



International Covenant
on Civil and
Political Rights

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HUMAN RIGHTS COMMITTEE
Fifty-first session

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

Comments of the Human Rights Committee

Azerbaijan

1. The Human Rights Committee considered the initial report of Azerbaijan (CCPR/C/81/Add.2) at its 1332nd and 1336th meetings, on 12 and 14 July 1994, and adopted ¹ the following comments:

A. Introduction

2. The Committee thanks Azerbaijan for its initial report and welcomes the presence of a high-level delegation before the Committee. It notes the timely submission of the report and thanks the State Party for the core document (HRI/CORE/1/Add.41/Rev.1). The Committee notes with regret however that, while providing detailed information on prevailing legislation in Azerbaijan, the report does not contain enough information on the way in which the Covenant is implemented in practice or on the factors and difficulties affecting the implementation of the Covenant throughout the area under the jurisdiction of Azerbaijan. The information provided orally by the delegation made good these deficiencies to some extent and provided the Committee with a better insight into the human rights situation in Azerbaijan.

B. Factors and difficulties affecting the implementation of the Covenant

3. The situation of armed conflict with a neighbouring country and the recurrent internal unrest are affecting the exercise of human rights in Azerbaijan and have given rise to a pattern of gross human rights violations.
M/CCPR/94/36
GE.94-17698 (E)

¹ At its 1354th meeting, on 27 July 1994.

rights violations. Recognized obstacles arising out of the transition from the legal order inherited from the past to a democratic system must be addressed to in a manner compatible with respect to the Covenant.

C. Positive aspects

4. The Committee notes that Azerbaijan has declared that it is bound by the Covenant through a declaration of accession, though it would have been correct for it to have regarded itself as succeeding to the obligations of the Covenant as a member State of the former Soviet Union. Nonetheless, the Committee notes with appreciation that the delegation, addressing questions raised by members of the Committee, did not deny accountability for events occurred in the country after the date of independence but before the date of accession. It also takes note of the efforts of the Government of Azerbaijan to include human rights in its new Constitution, to adopt new human rights legislation and to ensure the rule of law. It also notes that the Government has demonstrated the will to initiate far-reaching structural reforms, particularly with regard to the judiciary.

D. Principal subjects of concern

5. The Committee is concerned by the status of the Covenant within the Azerbaijani legal system and by the lack of clarity regarding the resolution of possible conflicts between the Covenant and national law. Furthermore, it does not seem possible for an individual to invoke the Covenant before the courts.

6. The Committee regrets the position adopted in the report regarding the principle of self-determination. In that connection, it recalls that, under article 1 of the Covenant, that principle applies to all peoples and not merely to colonized peoples.

7. The Committee notes that the state of emergency was declared in 1993 and is concerned by the lack of clarity in the law governing the conditions in which the state of emergency can be implemented.

8. The Committee deeply deplores the events which have occurred recently in Azerbaijan in the context of the armed conflict and have involved numerous violations of the rights guaranteed by the Covenant. There have been reports of cases of summary execution, enforced or involuntary disappearance, torture and other acts of violence against the person, as well as arbitrary detention. The practice of hostage-taking as a retaliatory measure or for bargaining purposes also seems widespread. Such violations have not been investigated and the persons responsible for them have therefore not

been punished. Nor have the victims or their families been compensated.

9. The Committee is disturbed at the number of death sentences pronounced and at the lack of any appeal procedure for persons under sentence of death.

10. The Committee was disturbed by the obstacles which have thus far prevented the implementation of article 12 of the Covenant. Passport applications seem to have been rejected without proper justification. The visa requirement for some categories of persons wishing to leave the country is an unacceptable restriction on the liberty of movement and the requirement of a visa to return to Azerbaijan is contrary to article 12 of the Covenant.

11. The Committee has doubts regarding the independence and impartiality of the judiciary in Azerbaijan and deplores the fact that the "Procuratura" still exists.

12. The Committee notes with concern the lack of laws guaranteeing the right of information and the fact that the laws inherited from the former regime have not been amended to guarantee the rights provided for in article 19 of the Covenant.

13. The Committee is concerned by the power of the Ministry of Justice to refuse to register a political party or an association, which is an obstacle to the pluralism of political parties as provided for in article 25 of the Covenant.

E. Suggestions and recommendations

14. The Committee recommends that the State Party should revise the former legislation as soon as possible, in order to introduce a democratic system more in keeping with the requirements of the Covenant.

15. The Committee urges the Azerbaijani Government to put an end to the gross violations of human rights which have occurred, and continue to occur, in Azerbaijan, to conduct investigations into them, to punish the persons guilty of such acts and to compensate the victims.

16. The Committee recommends that the use of the death penalty should be reduced and that provision should be made for the right to appeal against a death sentence.

17. The Committee invites the Azerbaijani Government to amend its judicial system as quickly as possible and abolish the old "Procuratura".

18. The Committee suggests that the authorities of the State Party should introduce legislation guaranteeing freedom of information and of the press and, in general, freedom of expression and opinion.

19. The Committee recommends that the Azerbaijani Government should ensure the pluralism of political parties and remove obstacles to their registration.

20. The Committee recommends that the Government should take account of the Committee's general comment No. 23 (50), concerning article 27 of the Covenant, in drafting legislative or regulatory texts for the full protection of the rights of individuals belonging to minorities.

21. The Committee stresses the need to improve information and education regarding human rights so as to make the public more familiar with the provisions of the Covenant. It also recommends that the authorities should consider the possibility of acceding to the first optional protocol to the Covenant.
