in custody of the arrested persons it is planned to prepare the project on amendments and additions to the Criminal Procedural Code of the Republic of Azerbaijan. Besides, In accordance with paragraph 2.11 of the programme it is planned to take some measures regarding construction of new penitentiary facilities in order to improve the keeping conditions of persons deprived of liberty. General Prosecutor's Office of the Republic of Azerbaijan has been defined as the executive body in this field.

33. In accordance with paragraph 1.2.3 of the National Action Program in order to ensure the rights of persons to be extradited it is planned to prepare amendments and additions to the Criminal Procedural Code of the Republic of Azerbaijan, to finalize works on preparation of the Migration Code of the Republic of Azerbaijan in order to ensure the rights of migrants in accordance with paragraph 1.2.8, to prepare proposals in order to improve legislation aiming at elimination of criminal liability for defamation referred to in paragraph 1.2.7.

34. According to Presidential Decree dated 13 January 2009, the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) has been defined as a national preventive mechanism which stipulated in the Optional Protocol to the "Convention against Torture and other cruel, inhuman or degrading treatment or punishment".

35. In accordance with National Action Program a number of awareness measures regarding the implementation of "Convention against Torture and other cruel, inhuman or degrading treatment or punishment" and its Optional Protocol have been carried out.

36. Taking into account the requirements of above-mentioned international documents a number of measures have been carried out, especially, the comprehensive plan of actions were approved by the Order named "The duties of the prosecutor offices' in connection

with the accession of the Republic of Azerbaijan to the “Convention against Torture and other cruel, inhuman or degrading treatment or punishment” dated 14 February 2003.

37. In order to improve the experience of prosecutors in accordance with the requirements of the Order titled “Consideration of the provisions of European Convention on the Protection of Human Rights and Fundamental Freedoms and case law of the European Court of Human Rights” dated 1 December 2006 the decisions on the appeals concerning the torture and other cruel, inhuman or degrading treatment has been an object of regular study.

38. Moreover, in order to establish specialized expert group which will provide the implementation of provisions of main European conventions in the activities of prosecutorial authorities the Order on “the effective implementation of prosecutorial authorities’ duties which comes from the obligations of international treaties to which the Republic of Azerbaijan is a party” has been signed on 12 November 2010. This is one of the most important activities that have been carried out in this area.

39. To ensure the implementation of above-mentioned order a decree was signed on Prosecutor General's Office on 18 November 2011, and in accordance with its paragraph 1.4 a group of experts on international treaties in the field of fight against torture and other degrading, inhuman action was set up. This group composed of officials of different departments of the Prosecutor General's Office.

The measures taken to effectively protect media workers against attempts on their integrity and life;

40. The provision of “Impending journalists in their legal professional activities by forcing them to disseminate or refuse to disseminate information, with use of violence or with threat of its application” has been set forth in article 163 of the Criminal Code of the Republic of Azerbaijan.

41. Moreover, on the basis of the requirements of order 10/70 regarding the Prosecutor General's Office no illegal detainments has been revealed in temporarily custody houses belonging to the Ministry of Internal Affairs. During the inspection of custody houses, a special attention have been attached to detaining conditions ensuring that the conditions meet the required norms.

Creation of a mechanism allowing aliens who claim that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect; and the actual content of the diplomatic assurances applied during the extradition process to countries where persons would be put at risk to suffer torture or ill-treatments.

42. In this regard, according to article 27 of the “Law on the legal status of foreigners and stateless persons” when a serious violation of provisions of this legislation has taken place, as well as in other cases provided for in the Law of the Republic of Azerbaijan, foreigners and stateless persons without immigrant status as defined by the legislation of the Republic of Azerbaijan in accordance with a decision of relevant executive bodies or courts can be taken out beyond the borders of the Republic of Azerbaijan. These rules are being regulated by relevant state executive body of the Republic of Azerbaijan.

43. The foreigners and stateless persons who have no immigrant status have to leave the territory of the Republic of Azerbaijan within the period defined according to the decision on the expulsion. The foreigners and stateless persons who have no immigrant status that refuses to leave the territory of the Republic of Azerbaijan is arrested on the basis of the decision of the court and in a mandatory form taken out beyond the borders of the Republic of Azerbaijan. The decision on deportation of the foreigners and stateless persons with non-immigrant status out of the borders of the Republic of Azerbaijan could be complained

against at the court. The complaint does not stop the execution of the decision. According to the regulations, foreigners and stateless persons who are obliged to be taken out of the boundaries of the Republic of Azerbaijan should be registered. In accordance with article 52 of the Criminal Code of the Republic of Azerbaijan, foreigners and stateless persons may be forced to leave the Republic of Azerbaijan. If foreigner or a stateless person with non-immigrant status is considered to be victims of human trafficking, he could not be taken beyond the borders of the Republic of Azerbaijan in an administrative manner for a year. Upon completion of this period, if the foreigner or a stateless person provides assistance to law enforcement bodies, in connection with the crime of human trafficking, the decision on withdrawal is not executing till the investigation of crime is finished. Children who are victims of human trafficking are not taken beyond the boundaries of the Republic of Azerbaijan in an administrative manner. Foreigners and stateless persons who are considered to be taken out of the boundaries of the Republic of Azerbaijan can be voluntarily placed at the illegal migrant centre of relevant executive state bodies until implementation of the decision.

44. In accordance with article 13 of the “Law on immigration of the Republic of Azerbaijan”, immigrant status is liquidated in cases provided in the Code on Administrative Offences of the Republic of Azerbaijan with regard to the foreigners and stateless persons that taken outside the boundaries of the Republic of Azerbaijan by the administrative order. The decision about the deprivation of immigration status of a foreigner or stateless persons and expulsion from the territory of the Republic of Azerbaijan is accepted by the court.

45. Withdrawal of the Immigrants from the territory of the Republic of Azerbaijan is carried out in accordance with the relevant legislation. If the immigrant does not leave the territory of the Republic of Azerbaijan during seven days after the decision of the court adopted, it should be realized in mandatory form. The orders of Mandatory deportation of Immigrants from the Republic of Azerbaijan are defined by relevant state executive body. When the immigrant commits grave and serious crime he can be taken out beyond the borders of the Republic of Azerbaijan in accordance with article 53 of the Criminal Code of the Republic of Azerbaijan.

46. In accordance with paragraph 52.2.7 of the Criminal Code of the Republic of Azerbaijan when taking out beyond the borders of the Republic of Azerbaijan is applied as a type of punishment and when there are serious grounds to assume that in the country that the person will be deported he/she will be subjected to serious crimes this decision is not applied in respect to such persons.

47. Besides, according to article 3.2.2 of the "Law on extraditing crime committed persons (extradition)" it can be refused from submitting the person who is requested, if there are enough grounds to suppose that person will face with torture or cruel, inhuman and degrading treatment or punishment.

48. Moreover, during the extradition of a person to country which there is an assumption that he/she will face with torture or cruel, inhuman and degrading treatment or punishment the guarantees are requested from that country in accordance with the requirements of article 3 of the Convention on the Protection of Human Rights and Fundamental Freedoms and other relevant international documents.