

Гражданские Права и Демократические Свободы в Азербайджане

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выбора

Главная

Галерея

Подписка

Задай вопрос

Поиск

О нас

Новости

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Press Review

"Right of Choice": Rena Safaraliyeva: "20-22 per cent of complaints concern judicial system and court officers"
14.04.2007

According to the chief of "Transparency Azerbaijan" Rena Safaraliyeva, such number of complaints is not called untested data

"Transparency Azerbaijan" is the national representation of "Transparency International", engaged with the research of corruption related problems in the world. The Headquarters is in Berlin, but its representations function in over 90 countries worldwide. Founded in 2000 "Transparency Azerbaijan" is the national representation of "Transparency International" since 2001. The key tasks are to increase public awareness-raising and to study the corruption forms in Azerbaijan and ways of combating this danger social phenomenon. Taking into consideration the urgency of this problem, we decided to talk with the chief of "Transparency Azerbaijan" Rena Safaraliyeva.

- What can you say about the latest data of "Transparency International" in the field of corruption level studies in Azerbaijan?

- "Transparency International" issues a number of annual reports, one of the most famous of which is our annual monitoring about corruption development level in various countries. It is appropriate mention that increasingly more countries are included to the corruption list year by year. Throughout last 2 years in these documents Azerbaijan's position is relatively progressing. Our country holds places at the end of list still, that's why there is nothing to be proud of, but anyway we have certain positive dynamics. Thus, in 2006 the report implied 163 countries and Azerbaijan held 137th position. Now I cannot say precisely what position Armenia held in the mentioned document, but this country is always ahead of Azerbaijan in such documents, thereby Armenia is considered to be the country where there are more acceptable conditions for private sector development than in our country, which are its main advantages. I'd say that the Government as well as non-governmental organizations has nothing to be proud, as much remains to be done. But compared with 2004 where our country was on 140th place, a specific progress is being observed.

- Did the corruption level reduce or grow in compliance with your last report?

- Under the report, the very insignificant but positive tendency of reduction in corruption level in Azerbaijan is being observed. This low progress is due to that the Government put an end to its legislative measures in the mentioned field. Thus, to date key anti corruption laws are lacking, and on practical side the Government's efforts are worsening. Anyway, it is appropriate mention that our organization has project called "Legal redress system and protection of public interests", which is realized for one and a half year, and throughout the period regional centers in Baku, Ganja, Guba, Sheki and Lenkaran operated. The project realization resulted in a receiving of over 4,000 addresses and about 1,000 complaints. All complainants got legal redress. We cannot say that the Government does not work with us. The problem is that the governmental organizations involved in the solution of this problem fulfill their functions very bad, and we as NGO urge them to review citizens' requests, while reconsideration of such requests are in their direct charge. I.e. actually, if

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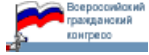
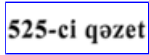
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there were efficient acting state machine, we would not need this project. If some citizen has a problem, he should lodge in appropriate structures, which are required to respond within term fixed by legislation, i.e. in a month, but if it concerns corruption, two weeks. The main problem is that appropriate structures react very badly to the citizens' requests. We as NGO help citizens to draw up a complaint, to gather necessary data, documents confirming their standpoints, and we write their letters, in which we set out these citizens' problems and indicate the points of the legislation of the Republic of Azerbaijan, in compliance with which their rights have been violated. But not all governmental organizations respond to our requests.

- To which structures are more complaints received?

- More complaints are received to judicial systems. Recently one of the court officers stated that NGOs and international organizations report about availability of corruption in judicial system, referring to untested sources. But I'd mention that to date we have over 4,000 requests, approximately 20-22 per cent of which concern judicial system and court officers. Such number of complaints cannot be called untested data. Today we have these files and all these complaints are sent to appropriate instances, including the Ministry of Justice, Judicial-Legal Council and also chiefs of appropriate courts. Thus, I think that it is not serious to state about the use of untested data by NGOs. Judicial system members affirm that in most cases those who lost a suit address to us. It is wrong; those who lost process do not lodge complaint to us. Their complaints include that judges demand a bribe from them or illegally refuse to bring a suit. Quite often their problems concern the court officers. Frequently there are such cases when there is a judgement, but court officers do not enforce that.

- How often do you receive complaints concerning the violation of human rights in work places or because of religion, nationality and sex?

- I don't remember whether we received complaints because of the above-mentioned reasons or not, because those who faced with such problems, perhaps, do not make request us. I'd emphasize that our key task is to review the corruption related issues, cases concerning the violation of human rights by state officials, whether corruption or negligence or abuse of official duties. I think that probably they address to human rights organizations.

- Did Azerbaijan implement anti corruption commitments taken before the Council of Europe?

- The Government fulfilled the legislative and executive parts of the issue to a certain degree, as many key laws passed successfully the first level, i.e. they were discussed by the Milli Majlis in the first or second reading, but they were not put into force finally yet. It concerns, for instance, the Code of State Officials' Conduct, which was discussed by the Milli Majlis but it was not put into force yet. But from the functional and law-making view, there is a certain progress. The Government does not implement quiet well commitments relating the direct reduction of corruption level and also punishment of corrupted officials. If a requestor complains that one of the officials demanded a bribe from him, we as NGO do not have the right to investigate this case. Thus, we are obliged to address to appropriate state organization which is required to investigate such issues. We aim to urge this state organization to fulfill its direct duties. If some state organization does not desire to work with us, we as NGO report about it at our quarterly presentations. For instance, as early as a half year ago the Judicial-Legal Council did not respond to our complaints at all, about which we informed at the 6 November presentation. After that they began to respond to our requests. In March we touched upon this issue once again, as letters sent by the Judicial-Legal Council to us, were insignificant and did not solve citizens' problems. Our only instrument of impact is to make public the names of such structures, which do not desire to collaborate with us, at international conference and presentations. I'd underline that within the project non-law enforcement agencies work with us quite well. For instance, Ministries of Education and Labour &



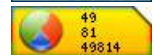
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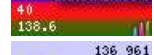
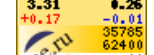
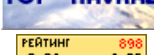
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Population's Social Protection collaborate with us quite better than such structures as the Office of Public Prosecutor and Ministry of Internal Affairs.

- Did Azerbaijan accede to Anti Corruption Conventions and how does it implement them?

- Azerbaijan acceded to the UN Anti Corruption Convention and two Anti-bribery Conventions of the Organization for Economic Cooperation & Development relating criminal and civil responsibility. These documents require a practical restriction of corruption.

- What measures do you undertake for the protection of citizens from corruption and for combating that?

- As NGO we can only help citizens to show resistance through rendering them a legal redress. There is a "hot line" where it is possible to call concerning such issues. In January and February with the OSCE's financial assistance we organized a series of 69 mobile workshops. Our lawyers and coordinators leave to the places and speak of our organization, its services and talk with citizens about corruption. Actually, at the same time we monitor and render legal redress to citizens on the spot. For January and February we held 69 trainings, and in Baku we worked with the NGOs covering different sections of population, including refugees, disables and IDPs. In regions, in Lenkaran, Sheki, Guba and Ganja our trainings also covered special sections of population, but there they were partially held in mountain regions of difficult access, where inhabitants were not well aware of such arrangements. Some of them were skeptical about these trainings, but finally, everybody was pleased, as they got free legal redress, which is very expensive indeed. There were cases when some peasant brought tens of complaints from rural inhabitants who could not attend training. I'd stress that the greatest part of our projects are funded by the USAID but the lesser by the OSCE.

**Interviewed by
Kenul Babakhanova**

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