



237 route des Fayards, 1290 Versoix, Suisse E-mail: geneva@mission.mfa.gov.az Tel.:+41 (0) 22 901 18 15 Fax: +41(0)22 901 18 44

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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, with reference to the joint urgent appeal from Special Procedures (*ref:UA AZE 5/2015; 22 October 2015*), has the honor to transmit herewith the information with regard to the case of Mr. Intigam Aliyev.

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: 4 pages



Geneva, 12 January 2016

Office of the United Nations
High Commissioner for Human Rights
GENEVA

Fax: 022 917 90 08

E-mail: registry@ohchr.org

INFORMATION

on arrest and detention conditions of
Intigam Kamil oghlu Aliyev

1. on the mentioned claims:

- **on detention at the quarantine section** - on the day of admittance to Prison no. 6 the convict Intigam Kamil oghlu Aliyev was placed in the 12-person admittance (quarantine) section under Article 71.2 of the Execution of Punishments Code of the Republic of Azerbaijan and was provided with an individual bed and necessary items. During the period of detention at the admittance (quarantine) section between the dates of 29.07.2015 and 12.08.2015 the total of 10 inmates were placed there alongside him and no complaints were made by the convict I. Aliyev regarding detention conditions there.
- **on the short-time visit provided** - On 20 June 2015 I. Aliyev was provided with a short-time visit by his spouse Nurlana Mansum gizi Badalova at Prison no. 6. According to Article 81.1 of the Execution of Punishments Code the maximum duration set for the short-time visit is four hours. No time limit was placed by the administration on the visit time of I. Aliyev that day and N. Badalova voluntarily ended the meeting after two hours and left the facility.
- **on the appeal regarding his psychological and physical integrity** - During the period of detention no restrictions were made to I. Aliyev's means of filing complaints to relevant instances regarding possible physical and psychological abuse towards him. The convict I. Aliyev did not make any appeals to the management of the establishment or to other public authorities or the court via the prison administration on being subjected to any form of abuse. During the period of detention convict Aliyev was not subjected to physical, moral abuse, cruel or degrading treatment by the facility employees or other inmates.
- **on meeting with the defense counsel (lawyer)** - No record is made regarding convict I. Aliyev not being allowed to meet with a lawyer at the places of detention. Thus, during the period of detention at the Baku preliminary detention facility and imprisonment at Prison no. 6, Intigam Aliyev was given opportunity and provided with conditions to hold private meetings and maintain confidential communication with his lawyers (11 lawyers in total) - Anar Gasimli, Alayif Hasanov, Adil Ismayilov, Fariz Namazli, Fakhraddin Mehdiyev, Shahla Humbatova, Javad Javadov, Elton Guliyev, Elchin Sadiqov, Jeyhun Yusifov and Yalchin Imanov - without any limitations to the number and duration of the meetings. The special room is allocated at the facility for the purpose of holding meetings between prisoners and their lawyers.

2. on legal basis of the imprisonment.

On 8 August 2014 convict I. Aliyev was charged under Articles 192.2.2, 213.2.2, and 308.2 of the Criminal Code of the Republic of Azerbaijan by the Investigation of Grave Crimes Department of the Prosecutor General's Office of the Republic of Azerbaijan and by its 8 August 2014 decision the Baku city Nasimi district court ordered 3-months detention period. On 9 August 2014 convict I. Aliyev arrived at the Baku city preliminary detention facility of the Penitentiary Service. By the 24 October 2014 decision of the Baku city Nasimi district court, I. Aliyev's detention period was extended for 3 months. Since 7 February 2015 the case was at the Baku Court on Grave Crimes.

By the 22 April 2015 judgment of the Baku Court on Grave Crimes he was sentenced to 7 years and 6 months of imprisonment under Articles 179.3.2, 192.2.2, 213.2.2, 308.2, 313, 66.3, and 66.4 of the Criminal Code of the Republic of Azerbaijan and the judgment remained unchanged by the 21 July 2015 decision of the Baku Court of Appeal. Due to the judgment coming into force, on 29 July 2015 the convict I. Aliyev was sent to Prison no. 6 in order to serve his sentence.

3-4. on protection of physical and mental integrity, detention conditions, and medical care.

In general, it should be noted that during the period of imprisonment at penitentiary facilities, I. Aliyev was provided with necessary medical assistance, every request regarding his health received due attention and relevant measures were taken. Doctors of various specialties of the General Medical Department of the Ministry of Justice and of the Ministry of Health were involved in medical measures taken regarding his health; a number of examinations took place at advanced private medical facilities.

Upon admittance to the Baku preliminary detention facility in August of 2014, I. Aliyev went through preliminary medical examination in accordance with the legislation, including [REDACTED]

[REDACTED] During examinations, no pathologies requiring treatment were found on I. Aliyev. No damage or injury was observed on the body. During examinations, [REDACTED]

[REDACTED] In accordance with given medical orders, I. Aliyev received outpatient treatment, however after one course of treatment, he refused to take the medicine ordered by the [REDACTED] without giving any reasons.

Due to opinions voiced and information issued in the press regarding Intigam Aliyev having [REDACTED] during the period of detention at the Baku preliminary

detention facility, with his consent he received examinations at leading specialized medical establishments of the Republic on various dates, [REDACTED]

[REDACTED] During additional examinations the [REDACTED]

At the beginning of September of 2015 convict I. Aliyev received short-term outpatient treatment [REDACTED] month of December he was examined [REDACTED] No pathology was found in [REDACTED]

At present, convict I. Aliyev's health condition is satisfactory, his illnesses are not life threatening, he moves freely, [REDACTED]

[REDACTED] His subjective complaints [REDACTED] The observed illnesses are [REDACTED]

Convict I. Aliyev was provided with necessary items since day one at Prison no. 6, his rights and obligations were explained to him. He was placed in the dormitory like other inmates, was provided with a personal bed and sleeping items. He enjoys the rights provided by the Execution of Punishments Code of the Republic of Azerbaijan, including the rights of visits, telephone calls, literature, periodical press, writing appliances, medical care, television viewing.

5. on correspondence.

In accordance with Article 83.1 of the Execution of Punishments Code of the Republic of Azerbaijan, like other prisoners, convict I. Aliyev has the right to receive and send limitless number of letters and telegraphs. According to Article 83.2 of the Code, the correspondence of convicts, including the convict I. Aliyev's correspondence with his lawyers is not subjected to censorship.

6. on provision of visits by family members.

In accordance with Article 81.1 of the Execution of Punishments Code of the Republic of Azerbaijan the convicts are allowed short-time visits for up to four hours and long-time visits for up to three days on the territory of detention facilities. Special rooms were allocated in the facilities for this purpose. During the period of imprisonment, convict I. Aliyev was allowed short-time visits once by his wife Nurlana Mansum gizi Badalova, four times by his son Najmin Intigam oghlu Kamilsoy and

was presented with parcels, in accordance with legislation. No requests for long-time visits were made by I. Aliyev or his close relatives.

7. on appeals made to relevant instances.

In order to provide due presentation of complaints made by convicts to public authorities and especially to the Commissioner for Human Rights (the Ombudsman), special boxes are hanged in visible place of the facility. Information boards showing "hotline" contact services of the Commissioner for Human Rights of the Republic of Azerbaijan (the Ombudsman), the Ministry of Justice and the Penitentiary Service are placed at the entrance and living area of the facility. In addition, there were opportunities to present requests and complaints during the visits of organizations to the facility, including the Ombudsman, the representatives of the International Committee of the Red Cross, as well as during I. Aliyev's meetings with his lawyers.

At the same time, the Council of Europe and the European Union officials, as well as the officials of their Offices in Baku have regularly met with I. Aliyev, got acquainted with his health condition, and did not note any worsening in his health.

In relation with received requests, on 19 December 2015 convict I. Aliyev met with a high ranking official of the Penitentiary Service at Prison no. 6. During the meeting, convict I. Aliyev stated that he did not have any discontent or complaints regarding detention conditions, provision of his rights and freedoms, nor treatment towards himself.

Ministry of Justice of the Republic of Azerbaijan