



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Joint Appeal by the Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders dated 5 March 2018, has the honor to transmit herewith the information of the relevant Ministries of the Republic of Azerbaijan regarding the abovementioned joint appeal.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in 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, 13 April 2018

Office of the United Nations  
High Commissioner for Human Rights  
GENEVA

## REMARKS

*regarding the questions presented by the Working Group on Arbitrary Detention and Working Group on Enforced or Involuntary Disappearances of the UN Human Rights Council; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; as well as the Special Rapporteur on the situation of human rights defenders based on the information obtained in the framework of their mandates*

### **1. Please provide any additional information and any comment you may have on the above-mentioned allegations:**

On 08 December 2017 brother of Sahib Teymurov—the inhabitant of Lak village of Barda region Teymurov Tahir Tagı was detained as a suspect for illegally obtaining for selling purposes from the source unknown to the investigation and carrying on person 5.119 grams of hand-made narcotic substance (heroin). Criminal case was initiated under the article 234.1 of the Criminal Code of Azerbaijan Republic (obtaining drugs without the purpose of sale) on December 9.

On 10 December 2017 charges under Article 234.4.3 of the Criminal Code of the Republic of Azerbaijan were brought against Mr. Teymurov and notification was sent to the Barda District Court for the issuance of the remand detention.

While considering the notification at the Court, the accused person's rights and duties envisaged under Article 90 of the Criminal Procedure Code of the Republic of Azerbaijan were explained to him, Mr. Teymurov and his defender did not present to the Court any motions or objections regarding the presented material.

During court investigation Mr. Teymurov did not consider himself guilty. However due to existence of sufficient doubts that the person, accused under the initial evidence, had committed the crime referred to him, a 3-month remand detention was issued by the 10 December 2017 decision of the Barda District Court, and on that date he was sent to the temporary detention facility of the Barda District Police Station.

During the preliminary investigation, Tahir Teymurov appealed for a change of pre-trial measure imposed on him due to the health problems. In this regard, necessary medical examinations were carried out and based on medical opinion of the Medical Advisory Commission of Barda Region Central Hospital the accused was diagnosed [REDACTED], [REDACTED], [REDACTED]. Taking into consideration his illness, Tahir Teymurov was released from custody in accordance with Article 157.8 of the Criminal Procedure Code of the Republic of Azerbaijan on February 7, 2018 by the investigator conducting the preliminary investigation on the case and the measure

of police control was imposed. At present, the preliminary investigation into the criminal case is underway and will be finalized in the near future and sent to the court for consideration.

At the same time, during consideration of the presentation, neither the accused himself, nor his defender inform the Court of any ill-treatment or torture toward him and no signs raising suspicion of ill-treatment were observed on his body.

**2. Please provide detailed information on the factual and legal bases for the arrest, detention and charges against Mr. Tahir Teymurov:**

According to Article 234.1 of the Criminal Code of the Republic of Azerbaijan, illegal purchase, storage, manufacture, processing, transportation of narcotic drugs or psychotropic substances without the purpose of sale shall be punished with restriction of the liberty for a term of one to three years, or imprisonment up to three years.

According to Article 148 of the Criminal Procedure Code of the Republic of Azerbaijan, the person is detained when there is a direct suspicion in the commission of a crime or other information that gives rise to suspicion in committing an offense established by the criminal law, and the detention may be carried out before the relevant criminal case commences. According to Article 155.3.1 of this Code, a person charged with a criminal offense which may be sentenced by the court for a term of more than 2 (two) years may be imposed pre-trial detention in order to prevent a re-commitment or a threat to society.

The case witnesses confirmed that heroin in the weight of 5.119 grams was detected on Tahir Teymurov. Also Tahir Teymurov confessed the action he committed during the investigation and stated that he bought the drug from Jabir Mammadov, the inhabitant of Nazirli village of Barda region for 100 AZN at the end of March of 2017.

**3. Please provide detailed information on the judicial proceedings against Mr. Tahir Teymurov and how they meet the minimum guarantees for a fair trial:**

The rights of Tahir Teymurov defined in Article 91 of the Criminal Procedural Code, such as to get familiarized with the materials of criminal case, as well as the protocols on detention and arrest immediately, to get written notice on his rights, to use the assistance of the defender, to inform his relatives or other persons on his arrest immediately after his detention and other rights were fully ensured. No application was received from the accused person and his defender on violation of his rights during the primary investigation process.

**4. Please provide information on the location of Mr. Tahir Teymurov between the dates of 8 December and 21 December 2017, if such is available, and explain how, if he was in detention during this time, the circumstances of his detention were compatible with international human rights law:**

Tahir Teymurov has been in the temporary detention facility in Barda RPD from 8 to 10 December 2017, where he was detained as a suspect and transferred to Ganja Investigation Isolator No. 2 of Penitentiary Service of the Ministry of Justice on December 10, when the pre-trial detention measure was imposed. According to the Article 8 of the Law of the Republic of

Azerbaijan "On ensuring the rights and freedoms of the persons kept in the detention facilities" Tahir Teymurov has been temporarily held in Barda RPD in the detention center on 13 December and has been detained at the same place until December 16. On December 16, 2017, he was again sent to the investigation isolator.

While being in the temporary detention facility of police, Tahir Teymurov was not subjected to torture and inhuman or degrading treatment or punishment. His rights to meet with his lawyer, to be provided free food, supplies, medical and sanitary services, as well as other national legal acts and other rights established by international law were fully ensured.

On 31.01.2018 Mr. Teymurov was once again transferred to the temporary detention facility of the Barda District Police Station and by the 07.02.2018 decision of the investigator of the said Police Station the restrictive measure against the accused was terminated in accordance with the requirements of Articles 85 (*competences of the investigator*), 157.8.1 (*if, according to medical opinion, the seriousness of the accused person's illness makes it impossible to detain him on remand*), and 175.4 (*If the prosecuting authority annuls, alters or discontinues the application of arrest as a restrictive measure, it shall inform the head of the remand facility on the same day and send a copy of the relevant decision to him*) of the Criminal Procedure Code of the Republic of Azerbaijan and on that date he was released from the temporary detention facility of the Barda District Police Station.

Mr. Teymurov has used the rights envisaged in the Law of the Republic of Azerbaijan "On Ensuring the rights and freedoms of the persons kept in the detention facilities", not been exposed torture, inhuman or degrading treatment, met with close relatives, used the right to have telephone calls and received legal aid without any restriction during his detention period in the Penitentiary Service Investigation Detention Center No. 2.

**5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to allegations of torture suffered by Mr. Tahir Teymurov. If no inquiries have taken place, or if they have been inconclusive, please explain why:**

According to Article 22.2 of the Law "On Ensuring the rights and freedoms of the persons kept in the detention facilities" of the Republic of Azerbaijan, Tahir Teymurov was examined when being admitted to the place of temporary detention in Barda RPD on 8 and 13 December 2017 and no traces of injuries were found on his body. After arrival to the Penitentiary Service Pre-trial Detention Facility No. 2 Mr. Teymurov underwent initial medical examination and his physiological indicators were within the norm; in his anamnesis, he informed that in 2016 he had suffered [REDACTED] and was being treated for [REDACTED].

During physical examination, one old scar was observed on his right eyebrow; no signs of new injury or damage were discovered. According to the information of the medical staff, the scar was not new, but was a result of the injury suffered several years before. During examination, Mr. Teymurov did not inform medical staff of any beatings, physical abuse or torture. No pathologies were observed in his lungs during x-ray examination; however, [REDACTED] was registered. During the pre-trial detention period, no health

complaints were made to the medical staff, also there were no circumstances requiring emergency medical assistance. The results of the examination have been documented in accordance with the law.

**6. Please provide what measures have been taken to ensure the safety of Mr. Sahib Teymurov's family members in Azerbaijan and to protect them from harassment:**

According to Article 26 of the Constitution of the Republic of Azerbaijan, everyone has the right to protect their rights and freedoms by means and methods not prohibited by law. The state gives guarantees of protection to everyone's rights and freedoms.

No application was received by the police authorities from Sahib Teymurov and his family members with regard to any danger to their life and health and their prosecution.

**7. Please indicate what measures have been taken by Azerbaijan to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort:**

Development of civil society, which is one of the most important elements of a democratic state, is always in the center of attention in Azerbaijan, and there is a close partnership between state bodies and non-governmental organizations. For example, the Public Committee consisting of human rights defenders and NGO representatives has been carrying out public control in the justice system for a long time.

The members of the Committee are provided with special documents signed by the Minister of Justice in order to have free access to places of imprisonment, and conditions are created for their regular visits to penitentiary establishments. During visits, attention is paid to the broad spectrum of issues related to monitoring, including detention conditions for prisoners, food and housing, medical supplies, correctional measures, contact with the outside world and other issues; the reports reflecting relevant recommendations on the results of visits are presented to the Ministry. At the same time, legal assistance is provided to prisoners by the Committee. Committee members are also actively involved in the implementation of the process of applying the conditional early release institute, pardon and amnesty acts.

The adoption of the Law on Public Participation has greatly contributed to cooperation with civil society organizations, and the authorities of the Public Committee were expanded according to that Law, including the increase of the term of competence. Also, the Committee is actively involved in the work on the various aspects of justice.

The Committee members take part at international events, press conferences, "open door" days, board meetings of the Ministry, consultations and seminars, meetings of the Appeal Council, and admission examinations (test and oral interview) organized by the Ministry of Justice. Besides that, civil society organizations are involved in a permanent monitoring group set up in the Ministry and get acquainted with the situation in the justice bodies and the courts, and at the same time they have the opportunity to study public opinion.