

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/AZE/CO/4)

AZERBAIJAN

(...)

C. Principal subjects of concern and recommendations

(...)

Torture and ill-treatment

8. The Committee is concerned about numerous and persistent allegations that torture and ill-treatment are routinely used by law enforcement and investigative officials, or with their instigation or consent, often to extract confessions or information to be used in criminal proceedings. The Committee is further concerned that the State party deemed unfounded all the allegations of torture and ill-treatment raised during the dialogue, several of which had previously been addressed by other United Nations and regional human rights mechanisms. The Committee is particularly concerned that, according to the State party's report, during the period 2010-2015 not a single individual was prosecuted despite the 334 complaints against officials of the prison system for torture or ill-treatment investigated by the Prison Service between 2009 and 2013, the 984 similar complaints received by the Ministry of Internal Affairs between 2010 and 2013 and the 678 similar complaints received by the Office of the Procurator General between 2010 and 2013. In the Committee's view, the above is a strong indication that investigations into allegations of torture are not conducted in a prompt, efficient and impartial manner (arts. 4, 12-13 and 15-16).

9. **As a matter of urgency, the State party should:**

(a) **Apply a zero tolerance approach to the continuing problem of torture and to the practice of impunity;**

(b) **Provide further specific information regarding the steps taken to investigate cases of alleged torture and ill-treatment;**

(c) **Continue to provide the Committee with up-to-date data on the number of complaints received alleging torture and ill-treatment by law enforcement and other public officials, the number of complaints investigated by the State party, any prosecutions brought forward and any resulting convictions and sentences;**

(d) Continue to provide the Committee with data on cases in which officials have been subjected to disciplinary measures for failure to investigate complaints of torture or ill-treatment adequately or for refusal to cooperate in investigating any such complaints;

(e) Ensure, in law and in practice, that every person has access to independent and effective complaints mechanisms that will investigate and respond promptly; that alleged perpetrators are prosecuted and, if they are found guilty, receive sentences that are commensurate with the gravity of their acts; and that victims are afforded appropriate redress.

(...)

Arbitrary imprisonment and ill-treatment of human rights defenders

10. The Committee is deeply concerned about consistent and numerous allegations that a number of human rights defenders have been arbitrarily deprived of their liberty, subjected to ill-treatment and, in some cases, denied adequate medical treatment in retaliation for their professional activities. Among those human rights defenders are Leyla and Arif Yunus, Ilgar Mammadov, Intigam Aliyev, Mahamad Azizov, Rashadat Akhundov and Rashad Hassanov. The Committee takes note of the fact that Mr. Yunus' incarceration had been replaced with house arrest. The Committee regrets the State party's categorical position that all the above allegations are unfounded, despite the existence of reports of the United Nations, other international organizations and human rights mechanisms indicating otherwise (see, for example, the joint statement of the Special Rapporteurs on the situation of human rights defenders, on the rights to freedom of peaceful assembly and of association, on the promotion and protection of the right to freedom of opinion and expression, on the independence of judges and lawyers, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and of the Chair-Rapporteur of the Working Group on Arbitrary Detention of 20 August 2015 and the judgement dated 22 May 2014 of the European Court of Human Rights concerning *Ilgar Mammadov v. Azerbaijan*, application No. 15172/13). It is also concerned that full, independent and effective investigations into these allegations and prosecutions of the perpetrators have not taken place. Furthermore, the Committee is seriously concerned that, following the 2009 and 2013 amendments made to the law on non-governmental organizations and the amendments made to the law on grants and the code of administrative offences, the implementation of projects without a registered grant agreement, as well as the acceptance of donations, have been punished through the dissolution of non-governmental organizations, the imposition of financial penalties, the freezing of assets and the handing down of heavy prison sentences against the members of non-governmental organizations (arts. 4, 12-13 and 16).

11. The State party should:

(a) Investigate promptly, thoroughly and impartially all allegations of arbitrary arrest, denial of adequate medical treatment and torture or ill-treatment of human rights defenders, including those listed above, prosecute and punish appropriately those found guilty and provide victims with redress;

(b) Release human rights defenders who have been deprived of their liberty in retaliation for their human rights work;

(c) Amend and bring into line with international standards its legislation to facilitate the registration of human rights organizations and financial grants for the work of such organizations and change its practice to ensure that all human rights defenders are able to freely conduct their work.

(...)

Fundamental legal safeguards

12. While taking note of the different legislative norms adopted, the Committee expresses serious concern at the State party's failure in practice to afford all persons deprived of their liberty with all fundamental legal safeguards from the very outset of the deprivation of liberty. The Committee is concerned at reports that during the period immediately following deprivation of liberty detainees are frequently denied access to a lawyer of their choice and are not allowed to contact family members and that police officers forcibly extract confessions. While welcoming the installation, in 63 of the 68 temporary detention facilities, of video surveillance systems, the introduction of medical examinations for all persons detained on remand and the practice of recording the results of the examinations in a medical record opened for each detainee immediately upon arrival, the Committee remains concerned at reports that medical examinations take place in the presence of police officers and that, when injuries are recorded, they do not lead to any investigations into possible torture or ill-treatment (arts. 2, 11-13 and 15-16).

13. The State party should adopt measures to ensure in practice that every person deprived of his or her liberty is afforded legal safeguards against torture from the outset of deprivation of liberty. For example, it should ensure that such persons have prompt and unimpeded access to an independent lawyer of their choice, can contact a family member and can immediately undergo an independent medical examination in full confidentiality. In cases when traces of torture or ill-treatment are recorded during a medical examination, prompt and independent investigations should be conducted. The State party should also ensure that any public official who denies fundamental legal safeguards to persons deprived of their liberty is disciplined or prosecuted, and provide data to the Committee on the number of cases in which public officials have been disciplined for such conduct.

(...)

Follow-up procedure

40. The Committee requests the State party to provide, by 9 December 2016, information on follow-up to the Committee's recommendations related to the eradication of widespread torture and ill-treatment, the eradication of arbitrary

imprisonment and alleged torture of human rights defenders, and respect of fundamental legal safeguards (see paras. 9, 11 and 13 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
