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Human Rights Committee**Report on follow-up to the concluding observations
of the Human Rights Committee*****Addendum****Evaluation of the information on follow-up to the concluding
observations on Azerbaijan****Azerbaijan*

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| <i>Concluding observations (118th session):</i> | CCPR/C/AZE/CO/4 , 2 November 2016 |
| <i>Follow-up paragraphs:</i> | 19, 29 and 37 |
| <i>Follow-up reply:</i> | CCPR/C/AZE/CO/4/Add.1 , 25 May 2018 |
| <i>Committee's evaluation:</i> | Additional information required on paragraphs 19[C], 29[C] and 37[C] |
| <i>Information from non-governmental organizations:</i> | None |

Paragraph 19: Torture and ill-treatment

The State party should take effective measures to eradicate torture and ill-treatment, including by:

(a) Ensuring that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an independent and impartial body, that perpetrators are prosecuted and, if convicted, are punished with adequate sanctions, and that victims are provided with effective remedies and full reparation, including appropriate compensation;

(b) Conducting the reforms necessary to ensure that regular monitoring and inspection of all places of deprivation of liberty is carried out by an independent and effective mechanism, and consider involving NGOs in such a process.

Summary of the State party's reply

(a) Complaints of torture and other cruel, inhuman or degrading treatment or punishment lodged by individuals are registered with the Department of Supervision of Investigation in the Office of the General Prosecutor.

* Adopted by the Committee at its 127th session (14 October – 8 November 2019).

The order of the President of Azerbaijan dated 10 February 2017 requires strict application of the legislation on detention during preliminary investigations. It also requires alternative punishment to be widely used. No cases of torture were registered. However, investigations confirmed 43 cases of human rights violations in 2016, leading to 76 employees facing disciplinary measures. Investigations confirmed 21 cases of arbitrary arrest and detention, leading to 46 employees facing sanctions, and nine cases of ill-treatment, leading to nine employees facing sanctions.

(b) The State party reiterates information provided in its fourth periodic report (CCPR/C/AZE/4, paras. 113–114, 160–161 and 165) on the national preventive mechanism and the Public Committee. In 2016, several committees and organizations carried out 198 monitoring visits to temporary detention centres. No cases of torture were determined. In November 2016, the International Committee of the Red Cross and the State party began joint trainings for officials working in penitentiaries.

Committee's evaluation

[C](a) and (b): The Committee notes the existence of the register for complaints and of the order of the President of Azerbaijan dated 10 February 2017, but regrets the lack of information on the measures taken to ensure that the cases are investigated by an independent and impartial body. The Committee notes the statistics on the number of cases in 2016, but regrets the lack of information on criminal sanctions for those cases and on the measures taken to ensure that victims are provided with effective remedies and full reparation. The Committee reiterates its recommendations. The Committee notes the joint trainings with the International Committee of the Red Cross, but regrets the lack of information on the reforms made since the adoption of the concluding observations to ensure regular monitoring and inspection of all places of deprivation of liberty, conducted by an independent and effective mechanism. The Committee reiterates its recommendations.

Paragraph 29: Independence and safety of lawyers

The State party should take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation, including violence, in connection with their professional activity. It should, inter alia:

(a) Refrain from any actions that may constitute harassment, persecution or undue interference in the work of lawyers, including their suspension, disbarment or other disciplinary action, or criminal prosecution on improper grounds, such as the expression of critical views or the nature of the cases they are involved in;

(b) Eliminate the practice of calling lawyers as witnesses in cases in which they are representing a defendant.

Summary of the State party's reply

(a) The bar follows the following principles: compliance with the legislation, independence from any form of pressure, equal rights of lawyers and self-administration. The law on lawyers and activities of legal professionals regulates the right to access the services of a lawyer. The law protects the lawyer and the representatives of suspects or accused persons. Lawyers face disciplinary sanctions only when they violate the law, the rules of conduct of lawyers or the ethical norms of the profession.

(b) No information provided.

Committee's evaluation

[C](a) and (b): The Committee notes the possibility of lawyers being considered as protected persons, but regrets the lack of information on the measures that have been taken to prevent any actions that may constitute harassment, persecution or undue interference in the work of lawyers. The Committee reiterates its recommendations. The Committee regrets that no

information was provided on the practice of calling lawyers as witnesses in cases in which they are representing a defendant. The Committee reiterates its recommendation.

Paragraph 37: Freedom of expression

The State party should take all measures necessary to guarantee the full enjoyment of freedom of expression by everyone in practice. It should take immediate steps to end any repression against the above-mentioned categories of persons [i.e. against human rights defenders, youth activists, political opponents, independent journalists and bloggers], provide effective protection against persecution or retaliation and ensure that any restrictions on the exercise of their freedom of expression comply with the strict requirements of article 19 (3) of the Covenant. The State party should also consider decriminalizing defamation and, in any case, countenance the application of criminal law only in the most serious of cases, bearing in mind, as provided in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, that imprisonment is never an appropriate penalty for defamation.

Summary of the State party's reply

The State party guarantees the rights and freedoms of all citizens, without any distinction on the basis of religion, race, or political or social affiliation. No one has been held accountable for exercising his or her freedom of thought or freedom of expression, or has been subjected to torture. No one is convicted unless the commission of a specific crime is proven by the investigative bodies and courts.

Committee's evaluation

[C]: The Committee regrets the lack of information on measures taken to implement its recommendation. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.
