

5. LAW ENFORCEMENT AGENCIES

Summary

Law enforcement is going through a reform process in Azerbaijan. Reforms are yielding positive results; however, law enforcement in Azerbaijan needs to further improve its efficiency and increase the level of trust of the population.

There are eight law enforcement agencies in Azerbaijan. The main law enforcement agencies include: the Prosecutor's Office, the Ministry of Internal Affairs (which administers the National Police) and the Ministry of National Security.

The Prosecutor's Office, being part of the judicial system, files and investigates criminal cases; conducts operational searches; controls the execution and application of the law by other law enforcement agencies; supports prosecution in courts; raises claims in court; and contests court decisions. The Ministry of Internal Affairs is the central executive agency responsible for public order and security; it prevents criminal offences and files criminal investigations.

Though there are claims that law enforcement agencies are not corruption free, in recent years, the steps of the government to improve the situation in the police yielded results reflected in the *Global Corruption Barometer 2013* by Transparency International.

Under the law, the law enforcement agencies are independent; however, some experts believe that the investigative and enforcement activities of the law enforcement agencies can be influenced by political factors, or the government.

While the Prosecutor's Office and the Ministry of Internal Affairs provided ample information for this assessment, the Ministry of National Security (MNS) did not respond to our questionnaire. Moreover, in contrast with the MNS, the Prosecutor's Office and MIA make information on their activities publicly available every six months and publish it in their official websites, circulate it in the media and present it to civil society.

This pillar evaluates the two main law enforcement agencies of Azerbaijan in terms of their capacity, governance and role played in the National Integrity System. The MNS is left out, as practically no information is available.

LAW ENFORCEMENT AGENCIES

Overall Pillar Score 61/100

DIMENSION	INDICATOR	LAW	PRACTICE
Capacity 75/100	Resources	-	100
	Independence	75	50
Governance 58/100	Transparency	75	50
	Accountability	75	50

	Integrity	75	25
Role 50/100	Corruption prosecution	50	

Structure and organisation

There are eight law enforcement agencies in Azerbaijan. The main law enforcement include: the Prosecutor's Office, the Ministry of Internal Affairs which administers the National Police, and the Ministry of National Security.

The Prosecutor's office, being part of the judicial system, files and investigates criminal cases; conducts operational searches; controls the execution and application of the law by other law enforcement agencies; supports prosecution in courts; raises claims in court; and contests court decisions.¹ According to the Law on the Prosecutor's Office,² the Prosecutor's Office is a single centralised body, with district and specialised prosecutors reporting to the Prosecutor General.

The Ministry of Internal Affairs is the central executive agency responsible for public order and security; it prevents criminal offences and files criminal investigations.³ The Ministry of National Security is a central executive authority which carries out the competencies as set forth by the legislation of the Republic of Azerbaijan, in the fields of intelligence, counter-intelligence, protection of state secrets, revealing, preventing, precluding and detection of crimes.⁴ Corruption cases are investigated by the Department of Combating Corruption under the Office of Prosecutor General.

Thus, these three agencies have a broad range of respective functions, while the other five law enforcement agencies are authorised to deal with crimes in specific areas through their internal investigation offices. These include the following government institutions: Ministry of Taxes, Customs Committee, Ministry of Justice, State Border Service and Ministry of Emergency Situations. Such decentralisation is believed to impede efficient organisation of the investigation process.⁵

Assessment

Resources (practice): 100

To what extent do law enforcement agencies have adequate levels of financial resources, staffing and infrastructure to operate effectively in practice?

All law enforcement agencies have sufficient budgets to perform their basic duties and mandates. Salaries in the Ministry of Internal Affairs are higher than in the respective Ministries of neighbouring

1 Constitution of Azerbaijan Republic, Article 133, 12 November, 1995 (entered into force on 27 November), www.constcourt.gov.az/laws/26

2 Article 2, Law on the Prosecutor's Office, 7 December 1999, www.genprosecutor.gov.az

3 Website of MIA www.mia.gov.az/

4 Website of MNS www.mns.gov.az/en/

5 Interview with independent lawyer Samir Isayev by the author, 22 April 2014

counties.⁶ One of the major problems here is absence of full coverage by medical insurance of the police staff and their family members.⁷ The neighboring Georgia covers the police staff and their family members with full medical insurance. During the last 20 years the budget allocations for the MIA have been increased by a factor of 12.⁸ On the average, 81 per cent of this amount is allocated for salaries and other social benefits for the personnel. At the same time the MIA is supplied with new and modern technical equipment.⁹

The Prosecutor's Office is also equipped with modern equipment and professional staff. In particular, the material and technical base of the Anti-Corruption department was strengthened and a ceremony, opening a new administrative building, was conducted on 30 September 2013.¹⁰

The law enforcement staff regularly participates in international, regional and local conferences and training programmes, including those organised by the International Anti-Corruption Academy¹¹ and other international organisations, such as the UN, NATO, OSCE, etc.¹²

Independence (law): 75

To what extent are law enforcement agencies independent by law?

The law sets provisions for neutrality and independence of law enforcement. Article 5 of the Law on the Prosecutor's office sets forth that the main principle of prosecution is political neutrality.¹³ The Article 36 of the Law on Prosecutor's Office sets provisions for independence of a prosecutor in his/her work and states that a prosecutor cannot be alienated, removed and/or dismissed from the prosecutor's system other than in cases and in line with procedures, as set forth by the same law. Interference into the performance of duties by a prosecutor, denigration of honour and dignity, threat, resistance or violence, attempt on the life, health or property of a prosecutor or his/her family member, entails responsibility as set forth in the legislation.

Article 5 of the Police Act also regulates the activity of the police "in the field of protection of human rights and freedoms" and states that the police shall protect the rights and legal interests of all individuals without any relation to their official position or affiliation to political parties.¹⁴ According to the law, a police officer shall be politically non-partisan and abstain from membership in any political party.¹⁵ Along with this, apart from persons authorised by the law, no one can limit the legal activities of police, or impact or interfere in any other way.¹⁶ Also, the law enforcement can defend their rights and duties in court.^{17 18}

6 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

7 Interview with independent lawyer Samir Isayev by the author, 22 April 2014

8 Website of MIA <http://www.mia.gov.az/?/en/news/view/474/>

9 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

10 Letter from Kamran Aliyev, head of Anti-corruption Department under the Prosecutor General to Transparency Azerbaijan No 02-113GIX-14, dated 3 April 2014

11 Presentation of the results of the first six months of 2013 to the civil society and media by Kamran Aliyev, head of the Anti-corruption Department, 23 July 2013, at the Prosecutor's Training Center

12 Letter from the Ministry of Internal Affairs to Transparency Azerbaijan, No 002-639, dated 30 May 2014

13 Law on the Prosecutor's Office, 7 December 1999, www.genprosecutor.gov.az

14 The Law on Police, 28 October 1999 (with latest amendments of 23 February 2010), www.mia.gov.az

15 Article 32, the Law on Police, 28 October 1999 with latest amendments of 23 February 2010), www.mia.gov.az

16 Article 32, the Law on Police, 28 October 1999 with latest amendments of 23 February 2010), www.mia.gov.az

17 Article 37, Law on Prosecutor's Office, 7 December 1999, www.genprosecutor.gov.az

18 Article 34, Law on Police, 28 October 1999 (with latest amendments of 23 February 2010), www.mia.gov.az

Appointments to the prosecution bodies are to be made on a competitive basis. General rules for competitive appointment to the Prosecutor's Office are provided in the Constitution.¹⁹ Whereas written tests are handled by the Students' Admission Commission; verbal interviews are conducted by the Interviewing Commission under the Prosecutor's Office, comprised of seven members. Applicants unsatisfied with the results can file their complaints with the Prosecutor General.²⁰ Since 2002 the staff of the Prosecutor's Office is recruited through a test system and to date, 52 per cent of the personnel were employed through the test system,²¹ which is commendable. However, it is publicly accepted that despite the fact that the first written part of the exams is carried out fairly and transparently and monitored by civil society, final interviews are held behind closed doors and eligibility criteria are not clearly stated.²²

Recruitment to the Ministry of Interior Affairs is based on test exams and interview, with the procedure and requirements set forth in a legal act regulating service in the organs of interior affairs. The competition takes into account education and physical condition of applicants.²³ To ensure transparency of the process, parents of the candidates are also allowed to be present at the interview,²⁴ however, the recruitment process as a whole is closed to the general public. The performance assessment and promotion of the staff of the Ministry of Internal Affairs is performed through an attestation process as per the statutes.²⁵ Promotion is further regulated by a special instruction No Q12-001-13 dated 19 April 2013, that takes into account both professional and personal moral qualities of the staff.²⁶

Under the Article 133 of the Azerbaijan Constitution, the President appoints and dismisses the Prosecutor General upon the agreement of the Parliament.²⁷ According to Article 16 of the Law on Prosecutor's Office,²⁸ the Prosecutor General's office term used to cover five years. One citizen could not be appointed to the same position more than twice. However, on 20 October 2009, amendments were made to the Law on Prosecutor's Office,²⁹ removing limitation on appointment of prosecutors, apart from specialised and district prosecutors.³⁰

To ensure independence of a public prosecutor, the Article 84.4 of Criminal Procedures Code envisions that, a prosecutor conducting or leading a team that had conducted preliminary investigation of a criminal case cannot stand as a public prosecutor in court, as public prosecution is conducted by an independent structure under the Prosecutor General - Public Prosecution Department.

Independence (practice): 50

19 Article 109-32 Constitution of Azerbaijan Republic, 12 November 1995 (entered into force on 27 November), www.constcourt.gov.az/laws/26

20 Article 2, Rules To e Competition Among the Candidates To Be Recruited to the Prosecutor's Office, approved by the order of Prosecutor General No 10/101, 3 December 2007, www.genprosecutor.gov.az

21 Letter from Kamran Aliyev, head of Anti-corruption Department under the Prosecutor General to Transparency Azerbaijan. No 02-113GIX-14 To Transparency Azerbaijan dated 3 April 2014

22 Results of monitoring of recruitment process by Transparency Azerbaijan

23 The Law on Approval of the Statutes on the Service in the Internal Bodies of Azerbaijan Republic 29 June 2001, www.mia.gov.az

24 Letter from the Ministry of Internal Affairs to Transparency Azerbaijan, No 002-639-1214, dated 30 May 2014

25 Article 44, The Law on Approval of the Statutes on the Service in the Internal Bodies of Azerbaijan Republic 29 June 2001, www.mia.gov.az

26 Letter from the Ministry of Internal Affairs to Transparency Azerbaijan, No 002-639-1214, dated 30 May 2014

27 Constitution of Azerbaijan Republic, Article 91.2, 12 November 1995 (entered into force on 27 November), www.constcourt.gov.az/laws/26

28 Law on Prosecutor's Office, 7 December 1999, www.genprosecutor.gov.az

29 Article 16, Law on Prosecutor's Office, 7 December 1999, www.genprosecutor.gov.az

30 Azerbaijani Parliamentary Committee Adopts Law on Removing Limitation on Prosecutor General's Appointment, 5 October 2009, Trend news agency, www.en.trend.az/news/politics/1553052.html

To what extent are law enforcement agencies independent in practice?

According to the law, external interference in the work of law enforcement is excluded. However, some experts believe that the investigative and enforcement activities of agencies can be influenced by political actors or the government.³¹

The government is reported to have used the law enforcement agencies to disperse several protest actions in 2012³² (many of those actions had not been authorised by the government in advance) and to apply unnecessary force against peaceful demonstrators.³³ The process of arresting political activists on various grounds continued through 2013.³⁴

During the trial, judges often support the accusation of prosecutor,³⁵ which can be seen from Azerbaijan's low ratio of non-guilty verdicts.³⁶ To be precise, the ratio in 2010 was 0.25 per cent as compared to 7.17 per cent in the UK courts.³⁷ As an investigator and a prosecutor in court are directly tied to the same institution, in some cases independence of a public prosecutor is limited and they face the risk of being an interested party in a criminal case.

Full independence of the law enforcement is yet to be achieved through further reforms.

Transparency (law): 75

To what extent are there provisions in place to ensure that the public can access the relevant information on law enforcement agencies?

In 2005, Azerbaijan adopted the Law on Right to Obtain Information, which established a legal framework to ensure free, unrestricted and equal access to information, as prescribed by Article 50 of the Constitution, as well as to create conditions for control by citizens on the exercising of public duties.³⁸ Even if there is a law that requires assets of law enforcement officials to be disclosed regularly anyway, under the law this information shall not be made publicly available³⁹ and lack of supporting legislation does not allow this law to be implemented in practice.⁴⁰

Article 27 of the Criminal Procedure Code sets forth public nature of prosecution, i.e., material of criminal proceedings, except for circumstances safeguarding state, professional, commercial, personal and family secrets, shall be made public⁴¹. On the other hand, on 12 June 2012 the Azerbaijan Parliament voted to limit public access to corporate information.⁴² In other instances, corporate information can be provided to the public only with the consent of the company in question. It means that public access to many cases investigated by Law Enforcement Agencies, especially those involving corruption and assets of public officials, is closed because of the above limitations on disclosure of corporate information. MP Asim Mollazade objected to the bill stating that "changing the law will

31 Interview with Muzaffar Bakhishev – Head of Constitution Research Foundation Legal Reforms by the author, 17 May 2013

32 World Report 2013: Azerbaijan, by Human Rights Watch, www.hrw.org

33 Country Reports on Human Rights Practices for 2013 Azerbaijan by US Department of State www.state.gov/j/drl/rls/hrrpt/humanrightsreport/-wrapper

34 Nations in Transit 2013: Azerbaijan by Freedom House, www.freedomhouse.org/report/nations-transit/2013/azerbaijan

35 Interview with Muzaffar Bakhishev, Head of Legal State Research Foundation by the author, 17 May 2013

36 Rule of Law, by Monica Martinez, Head Rule of Law, OSCE-Baku, in Spotlight on Azerbaijan, ed. by Adam Hug, publication by the Foreign Policy Center, UK, May 2012, www.fpc.org.uk

37 Trial Monitoring Report 2010 by OSCE Office in Baku, www.osce.org/baku

38 The Law on the Right To Obtain Information, 30 September 2005, www.e-qanun.az

39 Law on Approval of Rules for Submission of Financial Information by Officials, dated 24 June 2005, www.genprosecutor.gov.az

40 This issue is discussed in more details in the pillar on Public Service

41 Criminal Procedure Code, 1 September 2000, www.e-qanun.az

42 Amendments dated 12 June 2012 to the Law on Registration of Legal Entities and State Registry, dated 12 December/2003 and the Law on Commercial Secret, dated 4 December 2001 and Law on the Right to Obtain Information, dated 30 September 2005

negatively affect the fight against corruption and money laundering. There are no such provisions in the legislation of the European countries".⁴³

According to the Law of the Azerbaijan Republic on Procedures for Review of Citizens' Applications,⁴⁴ applications of citizens to government institutes shall be reviewed within one month, with the exception of cases stipulated under legislation and applications, not requiring additional review and inspection, no later than within 15 days, unless another term is stipulated under legislation.

Transparency (practice): 50

To what extent is there transparency in the activities and decision-making processes of law enforcement agencies in practice?

According to the Law on the Right to Obtain Information,⁴⁵ information about criminal or administrative investigation is considered confidential until the case is sent to the court or closed; therefore, law enforcement does not disclose this information. However, the Anti-Corruption Department and the MIA regularly provide information to the media on operational activities conducted, cases filed, and cases preliminarily investigated and sent to courts and publish this information on their websites.

In 2011, the Media Rights Institute issued the State of Online Transparency Report,⁴⁶ which was based on the web-based resources of 67 state agencies. The Office of Prosecutor General was ranked as the most transparent in the report. According to this report, the website of MIA was also developed during the last couple of years. The Ministry of Internal Affairs meanwhile has a regularly updated website with such information, as official meetings, criminal news, job vacancy announcements, tariffs for different services provided by MIA and respective application forms. The Ministry also publishes on its website information on combating crimes, and public safety, as well as annual and interim statistical data, with analysis of the work performed by law enforcement agencies in the field of combating crime and providing public order and public safety. The Ministry is currently developing tools to enable access to this website through mobile phones.⁴⁷

However, despite abundant information provided online, information of interest for the general public, i.e. the data on penalties imposed on the law enforcement officers for corruption and other offenses is not detailed and provides only general statistics on the number and types of penalties.

Another problem is registration of criminal cases in police offices. According to the law, the police are required to register any report of a crime and give the informer a respective written notification. Unfortunately, there are widespread reports that in practice, sometimes the local police stations are reluctant to file a case based on citizens' reports, in order to reduce crime statistics^{48 49}. Along with this, complaints entered via a centralized telephone based hotline 102 are immediately recorded. According to the information of the Ministry, the hotline accepts over 13,000 applications annually.⁵⁰

Accountability (law): 75

43 INFORMATION ABOUT COMPANY'S FOUNDERS TO BE CONSIDERED CONFIDENTIAL IN AZERBAIJAN, TREND NEWS AGENCY, 12 JUNE 2012 WWW.EN.TREND.AZ/NEWS/POLITICS/1553052.HTML

44 Law on Procedures to Review Citizens' Applications, 10 June 1997, WWW.E-QANUN.AZ

45 Article 35.2.1, the Law on the Right To Obtain Information, 30 September 2005, WWW.E-QANUN.AZ

46 Online Transparency of Government Organisations, report of the monitoring of websites of 67 state organisations released by the Media Rights Institute (MRI), 2011, WWW.MEDIARIGHTS.AZ

47 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

48 Interview with Muzaffar Bakhishev, Head of Legal State Research Foundation by the author, 17 May 2013

49 Transparency Azerbaijan ALAC data base

50 Letter from the Ministry of Internal Affairs to Transparency Azerbaijan, No 002-639-1213, dated 30 May 2014

To what extent are there provisions in place to ensure that law enforcement agencies have to report and be answerable for their actions?

The Prosecutor's Office is an independent institution of the judicial branch by law. Prosecutors are not required to give reasons to any other institution about the decision to prosecute or not. The prosecutor's decision can be appealed to a higher prosecutor's authority or to the court that performs judicial supervision. The accused (together with their lawyer or individually), can gain access to the materials of criminal proceedings before other participants of the criminal case⁵¹ to ensure fair prosecution, whereas the victim, claimant or defendant in a civil case can access the materials only in the presence of their lawyer.

Whereas, under article 12 of the Law on Police, supervision of police activity is implemented both intra-corporate (by MIA) and extra-corporate by another respective executive body (President of Republic of Azerbaijan). Supervision of compliance, with the legislation, by the police service, rests with the Prosecutor's Office and courts.⁵²

According to the Law on Police, citizens may file complaints against police misconduct with the Ministry of Internal Affairs through administrative procedures. Furthermore, under the Law on Ombudsman,⁵³ citizens may complain to the Ombudsman of police actions as well. According to Article 33 of the Law on Police, police officers are responsible for their actions under the legislation and can be investigated and prosecuted for their actions.

Under the law,⁵⁴ the Prosecutor's office supervises compliance with the law, of other law enforcement agencies in investigation, inquest and operational search, but decentralisation of these offices makes supervision extremely difficult.⁵⁵

Accountability (practice): 50

To what extent do law enforcement agencies have to report and be answerable for their actions in practice?

The Department for Combating Corruption under the Office of Prosecutor, organises semi-annual press conference for the mass media and representatives of NGOs, where it discloses information about their activity in their interim and yearly reports.^{56 57} The MIA also maintains relations with civil society since recently.⁵⁸

The MIA reports of sanctions taken against their employees for violation of the laws. According to the vice-minister of the MIA,⁵⁹ law enforcement officials do face disciplinary actions under article 114 and 114.1 of Statute on Service in Internal Affairs Organs of Azerbaijan,⁶⁰ in case they breach the

51 Criminal Procedure Code, 1 September 2000, www.e-qanun.az

52 The Law on Police, 28 October 1999 (with latest amendments of 23 February 2010), www.mia.gov.az

53 The Law on Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, 28 December, 2001, www.e-qanun.az

54 Criminal Procedure Code, Criminal Procedure Code, 1 September 2000, www.e-qanun.az

55 Interview with Muzaffar Bakhishev, Head of Legal State Research Foundation by the author, 17 May 2013

56 Letter No 02/1-2247xio/ 13/168cix dated 12 July 2013 by Kamran Aliyev, Head of the Department for Combating Corruption under the Office of Prosecutor General

57 Personal experience of Transparency Azerbaijan

58 Personal experience of Transparency Azerbaijan

59 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

60 Statute on Service in Internal Affairs Bodies of Azerbaijan, approved by Presidential decree 1 June 2001, www.e-qanun.az

requirements of the law. Cases in which criminal action is determined to have taken place are referred to the Prosecutor's office for prosecution.⁶¹

In May 2011 an Internal Security Service was created within the Anti-Corruption Department, under the Prosecutor General, to deal with corruption offences committed by the staff of the law enforcement.⁶² In 2013 internal security of the Prosecutor General's Office looked at 82 applications and filed 55 criminal cases against law enforcement personnel.⁶³

Despite the fact that under the law, the law enforcement officials are not immune from criminal proceedings and are held accountable for their illegal actions in practice; sometimes they receive informal protection by their immediate superiors.⁶⁴ Also, in practice, prosecutors do not always penalise their own investigators, as well as those from other law enforcement agencies, for procedural offences in collection of materials at the operational search stage.⁶⁵

Integrity Mechanisms (law): 75

To what extent is the integrity of law enforcement agencies ensured by law?

Integrity of law enforcement agencies is sufficiently ensured by law. The Code of Ethics for Prosecutors⁶⁶ and of MIA⁶⁷ date back several years. Both codes regulate conflict of interests, as well as gifts and hospitality rules. The codes state that police officers and prosecutors, in case of conflict, should not abuse their authority for personal interest and have to inform his/her chief about a potential or existing conflict of interest.⁶⁸

Along with this, there are several dedicated office instructions, that are important documents regulating behavior of the police. These are: Statutes of the Post Patrol Police; On the Traffic Police; On Activities of the District Police Inspectors and Heads of District Police Stations; On Ensuring Public Order during Mass Events, etc.⁶⁹

Integrity Mechanisms (practice): 25

To what extent is the integrity of members of law enforcement agencies ensured in practice?

Though the trust in the police has increased somewhat in recent years, in practice integrity of law enforcement agencies leaves more to be desired, especially of the police force.^{70 71} Ordinary people download on the Internet video recordings with the misbehaving police.⁷²⁷³ It should be pointed out, that the law enforcement bodies immediately react to violations committed by their staff, featuring in the videos. The 102 hotline of the Ministry of Interior ranks more highly than those of most other public

61 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

62 Letter from Kamran Aliyev, head of Anti-corruption Department under the Prosecutor General to Transparency Azerbaijan No 02-113GIX-14 To Transparency Azerbaijan dated 3 April 2014

63 Letter from Kamran Aliyev, head of Anti-corruption Department under the Prosecutor General to Transparency Azerbaijan No 02-113GIX-14 To Transparency Azerbaijan dated 3 April 2014

64 Transparency Azerbaijan ALAC data base

65 Interview with Muzaffar Bakhishev, Head of Legal State Research Foundation by the author, 17 May 2013

66 Code of Ethical Conduct for Prosecutors, 8 February 2008, www.genprosecutor.gov.az

67 Code of Ethics for Staff of Internal Affairs Bodies, 8 April 2005, www.mia.gov.az

68 Code of Ethical Conduct for Prosecutors, 8 February 2008, www.genprosecutor.gov.az

69 Letter from the Ministry of Internal Affairs to Transparency Azerbaijan, No 002-639-1214, dated 30 May 2014

70 Azerbaijan Country Profile 2013 by Business Anti-corruption Portal, www.business-anti-corruption.com

71 Country Reports on Human Rights Practices for 2012: Azerbaijan, report by US Department of State, www.state.gov

72 <http://silent.az/maraqli-yazilar/747-azerbaycan-polisi-qudurub-video.html>

73 www.youtube.com/watch?v=4c92d_mSLXw

agencies, thanks to prompt response and quality of attendance to the complaints, which in many cases are handled fairly.⁷⁴

According to the deputy minister of Internal Affairs, the Ministry provides special training to their staff on combating corruption and ethical behaviour during regular vocational training.⁷⁵ Indeed, improvements in the personnel policy of the MIA, the process that started before the Eurovision song contest held in Baku in May 2012, are visible to the naked eye. The police began to recruit more females, there was overall more ethical behaviour of the junior policemen in contact with the population (road police, post patrol police), and also their physical training is improving.

Even if the police have ample documents providing office instructions, in practice the police staff, especially those maintaining public order, are not always aware of the limits of their job obligations.⁷⁶

The government made efforts to increase transparency and improve governance of the traffic regulation. A Presidential order⁷⁷ sets forth to increase transparency of driving license tests and exercise tighter control to prevent corruption in investigation of road accidents and other violation of traffic rules. Attention is also drawn to this problem by a very good approach by the media – live on air legal aid on the road traffic issues by radio Azad Azerbaijan 106.3 FM.⁷⁸ There was a visible decline of corruption in the police (the score dropped from 3.6 in 2010 Global Corruption Barometer to 2.9 in 2013 out of a maximum of 5)⁷⁹ and this can be explained by significant reforms in the road police system and introduction of the “smart transport system” on major streets and roads which, inter alia, ensure video records of the police behaviour and set a good standard of transparency for other agencies to follow.

Corruption prosecution: 50

To what extent do law enforcement agencies detect and investigate corruption cases in the country.

Detection and investigation of corruption offences is the exclusive prerogative of the Anti-Corruption Department, under the Prosecutor’s Office and is discussed in detail in the pillar on Anti-Corruption agencies of this report.

Recommendations:

- To make amendments to the legal framework to separate functions of investigation, operational searches, and supervision of the law enforcement agencies from supporting accusation in courts.
- To create a single centralised investigation body (except for cases involving national security), within the authority of the Ministry of National Security.
- To enhance procedures of registration of criminal cases and criminality.
- To cover staff of the police and their family members with full mandatory state medical insurance.
- To continue reform of the human resources of the police: employ more females and young professionals, enhance physical training and ethical education of recruits; to invite civil society to monitor all the stages of recruitment to the law enforcement.

74 Transparency Azerbaijan ALAC data base

75 Letter No 002-659-1213 dated 28 June 2013 by Fazil Guliyev, Deputy Minister of Internal Affairs, Head of Chief Department of Organisational Inspection

76 Interview with independent lawyer Samir Isayev by the author, 22 April 2014

77 Presidential decree on Some measures to Increase Safety of Traffic in Connection with Traffic www.106fm.az Accidents and Transparency of the Traffic Management, 26 December 2012, www.president.az

78 www.106fm.az

79 Global Corruption Barometer 2010 as compared to Global Corruption Barometer 2013, publications by Transparency International, www.transparency.org

- To invite civil society to monitor the work of the hotlines operated by the police and prosecutors.