

Law on the rights and freedoms of individuals kept in detention facilities¹

This Law regulates relations arising within the area of ensuring rights and freedoms of those detained or arrested individuals in line with the Criminal Procedure Code of the Republic of Azerbaijan.

Part I

General Provisions

Article 1. Main definitions

1.0 The definitions used in this Law express the following meanings:

1.0.1 detained person - a person detained for being suspected in having committed a crime, a person detained for the announcement of the indictment, an accused who has been detained for violating the conditions of the restrictive measure selected against him, convict apprehended temporarily placed at a remand detention facility prior to his/her mandatory transfer to the place of the execution of the sentence or other final court decision, as well as pending the substitution of one punishment type with another, termination of the conditional conviction or conditional early release.

1.0.2 arrested person – accused person against whom the court has issued detention on remand decision as a restrictive measure.

1.0.3 convicted person– a person against whom the court issued a final verdict of guilty.

1.0.4 prohibited items –the items, products and goods that detained and arrested individuals are not allowed to prepare, keep, carry, transfer and use as well as those items, products and goods that have been handed or transferred to detained and arrested individuals by means of hiding them from search or by any other means.

Article 2. Main purpose of custody in detention facilities

The main purpose of custody of the individuals in the detention facilities is to ensure the duty to enforce a criminal prosecution.

Article 3. Basis for the detention and arrest of individuals

3.1 Detention of the person who is suspected of committing a crime shall be carried out on the basis of protocol on detention drafted by the bodies conducting criminal prosecution in order and cases specified by the Criminal-Procedure Code of the Republic of Azerbaijan.

3.2 The detention of the person for the announcement of the charges, or for violating the conditions of the restrictive measure selected against him is executed in the order and cases provided by the Criminal Procedure Code of the Republic of Azerbaijan according to the relevant decision of the body in charge of the criminal proceedings.

3.3 The apprehension of suspect or choosing detention as a restrictive measure for the accused with a view to carry out mandatory transfer to the destination identified by the sentence or any other final decision of the Court, to substitute one punishment type to another as well as to abolish conditional sentence or early release shall be selected only by the court decision, in accordance with the Criminal-Procedure Code of the Republic of Azerbaijan

¹ Adopted by the Parliament in the third reading on 22nd May 2012.

3.4 Should there be no grounds mentioned in Article 3.1 – 3.3 of the present Law, it shall be prohibited to keep a person in the detention facility.

Article 4. Detention facilities

4.1. Persons shall be kept in the following detention facilities:

4.1.1 Places of temporary detention

4.1.2 Guardhouses of the Armed Forces of the Republic of Azerbaijan and guardhouses of other armed units established in line with the legislation of the Republic of Azerbaijan. (hereinafter - guardhouses)

4.1.3 Investigation isolators

4.2 In case of suspecting in committing an offence under the criminal law at the voyaging ship, the persons detained by the captain of sea ships or acting captain in the accordance with the Criminal-Procedure Code of the Republic of Azerbaijan shall be kept in the specially allocated places.

4.3 Detention facilities are financed by the state budget of the Republic of Azerbaijan.

Article 5. Places of temporary detention

5.1 Detained persons are kept in the places of temporary detention for the periods and in the cases defined by this Law and the Criminal Procedure Code of the Republic of Azerbaijan.

5.2 The detained persons can not be kept in the place of temporary detention for more than 7 days, on the basis of the court decision when being sent to the prison according to the sentence, which entered into force or other final decision of the court or abolition of substituting one punishment to another or of conditional conviction or early release. In other cases not more than 48 hours if during this period there is no court decision about choosing remand detention as a restrictive measure.

5.3 The accused against whom the court issued a decision on detention on remand shall not be kept in the temporary detention facility for more than 24 hours from that moment and should be transferred to the investigation isolator before this period elapses. This period shall not include the transportation time to the investigation isolator.

5.4 Places of temporary detention are established, re-established or liquidated by the relevant executive authorities of the Republic of Azerbaijan in accordance with the legislation of the Republic of Azerbaijan.

Article 6. Guardhouses

6.1 The Guardhouses function as places of temporary detention for military servants.

6.2 The accused against whom the court issued a decision on detention on remand shall not be kept in the guardhouse for more than 24 hours from that moment and should be transferred to the investigation isolator before this period elapses. This period shall not include the transportation time to the investigation isolator.

6.3 Guardhouses are established, re-established or liquidated by the relevant executive authorities of the Republic of Azerbaijan in accordance with the legislation of the Republic of Azerbaijan.

Article 7. Investigation isolators

7.1. Arrested persons are kept in the investigation isolators for the periods defined by the Criminal Procedure Code of the Republic of Azerbaijan

7.2 In cases when an arrested person has been convicted with deprivation of liberty or life sentence they can not be kept in the investigation isolator for more than 10 days after management of the isolator receive a copy of the sentence and a court order to execute the sentence.

7.3 Investigation isolators are established, re-established or liquidated by the relevant executive authorities of the Republic of Azerbaijan in accordance with the legislation of the Republic of Azerbaijan.

7.4 Convicts, upon their consent to carry out agricultural and household services, according to the Article 69.1 of the Punishment Code can be kept in the investigation isolators.

Article 8. Transfer of the arrested person from the investigation isolator to the places of temporary detention

8.1 In places distant from residence areas, when it is necessary to ensure conducting of investigation activities or participation at the court hearing, or daily transfer is impossible, the arrested person can be transferred from the investigation isolator to the places of temporary detention on the basis of substantiated court decision during the period of the court hearing, or for the whole period of the court proceedings, and during the investigation proceedings for the period not exceeding 10 days within 1 month. During the court proceeding in the exceptional cases and because of the complicity of the criminal case or based on the motion of the arrested person the said period can be prolonged by the court decision until the end of the court proceeding.

8.2 When transferred to the investigation isolator and back the arrested person is medically examined

8.3 Transfer of the arrested person from the investigation isolator to the isolator of temporary detention for the purpose of carrying out investigation and search operations is prohibited.

Article 9. Transfer from penitentiary institutions to the investigation isolators of persons sentenced to deprivation from freedom for certain period or sentenced to life imprisonment

9.1 Should persons sentenced to imprisonment for certain period or sentenced to life imprisonment in connection with other criminal cases be involved into investigation activities or court hearings, they can be transferred from the penitentiary institutions to the investigation isolators on the basis of the court decision for the period that shall not exceed two months. If deemed necessary, this period can be prolonged for up to 4 months by a substantiated court decision.

9.2 Transfer from the penitentiary institutions to the investigation isolators of those persons sentenced to deprivation from freedom for certain period or sentenced to life imprisonment who are involved as a suspect in or accused of other criminal cases is carried out by the court decision based on the submission made by the prosecutor in charge of the procedural aspects of the preliminary investigation. The period of being kept in the investigation isolator is defined within the limits prescribed by the Criminal Procedure Code of the Republic of Azerbaijan.

Article 10. Personnel of Detention Facilities

10.1 The personnel of the Detention facilities are those officials who carry out their duties to guarantee the functioning of the detention facilities. The personnel of the detention facilities shall be the trained, skilled and professional one.

10.2 management of the detention facilities (chief) are those officials of the detention facility who maintain organisational and order competence.

10.3 Chiefs of the detention facilities are as follows:

10.2.1 chief of the investigation isolator;

10.2.2. chief of the isolator of temporary detention;

10.2.3. chief of guardhouse.

Article 11. Detention Regime

11.1 The regime identifies the protection of the rights and legal interests of detained and arrested individuals prescribed by this Law and other legislative acts of the Republic of Azerbaijan, the duties that they have to comply with and the rules on isolation of the individuals.

11.2 The relevant executive authority of the Republic of Azerbaijan adopts the Internal Order Regulations of the detention facilities (hereinafter Internal Order Regulations) to guarantee the regime in the detention facilities. Guardhouse regime is stipulated by the present Law, by the Charter of the Garrison and Security Services of the Armed Forces of the Republic of Azerbaijan, Annex on Guardhouse and other normative legal acts.

11.3 Personnel of the Detention facilities shall guarantee a regime in Detention facilities. Personnel of the Detention facilities failing to serve official duties or serving improperly shall bear a liability established by the legislation of the Republic of Azerbaijan.

Article 12. Internal Order Regulations

12.1 The Internal Order Regulations shall further regulate the following:

12.1.1 acceptance, registration and search, check of the belongings, medical examination and placement in cells of the detained or arrested persons;

12.1.2 dactyloscopy registration of detained or arrested individuals;

12.1.3 receiving or sending parcels, dispatches and packages by detained or arrested individuals as well as searching parcels, dispatches and packages by the personnel;

12.1.4. informing relatives or persons of legal interest to him/her, by phone right after their transfer to the detention facility.

12.1.5 obtaining of food products, the most important goods and other industrial products by detained or arrested individuals;

12.1.6 on correspondence, receiving or sending money

12.1.7. use of phone

12.1.8 involvement of the arrested persons in labour in the territory of the detention facility on the voluntary basis;

12.1.9 use of daily walk by detained or arrested individuals;

12.1.10 exercise and table games;

12.1.11 guarantee of the meetings of the detained individuals with the defence councillors;

12.1.12 guarantee of the meetings of the arrested individuals with the defence councillors, close relatives or persons of legal interest to him/her

12.1.13. participation of the detained or arrested individuals in the investigation proceedings or the court hearings;

12.1.14 reception of the detained or arrested individuals by the chief of the Detention facilities;

12.1.15 execution of religious ceremony by detained or arrested individuals;

12.1.16 guarantee material and life conditions of detained or arrested individuals;

12.1.17 sending out proposals, complaints and applications by detained or arrested individuals;

12.1.18 forced meals of the detained or arrested individuals;

12.1.19 medical and sanitation guarantee of the detained or arrested individuals;

12.1.20 delivery of bodies of deceased detained or arrested individuals died in the Detention facilities;

12.1.21 other issues with regard to ensuring the regime in the detention facilities.

12.2 The list of prohibited items, the list of allowed items, goods and products as well as other lists related to the detained and arrested persons detention are stipulated by the Internal Order Regulations.

12.3 The Internal Order Regulations shall not restrict the fundamental rights and freedoms of the detained and arrested individuals stipulated by this Law.

12.4 The management of the detention facility shall, ensure that the detained or arrested individuals are familiar with the Internal Order Regulations and this Law and shall explain to them this Law and Internal Order Regulations, when necessary.

12.5 The chief of the detention facility by written acknowledgement should inform the detained or arrested individuals about the criminal liability that arises for the preparation, keeping, carrying, transporting or using of prohibited belongings, as well as shall inform other persons about the criminal liability arising for handling or passing over those belongings.

Article 13. Investigation and search operations in the detention facilities

13.1 Investigation and search operations can be carried out in the detention facilities in the order provided by the law of the Republic of Azerbaijan on Investigation and Search Operation Activities.

13.2 The chief of the detention facility carries out investigation and search operations in the detention facility. Investigation and search operations in those criminal cases which are under the competence of the relevant executive authority of the Republic of Azerbaijan are carried out together with the chief of the detention facility.

13.3 The control over the implementation of the laws while carrying out investigation and search operations in detention facilities is carried out by the courts and prosecution bodies in line with the legislation.

Part II

Legal status of the individuals kept in detention facilities

Article 14. Basis for the legal status of the detained or arrested individuals

14.1 Detained or arrested persons shall exercise rights and freedoms, and have duties as envisaged by the Constitution of Azerbaijan Republic, Criminal Procedure Code, this Law, and other laws.

14.2 Taking into account the limitations established by the Constitution of the Republic of Azerbaijan and laws foreign citizens or stateless persons detained in the Detention facilities of the Republic of Azerbaijan shall equally exercise rights and freedoms, and have duties as envisaged for citizens of the Republic of Azerbaijan.

Article 15. Basis rights of the individuals

15.1 In addition to the rights envisaged by the Criminal Procedure Code of the Republic of Azerbaijan the individuals kept in the detention facilities shall have the following rights:

15.1.1 immediately after being brought to the detention facility to gain an opportunity to inform about it his/her close relatives or those persons of legal interest to him/her, by phone;

15.1.2. to be detained with guarantee of personal security;

15.1.3 immediately after being brought to the detention facility and during the stay in the detention facility to be familiarized in writing in the language they understand with the Internal Order Regulations, his/her rights and duties, detention regime, proposals, request and complaints procedure and keep this written information;

15.1.4 not to be subjected to ill-treatment, insulting treatment or punishment

15.1.5 be informed about any procedural actions related to them during detention

15.1.6 to meet with defence counsel

15.1.7 to be provided with free of charge food, material and life services and medical and sanitation services during the Detention period;

15.1.8 to take books, newspapers and magazines for a use in the library of the Detention facilities, or to purchase on his/her own expenses available at his/her personal account, writing supplies, literature, newspapers and magazines from commercial network through management of the Detention facilities;

15.1.9 to worship; to use religious supplies and literature;

15.1.10 to receive parcels, dispatches and packages;

15.1.11 to participate in the civil relations; to enjoy the services of a notary;

15.1.12 to be treated with in line with ethical treatment;

15.1.13 to be received by the management of the Detention on Remand facilities;

15.1.14 to keep documents related to his/her criminal case, or to the exercise of his/her rights and legal interests, writings resulted from intellectual activity or their copies, as well as the copies of the replies received in response to the proposals, applications and complaints, except for documents or writings which can be used for the purpose contradicting to the law or containing state, service, professional or other secrets protected under legislative acts of the Republic of Azerbaijan.

15.1.15 to apply with proposals, applications and complaints with regards to the legality and grounds of his/her detention or violation of his/her rights and legal interest;

15.1.16 to sleep during the period when it is prohibited to carry out procedural activities, except for the cases established by the Criminal-Procedure Code of the Republic of Azerbaijan – eight hours at night;

15.1.17 to walk at least one hour per day;

15.1.18 to exercise and enjoy table games;

15.1.19 to use personal belongings, the list and number of which is defined by the Internal Order Regulations;

15.1.20 to use his/her own clothes and shoes, if there is no corresponding cloths to be provided with the cloth that fit the season;

15.1.21. to receive psychological aid

15.1.22. to complain on the decision made by the management of the detention facility concerning the individual

15.2 In addition to the rights prescribed in article 15.1 of this Law the arrested persons shall have the following rights:

15.2.1. to meet with the close relatives or persons of legal interest to him/her;

15.2.2 to subscribe for newspapers and magazines, excluding daily newspapers, on their own expense;

15.2.3 to increase the knowledge via use of special literature for this;

15.2.4 on their own expense to receive money and send money to their close relatives;

15.2.5 to purchase from commercial kiosk on his/her own expense food products and the most necessary goods through the management of the Detention facilities;

15.2.6 taking into account the requirements of this Law and Internal Order Regulations, to conclude a marriage or divorce, as well as to participate in other family law relations;

15.2.7 to have telephone conversation according to the procedure stipulated by this Law

15.3 detained or arrested foreigners and stateless persons have a right to contact within a short period of time the diplomatic and consulate representations of their respective countries in the Republic of Azerbaijan or national or international organisations that patronizes them.

Article 16. Right to personal security

16.1 If a danger occurs to the life and health of the detained or arrested person, or to their personality by other detained or arrested persons, management of the Detention facility

shall immediately take necessary measures to guarantee personal security of these detained and arrested person.

16.2 If a danger occurs to the life and health of the detained or arrested person, or to their personality by the management of the detention facility or the body conducting initial investigation, management of the Detention facility shall immediately take necessary measures to guarantee personal security of this detained and arrested person and to inform relevant prosecutor.

Article 17. Correspondence of the individuals

17.1 The detained or arrested individuals can send and receive unlimited number of letters and telegrams excluding those cases stipulated under Article 17.3 of the Law. Any such correspondence, other than individuals' proposals, complaints and applications, shall be mailed at their own expense.

17.2 Posting of the letters and telegrams of the detained or arrested individuals is carried out through the chief of the place of temporary detention.

17.3 Except for the correspondence with a defence or other persons providing legal aid, for the purposes of preventing preparation of crimes, ensuring criminal prosecution, detention regime as well as life and security of the detained or arrested individuals sent and received correspondence can be limited or censored by the management of the Detention facility. In cases when the management of the Detention facilities has grounded information that the correspondence contains information on committing of an offence, the control over the correspondence of the detained or arrested shall be carried out on the basis of substantiated decision of the management of the detention facility or the body conducting criminal process.

17.4 In order to prevent transfer of prohibited items letters received on the name of detained or arrested individuals or sent to them can be opened by the management of the detention facility. In this case it is prohibited to read the letters. The detained and arrested individuals can correspond with other individuals kept in detention facilities and prisons only upon authorisation of the body conducting criminal process.

17.5 Delivery of letters addressed to the individuals, as well as letters sent by the individuals, shall be carried out by the management of the Detention facilities immediately at the day of or within 3 days of receipt of letters or the day the person submitted for delivery. Telegrams on death of close relatives or serious disease shall be immediately submitted to the detained or arrested individuals.

17.6 Management of the Detention on Remand facilities shall deliver letters received and addressed to the detained or arrested who left the Detention facilities to the place of the detained or arrested persons whereabouts within 3 days.

Article 18. Submission of applications and complaints

18.1 Applications and complaints of the persons addressed to the investigator, prosecutor in charge of procedural aspects of the preliminary investigation, the court, bodies that control functioning of the detention facilities, the Ombudsperson of the Republic of Azerbaijan, UN bodies working on the protection of human rights and freedoms, the European Court for Human Rights and CoE Committee against Torture shall be sent out to the addressee immediately without censorship.

18.2 Responses by the investigator, prosecutor in charge of procedural aspects of the preliminary investigation, the court, bodies that control functioning of the detention facilities to

proposals, applications and complaints of the persons shall be announced to the persons upon their written acknowledgement. Originals of replies are filed with their personal files and copies with the criminal case. In case of a request the copies of replies are given also to the detained or arrested.

18.3 The detained or arrested individuals cannot be persecuted in any form due to submission of proposals, applications and complaints related to violation of their rights and legal interests. Should personnel of the Detention facilities conduct such persecution, they will be liable under the law.

Article 19. Contacts with defence and other persons

19.1 From the moment the order on detention or selection of the arrest as a restrictive measure has been announced the person can meet and maintain contact with the defence or legal representative in private and confidential without limitation of frequency and time.

19.2 A person who requested for legal aid shall not be interviewed before this aid is provided or his/her interview shall not continue in the absence of the defence counsel.

19.3 The evidences collected during the interview that took place in the absence of the defence counsel can not be used in court.

19.4 The wish of Individuals to waive their right to be assisted by defence counsel shall be recorded in writing. The body in charge of the criminal process accepts waiving of this right only in cases when the individual waves this right on a voluntarily basis and in presence of defence counsel or a person to be appointed as a defence counsel. The waive of this right is not accepted when the individual does not have means to hire the defence counsel and in the circumstances stipulated by Articles 92.3.2-92.3.5, 92.3.8, 92.3.12 and 92.3.13 of the Criminal Procedure Code. The defence counsel is mandatorily appointed in these cases or if the defence counsel has already been appointed his powers remain in force.

19.5 The person who waved his right to the defence counsel can use the right to a lawyer when he expresses is wish to do so

19.6 Arrested individuals have a right to meet with close relatives and other individual to whom he has legitimate interest 4 times a month for a duration up to 4 hours under supervision. Should the individual violate the rules established by the Internal Order Regulations the management of the detention facility may stop the meeting substantiating the reasons in a written note

19.7 The detained or arrested individual immediately upon being brought to the detention facility has a right to one call to his/her close relatives and others of legitimate interest to him/her to inform them about his/her detention. Arrested individuals have a right to a telephone conversation to take place once a week and last for 15 minutes. Intercity and mobile conversation expenses shall be paid on the expense of the individuals or his close relatives or others of legitimate interest to him/her.

19.8 Meetings and phone communication with the individuals other than the defence counsel can be restricted in time by the substantiated decision of the body in charge of criminal process in the interests of justice and to prevent the commission of new crimes, ensure the life and security of plaintiffs and other individuals or by the substantiated decision of the management of the facility in cases when it is necessary to ensure the regime in the facility. If such decision is made individuals other than the defence counsel are allowed to meet and have phone communication with the arrested only based on the corresponding written permission of relevant body. The decision that restricts the right of the individuals prescribed by this article

can be contested in court in a manner prescribed by Law. The individual could also complain against such decision of the management to the superior official.

Article 20. Obtaining of food, food products and most necessary goods

20.1 Taking into account age and health condition, cultural and religious traditions, observing normal intervals the individuals shall be provided free of charge with food that meets the requirements to quality and hygiene standards as established by the relevant executive authority

20.2 The detained or arrested individuals can purchase food products and drinks for their own use provided that the hygiene, Internal Order Regulation and security requirements are met.

20.3 The Internal Order Regulations shall define the list of belongings and goods that they are allowed to keep.

Article 21. Material and life provision

21.1 The detained or arrested individuals shall be provided with necessary material and life conditions in the Detention facilities in compliance with requirements to rules of sanitation-hygiene and fire-safety. In cases where necessary, persons detained in the Detention facilities shall be provided with clothes and shoes according to standards envisaged in the legislation. These cloths shall correspond to the honour of the human being and be different from the cloths the inmates wear.

21.2 The detained or arrested individuals shall be provided with individual bed and bedding. In the Detention facilities, residing area norm for the detained or arrested persons shall not be less than four square meters.

Article 22. Provision of medical-sanitation

22.1 Immediately after the detained or arrested individuals are accepted to the detention facility, the management of the facility registers any injuries they observe or any complaint of the individual regarding torture, ill-treatment or degrading treatment that took place before he/she was brought to the facility.

22.2 The arrested persons shall pass through a medical check up within 24 hours after being brought to the facility. Results of the check up are recorded accordingly.

22.3. Complains regarding torture, ill-treatment and other degrading treatment, as well as written information about bodily damage as the result of ill-treatment, torture and other degrading treatment that was revealed during medical examination are sent to the prosecutor that supervises preliminary investigation in order to conduct proper investigation on the said issues.

22.4 Medical-prophylactic and sanitation-hygiene measures, as well as anti-epidemic measures are conducted in the Detention facilities in accordance with the legislation. Rules for medical and psychiatry aid to detained or arrested individuals, including placing of the individuals into the medical institutions, shall be defined by the relevant executive authority.

22.5 Should the detained or arrested individuals receive injuries or be sick, the medical examination shall be carried out by the medical personnel of the Detention facility. Results of the medical examination shall be recorded in accordance with the legislation and presented to the individuals, and if requested to the lawyer.

22.6 Initiated by the motion of the individual or his defence, based on the decision of the body in charge of the criminal process the Medical examination can also be carried out by the expert of the medical institution of his/her choice. In this case expenses for medical treatment shall be borne by the detained or arrested individuals.

22.7 During the medical examination of the detained or arrested individuals the following issues fall under special attention:

22.7.1 keeping the doctor's secret

22.7.2 taking steps to ensure that the physical and psychological illnesses are identified and treated

22.7.3 registering signs of violence against the detained or arrested individuals in details and informing the management of the facility about this

22.7.4 treating abstention symptoms that occurred due to misuse of drugs, medicine or alcohol

22.7.5 identifying any psychological or other stress related to the fact that the individual was placed in detention

22.7.6 isolating an individual if there is a doubt that he is suffering from contingent disease for the duration of the disease and providing treatment

22.7.7 ensuring that HIV positives are not isolated only because they are HIV positive

22.7.8 registering any physical or psychological deficiencies that could impede the reintegration of the individual upon his release

22.7.9 identifying if the individual is fit for labour and physical exercises

22.7.10 informing relevant medical institutions about the necessity to continue medical or psychological treatment of the individual upon his release, provided that the individual's consent is obtained

22.8 medical personnel to conduct medical check up of the detained or arrested individuals before they are released from the detention facility

22.9 In case of serious illness or death of the detained or arrested individual, management of the Detention facility immediately inform their close relatives.

22.10 Corpuses of the detained or arrested individuals shall be given to his/her relatives upon completion of the forensic examination and other procedural steps stipulated by the Criminal Procedure Code. If not is no request to give out the body with 7 days after the death of the detained or arrested individual, he/she is buried at the state expense. If within that period the request is received the corps is kept in the morgue of the relevant executive authority for up to 30 days on the expense of the requester.

Article 23. Obtaining and keeping of literature and written supplies

23.1 The detained persons can use literature of the library of the Detention facilities or purchase at the commercial shop writing materials and literature, as well as newspapers and magazines on their own expense through the management of the Detention facilities. The arrested persons can also subscribe to newspapers and magazines, except for daily newspapers, on their own expense.

23.2 The detained are prohibited to obtain, keep, use, disseminate or subscribe to publications propagandizing war, violence and cruelty, and national or religious hatred, including containing pornography. Arrested persons are not allowed to subscribe to such periodicals.

Article 24. Religious worship and use of religious literature and supplies

24.1 The right to freedom of religion and conscience of the detained or arrested individuals shall be guaranteed. They can worship and use religious literature and supplies in the detention facility. Management of the Detention facilities creates relevant conditions for religious worship. Religious worships shall not violate rights of others.

24.2 The individuals can worship with the participation of religious officials from the religious community registered in accordance with the legislation of the Republic of Azerbaijan, who are invited by the management of the Detention facilities and whose security is guaranteed.

Article 25. Receipt of dispatches, parcels, packages and money-transfer

25.1 The arrested person can receive dispatches, parcels and packages weighting no more than the weight defined by the post delivery once a week, whereas accused every day. Juveniles, persons suffering from serious disease (this should be confirmed by the medical check paper), disabled persons – group I and II, pregnant women, as well as women keeping with her a child aged up to 3 years, can receive dispatches, parcels and packages with no limit of their number and frequency.

25.2 To prevent transfer of the prohibited items and those that detained and arrested are not allowed to keep the dispatches, parcels and packages are checked by the management.

25.3 In cases when the prohibited items are found in the dispatches, parcels and packages sent to the detained and arrested individuals this is recorded, the items are withdrawn and relevant investigation is carried out according to the criminal procedure rules. When the prohibited items are found in the dispatches, parcels and packages sent to the detained and arrested individuals, this is recorded and the items are removed and these items are sent to the warehouse to be stored there until the individual is released or they are returned to the account of a person who has sent the dispatch and the parcel or destroyed upon justified decision of the management of the facility. The detained person is informed about it.

25.4 Upon consent of the chief of the Detention facility detained or arrested individuals can send parcels and dispatches to their close relatives.

25.5 Money-transfer addressed to the arrested shall be transferred to their personal account. The arrested persons can transfer money from their personal account to their close relatives upon the consent of the management of the investigation isolator.

Article 26. Participation of the detained or arrested persons in the civil relations

26.1 The individuals can participate, personally or by means of their representatives, in the civil relations in the order established in the Internal Order Regulations, upon consent of the body in charge of criminal proceedings.

26.2 The arrested can use the services of a notary in the investigative isolator.

Article 27. Not to be subjected to torture, ill-treatment and other degrading treatment or punishment

The detained or arrested individuals cannot be subject to torture and other form of inhuman or degrading treatment or punishment. They can not be kept in detention facilities in degrading conditions.

Article 28. Ethical treatment

The detention personnel have to be kind to the detained or arrested individuals kept in detention. Any actions that insult the detained or arrested individuals kept in detention are prohibited.

Article 29. Special requirements of women in the detention facilities

29.1 Women shall be kept separately from men in the Detention facilities. The women can keep with them children aged up to 3 years. Improved material and life conditions shall be created for pregnant or women keeping with them children aged up to 3 years, and they shall be provided with special medical aid and special food norms.

29.2 Time allocated for daily walking cannot be less than 2 hours for pregnant women and women keeping with them a child aged up to 3 years. In case of disciplinary punishment, they cannot be placed in the punishment cell.

29.3 In case if the woman systematically or intentionally violates the regime of the Detention facility, or does not take care of her child, management of the Detention facilities can raise a motion before the Court requesting to hand over her child to her relatives, or when it is not possible, to the orphanage..

Article 30. Special requirements for juveniles in the Detention facilities

30.1 Juveniles of different sexes shall be kept separate from each other, as well as from adults, in the Detention facilities. Improved material and life conditions shall be established for juveniles, and they shall be provided with special food norms.

30.2 for daily walking for juveniles shall be established not less than two hours. In case of disciplinary punishment, they cannot be placed in the punishment cell.

30.3 During leisure time the conditions are created for the juveniles to watch TV programs, to continue secondary education and do sports in line with the Internal Order Regulations.

Article 31. Involvement in labour

31.1. Voluntarily the detainees can be involved into work in the investigation isolators for remuneration.

31.2. The work activities in investigation isolators is regulated by the labour legislation of the Republic of Azerbaijan.

31.3 The Internal Order Regulations identify the activities and posts that arrested can not undertake in the investigative isolators.

Article 32. Basic duties of the detained or arrested individuals

32.1 The individuals shall have the following basic duties:

32.1.1 to obey rules established by this Law and the Internal Order Regulations;

32.1.2 to obey legal requirements of the management of the Detention facilities;

32.1.3 to obey sanitation and hygiene rules;

32.1.4 to obey fire-safety rules;

32.1.5 to use property of Detention facilities with care;

32.1.6 to clean cell in turns (wipe and wash);

32.1.7 to treat personnel of the Detention facilities and other detained and arrested persons politely;

32.1.8 not to impede personnel of the Detention facilities performing their duties;

32.1.9 not to perform actions that pose danger to his/her or other person's life and health;

32.2 The Internal Order Regulations identify the list with prohibited belongings that the arrested prepares, possesses, holds, carries and uses. Preparation, possession, holding, carriage and use of these belongings results in the criminal liability stipulated under the legislation of the Republic of Azerbaijan.

Part III

Regime in the detention facility and its guarantee

Article 33. Duties of management of the Detention facilities

33.1 Management of the Detention facilities shall have the following duties:

33.1.1 to receive the person brought to the detention facility and to immediately record the following information

33.1.1.1 name, surname, family name, date of birth, place of birth and resident address

33.1.1.2 the ground for detention or arrest of the individual, the body that issued the decision to detain or arrest the individual

33.1.1.3 date and time of being brought to the facility

33.1.1.4 the list of belongings of the individual and what does to the warehouse

33.1.1.5 any injuries that can be observed and any complaint about ill-treatment that took place before arriving to the detention facility

33.1.1.6 information about individual's physical and psychological deficiencies that could affect the conditions of detention of himself and others, provided that the doctor's confidentiality is observed

33.1.2 to provide detained or arrested person immediately after arrival to the detention facility with an opportunity to inform his/her close relatives or other persons of the legal interest about the apprehension, arrest and the place of detention (the management of the

detention facility can not give such an information on its own initiative to his/her relatives or other individuals except the cases connected with the detained or arrested person's age, health or psychological condition). if the individual is a foreigner or a stateless person to inform immediately the diplomatic representation or consulate of the state where he has a citizenship or a permanent residency located in the Republic of Azerbaijan. To record that such information was provided.

33.1.3 to ensure that the individuals immediately after they are brought to the detention facility go through the medical check up

33.1.4 to inform the individuals about their rights and duties, detention regime and appeals, proposals, complaints procedures in accordance with the Internal Order Regulations and to provide explanations about this.

33.1.5 to facilitate meetings of the detained with the defence counsel;

33.1.6 to facilitate meetings of the arrested with the defence counsel or legal representative, close relatives and those who are of legitimate interest to the individual;

33.1.7 to ensure personal security of the individuals in the Detention facility;

33.1.8 to give copies of the procedural documents addressed to the individuals on the day of their arrival; if these documents were received during the night – to give them out not later than 12:00 in the morning;

33.1.9 to register any proposals, applications and complaints of the individuals;

33.1.10 In line with this Law to guarantee mailing of letters, telegrams, proposals, requests and complaints of the individuals.

33.1.11 to ensure the delivery of the individuals to the body in charge of criminal proceedings in a timely manner;

33.1.12 to draft a protocol on refusal of the individuals to participate in investigation or other procedural actions.

33.1.13 to create conditions in the Detention facilities for investigation actions or other procedures with participation of the persons on the basis of written instruction of investigator, prosecutor in charge of procedural aspects of preliminary investigation or court;

33.1.14 to transfer the individuals to another Detention facility on the basis of the Court decision;

33.1.15 to create favourable conditions for arrested persons to use the phone;

33.1.16 to inform prosecutor in charge of procedural aspects of preliminary investigation on expiration of the detention period of the arrested person 7 days in advance of the expiration of the detention period;

33.1.17 To create conditions for the arrested to enjoy the services of a notary

33.1.18 to release immediately arrested person in cases specified by Criminal Procedure Code of the Azerbaijan Republic and Article 48 of this Law.

33.2 The management of the facility has to ensure that the results of the medical check that has been conducted upon arrival of the individual to the detention facility are added to the information about his/her health

33.3. The following information shall be recorded with regard to the participation of the inmate in the legal proceeding:

33.3.1 the body conducting legal proceedings

33.3.2 the place and time of legal proceedings

33.3.3 the injuries observed before and after legal proceedings and any complaint regarding torture, ill-treatment or inhuman treatment during the legal proceedings

Article 34. Rules governing the detention of the detained or arrested individuals.

34.1 The detained or arrested individuals shall be detained in mass or individual cells, in compliance with requirements of Articles 29, 30 and 35 of this Law.

34.2 Placement of the arrested person in individual cell shall be carried out on the basis of a substantiated decision of the management of the Investigation Isolator ;

34.3 In the following cases the detained or arrested can be placed in the individual cell:

35.3.1 in case of written request of the individuals for his/her placement in the individual cell;

34.3.2 with the purpose to ensure security of the detained or arrested individuals;

34.3.3 when impossible to fulfil otherwise the requirements of Article 35 of this Law on placement in cells separately

34.4 detained or arrested individuals are prohibited to communicate and correspond as well as to exchange belongings with the individuals in other cells.

Article 35. Separate detention of the detained or arrested individuals in cells

35.1 When placed into cells the individuals age, sex, type of the crime, previous conviction, health condition are considered

35.2 The following detained or arrested individuals are kept separately in the Detention Facilities:

35.2.1 women separate from men

35.2.2 juveniles separate from adults

35.2.3 individuals who committed crime for the first time separate from those who served their sentences in the penitentiary institutions before

35.2.4 detained and arrested separate from those convicts against whom sentence came into force, except for cases provided by Law.

35.2.5 upon the order of the body in charge of the criminal proceedings detained or arrested persons separate from other detained or arrested persons who are prosecuted for the same criminal case;

35.2.6 former employees of the relevant executive authorities, or former judges, prosecutors, investigators, separate from other detained or arrested individuals.

35.2.7 detained or arrested persons separate from those who pose danger to life and health (upon the decision of the management of the detention facility or the body conducting criminal process)

35.2.8 person with serious contingent sickness or those who need special medical care control separate from each other and from healthy persons.

35.2.9 person in the critical psychological state that can injure himself or surroundings should be kept in the special cell separate from others

Article 36. Safety and control over the detained or arrested individuals

36.1 The staff of the detention facility shall ensure that the detained or arrested individuals in the Detention facilities are protected and remain under control. Their movement across the territory of the Detention facility shall be under observation of personnel of the Detention facility.

36.2 Video, electronic and other technology supplies can be used upon carrying out control.

36.3 Record of dactyloscopy of the detained or arrested individuals shall be registered, their photos shall be taken and personal check up shall be carried out. Search in places of detention where the detained or arrested individuals are kept shall be carried out; their belongings, parcels, dispatches and packages shall be checked.

36.4 Sanitation and hygienic measures applied towards the persons or their personal check shall be carried out by the personnel of the Detention facility of the same sex.

36.5 Upon detection of belongings preparation, storage, keeping and carrying of which is prohibited they should be listed this is recorded and the items are confiscated, the investigation shall be carried out in accordance with the criminal procedure legislation. Upon detection of belongings keeping which is not allowed this recorded, the items are sent to the warehouse to be stored there until the individual is released or destroyed upon justified decision of the management of the facility. The detained person is informed about it. The detained persons sign the list of allowed items

36.6 Money found in the Detention facility shall be transferred to the owner's account. If securities or any other prohibited belongings are found, the individuals can apply to the state body implementing criminal procedure and on the base of it's decision the belongings of the individual can be given to the relatives or persons of legal interest to him/her.

36.7 The belongings of the detained or arrested persons that are placed in the warehouse should be kept in the good condition. In cases when the decision is taken to destroy handed over belongings the individual is informed about this.

36.8 In cases when the detained or arrested individual has medicine on him the use of such medicine shall be authorised by the decision of the medical personnel of the facility.

36.9 Personnel of the Detention facility shall check at the entrance and exit of the Detention facility arriving and leaving person's belongings and clothes, including entering and leaving vehicles; should belongings, substances and food products prohibited for use and maintaining

by the persons be found, they shall be withdrawn and the relevant investigation is carried out based on the rules identified by criminal procedure legislation. When the items that the detained and arrested individuals are not allowed to keep are detected in the vehicles and on arriving persons these items are returned back to those on whom they were found if there is no liability prescribed by Law.

36.10. When the detained or arrested persons are transferred from temporary detention to investigation isolator all belongings taken from them are listed and sent to the investigation isolator.

Article 37. Provision of regime in the areas adjacent to Detention facilities

Borders of areas adjacent to place of temporary detention and investigation isolators shall be defined by the relevant executive authority.

Article 38 Application of incentive measures in the investigation isolator

38.1 The following incentive measures shall apply to the arrested persons for the exemplary behaviour:

38.1.1 gratitude

38.1.2 early suspension of disciplinary punishment

38.2 Incentive measures for the arrested persons shall be applied according to the decision of the chief of the detention facility.

Article 39. Measures of disciplinary punishment in the investigation isolators

39.1 In case of violation with malicious intent of this law or the Internal Order Regulations, the following measures of disciplinary punishment against the accused persons can be applied:

39.1.1 warning;

39.1.2 reprimand;

39.1.3 placement into punishment cell for the period of up to 7 days,

39.2 The following actions are considered violations of internal order regulations with malicious intent:

39.2.1 do not obey the legal requirements of the personnel of the detention facility

39.2.2 threaten those who are performing their duties

39.2.3 threaten or insult other arrested persons

39.2.4 minor hooliganism

39.3 Measure of disciplinary punishment shall be carried out on the basis of the substantiated decision of the chief or acting chief of the Detention facilities. The copy of the said decision is demonstrated to the detainee and the right to complain about this is explained. The proper registration is taken.

39.4 Only one measure of disciplinary punishment can be applied for one violation.

39.5 Measure of disciplinary punishment shall be applied taking into account the cases of violation of rules established in the Detention facilities and behaviour of the arrested person. Measure of disciplinary punishment shall be applied within 5 days following the day of the violation revealed, and not later than 1 month following the day violation committed when verification is carried out and finished.

39.6 The arrested who is charged with the violation of internal order regulations have the following rights:

39.6.1 to receive information about what is the charge

39.6.2 to have enough time and proper conditions to defend himself

39.6.3. to defend himself or in necessary cases to use the services of the defence counsel

39.6.4 to use the services of interpreter free of charge

39.6.5 to demand the interviewing of the witnesses and to be present during these interviews

39.7 Before applying the measure of disciplinary punishment, explanation shall be taken from the arrested person. Should the arrested person refuse to provide explanation, the act also containing a reason for refusal shall be prepared.

39.8 The arrested persons can file complaints with the superior official or the court against the measures of disciplinary punishment. Filing complaints shall not suspend application of the measure of disciplinary punishment.

Article 40. Placement in punishment cell

40.1 Punishment cell is a place for putting the arrested person upon he/she violates with malicious intent this Law and the Internal Order Regulations

40.2 Placement in punishment cell shall apply as a measure of last resort to the individuals who have been disciplinary punished two or more times in the order provided by Article 39.1.1 or 39.1.2 of this Law

40.3 The arrested person placed in the punishment cell shall be provided with the place for sleep and bedding.

40.5 During the period in the punishment cell, the arrested person, shall be prohibited to obtain food products, dispatches, parcels and packages, use table-games, watch TV programs. Dispatches, parcels and packages, shall be given to the arrested person after release from the punishment cell.

40.6 The meeting and correspondence during the stay in the punishment cell can be only prohibited in the circumstances when the placement in the punishment cell was related to the violation that is linked to the meetings and correspondence.

40.7 The individuals placed in the punishment cell shall have the right to daily walking not less than one hour per day.

40.8 upon placement into the punishment cell the individuals has to be checked by the medical personnel and be provided with necessary medical assistance immediately and during their stay in the punishment cell at least once a day

40.9 Based on the medical opinion regarding impossibility to keep the arrested person in the punishment cell because of his health condition, the individual is released from the punishment cell.

40.10 Release from the punishment cell shall be recorded accordingly

40.11 Pregnant women and women with kids under three years old and juveniles shall not be placed to the punishment cell.

Article 41. Material liability of the detained or arrested individuals.

41.1 The detained or arrested individuals shall bear material liability in the order provided for by the legislation for damage they caused to the state property during their detention in the Detention facility.

41.2 Amount of damage the detained or arrested individuals caused to the state property shall be defined by the decision of the chief of the Detention facility or acting chief on the basis of check-up materials. Decision on indemnification of the damage shall be announced to the individual upon written acknowledgement. The individuals can complain to the superior official or the court against the decision.

41.3 In case that the individual refuses to indemnify material damage voluntarily, the indemnification of this damage shall be carried out by courts in the order provided for by the legislation of the Republic of Azerbaijan.

41.4 Amount incorrectly withheld for the damage indemnification shall be returned, and transferred to the personal account of the individual.

41.5 Upon request of the detained or arrested persons material damage could be paid by relatives or other individuals if they agree to so.

41.6 In case of transfer to a prison upon final conviction, the unpaid amount of indemnification shall be withheld from the personal account of the person by the management of the prison.

41.7 Upon release of the individual from the Detention facility, the unpaid amount of indemnification can be withheld by the court in the order provided for by the legislation of the Republic of Azerbaijan.

41.8 Material damage the personnel of the Detention facility caused to the individual shall be indemnified in the order provided for by the legislation of the Republic of Azerbaijan.

Article 42. Measures taken upon refusal of the detained or arrested individual from food

42.1 In case that the individual refuses from food, the chief or acting chief of the Detention facility shall clarify the reason of this refusal, and inform immediately in writing the body in charge of criminal proceedings.

42.2 In case that reasons for refusal from food are grounded, the management of the Detention facility shall undertake urgent measures to satisfy demands of the individual. Should immediate satisfaction of demands be impossible, the individual shall be provided with the relevant explanation and measures to satisfy the demand shall be taken.

42.3 The individual refusing from food shall be placed separately from other detained or arrested persons on the basis of the grounded decision of the chief or acting chief of the Detention Facility and shall be under observation of the medical personnel.

42.4 Release of the individual refusing from food from the obligations arising from the detention regime is provided on the ground of medical opinion issued by the doctor.

42.5. Individual who refuses to eat shall be provided with breakfast, lunch and dinner and proposed to have these meals in the quantity and at times defined by the Internal Order Regulations with relevant registration. If this proposal is rejected a note on it shall be made in the registrar on food delivery.

42.6. If there is a risk for the life of the individual who refuses to eat and if s/he loses a real capability of making relevant decisions then with the written opinion of a doctor and his/her participation the measures including forcible feeding on improving the health condition of a detained and arrested who refused the meal shall be taken.

42.7 Refusal from food cannot prevent from sending the individual to other detention facility and from his participation in investigation actions and court hearings. Transfer of the individuals who refused from food to other detention facility is carried out under observation of medical personnel to other Detention facility, if necessary.

Article 43. Conditions and limits in the use of physical force, special tools or fire-arms

43.1 Use of physical force, special tools or fire arms by the personnel of the Detention facility or the personnel of the relevant executive authorities of the Republic of Azerbaijan that have been invited to ensure legal order in the detention facility shall be carried out in cases and in manner established by this Law and other normative legal acts of the Republic of Azerbaijan.

43.2 The following conditions shall be followed when physical force, special tools or fire arms are applied:

43.2.1 use of physical force, special tools or fire arms shall be applied against a human being as a last resort or as a necessary defence when all other means do not lead to the desired result and depends on the gravity of the violation and the personality of those who commit it;

43.2.2 with the exception of the cases when there is an attack by a group or with the use of fire arms as well as weapon resistance the use of physical force, special tools or fire arms shall not be used against women, juveniles, those who have minors with them, physically or psychologically individuals with disabilities as well as at public places where people gather or can be damaged;

43.2.3 physical force, special tools or fire arms may only be applied only while the real danger and in order to prevent immediate threats;

43.2.4 the use of physical force, special tools or fire arms should be proportional to the danger;

43.2.5 Depending on the character of the violation and degree of the danger as well as the strength of the resistance there should be a try to minimize damage;

43.2.6 before applying fire arms oral notification shall be announced or notification fire shall be opened (if sudden, i.e. unexpected attack occurs as well as in cases when fire arms, mechanical vehicles, wild or other animals that cause danger are used for the attack fire arms can be applied without notification);

43.2.7. First medical aid to those injured shall be ensured

43.3 The use of physical force, special tools or fire arms is properly recorded. In any case when physical force, special tools are applied by the personnel of the detention facility, its

management shall inform in writing the relevant executive authority and when the fire arms are applied the Prosecution Office as well.

43.4 In any case when physical force, special tools or fire arms are applied by the personnel of the detention facility an investigation shall be carried out by the relevant executive authority of the Republic of Azerbaijan and the relevant opinion shall be drafted as to the legality of the application of physical force, special tools or fire arms.

43.5 Disciplinary and criminal liability as stipulated by legislation shall be applied in cases when the personnel of the Detention facility are exceeding their authority and applying excessive physical force, using special tools and/or fire arms beyond self defence and necessity edge requirements, including when apprehending a person who allegedly committed a crime.

Article 44. Use of physical force in detention

The use of physical force in detention is applied to prevent the crimes that are under preparation, or are currently committed as well as to prevent other violations of the law, to lift the resistance to the lawful orders of the personnel of the detention facility, when all this can not be ensured by other means.

Article 45. Use of special tools in the detention facilities

45.1 Special tools may be used in the following cases:

45.1.1 to repulse physical and immediate attacks of the detained or arrested against the personnel of the Detention facilities or others;

45.1.2 to stop mass disorders or violations of the regime in the Detention facilities committed by a group;

45.1.3 to stop illegal actions of the detained or arrested persons disobeying of and physically resisting to legal demands of the personnel of the Detention facilities or personnel of the relevant executive authorities of the Republic of Azerbaijan involved to restore order in the Detention facilities,

45.1.4 to free hostages, occupied buildings, areas, facilities and vehicles;

45.1.5 to prevent attempt of the individuals to escape from the Detention facilities;

45.1.6 to prevent attempt of the individuals to injure himself/herself and those around them;

45.2 The following special tools may be used against the individuals:

45.2.1 rubber truncheons – in cases specified in Articles 45.1.1 – 45.1.6 of this Law;

45.2.2 handcuffs – in cases specified in Articles 45.1.3 and 45.1.5- 45.1.7 of this Law;

45.2.3 disseminating and affecting tools of light-sound – in cases specified in Articles 45.1.1 – 45.1.4 and 45.1.6 of this Law;

45.2.4 tools of breaking obstacles – in cases specified in Article 45.1.4 of this Law;

45.2.5 water-shooting vehicles and armoured vehicles – in cases specified in Article 45.1.2 and 45.1.4 of this Law;

45.2.6 –service dogs - in cases specified in Article 45.1.1 – 45.1.6 of this Law;

45.2.7 tear-gas – in cases specified in Articles 46.1.1 – 45.1.6 of this Law.

Article 46. Use of fire-arms

46.0 Fire-arms may be used in the Detention facilities in the following cases as a measure of last resort or in case of self-defence:

46.0.1 to protect the personnel of the Detention facilities or the detained or arrested or other persons from attacks posing and immediate threat and real danger to their life and health;

46.0.2 to free hostages whose health and life is in real danger and when other measures are not effective;

46.0.3 to break armed organized attacks to buildings, facilities and vehicles of the Detention facilities;

46.0.4 to restrain detainees for resisting with fire-arms or for posing serious harm to health that creates an immediate threat and real danger to the life of the personnel of the detention facilities or other detainees;

46.0.5 to prevent escape of the detained and arrested persons from the Detention facility if other measures are not effective;

46.0.6 to restrain detainees who disobey legal demand of the personnel of the Detention facility to hand in fire-arm and in order to apprehend the armed individual who poses immediate threat and real danger to health and life of the personnel of the Detention Facilities or other detainees;

Article 47. Application of the regime of special condition in the Detention facilities

47.1 In case of mass disorders causing an immediate threat and real danger to life and health of the arrested and others as well as natural disasters or other emergency situations, based on the decision of the relevant executive authority the regime of a special condition can be applied for the period up to 30 days.

47.2 During the period of application of the regime of special condition, all events with participation of detained or arrested persons shall be limited or suspended, protection of and control over the detained or arrested persons, as well as regime of entrance shall be strengthened, receipt of dispatches, parcels and packages shall be suspended, and other measures may be taken for the purpose of ensuring a normal activity of the Detention facility.

47.3 In case of an immediate threat and a real danger posed to life and health of the detained or arrested persons and others, the chief of the Detention facility can apply measures established in Article 47.2 of this Law. In this case he should immediately inform the supervising relevant executive authority.

47.4 The information about application of the regime of special condition is provided to the Prosecution Office in writing.

47.5 The regime of a special condition is terminated by the relevant executive authority who issued a decision on the application of this regime.

Part IV
Conclusive Provisions

Article 48. Grounds and rules for release of the individuals

48.1 A decision to release a person detained or arrested in line with the Criminal Procedure Code of the Republic of Azerbaijan, taken by the body in charge of the criminal proceedings constitutes a ground for release and should be immediately enforced by the management of the detention facility immediately.

48.2 The chief of the Detention facility, by preparing the relevant protocol, shall release the detained or arrested person without a decision of the body in charge of the criminal proceedings in the following cases:

48.2.1 expiration of the detention period identified by the court decision and non-extension of this period;

48.2.2 expiration of the last period of detention established in the Criminal-Procedure Code of the Republic of Azerbaijan;

48.2.3 submission of information from the body in charge of the criminal proceedings on paid bail defined by the court for release from the detention;

48.3 Chief of the Detention facility shall inform the body in charge of the criminal proceedings 7 days in advance of the expiration of the detention period of the arrested person.

48.4 The date and time of release shall be recorded

48.5 During the release of the detained or arrested individual the goods handed in to the warehouse and the money shall be returned. The individual is certifying the receipt of the property with his/her signature.

48.6 Criminal liability arises in cases when in the circumstances provided by article 48.2 of this law the chief of the detention facility or acting chief does not release the arrested person.

Article 49. State and public control

49.1 Internal control of the Detention facilities shall be exercised by the relevant executive authorities within the frame of the powers established in the legislation. External control and oversight shall be exercised by the courts and the prosecution authorities.

49.2 The Commissioner for Human Rights of the Republic of Azerbaijan or the members of the National Preventive Mechanism at any time without any restrictions and prior notification can enter the facilities and meet and talk with the detained or arrested individuals and any other individuals who could provide them with necessary information in private or when necessary in presence of the expert or an interpreter, get familiar with and receive copies of all the documents confirming the legality of his/her detention and related to his/her detention conditions and treatment, prepare the act and draft the protocol regarding the visit and its results.

49.3 Public control of the Detention facilities shall be exercised in a manner established in the legislation.

Article 50. Responsibility for the violation of this law

The violation of this Law provides for responsibility in accordance with the legislation.