



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.2639
28 July 2009

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Ninety-sixth session

SUMMARY RECORD OF THE 2639th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 21 July 2009, at 10 a.m.

Chairperson: Mr. IWASAWA

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of Azerbaijan (continued) (CCPR/C/AZE/3; CCPR/C/AZE/Q/3 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Azerbaijan resumed their places at the Committee table.
2. Ms. QAHRAMANOVA (Azerbaijan), addressing question 2 of the list of issues (CCPR/C/AZE/Q/3), said that the Gender (Male and Female) Equality Act of 2006 was the main instrument relating to gender-related issues. The Act contained definitions of gender, gender equality, equal opportunities, discrimination based on sex and sexual harassment. Details on relevant State policy and key provisions of the Act were contained in the periodic report (CCPR/C/AZE/3, paras. 66 and 68). The Labour Code provided for the equality of women in employment and covered issues such as night work of women and maternity leave. Following the adoption of the above-mentioned Act, various Labour Code provisions pertaining to women had been extended to men caring for young children.
3. Some Criminal Code provisions were also relevant to women's rights: pregnancy and childcare responsibilities could be considered mitigating circumstances; crimes against children or pregnant women attracted more severe sentences; and women offenders with childcare responsibilities were eligible for "special" sentences, except in the case of very serious offences.
4. Following the adoption of the Gender (Male and Female) Equality Act, a number of measures had been taken to encourage women to take up senior posts in government and other areas of public life. Currently, 11.2 per cent of members of the Azerbaijan parliament were women; four State ministries had women deputy ministers; and the Commissioner for Human Rights (Ombudsman) was a woman. Women were now better represented in ministries that had previously been male-dominated, including the Ministry of Justice and the Ministry of Internal Affairs. There were 6,492 registered women entrepreneurs, 70 women's NGOs and over 3,000 women PhDs. Women were also widely represented in the fields of education and health.
5. Turning to question 3 of the list of issues, she said that matters relevant to the protection of women from domestic violence and sexual harassment and the punishment of such crimes were addressed in the new Criminal Code, which established more severe penalties for rapists and contained special provisions concerning rape committed against minors, older persons or dependants. It also covered the crimes of forced prostitution, forced sexual intercourse, other types of sexual assault and forcible sterilization.
6. New legislation on the prevention of domestic violence was currently being drafted. It included social measures such as support for victims of domestic violence, free medical and psychological care, rehabilitation, and awareness campaigns. A series of events had been

organized for different target groups to raise awareness of domestic violence. With regard to concerns voiced about the situation of child victims of domestic violence, she said that the law applied to all members of the family, and especially children.

7. The figures for incidents involving sexual violence mentioned at the previous meeting were absurdly high. Statistical data showed that some 20 per cent of women aged 15 to 49 had been victims of sexual violence. In 2008, 1,553 cases of violence against women had been reported in a population of 8 million. It was true, however, that cases of rape sometimes went unreported owing to pressure on the victim or psychological constraints. The draft legislation on domestic violence therefore focused particularly on prevention. Raising women's awareness of their right to lodge complaints was crucial for the prevention and punishment of sexual abuse.

8. At present, Azerbaijan had five rehabilitation centres for victims of domestic violence; nine other centres would be opened in the context of the "Twenty-first century without violence against women" project. The State Committee on the Family, Women and Children, together with NGOs, had drafted amendments to the Family Code that addressed issues of domestic violence; the draft would be submitted to parliament in autumn 2009.

9. The marriageable age for men and women was 18 and 17 years respectively. There were no statistics on early marriage because early marriages were not recorded as such. However, data collected by the State Committee on the Family, Women and Children revealed that some 5,000 out of 81,000 marriages entered into in 2007 had involved underage girls. Those monitoring activities would be continued.

10. Mr. MUSAYEV (Azerbaijan), replying to questions about the activities of the Public Committee referred to in paragraph 154 of the report, said that it had been set up on the initiative of the Ministry of Justice to exercise public oversight of penitentiary institutions. Its members were selected by a specially-established selection board; details of the board's composition and the selection process were contained in paragraph 154. It was composed of human rights defenders and NGO representatives and ensured public participation in the monitoring of correctional facilities. All members had special passes allowing unrestricted access to places of detention; members served for one year. The Committee had carried out 90 prison visits in 2008 and 75 in the first half of 2009, and had prepared reports containing, inter alia, recommendations on possible reforms. Complaints from prisoners received by the Committee were followed up. Legislation provided for the prosecution of prison staff suspected of human rights violations. Disciplinary proceedings had been instituted against several senior prison officials suspected of corruption.

11. Replying to a question about the involvement of international NGOs in the monitoring of Azerbaijani prisons, he said that the Ministry of Justice had concluded an agreement with the International Committee of the Red Cross (ICRC) that gave the organization unrestricted access to detention facilities and the right to conduct private interviews with prisoners. Its reports and recommendations were forwarded to the Ministry.

12. Far-reaching reforms were being undertaken in order to improve prison conditions. A new facility was being built near Baku, and one remand centre had already been completed. Prior to its acceptance of detainees, the centre had been inspected by representatives of international and regional organizations and ambassadors, all of whom had confirmed that the facilities met

European standards. Three new prison facilities had also been built in the regions and older facilities had been modernized with support from international organizations. Prison medical services were now separate from the prison administration in order to guarantee their independence.

13. Legislation provided for the social rehabilitation of prisoners. Victims of abuse or misconduct by public officials were entitled to lodge complaints with the courts. The Government planned to set up special administrative courts to handle those complaints.

14. In response to questions raised about the administration of justice, he said that reforms had been undertaken to strengthen the justice system; details were contained in paragraphs 26 and 27 of the report. A project to modernize the judicial system had been launched in 2006 with financial support from the World Bank. In addition, the European Union-Azerbaijan Partnership and Cooperation Agreement provided, inter alia, for support in the area of judicial reform. New legislation adopted in that connection included amendments to the Courts and Judges Act, the Judicial Council Bill and the statute of the judges' selection committee. The Judicial Council set up in 2005 was an independent body with far-reaching competence covering, inter alia, the monitoring of the judiciary and assessment of the qualifications of judges. Nine of its 15 members were judges; the remainder included members of the Executive and parliament and representatives of the Procurator's Office. The president of the Council was appointed by the Ministry of Justice.

15. Replying to a question on legal aid, he said that by law everyone had the right to properly qualified legal assistance from the time they were arrested, remanded or charged with an offence by a competent State authority. If suspects or accused persons lacked the necessary means to engage the services of a lawyer, a lawyer was appointed by the investigative authorities and his services were paid for by the State. Both the defendant and his or her relatives had the right to speak to the lawyer. Free legal-aid centres had been set up in several provinces.

16. The figure of 9,000 prisoners suffering from tuberculosis quoted at the previous meeting dated back to 1995. In 2009, 426 prisoners were under treatment for tuberculosis; 16 had died in the first half of the year despite receiving medical care. Replying to a question about the size of the Azerbaijani prison population, he said that some 19,000 persons were currently being held in different facilities around the country.

17. Mr. USUBOV (Azerbaijan) said that the murder of the newspaper editor Elmar Huseynov in March 2005 had caused a public outcry. The investigations had been through several stages in March and April that year before being referred by the Ministry of National Security for further examination. In the same year criminal charges had been brought against three individuals, two of whom had been convicted and given prison sentences. The investigations had been extremely thorough, including statements from over 600 witnesses. Extradition requests for the two convicted persons had been sent to Georgia, to which they had escaped, but the requests had not been granted to date. He was, however, confident that all the guilty parties would be arrested and tried in his country.

18. The provision of the Code of Criminal Procedure concerning detention specified that persons suspected of having committed an offence could be held for up to 24 hours before being charged. Investigating authorities had to decide during that period whether to free suspects or charge them. The maximum detention period was 48 hours, not 72 hours.

19. Mr. ZALOV (Azerbaijan) said that there had been no cases of police officers killing anyone in the course of their duties during the previous three years. One police inspector had killed his wife during a domestic dispute; he had been convicted and sentenced accordingly.
20. All 14 of the cases of human rights violations by police officers that had been reported by NGOs in 2008 had been investigated and the necessary measures taken. Three suicide incidents on police premises had been investigated by the Office of the Procurator-General; the outcomes remained unconfirmed. One case of police brutality had been reported in Mingäçevir, where there was a separate militia. The officer responsible had been convicted and remained in prison.
21. Mr. RAHIMOV (Azerbaijan) said that several bodies had been established under the Ministry of Internal Affairs and the Ministry of Labour and Public Welfare to assist victims of human trafficking. A shelter and help centre provided victims of trafficking with food, medicine, and emergency medical, psychological, social and legal assistance. Victims were also given training and help to find work, as well as financial assistance and other forms of social welfare.
22. The retirement age was 57 for women and 62 for men. For women with a minimum of three children, the retirement age was lowered by one year per child.
23. Mr. BABAYEV (Azerbaijan) said that people were able to state their opinions openly through civil society bodies. The Government encouraged such organizations through its programme of support for NGOs and the State Council on Non-Governmental Organization Support within the Office of the President. With grants of about 3 million euros from the State budget, some 400 NGO projects had been launched to defend human rights, provide legal advice, promote conservation of the environment and encourage young people to participate in society. Over 100 NGOs were run by women and young people. In the previous three years, over 100 new NGOs had been registered and the registration process had been simplified.
24. Mr. ASGAROV (Azerbaijan) said that the State Migration Service was responsible for resolving all migration issues. Given the large number of refugees and internally displaced persons (IDPs) in the country, the authorities took a rigorous approach to granting refugee status. Nonetheless, when considering the expulsion or extradition of an individual, they respected refugee status granted in accordance with UNHCR procedure in his country.
25. Turning to the European Court of Human Rights cases referred to by Ms. Chanet, namely Mammadov v. Azerbaijan and Muradova v. Azerbaijan, both concerned events that had taken place in 2003. The two European Court rulings had been translated into Azeri and sent to all law enforcement bodies, the Ministry of Internal Affairs, the Supreme Court and all other relevant organizations in order to ensure that staff applied the international principles on the prevention of torture appropriately. Training had also been organized for members of the judiciary and staff of the Ministry of Internal Affairs on the basis of the European Court rulings. The Supreme Court had ruled that the Mammadov case should be returned to the court of first instance for further investigation.
26. Replying to a question raised by Ms. Wedgwood, he said that there had been many persons who had been internally displaced as a result of the major fighting that had taken place in Nagorny Karabakh and the neighbouring regions from 1992 to 1994. By 1994, no citizens of Azerbaijan had remained in those areas. Over 800,000 IDPs were now in Azerbaijan, not the

occupied territories. They had been housed in administrative buildings and camps. As of 2001, his Government had begun implementing its programme to abolish the camps, building 61 new residential areas. No camps remained on the territory of Azerbaijan. In the new areas, over 277,000 IDPs had found employment, with 2,467 IDPs registered as unemployed, 932 people were undertaking community work, and over 5,000 families received welfare benefits. Between 2001 and 2007, the equivalent of about US\$ 1 billion had been allocated to the needs of refugees and IDPs.

27. In total, 178 minefields and 456 battle areas had been cleared, covering over 63 million square metres of land; 138 anti-personnel mines and 164 anti-tank mines had been destroyed, and many unexploded devices had been destroyed by the national mine clearance agency.

28. Mr. KHALAFOV (Azerbaijan), replying to Ms. Wedgwood's question about the ethnic composition of the delegation, said that legally, politically and socially there was no difference between one ethnic group and another in his country.

29. Mr. JAFARLI (Azerbaijan) said that the remand centre in the Ministry of National Security was likely to be closed or transferred as part of the prison system reform currently under way. However, given that closure could compromise legal proceedings and national security, it was considered necessary to keep it open for the time being. The centre was monitored in accordance with the international commitments into which his country had entered and in cooperation with the relevant national NGOs. The ICRC had unrestricted access to persons held in the centre. Visits were also conducted by, inter alia, the Ombudsman, the European Committee for the Prevention of Torture (CPT) and the Organization for Security and Cooperation in Europe (OSCE). International specialists and NGOs, including delegations from the CPT, had declared the detention conditions in the centre to be exemplary. Conditions had been further improved by ensuring that modern medical care and equipment were available. No detainees or their representatives had filed any complaints about conditions of detention or allegations of torture, ill-treatment or punishment. Detainees had the right to meet with their legal advisers and family members.

30. Mr. THELIN said that the independence of the judiciary was one of the pillars on which democracy and the rule of law were built, the second pillar being the independence of the media. In that regard, the Committee was concerned at reports both of the lack of independence of the judiciary and of harassment of journalists and the poor conditions under which they worked in the State party.

31. He did, however, commend the State party for its efforts to reform the judiciary, since the legacy of Soviet totalitarianism could clearly not be changed overnight. Nevertheless, he remained concerned at the composition of the Judicial Council and its links to the Executive, given that the Minister of Justice appointed its members, including the president. The State party should review that situation in an effort to dissociate the Council from the Executive as far as possible. The Council should be more independent, particularly in view of its powers to select and promote judges. Turning to the judicial selection committee, he asked to what extent the association of judges and the bar association were involved in the selection of judges. It would be useful to know whether the public was aware of how judges were chosen, particularly those appointed to the Supreme Court.

32. He asked whether the 25-fold increase in judges' salaries since 2000 had led to a reduction in cases of corruption. He also asked for clarification as to whether instances of judicial corruption were always prosecuted as offences under the Criminal Code.

33. Noting that the authorities had denied a request from journalist Mushvig Huseynov, who was currently serving a five-year prison sentence, for a copy of the list of the specific illnesses which could provide grounds for early release, he said that not informing detainees of all the provisions of the legislation under which they were being held was a gross violation of the administration of justice.

34. Ms. WEDGWOOD said that the OSCE itself had a High Commissioner on National Minorities to monitor the participation of national minorities in Government and the economy. As some minority groups might have been excluded during Soviet times, inclusion was a legitimate concern in Azerbaijan. On the issue of property exchange, she noted that the method could help IDPs regain a certain standard of living.

35. Sir Nigel RODLEY asked for further clarification whether detainees could have access to a lawyer from the first moment they were apprehended by law enforcement officials.

36. Noting the United States Department of State "2008 Human Rights Report: Azerbaijan", he drew the delegation's attention to the deaths of Rashad Haziyeu, Mohammed Rahimov and Zaur Mammadov while in police custody. As suicide could be caused by the stress of an arrest, it was normal for stringent preventive measures to be in place. He further noted that some apparent suicides could actually turn out to be killings. He therefore asked what investigations had been conducted into the circumstances of those deaths. He also asked for further details on the case of the killing of Mr. Elmar Huseinov in 2005.

37. He asked for disaggregated data on the 19,000 or so individuals currently being detained in Azerbaijan, including how many had been convicted and how many were held in pretrial, police or administrative detention.

38. He noted that only the first CPT report on its visit to the remand cells of the Ministry of National Security in 2002 had been made public and asked whether the reports on subsequent visits would be published. He also noted that the remand cells were a fairly confined area in which people might feel that they were not able to have entirely unsupervised conversations; the fact that there had been no complaints was therefore not significant. If complaints were made, they would probably relate to the adjacent cells where investigations were carried out and any possible ill-treatment might occur, rather than the remand cells. He voiced his concern that the possible review of the remand cell system might be conditional on the resolution of a particular political dispute.

39. Lastly, he requested figures for the number of detainees entering correctional institutions with tuberculosis and those who contracted the disease while in detention.

40. Mr. MUSAYEV (Azerbaijan) said that the Ministry of Justice did not appoint the members of the Judicial Council but was represented on it, with one member. The president of the Council was appointed for a period of two and a half years. The process for selecting judges was transparent and objective, and included written examinations and oral interviews. The public,

NGOs and international organizations were involved in the process. Bar associations proposed candidates but also provided training, establishing contacts with judges in other countries and referring matters to the Judicial Council. The Council also conducted public monitoring, worked with the media and had its own website, which could be freely consulted by the public.

41. Decisions on how to punish cases of judicial corruption were taken exclusively by an ad hoc panel comprising only judges. Some instances of corruption did not result in criminal convictions: three judges had been dismissed by the President of the Republic in 2008, and some 40 judges in recent years had not had their appointment renewed. Judges were first appointed for five years and then, after assessment, could serve until the age of 65 or, exceptionally, 70.

42. In cases where detainees were released early on grounds of ill health, a medical examination was carried out by the medical service of the Ministry of Justice, which was independent of the prison service. The medical service would then make a recommendation to the courts, which would take the final decision.

43. Some journalists were currently being held in prison in Azerbaijan, but their offences had related to, inter alia, the use of narcotics and hooliganism, and not to their professional activities. A number of journalists had in fact been released under various amnesty schemes.

44. Mr. USUBOV (Azerbaijan) said that the journalist Mushvig Huseynov had been tried in 2003 and 2004 for libel, slander and insult. In 2007, he had attempted to blackmail an official of the Ministry of Labour, a Mr. Aliyev, by claiming that he had compromising documents and asking for money not to publish the material. He had been investigated by the Ministry of National Security and caught in flagrante delicto. He had been prosecuted, tried and sentenced to six years' imprisonment, later reduced to five by the Court of Appeal. He had applied for early release on the grounds of ill health and, as with any detainee, an investigation would have to be conducted and the court's doctor would decide whether early release was appropriate.

45. His country had on six occasions requested the extradition of Tahir Hubanov and Teymuraz Aliyev from Georgia in connection with the murder of newspaper editor Elmar Huseynov; all the requests had been refused. The suspects were wanted under article 277 of the Criminal Code for the murder of a public figure, which was considered to be a terrorist act.

46. Mr. ZALOV (Azerbaijan) said that Rashad Haziyeu, who had died outside a police station in 2008 after having been arrested for drug-related offences, had committed suicide, according to the verdict reached by the coroner. In August 2008, another individual, Mohammed Rahimov, had been arrested for domestic violence and taken to a police station, where he had died in the station forecourt because of the extremely hot temperature. In October 2008, Zaur Mammadov had committed suicide in a police station yard. Coroner's inquests had been held into all three deaths and four police officers had been dismissed for improper conduct in relation to the deaths.

47. In 2008, of the 18,000 or so persons detained by the police, around 3,000 had been charged with administrative offences. In the first half of 2009, over 8,800 had been detained in police stations, some 1,600 of whom for administrative offences. All detainees had been released within the prescribed time limits.

48. Mr. KHALAFOV (Azerbaijan) said that no members of ethnic minorities were barred from any posts in Azerbaijan, nor had they been in Soviet times, as far as he knew.
49. Mr. MUSAYEV (Azerbaijan), responding to question 13 of the list of issues, said that laws and organizational measures were in place to guarantee the independence of the judiciary. For example, the Judicial Council was not under the jurisdiction of the Ministry of Justice. Another measure taken in recent years had been to significantly increase judges' salaries as a means of combating corruption. Detainees' access to lawyers was not subject to any restrictions and was ensured at the request of the detainees themselves or their families. A voluntary organization provided free legal aid, and measures had been taken to increase the number of lawyers working outside Baku and thus ensure legal aid in provinces.
50. Mr. ASGAROV (Azerbaijan), responding to question 15 on freedom of religion, said that the State Committee on Cooperation with Religious Organizations had registered three Baptist religious communities, two Seventh Day Adventist communities and one community of Jehovah's Witnesses. Those communities could function freely and their members could raise any issue of concern to them with the State Committee. They were allowed to worship in apartments belonging to members of the communities and no restrictions were placed on private assembly.
51. Under the Freedom of Religion Act, Islamic organizations and communities were answerable to the Caucasus Muslim Board and were obliged to obtain authorization from the Board before registering with the State. The State Committee had registered 534 religious communities since it had begun operating.
52. The request for information on the legal provisions regulating the funding of NGOs contained in question 19 of the list of issues had been answered at some length in the written replies. Existing legislation imposed no restrictions on the provision of grants. A council had been set up to support NGOs; it had awarded grants amounting to some 1.5 million manat to NGOs in 2008 and over 1 million manat had already been given in 2009. In addition, NGOs in Azerbaijan were also funded by international organizations and institutions such as the OSCE, the European Commission and the Council of Europe.
53. Regarding question 22, his Government took into account the opinion of UNHCR in making decisions concerning the status of refugees and asylum-seekers, including decisions on their expulsion.
54. On question 23, minority rights and languages had been protected by presidential decree since 1992. The Executive had taken steps to ensure the preservation of minority religions, customs and languages. In 2000, Azerbaijan had acceded to the 1995 Framework Convention on the Protection of National Minorities of the Council of Europe. There were 48 NGOs in the country dealing with minorities and they were supported by the Government.
55. Mr. USUBOV (Azerbaijan), referring to question 16 of the list of issues, said that two criminal cases concerning assaults on journalists had been investigated in 2006: Aqil Xalil Ali Ogly, a reporter for the daily newspaper Azadliq, had been attacked by Sergei Vladimirovich Strekalin, whom he knew well. Mr. Strekalin had been sentenced to two years' imprisonment. In the second case, a journalist called Zamin Haji Wazir Ogly had been beaten up for publishing an

article entitled “Dialogue of the deaf”; the perpetrators had been sentenced to several years in prison. There had been other attacks on journalists but they had been unconnected with their work.

56. Concerning question 17, there had been no cases where journalists had been arrested on fabricated charges; if any journalist had been arrested it had been for specific criminal acts. Information on cases concerning the arrest of journalists had always been forwarded to international organizations when requested. A working group composed of lawyers and judges had been charged with examining whether journalists had been brought to court on fabricated charges relating to defamation, libel and insult. As to the possibility of an amnesty, eight journalists convicted of defamation, libel or insult had already been pardoned. A State plan for support of the media had been approved in July 2008, and State funding had been provided for a number of newspapers and news agencies.

57. With regard to question 20, a working group had been set up to consider complaints concerning irregularities in the presidential and parliamentary elections, as a result of which 20 cases had been considered and 17 brought before the courts. The complaints had concerned the conduct of officials, bribery and violations of citizens’ rights. In the presidential elections of 2008, there had not been a single complaint filed with the Ombudsman.

58. Mr. ZALOV (Azerbaijan), responding to question 18, said that article 49 of the Constitution of Azerbaijan allowed everyone the right to assemble and stage meetings, demonstrations, processions and pickets. Under article 7 of the Freedom of Assembly Act, freedom of assembly could only be restricted in circumstances that were specified by law and were of significance for a democratic society, in the interests of national or public security, to prevent disturbances of the peace or crimes, or to protect the health, morals, rights and freedoms of other persons. Furthermore, any restrictions should be in keeping with their stated goals and not go beyond necessary and sufficient limits. Restrictions on freedom of assembly could include changing the time and place of a meeting and the route of a procession, but only to achieve the objectives set out in legislation.

59. Provisions had been adopted in May 2008 making the Freedom of Assembly Act more progressive and ensuring that it was consistent with international standards. In 2005, at the time of the parliamentary elections, some 26,000 meetings with candidates had been held, and only 15 had been subject to restrictions. Immediately before the presidential elections in 2008, over 10,000 meetings had been held and no violations of the law had been recorded.

60. Mr. KHALAFOV (Azerbaijan) said he wished to stress that, in drawing up its third periodic report, his Government had cooperated with NGOs. The report had been available on the website of the Ministry of Foreign Affairs so that NGOs could familiarize themselves with its contents and express their views on it. The Human Rights Committee’s recommendations on Azerbaijan’s second report had also been published and translated into the Azeri language.

61. Ms. MOTOC, Country Rapporteur, asked for further information concerning the independence of the judiciary in Azerbaijan and what measures had been taken to counter corruption within it. Reverting to the issue of freedom of expression, she had understood that some journalists in Azerbaijan had been imprisoned not for press offences, but for offences

relating to hooliganism or the sale of narcotics. However, she did not believe that the Criminal Code articles relating to slander and insult were commensurate with freedom of expression and they did not accord with article 19 of the Covenant. She wished to know whether the reports that many journalists had been sued by politicians were true and what could be done in response to reports that police or security officers had committed offences against journalists.

62. Mr. AMOR said that he wished to learn more about the religious structure of the population of Azerbaijan and to ascertain how article 18 of the Covenant was being implemented. He would also welcome more information on the meaning and scope of article 18, paragraph 2, of the Constitution. Although he understood that the State would wish to exercise caution in relation to certain religious phenomena and that it had a duty to combat intolerance, extremism and discrimination, he was concerned that the paragraph could restrict religious freedom and freedom of expression.

63. He sought further information on the registration of religious communities. In its replies, the delegation had referred to a State Committee on Cooperation with Religious Organizations: he would like to know who the members of the State Committee were, what their powers were, the limit of their powers and what avenues existed to appeal against their decisions. As to the Muslim communities, it appeared that their registration was subject to authorization by the Caucasus Muslim Board; he wished to know the membership and powers of that Board. To what extent were the Board's powers compatible with article 18 of the Covenant? It was his impression that there were a greater number of religious communities than the 534 registered. He therefore wished to know how many had been refused registration, the reasons for the refusal and the names of the communities, both Muslim and non-Muslim, that had been refused. The information provided in the written replies had been somewhat limited and the content of the information relating to article 18 in the periodic report had been more theoretical than factual.

64. The issue of freedom of religion and freedom of belief, which included the right to manifest the religion or belief in question, posed further problems. Members of minorities were able to practise their religions in private apartments, but there were difficulties in allowing them to practise their religions in public. According to available statistics, some 67 per cent of the population appeared to be Muslim, the majority of whom were Shiite. Sunni Muslims, a minority, seemed to be assimilated by the Government, whether rightly or wrongly, with Wahabis. It had certainly been the case that Sunni mosques in Baku had been closed and that Sunni communities had experienced difficulties in teaching their religion; it was true that religious teaching could give rise to extremism but it should be allowed to a reasonable degree.

65. Although he understood the reasons for passing legislation (on 30 June 2009) that prohibited religious leaders who had been trained abroad from carrying out certain functions in public, he was very concerned about it. It was difficult to understand the ban on ministers of religion from serving in the police or procuratorial service as indicated in paragraphs 443 to 445 of the periodic report; he sought further information on the definition of those barred from police service on the grounds of their involvement with religious organizations. The contents of paragraphs 443 to 445 appeared to be incompatible with article 18 of the Covenant.

66. Turning to paragraph 453 of the report, he asked what were the "cases prescribed by law" under which citizens would be permitted to perform alternative service to active military service. Given that military service lasted 24 months, he wished to know the duration of the alternative service.

67. Mr. LALLAH said that in paragraph 14 of the written replies and in the delegation's oral replies reference had been made to the right of "convicts" to receive legal aid. He wondered whether the problem was one of translation as the word "convict" was used to describe people who had been tried and found guilty by a court and not those who were under investigation with the purpose of being brought before a court to be charged. Furthermore, concerning the presumption of innocence, he wished to know in relation to paragraph 228 of the report how a person could be detained if their offence had not been proved in a court of law. He sought clarification on whether the problem was again one of translation.

68. The CHAIRPERSON noted that other members of the Committee wished to ask questions. The dialogue with the delegation would continue at the following meeting.

The meeting rose at 1 p.m.