



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

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Committee against Torture Seventy-ninth session

Summary record of the 2084th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 23 April 2024, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2083rd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Fifth periodic report of Azerbaijan (CAT/C/AZE/5; CAT/C/AZE/QPR/5)

1. *At the invitation of the Chair, the delegation of Azerbaijan joined the meeting.*
2. **A representative of Azerbaijan**, introducing his country's fifth periodic report (CAT/C/AZE/5), said that the report had been drafted by a working group established by presidential decree to prepare all periodic reports to be submitted to United Nations human rights mechanisms, with input from the Office of the Procurator General and the Office of the Commissioner for Human Rights (Ombudsman). The Government remained committed to honouring its obligations to promote and protect human rights at the national level and to maintaining dialogue with all United Nations human rights mechanisms. The territorial integrity and full sovereignty of Azerbaijan had been restored following the second Karabakh war in 2020 and the implementation of counter-terrorism measures in 2023, which meant that the Government was now in a position to implement the provisions of the Convention throughout Azerbaijani territory.
3. Amendments had been made to the Constitutional Act on the Commissioner for Human Rights (Ombudsman), with a view to strengthening that institution's independence. The amendments provided for the establishment of new requirements aimed at expediting the review of complaints and the criminalization of efforts to restrict or interfere with the activities of the Ombudsman. Another amendment gave the Ombudsman and the National Preventive Group, which was the national mechanism for the prevention of torture set up under the Ombudsman, the power to take photos and audio and video recordings during their monitoring visits. The Act on the Judicial-Legal Council had also been amended, in 2023, to provide more effective guarantees of the judiciary's independence.
4. The Government had adopted the National Action Plan for the Promotion of Open Government for 2020–2022 and the National Action Plan to Strengthen the Fight against Corruption for 2022–2026 to consolidate its anti-corruption efforts. Modern information technology tools played a valuable role in such efforts and had been introduced as part of work to modernize the justice system, resulting in the launch of an electronic court system in 2020. The most recent innovation had been the launch of a digital platform through which video calls could be made to the Ministry of Justice. Prison inmates, their visitors and employees of such institutions could use the platform to access services remotely. The platform could also be used by members of the public to apply for notary services, the registration of civil status acts and the implementation of court decisions and other legal acts. The Government continued to take steps to promote the active engagement of non-governmental organizations (NGOs) by streamlining the process for their registration; registration documents could now be submitted electronically.
5. Azerbaijani laws on prisons were constantly being improved in order to bring them into line with international standards and best practices. The Government had adopted a more humane approach to the administration of criminal justice; between 2020 and 2023, tens of thousands of prisoners had either been granted amnesties or pardons or had been released. Under the State Programme on the Development of Azerbaijani Justice for 2019–2023, improvements had been made to the information system on prisoners and individuals who had been arrested. The system allowed for the centralization of information on prisoners and the interconnection of penitentiary institutions and bodies responsible for administering punishments so that they could exchange that information with each other in real time.
6. Additional steps to reform the prison system included the renovation of certain pretrial detention facilities and a number of prisons that had been built during the Soviet era. New medical facilities had been constructed to help improve mental health services, the management of emergencies and the treatment of tuberculosis in prisons. Measures had been introduced to ensure that prisons offered high-quality medical care that met national standards, and inmates were now offered seven days of holiday. A centre providing training in tackling tuberculosis in prisons had been opened in Baku and had delivered such training to representatives of more than 20 countries.

7. In 2022, new prison facilities had been built in the settlement of Zabrat in Baku. The facilities had the capacity to house 550 women inmates and 150 young offenders and had been designed in a way that would facilitate the protection of inmates' rights and support their rehabilitation. There were spaces for inmates to participate in recreational activities, have access to computers and reading material, engage in prayer and receive an education and vocational training. The facilities' medical unit contained modern examination rooms, a dental office, a laboratory, a pharmacy and a paediatric treatment room. Inmates were also able to receive psychological counselling and enjoy short-term stays with their families in a purpose-built unit. A further two new prisons had been constructed in 2023 and 2024; both had been presented to the public and the media to give an idea of the conditions they offered.

8. The Government ensured that NGOs, representatives of the International Committee of the Red Cross (ICRC), the Ombudsman, members of the National Preventive Group and representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had direct and unrestricted access to police temporary detention facilities. From 2020 to 2023, detention facilities had been visited more than 350 times. Many visits had been conducted by the National Preventive Group; in 2022, for instance, it had made 139 scheduled visits and 62 ad hoc visits. The powers of another key monitoring mechanism, the Public Council, had been expanded in 2021.

9. Access to high-quality legal aid for detainees and prisoners had been improved over the previous six years. Representatives of the Azerbaijani Bar Association made regular trips to the country's regions and remote areas to offer legal aid and held open days for individuals on low incomes. In the past six years, the Association had provided free legal aid to more than 36,500 such individuals in rural and urban areas. A mobile application offering access to legal aid had been launched in response to the outbreak of the coronavirus disease (COVID-19) pandemic. The number of lawyers in the country had increased by more than 2.5 times in the past six years but remained low given the size of the population. In 2022, a centre had been established to enhance the quality of lawmaking, improve the skills of civil servants responsible for implementing laws, promote legal literacy, study international best practices and coordinate relevant activities. The Institute of Law and Human Rights, which operated under that centre, was responsible for analysing existing laws with the aim of eliminating any gaps, inconsistencies and opportunities for exploitation.

10. The Government considered that human rights training and awareness-raising activities were an important pillar of torture prevention efforts. Activities raising awareness of topics relating to torture prevention were regularly organized for law enforcement agencies. Such topics formed part of the curriculum of the Police Academy and the Academy of Justice and were taught by members of the National Preventive Group. The topics included international standards on detention and torture prevention, the provisions of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the recommendations made to the Government by the Committee, the Subcommittee on Prevention of Torture and CPT. Between 2020 and 2023, some 52,000 employees of the Ministry of Internal Affairs had participated in national and international seminars, training sessions, courses and events on matters relating to the promotion and protection of human rights.

11. In 2022 and 2023, the Baku courts had issued acquittals in 38 criminal cases involving individuals who had been accused of committing acts of torture or inhuman treatment. Those courts had submitted information on 263 such cases to the Office of the Procurator General and, in 34 cases, had revoked the preliminary investigation bodies' decision not to open a criminal case and ordered those bodies to reopen investigations. Information on 371 cases in which convicts had informed the courts that they had been subjected to torture or inhuman treatment had also been submitted to the Office. A total of 571 violations of human rights and freedoms had been recorded from 2020 to 2023. Following investigations, 705 police officers had been found to have carried out illegal detentions and acts of rude or degrading treatment. Of those officers, 111 had been dismissed, 90 had been demoted and 504 had faced other disciplinary measures.

12. The Government paid special attention to protecting and promoting women's rights and combating domestic violence. It had adopted action plans to that end and received annual reports on the implementation of those plans. A women's helpline service had been launched

in 2022 and provided psychological support to victims of domestic violence. It had received 3,748 applications for such support, 2,998 of which had been submitted by women. A round-the-clock helpline specifically for victims of domestic violence had been established in the same year; the calls were forwarded to the regional offices of the Social Services Agency, which carefully assessed each case and provided victims with immediate assistance where necessary. The department for the social rehabilitation of victims of domestic violence had been created in 2021 and had provided psychological, legal, rehabilitation and other services to 164 victims. It sought to guarantee the safety and protection of those victims, take preventive measures and identify long-term solutions to the issues they faced.

13. Steps taken to support and protect children in need of State care included the adoption of the Strategy on Children of the Republic of Azerbaijan for 2020–2030 and its action plan for 2020–2025, under which the drafting process for a law on children’s rights had been launched. That law would contain provisions on corporal punishment, and similar provisions would also be incorporated into the Code of Administrative Offences to ensure that parents or employees of childcare establishments who used corporal punishment would be held accountable for their actions. Azerbaijan had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2019 and had amended a number of legal instruments as part of its efforts to implement that Convention. In 2024, it had acceded to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

14. The Government had adopted the National Action Plan on Combating Trafficking in Persons for 2020–2024, which provided for the protection and social rehabilitation of victims of that crime. From 2020 to 2023, a total of 287 such victims had been housed in safe shelters and received protection, essential items of clothing and medical and psychological assistance. They were also able to obtain access to HIV testing and treatment and participate in awareness-raising activities.

15. **Mr. Buchwald** (Country Rapporteur) said that the Committee would appreciate the delegation’s comments on allegations made by NGOs that torture and ill-treatment remained widespread in the State party, that individuals in police custody were often abused in order to obtain confessions and that the authorities routinely dismissed complaints and denied detainees access to their families, lawyers and independent medical care. It would also be helpful for the delegation to address the findings of the European Court of Human Rights regarding violations by the State party of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the concerns raised by CPT and the Parliamentary Assembly of the Council of Europe regarding the lack of independence in investigations into torture, the absence of accountability among high-ranking officials, allegations of severe physical ill-treatment of police detainees and the refusal of the Office of the Procurator General to cooperate in assessing the effectiveness of investigations.

16. The delegation might also comment on the case of Tofiq Yagublu, a member of the National Council of Democratic Forces who had been detained on multiple occasions and had reportedly been subjected to severe violence at the hands of the police. The Committee would appreciate confirmation that he had been released to house arrest in view of his deteriorating health. Comments on the case of Bakhtiyar Hajiyev, a human rights defender who had allegedly been abducted, subjected to torture and threatened, would also be appreciated. More generally, he would welcome the delegation’s thoughts on the need to guarantee the protection of journalists and human rights defenders. He wondered what additional action might be taken to prevent the abuse and intimidation of such individuals and ensure that the perpetrators were thoroughly investigated and prosecuted. It would be helpful to learn what steps could be taken to enhance the perception that activism, criticism and different views were welcome in the State party and that human rights defenders could carry out their work without fear of intimidation or reprisals.

17. It had been brought to the Committee’s attention that, in 2023, disproportionate force had been used against peaceful protestors in the village of Soyudlu. The delegation might wish to confirm that the Government was indeed of the view, as outlined in a letter addressing the events that had been sent to the Commissioner for Human Rights of the Council of Europe, that the protests had not been peaceful and explain why that was the case. The

Committee would also appreciate clarification as to whether journalists had faced restrictions when attempting to report on the events and whether two activists had been arrested for publishing criticism on social media. Furthermore, he would appreciate a reply to the Committee's question in paragraph 29 of the list of issues prior to reporting (CAT/C/AZE/QPR/5) concerning any measures taken to prevent arbitrary arrests and ill-treatment when demonstrations were being quelled.

18. With regard to the conflict between the State party and Armenia, he would be grateful for information on the specific mechanisms that had been established to investigate the allegations of abuse of Armenian prisoners of war, decapitation of captives, desecration of corpses and mutilation of civilians and to guarantee that the perpetrators would be held responsible. He wondered what action had been taken to ensure that the investigations focused not only on the direct perpetrators of those crimes, but also on the individuals who had been in positions of command or superior responsibility.

19. He would appreciate information on the specific steps that had been taken to ensure accountability for inciting hatred or violence against ethnic Armenians, to address the overall climate of ethnic intolerance that could serve as a breeding ground for such violence and to implement the provisional measures ordered by the International Court of Justice on 7 December 2021 in *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*. He would be interested to know whether abused prisoners of war or detainees were able to pursue claims for redress against the Government under Azerbaijani law, whether there were any examples of successful claims, whether claimants could be represented in court by an Armenian or other foreign lawyer, what had been or would be done to provide support and full redress, including compensation, to victims, whether Azerbaijan would consider becoming a party to the Rome Statute of the International Criminal Court or, if not, whether it was prepared to cooperate with an examination or investigation by the Court's Prosecutor into aspects over which the Court had jurisdiction, whether Azerbaijan had views on the extent of the Court's jurisdiction and what measures the Government was taking to punish breaches of international humanitarian law and serious human rights violations committed during the Nagorno-Karabakh conflict.

20. On the issue of transparency, he wished to know whether the State party would agree to the publication of the reports of CPT on its 2020 and 2022 visits to the country and of the Subcommittee on Prevention of Torture on its 2016 visit. If not, he would be grateful to know the reasons for its reluctance.

21. He wondered whether article 40 of the Criminal Code, which established that a person charged with torture could not escape criminal liability on the basis that he or she was acting in response to an order if that order was "obviously illegal", was compatible with article 2 (3) of the Convention, whether there were specific provisions in Azerbaijani law under which superior officers could be held responsible for failing to take all reasonable and necessary measures to prevent torture and whether any convictions had been handed down pursuant to such provisions.

22. It would be useful to know how the penalty of up to 2 years' imprisonment for certain acts of torture under article 293 (1) of the Criminal Code compared to sentences for other serious crimes such as rape or murder, what was meant by the term "heavy harm to health" in article 293 (3) of the Code, whether the term was understood to cover psychological harm and how the seemingly lenient punishments for torture under the Code were being applied in practice, bearing in mind the short sentences handed down in the Terter case, in which 8 of the 405 victims had died as a result of the torture inflicted on them. The delegation might also wish to indicate whether torture was an imprescriptible offence under national legislation, whether it automatically fell into one of the categories of crimes listed under article 75 of the Criminal Code to which different statutes of limitations applied, how it was determined which category a crime belonged to, whether it was for judges to make that determination and, if so, what standards they applied in doing so.

23. He would welcome information on whether the State party would consider bringing article 125 (8) of its Code of Criminal Procedure, which placed the burden of proof for demonstrating that evidence had been obtained through torture on the objecting party, into

line with European human rights standards and whether it had implemented the recommendations of the Council of Europe to ensure that allegations of torture in the context of criminal investigations were appropriately examined, either by courts or independent investigators. In the light of reports that Azerbaijani courts applied the definition of torture laid down in the Criminal Code very narrowly, it would be helpful to hear about cases in which the courts had interpreted and applied the definition, including details of their interpretations.

24. In accordance with the Convention, the fact that a person posed a security risk did not constitute a basis for sending that person back to a State where he or she might be at risk of being subjected to torture. With that in mind, he wished to know whether there were administrative procedures or laws other than the Internally Displaced Persons Act of 21 May 1999 that met the requirements of article 3 of the Convention by providing protection from refoulement to all individuals, including persons fleeing situations of armed conflict or violence, regardless of whether they qualified as “refugees” under the Convention relating to the Status of Refugees. He also wished to know whether legislative amendments or other measures had been adopted or were envisaged to prevent recurrences of unlawful deportations such as those denounced in the case of *Shenturk and Others v. Azerbaijan* before the European Court of Human Rights, opinion No. 10/2019 of the Working Group on Arbitrary Detention concerning Mustafa Ceyhan (Azerbaijan and Turkey) and the case of *A and B v. Azerbaijan* (communication No. 905/2018) before the Committee. He would be glad to hear details of any steps taken to implement the Committee’s decision in *A and B v. Azerbaijan*, especially to prevent future non-compliance with the Committee’s requests for interim measures. In that regard, the delegation might like to indicate which national authority was responsible for receiving such requests, how such requests were handled, whether the Government viewed them as binding under international law and what criteria it applied to determine how to respond to them. Details of recent cases in which the State party had relied on diplomatic assurances as a basis for extraditing or returning an individual to another State would also be appreciated.

25. Paragraph 14 of the State party’s report stopped short of confirming that police officers were under an affirmative obligation to inform detainees of their rights both orally and in writing. He would be grateful for clarification of what was meant by the words “familiarize themselves” in the paragraph. It would also be helpful to know whether the authorities were legally obliged to inform persons in remand centres of their rights both orally and in writing immediately upon arrival. He would welcome detailed information on the specific steps that the State party had taken to ensure respect for fundamental legal safeguards in practice, as called for in paragraph 13 of the Committee’s concluding observations on the fourth periodic report of Azerbaijan (CAT/C/AZE/CO/4), and to monitor progress in that regard.

26. The delegation might wish to respond to reports that access to a lawyer in accordance with article 153 (2) (5) of the Code of Criminal Procedure was often delayed in practice and was dependent on the work schedule and discretion of the prosecuting authority, that, in political cases, investigators and prosecutors refused to accept the documents required for lawyers to speak to their clients and made lawyers wait a considerable time before informing them of where their clients were being held, that access to a lawyer was systematically delayed until after the defendant had confessed, that defendants were not able to meet with their lawyers in private and often had to do so in front of officers who had abused them, that ex officio lawyers remained largely silent or would speak only to persuade detained persons not to make any complaints, that such lawyers sometimes demanded undue payment for their services, that lawyers representing clients who claimed to have been tortured or abused in detention facilities had been reprimanded, disbarred or detained on charges such as tax evasion or abuse of authority, that defendants were not able to choose their own representatives and that the lawyers assigned to them took positions or signed documents without their consent and against their interests. It would be helpful to receive more information on the 24-hour helpline mentioned in paragraph 33 of the State party’s report, including details of any measures taken to assess its effectiveness.

27. It would be interesting to know whether the State party had investigated allegations of torture at facilities other than Ganja Pretrial Detention Facility No. 2, whether statistics

and other information were available on the outcomes of any such investigations, what steps had been taken, in the wake of the Committee's concluding observations on the fourth periodic report of Azerbaijan, to prevent torture in detention facilities and what shortcomings had been identified during the internal investigation carried out at the Ganja facility. The State party had informed CPT that, in a survey conducted at the facility, all interviewed prisoners had denied any ill-treatment and any facts of corruption, yet it had also stated that the rights of detainees were being grossly violated. He would be grateful for details of who had conducted the survey, what specific steps had been taken to ensure that those questioned would not fear reprisals and what exact violations had been found, if not torture or ill-treatment. It would also be good to understand the extent to which the State party had implemented the recommendation of CPT to ensure that all interviews were electronically recorded, with the recorded material preserved and made available to all appropriate persons, including the detainee and his or her lawyer. More generally, he would welcome an explanation of whether any tangible progress was being made in moving away from a confession-based approach to interrogations, for example by applying the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

28. On the right of persons deprived of their liberty to an independent medical examination, CPT had found that examinations, if and when performed, continued to be superficial, that confidentiality was not observed in temporary detention centres and was frequently violated in pretrial detention facilities, that medical documentation was unsatisfactory, that doctors and other staff often simply ignored the detainee's explanation of the source of his or her injury, or refused to record the injury, and that injury registers were virtually empty or non-existent. He would be interested to hear the delegation's thoughts on those findings and a description of any steps taken in response to them and on the recommendation of CPT that health-care staff should be under the direction of the Ministry of Health, rather than the Ministry of Internal Affairs or the Ministry of Justice. Concerning paragraph 36 of the State party's report, he would be glad of clarification as to whether national law guaranteed the right of detainees to an examination by an independent doctor of their choice or whether examinations were contingent on "a decision of the body conducting the criminal proceedings". He also wished to know what process was followed to obtain such a decision, what rules were applied to determine the need for the "security measures" referred to in paragraph 43 of the report, whether those rules were publicly available and how often the right of detainees to have their medical examination conducted in private had been suspended on account of the imposition of security measures.

29. With regard to paragraph 47 of the State party's report, it would be helpful to know who decided whether or not a detainee had "legitimate reasons" to contact a particular person, how such decisions were reached, how often a detainee's request to contact a particular person had been denied and what systems or procedures were in place to keep track of such requests. In that connection, the delegation might like to respond to concerns that, in practice, detainees were not able to contact family members or other persons of their choice from the outset of their deprivation of liberty, that some individuals had been held incommunicado and that notification of custody was generally delayed until the detainee had been interviewed and had signed a statement or confession.

30. He would be pleased to receive an update on the information contained in paragraph 53 of the State party's report, together with clarification of the rules governing access to the information system on persons held in custody and convicted prisoners. In particular, he wished to know whether access was granted to the legal representatives and family members of detainees and to civil society and international human rights organizations. He would also be interested to know whether those stakeholders had access to the centralized record referred to in paragraph 55 of the report and whether the record included all persons in the custody of the Ministry of Internal Affairs and the State Security Service.

31. He would welcome details of any steps taken or planned by the State party to respond to the concerns expressed in respect of the Office of the Human Rights Commissioner by the Global Alliance of National Human Rights Institutions following a review of the Office's performance conducted in May 2018. He would also appreciate an assessment from the delegation, including positives and areas for improvement, of the situation with regard to the

independence of civil society organizations, bearing in mind reports of restrictions on that independence that made it difficult for such organizations to operate effectively. He would be grateful for year-by-year information on the number of independent NGOs that had sought to register since the submission of the State party's report, the number of registration applications that had been denied and the grounds for doing so, the length of the decision-making process and the number of applications in relation to which no formal decision had been made. Lastly, in the light of worrying cases such as that of Gubad Ibadoghlu, it would be useful to receive comprehensive information on any specific measures that the Government had taken to ensure that civil society leaders could exercise their rights to freedom of association and freedom of expression without fear of intimidation or persecution.

32. **Ms. Racu** (Country Rapporteur) said that the Committee would welcome further information on measures taken by the Government to include the Convention in its training of public officials. It would be useful to know whether the specific training provided on preventing and combating torture and ill-treatment was based on the real needs of the persons receiving it. She wondered how many police officers had received training on new interrogation techniques, including non-coercive interrogation, and how effective that training was. She would appreciate it if the delegation could confirm whether officers received training on the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. She wished to know whether the medical staff who treated prisoners received training on the Istanbul Protocol and whether there were any plans to make such training compulsory for medical personnel working in places of deprivation of liberty. The delegation might also like to comment on reports that relevant public employees were not given training on the prevention of gender-based violence and domestic violence. The Committee would welcome further information on the measures taken by the State party to assess the impact and effectiveness of its training. In view of allegations relating to the torture and ill-treatment of prisoners of war in the context of the Nagorno-Karabakh conflict, it would be useful to know whether members of the military, intelligence agencies and security forces had received training on the prevention of torture and the use of force and special means of restraint and, if so, how many people had received that training and whether it was mandatory. The Committee would welcome updated statistical information on the number of public officials trained on preventing and combating torture, including judges and prosecutors.

33. Regarding conditions of detention and measures to tackle overcrowding, she wondered to what extent alternative forms of punishment and non-custodial measures had been applied since the publication of Presidential Order No. 2668 of 10 February 2017. The Committee would also welcome updated information on the construction of new prisons, including a dedicated facility for prisoners serving life sentences. It would be useful to know how the State party monitored occupancy rates in places of deprivation of liberty and what measures were taken when a facility started to approach full capacity. The delegation might like to comment on reports contradicting the State party's assertion that its places of deprivation of liberty were not overcrowded, including allegations that 5,000 persons were currently held in a pretrial detention facility in Baku intended for a maximum of 2,200 detainees. She also wished to know what specific measures had been taken to improve detention conditions in prison No. 4 for women, Gobustan prison and the pretrial detention facilities in Ganja and Shuvalan. She would be interested to learn what action was being taken to solve problems related to ageing prison infrastructure and what improvements could be expected on that front over the next few years. The delegation might like to explain what steps the State party planned to take to reduce the overall prison population and the incarceration rate.

34. It would be useful to receive statistical information on the incidence of tuberculosis and HIV/AIDS among prisoners in comparison with infection rates among the general population. She would be interested to know what measures had been taken by the State party to identify and prevent the spread of communicable diseases among inmates and to ensure that prisoners with such diseases were able to adhere to their treatment plans. The delegation might like to comment on reports indicating that conditions at the tuberculosis treatment centre for prisoners were particularly poor. She would also welcome updated information on the drug treatment and harm reduction programmes that had been put in place for prisoners, including statistics on the number of prisoners with drug addictions currently receiving

medical support and clarification as to whether they also had access to psychological and other forms of therapeutic support. More generally, she wished to learn what measures had been taken to ensure that inmates had access to medical and psychiatric treatment, in view of the reported shortage of medical staff at prisons, and that prison medical units were adequately supplied with medicines and medical equipment. Up-to-date statistical information on the number of prisoners receiving medical and psychiatric treatment would also be of interest. It would be useful to hear what protocols had been put in place for the documentation by medical staff of injuries apparently resulting from acts of torture, ill-treatment or inter-prisoner violence, whether prisoners and their lawyers were given access to the medical reports drawn up in such circumstances and what procedures had been put in place to allow inmates access to a medical professional of their choice.

35. Given that the State party had allocated fewer funds to its prison system per inmate than any other member of the Council of Europe in 2021, the Committee would welcome further information on the measures taken to ensure that the prison system received adequate budgetary resources. She would also like to know what steps had been taken to increase staffing at penitentiary facilities and to increase the proportion of female prison staff. She would welcome further information on the measures taken to improve crisis management, violence prevention and the overall quality of prison management. It would be helpful to receive information on the efforts made to prevent and combat corruption in the penitentiary system, including statistics on the number of convictions that had been secured for bribery and corruption offences and the penalties imposed.

36. The Committee would welcome specific information on the prison facilities for women and young offenders that had been built in Zabrat. She wished to know whether the relevant recommendations issued by the Committee, the Subcommittee on Prevention of Torture and CPT were taken into account at the facility and, above all, whether the living space allocated per inmate was in line with international standards. It would also be helpful to know how many prisoners the women's facility could hold and how many were currently detained there. She wondered how many detention regimes there were and whether the facility had enough staff to both guarantee security and provide prisoners with reintegration services.

37. She wished to know what other measures had been taken by the Government at the legislative and institutional levels to improve detention conditions for women. The Committee would welcome statistical information on the number of women currently deprived of their liberty, including those on remand, and the number of convicted women who were participating in educational or professional training programmes in prison or had access to other rehabilitation programmes. She would also be grateful for updated information concerning the situation of convicted mothers with children, including on their conditions of detention and whether they had access to medical care.

38. She would like to know how many juveniles were currently detained in the State party. The Committee would welcome further information on their treatment, including which pretrial detention facilities they were held in, whether juveniles deprived of their liberty were separated from adults, which authorities monitored their conditions of detention and how many visits they carried out to facilities holding juveniles each year, and whether staff in places of deprivation of liberty had received specific training on how to treat juveniles. She wished to know what alternatives to detention had been put in place for young offenders, how those alternative measures were monitored and how their effectiveness was evaluated. It would also be interesting to know whether the State party had established a complaints mechanism for juveniles deprived of their liberty and, if so, how many complaints had been submitted, what issues had been raised and what the results of the corresponding investigations had been.

39. She wondered whether any safeguards, including a right of appeal, had been put in place in relation to the imposition of disciplinary sanctions in places of deprivation of liberty. The Committee would welcome further information on the use of solitary confinement, including the maximum and average duration of that measure, whether it could be imposed on juveniles and persons with disabilities, and whether the duration of each measure was systematically recorded. She would be interested to learn whether the State party had reviewed the system of sanctions and privileges that applied to prisoners to ensure that they

complied with relevant international standards. It would be useful to know how many complaints had been submitted by persons held in each prison and police detention facility, how many visits to places of detention had been conducted by prosecutors and what the outcome of those visits had been. She would be interested to hear whether there were any specific penalties for public officials who persecuted persons deprived of their liberty for filing complaints about their treatment.

40. The Committee would welcome updated statistical information on the number of deaths in prison and police custody over the previous four years, disaggregated by sex, age and cause of death, and the number of investigations into deaths in custody that had been launched over the same period. She also wished to know how deaths in custody were investigated in practice – what procedures were used to examine bodies, for example – and what the results of the investigations had been. She would appreciate updated information on the measures taken by the State party to prevent deaths in custody, including suicides and deaths caused by inter-prisoner violence.

41. Information on the legal provisions concerning the use of physical force in places of detention would also be of interest, as would confirmation as to whether the use of force and special means of restraint was recorded, documented and reported and which authority verified the legality and proportionality of such measures. The Committee would welcome statistics on the use of physical force and special means of restraint by prison staff and on the number of recorded cases of illegal or disproportionate use of physical force and special means of restraint, including disaggregated data on the number of prison guards who had been disciplined for such acts. She would also appreciate details of any internal prison guidelines on the use of force and any measures taken to inform prisoners of their right to report abuse.

42. The delegation might wish to provide further information on the mandate and activities of the bodies responsible for investigating allegations of torture and ill-treatment by police officers, prison staff and security and military personnel, including details of the safeguards put in place to guarantee their independence and ensure that there was no hierarchical or institutional link between the alleged perpetrators and the investigators. She would like to know how many claims of torture had been reported during the reporting period, how many of them had led to investigations and what sentences had been imposed. She wondered whether the State party had established a standard protocol for the conduct of such investigations and clear regulations to govern internal disciplinary investigations within the national police, the prison system and the armed forces. She would be interested to hear what steps the State party was taking to investigate reports of conflict-related sexual violence, including rape and threats of rape against detainees, and to hold those responsible to account.

43. She would like to know which bodies monitored the conditions in psychiatric institutions. She wondered whether those bodies included the Office of the Commissioner for Human Rights and the national preventive mechanism. If so, she would welcome information on the number of visits carried out in the previous four years, the main findings reached and any recommendations that had been made. It would be helpful to know whether the persons accommodated at those facilities had access to a complaints mechanism and, if so, how many complaints had been made and what the results of any investigations conducted into them had been. She would welcome further information on any measures that were planned to improve the conditions in those facilities, including updated information on the renovation of Social Services Psychoneurological Institution No. 1. It would be interesting to know what criteria were applied by staff to determine whether it was necessary to use mechanical restraint on a patient and who was responsible for ordering and reviewing the implementation of such measures. She also wished to know what protocols were used to determine the length of time that a patient could be placed under mechanical restraint and to ensure that he or she remained under constant supervision while the measure was being applied. It would be useful to hear what measures the State party had taken to increase the number of psychiatrists working in psychiatric hospitals and residential institutions and whether all staff at such facilities received training on the use of mechanical restraint and seclusion.

44. The Committee would welcome further information on the measures taken to provide victims of torture and ill-treatment with effective redress and compensation. It would be interesting to hear how many times redress and compensation had been requested, how many

times those requests had been granted, what amounts of compensation had been paid, and what other forms of redress established and offered to victims. Lastly, she wondered what measures the State party had taken or intended to take to protect the property and housing rights of victims of forced displacement and to ensure that they had access to redress, including compensation and restitution.

45. **Mr. Iscan** said that the delegation might like to inform the Committee of the measures taken in law and in practice to ensure that all public authorities, both civilian and military, respected the right to freedom from torture under all circumstances, including in times of armed conflict or internal disturbances or during a public emergency, of all persons deprived of their liberty, whether civilians or military personnel, Azerbaijani nationals or foreigners, and regardless of whether they were classified as prisoners of war. He wished to know whether all alleged perpetrators of torture were prosecuted and, if found guilty, punished commensurately and whether victims were provided with redress and rehabilitation services. He also wondered whether the State party had put in place effective domestic remedies, in line with its obligations under international law.

46. **Mr. Tuzmukhamedov** said that he would be interested to know how many citizens of Armenia had been detained during the armed conflict, how many of them were still in the State party's custody and what measures were being taken to ensure that their detention was compatible with international humanitarian law, especially the provisions on the release and repatriation of prisoners of war following the end of hostilities contained in the second part of the Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention). It would also be helpful to know whether ICRC had been given access to the detained persons and whether a central prisoners of war information agency had been created in a neutral country, as provided for under article 123 of that Convention.

47. **Mr. Vedel Kessing** said that, in the light of reports that prisoners of war had been prosecuted under anti-terrorism legislation for allegedly lawful acts of war, the delegation might like to explain how terrorism was defined in the Criminal Code. He would also like to know whether that definition of terrorism continued to apply during times of armed conflict.

48. **Mr. Liu** said that he wished to know what priorities had been set under the National Action Plan on Combating Human Trafficking and what, if any, challenges the State party had encountered in the Plan's implementation. He would also be interested to receive more detailed information on the State party's new legislation on the corporal punishment of children.

49. **A representative of Azerbaijan** said that the allegations of mass deportations from Azerbaijan following the adoption of counter-terrorism measures in 2023 were groundless. Many Armenian residents of the Karabakh region had left of their own accord, despite the Government's having outlined plans for their reintegration and measures designed to address their security, self-governance and socioeconomic development and the enjoyment of their rights relating to education, culture and religion. Hundreds of Armenian residents of the region had stated publicly that their departure had been encouraged by the puppet regime in the occupied territories. Reports to the contrary were the product of a campaign waged against the Government with the intention of misleading the international community.

50. For many years, the Government of Armenia had promoted the idea of ethnic incompatibility and had maintained that Armenians could not live under the jurisdiction of Azerbaijan in order to justify its military aggression against a sovereign country and prevent hundreds of thousands of Azerbaijani refugees from returning peacefully to their homes. Such propaganda had fostered deep-rooted hatred, fear and mistrust, leading many Armenians living in the Karabakh region to decide to leave Azerbaijan. The Government of Azerbaijan had, on many occasions, reaffirmed its commitment to guaranteeing the rights and security of Armenians living in the Karabakh region, including before the International Court of Justice. An official web portal, available in four languages including Armenian, had been launched to support the free, voluntary, safe and informed return of Armenians to the region and ensure their enjoyment of their rights on an equal footing with other residents of Azerbaijan. However, a number of Internet service providers in Armenia had blocked access to some domains belonging to the Azerbaijani authorities, including the web portal.

51. There had been no reports of inappropriate behaviour experienced by Armenian residents of the Karabakh region at the hands of the Azerbaijani authorities, a situation confirmed by international independent observers including the United Nations High Commissioner for Refugees. Furthermore, a mission led by the United Nations Resident Coordinator in Azerbaijan had not come across any reports of violence against civilians following the adoption of the 2023 counter-terrorism measures, nor had it seen evidence of damage to civilian public infrastructure. The mission had, however, observed that the Government was preparing to resume the provision of health services and some utilities in the region.

52. The only people who had left the Karabakh region were Armenians exercising their right to return to their country of citizenship. Many Armenians had since expressed their desire to return to Azerbaijan and were being supported in doing so by the Government once it had determined their status and established whether they had been involved in the commission of any international crimes during the 30 years in which the region had been under Armenian occupation.

53. The Government was committed to upholding international humanitarian law and international human rights law and rejected claims that it did not treat prisoners of war in accordance with the Third Geneva Convention. It was regrettable that some NGOs continued to present one-sided, unsubstantiated reports containing allegations of mistreatment of Armenian prisoners of war. No Armenian civilians or prisoners of war had been subjected to torture, humiliation or inhuman treatment. Instead, they had been provided with medical care during their detention, and medical examinations had revealed no injuries other than those sustained during combat. Furthermore, there had been no Armenian prisoners of war in Azerbaijan since the signing in 2020 of the trilateral ceasefire agreement, as those detained during the conflict had been returned to Armenia in accordance with the Third Geneva Convention. During their detention, Armenian prisoners of war and civilians had been visited frequently by ICRC and had been permitted to contact their families via telephone and video call, and their conditions of detention had been regularly reviewed during visits conducted by the Ombudsman. Criminal investigations had been opened into all alleged cases of abuse against members of the Armenian military. Despite repeated requests, however, the same goodwill had not been demonstrated by the Government of Armenia, which had opened no such investigations into the treatment of Azerbaijani prisoners of war and detained civilians, the vast majority of whom had displayed signs of having been subjected to physical torture and inhuman treatment during their detention in Armenia.

54. **A representative of Azerbaijan** said that the Office of the Procurator General had opened 16 criminal investigations into allegations of illegal actions committed against Armenian military personnel, prisoners of war, civilians and property. Five of those cases had been brought to court and eight individuals had been sentenced. In all other cases, proceedings had been suspended owing to a lack of evidence and the failure to identify the perpetrators and/or victims.

55. The first case brought to court had resulted in the conviction of two Azerbaijani soldiers who, in October 2020, had cut off the ears of Armenian soldiers killed during military operations in Zangilan District and had recorded and shared footage of their actions via social media. They had been charged under article 245 of the Criminal Code with desecrating a corpse and had been sentenced in January 2022 to punitive deduction of earnings. The second case had ended with the conviction of two Azerbaijani soldiers who, in November 2020, had overturned and kicked headstones in a cemetery belonging to Armenian nationals in a village in Khojavend District. They had been charged under the same article of the Criminal Code with desecrating graves and had been sentenced in January 2022 to punitive work. The third case related to the recording by Azerbaijani soldiers, in September 2022, of video footage of assaults committed against unidentified individuals, who appeared to be Armenian soldiers, during a military operation. The perpetrators had been charged under article 328 of the Criminal Code with disobeying orders and had received a suspended sentence of imprisonment in May 2023. In the fourth case, while recording video footage of attacks carried out by Armenian soldiers during a military operation, an Azerbaijani soldier had also filmed and shared footage of the detention of Armenian soldiers and the mutilation of a corpse believed to have been a member of the Armenian armed forces. The soldier had been charged

under article 328 of the Criminal Code with failing to obey orders and had received a suspended sentence of imprisonment in April 2023. The fifth case concerned the conviction of an Azerbaijani soldier who had mutilated the corpse of a female Armenian sniper in September 2022 and had shared footage of his actions via social media. He had been charged with offences under articles 245 and 328 of the Criminal Code, for which he had been sentenced to 2 years' imprisonment, suspended.

56. The Office of the Procurator General had opened two criminal investigations into similar crimes committed against Azerbaijani soldiers during the 2020 conflict with Armenia, finding that 9 prisoners of war had been deliberately killed, 6 corpses had been desecrated and 12 individuals had subjected prisoners of war to cruel and inhuman treatment. It had also identified 18 cases of abuse of a corpse and 2 cases of desecration of graves and had discovered that mines had been placed near corpses. Other offences investigated had included various forms of mutilation of both living and dead soldiers.

57. **A representative of Azerbaijan** said that, during the 2020 conflict, the Government had received communications from the European Court of Human Rights concerning Armenian prisoners of war and the application of interim measures. A total of 275 requests for interim measures had been made. On receiving those requests, the Government had established an inter-agency task force to investigate reports of missing persons and allegations of torture and ill-treatment. More than 230 of the requests had been lifted by the Court following its receipt of submissions from the Government. It was important to note that all allegations against the Government raised in reports submitted to the Committee by NGOs were already the subject of proceedings before the Court. The Government had taken all investigative measures required of it and had submitted the results of its investigations to the Court.

58. A prisoner of war was defined in Azerbaijani law as any person captured or interned by a belligerent power during war. As all individuals of Armenian origin currently detained in Azerbaijan had been arrested after the hostilities had ended, there were currently no prisoners of war in the country. Some of the detainees had been arrested in November 2020 and had subsequently been convicted of crossing the national border illegally, while others had been arrested following a counter-terrorism operation carried out in September 2023 and had been found guilty of terrorism offences. All of those detainees were therefore civilians, and as such they were not covered by the provisions of the Third Geneva Convention.

59. Terrorism was defined in the Criminal Code in similar terms to those found in international instruments on the subject. The detainees who had been convicted of terrorism offences had organized the shelling of peaceful cities and residential areas in Azerbaijan as well as other acts of terrorism.

60. **A representative of Azerbaijan** said that the allegations contained in NGO reports of abuses such as beatings, torture, denial of medical assistance and deprivation of food committed against Armenians were baseless and had been made with the intention of tarnishing the reputation of Azerbaijan. The claims had been carefully and objectively investigated by the relevant Azerbaijani authorities, which had determined that the information in the NGO reports was based not on data collected by organizations such as ICRC but on the fabrications of third parties. Individuals of Armenian origin detained during and after the 2020 conflict with Armenia had, within 24 hours of their arrival at detention facilities, undergone medical examinations conducted by medical personnel. Detainees had been provided with medicines free of charge and had been constantly supervised by a doctor. Where necessary, specialists from the medical centre of the State Security Service had conducted additional medical examinations and provided further treatment, and outpatient and inpatient care had been provided at the centre to a number of Armenians injured during the 2020 conflict and subsequent clashes at the national border.

61. The national preventive mechanism had visited detainees of Armenian origin five times in 2020, four in 2021, six in 2023 and four to date in 2024. Furthermore, in 2020 ICRC had conducted four visits and CPT one visit. No evidence of torture or other cruel or degrading treatment had been observed during those visits, and no appeals or complaints had been filed by detainees or human rights defenders. Armenian detainees had been able to communicate with the visiting delegations and contact their families via telephone, letter and

video call. They had also been able to receive food, hygiene products and other means of assistance from their families during their detention.

62. The Government had handed over to the Government of Armenia the bodies of 2,043 Armenians who had died during the 2020 conflict, 157 Armenians who had died in clashes at the border in September 2022 and 173 Armenians who had died during the counter-terrorism operation in September 2023. Only 23 persons of Armenian origin were currently in detention in Azerbaijan, 6 of whom had been sentenced and 17 of whom were under investigation. Allegations that other Armenians were being detained in Azerbaijan were false.

63. **A representative of Azerbaijan** said that it was important to acknowledge the impact of the 30-year occupation of the sovereign territory of Azerbaijan and recognize that the actions of the armed forces had been taken in the context of the Government's efforts to comply with the United Nations Security Council resolutions on the occupation of territories of Azerbaijan. It was understandable that tensions between the belligerents remained. Nonetheless, the Government recognized that all people should be treated equally regardless of their nationality or ethnicity and was therefore engaging in preventive activities in the interests of avoiding further conflict. To that end, a Ministry of Defence decree had been issued in May 2016 on the conduct of the armed forces during times of conflict. The Government had developed extensive guidance on the obligations of military personnel under international law, which included information on the humane treatment of prisoners of war, civilians and medical personnel. That guidance, as well as other documents covering various aspects of international law and the law governing armed conflict, had been included in the curriculum taught to military personnel, which was evaluated and approved on an annual basis by the leadership of the armed forces.

The meeting rose at 1.05 p.m.