



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
12 December 2025

Original: English
English and French only

Committee against Torture

Information received from Azerbaijan on follow-up to the concluding observations on its fifth periodic report*

[Date received: 18 November 2025]

* The present document is being issued without formal editing.



I. Introduction

1. The present document contains information on the implementation of the paragraphs 13 (b), 17 (a), 21 and 23 (a) contained in the recommendations of the concluding observations on the fifth periodic report of the Republic of Azerbaijan, which was adopted by the Committee against Torture at its 2101st meeting, held on 6 May 2024.

II. Additional information

A. Information on the paragraph 13 (b) of the concluding observations (CAT/C/AZE/CO/5)

2. The Criminal Procedure Code of the Republic of Azerbaijan stipulates that, from the moment a person is detained or a decision on a preventive measure is announced, they have the right to:

- Be informed of the grounds for their detention and receive legal assistance from a defence attorney immediately upon detention, as well as receive written notification of their rights from the detaining officer, investigator, or prosecutor (Article 90.7.2);
- Have access to defence attorney from the moment the decision on detention or a preventive measure is announced (Article 90.7.5);
- Independently choose a defence attorney, terminate their representation, or defend themselves if they waive legal counsel (Article 90.7.7);
- Meet privately with defence attorney without limitations on the number or duration of conversations and maintain confidential communication (Article 90.7.8);
- Access free legal assistance and provide testimony in the presence of a defence attorney upon request (Article 90.7.9);
- Testify (make a statement), refuse to testify, or decline to testify against themselves or their close relatives (Article 90.7.10);
- And exercise other rights granted under the law.

3. Furthermore, Article 153 of the Criminal Procedure Code (“Ensuring the Rights of the Detained Person”) mandates that, upon detention, the prosecuting authority must uphold the rights of the suspect or accused as provided by this Code, as well as the Law of the Republic of Azerbaijan “On Ensuring the Rights and Freedoms of Persons Held in Custody” (Article 153.1.4.) To ensure the rights of a detained person, the authority conducting the criminal process and the staff of temporary detention facilities must, immediately after detention, inform the individual of the grounds for their detention and explain their rights, including the right to remain silent regarding themselves and their close relatives and the right to legal assistance from a defense attorney. The staff of temporary detention facilities must also ensure that the detained person can meet privately and communicate confidentially with their lawyer and legal representative in a dignified manner and under supervision. If a detained person does not have a lawyer, they must be provided with a list of lawyers from legal entities in the area of the temporary detention facility and given the opportunity to contact and meet with a lawyer of their choice.

4. If a detained person cannot afford a lawyer due to their financial situation, they must be given the opportunity to meet with a duty lawyer from legal entities within the area of the temporary detention facility, provided at the state’s expense. If the detained person refuses legal representation, a written application must be obtained. If they refuse to submit a written application, a relevant protocol must be drawn up by a lawyer and a representative of the temporary detention facility to document this refusal (Article 153.2).

5. Furthermore, according to the Law of the Republic of Azerbaijan “On Ensuring the Rights and Freedoms of Persons Held in Custody,” a detained or arrested person has the right, from the moment of detention or announcement of a decision on the selection of arrest as a preventive measure, to meet privately and maintain confidential communication with their

defense attorney and legal representative, without limitation on the number and duration of the meetings. A detained or arrested person who requests legal assistance should not be interrogated or have their interrogation continued without the presence of their attorney, until they have received legal assistance. Confession statements made by a detained or arrested person who has not waived their defense attorney cannot be used as evidence during the court hearing without the participation of the defense attorney. These statements may only be accepted as evidence in accordance with the procedure prescribed in the Criminal Procedure Code of the Republic of Azerbaijan, based on a request from the defense party (Articles 19.1-19.3).

6. According to Part III of Article 1 of the Law "On Lawyers and Legal Activities", the fundamentals of legal practice shall include the exclusion of interference with the professional activity of lawyers and their associations, and influence on them by prosecutor's offices, court, other state institutions, public associations, any enterprise, institutions, organization, and officials.

7. According to Part I of Article 15 of the aforementioned Law, lawyers shall be independent and follow the requirements of law only.

8. In addition, according to Article 20 of the aforementioned Law, legal aid provided by a lawyer to individuals who are administratively arrested, suspected or accused of criminal offences, victims of domestic violence, and those who lack sufficient means to pay for legal services in court, shall be provided at state expense without any restrictions.

9. Payment for legal aid provided by a lawyer recognized as the legal heir of a deceased victim shall be covered by the state budget of the Republic of Azerbaijan, except in cases where the court imposes the payment on the convicted person.

10. The fee payable to a lawyer providing services to children who are victims of sexual violence and assault, who independently exercise their rights in criminal proceedings, and who need free legal aid, shall be covered by the state budget of the Republic of Azerbaijan, except in cases where the court imposes the payment on the convicted person.

11. The above provisions are also outlined in Article 194 of the Criminal Procedure Code. In accordance with Article 81 of the Code on Execution of Punishments, upon the application of the convicts themselves, their close relatives or their legal representatives to receive legal aid, convicts are granted visits with lawyers, as well as with other individuals entitled to provide such aid.

12. The number and duration of these visits are not limited, and these visits are conducted in compliance with the Internal Disciplinary Rules of the penitentiary establishments. Such visits are not included in the number of visits determined by the aforementioned Code. These visits are held privately at the request of the parties.

13. According to Part 17 of the "Internal Disciplinary Rules of Pre-trial Detention Facilities" approved by the decision of the Cabinet of Ministers from February 26, 2014, from the moment the decision regarding detention or imposition of a preventive measure of arrest is communicated to the arrested person, they must be provided with the opportunity to consult privately with their lawyer and maintain confidential communication, without any restrictions on the number and duration of visits.

14. A lawyer is granted access to the pre-trial detention facility upon presentation of a document confirming his/her identity and service ID. Such visits shall be conducted privately at the request of the parties and in accordance with the aforementioned Rules.

15. According to Part 6 of the "Internal Disciplinary Rules of Pre-trial Detention Facilities", from the moment the decision regarding detention or imposition of a preventive measure of arrest is communicated to the detained or arrested person, they shall be provided with the relevant opportunity to consult privately with their lawyer and legal representative, and maintain confidential communication, without any restrictions on the number and duration of visits.

16. A special room is designated in temporary detention facilities for visits. It is inadmissible to eavesdrop on the conversations of a detained or arrested person during their visit with a lawyer.

17. In October 2023, a new provision was added to the "Rules of Conduct for Police Officers with Detained or Arrested Persons" to ensure that detained or arrested individuals can freely contact their lawyer, meet privately without restrictions on the number or duration of meetings, and communicate confidentially from the moment of their arrest or the announcement of the decision to impose a preventive measure.

18. At the same time, meetings of detained or arrested persons are organized based on a summons written by their defense attorney, and an appropriate registration is made in the "Registration Book of Release of Detained or Arrested Persons Detained in the DTF". Their right to meet with a lawyer of their choice and to receive legal assistance in order to receive qualified legal assistance is not restricted.

19. Each of the 72 temporary detention facilities in the city and district police departments is equipped with meeting, investigation, prayer, and medical rooms, as well as a private space for detainees to meet with their lawyer confidentially.

20. In addition to all this, amendments have been made to the relevant internal instructions, addressing the use of video recording during preliminary interrogations for serious and especially serious crimes, the filming angle should fully cover the interrogation room.

21. Furthermore, a single-form protocol sample was prepared for each detained person (the details regarding the cell placement, the time food was offered, the timing of the interrogation, and other relevant information have been documented).

22. During the reporting period, no complaints were submitted to the Investigation Department of the Prosecutor General's Office regarding any obstacles created by the investigative authorities in the communication between lawyers and the suspects or accused persons whose rights they are defending.

B. Information on the paragraph 17 (a)

23. According to Article 293 of the Criminal Code torture, or cruel, inhuman, or degrading treatment or punishment that does not constitute torture, shall result in criminal liability.

24. By Decision No. 04 of the Collegium of the General Prosecutor's Office of the Republic of Azerbaijan, dated 26 December 2023, new provisions were added to the Rules for Organizing Cases of the General Prosecutor's Office. These provisions pertain to the investigation of complaints concerning torture, and cruel, inhuman, or degrading treatment or punishment not classified as torture, to be examined by the Service Investigations Department of the General Prosecutor's Office at district (city) prosecutor's offices.

25. In total, 2,488 investigations related to cases of torture, inhuman or degrading treatment, abuse of office, and other similar offenses were conducted by the Service Investigations Department in 2024. Of these, 2,261 cases were dismissed, 18 cases were forwarded to the relevant authorities, and investigations into 209 cases are still ongoing.

26. In accordance with Article 13 of the Criminal Procedure Code, it is prohibited to make decisions or take actions that humiliate or insult a person's honor and dignity during criminal prosecution, it is also prohibited to make decisions or take actions that may endanger the life and health of individuals participating in criminal proceedings.

27. During criminal proceedings, no one shall be subjected to treatment or punishment that degrades human dignity, held in conditions that undermine human dignity, or coerced into participating in procedural actions that violate their dignity.

28. All complaints of torture and ill-treatment from convicts and arrested persons held in penitentiary establishments, as well as their relatives and lawyers, are recorded and investigated. The places for submitting complaints have been expanded, and conditions have been established for submitting applications via the official website of the Penitentiary Service of the Ministry of Justice, the 'Call Center,' and by postal mail.

29. Also, applications from convicts and arrested persons to the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan are forwarded to the relevant

authorities without censorship, in accordance with the legislation. Convicts and arrested persons entering penitentiary establishments are informed of their rights and responsibilities, as well as the internal disciplinary rules.

30. Posters outlining the rights and responsibilities of prisoners in penitentiary establishments have been prepared in English, Russian, and Persian and displayed in the establishments. Booklets containing the same content have also been distributed to penitentiary establishments, including the contact numbers of the Human Rights Commissioner (Ombudsman), the Ministry of Justice, and the Penitentiary Service.

31. In addition, to further strengthen prisoners' ties with their close relatives, appropriate conditions have been established in prisons, allowing prisoners to make video calls in addition to phone calls.

C. Information on the paragraph 21

32. Adopted on December 30, 2021 the "Law on Media" of the Republic of Azerbaijan forms the legal basis for further strengthening the guaranteed mechanisms aimed at the unhindered and effective execution of journalists' professional activities, the most reliable protection of the creativity and editorial independence of media entities, and the reinforcement of freedom of expression.

33. According to the Article 5 of the abovementioned Law, media is free in the Republic of Azerbaijan. State censorship in the media field, as well as the creation and financing of state bodies (institutions) or positions for this purpose, is prohibited. The freedom of activity in the media field is based on the state's guarantee of everyone's right to legally seek, obtain, prepare, transmit, produce, and disseminate information. Activity in the media field is carried out on the basis of creativity and editorial independence. The freedom of activity in the media field may only be restricted in cases and procedures specified by this Law and other laws of the Republic of Azerbaijan regulating the media field.

34. According to the Article 6, journalists have the right to independence, to unite in organizations representing their interests, to defend their personal inviolability, honor, and dignity while performing their professional duties. It is unacceptable to interfere with journalists' professional activities unlawfully, to persecute journalists or exert pressure on them in relation to the collection, preparation, editing, production, transmission of information, as well as expressing opinions (commenting) on such information, which is not restricted by the laws of the Republic of Azerbaijan and intended for general use.

35. The law guarantees the journalist's right to obtain accurate information about the public, political, social, and economic situation in society, the activities of state bodies (institutions), municipalities, enterprises and organizations, non-governmental organizations, political parties, and officials. Media entities and journalists have the right to file a complaint in accordance with the procedure established by the law against state bodies (institutions), municipalities, enterprises and organizations, non-governmental organizations, political parties, or officials who refuse to provide information.

36. The law designates individuals working in any media entity, as well as those working as "freelancers", as journalists. It defines the status of journalists working not only in newspapers, magazines, television, and radio, but also those working on websites, and grants them the right to use the journalist status.

37. Additionally, it is reported that no preliminary investigation has been conducted regarding criminal cases related to the pursuit and pressure on journalists in connection with their professional activities in the state security, emergency situations, and border service bodies.

38. In accordance with the requirements of the legislation, a convict or arrested person entering a penitentiary establishment undergoes an initial medical examination no later than 24 hours.

39. Persons requiring inpatient treatment are provided care in medical and sanitary units with inpatient beds in all penitentiary establishments, or, if necessary, in a treatment facility.

40. If necessary, convicts and arrested persons are given the opportunity to be transferred to a civilian hospital or to have a leading medical specialist invited to the establishment.

41. In addition, necessary conditions have been established to allow arrested persons and convicts access to the services of a doctor of their choice and private medical institutions. The health of individuals currently held in penitentiary establishments is closely monitored, and medical care is consistently available to them.

42. According to Article 4.1 of the Law “On State Registration and State Register of Legal Entities” an organization wishing to obtain legal entity status in the territory of the Republic of Azerbaijan, as well as a representative office or branch of a foreign legal entity, shall be state-registered and listed in the state register. Commercial organizations, public legal entities, as well as representative offices or branches of foreign legal entities may operate only after state registration. Current legislation does not stipulate the mandatory state-registration of non-governmental organizations as legal entities in order to carry out their activities.

43. It is not allowed to refuse the state registration and inclusion in the state register, as well as making changes in the state register of organizations wishing to obtain the status of a legal entity, as well as representative offices or branches of a foreign legal entity, except for the reasons provided for by the legislation of the Republic of Azerbaijan, also the refusal is not allowed due to considerations of the inappropriateness of establishing the organization.

44. When the state registration of a non-governmental organization is refused, written information is provided to the applicant, indicating and explaining the provisions of the legislation that served as the reason for this refusal.

45. A complaint regarding the illegal refusal or avoidance of state registration of a legal entity may be filed with a higher authority or the court, in the manner prescribed by the legislation of the country. Also according to the current legislation, the refusal of state registration of a non-governmental organization does not prevent the re-submission of documents for state registration once the violations have been corrected.

46. It should be noted that, in total, about 4,000 non-governmental organizations have been state-registered.

47. Since 2016, the Ministry of Justice has not appealed to the court regarding the suspension or liquidation of any non-governmental organization. The Ministry of Justice provides necessary assistance to non-profit organizations across all areas, with a particular emphasis on educational activities and advisory measures.

D. Information on the paragraph 23 (a)

48. As a member of the international community adhering to the rules and principles of the international law, Azerbaijan has always been and remains to be committed to upholding its obligations under international humanitarian law, including obligation to investigate and prosecute violations thereof.

49. In this regard, it is reported that a preliminary investigation has been conducted and a total of 1,388 criminal cases, encompassing 2,548 individual episodes were consolidated under criminal case No. 202006081 by the Investigation Department of the Prosecutor General’s Office of the Republic of the Republic of Azerbaijan, concerning the actions of the military-political leadership of the Republic of Armenia, including its armed forces and other armed formations. The investigation covers the direct material, technical, and personnel support they provided, the centralized chain of command, as well as the oral and written orders, instructions, and directives issued, which formed the basis for the aggressive war conducted against Azerbaijan that resulted in the long-term occupation of territories.

50. The criminal case involves the attacks carried out by the Armed Forces of the Republic of Armenia and unlawful Armenian armed groups. On October 17, 2020, around 1:00 AM, ballistic missiles were used to strike the unprotected areas of Ganja city, targeting residential areas, killing 26 (including 6 children) and injuring 175 civilians (including 47 children). On October 27, 28 and November 7, 2020 another deliberate and indiscriminate attacks against

civilians were carried out in Barda city located 30 km from the area of active hostilities, killing 29 (including 2 children) and injuring 103 people (including 15 children). Deliberate and indiscriminate bombardments of civilian areas of Azerbaijan located far from the combat zone, including with the use of prohibited weapons and weapons of devastating capacity were also recorded in Agdam, Jabrail, Dashkasan, Fuzuli, Goranboy, Naftalan, Tartar, Aghjabadi, Beylagan Tovuz, Mingachevir and Gabala districts during the period between September 27, 2020 and November 10, 2020. As a result of these attacks in total 93 civilians (including 12 children) were killed, 444 civilians (including 67 children) were wounded, as well as widespread destructions of the civilian infrastructure recorded. The criminal investigation was initiated pursuant to Articles 100.1, 100.2, and other relevant provisions of the Criminal Code of the Republic of Azerbaijan, and the case was subsequently assigned to the Investigation Department of the Prosecutor General's Office for further proceedings.

51. As a result of Armenia's military aggression against the Republic of Azerbaijan, between 1988 and 2024, a total of 18,850 persons, including 3,493 civilians and 15,357 military personnel of whom 18,048 were men, 802 were women, including 440 children were deliberately killed. A total of 56,268 individuals including 4,465 civilians and 51,803 military personnel, of whom 55,097 were men, 1,171 were women, including 503 children were subjected to attempted deliberate killing by inflicting bodily injuries of varying degrees.

52. The investigation has fully established that, during the course of aggressive war, one episode of genocide was committed against the Azerbaijani people, along with nine additional episodes involving acts of mass violence that, constituted crimes involving the partial destruction of the population. As a result of these acts a total of 854 individuals were intentionally killed. Among the killed, 623 were men, 231 were women, including 105 children (58 boys and 47 girls). Furthermore, the investigation established that the bodies of 300 individuals who were killed have been deliberately withheld, with no information provided regarding their fate or whereabouts. This has been classified as enforced disappearance. Of the 300 forcibly disappeared persons, 203 were men, 97 were women, including 36 children (20 boys and 16 girls).

53. Acts of violence including enforced disappearances, taking of prisoners and hostages, and the use of torture were committed between 1988 and 2023. In total, 1,698 individuals were taken as prisoners or hostages. This includes 414 prisoners of war (381 of whom were subjected to physical pain and psychological suffering, and 33 to psychological suffering alone) and 1,284 hostages (927 of whom were subjected to both physical pain and psychological suffering, and 357 to psychological suffering alone). Among them a total of 170 prisoners of war and hostages were intentionally killed (122 civilians and 48 military servicemen). Among the intentionally killed 122 hostages 92 were men (including 3 minors) and 30 were women (including 2 minors). All 48 intentionally killed prisoners of war were men.

54. The remaining 1,528 individuals consisting of 1,162 hostages and 366 prisoners of war were released as a result of efforts undertaken by the Azerbaijani side. Among the 1,162 hostages who were released, 805 were subjected to both physical pain and psychological suffering, while 357 endured psychological suffering alone. Of the 366 released prisoners of war who were released, 333 were subjected to physical pain and psychological suffering, and 33 were subjected to psychological suffering alone.

55. From January 1992 through November 8, 2020, a total of 3,952 individuals in the formerly occupied territories of Azerbaijan were forcibly disappeared, with no information provided regarding their fate or whereabouts. As a result of the mentioned aggressive war, through various methods used to prevent the identification of the victims, those who were intentionally killed or held as prisoners and hostages, and buried under unknown circumstances in the occupied territories, after the territories were liberated, during large-scale construction and reconstruction works, the remains of at least 127 people were discovered. In the mass graves in the liberated territories, the remains of additional 166 people were found. As of the current date, in total, the remains of at least 602 people have been discovered, of which the identities of 120 have been determined.

56. Between 1988 and 2023, a total of 308 episodes of terrorist acts were recorded. As a result of these crimes, 449 individuals, including 210 military personnel and 239 civilians (including 17 children) were intentionally killed.

57. 1729 individuals, including 1013 military personnel and 716 civilians (including 53 children) were intentionally subjected to various degrees of bodily harm. In total, as a result of terrorist crimes, 17 children were intentionally killed, and 53 children were intentionally injured with various degrees of bodily harm.

58. In the formerly occupied territories of the Republic of Azerbaijan, at least 1,087,226 anti-tank and anti-personnel mines, along with other types of unexploded ordnance, were planted by the military forces of Armenia between September, 1988 and September 20, 2024.

59. Between November 10, 2020, and April 22, 2024, a total of 31,964 anti-personnel mines, 19,110 anti-tank mines, and 67,204 unexploded ordnances were discovered and neutralized in the territories liberated from the occupation.

60. During the preliminary investigation, individuals Harutyunyan Arayik Vladimiri (Vladimiroviç), Gukasyan (Čukasyan) Arkadi Arshaviri (Arshaviroviç), Sahakyan Bako Sahaki, and other officials, as well as Babayan Davit Klimi (Klimoviç), Ishkhanyan Davit Rubeni, Manukyan Davit Azati, Mnatsakanyan Lyova Henriki, members of the criminal group Allahverdiyan Davit Nelsoni, Pashayan Melikset Vladimiri, Martirosyan Qarik Qriqori, Balayan Levon Romiki, Babayan Madat Arakeli (Arakeloviç), Stepanyan Gurgen Homerosi, Beqlaryan Vasili Ivani, Kazaryan Erik Roberti, were charged under Articles 100, 102, 103, 105, and other articles of the Criminal Code of the Republic of Azerbaijan, and arrest orders were issued against them. Charges were brought against 343 members of the criminal group (organization), and they were declared wanted. The preliminary investigation regarding the 15 named defendants has been completed, and the criminal case No. 202006081 was sent to the Baku Military Court for consideration.

61. All rights of Armenian citizens brought to criminal responsibility are guaranteed under the criminal procedural legislation of the Republic of Azerbaijan, as well as international legal acts,

62. Prompt, independent and transparent investigations were conducted into allegations of violations by Azerbaijani servicemen. The Investigation Department of the Prosecutor General's Office has conducted investigations into a total of 11 criminal cases related to these acts. Among them, five criminal cases were initiated under Article 115.2 of the Criminal Code of the Republic of Azerbaijan on 05.07.2021, 08.07.2021, 16.07.2021, 23.07.2021, and 24.09.2021. Additionally, four criminal cases were initiated under Article 115.4 on 28.12.2020.

63. On 30.09.2023, 1 criminal case was initiated under Article 120.1 of the Criminal Code of the Republic of Azerbaijan, and on 09.10.2023, 1 criminal case was initiated under Article 328.1 of the Criminal Code of the Republic of Azerbaijan. In total, 2 criminal cases were initiated in 2023.

64. As described above, the Government of Azerbaijan conducted investigations of all reports on alleged violations of humanitarian law and duly informed relevant international mechanisms. In contrary, the international community closed its eyes to the grave violations of humanitarian law and human rights law during unprovoked and unjustified military invasion of the Republic of Armenia against the Republic of Azerbaijan and 30 years occupation of its sovereign territories, thereby contributing to the environment of impunity in Armenia.

65. In the past 30 years, Azerbaijan has hosted one of the highest number of refugees and displaced persons in the world. The ethnic cleansing of the formerly occupied territories of Azerbaijan carried out by Armenia, war crimes and forcible displacement of hundreds of thousands of Azerbaijani IDPs, killing and maiming of thousands of civilians, including children, deliberate and indiscriminate attacks against civilian infrastructure are all vivid and grim examples of flagrant violations of international humanitarian law that remain unaddressed to this day.

66. It is notable that, to date, Armenia has taken no steps to investigate and prosecute war crimes, crimes against humanity and other serious violations of humanitarian and human rights law, including atrocity crimes committed by its armed forces in the formerly occupied territories of Azerbaijan.

67. Use of non-existent geographic names, such as “Nagorno-Karabakh” which is the legacy of the Bolshevik/Communist past in the concluding observations (CAT/C/AZE/CO/5) questions the sovereignty and territorial integrity of the Republic of Azerbaijan in contravention with the UN Charter and runs contrary to the recommendations developed by the UN Conference on the Standardization of Geographical Names. Azerbaijan has repeatedly called to use only official geographic toponyms while referring to the territories of the Republic of Azerbaijan, the list of which has been submitted to the UN Group of Experts on Geographic Names by the Government of the Republic of Azerbaijan through its national report (GEGN.2/2023/CRP.140) Any geographic name used with regard to the territory of the Republic of Azerbaijan other than the one officially adopted by the competent state authority is unacceptable and should be brought in line with the official name of the territories presented by Azerbaijan to the United Nations.
