



**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 latter's Note Verbale dated 20 September 2021, has the honor to transmit herewith the information by the Government of Azerbaijan for the report to be prepared by the OHCHR pursuant to the Human Rights Council resolution 42/17 on "Human rights and transitional justice".

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, 25 October 2021

Enclosure: as stated

Office of the United Nations  
High Commissioner for Human Rights  
Geneva

**• The Contribution that transitional justice measures at the local, national and/or regional level - to address a legacy of gross human rights violations and serious violations of international humanitarian law - have made to sustaining peace and the prevention of human rights violations, violence and conflict. Please highlight information on measures that address root causes of conflict, violence and human rights violations (e.g. discrimination, inequality, corruption, and impunity). Please also identify or include related public reports in this regard); and on parts 1 and 2 of the resolution 42/17:**

According to Part I of Article 12 of the Constitution of the Republic of Azerbaijan, ensuring human and civil rights and freedoms is the highest purpose of the State. According to Article 71 of the Constitution, the legislative, executive and judiciary powers shall have the duty to observe and to protect human and civil rights and freedoms set forth in the Constitution. Human and civil rights and freedoms shall have direct effect on the territory of the Republic of Azerbaijan. No one may restrict the exercise of human and civil rights and freedoms. Everyone's rights and freedoms shall be restricted on the grounds provided for in the Constitution and laws, as well as by the rights and freedoms of others. Restriction of rights and liberties shall be proportional to the result expected by the State.

Chapters 16 and 17 of the Criminal Code provide for liability for crimes against peace and humanity, as well as war crimes, respectively. Crimes against peace and humanity include planning, preparation, initiation or conduct of aggressive war, genocide, incitement to genocide, destruction of population, racial discrimination (apartheid), etc., while war crimes include mercenary service, violation of war laws and customs, violations of international humanitarian law norms, and others.

Article 154 of the Code prescribes liability for violation of a person's right to equality by harming his/her rights and lawful interests based on race, nationality, religion, language, sex, origin, property status, service position, beliefs, membership in political parties, trade unions and other public associations.

According to Articles 75.5 and 80.4 of the Criminal Code, provisions on release from criminal liability in connection with expiration of time limits and on release from serving punishment in connection with expiration of time limits for decision on accusation do not apply to offenders who have committed crimes against peace and humanity, and war crimes, respectively.

In order to ensure the implementation of the 24 November 2020 Executive Order of the President of the Republic of Azerbaijan "On the establishment of the Coordination Headquarters for the centralized settlement of issues in the liberated territories of the Republic of Azerbaijan", the Interdepartmental Center under the Headquarters and 16 working groups within the Center were established. One of these groups is the Working Group on Cooperation with International Organizations and international Legal Issues, where the Ministry of Justice is represented by senior officials. During the regular meetings of the working group, in accordance with the agenda, the analysis of violations of human rights and international humanitarian law during the war and issues related to the prevention and non-repetition of future violations, restoration and protection of peace, peace agreements, etc. are discussed. This, in turn, contributes to the effective implementation of transitional justice.

Also, analysis of national and international legislation in relation to Armenia's war crimes and crimes against humanity, economic and other illegal activities in support of occupation and separatism was carried out, the necessary measures aiming to clarify the damage to justice and judicial infrastructure in the liberated territories and to ensure the activities of these bodies, as well as other tasks facing the justice authorities were identified and the new Karabakh Regional Justice Department was established for the implementation thereof.

**• The contribution of such transitional justice measures, policies and strategies to the realization of the 2030 Sustainable Development Agenda, in particular Sustainable Development Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Please highlight coordination with relevant policy areas (e.g. prevention of violence, economic development, poverty reduction, promotion of rule of law, access to justice, good governance, fight against corruption, and security and justice sector reform), specific results in the contribution to development, and key elements that contributed to their success. Please share relevant documents, data and links.); and on parts 3 and 4 of the resolution 42/11:**

In order to improve the quality and efficiency of justice, further expand access to justice, increase the transparency of courts, increase the efficiency of court proceedings, eliminate red-tape and other negative factors, the President signed the 3 April 2019 No. 604 Decree "On Deepening Reforms in the Judicial and Legal System".

The Decree included directives such as: the Supreme Court of the Republic Azerbaijan to form a unified judicial practice and the mechanism of its implementation in order to ensure the stability of the approach of courts to the resolution of legal issues and a predictable legal position on the application of normative legal acts; to improve the mechanisms for preventing interference in the work of courts as to ensure the independence of judges, and to increase liability for such interference; to conduct uninterrupted audio recordings of all court hearings to ensure more complete objectivity of court proceedings; to conduct forensic examinations in civil cases, as well as cases on administrative offenses, commercial and administrative disputes, and to specify deadlines for expert opinions, to expand the rights of the parties to the proceedings in connection with the appointment of forensic experts, to prepare draft normative legal acts on alternative mechanisms of forensic examination, including examination by private entities and on other issues, as well as other measures.

Thus, in connection with the above, relevant amendments were made to the Administrative Offenses, Civil Procedure, Criminal Procedure, and Administrative Procedure codes, as well as to the laws "On Administrative Proceedings", "On Lawyers and Advocacy Activity", "On Courts and Judges", "On State Forensic Examination Activity", "On Service in Justice Bodies", and to other normative legal acts.

The issues arising from the Decree are also aimed at making the justice system more accessible for all, transparent, fast and independent, in accordance with the purposes of the Sustainable Development Goals. In order to facilitate citizens' access to information, provide information and transparent services, modern ICTs are widely used in the new court buildings, administrative and public zones are separated, which eliminates the relationship between judges and participants outside the courtroom. The work done in this area serves to facilitate citizens' access to justice and to reliably ensure human rights. The "Regulation on the Electronic Court information system" was approved by the 1 June 2020 Decree of the President of the Republic of Azerbaijan.

The application of the information system contributes to the effective protection of human and civil rights and freedoms, expanding access to justice, increasing the efficiency and transparency of administration of justice, preventing red-tape and abuse, ensuring openness and promptness, increasing the effectiveness of control over the execution of judicial decisions, providing electronic

clerical work and electronic document circulation.

The Criminal Procedure Code and the Civil Procedure Code were amended by relevant laws, allowing the conduct of judicial proceedings electronically in criminal, civil and commercial disputes. Also, in accordance with the amendment, the procedural documents and other information to be provided to the persons participating in these proceedings shall be placed in their electronic accounts and they shall be informed about it electronically (via e-mail and SMS) through the "Electronic Court" information system. In addition, changes were made to the above-mentioned codes regarding the implementation of procedural actions in the relevant proceedings using the videoconferencing system.

When there is a real threat to the life and health of persons specified in Article 51-2.1 of the Criminal Procedure Code (*suspect or accused, civil plaintiff, civil defendant, victim, legal successor of the victim and accused, special prosecutor, their legal representatives and representatives, representative of the legal entity in respect of which criminal proceedings are instituted, witness, expert, specialist, translator, or convict*), when there is a need to ensure their safety, as well as to prevent external impact on them, when the state of health or other valid reasons make it impossible for them (except the suspect, accused or convict) to participate directly in the relevant proceedings, if it is necessary to protect the interests of a minor, if as a result of natural or man-made disasters, epidemics, emergencies or force majeure such persons are not able to participate directly in the relevant proceedings, the criminal justice proceedings may be carried out by the use of videoconferencing.

According to Article 10-2 of the Civil Procedure Code, when persons involved in the case, their representatives (legal representatives), lawyers, witnesses, experts, specialists, translators are outside the country or in another city (district) within the country, when for good reason, it is impossible for them to attend the court hearing in person; when one of the parties is on conscription in the Armed Forces and other armed formations of the Republic of Azerbaijan or are involved in other state duties, are on a long-term service secondment or are in a medical institution and if the proceedings are not terminated; when persons involved in the case, their legal representatives and witnesses are unable to attend the hearing in person due to deprivation of liberty or detention, as well as in other cases provided for in the Article, the court proceedings can be carried out by videoconferencing communication system without the direct attendance in the courtroom of the representative (legal representative), lawyer, witness, expert, specialist, and translator.

Also, in accordance with the Regulation, a "Hotline" was established in order to eliminate the difficulties associated with the application of the system and to carry out the necessary instructional work.

In accordance with the relevant regulations, the "Specialized Electronic Cabinet" was created in the "Electronic Court" information system for the structural units of the General Prosecutor's Office working with the courts, including the Anti-Corruption Department General under the Prosecutor General, the Department for Proceedings outside Criminal Prosecution, and the Department for the Protection of Public, which shall include information on court cases and provide for electronic document exchange. The prosecution employees using the Cabinet have the opportunity to obtain electronic information on the number of the case, the date of receipt, the name of the court, the type of proceedings, the type of case, the judge, the status of the case's examination, and the status of the case, as well as to get acquainted with the procedural documents posted in the Cabinet by the court.

At the same time, joint measures are being taken with the General Prosecutor's Office to organize the integration of the "Electronic Prosecution" information system with the "Electronic Court" information system, which is planned to be formed in accordance with the 7 May 2021 Presidential Decree.

The "2020-2022 National Action Plan for the Promotion of Open Government" was approved by the 27 February 2020 Decree of the President of the Republic of Azerbaijan. The main factors driving the adoption of the National Action Plan are to further expand the application of the principles of openness, transparency and accountability, increase financial transparency, increase the means of ensuring access to information, support civil society institutions and strengthen public control, and ensure

continuity of measures taken to promote open government.

The National Action Plan reflects measures on the prevention of corruption and strengthening transparency in the activities of government bodies, ensuring financial transparency, combating the legalization of illegally obtained money and other properties and the financing of terrorism, improving public services, expanding the activities of civil society members, increasing public oversight and public participation, ensuring access to information, ensuring accountability, transparency and public participation in local self-government, increasing transparency and accountability in the private sector, and increasing transparency, accountability and customer satisfaction in utility services rendered to the population.

The Law of 22 October 2019 ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Relevant draft laws have been prepared and submitted to the Cabinet of Ministers for the implementation of the Convention. The "2020-2030 Strategy of the Republic of Azerbaijan on Children" was approved by the 2 June 2020 Executive Order of the President of the Republic of Azerbaijan. The main goal of the Strategy is to bring the child protection system in full compliance with the requirements of the Constitution and the principles of the UN Convention on the Rights of the Child, to create equal opportunities for all children, to protect their interests, to more effectively protect the rights of children in need, and to provide social support services to them in line with modern requirements. The Strategy has identified relevant priorities in the direction of improving the legal framework and institutional structure in the field of child protection, ensuring the development of children in early childhood, strengthening social protection of children in difficult living conditions, ensuring cultural and aesthetic education of children and their participation in cultural events, monitoring and evaluation of the exercise of children's rights.

To ensure the sustainability of measures taken to combat human trafficking, the 22 July 2020 Presidential Decree approved the "2020-2024 National Action Plan to Combat Human Trafficking in the Republic of Azerbaijan". The purpose of the National Action Plan is to ensure sustainability of measures taken to protect the individual and society from all forms of human trafficking, in particular to prevent exploitation of women, children and other vulnerable groups, to identify and eliminate the causes of human trafficking and the conditions conducive to human trafficking, to reduce the risk of persons becoming victims of human trafficking, to identify and ensure social protection of groups vulnerable to human trafficking, to detect and prevent all forms of human trafficking, as well as eliminate its consequences, to ensure protection of victims of human trafficking, restoration of their rights and social rehabilitation, to take necessary measures to create necessary conditions for improving the living standards of victims and potential victims of human trafficking and to identify citizens of the Republic of Azerbaijan who have been trafficked abroad.

By the 27 November 2020 Executive Order of the President of the Republic of Azerbaijan, the "2020-2023 National Action Plan on Combating Domestic Violence in the Republic of Azerbaijan" was approved. The main purpose of the National Action Plan is to bring domestic violence prevention measures in line with international standards, to provide families with timely and comprehensive assistance for strengthening them, to implement and increase the effectiveness of measures envisaged in normative legal acts on combating domestic violence. The National Action Plan ensures continuity of measures to bring the normative legal framework in the field of combating domestic violence in line with international practice, to promote awareness-raising activities in this area, to discover and identify victims of domestic violence, to provide them with assistance meeting modern standards and to form an effective protection system.

**• *Transitional justice policies that have strengthened and opened up space for civil society, and their impact on sustaining peace and development:***

The Public Committee, consisting of representatives of non-governmental human rights organizations, operates under the Minister of Justice since 2006. The Public Committee exercises public control in

the penitentiary establishments, is involved in the application of the institution of parole, execution of pardon and amnesty acts, and is actively represented in the Commission on the application of conditional early release of sentenced persons. The members of the Committee also regularly participate in the meetings of the Plenary Board and the Board of Appeals of the Ministry, in the recruitment examinations, international events, press conferences and meetings.

In 2021, the activities of the Committee were successfully continued, the participation of non-governmental organizations in the relevant commissions and working groups of the Ministry was ensured.

Representatives of civil society were closely involved in the implementation of the 19 March 2021 Presidential Order "On Pardoning a number of sentenced persons". In addition, it shall be noted that (in the first 9 months of 2021) the Public Committee provided legal assistance to more than 187 convicts (over 4,237 in total).

The Human Rights Council Resolution 42/17 on "Human Rights and Transitional Justice" (A/HRC/RES/42/17, September 26, 2019) encourages the responsibility of countries to protect its people in the case of crimes against humanity, war crimes, etc.

During the Second Karabakh War, launched by the Armenian armed forces on September 27, 2020, the requirements of international humanitarian law were grossly violated, and the Azerbaijani state was forced to defend its population. During the 44-day Karabakh war, which began on September 27, 2020, Armenian armed forces deliberately waged a war of aggression against the Republic of Azerbaijan, violated international humanitarian law during the armed conflict. The Investigation Department of the General Prosecutor's Office is investigating 77 criminal cases in this regard.

The Resolution –

***Condemns impunity for gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, emphasizes the responsibility of States to comply with their obligations under international law to end impunity, and urges States to seek sustainable peace, justice, truth and reconciliation through comprehensive transitional justice strategies, in particular to thoroughly investigate and prosecute those responsible for such violations and crimes, in order to avoid their recurrence, and to promote reconciliation at the national level;***

In the course of the war, separatist organized criminal groups operating in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia, committed war crimes, crimes against peace and humanity, crimes against life and health, property, economic activity, public security and state power.

As a result of the mentioned criminal acts, the unprotected areas, settlements, densely populated residential areas, civilians who did not take part in the fighting, as well as serious infrastructure facilities of the Republic of Azerbaijan in Ganja, Mingachevir, Naftalan cities, Aghdam, Agjabadi, Beylagan, Barda, Jabrayil, Fuzuli, Goranboy, Goygol, Tartar, Dashkasan, Yevlakh, Garadagh, Khizi, Kurdamir, Gabala, Siyazan, Shamkir districts (17 districts and 3 cities) became targets of shelling. A total of 116 civilians were intentionally killed and 490 were injured. Of the 116 civilians killed, 75 were men, 29 women and 12 children. Of the 490 injured, 312 were men, 112 were women and 66 were children.

Also, according to the estimates, in 14 cities and regions (Ganja, Mingachevir, Aghdam, Agjabadi, Beylagan, Barda, Jabrayil, Fuzuli, Goranboy, Khojaly, Goygol, Tartar, Gabala and Dashkasan) a total of 14,684 properties (individual housing, public, catering, trade facilities, administrative buildings,

animals, cars) were damaged.

It was identified that during the 44-day war ballistic missile attacks, with high destructive operational-tactical ballistic missile systems like 9K72 (SS-1 C or Scud B) Elbrus and 9M528, in some cases Katyusha 9K58 Smerch (BM-30) rocket launcher equipped with 9M55 missiles had been used by Armenia against Azerbaijani civilian targets.

The Resolution –

***Calls upon States, where relevant, to develop and implement comprehensive transitional justice strategies and to establish judicial and non-judicial mechanisms in order to address past atrocities, the needs of victims and their right to an effective remedy, and to prevent their recurrence***

The Investigation Department of the Prosecutor General's Office is conducting a preliminary investigation into two criminal cases related to illegal economic activity in the territories formerly occupied by the Armenian armed forces of the Republic of Azerbaijan. At the present stage of the investigation, 6 companies engaged in illegal mining in the occupied territories of the Republic of Azerbaijan engaged in illegal entrepreneurial activities with a large amount of income in the amount of 306,821,019.93 (three hundred six million eight hundred twenty one thousand nineteen) manats identified.

Legal instructions were sent to 35 states regarding 166 legal entities engaged in illegal economic activities.

The investigation revealed illegal exploitation of natural objects (forest fund, plants not belonging to the forest fund, specially protected natural areas, natural monuments and mineral deposits) by the Republic of Armenia and its officials in the long-occupied territories of Azerbaijan, including in Kalbajar, Jabrayil, Tartar, Aghdam, Shusha, Fuzuli, Khojavend and Lachin regions. The initial investigation found out that the material damage was approximately 16,200,059,474.80 manats. The damage caused to nature in Jabrayil, Zangilan and Kalbajar regions is more than 1 billion manats, which has included illegal exploitation of large number of mineral deposits in the Jabrayil region, and gold deposits in the Zangilan and Kalbajar regions.

Although 151 applications (133 of them on the VoMA list) were submitted to 23 countries for 36 international legal assistance in 7 criminal cases to prosecute perpetrators of these crimes or to gather the necessary evidence, most countries deliberately avoided responding.

When the Armed Forces of the Republic of Armenia and illegal Armenian armed forces launched a new aggression against the Republic of Azerbaijan from September 27, 2020, the norms and principles of international humanitarian law, as well as the requirements of the Geneva Convention of 12 August 1949 on the Improvement of the Condition of the Wounded and Sick in the Armed Forces and the Additional Protocol to the Convention of 8 June 1977 have been grossly violated.

A number of cases of crimes committed against servicemen of the Armed Forces of the Republic of Azerbaijan have been revealed, including skinning of the bodies of servicemen on the battlefield, removal of eyes, amputation of ears, burning of corpses, beheading of living wounded servicemen, deliberately shot at close range. In connection with these facts, 17 criminal cases were initiated under Articles 100.1, 100.2, 115.4, 116.0.7, 120.2.7, 120.2.12, 29, 120.2.7, 29, 120.2.12, 186.3 and 245 of the Criminal Code of the Republic of Azerbaijan.

At present, the necessary investigative actions are being carried out in these criminal cases, including

the identification of those who treated captives cruelly and inhumanely, as well as the perpetrators of the offensive acts on the corpses and to give a legal assessment to their actions.

Also, two citizens of the Republic of Armenia were found to have committed crimes against peace and humanity, war and other especially grave crimes in the territory of the Republic of Azerbaijan, and they were charged under Articles 112, 113, 115.2, 115.3, 120.2.1, 120.2.3 of the Criminal Code. Preliminary investigation of one criminal case under Articles 120.2.12, 206.3.2, 279.3 and other articles has been completed and sent to the relevant court for consideration.