AZERBAIJAN
FOLLOW-UP TO THE CONCLUDING OBSERVATIONS

Extract from the Report of the Special Rapporteur on Follow-up to Concluding Observations as the 106th Session (October 2012) - CCPR/C/106/2:

Azerbaijan
COB: CCPR/C/AZE/CO/3
Follow-up paragraphs:
9, 11, 15, 18

First reply:
Date information due: 28 July 2010. Date information received: 24 June 2010

Evaluation:
The procedure has been completed with respect to the following issues:

(a) Compulsory training for newly recruited prison officials (para. 11);

(b) Recognition of the right of foreign radio stations to broadcast directly on Azerbaijani territory (para. 15).

Additional information was requested concerning the other recommendations (letter of 20/10/2011).

Second reply:
Date information received: 31 May 2012

Paragraph 9:
The State party should not extradite, expel, deport or forcibly return aliens to a country where they would face the real risk of torture or ill-treatment. The Committee recalls that article 2 of the Covenant requires that States parties should respect and ensure Covenant rights for all persons in their territory and all persons under their control, whence the obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, either in the country to which removal is to be effected or in any country to which the person may subsequently be removed (general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant). The Committee further recalls that the relevant judicial and administrative authorities should be made aware of the need to ensure compliance with the Covenant obligations in such matters. The State party should also establish a mechanism allowing aliens who claim that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect.

Follow-up questions (letter of 30 October 2011):

- Number of extradition requests submitted to the State party during the last five years, and number of refusals.
- Existence or establishment of a mechanism allowing aliens who allege that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect; content of diplomatic assurances in cases of extradition to countries where persons would be at risk of torture or ill-treatment.

Summary of State party’s reply:

<table>
<thead>
<tr>
<th>Year</th>
<th>Extradition requests</th>
<th>Number of refusals</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>2</td>
<td>1 (criminal action statute-barred)</td>
</tr>
<tr>
<td>2009</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>2011</td>
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According to the 2001 Act on the extradition of persons who have committed crimes, extradition may be refused if there is a risk of torture or ill-treatment. In its extradition requests, the Ministry of Justice guarantees that the person being extradited will not be exposed to torture or ill-treatment.

Evaluation:

[D1]: The information does not reply to the question asked.

Paragraph 11:
The State party should establish without delay an independent body with authority to receive and investigate all complaints of use of force incompatible with the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and other abuses of power by law enforcement officials. The State party should ensure that all complaints relating to torture or ill-treatment are examined promptly and thoroughly and that the victims receive compensation. Those responsible should be prosecuted and punished. The State party should also ensure that all places of detention are subject to regular independent inspection. The State party should provide adequate training to its law enforcement and prison officials and ensure that Covenant rights are fully protected. The introduction of the systematic use of audio and video equipment in police stations and detention facilities should also be seriously considered.

Follow-up questions (letter of 30 October 2011):

(a) Number of cases in which reparations have been granted to victims of torture or ill-treatment over the last five years and the nature of those reparations;

(b) Progress made in the implementation of the programme for the development of the Azerbaijani justice system for 2009–2013 and of the bill on safeguarding the rights and freedoms of pretrial detainees;

(c) Since the systematic use of audiovisual recordings at police stations and places of detention is not guaranteed, the recommendation has not been implemented.

Summary of State party’s reply:

Subparagraphs (a) and (b): In 2011, 15 prisons underwent renovation and new ones meeting international standards were built. Other projects are currently being developed, including some under the 2009–2013 Programme for Development of the Justice System.

A study has been undertaken to identify the legislative reforms needed to promote the rights of prisoners. The bill on “the protection of the rights and freedoms of prisoners” is currently in the final review stage. The National Action Programme for increasing the effectiveness of the protection of human rights and freedoms was approved in December 2011 and includes a programme for improving prison conditions and preventing torture.
Subparagraph (c): The right of police officials to use audiovisual recordings is set out in articles 232–234 of the Criminal Procedural Code. During the past five years, 26 detention centres have been rebuilt. Other projects are under way, and audiovisual equipment has been installed in 61 detention centres. In 2010 and 2011, a total of 523 inspection visits to temporary detention centres were conducted by representatives of international organizations (United Nations, Council of Europe, International Committee of the Red Cross) and national human rights institutions. During the past five years 1,068 officials have been disciplined in cases of ill-treatment, and 800 police officers have received training in the prevention of torture and ill-treatment.

Evaluation:

[D1]: No information has been provided on (a) the grant of reparations to victims of torture or ill-treatment over the past five years or the nature of those reparations; (b) action taken to guarantee the independence of bodies responsible for the registration and examination of cases and for monitoring the enforcement of sentences.

Paragraph 15:

The Committee urges the State party to take the necessary measures to put an end to direct and indirect restrictions on freedom of expression. Legislation on defamation should be brought into line with article 19 of the Covenant by ensuring a proper balance between the protection of a person’s reputation and freedom of expression. In this respect, the State party is urged to consider finding a balance between information on the acts of so-called “public figures”, and the right of a democratic society to be informed on matters of public interest. The State party is also urged to effectively protect media workers against attempts on their integrity and life, and to pay special attention and react vigorously if such acts occur. The State party should not unreasonably restrain independent newspapers, as well as local broadcasting of radio stations. Finally, the State party should treat users of non-conventional media in strict compliance with article 19 of the Covenant.

Follow-up questions (letter of 30 October 2011):

Measures taken to effectively protect media workers against attempts on their integrity and life.

Summary of State party’s reply:

• Under article 163 of the Criminal Code, any form of obstruction of the work of media representatives and journalists is punishable. The necessary measures are in place to guarantee the safety of all concerned, and to enhance relations with civil society and the media. Round-table talks have been held between representatives of the Ministry of the Interior and journalists in the framework of the project on “the improvement of relations between the police and the media”.


• The Ministry of the Interior and the Press Council are working to develop their relations and their “interactions”. A Press Council commission is currently investigating cases involving the restriction of journalists’ professional activity. Journalists have been provided with jackets for their identification and protection during public and mass events.

Evaluation:

[B1]: Further information is needed on court decisions and measures taken in cases of attacks on the integrity or life of media workers, or of restriction of their professional activity.

Paragraph 18:

The State party should simplify its address registration procedure so as to enable all individuals who reside legally in Azerbaijan, including internally displaced persons, to fully exercise their rights and freedoms under the Covenant.

Follow-up questions (letter of 30 October 2011):

(a) Measures taken to ensure that temporary identity documents and registration of the Ministry of the Interior as the address for homeless Azerbaijani citizens do not become factors of discrimination;

(b) Numbers of cases involving address registration for aliens or displaced persons over the last five years.

Summary of State party’s reply:

Between 2006 and 2011, the police authorities issued 238,054 registration certificates to foreigners applying for a temporary residence permit. The Committee on Affairs of Refugees and Internally Displaced Persons oversees registration of refugees and internally displaced persons in the country’s regions and cities.

Evaluation:

[D1]: No reply regarding measures taken to ensure that temporary identity documents and registration of the Ministry of the Interior as the address for homeless Azerbaijani citizens do not become factors of discrimination.

Recommended action:

Letter reflecting the Committee’s analysis.

Next periodic report: 1 August 2013
Extract from the Annex to the Report of the Special Rapporteur on Follow-up to Concluding Observations as the 106th Session (October 2012):

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<td>31/05/2012</td>
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<td>No reply to questions raised</td>
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**Recommended action:** LETTER REFLECTING THE ANALYSIS OF THE COMMITTEE