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Maat for Peace' report submitted to the Committee against Torture regarding the State of **Azerbaijan**

March 2024

Introduction:

The State of Azerbaijan ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in August 1996. It also ratified the Optional Protocol to the Convention against Torture in January 2009, and then became bound by the provisions of the Convention and the Protocol attached to it, and binding in the context itself by adapting its national legislation and laws in a way that makes them consistent with the provisions of the Convention and its Appendix Protocol. Although the legal framework in the State of Azerbaijan has been established in theory to protect individuals from exposure to the risks of torture and other cruel, inhuman or degrading treatment or punishment, the actual reality testifies to the exposure of multiple categories of individuals in Azerbaijan, including protesters, detainees, activists and political prisoners, subjected to various types of torture and other forms of ill-treatment in contravention of Azerbaijan's international obligations under the provisions of the United Nations Convention against Torture and Other Cruel Treatment or Punishment.

In this report, Maat provides an overview and detailed observations to the Committee against Torture at its 79th session on the extent of progress made by the State party in implementing the provisions of the United Nations Convention against Torture, by focusing on the most important articles of the Convention that contain some issues of concern, including the issue of violence practiced by law enforcement forces against prisoners and detainees in places of deprivation of liberty, especially in light of weak government oversight of police stations, detention facilities and other places of deprivation of liberty, the issue of the lack of effective investigations into allegations of torture and the lack of access to effective means of redress for victims of torture, **which will be addressed in some detail as follows:**



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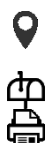
First: Definition and criminalization of torture under the Criminal Code (Articles 1, 2 and 4)

The Republic of Azerbaijan is obligated, in accordance with Articles 1, 2 and 4 of the United Nations Convention against Torture, to establish a specific definition of torture that takes into account all aspects stipulated in the Convention, to take effective legislative measures to prevent acts of torture in any territory subject to its jurisdiction, and to ensure that all acts of torture are crimes under Its criminal law, and impose appropriate penalties for crimes of torture that take into account their serious nature.

Maat for Peace views the legislative efforts made by the Republic of Azerbaijan with the aim of preventing acts of torture within its territory, which is evident in its development of some national rules and laws that criminalize torture and other forms of cruel treatment. In this regard, the Constitution of the Republic of Azerbaijan prohibits all forms of torture and ill-treatment. It is stipulated in Article No. 46 of Chapter Three regarding fundamental rights and freedoms that human dignity is protected by the state, and there is no justification for humiliating human dignity, and no person may be subjected to torture, punishment, or inhuman or degrading treatment¹.

The Criminal Code in Azerbaijan also criminalizes all practices of torture and inhuman and degrading treatment, whether these practices occurred with the intention of obtaining information or a confession, or with the intention of punishing an act, or with the intention of intimidation or coercion, or whether these practices were based on discrimination, in accordance with the text of Article one of the Convention against Torture, and in this regard, Article 293 of the Criminal Code, amended by Law No. 405-IVQD of June 29, 2012, provides for the imposition of criminal penalties in the case of cruel, inhuman or degrading treatment or punishment, and in the case of acts of torture committed by any public official, at

¹ Constitution of the Republic of Azerbaijan. Chapter III. Basic rights and liberties of a person and citizen, The Ministry of Emergency Situations of the Republic of Azerbaijan, link: <https://tinyt.io/ARhU>



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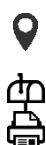
the instigation of him or by any other person acting in his official capacity, or with his express or implied consent, for up to 11 years. The previous article also defines torture as any act that results in severe pain or suffering, whether physical or psychological, that is intentionally inflicted on a person, with the intent to extract information or confessions from him or another person, or to punish him for an act he or another person has committed or is suspected of having committed, or to intimidate or coerce him or another person, or when severe pain or suffering is inflicted on a person for any other reason based on any form of discrimination. This is consistent with the definition contained in Article 1 of the Convention².

Second: Rules for interrogation and arrangements related to the detention and treatment of persons who have been subjected to arrest or detention (Article 11)

Article 11 of the Convention obliges States Parties to take the necessary measures to ensure that the rules of interrogation comply with international human rights standards, and to improve conditions of detention in police stations, prisons and other places of deprivation of liberty, with the aim of preventing any cases of torture, inhuman treatment or insulting to people who have been arrested, detained or imprisoned.

Maat noted with concern the information contained in the State party's report indicating that there were no cases in which persons detained in the detention facility were subjected to unlawful treatment, including torture in order to extract confessions. Contrary to previous allegations, Maat noted that law enforcement authorities In Azerbaijan, over the past years, it has continued to rely on torture and ill-treatment as a main tool to obtain confessions from detainees and suspects in places of deprivation of liberty, and has deprived detainees of contact with their families or lawyers to defend them. In this regard, Maat has seen reliable reports stating that Torture and ill-treatment remain widespread and constitute a systematic and endemic practice in the treatment by police and other law enforcement agencies

² Article 93 of the Criminal Code of the Republic of Azerbaijan, link: <https://tinyt.io/ARiA>



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in Azerbaijan of detainees and suspects in places of deprivation of liberty in order to extract confessions, in contravention of Azerbaijan's obligations under Article 11 of the Convention³.

In specific facts that support the above, the authorities in Azerbaijan arrested opposition journalist A.H. on November 20, 2023 on charges of smuggling foreign currencies, after he published several reports related to allegations of corruption at a high level in Azerbaijan. A.H reported to independent media that he was subjected to beatings and other ill-treatment while in detention, including punching and kicking during interrogation in order to extract confessions⁴. In February 2023, police forces in Azerbaijan arrested J. B, a religious activist in the Islamic Unity Movement, based on fabricated charges of drug possession, J.B. was subjected during his detention to various types of torture and ill-treatment, including beatings in order to extract confessions, which led to him suffering from visible bruises, according to statements made by his father, who later met him in prison, according to some independent media⁵. In July 2023, journalist A. S. was severely beaten by law enforcement authorities while in police custody for publishing several posts on social media in which he criticized police violence against protesters in the village of Suyudlu⁶.

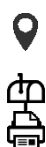
On May 20, 2022, the police arrested political blogger R. R., and subjected him to multiple types of torture and other forms of cruel treatment, including physical beatings, until he signed a document confessing to drug smuggling. His lawyer, according to what was reported to Maat, indicated that he was suffering from large bruises and severe wounds on his legs when he met him, this is evidence that he was

³ 2022 Country Reports on Human Rights Practices: Azerbaijan, Us department of state, march 2023, link: <https://tinyt.io/AS2I>

⁴ Abzas Media's Executive Director and Editor-in-chief Detained, Newsroom Raided, Council of Europe, 21 Nov 2023, link: <https://tinyt.io/ASCS>

⁵ Muslim Union Movement Imprisoned Member Allegedly Tortured in Azerbaijani Detention Center, MEYDAN.TV, 20 July 2023, link: <https://tinyt.io/ARyG>

⁶ journalist removes social media posts under duress, Azerbaijan Internet Watch, July 13, 2023, link: <https://tinyt.io/ARyq>



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subjected to severe torture⁷. A member of the Islamic Unity Movement, I.M., who was detained in May 2022 for a month, also reported that he was subjected to various types of torture and harsh treatment at the hands of officers of the Organized Crime Control Department. According to statements he made to the press, he was subjected to repeated physical beatings, including kicking, punching, slapping, electric shock, sexual assault, and rape. In March 2022, law enforcement forces in Azerbaijan arrested more than 20 young men in the Nachivan Autonomous Oblast and subjected them to various types of torture and ill-treatment including physical beatings in order to force them to confess to drug charges. The above facts indicate that torture and ill-treatment constitute a systematic and highly endemic practice in the treatment of opponents, protesters and activists by police and other law enforcement agencies in Azerbaijan in detention centers and other places of deprivation of liberty⁸.

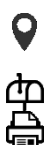
In addition, Maat is concerned about information received indicating that detention conditions continue to be poor in places of deprivation of liberty in the Republic of Azerbaijan, especially in some Soviet-era facilities that are still in operation. According to what was reported, a number of prisons and detention centers in Azerbaijan including Gobustan Prison, Prison No. 3 and Prison No. 14, have failed to meet international standards, as prisoners and detainees inside these prisons suffer from severe overcrowding, poor equipment, cracked infrastructure and sanitary facilities, insufficient food and poor ventilation, and limited health and medical services, poor quality bedding, inadequate hygiene levels, lack of opportunities for exercise, and poor working conditions for prison staff due to overcrowding. Maat is also concerned about reports that prison guards frequently resort to punishing prisoners by beating them or placing them in solitary confinement for long periods⁹.

Third: Effective investigation into allegations of torture and the victims' right to redress (Articles 12, 13 and 14)

⁷ Blogger Rashad Ramazanov claims of torture at police, TURAN, 27 May 2022, link: <https://tinyt.io/AS2Q>

⁸ 2022 Country Reports on Human Rights Practices: Azerbaijan, Previous reference.

⁹ Ibid



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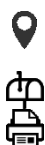
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Articles 12, 13 and 14 of the United Nations Convention against Torture obligate States Parties to ensure that a prompt and impartial investigation is conducted whenever there are reasonable grounds to believe that an act of torture has been committed in any of the territories under their jurisdiction, and to guarantee the right of every individual to file a complaint with the competent authorities if he is subjected to torture or ill-treatment and have his complaint examined promptly, and guarantee the right of victims of torture to obtain effective reparation and remedies, including appropriate compensation.

Maat notes with concern that the government of Azerbaijan has a poor track record in investigating reports of human rights violations by law enforcement and security agencies and bringing alleged perpetrators to justice. Although Maat was informed of Azerbaijan's efforts, which it mentioned in its report submitted to the committee, aimed at investigating allegations of torture and ensuring accountability, and the authorities in Azerbaijan have repeatedly pledged to investigate allegations of torture and bring those responsible to justice, Maat has noted that investigations into Allegations of torture and other ill-treatment remained far below international standards for prompt, thorough and impartial investigations, as authorities in Azerbaijan continued to routinely reject complaints of torture submitted by victims, and often refused to conduct impartial investigations into complaints and allegations of torture, which enabled perpetrators from impunity. For example, in January 2022, the Public Prosecutor's Office refused to open an investigation into the case of the arrest and torture of prominent opposition politician T. Y. at the hands of officers of the Organized Crime Control Department, after T. Y. published in December 2021 photos showing signs of the torture he was subjected to during his presence in the custody of officials from the Main Department for Combating Organized Crime, and although T. Y. submitted a request to the Public Prosecutor to conduct an impartial criminal investigation into his torture, the Public Prosecutor rejected his request, claiming that his injuries were "self-inflicted."¹⁰

¹⁰ Azerbaijani Opposition Politician 'Beat Himself' In Police Custody, Prosecutor Says, Radio Free Europe/Radio Liberty, January 17, 2022, link: <https://tinyt.io/ASFC>



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In April 2022, masked men kidnapped prominent opposition activist B.H. and took him to an unknown location, blindfolded him, beat him, and threatened to kill him if he continued to publicly criticize the Interior Minister. After B.H. announced the incident, the Interior Minister met with him and a criminal investigation began, but even at the time of writing, authorities had not identified any suspects, and in August 2022, police briefly detained B.H., threatening him with retaliation if he continued to criticize the minister¹¹.

The previous facts confirm that the lack of effective investigations into crimes of torture and impunity remain a prevalent, persistent and disturbing pattern in Azerbaijan, despite the fact that dozens of activists and opponents have been subjected to torture and other forms of cruel, inhuman and degrading treatment. However, Maat noted that the Azerbaijani authorities have not taken steps commensurate with the atrocities committed to bring the perpetrators of torture crimes to justice. The majority of police officers involved in committing torture crimes continue to enjoy impunity, and torture victims continue to have no access to redress and effective remedies.

In a rare exception to the pattern of impunity for torture crimes, the authorities in Azerbaijan investigated the torture of military officers in the Tartar region in 2017 who were accused of spying for Armenia. The investigation came in the wake of public anger over the case, which prompted the authorities to reopen the investigation into The case in December 2021 and recognizing that 405 people connected to the Tartar case in 2017 were subjected to various forms of physical abuse, including torture¹², which led to the death of eight of them due to torture, the authorities tried and convicted 17 senior army officers connected to this case on charges of ill-treatment, nine of whom were sentenced to three years' imprisonment,

¹¹ Activist claims to have been kidnapped over criticism of Azerbaijani minister, oc-media, 26 April 2022, link: <https://tinyt.io/ASDf>

¹² Number of soldiers tortured and abused in Azerbaijan's Tartar scandal now estimated at 405, Business news from Eastern Europe, September 6, 2022, link: <https://tinyt.io/ASQh>



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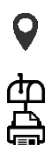
seven were sentenced to six months' imprisonment, and one was sentenced to 10 years' imprisonment¹³.

Recommendations:

In light of the above, Maat for Peace, Development and Human Rights makes the following recommendations to the Azerbaijani government:

- Continue legislative efforts criminalizing torture and other cruel treatment with the aim of preventing acts of torture and ill-treatment in Azerbaijan.
- Take all necessary measures to improve physical conditions in places of detention, including health and hygiene conditions, ventilation, food, health and medical services, and proper exercise.
- Ensure that persons deprived of their liberty are treated humanely in all places of deprivation of liberty.
- Implement comprehensive training programs for law enforcement officials in the field of human rights in a way that ensures the proper treatment of prisoners and detainees.
- Ensure that all allegations of torture are investigated promptly and effectively, that victims are able to testify in a safe and confidential environment, and that all relevant evidence is collected and analyzed.
- Allow independent human rights organizations and legal experts access to detention facilities to monitor the conditions and treatment of detainees.
- Provide effective redress to victims, including appropriate compensation, and provide victims with access to medical care, psychological support and legal assistance.
- Establish a body independent and separate from law enforcement agencies to investigate allegations of violence and brutality by police and other law enforcement agencies against prisoners and detainees in places of deprivation of liberty.

¹³ 2022 Country Reports on Human Rights Practices: Azerbaijan, Previous reference.



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