

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/AZE/CO/3)*

**AZERBAIJAN**

(...)

**C. Main subjects of concern and recommendations**

(...)

**Torture and ill-treatment**

9. The Committee remains concerned about the numerous continued allegations of use of torture and ill-treatment of suspects and other detainees, which reportedly commonly takes place between the moment of apprehension and formal registration at remand centres. The Committee is also deeply concerned about allegations that authorities are reluctant to initiate criminal proceedings for alleged acts of torture or ill-treatment, and notes with concern that officials who have allegedly committed acts of torture or ill-treatment are not charged with these crimes, but rather charged with “excess of authority”, “negligence” and “minor, serious or serious harm to health out of imprudence”. The Committee is concerned that such practices contribute to a culture of impunity among law enforcement officials, and is particularly concerned that, despite numerous allegations of torture and ill-treatment by law enforcement officials, not a single case against an official has been initiated under article 133, part 3, of the Criminal Code. The Committee values the fact that the Government has prosecuted 161 cases of domestic violence under article 133 since 2001, but notes that there were no prosecutions under this article against persons acting under colour of authority (arts. 2, 15 and 16).

**The State party should take all necessary measures to ensure that, in practice, all allegations of torture are subjected to prompt, impartial and effective investigation and, as appropriate, prosecute and if responsibility is found, punish accordingly.**

(...)

**Insufficient basic legal safeguards**

11. Notwithstanding the State party’s efforts to improve the system of registration of detainees, the Committee notes with concern the allegations of widespread and routine use of torture or ill-treatment of detainees in police custody, including before their official registration and during pretrial detention. The Committee is also concerned over the inadequate legal safeguards for detainees, which include, inter alia,

restricted access to independent doctors and public defenders and failure to notify detainees of their rights at the time of detention, including their rights to contact family members, as alleged in the cases of Emin Milli and Adnan Hajizade, and Kamil Saddredinov. The Committee is also concerned at the shortage of public defenders in the State party, and at allegations that the quality of legal aid is low as a result of inadequate resources. In addition, the Committee notes with concern allegations that suspects are purposefully detained for delayed periods as witnesses and are thus denied basic legal safeguards, and only later have their status changed to that of a suspect. The Committee further regrets the lack of information provided with regard to the mechanism or legal provision through which detainees may request a medical examination by an independent doctor, and remains concerned at allegations that access to medical care is frequently denied, in practice, as was reportedly the case for detainee Mahir Mutafayev who suffered second- and third-degree burns and was not granted access to medical attention until 11 to 12 hours after the incident, and Novruzali Mammadov (arts. 2 and 16).

**The State party should take prompt and effective measures to ensure that individuals are registered from the actual moment of deprivation of liberty, and that they are not subjected to acts in breach of the Convention when they are under custody, but not yet registered as detainees. A central registration system for all detainees should be improved in accord with the recommendations of the European Committee for the Prevention of Torture. The State party should ensure that suspects are brought before a judge as soon as possible, calculated from the actual moment of deprivation of liberty, so as to determine the legality of their detention. The systematic use of audio and video equipment in police stations and detention facilities should be implemented, particularly in interrogation rooms and for all interrogation of minors.**

**The State party should also take effective measures to ensure that in practice, all detainees in all detention and remand centres are guaranteed, inter alia, immediate access to independent legal counsel and an independent medical examination. Additionally, steps should be taken to establish and clarify the procedure in place by which detainees, their legal counsel or a judge may demand such an examination. The State party should also continue to take measures to address the shortage of public defenders, including by ensuring that public defenders are adequately paid for their work.**

(...)

#### **Independent monitoring of places of detention**

12. The Committee particularly welcomes the establishment of the public committee, consisting of representatives of non-governmental organizations, that has been mandated to monitor penitentiary institutions. Notwithstanding the State party's insistence that such visits are unrestricted, the Committee is concerned, however, that the Public Committee is unable to make unannounced visits to detention facilities because, under the order of the Minister for Justice of 25 April 2006, visits are subject to internal disciplinary regulations which, in practice, reportedly require 24 hours

notice prior to visits. It is also concerned that the one year term of the public committee members unduly limits the application of the expertise developed by these monitors. The Committee is also concerned that the public committee is not granted access to pretrial detention centres and the remand centre under the Ministry of National Security (arts. 2, 11 and 16).

**The State party should guarantee that the public committee has an unrestricted right to conduct unimpeded and unannounced visits to all places of detention in the country, including pretrial detention facilities and the remand centre under the Ministry of National Security.**

(...)

#### **Violence in the armed forces**

26. The Committee is concerned at the reported prevalence of violence and ill-treatment of conscripts in the army, commonly called *Dedovshchina* (hazing or bullying), which has reportedly led to serious injuries, and of a large number of unexplained deaths of conscripts, including suicides (arts. 2 and 16).

**The State party should initiate prompt and effective investigations into every case of non-field related deaths, including suicides, of soldiers in the armed services, and should prosecute and punish any perpetrators of actions leading to these deaths and take measures to prevent such incidents in the future.**

(...)

30. The Committee requests the State party to provide, within a year, information on its response to the Committee's recommendations contained in paragraphs 9, 11, 12 and 26 above.

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