

HUMAN DIMENSION IMPLEMENTATION MEETING

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Activity of the Azerbaijani Ombudsman as
a National Preventive Mechanism against torture

Madam Moderator
Ladies and Gentlemen,

As a result of democratic reforms carried out in the Republic of Azerbaijan, new progressive laws serving to more efficient protection of human rights were adopted; the country joined numerous significant conventions in the field of protection of human rights and liberties in order to purposeful realization of measures in human rights sphere, as well as the republic ratified by the Law from May 31, 1996, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and by the law from December 25, 2001 the European Convention on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the 1st and 2nd Protocols to the Convention.

Protection of the rights of persons deprived of liberty is one of the directions of the activity of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan. Thus the Article 12.2.1 of the Constitutional Law on the Commissioner from December 28, 2001, enshrines that the Commissioner has the right to access, without hindrance and prior notification, to any governmental and municipal body, military units, as well as to the police stations, temporary detention facilities, investigatory isolators, penitentiary institutions, military guardhouses, psychiatric institutions and other places, which detained persons cannot leave on their own will; to meet privately or when deemed necessary with participation of an expert or interpreter and interview in private the detained persons, as well as any other persons who may provide relevant information; to get acquainted with and obtain copies of the documents confirming the lawfulness of detention and providing information on treatment and the conditions of detention of the persons mentioned above; to prepare acts, document the process and the results of the actions undertaken; to provide

relevant recommendations to the competent authorities and to receive responses to these recommendations within the identified time limits.

Alongside, the Commissioner was determined as a National Preventive Mechanism Against Torture by the Decree of the President of the Republic of Azerbaijan from January 13, 2009, also by the Constitutional Law from June 24, 2011, the scope of powers, as well as the independence of the Commissioner has been brought up to the level meeting the requirements to the NPMs as provided in the Optional Protocol, the Law also enshrined the establishment within the Office of the National Preventive Group through transparent procedures in order to realize the activity of the Commissioner as an NPM, the requirements towards the NPG members, the issues of their rights and immunities. The proposals and recommendations of the Commissioner, as well as of appropriate international organizations, human rights organizations functioning in the country, human rights defenders have been considered during adoption of the Law.

Due to a necessity of establishment of special structural unit within the office in order to provide the efficient work of the NPM, the Commissioner urged in this regard to concerning bodies. After allocation of appropriate financial means the Department consisting of two sectors (the Sector on Visits and the Sector on Legal Analysis and reports) on September, 2012. The staff members of the Department are the members of the NPG.

As a result of undertaken organizational measures, there was compiled out the list of the places of deprivation and restriction of liberty, as well as of penitentiary institutions, temporary detention places and other relevant facilities in the country.

The trainings for increasing the knowledge and capacities of NPG members were conducted on different times with participation of the experts from the UN Sub-Committee on Prevention of Torture (SPT), European Committee for the Prevention of Torture (CPT), Association for the Prevention of Torture (APT), well-known experts form the NPMs network and the activity on this direction was further improved.

The Commissioner struggles against the cases of violation or possible violation of the right of citizens to protect their honor and dignity by the staff of relevant bodies having the powers of compulsion, especially by the law-enforcement agencies.

The information obtained from received appeals, also from human rights defenders and mass media, as well as the facts revealed and information summoned as result of the on-site investigation or the investigation by tasking particular state bodies, as well as the relevance and quality indicators of complaints are used by the NPM when carrying out the visits.

The acts, protocols and official information were worked out as a result of conducted visits, conversations with persons deprived of liberty, as well as with the staff of the institutions, relevant measures have been carried out on each of them depending on their specificities.

The Commissioner and the National Preventive Group carries out regular scheduled and ad hoc visits without prior notification to the places of restriction of liberty.

During visits of the Commissioner and NPG along with the national legislation, the international legal documents, including International Conventions, the European Standards for Prevention Torture, the Istanbul Protocol for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules, the European Penitentiary Rules, and other documents were invoked.

This should be noted that the number of places of full or partial deprivation of liberty in our country is more than 240.

In order to eliminate the deficiencies and shortcomings that were revealed during the visits, as well as in order to improve the detention conditions the administration of this or that institution, moreover the appropriate state agencies were given proposals and recommendations. The Commissioner has been informed about the measures realized on each proposal and recommendation. The information about the visits has been highlighted in mass media.

The Commissioner and the members of the National Preventive Group (NPG) against torture met with the members of the UN Subcommittee on Prevention of Torture (SPT) headed by the vice-president of the Committee. At the meeting, the parties discussed the activities of the NPM of the Azerbaijani Ombudsman and answered the questions of the Committee members.

I would like to note that by the instruction of the Ombudsman, the National Preventive Group (NPG) held visits to temporary detention place and investigatory isolator of the Ministry of National Security (MNS) and to Baku Investigatory Isolator of the Penitentiary Service of the Ministry of Justice. The aim of the visits was to investigate custody condition, treatment and ascertain facts in the applications addressed to the Commissioner.

The Group members interviewed over 15 detainees in the detention place and investigatory isolator of the MNS, including Arif Yunusov. The latter did not complain about his custody condition and treatment, but stated about the health problems appeared before his detention. During the conversation with the doctor of this facility, doctor said that A. Yunusov is regularly examined and his health is under their control.

Also, in the course of the visit to the Baku Investigatory Isolator, the NPG met in that facility more than 20 detainees, including Intigam Aliyev, Perviz Hashimli, Leyla Yunusova, Faraj Kerimli, Sirac Kerimli, Rasul Jafarov, and Murad Adilov in their cells and familiarized with their custody condition and treatment.

During the conversation with the abovementioned persons, they did not complain about the treatment towards them.

In addition, during the monitoring of the cells and learning the situation, there was no found violation of the provisions of the “Internal Disciplinary Rules” approved by the Cabinet of Ministers of the Republic of Azerbaijan.

Simultaneously, several proposals of those detainees were discussed with the administration of the facility.

During the visit, it was also found that the ICRC representatives also met with every detainee, whose names were mentioned above.

Finally, regarding to the speech of the delegation from Armenia I would like to note that at the result of Armenian aggression against Azerbaijan fate of more than 4000 Azerbaijani prisoners of war and hostages in the captivity of Armenia still remains unknown.

Inflicting brutal torture and degrading treatment against Shahbaz Guliyev and Dilgam Asgarov, who visited their native land and graveyards of their parents, murdering of Hasan Hasanov, targeting the civilians, including children by the Armenian forces thought the contact line and Armenia-Azerbaijan border since the very beginning of occupation and all the facts of Armenia’s immoral and inhuman policy detrimental to the international law.

Thank you for attention!