



**International Covenant on
Civil and Political Rights**

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**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Azerbaijan

**Information received from Azerbaijan on the implementation
of the concluding observations of the Human Rights
Committee (CCPR/C/AZE/CO/3)**

[24 June 2010]

Implementation of the recommendations contained in the concluding observations of the Human Rights Committee (CCPR/C/AZE/CO/3) following consideration of the third periodic report of Azerbaijan on the implementation of the International Covenant on Civil and Political Rights

Paragraph 9

1. According to article 4 of the Aliens and Stateless Persons (Legal Status) Act of 3 March 1996, “aliens and stateless persons enjoy the same rights and freedoms and have the same obligations as citizens of Azerbaijan, except as otherwise provided for by the Constitution, this Act and other laws of Azerbaijan, and the international treaties to which Azerbaijan is party”. Under article 439 of the Code of Civil Procedure, aliens and stateless persons, foreign legal entities and international organizations may apply to the courts of Azerbaijan for protection of legally protected rights and interests that are violated or challenged. Foreign persons have the same procedural rights and obligations as Azerbaijani citizens and legal entities.
2. According to article 5 of the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act, a refugee may under no circumstances be sent or deported to a country where his or her life or liberty would be threatened. Besides this, article 8 of the Act specifies that a person who cannot be granted refugee status or asylum may in the appropriate manner be sent to another country. These provisions result from the alignment of the Act with the requirements of international instruments such as the Convention on the Status of Refugees of 1951 and the related Protocol relating to the Status of Refugees of 1967.
3. The prosecution by other States of persons residing permanently or temporarily in Azerbaijan and enforcement of sentences handed down by a court against such persons for acts committed outside Azerbaijan are governed by the Extradition of Offenders Act of 15 May 2001.
4. According to article 3.2 of the Act, extradition may be refused if there are sufficient grounds for supposing that the individual concerned will, if extradited, be subject in the requesting country to torture, to cruel, inhuman or degrading treatment or punishment, or to persecution on the grounds of his or her race, ethnic origin, language, religion, citizenship, political views or sex.
5. On receipt of an extradition request, information is gathered about the requesting State, and in particular about incidents of torture and cruel treatment there, and the reports and conclusions of international human rights organizations are studied.
6. In cases involving serious offences, decisions about extradition are made by the Court for Serious Offences, where cases are always reviewed by a bench of three judges, special attention being paid to safeguarding the right to a defence and to appeals and the review of decisions in appeal proceedings.
7. Individuals are not forcibly deported from Azerbaijan when there is good reason to believe that they would be tortured or persecuted in the country they arrived in after deportation.
8. In connection with the Committee’s concerns over reports of deportation to countries where individuals could face torture or ill-treatment, it should be noted that a procedure for obtaining diplomatic assurances is applied during extradition. In practice,

extradited individuals' rights and conditions in detention have been monitored after extradition. This approach to the issue by Azerbaijan has been hailed by the United Nations High Commissioner for Refugees as a model for other States to follow.

Paragraph 11

9. The Office of the Procurator investigates breaches of the law, human rights violations, mistreatment, abuse of authority and other such conduct during detainees' pretrial detention in temporary holding facilities and remand centres. According to the Office of the Procurator Act, prosecuting authorities oversee the implementation and enforcement of the law in the work of detective and investigative units.

10. Under article 442 of the Code of Criminal Procedure, the trial court, within the limits of its jurisdiction is responsible for the judicial supervision of coercive investigative operations, the use of coercive procedural measures and detective work.

11. A Penal Enforcement Inspectorate and a Human Rights and Public Relations Office have been established under the Ministry of Justice to monitor the observance of human rights in prison. To ensure the independence of medical specialists, medical services have been separated from the penal system and the central medical authority reports directly to the Ministry of Justice.

12. Under current law those convicted may, while serving their terms of punishment, apply to the court in the manner prescribed by law.

13. The treatment of prisoners is monitored by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the International Committee of the Red Cross, the Commissioner for Human Rights (Ombudsman), the Civic Prison Watchdog Committee and non-governmental organizations. In 2008, Azerbaijan, in acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acknowledged the right of the Subcommittee on Prevention of Torture to monitor prison conditions.

14. Paragraph 1 of the Presidential Order of 13 January 2009 defines the office of the Ombudsman as a national preventive mechanism as called for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

15. Public supervision of the rights of accused persons and convicts is also dealt with in the 2009–2013 State programme for the development of the Azerbaijani justice system.

16. To offer further protection to persons under judicial investigation, a bill safeguarding the rights and freedoms of detainees has been drafted and approved in two readings; it is expected to be adopted soon by Parliament.

17. Newly recruited employees of the prison service attend a 3-month introductory course at the service's Training Centre which includes topics specific to the work of the service, including 50 hours of study on human rights. Under the judicial reform assistance programme, being implemented jointly with the European Commission, there will be a number of seminars to increase the professional knowledge of service staff.

18. In addition, the Judicial Academy holds mandatory professional training for new recruits to the judiciary and procuratorial service and boosts the skills of workers in various categories, including prison service staff, by means of advanced legal training.

19. Victims' right to compensation and the procedure for its provision are outlined in chapter XX of the Code of Criminal Procedure. Under article 189 of the Code, victims are

entitled to compensation for harm caused by criminal acts if the court rules, or the body conducting the criminal proceedings finds, that such acts were committed. Victims of harm caused by criminal acts are entitled to compensation commensurate with the severity of the offence.

20. The question of whether compensation should be paid from the State budget for harm caused by a criminal act is decided by a court on application by the victim. Article 191.2 of the Code of Criminal Procedure requires a court handing down a guilty verdict pursuant to which the victim is to receive compensation from the State to mention that the compensation ordered is to be recovered from the offender and repaid into the State budget.

21. By Act of 17 March 2000, Azerbaijan acceded to the European Convention on the Compensation of Victims of Violent Crimes.

22. Azerbaijani criminal procedure legislation does not mandate the use of audio or video recordings in the examination of witnesses. Articles 232.3 and 233.8 of the Code of Criminal Procedure permit investigators to use audio, video, film and other recording methods during interrogations of suspects and accused persons.

23. Investigations at the Ministry of National Security remand centre, including interviews of detainees, are conducted in accordance with criminal procedure law. Under article 51.6 of the Code of Criminal Procedure, if photography, audio, video, film or other means of recording will be used in the proceedings, investigators must so inform all participants beforehand. The use of recordings is noted in the record of the proceedings, and the recording or film is sealed and kept with other material related to the prosecution as an annex to the record.

Paragraph 15

24. The amendments to the Constitution adopted by referendum in 2009 cover protection against unlawful interference with privacy and family life, the right to rebut media reports, and the use of personal data. Work is under way, in accordance with a Presidential Order dated 2 April 2009, to bring the related laws and regulations into line with the amended Constitution.

25. On the issue of aligning legislation on the dissemination of defamatory information with the Covenant, it should be stated that an ad hoc working group of judges, lawyers and prominent legal scholars is developing proposals to improve criminal legislation. These will be taken up after a review of international practice.

26. Foreign radio transmissions have been suspended under the Television and Radio Broadcasting Act, which underwent legal review in the Council of Europe and has been found to comply with international standards. At the same time, it has been decided to allow foreign stations to broadcast by other means (fibre-optic and other cables, Internet).

27. Last year, the Act was amended to permit foreign operators to transmit directly from Azerbaijan and to regulate the organization of broadcasting and restrict advertising time during television and radio broadcasts. The Mass Media Act was amended to more precisely regulate the conduct, suspension and termination of media operations.

28. As the next policy step towards freedom of expression, the President signed a decree in 2009 establishing a State fund under his jurisdiction to support the development of the mass media in Azerbaijan.

29. Under the law, no State approval is needed to establish printed publications. Any individual or legal entity wishing to establish a publication must officially notify the

Ministry of Justice seven days before the issue is printed. There are currently 4,100 registered publications.

Paragraph 18

30. Under current law a citizen's place of residence is registered when he or she is first given a national identity card. A card issued to a citizen under 16 years also serves as identification once the person reaches the age of 16. Citizens of Azerbaijan and stateless persons living permanently in the country who apply for residence registration are immediately registered by the Ministry of Internal Affairs. Before a national identity card is issued, the applicant receives a temporary document certifying that he or she is a citizen of Azerbaijan or, in the case of a stateless person, a temporary document showing that he or she is permanently resident in Azerbaijan.

31. Requests for residence registration may be refused only in the event of declaration of war or mobilization in border areas, in areas harbouring closed military bases, closed areas, ecological disaster zones, areas subject to special regimes in connection with infection or contamination, and areas where a state of emergency or martial law prevails. These special cases apart, internally displaced persons cannot be denied residence registration.

32. Internally displaced persons migrating within the country must, if they wish to move temporarily to a new address, have in their possession a migration sheet established by the authorities of their initial temporary place of residence, and should, on the basis of this document, be registered at the new address. There have been no cases of artificial problems being created for internally displaced persons requesting temporary registration. As citizens of Azerbaijan, internally displaced persons have the same rights and obligations as are stipulated in the Constitution and national legislation. They also enjoy certain benefits and privileges because of their social status. They enjoy those privileges not only at their registered places of residence but also where they actually live. This prevents infringement of their social rights and benefits.

33. Internally displaced persons and persons of equivalent status benefit from social protection measures as prescribed by law. Measures stipulated by the Forcibly Displaced Persons and Assimilated Persons (Social Protection) Act remain in force for three years after conditions will permit the return of internally displaced persons to their former homes. For persons of status equivalent to that of internally displaced persons, those measures remain in force until conditions will permit their return to their former homes or their permanent resettlement. The acquisition by such persons of a separate dwelling under housing law or civil contract is regarded as permanent resettlement.

34. Furthermore, according to a Cabinet of Ministers order of 9 April 2003, homeless citizens of Azerbaijan can register with the nearest branch of the Ministry of Internal Affairs, which will issue them identity cards showing that as their place of residence.

35. In 2009 the President signed a decree introducing the "one-stop shop" principle for managing migration issues with the aim of simplifying the procedure for granting foreigners authorization to reside and work legally in the country. The decree assigned the role of "one-stop shop" to the State Migration Service.