

## INFORMATION

**Regarding the national legal framework, as well as activities carried out within the mandate of the Human Rights (Ombudsman) of the Republic of Azerbaijan, to include them in a joint statement to be prepared by the UN Committee on Forced Disappearances (CED) and the Working Group on Enforced or Involuntary Disappearances (WGEID)**

- a) **How is the notion of “short-term enforced dissapearances” understood and in which contexts do they occur? and**
- b) **Which are legal frameworks and practices that may lead to “short-term disappearances”, and which are the legal frameworks and practices that might prevent them?**

The Constitution of the Republic of Azerbaijan, as a fundamental law of the country, establishes the right to freedom for everyone. According to Article 28, paragraph 2, of the Constitution, the right to freedom can only be restricted in the manner prescribed by law, through detention, imprisonment, or deprivation of liberty.

The Criminal Code of Azerbaijan, which defines the scope of socially dangerous acts constituting crimes and the penalties imposed for them, identifies crimes against personal freedom and dignity, which include abduction (Article 144), human trafficking (Article 144-1), forced labor (Article 144-2), unlawful imprisonment (Article 145), and illegal placement in a psychiatric hospital (Article 146). All of these crimes prohibit the unlawful restriction of personal freedom in any form, whether temporarily or for an extended period, and are punishable under threat of penalty.

All of these crimes prohibit the unlawful restriction of freedom of a person in any form, whether short or for an extended period, and are prohibited under threat of penalty.

Furthermore, the Civil Code of Azerbaijan, which regulates property and personal non-property relations of legal entities, governs the legislative aspects of declaring a natural person as missing without notification (Article 40).

Considering all above, although the concept of "short-term forced disappearance" is not directly used in Azerbaijani legislation and practice, it can be confidently stated that any action or inaction understood under this term creates legal responsibility.

- c) **Which are the main procedural questions that may arise for domestic authorities, the Committee and the Working Group when dealing with short-term enforced disappearances’?**

In the field of preventing short-term forced disappearances, the law enforcement authorities and the Commissioner for Human Rights (Ombudsman) in Azerbaijan operate in accordance with their mandate and carry out preventive measures.

While carrying out functions under the National Preventive Mechanism (NPM), the Ombudsman is entitled to the following rights:

- to have access at any time, without hindrance and prior notification, to any governmental state authorities and municipal bodies, military units, as well as police stations, temporary detention facilities, investigation isolators, penitentiary institutions, psychiatric institutions, immigration detention centers for irregular migrants, and other places where persons cannot leave on their own will.
- to meet and interview, either individually or, when deemed necessary, with the participation of an expert or interpreter, detainees, as well as any other person from whom relevant information can be obtained.
- to obtain the documents confirming the lawfulness of detention and the treatment and conditions of detention of the detainees and obtain copies of them;
- to draw up acts, documenting the course and outcomes of their activities;
- to make relevant recommendations to the authorized state bodies and receive responses within a specified period.

The 24-hour Call Center of the Ombudsman is a responsive mechanism for handling various law violations, including complaints related to unlawful detention- the possibility of "forced disappearance."

In accordance with its mandate, the Ombudsman has the right to promptly take action and raise the issue with law enforcement agencies regarding complaints concerning the possibility of "forced disappearance."

The outcomes, initiatives, recommendations, and suggestions as a result of the Ombudsman's activities in these areas are reflected in the reports on NPM activities. The reports of previous years have been published in Azerbaijani and English languages, placed on the official website of the Ombudsman, and distributed. Any individual can access the relevant website to familiarize himself with the work conducted in this field.