

TIME RECEIVED

December 6, 2013 4:07:51 PM GMT+01:

REMOTE CSID

0041229011844

DURATION

88

PAGES

3

STATUS

Received

06/12/2013 16:16

0041229011844

MISSION AZERBAIJAN

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PERMANENT MISSION OF THE REPUBLIC OF
AZERBAIJAN TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS
AT GENEVA



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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, in addition to its Note Verbale Ref. Nr. 315/13/N dated 14 October 2013, has the honor to transmit herewith the responses received from the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan regarding the communication of the Working Group on Arbitrary Detention, Ref. Nr. G/SO 218 dated 9 August 2013.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 2 pages.



THE OFFICE OF THE UN HIGH
COMMISSIONER
FOR HUMAN RIGHTS
GENEVA

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Unofficial translation

On measures taken due to protect H. Mammadov's physical and mental health while he was in custody, it should be noted that mentioned person was put to investigatory isolation No. 3 on June 25, 2012 and Baku City investigatory isolation on July 12, 2012 respectively. H. Mammadov passed the preliminary health examinations while entering these isolation enterprises. He noticed that he suffered from bronchial asthma since 1984, while being at Anamnesin, presented a paper on having a week long ambulatory medical treatment in Sank-Petersburg, but there were not any papers related to his illness, the results of examination and treatments he had been received. Meanwhile, H.Mammadov carries a spray called "Astmapen" which is used in case of asthma attacks.

It should be noted that any pathology requires medical treatment was not found in H.Mammadov's body after clinical, instrumental examinations, including x-ray examination of thorax. Any elements of bronchial asthma, such as asphyxia or troubles in breathing were not observed and there were not any case requiring an urgent ambulatory measures during the period right after investigatory isolation.

H.Mammadov re-involved in health examination at the medical department of isolation during February of the current year. His internal organs were checked by an ultrasound scan, heart activity was examined by electrocardiography and echocardiography; his thorax organs were examined by x-rays at the medical department. H.Mammadov refused to be analyzed in written form and did not explain why he did so.

H.Mammadov was involved in medical examination by leading experts of Science-Analysis Lung Diseases Institute of the Republic and he was examined on spirograph due to determine the condition external breath at the end of February. At the result it'd not be noted that neither any deflection of ventilation nor any pathology of the lungs were discovered. H.Mammadov rejected to give laboratory analyses.

Right now his health is satisfactory, he receives medical care, he suffers only random cough. His health has been determined to be satisfactory based on the results of the tests.

On having mal treatment by his cellmate, it'd be taken into consideration that he was kept at the same cell with [REDACTED] from July 31, 2012 to December 10, 2012 and he noted both orally and in written form that he had not faced any physical or mental pressure by the accused person or officers while being kept in isolations. There have not been any complaints to isolation officers about a conflict between these two person. H.Mammadov being hit by [REDACTED] being subject of torture, suffering from physical and mental pressure, moreover no notes have been existed on medical reports proving that he has got injury from abovementioned reasons. He has not presented any application to a court on investigating the case of causing injuries to him.

It'd be noted that [REDACTED] who is accused on the Article 177.3.2 of the Criminal Code of the Republic of Azerbaijan (theft causing damage in large size) passed medical examination, pathology on his mental health was not determined and his health condition was assessed as "practically healthy" while entering into the isolator. Moreover, Psychiatry Hospital No.1 of the Republic notified that he had not been registered as a mentally ill person.

[REDACTED] notified that he had had cramps on early December and therefore he was kept under control at medical sanitary department, he was transferred to Therapy Center of the Ministry on December 10, 2012. Because of not discovering any cramps like an epilepsy on [REDACTED] body he was returned back to the Baku City Investigator Isolation on December 26, 2012 after staying under medical care for a short time at Therapy Center of the Ministry. At that day, he was located in medical sanitary department in order to be observed by doctors and remained at there till January 1, 2013. There were no cramps on his body during his stays in medical sanitary department and right now he is in prison at establishment serving punishment No.7, the condition of his health is sufficient, he does not suffer from any pathology or cramps.

Herewith, based on the above-mentioned facts it is easy to figure out that the accused person hadn't committed any illegal acts towards H.Mammadov and there was not any threats against his life or health. His security and rights are being guaranteed on the basis of legislation without any discrimination. He met with his family and relatives, had phone contact with them and received presents from them while being in Baku City investigator isolation.

H.Mammadov has been sentenced for 5 years of imprisonment by the decision of Baku Court on Grave Crimes on September 27, 2013 in accordance with Articles 274, 283.2.2 and 234.4.3 of the Criminal Code.

It's to be noted that the national legislation provides to H.Mammadov the right to appeal against the decision of the Court.