

## Inputs on questionnaire – Deaths in custody

### **2. Measures in place, including policies and good practices for investigating, documenting and preventing deaths in custody.**

In order to prevent cases of suicide or self-mutilation of those detained or arrested, temporary detention facilities of the regional and district police authorities are equipped with video surveillance devices and alarms.

Detained or arrested persons placed in temporary detention facilities are notified that the manufacture, storage, carrying, transportation or use of prohibited items entails criminal liability.

- **What is the level of forensic medical involvement in the investigation of deaths in custody (e.g. is a full post-mortem investigation required in every death in custody)?**

Provision of medical assistance to arrested or detained persons, as well as their maintenance in medical institutions is carried out in accordance with the "Rules for the provision of medical assistance to arrested or detained persons, as well as their maintenance in medical institutions", approved by the Decree No. 67 of the Cabinet of Ministers of the Republic of Azerbaijan dated April 18, 2013.

Prisoners held in the penitentiary institutions of the Ministry of Justice are provided with medical aid under ambulatory and sanitary conditions through the medical-sanitary units operating in these institutions. Prisoners are transferred to the Treatment Institution and to the Specialized Treatment Institution (is intended to treat patients with tuberculosis) for qualified examination and treatment on the basis of the medical reference. Their medical examination and treatment is provided in the medical institutions of the Ministry of Health and in private medical institutions, if necessary.

Employees of the prosecution authorities, and the Forensic Medical Examination and Pathological Anatomy Association of the Ministry of Health examine the corpse and carry out an investigation at the place of death. The corpse is autopsied at the Forensic Medical Examination and Pathological Anatomy Association in the presence of physician and a report is submitted. The prosecution authority makes a decision on the results of the investigation. At the same time, internal investigations related to death are carried out. In the course of the internal investigation, if it is clarified that there is inadequate control over sentenced and arrested persons, the relevant employees are brought to disciplinary liability.

After appropriate procedures, the corpse of the prisoner is handed over to family members for burial.

Immediately after admission of arrested or detained persons to the temporary detention facilities if any injuries observed on them and complaint about any torture or other cruel,

inhuman or degrading treatment to which they were subjected are registered, they undergo a medical examination by medical staff who are invited within 24 hours.

If complaints related to torture or other cruel, inhuman or degrading treatment, as well as body injuries allegedly caused by such cases found out during a medical examination, those are sent to the prosecutor in charge of the procedural management of the preliminary investigation.

- **Are there procedures in place for facilitating the participation of victims' families and their access to effective remedies?**

In case of the death of prisoners, the Ministry of Justice, the Department General of the Penitentiary Service and the relevant prosecuting authorities are informed immediately according to the order of the Minister of Justice of the Republic of Azerbaijan «On provision of special information» dated 30.11.2022 #22-T. The death registration is carried out in medical documents.

An immediate information about the death of an arrested or imprisoned person is given to his/her close relatives in accordance with the «Instruction on organization of registration work of arrested and sentenced persons in penitentiary institutions», approved by the Decision of the Board of the Ministry of Justice of the Republic of Azerbaijan dated 30 June 2015 #7-N. If relatives of the deceased reside in another city (region), information about the death shall be transmitted to them via other possible means. Relatives of the deceased are explained to which territorial registration office they should apply in order to get the death certificate.

The body of an arrested or detained person is transferred to his relatives after a forensic medical examination and other procedural actions in accordance with the law. A person will be buried at the expense of public funds if a request for the release of the body has not been received within 7 days from the date of the death.

- **Investigation procedures and accountability mechanisms for deaths in custody (e.g. administrative? Judicial or other investigatory body? External oversight?)**

The Ministry of Internal Affairs conducts an internal investigation on the basis of reports received from the prosecutor's office about incidents that led to the death in places of temporary detention facilities of police authorities, as well as facts of self-mutilation by detainees, and employees who are negligent in their official activities bear disciplinary responsibility.