



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 human rights and fundamental freedoms while countering terrorism, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment dated 18 March 2019, has the honor to transmit herewith the information of the State Migration Service 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.



Geneva, 24 May 2019

Enclosure: 2 pages

Office of the United Nations  
High Commissioner for Human Rights

Information presented by State Migration Service on the citizens of the  
Republic of Turkey [REDACTED]

Regarding the joint letter of special mandate rapporteurs on the citizens of the Republic of Turkey [REDACTED] we would like to note that no complaints were filed to the State Migration Service by the above-mentioned persons or their representatives regarding the allegations mentioned in the letter. As a result of investigation conducted upon the joint letter the alleged torture of these individuals was not confirmed. Thus, medical examination of both individuals have been made during placement at and departure from the Detention Center for Illegal Migrants of State Migration Service and no injuries were encountered during the examinations.

The Republic of Azerbaijan has acceded to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols No. 1 , 4, 6 and 7, as well as European Convention on Extradition and its Additional Protocols.

The applications made by the persons mentioned in the letter to State Migration Service on obtaining refugee status were processed in line with legislation of the Republic of Azerbaijan and its international commitments. During the processing of applications the probability of individuals being subjected to any persecution was assessed by referring to international databases collecting country of origin information. Applications of persons intending to obtain refugee status in the Republic of Azerbaijan are processed within the requirements of 1951 Convention on the Status of Refugees and its 1967 Protocol, May 21, 1999 dated Law of the Republic of Azerbaijan "on Status of refugees and internally displaced (persons displaced within the country) persons" and "Rule of reviewing application on granting "Refugee" status" approved with November 13, 2000 dated Decree of the President of the Republic of Azerbaijan.

Moreover, the right of the persons to appeal the decisions in the court order was fully guaranteed. Thus, the complaints of both persons on granting refugee status were reviewed in relevant court instances. The persons were expelled from the country in accordance with the requirements of Article 79 of the Migration Code of the Republic of Azerbaijan

International organizations, including the IOM, UNHCR, the International Committee of the Red Cross, regularly visit Detention Centers for Illegal Migrants of State Migration Service. Thus, in 2018, UNHCR conducted 5 monitoring visits at the Center. As well as, the Commissioner for Human Rights (Ombudsman) or the members of the National Preventive Group visit the Centers at any time without hindrance and prior notification and conduct monitoring.

Detailed information on the abovementioned individuals' applications to State Migration Service is as follows.

Mustafa Ceyhan

Citizen of the Republic of Turkey, [REDACTED] applied to the State Migration Service of the Republic of Azerbaijan on 31 May 2017 to obtain refugee status .His application was registered at State Migration Service for investigation, and in accordance with the legislation an interview was conducted with him at the Remand Center No.2 of Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan located in Ganja. During the interview the applicant stated that he is not a member of any group in Turkey. According to the applicant's statements during the investigation of the application, his assumptions about probable persecution in case of his return to Turkey have not been

assessed as a substantial threat of persecution. After investigating the case, a decision No.IQ-44/1 dated 25.08.2017 was made on refusal to grant refugee status.

██████████ filed a lawsuit against State Migration Service to the Baku Administrative-Economical Court No. 1 and requested for approval of his application on granting refugee status and the imposition of the liability to grant him refugee status on the defendant. The petition was not considered possible by the decision of the court No.21(81)-5589/2017 dated 7 November 2017. ██████████ filed an appeal to the Baku Court of Appeal from the aforementioned court decision and the decision of the Baku Administrative-Economical Court No. 1 was upheld by the Court's decision No. 2-1 (103) 55/2018 dated 23 January 2018. From the decision of the Baku Court of Appeal ██████████ made a cassation appeal to the Supreme Court of the Republic of Azerbaijan and with the decision no. 2-1 (102) -900/18 dated 25 April 2018 his complaint was not satisfied.

██████████  
Citizen of the Republic of Turkey, ██████████ applied to the State Migration Service of the Republic of Azerbaijan ██████████ on 31 May 2017 to obtain refugee status. His application was registered at State Migration Service for investigation, a file was formed for his application. During the interview the applicant stated that he is not a member of any group in Turkey and does not have any information about the interest of government representatives on him. According to the applicant's statements his assumptions about his probable persecution in case of his return to Turkey have not been assessed as a substantial threat of persecution. After investigating the case, a decision No.IQ-64/3 dated 25.10.2017 was made on refusing to grant refugee status.

Challenging the abovementioned decision ██████████ filed a lawsuit at the Baku Administrative-Economical Court No. 1 with a demand to impose a liability on State Migration Service to grant refugee status. The applicants' claim was denied by the Court's decision No. 2-1(81)-1294/2018 dated 3 April 2018. ██████████, filed an appeal to the Baku Court of Appeal from the abovementioned court's decision and the appeal filed by the applicants was not satisfied by the Court's decision No. 2-1(103)-1424/2018 dated 22 June 2018. ██████████ filed a complaint to the Supreme Court of the Republic of Azerbaijan against the decision of the Baku Appeal Court, with the decision of the Supreme Court of the Republic of Azerbaijan No.2-1(102) -1770/2018 dated 15 October 2018, the appeal was not satisfied and the decision remained in force.