Regarding the inquiry of the UN Human Rights Council (UNHRC) Special Rapporteur on the promotion of truth, justice, reparations, and guarantees of non-recurrence measures regarding the preparation of a report on "Documentation of serious human rights violations in the context of transitional justice processes.

Information

It should be noted regarding the first and second questions mentioned in the inquiry that the unified registration of crimes in the Republic of Azerbaijan is carried out by the Ministry of Internal Affairs of the Republic of Azerbaijan.

According to the "Rules for Maintaining Unified Registration of Crimes in the Republic of Azerbaijan," approved by Decision No. Q8-001-17 of the Collegium of the Ministry of Internal Affairs of the Republic of Azerbaijan dated February 16, 2017, the unified registration system for crimes and individuals who committed them provides for the centralized registration of crimes committed or prepared in the Republic after the initiation of criminal cases, the approval of the final protocol based on the results of simplified pre-trial proceedings for evident crimes that do not pose significant public danger, the adoption of relevant decisions on materials rejecting the initiation of criminal cases without exonerating grounds, or simplified proceedings that have been terminated. It also includes tracking the movement of criminal cases and the outcomes of preliminary investigations, recording individuals who committed these crimes, and subsequently updating these indicators based on the results of judicial review.

This Instruction is intended for the prosecution, police, judiciary, tax authorities, emergency services, state customs authorities, state border service, and state security services. The unified registration of crimes, including materials collected on crimes committed or prepared and criminal cases under the jurisdiction of these bodies, is carried out by the Main Operational and Statistical Information Department of the Ministry of Internal Affairs. The registration of criminal cases, committed crimes, and individuals who committed them, as well as the preparation of statistical reports on the state of crime, is carried out by the Ministry of Internal Affairs of the Republic of Azerbaijan and the Military Prosecutor's Office of the Republic of Azerbaijan as appropriate. The registration of cases based on complaints filed under private prosecution procedures is carried out by the courts.

The forms filled out and signed by the investigator (inquirer) are signed by the relevant district prosecutor or their deputy, the military prosecutor or their deputy, and the heads of the relevant investigation departments and divisions in higher prosecutorial bodies. For this purpose, after filling out and signing the forms, investigators (inquiring officers) submit them along with the criminal case (material) to the respective prosecutor. After the statistical forms are signed by the prosecutor, they are immediately handed over by the investigator and inquirer to the employee responsible for registration, accounting, and statistical work at the relevant police body and military prosecutor's office.

The information in the forms and cards related to crimes, criminal cases (materials), and individuals who committed crimes is entered into the computer. The completion of the accounting documents and the entry of the information reflected in them into the computer are carried out based on the software developed by the Ministry of Internal Affairs (MIA) Statistical Information and Analysis Department. The programs for generating reports submitted from the Ministry of Internal Affairs to the State Statistical Committee and other relevant bodies are directly developed by the MIA Statistical

Information and Analysis Department and are provided to the relevant statistical authorities in accordance with the established procedures for obtaining various types of reports.

According to the Criminal Procedure Code of the Republic of Azerbaijan, the information of individuals that is considered grounds for initiating a criminal case for a committed or prepared crime may be provided in writing or orally.

In every case where information about a committed or prepared crime is received, the investigator, inquirer, or prosecutor overseeing the preliminary investigation must make one of the following decisions:

- Initiate a criminal case;
- Reject the initiation of a criminal case;
- Send the information to the relevant investigative authority;
- Send the information about a crime subject to private prosecution to the relevant court authority.

With the exception of the situation provided for in Article 207.5.4 of this Code, when information about a committed or prepared crime is received, the court immediately sends all the information it has to the prosecutor overseeing the preliminary investigation (Article 207).

The direct discovery of information about committed or prepared crimes by the investigator, inquirer, or prosecutor leads to the initiation of a criminal case in the following cases:

- When the investigator, inquirer, or prosecutor detects signs of the commission of a crime or its traces and consequences immediately after the crime has been committed;
- When the investigator receives information about the crime from the staff of the investigative body conducting operational-search activities or from others while performing their duties during the investigation of another crime, in accordance with Article 86 of this Code (Article 86. Investigator);
- When the inquirer receives information about the crime while performing their duties during the investigation of another crime, in accordance with Article 85 of this Code (Article 85. Investigator);
- When the prosecutor receives information about the crime while performing their duties during the preliminary investigation or judicial proceedings of another crime, in accordance with Article 84 of this Code (Article 84. Prosecutor), or in accordance with the laws of the Republic of Azerbaijan;
- When the court receives information about the crime while performing its duties during any judicial proceeding (Article 208).

The prosecutor overseeing the preliminary investigation must also immediately initiate a criminal case based on the following circumstances:

- When a human body is found with traces of signs of murder;
- When an unidentified human body, parts of a human body, or burial sites of such remains are found;
- When signs of mass deaths, infections, or poisoning of people are present;
- When a strong explosion or fire occurs in public or residential areas, or in the buildings of state institutions, offices, or organizations;
- When firearms, combat ammunition, explosives, radioactive materials, or poisonous substances are found, except for lawful detention cases;

- When there are signs of kidnapping or hostage-taking, or when people go missing under circumstances that suggest they may have been killed;
- When a person is unlawfully deprived of their freedom;
- When acts of desecration are committed against historical or cultural monuments, or graves;
- When there is an armed rebellion, violent seizure of power, or unlawful detention;
- When there are open calls for the violent change of the constitutional order of the Republic of Azerbaijan;
- When there is a mass riot;
- When a sabotage or terrorist act is committed;
- When an attempt is made on the life of the President of the Republic of Azerbaijan, the former President of the Republic of Azerbaijan or their spouse, a member of the National Assembly of Azerbaijan, or a member of the Cabinet of Ministers of Azerbaijan;
- When there is contempt of court;
- When an attempt is made on the life of a judge, prosecutor, investigator, inquirer, lawyer, expert, or a person who has suffered damage in the course of the investigation or preliminary investigation, or a witness in the criminal case;
- When a person who is serving a sentence or is in custody escapes from a place of confinement, detention, or protective custody (Article 209).

It should also be noted that in the Republic of Azerbaijan, the formation, protection, use, and activities of archives are regulated by the Law on the "National Archive Fund."

According to the law, regardless of the source of origin, place of storage, or ownership form, archive documents in the Republic of Azerbaijan are included in the National Archive Fund. Archive funds and documents owned by the state form the state-owned part of the National Archive Fund. Archive funds and documents not owned by the state form the non-state part of the National Archive Fund. The rules for the completion, preservation, and use of the National Archive Fund are determined by the regulations approved by the Cabinet of Ministers of the Republic of Azerbaijan (Article 4).

The archives of the central and local security, other special services, and internal affairs bodies, as well as the 1st departments of the Azerbaijan Communist Party and administrative bodies that operated in the Azerbaijan SSR, constitute a special part of the state archive fund. The preservation of the archive funds of the prosecutorial bodies of the Republic of Azerbaijan, as well as the relevant executive authorities, is carried out by those bodies themselves (Article 8).

The documents of the state archive fund are preserved as objects of state property. The documents of the state archive fund cannot be the subject of contracts involving purchase, sale, or changes in ownership form and can only be made available in the manner prescribed by law. Regardless of the ownership form, the archive documents of the administrative bodies, enterprises, and organizations operating in the Republic of Azerbaijan in accordance with the law are the property of those organizations. When a state or municipal enterprise or organization is privatized, its archive fund remains in state ownership. When a physical person passes away, their ownership rights to archive documents are transferred to their heirs; in the case of a legal entity being reorganized, the ownership rights to its archive documents are transferred to its legal successor. If a legal entity is liquidated, or if there are no heirs to a deceased physical person, the ownership rights to their archive documents are transferred to the state. If the ownership rights to archive documents owned by a physical or legal person are transferred to another party, the heir of the deceased physical person or the legal successor of the legal person must notify the relevant state archive service organization within 30 days from the date of acquiring ownership. When a legal entity is liquidated, the liquidation commission established for the liquidation of that entity must ensure that the archive documents of the

liquidated legal entity are transferred to the relevant state archive service organization at the location of the legal entity, and obtain a certificate from the appropriate body (institution) designated by the relevant executive authority in the prescribed form, confirming the transfer. The state archive service organization must provide this certificate on the day the archive documents are handed over. The archive documents of physical persons are their personal property. The state guarantees the rights of owners of archive documents, regardless of ownership form (Article 9).

In the Republic of Azerbaijan, the state archive service is established for the implementation of archive work, the formation, preservation, and use of the National Archive Fund. The state archive service includes the body (institution) designated by the relevant executive authority, state archives of the Republic of Azerbaijan, branches of state archives, and district (city) state archives with changing compositions of documents. State archive service organizations are responsible for the completion, state registration, preservation, and use of documents belonging to the National Archive Fund. They also provide paid archive services to legal and physical persons in accordance with this Law. The list of paid archive services and the fees for these services are determined by the Cabinet of Ministers of the Republic of Azerbaijan (Article 15).

All legal and physical persons in the Republic of Azerbaijan have the right to use the documents of the state archive fund. The use of documents from the National Archive Fund by legal and physical persons in the Republic of Azerbaijan may only be restricted for the purpose of protecting state, professional, commercial, personal, or family secrets, or based on the decision of the owner of privately held archive documents. Foreigners and stateless persons may use the documents of the state archive fund of the Republic of Azerbaijan in accordance with international agreements, provided they comply with the requirements of the legislation of the Republic of Azerbaijan. Documents from non-state archive funds may be used with the consent of their owners (Article 16).

The "Regulations on the Completion, Preservation, and Use of the National Archive Fund" were approved by the Cabinet of Ministers of the Republic of Azerbaijan through its decision No. 32, dated March 6, 2000. The rules for the completion, preservation, and use of the National Archive Fund are defined by these Regulations.

The completion of the National Archive Fund refers to its regular supplementation with archive documents of public-political, economic, scientific, social-cultural, or historical significance. The scientific foundations for the completion of the National Archive Fund involve determining the classification principles of documents, their completion sources, and the criteria and principles for their expertise. The management and oversight of the completion of the National Archive Fund are carried out directly by the National Archive Administration of the Republic of Azerbaijan. The sources for the completion of the National Archive Fund are state and non-state authorities, organizations, enterprises, and individuals who produce archive documents of public-political, economic, scientific, social-cultural, or historical importance. The completion of the National Archive Fund is carried out in accordance with the lists of institutions (persons) that are considered sources for completion by state archive service organizations. The lists of completion sources are prepared by state archive service organizations and are reviewed and approved by the National Archive Administration.

The archive documents generated as a result of the activities of institutions, organizations, and enterprises, which are included in the National Archive Fund, are transferred to the relevant state archive service organizations for permanent preservation in accordance with the "Rules for the Transfer of Archive Fund Documents for Permanent State Preservation," approved by the Cabinet of Ministers of the Republic of Azerbaijan with its Decision No. 163, dated May 24, 2023, after the expiration of the periods specified in Article 10 of the "National Archive Fund Law" of the Republic of Azerbaijan.

The permanent preservation of the archive funds of the prosecution bodies of the Republic of Azerbaijan, as well as the Ministry of Justice of the Republic of Azerbaijan, the Ministry of Internal Affairs of the Republic of Azerbaijan, the Ministry of Foreign Affairs of the Republic of Azerbaijan, the Ministry of Defense of the Republic of Azerbaijan, the Ministry of Emergency Situations of the Republic of Azerbaijan, the State Border Service of the Republic of Azerbaijan, the State Security Service of the Republic of Azerbaijan, the Foreign Intelligence Service of the Republic of Azerbaijan, the State Service for Mobilization and Conscription of the Republic of Azerbaijan, the State Migration Service of the Republic of Azerbaijan, the Security Service of the President of the Republic of Azerbaijan, the State Service for Special Communications and Information Security of the Republic of Azerbaijan, and the State Agency for Protection of Strategic Objects of the Republic of Azerbaijan is carried out by these respective bodies themselves.

Protection of the National Archive Fund: A set of measures should be implemented to ensure the preservation of the documents in the National Archive Fund:

- Create optimal conditions for the protection of archive documents;
- Place archive documents in storage rooms and prepare topographical indicators for them;
- Strictly adhere to the rules regarding the issuance of documents from storage rooms;
- Check the availability and physical condition of the documents;
- Create an insurance and usage fund for particularly valuable archive documents;
- Ensure the physical-chemical and biological preservation of archive documents.

To create optimal conditions for the protection of archive documents, the following actions should be taken:

- Construct new archive buildings or renovate and repair old buildings;
- Equip storage rooms where archive documents are kept with fire protection equipment and fire alarm systems;
- Use technical means that create optimal temperature (humidity) and sanitary-hygienic conditions in storage rooms;
- Utilize special means (cages, shelves, safes, boxes, folders, etc.) for the preservation of archive documents.

Special buildings should be constructed for the National Archive Fund, or existing buildings should be adapted for archival purposes. This process must include the proper reception and preservation of archive documents, the placement of scientific information tools and registration documents, and facilities for the production of microfilm and photographic copies of archive materials. Additionally, laboratories for restoration, binding, and duplication of documents, rooms for staff, reading rooms for public access to archives, and exhibition halls should be included to ensure the effective use and preservation of the archive documents.

Regardless of the form of ownership, documents included in the National Archive Fund are registered by the National Archive Administration for the purpose of ensuring their preservation, exercising control over them, and obtaining necessary information about their quantity.

Documents from the National Archive Fund, preserved in state archive service organizations, are used for public-political, economic, scientific, social-cultural purposes, as well as to protect the legal and lawful interests of citizens.

In the Republic of Azerbaijan, all legal and physical persons have the right to use the state-owned portion of the National Archive Fund, which is preserved in state archive

service organizations. Regardless of the retention period, the rules for using the documents stored in state archives are determined by the Cabinet of Ministers of the Republic of Azerbaijan.

The documents of the non-state portion of the National Archive Fund are used in accordance with the rules established by their owners, provided that they do not violate the existing legislation.

The State Archive Service organizations provide institutions, organizations, and enterprises with copies of archive documents or extracts from archive documents based on the archive documents preserved by them, and to citizens, they provide an archive reference or extracts from archive documents, which are social-legal information carriers ensuring their legal and lawful interests.

The State Archive Service organizations respond to the inquiries of legal and physical persons based on the archive documents preserved by them, organize exhibitions, prepare materials for media entities, create document collections based on archive documents and document collections, have them published, and carry out other activities related to the use of archive documents.

Archive documents from the State Archive Service organizations can only be provided for temporary use in exceptional cases based on the written request of institutions, organizations, and enterprises. The acceptance and return periods of these documents must be officially formalized with appropriate acts.

Personal archive documents can only be provided for temporary use with the permission of their owner or heirs.

The use of archive documents that are information carriers about citizens' personal and family life is permitted, unless otherwise specified by legislation, 75 years after the creation of these documents, or 30 years after the person's death, or, if the death has not been determined, 110 years after the person's date of birth. The use of these documents before this period is only permitted in cases specified by law.

The use of archive documents containing state secrets is permitted 10 years after the classification date for confidential information, 20 years for top-secret information, 30 years for information of special importance, and 75 years for information that allows the identification of individuals who were employees of or cooperated with intelligence, counterintelligence, or operational-search bodies, regardless of the level of confidentiality. These time periods can be extended with the opinion of the Interagency Commission for the Protection of State Secrets under the President of the Republic of Azerbaijan.

In accordance with the "National Archive Fund" Law, legal and physical persons can use the documents from the state-owned portion of the National Archive Fund and the related scientific information apparatus in the reading rooms of State Archive Service organizations.

Documents from the non-state portion of the National Archive Fund can be used with the consent of their owners.

Apart from fulfilling social-legal inquiries, State Archive Service organizations are not obligated to fulfill citizens' requests based on archive documents. Archives only provide citizens with information about the locations of the relevant archive fonds where the information they are interested in is stored and explain the rules for using archive documents.

Reading rooms operate in State Archive Service organizations for the use of archive documents (for political, economic, scientific, and socio-cultural purposes).

The rules for the use of archive documents and the scientific information apparatus for researchers in the reading rooms of State Archive Service organizations are determined by the work regulations of the reading rooms of State Archive Service organizations of the Republic of Azerbaijan.

Violating the rules for the use of documents from the National Archive Fund results in administrative liability as defined by the Administrative Offenses Code of the Republic of Azerbaijan.

The retention period of documents is determined by the National Archives Department of the Republic of Azerbaijan. Specifically, by the decision No. 3/1 of the Collegium of the National Archives Department of the Republic of Azerbaijan dated April 12, 2016, the "Instructions on the Application of the Model List Showing the Retention Periods of Documents Arising from the Activities of State Bodies, Agencies, Enterprises, and Organizations" and the "Model List Showing the Retention Periods of Documents Arising from the Activities of State Bodies, Agencies, Enterprises, and Organizations" were approved.

The list is intended for the general use of agencies as a basic regulatory document for determining the retention periods of similar types of documents, including criminal cases and documents submitted to law enforcement agencies in civil cases, as well as for their storage and destruction. The list serves the purpose of improving the protection, organization, and quality of the composition of the National Archive Fund of the Republic of Azerbaijan.

Prosecutor General's Office of the Republic of Azerbaijan