

**HUMAN DIMENSION IMPLEMENTATION MEETING**  
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**Warsaw, Poland**

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**for Human Rights (Ombudsman) of the Republic of Azerbaijan**

**Working session 8**

**Mr 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.

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.

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.

Nowadays the NPM of Azerbaijan continues its activity in four main directions: preventive visits, legal analyses, legal enlightening; public relations and international cooperation.

### **Preventive visits**

In order to organize the activity of the Ombudsman as a National Preventive Mechanism (NPM), the National Preventive Group conducted 365 visits in 2014, to the places that a person can't leave at his/her will. 267 planned visits and 98 ad-hoc visits were conducted. During those visits, private conversations were conducted with 237 detainees kept in temporary detention places, 1030 detainees kept in investigation isolators and penitentiary institutions, and up to 250 persons kept in other establishments, as well as up to 300 staff members.

Beside the abovementioned, this also should be noted that, the NPM mandate is closely linked with the mandate of the Commissioner to investigate the complaints. Thus, the information, gathered during the investigation of the complaints received by the Office, as well as specific weight of complaints over the bodies and facilities have been used in planning of the visits and as a guiding tool during their conduction.

Received appeals and other information, as well as the information received from the rights defenders, or mass media, the facts obtained on-site or in the process of investigation when tasking this or that state body, also the gathered information, relating and quantity indicators of complaints have been used during the visits carried out as NPM.

The press releases regarding the visits were sent to mass media and placed on the official web-site of the Commissioner.

The representatives of the Ombudsman regularly met with the persons whose names were sounded in mass media and were detained.

Leyla Yunus, Arif Yunus, Intigam Aliyev, Ilgar Mammadov, Anar Mammadli, Rasul Jafarov, Faraj Kerimli, Murad Adilov, Hilal Mammadov, Parviz Hashimli, Khadija Ismayil, Tofiq Yagublu, Rauf Mirgadirov, Seymur Hazi, Araz Guliyev, Nijat Aliyev and others are among those and several meeting were conducted with each of them on different times.

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

As a result of the visits, the Ombudsman made appeals to the Prosecutor General of the Republic of Azerbaijan, Ministry of Justice, the Chief of the Penitentiary Service, Head Medical Department of the Ministry of Justice regarding the investigation of the cases of those persons, detention conditions, medical - social problems, their conditions were kept under attention.

### **Legal analyze**

Theoretical – practical analyze of carried out activity related to NPM, as well as of the information gathered with regard this activity, of appropriate

recommendations and proposals, existing or draft legislative acts, obtained results have been summarized and concerning proposals were sent to relevant structures.

The reports of previous years were published and disseminated in the Azerbaijani and English languages. Up to 200 proposals and recommendations related to improvement of the legislation and directed at solution of the organizational problems have been reflected in the reports prepared till now.

Considering the proposals of the Commissioner, successful work is undertaken towards further improvement of the national legislation.

From this standpoint, making the changes to the legislation on the Execution of Punishments, adoption of the Law of the Republic of Azerbaijan on “Ensuring Rights and Freedoms of Persons Held in the Places of Detention” and affirmation by the Cabinet of Ministers of the “Internal Discipline Rules of Temporary Detention Places” and “Internal Discipline Rules of Investigation Isolators”, as well as renewing of legislation related to social and other facilities, adoption of standards considering our proposals created wide opportunities for detained persons or persons otherwise restrained of their liberty.

Increasing the quality of medical – social services rendered different educational, medical and social facilities to persons detained there, of medicaments, medical staff; increasing the control over escort of persons detained in the TDPs or arrested persons from the temporary detention places to investigation isolators within 24 hours in compliance with the demands of the legislation; increasing the control over the preliminary medical examination of the detained or arrested persons by specialized doctor in the TDP within 24 hours and other proposals are among them.

500 proposals in total of the Commissioner were sent to corresponding institutions and the main purpose of this is undertaking of measures for ensuring proposals and recommendations related to elimination of shortcomings and deficiencies enshrined in the annual reports and addressed to authorized state agencies. These proposals 60% of which have already been implemented contribute to improvement of democratic administration and state-citizens relationships and to complex reforms towards elimination of procrastination and bureaucratic obstacles.

### **Legal enlightening**

For promotion of the work on prevention of torture, the staff members of the Office, the members of the NPG organized legal enlightening events for the staff and personnel rendering medical – social services in the places that a person can't leave at his/her will, as well as for the persons detained in such facilities, convicted persons, also for the students of relevant educational institutions and academies, appropriate manuals have been prepared and disseminated.

In national and international legislation in prevention of torture, including European standards related to Prevention of Torture, Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol,

Standard Minimum Rules, European Penitentiary Rules and other documents have been used in the legal enlightening activity of the NPM.

### **Public relations and international cooperation**

From the standpoint of public relations and international cooperation, the informational exchange was carried out with local, regional and international organizations, as well as NPMs of foreign states, joint events have been organized and the activity of the NPM was highlighted in the mass media.

In total 76 press releases were disseminated to the media in 2014, 36 of them dealing with visits, 40 talking about awareness raising and other events.

Altogether, 642 press releases were disseminated during 2009-2015 out of which 390 were about visits and 252 about awareness raising and other events.

As a NPM the Commissioner cooperates with UN and its Treaty bodies, Council of Europe, EU, OSCE, UN Sub-Committee on Prevention of Torture (SPT), Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Association for the Prevention of Torture (APT) and other organizations.

This should be mentioned to the point that the NPM's report have been sent to the abovementioned international organizations, contact persons of the member-states in the NPM network, to different experts working in this sphere, as well as to relevant state agencies.

Within the frames of this collaboration alongside with the legal enlightening the activity will be carried out towards increasing the skills of NPG members, improving of the work by inviting foreign specialists, exchange of experiences.

One of our targets inside the Twinning program to be realized this year is improving the Azerbaijani NPMs activity and increasing the NPG members' skills.

With participation of the experts from UN Sub-Committee on Prevention of Torture (SPT), Association for the Prevention of Torture (APT), Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), well – known experts from the NPM Network the trainings conducted on different times regarding improvement of skills and knowledge of the NPG members and the activity in this field has been developed.

Finally, 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!**