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HUMAN RIGHTS NGO**

**Report on the results of monitoring over  
implementation of recommendations of the  
European Committee for the Prevention of  
Torture and Inhuman or Degrading Treatment or  
Punishment (CPT) by the RA**

Vanadzor  
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Authoring Group:  
Edmon Marukyan  
Ani Derdzian

Lawyer, Expert  
Program Assistant

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The report may be useful for the Office of RA Ombudsman, observation groups implementing public supervision over closed and semi-closed institutions of RA, employees of closed and semi-closed institutions, lawyers, NGOs and individuals working in the field of human rights, as well as international organizations.

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# 1. LIST OF ABBREVIATIONS

RA	Republic of Armenia
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
MoJ	Ministry of Justice
CSL	“Center for Strategic Litigations” Human Rights NGO
CCP	Code of Criminal Procedure

## 2. PREFACE

On June 18, 2002, the Republic of Armenia has ratified the “European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment” as a result of which the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as CPT) was granted an opportunity to visit the Republic of Armenia with the purpose of monitoring of places of deprivation of liberty, assessing the treatment towards the detained persons. These places include prisons, juvenile detention centers, police precincts, places for keeping foreigners, psychiatric hospitals, establishments providing social care and others.

CPT Delegations take advantage of the right to unlimited visits to places of deprivation of liberty and to unrestricted access in such places. They can talk to detainees without witnesses and refer freely to anyone who may provide information.

After each visit CPT presents a detailed report to the subject country. This report includes CPT conclusions and its assignments, clarifications and inquiries for information. CPT also requires providing detailed responses to issues raised in their report. These reports and responses are considered to be the part of dialogue being conducted with interested countries.

CPT Delegation has visited Armenia during the years of 2002, 2004, 2006, 2008 and 2010, and as a result of each visit a detailed report has been prepared. Meanwhile, in parallel with the description of situation, a number of recommendations are made to the Republic of Armenia in regard to rectification violations highlighted in the reports.

In pursuance of the procedures instated in the “European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment”, the governments bear responsibility in preparing responses regarding the reports prepared by CPT, which include government’s observations responding to recommendations of CPT Delegation. These responses include activities already implemented by the Government in those directions, as well as measures to be taken in the future.

### **3. METHODOLOGY**

In frames of this project CPT Delegation reports from 06-17/10/2002, 20-22/04/2004, 02-12/04/2006, 15-17/03/2008 and 10-21/05/2010 prepared in the result of visits have been studied in detail and recommendations found in there have been outlined. Afterwards, the responses submitted by the RA Government were thoroughly observed and particularly analyzed the descriptions of those Government actions, which have already been carried out or are planned for implementation directed towards the recommendations for rectification of issues highlighted in the reports.

Moreover, inquiries were submitted to the RA Ministry of Justice, RA Ministry of Healthcare, RA Ministry of Defense, RA Ministry of Labor and Social Issues, RA National Security Service and the RA Police with the purpose of collecting information regarding the results of implemented and current reforms in these structures. The collected data has been compared with the recommendations of CPT Delegation and the responses submitted by the RA Government having aim at illustrating the real situation with the course of implementation of obligations committed by the Republic of Armenia.

As a result of the study a report on the state of rectification of issues raised in CPT Delegation reports by the RA has been prepared, which will be sent to the RA Government, RA Ministry of Justice, RA Ministry of Healthcare, RA Ministry of Defense, RA Ministry of Labor and Social Issues, RA Police, RA Prosecutor's Office, RA Penitentiary Department, RA Armed Forces, RA National Security Service, Group of Observers implementing public surveillance over the criminal-executive establishments and structures under the jurisdiction of the RA Ministry of Justice, Group of Observers implementing public surveillance over the places of deprivation of liberty under the jurisdiction of the RA Police, Group of Public Observers implementing permanent monitoring over the special public educational establishments of the RA Ministry of Education and Science, Expert Council for the prevention of torture at the RA Ombudsman, Public Council at the RA Ministry of Defense, International Organizations and interested local organizations informing the latter about the problems existing in given field, and simultaneously drawing public attention towards the course of implementation of international obligations committed by the State.

## 4. SUMMARY OF CPT RECOMMENDATIONS

The Committee for Prevention of Torture has stated in total of 592 remarks in its reports prepared as a result of 5 visits to Armenia, including recommendations, requests, inquiries for obtaining information and explanations.

The number of recommendations made to the RA Government for rectification/improvement of various issues has been 172, of which 23 were recurred in the reports prepared in different years. By the way, 4 recommendations were repeated for 3 times and 19 others for 2 times.

In 12 cases out of 172 recommendations mentioned above the RA Government did not present any responses and in 10 cases the latter has argued that CPT recommendation had nothing to do with that particular body. For 26 recommendations the RA Government has stated in its responses that the authorities were not capable of improving the situation further in that given period, where in 4 cases the realization was conditioned by the lack of financial means.

It is noteworthy that in the response to 2002 report the RA Government has referred to issues related to the RA Police only through a few remarks<sup>1</sup>, which do not actually reflect the CPT recommendations and questions. The RA has justified this approach by stating that since the remarks highlighted in the CPT report were neither specific nor clear it has not been possible to provide a comprehensive response. In the same response it has been mentioned that since Armenia is a developing country, naturally, various financial problems have emerged by that period including ones related to the Penitentiary Departments<sup>2</sup>.

In its response to the CPT 2004 report the RA Government has noted that the presented recommendations were out of the scope of authorities of that given body<sup>3</sup>.

In the RA Government response to the CPT 2006 report answers regarding to total of 6 recommendations<sup>4</sup> were missing. The other paragraphs contain slight indications of these recommendations but no final and clear responses were presented as such regarding the given paragraphs (CPT/Inf (2006)69).

In the RA Government response to the CPT 2008 report answers regarding to 2 recommendations<sup>5</sup> presented in the report were missing. The other paragraphs contain slight indications of these recommendations but no final and clear responses were presented as such regarding the given paragraphs.

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<sup>1</sup> CPT/Inf (2004)26, page 4

<sup>2</sup> CPT/Inf (2004)26, page 8

<sup>3</sup> CPT/Inf (2004)38, page 11

<sup>4</sup> CPT Report paragraphs 19, 27, 30, 32, 40 and 42

<sup>5</sup> CPT Report paragraphs 29 and 19, CPT/Inf (2010)7

In the RA Government response to the CPT 2010 report answers regarding to 1 recommendation<sup>6</sup> presented in the report was completely missing due to the fact that the RA Government has responded to recommendations relating to the RA Ministry of Healthcare only by a few remarks (CPT/Inf (2011)25), which do not address all recommendations and issues raised by CPT. In regard to 9 recommendations<sup>7</sup> it has been mentioned that those were out of the authority of those bodies, in relation to 13 recommendations<sup>8</sup> the RA Government mentioned that those were subject to realization and that required measures were taken. Some of the recommendations were not feasible at that stage (those would require 10 years)<sup>9</sup> and the realization of some other recommendations were postponed due to the scarcity of financial resources<sup>10</sup>.

#### **4.1. Report on the results of CPT 2002 visits**

Pursuant to the Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment the CPT Delegation has visited Armenia on October 6-17, 2002. This was the first CPT visit to Armenia.

The report contains in general 232 recommendations, remarks and requests made by CPT, 58 out of which were recommendations with their sub-points.

CPT Delegation has visited criminal-executive establishments, places of temporary detention, police departments, psychiatric hospitals, nursing houses – to assess the behavior towards the persons kept under the custody of those establishments.

Below is the list of establishments visited by the CPT Delegation during its visit to Armenia in 2002, and the brief descriptions of recommendations submitted in relation to those.

##### **Establishments under the jurisdiction of the Ministry of Internal Affairs**

The recommendations are particularly referring to torture and other type of physical illtreatment, guarantees for prevention of illtreatment towards persons deprived of liberty, as well as to the conditions of custody of detained persons.

##### **Establishments under the jurisdiction of the Ministry of National Security**

The recommendations are referring to the conditions of isolator of the Ministry of National Security.

##### **Establishments under the jurisdiction of the Ministry of Justice**

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<sup>6</sup> CPT Report paragraph 147, CPT/Inf (2011)25

<sup>7</sup> CPT Report paragraphs 21-27, 31 and 69, CPT/Inf (2011)25

<sup>8</sup> CPT Report paragraphs 11, 18, 37, 55, 58, 59, 62, 71, 79, 84, 92, 102 and 115

<sup>9</sup> CPT Report paragraph 61, CPT/Inf (2011)25

<sup>10</sup> CPT Report paragraph point 103, CPT/Inf (2011)25



The recommendations are referring to the sanitary-hygiene conditions of the criminal-executive establishments, conditions of detention, regulatory departments, as well as to the medical services provided in the criminal-executive establishments.

#### **Establishments under the jurisdiction of the Ministry of Healthcare**

The recommendations are referring to the guarantees of prevention of illtreatment towards the patients, patients' household conditions, medical treatment and measures, application of means of containment, as well as the security guarantees in the frames of compulsory hospitalization.

#### **Establishments under the jurisdiction of the Ministry of Defense**

The recommendations are referring to the places of deprivation of liberty of the Ministry of Defense, particularly to the living conditions and to the guarantees of prevention of illtreatment towards detainees.

### **4.2. Report on the results of CPT 2004 visits**

The Committee visited Armenia from 20 to 22 April 2004, considering it "to be required in the circumstances" and was the CPT's second visit to Armenia.

The report contains in total of 29 recommendations, remarks and requests made by CPT, of which 11 recommendations with their sub-points.

The main purpose of the visit was to examine the treatment of persons deprived of their liberty in the course of or following demonstrations organised by opposition parties. Below are the list of establishments visited by the CPT Delegation during its visit to Armenia in 2004, and the brief description of recommendations submitted in relation to them.

The Delegation conducted interviews in the Kentron penitentiary establishment, at the Temporary detention centre of the Department of Internal Affairs of the City of Yerevan, as well as at the Erebuni District Division of Internal Affairs in Yerevan, at "Nubarashen" Prison and Yerevan City Hospitals.

The recommendations made in the CPT report as the result of this visit relate particularly to torture and other type of physical illtreatment towards the persons deprived of liberty, guarantees for prevention of illtreatment towards the persons deprived of liberty and to the conditions of places of deprivation of liberty.

### **4.3. Report on the results of CPT 2006 visits**

CPT 2006 visit to Armenia was the third one after the ratification of the Convention.

The 2006 report contains in total of 132 recommendations, remarks and requests made by CPT. The CPT recommendations in particular consist of 34 paragraphs with their sub-points.

The CPT Delegation has visited the following places:

## **Police Establishments**

- ✚ Holding Centre of Yerevan City
- ✚ Erebuni District, Yerevan
- ✚ Kentron and Nork-Marash District, Yerevan
- ✚ Shengavit District, Yerevan
- ✚ Main Department for Combating Organised Crime, Yerevan
- ✚ Charentsavan
- ✚ Gavar
- ✚ Goris
- ✚ Hrazdan
- ✚ Sevan
- ✚ Sisian
- ✚ Vanadzor
- ✚ Bazum District, Vanadzor
- ✚ Yeghegnadzor

## **Prisons**

- ✚ Abovyan
- ✚ Goris
- ✚ “Nubarashen” (unit for life-sentenced prisoners)
- ✚ Vanadzor

## **Psychiatric establishments**

- ✚ Sevan Psychiatric Hospital.

The CPT recommendations made in the result of this visit particularly refer to torture and other type of physical illtreatment towards persons deprived of liberty, guranatees for prevention of illtreatment towards the persons deprived of liberty and to the conditions of deprivation of liberty.

### **4.4. Report on the results of CPT 2008 visits**

The Committee visited Armenia from 15 to 17 March 2008, considering it “to be required in the circumstances” and was the CPT’s forth visit to Armenia.

The main purpose of the visit was to examine the treatment of persons detained in relation to events which followed the Presidential election of 19 February 2008.

CPT Delegation has visited Armenia to obtain direct information on the situation of persons deprived of liberty in relation to the post-electoral events, as well as the extent of the force used during the actions carried out on 1 March 2008 by police.

In the report CPT has presented in total of 30 facts found, recommendations, remarks and requests. The CPT recommendations consist of 9 paragraphs with their sub-points.

In the course of the visit, the CPT's delegation visited the following places of detention with a view to interviewing persons detained on charges related to the post-election events.

### **Prisons**

- + “Nubarashen” Prison
- + “Vardashen” Prison
- + Yerevan-Kentron Prison

### **Police Establishments**

- + Holding Centre of Yerevan City Police Department
- + Main Department for Combating Organised Crime, Yerevan
- + Kentron District Police Division, Yerevan

### **National Security Service Establishments**

- + Temporary holding facility of the National Security Service, Yerevan

The CPT recommendations made in the report as a result of this visit particularly relate to the torture and other type of physical illtreatment towards the persons deprived of liberty, guarantees for prevention of illtreatment towards the persons deprived of liberty and to the conditions of deprivation of liberty.

## **4.5. Report on the results of CPT 2010 visits**

The CPT 2010 visit was the fifth one after the ratification of the Convention by Armenia.

In the report CPT has presented in total of 169 facts found, recommendations, remarks and requests, including recommendations in 60 paragraphs with their sub-points.

The CPT delegation visited the following places.

### **Police Establishments**

- + Detention Facility of Yerevan City
- + Kentron District, Yerevan
- + Nor Nork District, Yerevan
- + Shengavit District, Yerevan

- + Abovyan
- + Armavir
- + Charentsavan
- + Echmiatzin
- + Gavar
- + Martuni
- + Sevan
- + Vardenis

### **Military Establishments**

- + Isolator of the Military Police Headquarters, Yerevan
- + Disciplinary Isolator of Yerevan Military Police Division
- + Hrazdan Military Disciplinary Battalion (solitary confinement cells)
- + Disciplinary Isolator of Sevan Military Police Division, Martuni

### **National Security Service Establishments**

- + Detention Facility of the National Security Service Headquarters, Yerevan

### **Prison Service establishments**

- + “Kosh” Prison
- + “Nubarashen” Prison
- + Prison Hospital (psychiatric ward)
- + “Vardashen” Prison

### **Psychiatric Establishments**

- + “Nubarashen” Republican Psychiatric Hospital (Secure Unit)
- + Yerevan Nork Centre of Mental Health

### **Nursing Houses**

- + Vardenis Nursing Home (“Internat”)

## 5. RECURRING CPT RECOMMENDATIONS BY YEARS

### 5.1. Report on the results of CPT 2004 visits CPT<sup>11</sup>

In its report based on the visit to Armenia from 20 to 22 April 2004, CPT reiterated its recommendations made as a result of the CPT 2002 visit<sup>12</sup>.

CPT reiterates issues in relation to:

#### 5.1.1. Courts

CPT notes that ...whenever persons brought before a judge at the end of police custody allege illtreatment by the police, the judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of illtreatment, the judge should request a forensic medical examination whenever there are other concincing grounds (e.g. visible injuries, a person's general appearance or demeanour) that illtreatment may have occurred. The CPT also recommends that these points be emphasised during the professional training of judges<sup>13</sup>. The recommendation appeared under paragraph 21 in the report of 2002 visit.

*The RA Government did not specifically answer to this recommendation in its 2002 response report. Since this recommendation was included in the list of recommendations addressed to the Ministry of Foreign Affairs the Government provided only one general answer to all those recommendations in its response report. According to this answer corresponding measures have been taken in regard to CPT recommendations, which were ment to prevent any violation related to trial norms, as well as to ensure the protection of human rights<sup>14</sup>.*

*In their response to the report on the 2004 visit, the Armenian authorities expressed the view that judges could not take a more proactive role in this respect, inter alia because they were not “bodies of inquiry” within the meaning of Sections 41 and 42 of the CCP<sup>15</sup>.*

<sup>11</sup> The Committee has visited Armenia from 20 to 22 April 2004, the report on which has been published on 16 November 2006

<sup>12</sup> The Committee has visited Armenia from 6 to 17 October 2002, the report on which has been published on 28 July 2004

<sup>13</sup> Paragraph 15, page 12, Report on visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)38

<sup>14</sup> page 4, preliminary response of the RA Government to the CPT report on visit to Armenia from 6 to 17 October 2002, CPT/Inf (2004)26

<sup>15</sup> page 11, RA Government response to the report of CPT visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)39

### **5.1.2. Regarding Criminal Executive Establishments**

1. The recommendation of paragraph 22 of the CPT report on 2002 visit refers to the nature of medical protocols prepared by the doctor based on the medical examinations of detainees newly arrived in the criminal-executive establishment. The Committee also reiterates its recommendation that all medical examinations be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of law enforcement officials<sup>16</sup>.

*In its report in response to the mentioned recommendation the RA Government has informed that the Head of the Penitentiary Department of the Ministry of Justice had the discussion with the medical staff members, during that discussion all the recommendations made in the Report, which concerns to the medical service, were discussed and necessary measures were taken to rectify those shortcomings<sup>17</sup>.*

2. CPT is deeply concerned by the situation of two prisoners sentenced to life imprisonment, whose treatment was in a striking contrast to that of other inmates. They were being held in single cells, in conditions resembling solitary confinement. Further, their possibilities of maintaining contact with the outside world were severely restricted<sup>18</sup>. The Committee reiterates its comments and recommendation made in paragraph 102 of the report on the 2002 visit<sup>19</sup>.

*In its report in response to the mentioned recommendation the RA Government notes that now in the penitentiary institutions of the Republic of Armenia is excluded the holding of life-imprisonment prisoners in single cells, except for those cases when such measures are conditioned by providing of the safety of the prisoner or his/her surrounding, or are based on the written application-request of the prisoner, when there is no other alternative<sup>20</sup>.*

### **5.1.3. Regarding Police**

Recommendations of the paragraphs 26, 29, 35, 37, 38 and 39 of the CPT report on 2002 visit. In particular they refer to the following recommendations:

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<sup>16</sup> Paragraph 16, page 12, CPT Report on the visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)38

<sup>17</sup> Page 12, RA Government response to CPT report on the 2004 visit to Armenia CPT/Inf (2006)39

<sup>18</sup> Paragraph 28, page 16, CPT Report on the visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)38

<sup>19</sup> Paragraph 102, Page 45, CPT/Inf (2004)25

<sup>20</sup> Page 15-16, RA Government response to CPT report on the 2004 visit to Armenia, CPT/Inf (2006)39

- ✚ All persons deprived of their liberty by the police in Armenia shall be granted the right to inform a close relative or a third party.
- ✚ For the Police to ensure the right of access to a lawyer for persons in police custody applies as from the very outset of their deprivation of liberty.
- ✚ Ensure the right of persons detained by the police to be examined by a doctor is expressly guaranteed.
- ✚ Steps should be taken to make sure that procedure of making apprehension protocols is properly followed<sup>21</sup>.

*In its report in response to the mentioned recommendation the RA Government informed that corresponding measures were taken to rectify those shortcomings<sup>22</sup>.*

#### **5.1.4. Regarding places of deprivation of liberty**

Hygienic conditions of detention in the temporary detention centre of the Department of Internal Affairs of the City of Yerevan remained basically the same as those observed during the 2002 visit, i.e. poor. Consequently, the CPT reiterates the recommendations<sup>23</sup> made in paragraph 49 of the report on the 2002 visit, in particular stressing living space, in-cell lighting, ventilation, state of repair and hygiene<sup>24</sup>.

*The response report submitted by the RA Government states that after adopting the law “On maintenance of arrested and detained persons” and after the Order No 8-N of the Chief of Police the conditions of the arrested persons are appreciably improved<sup>25</sup>.*

### **5.2. Report on the results of CPT 2006 visits<sup>26</sup>**

In its report on the visit to Armenia from 2 to 12 April 2006, CPT reiterates the recommendations made in the reports of the previous years.

The CPT reiterates.

#### **5.2.1. Regarding Courts**

The CPT notes, that ...whenever persons brought before a judge at the end of police custody allege ill-treatment by the police, the judge records the allegations in writing, orders immediately a forensic medical examination and takes the necessary steps to ensure that the allegations are properly

<sup>21</sup> Paragraph 18, page 13, CPT Report on the visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)38

<sup>22</sup> Page 13, RA Government response to the CPT report on the 2004 visit to Armenia, CPT/Inf (2006)39

<sup>23</sup> Paragraph 49, page 31, CPT/Inf (2004)25

<sup>24</sup> Paragraph 20, page 14, CPT Report on the visit to Armenia from 20 to 22 April 2004, CPT/Inf (2006)38

<sup>25</sup> Page 14, RA Government response to the CPT report on the 2004 visit to Armenia, CPT/Inf (2006)39

<sup>26</sup> The Committee visited Armenia from 2 to 12 April 2006, the report on which was published on 13 December 2007

investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of illtreatment, the judge should request a forensic medical examination whenever there are other grounds to believe that illtreatment may have occurred<sup>27</sup>.

This recommendation has been continuously reiterated during the visits in 2002 (paragraph 21) and 2004 (paragraph 15).

As stressed by the CPT in the reports on its previous visits to Armenia, it is axiomatic that judges must take appropriate action when there are indications that illtreatment by the police may have occurred.

*In their response to the report on the 2004 visit, the Armenian authorities expressed the view that judges could not take a more proactive role in this respect, inter alia because they were not “bodies of inquiry” within the meaning of Sections 41 and 42 of the CCP. In the CPT’s view, this is not a convincing response<sup>28</sup>.*

*On the same issue, in the response to the 2006 visit report, the RA Authorities noted that the expression “Judges are not examination bodies” took place in the report most probably as a result of incorrect translation, which not corresponding to the legislation of the Republic of Armenia and added that due to the criminal procedure legislation, courts have much competence in the prejudicial process of the examination of criminal cases<sup>29</sup>.*

### **5.2.2. Regarding Criminal-Executive Institutions**

1. The CPT reiterates that ...the outdoor exercise facilities at “Nubarashen” Prison be upgraded (and, in particular, enlarged) in order to allow prisoners to physically exert themselves<sup>30</sup>. This recommendation has been mentioned in the 2002 visit report under the paragraph 85.

*In relation to this recommendation the RA Government has responded that in “Nubarashen” penitentiary establishment of the Ministry of Justice of Armenia all the life-sentenced prisoners have the opportunity to use the multifaceted and sport rooms. In order to regulate the attendance to the sport room and with purpose to involve all life-sentenced prisoners in sport activities, it was*

<sup>27</sup> Paragraph 18, CPT report on its visit to Armenia from 2 to 12 April 2006, CPT/Inf (2006)69

<sup>28</sup> Page 11, RA Government response to CPT report on the visit to Armenia from 20-22 April 2004, CPT/Inf (2006)39

<sup>29</sup> Page 7, RA Government response to the report on CPT 2006 visit CPT/Inf (2006)69

<sup>30</sup> Paragraph 47, CPT report on its visit to Armenia from 2 to 12 April 2006, CPT/Inf (2006)69



*made an attendance graph of prisoners, who wish to go in for sports.*

*It was also mentioned that the issue of outdoor exercise of life-sentenced prisoners, including weekends alarms the Penitentiary Department. As the result of measures taken, the free posts of “Nubarashen” penitentiary establishment are gradually occupied, which will solve the raised problem totally<sup>31</sup>.*

2. After the CPT 2002 visit<sup>32</sup> disciplinary sanctions for inmates mainly remained unchanged. CPT reiterates its previous recommendation that measures should be taken in the direction of formally guaranteeing this right<sup>33</sup>.

*The RA Government responded that the right of remand or sentenced prisoner on presentation of his/her disciplinary offence personally is formally stipulated in paragraph 215 of the RA Government Decision No 1543-N, from 3 August 2006, “On approving the internal regulation of places for holding detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia”<sup>34</sup>.*

### **5.2.3. Regarding the places of deprivation of liberty**

CPT notes that ... steps must be taken to ensure that custody registers are properly maintained, accurately record the times of deprivation of liberty (for whatever reason), release or transfer, and reflect all other aspects of custody (visits by a lawyer, relative, doctor or consular officer; taking out for questioning; when offered food, etc)<sup>35</sup>. This recommendation took place also in previous reports<sup>36</sup>. It is noteworthy that CPT did not refer to other sub-points of the recommendation text any more.

*In relation to this recommendation the RA Government has responded that according to the point 8 of the Record of the collegium session of the Police of Armenia on February 3, 2007, on purpose to raise the discipline at the detention areas, the governing body of the Police of RA charged to discuss the problem to change the staffs of the middle or senior groups of the chiefs of the Detention Area, which will leave its good influence on the development of the detention area activity<sup>37</sup>.*

<sup>31</sup> Page 16, RA Government response to the report on 2006 visit CPT/Inf (2006)69

<sup>32</sup> Paragraph 151, CPT/Inf (2004)25

<sup>33</sup> Paragraph 94, report on the visit to Armenia from 2 to 12 April 2006, CPT/Inf (2006)69

<sup>34</sup> Page 26, RA Government response to the report on 2006 visit CPT/Inf (2006)69

<sup>35</sup> Paragraph 26 report on the visit to Armenia from 2 to 12 April 2006, CPT/Inf (2006)69

<sup>36</sup> Paragraph 18, page 13, CPT report on the visit to Armenia from 20 to 22 April 2004, together with other sub-points of recommendations CPT/Inf (2006)38

<sup>37</sup> Page 9, RA Government response to the CPT 2006 visit report CPT/Inf (2006)69

### 5.3. Report on the results of CPT 2008 visits<sup>38</sup>

In the report on visit to Armenia from 15 to 17 March 2008<sup>39</sup> the CPT reiterates the recommendations made in the reports of previous years.

The CPT reiterates:

#### 5.3.1. Regarding Police

1. The CPT ...calls upon the Armenian authorities to take effective measures to ensure that the legal provisions governing detention – and in particular the time-limits of police custody – are fully respected in practice<sup>40</sup>. This recommendation has been mentioned in the 2006 visit report under the paragraph 11.

*In its response regarding this recommendation the RA Government notes that in separate cases of keeping detainees in the places of deprivation of liberty for more than 72 hours and delaying the transportation of detainees to the places of deprivation of liberty in the frames of criminal case launched in relation to the 1 March 2008 events, there was no breach of terms of detention foreseen by the RA code of criminal procedure. Deprivation of liberty or other means of deprivation not related to detention has been applied towards the apprehended persons by the decisions of courts in the timeframes set by the law. It is possible that there have been cases when after the court has applied a detention the person was kept in the detention facility, which was conditioned by the implementation of necessary and urgent investigative actions and obtaining and preparing documents required for accepting to the isolator, as well as by meer technical reasons. Nevertheless, the recommendation has been taken into consideration and corresponding instructions in this regard were charged<sup>41</sup>.*

2. CPT recommended that the Armenian authorities develop specific training for the police, and ensure appropriate preparative arrangements, in the context of carrying out crowd control operations. In the course of such training, it should be made clear that no more force than is strictly necessary must be used. Furthermore, once apprehended persons have been brought under control, there can never be any justification for their being struck. The Committee stressed that the training should be supplemented by correct planning, strict control of the operations and proper organisation of the actions, with subsequent debriefing.

<sup>38</sup> The Committee has visited Armenia from 15 to 17 March 2008, the report on which was published on 19 March 2010

<sup>39</sup> The purpose of the visit was to examine the treatment of persons detained in the result of police operation for dispersing demonstration during the night of 1 March 2008

<sup>40</sup> Paragraph 11, page 10, report on visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7

<sup>41</sup> Page 8, RA Government response to the report on visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)8

The CPT reiterates the abovementioned recommendation<sup>42</sup>. This recommendation was mentioned under the paragraph 12 of the 2004 visit report.

*In its report RA did not provide any response or observation in relation to this recommendation.*

3. In the report on 2006 visit the CPT thoroughly examined the formal guarantees against illtreatment, which are used by the police towards persons deprived of liberty (i.e. the right to inform about the reasons of apprehension, the right to a lawyer and doctor) and made a number of recommendations for reinforcing these guarantees. Nevertheless, during the March 2008 visit it became clear that when it is about the protection of those rights in practice then it leaves much to be desired<sup>43</sup>. This recommendation was mentioned under the paragraph 25 of the 2006 visit report.

*In relation to this recommendation the RA Government response report notes that Article 15 of the RA Law “on keeping detained and arrested persons” provides comprehensive regulation of the possibility for apprehended persons to directly request a conduction of forensic medical examination. Additionally, it was mentioned that the process of ensuring the right of detainees to medical service and their other rights, in particular the right to have a lawyer, which is being done unconditionally<sup>44</sup>.*

4. In the paragraph 24 of its 2006 visit report the CPT recommends that steps be taken by the Armenian authorities to ensure an effective implementation in practice of the new provisions concerning detained persons’ right of access to a doctor. The existing provisions must be complemented so as to make it clear that:
  - ✚ the right of access to a doctor applies as from the moment of *de facto* deprivation of liberty,
  - ✚ all medical examinations should as a rule be conducted out of the hearing and sight of police officers unless the doctor concerned expressly requests otherwise in a given case,
  - ✚ the results of every examination should be formally recorded by the doctor and made available to the detainee and his lawyer if needed,

<sup>42</sup> Paragraph 19, page 15, CPT report on the visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7

<sup>43</sup> Paragraph 22, page 17, CPT report on the visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7

<sup>44</sup> Page 7, RA Government response to the CPT report on its visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)8

- ✚ whenever injuries are recorded by a doctor which are consistent with allegations of illtreatment made by a detained person, the record should be brought to the attention of the relevant prosecutor<sup>45</sup>.

*In the RA Government response report it is mentioned that the right of arrested persons to protection and to undergo forensic medical examination or other types of examinations has been ensured. In such cases corresponding protocols have been prepared, which were then attached to the materials of criminal case. The process of ensuring the right of arrested persons to medical service and other rights, in particular the right to have a lawyer, have been done unconditionally by the RA National Security Service officials.*

*In relation to this recommendation the RA Government response report notes that Article 15 of the RA Law “on keeping detained and arrested persons” provides comprehensive regulation of the possibility for apprehended persons to directly request a conduction of forensic medical examination. Additionally, it was mentioned that the process of ensuring the right of detainees to medical service and their other rights, in particular the right to have a lawyer, which is being done unconditionally<sup>46</sup>.*

5. As regards police establishments, conditions of detention at the Holding Centre of Yerevan City Police Department had not changed since the previous CPT visit in 2006. The Armenian authorities must make continuous efforts to bring conditions of detention in police establishments into line with the basic requirements set out in the reports on the CPT’s previous visits. In particular, steps should be taken to ensure that:
  - ✚ all cells intended for stays of longer than 3 hours are equipped with a means of rest suitable for overnight stays;
  - ✚ all persons detained overnight are provided with clean mattresses and blankets;
  - ✚ police establishments are allocated a specific budget to cover the cost of providing food to detained persons<sup>47</sup>.

*The RA Government response report does not provide any answer in regards to this recommendation.*

<sup>45</sup> Paragraph 25, page 18, CPT report on the visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7

<sup>46</sup> Page 7-8, RA Government response to the CPT report on its visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)8

<sup>47</sup> Paragraph 29, page 20, CPT report on the visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7

#### 5.4. Report on the results of CPT 2010 visits<sup>48</sup>

In its report on the visit to Armenia from 10 to 21 May 2010 the CPT reiterated the recommendations made in the visit reports of previous years.

The CPT reiterates that:

##### 5.4.1. Regarding Police

1. In relation to violences following the March 2008 events The Committee recommends re-opening the investigation into the case of “A”, to whom allegedly illtreatment had taken place on the premises of the SIS<sup>49</sup>.

This recommendation has first appeared under the paragraph 14 of the 2008 visit report.

*The RA reponse report notes that the issue discussed in the subject paragraph is out of the scope of police authority.*

2. CPT notes that ... information on rights must be given apprehended persons at the very outset of their de facto deprivation of liberty<sup>50</sup>. This recommendation was mentioned under the article 23 of the 2008 visit report.

*In the RA Government response report it is mentioned that, indeed, there is a contradiction between the article 5 of the RA Law “About the Police” and article 63 of the RA Code of Criminal Procedure. In one case it sets a period of 3 hour for notification and in the other – not later than 12 hours. The contradiction must be eliminated by making amendments in the RA Code of Criminal Procedure. At the same time it is mentioned that in case of similar legal collision the more favorable norm for the detainee is applied, i.e. the notion of 3 hour period for notification.*

*The RA Police would appreciate it if the CPT Delegation could inform the RA Police about the cases of improper notification by the police officers for the conduction of internal investigation<sup>51</sup>.*

3. The CPT refers to the recommendations made in the reports on the 2006 and 2008 visits, and calls upon the Armenian authorities to take measures, including of a legislative nature, to make it clear that:

✚ the right of access to a doctor applies as from the moment of de facto deprivation of liberty,

<sup>48</sup> The Committee visited Armenia from 10-21 May 2010, the report on which has been published on 17 August 2011

<sup>49</sup> Paragraph 23, page 21, CPT report on its visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>50</sup> Paragraph 29, page 23, CPT report on its visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>51</sup> RA Government response to the paragraph 29 of CPT report on 2010 visit, CPT /Inf (2011)25

- ✚ medical examinations of detained persons should be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers,
- ✚ the results of medical examination should be formally recorded by the doctor and made available to the detainee and, upon request, his or her lawyer,
- ✚ whenever injuries are recorded by a doctor which are consistent with possible illtreatment, the record should be brought to the attention of the relevant prosecutor<sup>52</sup>.

*RA Government response report notes that Para 4 of the Article 13 of the Law of RA “On treatment of arrested and detained persons” states that “the detained person has the right to protect his/her health, including receiving sufficient food and urgent medical aid, as well as to be examined by the doctor of his/her choice in his/her own financial expenses”. As to medical examination of a detainee a forensic medic, then, according to the Article 15 of the same Law, “an arrested or detained person and, in consent of an arrested or detained person, also his/her lawyer have the right to demand the forensic medical examination”.*

*In conformity with the point 13 of the Governmental Decision #574-Ն dated 05.06.2008, “In case of discovering a bodily injury or obvious signs of disease or any complaints about state of health, the Police officer on duty invites a medic. The invited doctor immediately carries out the examination, during which the doctor chosen by the detained person may also participate. The medical examination of a detained person shall be conducted out of hearing and, unless the doctor requests otherwise, beyond the sight of an administrative serviceman of a place of detention. The results of the medical examination shall be recorded in registration book, in personal file and the patient, as well as the agency of criminal proceedings shall be informed of that.”. By the way, in compliance with the point 3 of the Article 13 of the Law of RA “On treatment of arrested and detained persons”, a detained person has the right to complain about violations of his/her rights and freedoms, both personally and through the lawyer or legal representative to administration of the place of arrest or detention, to higher organs, court, prosecutor's office, Ombudsman, central and local government bodies, public associations and parties, mass media, as well as international bodies or organizations dealing with protection of human rights and freedoms<sup>53</sup>.*

<sup>52</sup> Paragraph 34, page 25, CPT report on its visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>53</sup> RA Government response to the paragraph 34 of the 2010 visit report is included in the remarks regarding the paragraph 33

#### 5.4.2. *Regarding Criminal Executive Establishments*

1. The CPT notes that ...verbal information on rights must be given systematically to all persons apprehended by the police, at the very outset of their de facto deprivation of liberty. As regards the information form on rights, it should be given systematically to all detained persons as soon as they are brought into a police establishment<sup>54</sup>. This recommendation was mentioned under paragraph 23 of the 2008 visit report.

*The RA Government response report notes that in the scope of police reforms programme, it is currently foreseen to make an electronic protocol without delay following the bringing a person to the police units, using the computers with mirror display connected to the Police network. In addition, it is intended to work out booklets in Armenian, Russian and English about the rights of the persons brought to the police<sup>55</sup>.*

2. CPT notes that ...for therapeutic and psycho-social rehabilitation activities at the Secure Unit of “Nubarashen” Psychiatric Hospital possibilities and at the Nork Centre of Mental Health, efforts should be made to expand the range of therapeutic options and involve more patients in rehabilitative psycho-social activities. Any juvenile patients accommodated in the establishments should be offered specific programmes relevant to adolescent psychiatric patients, including education. Further, steps should be taken to draw up an individual treatment plan for each patient<sup>56</sup>. This recommendation was mentioned under point 167 in the 2002 visit report.

*No explanation is given in the RA corresponding report concerning the “Nubarashen” Psychiatric Hospital, as for Nork Centre of Mental Health it is mentioned that a fenced area has been built adjacent to the 6-th ward, where people under trial go for a walk and can do exercises. The means of restraint are used in exceptional cases pursuant to the procedure approved by the RA Ministry of Justice. The treatment and care of the patients with mental disorders are organized according to the requirements of RA Law “On Mental Aid”<sup>57</sup>.*

<sup>54</sup> Paragraph 36, page 26, CPT report on its visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>55</sup> RA Government response report concerning the point 9 of the 2010 visit report

<sup>56</sup> Paragraph 141, page 62, report on the visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>57</sup> RA Government response report, remarks of RA Ministry of healthcare CPT/Inf (2011)25

### 5.4.3. *Regarding Psychiatric Hospitals*

1. CPT notes that ...the treatment of patients in the Prison Hospital's psychiatric ward to be improved, the objective being to offer a range of therapeutic and rehabilitative activities, including access to occupational therapy, group and individual psychotherapy and possibly educational activities and suitable work. This will require the setting up of appropriate facilities within the ward and the drawing-up of individual treatment plans<sup>58</sup>.

This recommendation was mentioned under the point 178 of the 2002 visit report.

*The RA Government response report notes that consultations are organised by leading psychiatrists of the country within the framework of close co-operation with the Ministry of Health of the Republic of Armenia*<sup>59</sup>.

2. CPT notes ...in regards to involuntary hospitalization in psychiatric establishments.

- ✚ Clearly spell out in the relevant legislation the criteria justifying involuntary hospitalization,
- ✚ Ensure a periodic review of involuntary hospitalisation decisions, which should take place at least once every six months<sup>60</sup>.

This recommendation was mentioned under the point 122 of the 2006 visit report.

*The RA Government response report does not provide any answer in regards to this recommendation.*

3. CPT notes that ...steps to be taken to ensure that the provisions of the Law on Psychiatric Assistance (LPA) on involuntary civil hospitalisation are fully implemented in practice. This will involve training of all structures and persons concerned<sup>61</sup>. This recommendation was mentioned under the point 122 of the 2006 visit report.

*Regarding "Norq" Mental Clinic the RA Government response report notes that that by entering the mental hospital inpatients give their written consent, except the patients who enter the Clinic not willfully, but according to the decision of the court.*

*It also mentions that specialists from France, which have arrived upon the invitation of MOH RA, nowadays conduct trainings for 25 nurses*<sup>62</sup>.

<sup>58</sup> Paragraph 114, page 52, CPT report on its visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>59</sup> RA Government response report, remarks of the RA Ministry of Health CPT/Inf (2011)25

<sup>60</sup> Paragraph 147, page 64, report on the visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>61</sup> Paragraph 148, page 65, report on the visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>62</sup> RA Government response report, remarks of the RA Ministry of Health CPT/Inf (2011)25



4. CPT notes that ...introductory brochure setting forth the hospital routine and patients' rights must be devised and issued to each patient on admission, further to be given to the patients and their families/guardians<sup>63</sup>. This recommendation was mentioned under the point 128 of the 2006 visit report.

*The RA Government response report notes that in all the clinics, patients having mental disorders are acquainted with free advocate services regarding their rights and the prescribed treatment, for which they sign and the mentioned document is attached to the medical history of the patient<sup>64</sup>.*

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<sup>63</sup> Paragraph 151, page 66, report on the visit to Armenia from 10 to 21 May 2010, CPT/Inf (2011)24

<sup>64</sup> RA Government response report, Remarks of the RA Ministry of Health CPT/Inf (2011)25

## **6. REVIEW OF RECOMMENDATIONS OF CPT DELEGATION AND RESPONSES OF THE RA GOVERNMENT ON THE IMPLEMENTATION OF MEASURES TAKEN BY THE RA GOVERNMENT**

### **6.1. Recommendations concerning the RA Police and the course of their implementation**

#### **Text of Committee Recommendation.**

1. Verbal information on rights to be given systematically to all apprehended persons at the very outset of their de facto deprivation of liberty<sup>65</sup>.
2. All detained persons must be informed on their rights at the very outset of their deprivation of liberty. As regards the information form on rights, it should be given systematically to all detained persons as soon as they are brought into a police establishment<sup>66</sup>.

#### **Recurring Recommendation Date**

For the first time these two recommendations were mentioned in the CPT report on the visit to Armenia from 15 to 17 March 2008, CPT/Inf (2010)7).

#### **Text of RA Government report in response to the Committee's recommendation**

The RA Government gave the same responses to both questions, i.e.:

Indeed, there is inconsistency between Article 5 of the Law of RA "On Police" and Article 63 of the Criminal Procedure Code of RA: in one case the time of notification is set to be three hours, in another – not later than 12 hours. It is necessary to eliminate the discrepancy by making an amendment to the Criminal Procedure Code of RA. At the same time it should be mentioned that in case of such a collision more favorable norm is applicable to an arrested person, i.e. the provision of notification within 3 hours.

In the RA Government response report it is mentioned that the Police would be grateful to the CPT delegation if the latter provides information on nonnotification in due course by the Police in order to conduct official examinations<sup>67</sup>.

#### **Brief text of CSL inquiry.**

The RA Police intended to work out booklets in Armenian, Russian and English about the rights of the persons brought to the police. Have those booklets been developed and if yes, then please

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<sup>65</sup> Point 29 of CPT 2010 visit report, CPT/Inf (2011)25

<sup>66</sup> CPT 2010 visit report, point 36, CPT/Inf (2011) 25

<sup>67</sup> RA Government response to points 29 and 36 of the CPT 2010 visit report, CPT /Inf (2011)25

provide a sample?

#### **Brief text of response**

There are information bulletines displayed in the duty points and detention facilities of all district police divisions in Yerevan and in the regions on the rights and obligations of persons apprehended to the RA Police divisions.

Additionally, in the frames of reforms being implemented in the RA Police, a guideline has been approved by the Order 2505-A issued by the Head of Police of the Republic of Armenia and enforced on 19.09.2011 “On the rights and obligations of police officers while apprehension of persons”, which clearly spells out also the rights and obligations of apprehended persons.

#### **Conclusion/Remark**

From the RA Police response it is obvious that concrete steps have been carried out towards the recommendations made by CPT, which are ment to informing about the rights of apprehended persons at the very outset of their de facto deprivation of liberty. However, there was no sample bulletin/booklet provided in response to the CSL inquiry. Moreover, booklets in Russian or English about the rights of the persons brought to the police are not available in any of the RA Police divisions.

#### **Text of Committee’s recommendation**

3. The CPT calls upon the Armenian authorities to take steps to ensure that the protocol of detention is drawn up without delay following apprehension. Further, measures should be taken to ensure that protocols of detention refer to the time of apprehension and of admission to a police establishment (in addition to the time of the commencement of drawing up the protocol of detention)<sup>68</sup>.

#### **Text of RA Government response report on CPT recommendation.**

As early as 2006 the Criminal Procedure Code of the Republic of Armenia has been completed with Article 131.1 on law-making initiative of the Police, which guarantees the possibility to institute the criminal case regarding de facto detained persons within the period of 3 hours and to implement procedural arrest. The legality of action of bringing a person to the Police is in close conjunction with the matter and in practice is not considered as a detention with the negative consequences deriving from it. Taking into account the fact that a new draft of the Criminal Procedure Code is currently processed, therefore the procedure for drawing up the protocol of detention at the moment of bringing a person will be regulated within the framework of the new legislation.

In the scope of police reforms programme, it is currently foreseen to make an electronic protocol without delay following the bringing a person to the police units, using the computers with mirror

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<sup>68</sup> Point 9 of the CPT 2010 visit report, CPT/Inf (2011)25

display connected to the Police network. In addition, it is intended to work out booklets in Armenian, Russian and English about the rights of the persons brought to the police<sup>69</sup>.

#### **Brief text of CSL inquiry.**

In the scope of RA police reforms it has been foreseen that electronic protocols would be made without delay following the bringing a person to the police units, using the computers with mirror display connected to the Police network. Is this network operating and if yes, then when it has been implemented in the RA police system? If it is not operational yet, then when is the RA police planning the implementation and exploitation of this system?

#### **Brief text of response.**

Computers with mirror display connected to the Police network for making electronic protocols is not operating in the RA police system.

#### **Conclusion/Remark.**

It is obvious from the RA police response that in the scope of implemented reforms the system of making electronic protocols has not been implemented, moreover, no computers were installed with mirror display connected to the Police network. Thus, the system promised by the RA police is not implemented, and the CPT recommendation and concerns are left unrealized in practice.

#### **Text of Committee's recommendation.**

4. The CPT recommends that through ongoing training must be delivered to all police officers fighting corruption and against the abuse of their position<sup>70</sup>.

#### **Text of RA Government response report on CPT recommendation.**

Fully realizing the importance of the matter, an action programme directed to reducing the corruption risks in the Police has been established by the Order #3140-U of the Head of Police of the Republic of Armenia dated 09.12.2009. At the meantime, the "Police ethics" subject has been included in educational schedules at Police Academy and Police Training Centre by the initiative of the leadership of the Police of the Republic of Armenia. In addition, the Police servicemen continually participate in training courses on similar topics both in the Republic of Armenia and in foreign countries. The mentioned topics are also included in thematic plans training classes of the Police units.

A guideline on anti-corruption behaviour of Police servicemen is currently processed within the framework of the Police reforms programme.

Despite all this, the Police express its willingness to conduct service examinations and bring guilty servicemen to appropriate account in case the CPT delegation will provide any objective information on corrupt practices committed by the Police servicemen<sup>71</sup>.

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<sup>69</sup> RA Government response on the point 9 of CPT 2010 visit report, CPT/Inf (2011)25

<sup>70</sup> Point 11 of CPT 2010 visit report, CPT/Inf (2011)25

### **Brief text of CSL inquiry.**

- ✚ A guideline on anti-corruption behaviour of Police servicemen was planned to be developed within the framework of the Police reforms programme. Has this guideline on anti-corruption behaviour of Police servicemen been developed? If yes, please provide a guideline sample.
- ✚ How many service examinations have been conducted during 2010-2011 and how many Police servicemen have been brought to appropriate account based on the information provided by CPT delegation on corrupt practices committed by the Police servicemen and what means of account have been applied?

### **Brief text of response.**

- ✚ The guideline on anti-corruption behaviour of Police servicemen is currently in its final stage of development.
- ✚ During the mentioned timeframe no information on corrupt practices committed by the Police servicemen has been provided by CPT delegation to the RA Police, consequently no reports are available on the service examinations conducted in this regard.

### **Conclusion/Remark.**

It is obvious from the RA police response that the promised guideline on anti-corruption behaviour has not been developed yet, although the RA Government response has been presented almost two years ago. As for the conduction of service examinations on the cases of corrupt practices committed by the Police servicemen, the RA police did not conduct service examinations on the subject issue reasoning it by the fact that no information has been presented by the CPT delegation to the RA Police during the mentioned period. Thus, the RA Police has not developed the promised guideline on anti-corruption behaviour yet and service examinations have not been conducted on the cases of corrupt practices.

### **Text of Committee's recommendation.**

5. During the 2010 visit, the delegation heard allegations of physical illtreatment of detained persons.
6. During the 2010 visit, the delegation recorded alleged cases of violence and other types of illtreatment by police operational staff towards the persons being interrogated<sup>72</sup>.

### **Text of RA Government response report on CPT recommendation.**

The RA Government gave the same answer to the both questions, i.e.:

Any case of cruel, disrespectful attitude or treatment, especially torture and inhuman or degrading

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<sup>71</sup> RA Government response to point 11 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>72</sup> Point 12 of the CPT 2010 visit report, CPT /Inf (2011)25

treatment of citizens committed by the Police servicemen becomes the subject of wide discussions in the Police of RA and guilty persons are subjected to strict disciplinary liability.

Thus, during 2010 81 complaints (245 complaints were received in 2009) on cruel, disrespectful, degrading attitude towards citizens committed by the Police servicemen were received, 19 of the mentioned complaints (37 complaints were established in 2009) were proved by the examining. As a result of made service examinations 23 police servicemen were subjected to disciplinary liability (51 police servicemen were subjected to disciplinary liability in 2009), 4 police servicemen were subjected to criminal liability (2 police servicemen were subjected to criminal liability in 2009). By the way, 1 police serviceman called for criminal liability was sentenced to imprisonment, 1 policeman to detention, and for 2 policemen conditional sentence with trial period were applied.

As to the wide-ranging operative preventive measure of bringing to Police 53 persons participated in criminal “clarification” in Nor Nork administrative district, Yerevan City, on 17 April 2010, there were appropriate insignias on uniforms of servicemen of the Police units participated in above mentioned operation (see photos of 17.04.2010 uploaded on [www.a1plus.am](http://www.a1plus.am)). By the way, 13 firearms, 8 cold steels and notable amount of ammunition were seized from the brought persons.

In order to ensure the application of identification numbers on uniforms of the Police servicemen protecting the public order, an appropriate addition has been made to the Article 12 of the Law of RA “On Police” and the Order #34-Uq has been signed by the Head of Police of the Republic of Armenia on 23.03.2011, by which the application procedure of identification numbers for Police servicemen has been established<sup>73</sup>.

#### **Brief text of CSL inquiry.**

5. How many complaints have been received during 2011, on the cases of cruel, disrespectful attitude or treatment, especially torture and inhuman or degrading treatment of citizens committed by the Police servicemen? How many complaints have been justified through examination? How many service examinations have been conducted? How many police servicemen were subjected to criminal liability and what kind of measures of account have been applied tehereto?

6. How many police servicemen were subjected to criminal liability during 2011 based on the facts of different breaches of law? How many of those have been sentenced?

#### **Brief text of response.**

5. Pursuant to the Order #1747-U dated 17.08.2010 issued by the Head of RA Police “on defining the procedure of registering and presenting a unified report on the results of applications and compliants recived in the RA Police system”, there have been 339 complaints brought against the Police servicemen according to the records, and since they are not classified by contents it is

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<sup>73</sup> RA Government response to point 12 of the CPT 2010 visit report, CPT /Inf (2011)25

difficult to say how many of those refer to cases of cruel, disrespectful attitude or inhuman or degrading treatment of citizens committed by the Police servicemen.

6. Pursuant to the Order #2694-U dated 07.05.2010 issued by the Head of RA Police, the filing on disciplinary practice of police servicemen and on the breaches of law committed by them is carried out on a quarterly basis, therefore, currently we can present data only for 9 months, according to which 46 criminal cases were launched involving 53 persons, of which 7 cases were sent to the court and 6 of them were sentenced.

#### **Conclusion/Remark.**

From the RA Police response it is obvious that certians steps have been carried out towards the CPT recommendations, which were ment to reduce the cases of breaches of law by the police servicemen. However, it is noteworthy, that the complaints received against the RA Police servicemen are not classified according to breaches, which makes it impossible to consider that CPT has in fact received a substantial response. Moreover, CSL's experience shows that in relation to cases physical abuses and illtreatment towards detainees the RA Police is generally limiting its actions to conduction of service examinations, whereas the stated violations must be investigated in frames of criminal charges and result in subjecting the guilty persons to criminal liability.

#### **Text of Committee's recommendation.**

7. The CPT recommends that the use of electric stun devices be reviewed, by making amendments in the relevant legislation. The Committee would like to receive, for the years 2009 and 2010, the following information
  - ✚ the number of recorded instances of recourse to "special means", in particular electric stun devices, by police officers
  - ✚ the number of injuries and deaths reported to the competent authorities following recourse to such means<sup>74</sup>.

#### **Text of RA Government response report on CPT recommendation.**

Changes and additions have been made to the Law of RA "On Police" on 22.12.2010 concerning the use of speacial means, including electric stun devices. In paticular, it has been forbidden to involve in Police equipment types of special means, which can, by their tactical technical specifications, cause serious damage to health or arise irreversible changes in human organism or death or may act as an unfound risk source. In addition, the responsibility to set admissible standards for using special means is assigned by law to the Ministry of Health. The grounds for use of electric stun devices and spark-gaps have been also fixed by the law<sup>75</sup>.

The special means have been involved in Police equipment in conformity with the 2nd para of the

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<sup>74</sup> Point 16 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>75</sup> See the p.p. of 1-4, part 1, Article 31 of the Law of RA "On Police"

UN “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, according to which law enforcement agencies will possess such types of police equipment which are non-lethal, exceptionally have neutralizing characteristics and are used with the aim to restrict the possibility of causing death or injuries. Police servicemen are regularly provided with special trainings for use of physical force, special means and firearms.

The Police of the Republic of Armenia received no information about bodily injuries caused by spark-gaps used by the Police<sup>76</sup>.

#### **Brief text of CSL inquiry.**

What kind of special training are police servicemen receiving for using force, special means and firearms and in what regularity?

#### **Brief text of response.**

Pursuant to the orders #2615-U dated 03.12.2010 “on organization and conduction of service trainings” and #2690-U dated 15.12.2010 “on organization of martial and physical fitness trainings” issued by the Head of RA Police the RA Police servicemen regularly conduct theoretical and practical trainings on certain weekdays, whereas the personnel of the guarding service and of the the special purpose division undergo physical training and deal with improvement of techniques every day.

Besides that, by the Order #2760-U dated 11.10.2011 issued by the Head of RA Police a guideline “On the actions of police divisions involved in safeguarding public order, the use of force, special means and weapons by them during mass disorders” has been approved and handed to divisions for guiding them during service and practical trainings.

#### **Conclusion/Remark.**

From the RA Police response it is obvious that concrete steps have been taken in towards the CPT recommendations, the orders #2615-U dated 03.12.2010 “on organization and conduction of service trainings” and #2690-U dated 15.12.2010 “on organization of martial and physical fitness trainings” issued by the Head of RA Police have been adopted, as well as the Order #2760-U dated 11.10.2011 issued by the Head of RA Police a guideline “On the actions of police divisions involved in safeguarding public order, the use of force, special means and weapons by them during mass disorders” has been approved for guiding them during service and practical trainings. However, considering the Armenian realities, it is noteworthy that the development and approval of the mentioned legal acts is not yet a guarantee of their effective implementation.

#### **Text of Committee’s recommendation.**

8. The Committee would like to receive detailed information on the application of

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<sup>76</sup> RA Government response to point 16 of the CPT 2010 visit report, CPT /Inf (2011)25



identification numbers on the uniforms police officers<sup>77</sup>.

#### **Text of RA Government response report on CPT recommendation.**

In order to ensure the application of identification numbers on uniforms of the Police servicemen protecting the public order, an appropriate addition has been made to the Article 12 of the Law of RA “On Police” and the Order #34-Uq has been signed by the Head of Police of the Republic of Armenia on 23.03.2011, by which the application procedure of identification numbers for Police servicemen has been established<sup>78</sup>.

#### **Brief text of CSL inquiry.**

Pursuant to the part 2 of the Article 12 of the Law of RA “On Police”, while protecting public order the police servicemen must wear the defined uniforms, on a visible area of which symbols allowing to personally identify the police serviceman are attached. Please provide the procedure of application of identification codes of the RA Police servicemen, and kindly inform when the mentioned procedure has been implemented.

#### **Brief text of response.**

Pursuant to the part 2 of the Article 12 of the Law of RA “On Police” the Order #34-Uq signed by the Head of Police of the Republic of Armenia on 23.03.2011 the procedure of application of identification numbers for Police servicemen protecting the public order has been approved and enforced, which cannot be provided due to being secret.

#### **Conclusion/Remark.**

From the RA Police response it is obvious that certain steps have been taken towards the CPT recommendations, the procedure of application of identification numbers for Police servicemen protecting the public order and ensuring public security has been approved. However, the justification of the Police that the mentioned order is secret, deprives the latter of its value, because if the mentioned order is not available to any person the latter cannot tell how the identification number of the RA Police servicemen looks like, the way it should be worn and etc.

#### **Text of Committee’s recommendation.**

9. The CPT recommends a development of a training programme for police operational officers and investigators in charge of assigning examinations. It suggests putting particular emphasis on a physical evidence-based approach, and not to be limited by the results of questioning. Meanwhile the Committee notes that there is need to conduct trainings on the procedure of conduction of questioning<sup>79</sup>.

#### **Text of RA Government response report on CPT recommendation.**

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<sup>77</sup> Point 17 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>78</sup> RA Government response to point 12 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>79</sup> RA Government response to point 18 of the CPT 2010 visit report, CPT/Inf (2011)25

Due to the Instruction #8-5 issued on 01.02.2011 by the Head of Police of RA in order to train those who have responsibility to obtain basic information for expert examinations and who authorized to prescribe expert examinations in the Police system, as well as to raise the level of their skills, the Police servicemen authorized for investigation and inquest, in accordance with schedule defined, should appropriately participate in training courses organized by the "National Bureau of Expert Examinations" State Non-Commercial Organization. Besides, the Police Academy organizes training courses for improvement of theoretical and practical knowledges of the servicemen mentioned.

Concerning the improvement of the interviewing techniques, it is planned to establish the rooms with one-way mirrors pursuant to the point 27 of the Police Reform Programme, and the interrogation process may be recorded upon a request made by an interrogated person which is foreseen by the Article 209 of the Criminal Procedure Code of RA<sup>80</sup>

#### **Brief text of CSL inquiry.**

Have the rooms with one-way mirrors been created pursuant to the point 27 of the Police Reform Programme? If yes, please inform in which divisions of the RA Police are there such kind of rooms.

#### **Brief text of response.**

In assistance with the US Embassy a (mirror) room with audio-video recording facility will be created in the Organized Crime General Department of the RA Police. A separate room on the 7<sup>th</sup> floor of the Organized Crime General Department premises has been provided for this purpose, where a corresponding mirror has been installed already and agreement has been reached for equipping the room with other required technical devices.

#### **Conclusion/Remark.**

From the RA Police response it is obvious that no sufficient steps have been taken towards the CPT recommendations, since nothing else but installing the mirror of the (mirror) room with audio-video recording facility has been carried out yet. CSL is anticipating that as promised by the RA Police the (mirror) room with audio-video recording facility to be created in the Organized Crime General Department of the RA Police will be created within the shortest possible timeframe. However, it is noteworthy that the mere creation of the room will not solve the problem.

## **6.2. Recommendations concerning the RA Ministry of Labor and Social Issues and the course of their implementation.**

#### **Text of Committee's recommendation.**

1. Steps must be taken at Vardenis Nursing Home to reduce the occupancy levels<sup>81</sup>.

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<sup>80</sup> RA Government response to point 18 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>81</sup> Point 157 of the CPT 2010 visit report, CPT /Inf (2011)25

**Text of RA Government response report on CPT recommendation.**

RA Government did not refer to this question.

**Brief text of CSL inquiry.**

What steps have been taken towards solving the issue of occupancy levels at Vardenis Nursing Home (“Internat”)?

**Brief text of response.**

As a result of reconstruction carried out at the living spaces of the 4<sup>th</sup> Block of Vardenis Nursing Home (“Internat”) in 2010, 5 new rooms, 48sq/m, have been created, and a new room in 2011, with 74sq/m living space. An estimate-budget has been prepared for the construction of a 2 storied administrative building in the territory of the Nursing home, which will also reduce the over-occupancy.

**Conclusion/Remark.**

From the response of the RA Ministry of Labor and Social Issues it is obvious that certain steps have been taken towards the recommendations made by CPT, which were ment for reducing over-occupancy, however, without possessing specific numeric data (in particular it is not mentioned how many patients can be received at the establishment and how many are in fact occupied, as well as for how many patients are the newly constructed rooms going to solve occupancy issues) it is impossible to talk about sufficiency or efficiency of those steps.

**Text of Committee’s recommendation.**

2. An individual treatment plan must be drawn up for each resident, including the details of the treatment<sup>82</sup>.

**Text of RA Government response report on CPT recommendation.**

As it was explained in the beginning, Vardenis Nursing Home psycho-neurological establishment is not a medical institution, but according to the RA Government decree N1874 dated December 7, 2007 it is envisaged for twenty-four-hour care, social service and permanent residence for persons aged from 18 having chronic mental deceases, learning disabilities, senile psychosis or severe sclerosis. For each resident of the Nursing Home an individual socio-psychological rehabilitation register is kept, where types of rehabilitative activities carried out by social worker and psychologist are recorded. As far as the residents’ medical registers are concerned, all residents have individual medical registers, where doctors make notes about prescribed medical measures and medication. Individual medical registers are kept by the doctor<sup>83</sup>.

**Brief text of CSL inquiry.**

It was planned to develop a mental health national comprehensive program, which would cover the

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<sup>82</sup> Point 161 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>83</sup> RA Government response to point 161 of the CPT 2010 visit report, CPT /Inf (2011)25

gaps existing in psychiatric and medical-social establishments. Have such program been developed? If yes, please provide a copy of this program and detailed information.

**Brief text of response.**

No response was given to this question.

**Conclusion/Remark.**

In the RA Ministry of Labor and Social Issues response the answer to the information requested by CSL is missing, in case of which it is difficult to assess whether the promised mental health national comprehensive program has been developed or not. In this case, we think that the RA Ministry of Labor and Social Issues did not fulfill its commitment and did not develop the mental health national comprehensive program, otherwise it would have been published, in case of being developed, and presented in response to CSL inquiry.

**Text of Committee's recommendation.**

1. The use of any type of physical or chemical means of restraint must be recorded in the respective register.
2. Develop and implement special program in relation to the procedure of the use of means of restraint<sup>84</sup>.

**Text of RA Government response report on CPT recommendation.**

RA Government gave the same answer to both questions, i.e.:

According to the RA law "About Psychiatric Assistance" against a person with psychiatric disorders involuntary placed at a psychiatric establishment, means of physical restraint (belts, special clothing) and resorts to isolation, as well as chemical restraint can be used only following the psychiatrist's justified decision, use and duration of such means are recorded in the medical documents.

At Vardenis Nursing Home the aforementioned procedure is also followed, with the exclusion of belts and special clothing usage. At the nursing home means of restraint are mainly chemical, in other words medication is used, which is prescribed following the psychiatrist's decision and is recorded in a special register kept by the Chief Medical Officer. Based on the resident's aggressive behaviour it can also be decided to temporarily isolate him/her<sup>85</sup>.

**Brief text of CSL inquiry.**

3. Are the uses of all type of means of restraint (physical and other) in Vardenis Nursing Home ("Internat") being properly registered in the respective registers? If yes, please provide information regarding the procedure of registration.
4. It was planned to develop a clear policy for the implementation of means of restraint in

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<sup>84</sup> CPT 2010 visit report point 163, CPT /Inf (2011)25

<sup>85</sup> RA Government response to point 163 of the CPT 2010 visit report, CPT /Inf (2011)25

Nursing Homes (“Internat”). Has the mentioned policy been developed? If yes, please provide a copy of this document and detailed information thereto.

#### **Brief text of response.**

3. From the means of restraint physical and medical ones are being used towards patients in Vardenis nursing house. The means of restraints are prescribed by the doctor, recorded in the respective register and simultaneously in the patient’s medical history, pursuant to the RA Law “about psychological care”.

4. No policy has been developed for the implementation of means of restraints at Vardenis nursing house, nursing house is being guided by the RA Legislation acting as in the sphere of social security also in the sphere of psychological care.

#### **Conclusion/Remark.**

From the response of the RA Ministry of Labor and Social Issues it is obvious that certain steps have been taken for taking records in case of the use of means of restraints (physical and medical) towards the patients in the respective register and simultaneously in the patient’s medical history. However, the Ministry did not develop the promised clear policy for implementation of means of restraints, which could have essential impact on the solution of issues raised by the CPT.

### **6.3. Recommendations concerning the National Security Service and the course of their implementation.**

#### **Text of Committee’s recommendation.**

1. To notify the servicemen of the National Security Service that the use of illtreatment towards the detained persons is impermissible and is subject to severe punishment<sup>86</sup>.
2. To take measures towards the improvement of professional training of the National Security Service servicemen, particularly emphasizing the means of interrogation of suspects<sup>87</sup>.

#### **Text of RA Government response report on CPT recommendation.**

Nasional Security Service officers who deal with suspects of criminal cases are periodically being instructed on inadmissibility of illtreatment of suspects (detained persons) and about the responsibility they will be brought to in relation with such behavior<sup>88</sup>.

#### **Brief text of CSL inquiry.**

It was planned to conduct a professional training for servicemen of the RA National Security Service about the interrogation of suspects. Has such professional training been implemented? If yes, please provide detailed information on the implemented measures.

<sup>86</sup> CPT 2010 visit report point 56, CPT /Inf (2011)25

<sup>87</sup> CPT 2010 visit report point 57, CPT /Inf (2011)25

<sup>88</sup> RA Government response to points 56 and 57 of the CPT 2010 visit report, CPT /Inf (2011)25

### **Brief text of response.**

It was planned to conduct a professional training for servicemen of the RA National Security Service about the interrogation of suspects, which has been implemented during the training of investigators, as well as during the discussions organized in the NSS Investigation Department.

### **Conclusion/Remark.**

It is obvious from the RA NSS response that the training of NSS servicemen for improving professional skills in conduction of interrogations has been carried out during the training of investigators, as well as during the discussions organized in the NSS Investigation Department. Thus, NSS responded only to that concern of CPT, which referred to the improvement of professional training of NSS servicemen, but disregarded the CPT concerns related to the use of illtreatment towards the detained persons and to severe punishment, which allows concluding that the mentioned issue will be raised in the result of future CPT visits.

## **6.4. Recommendations concerning the RA Ministry of Healthcare and the course of their implementation.**

### **Text of Committee's recommendation.**

1. To take measures in the direction of eliminating the below mentioned gaps in “Nubarashen” republican psychiatric hospital.
  - ✚ Increase the number of staff
  - ✚ Increase the number of psychiatric doctors and nurses in the 7<sup>th</sup> ward,
  - ✚ Implement trainings intended for the staff of psychiatric establishments, including trainings about the patients' rights<sup>89</sup>.

### **Text of RA Government response report on CPT recommendation.**

Specialists from France, which have arrived upon the invitation of MOH RA, nowadays conduct trainings for 25 nurses.

The number and structure of the Staff is approved by the Ministry of Health RA according to the existing norms<sup>90</sup>.

### **Brief text of CSL inquiry.**

1. Has the number of psychiatric doctors and nurses been increased in the 7th ward of “Nubarashen” republican psychiatric hospital? Please provide detailed information.
2. Are ongoing trainings for the staff of psychiatric establishments, including trainings about patients' rights being implemented? Please provide detailed information.

### **Brief text of response.**

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<sup>89</sup> CPT 2010 visit report point 137, CPT /Inf (2011)25

<sup>90</sup> RA Government response to point 137 of the CPT 2010 visit report CPT /Inf (2011)25

1. No increase in the number of psychiatric doctors and nurses in the 7th ward of “Nubarashen” republican psychiatric hospital is planned for 2012.
2. Ongoing trainings are being organized for the staff of psychiatric establishments by the heads of clinics and chief nurses.

### **Conclusion/Remark.**

From the responses of the RA Government and the Ministry of Health it is obvious that no answers were given essentially to the issues raised by the CPT. Moreover, there was an attempt to “disperse” the CPT concerns through general responses, which by no means speaks for constructive cooperation and for the fulfillment of RA international commitments. In the response to CSL inquiry by the RA Ministry of Health it is obvious that no measures have been taken towards the solution of issues raised by the CPT and none are planned likewise.

### **Text of Committee’s recommendation.**

2. The Committee reiterates its recommendation in regards to the implementation of therapeutic and recreational social-psychological events at “Nubarashen” Psychiatric Hospital. Also in the Nork Psychiatric Center the implementation of therapeutic measures must be improved and involve more patients. A special program must be designed for young patients, including educational. Steps must be taken for showing individual approach towards each patient.
3. The Committee notes again that the treatment of patients must be improved in psychological establishments stressing therapeutic and recreational measures, including occupational therapy, group and individual psychotherapy and possible educational and work activities. This will require installment of corresponding equipment in wards and development of individual treatment programs<sup>91</sup>.

### **Dates of repeating recommendation.**

The 2<sup>nd</sup> recommendation has been first mentioned in the 2006 visit report.

The 3<sup>rd</sup> recommendation has been first mentioned still in 2002 CPT visit report.

### **Text of RA Government response report on CPT recommendation.**

No response was given to both recommendations.

### **Brief text of CSL inquiry.**

2. Have the possibilities for therapeutic and social-psychological activities been developed in “Nubarashen” Psychiatric Hospital and Nork Psychiatric Clinic and do young patients undergo special treatment programs? Please provide detailed information.
3. Have the individual approach programs been developed for each patient? If yes, please provide

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<sup>91</sup> CPT 2010 visit report point 141, CPT /Inf (2011)25

detailed information.

**Brief text of response.**

2. In “Nubarashen” and Nork Clinics psychologists and other narrow specialists take part in the treatment of patients. As for the young patients, they undergo treatment in the children’s division operating in Nork Clinic, which is a specialized division employing qualified psychotherapists and psychologists.

3. In the psychological service each patient needs and receives individual approach and treatment.

**Conclusion/Remark.**

RA Government did not provide any answer regarding CPT recommendations, and from the response of the RA Ministry of Health to CSL inquiry it is obvious that in “Nubarashen” Psychiatric Hospital and in Nork Psychiatric Clinic the possibilities for therapeutic and social-psychological activities have not been developed, moreover no special treatment program has been developed for young patients. The proposed individual approach program for each patient has not been developed either. Thus, the RA Ministry of Health did not fulfill the CPT recommended actions, which would result in positive changes in the subject sphere in case of being implemented.

**Text of Committee’s recommendation.**

4. Increase the staff/patient proportion at Nork Psychiatric Clinic<sup>92</sup>.

**Text of RA Government response report on CPT recommendation.**

The number of staff as well as the structure is being approved by the RA Ministry of Health in accordance with the existing procedure<sup>93</sup>.

**Brief text of CSL inquiry.**

Has the increase of the staff/patient proportion at Nork Psychiatric Clinic been implemented? Please provide detailed information.

**Brief text of response.**

No staff increase is planned for Nork Psychiatric Clinic during 2012.

**Conclusion/Remark.**

From the response of the RA Ministry of Health it is obvious that the CPT recommendation to increase the staff/patient proportion at Nork Psychiatric Clinic has been disregarded. No steps were taken towards the mentioned recommendation and there are no plans for the future either. Thus, the RA Ministry of Health did not carry out the CPT recommended actions, which would result in positive changes in the subject sphere in case of being implemented.

**Text of Committee’s recommendation.**

5. In the respective law the criteria for non-voluntary hospitalization must be clearly articulated

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<sup>92</sup> CPT 2010 visit report point 138, CPT /Inf (2011)25

<sup>93</sup> RA Government response to point 138 of the CPT 2010 visit report, CPT /Inf (2011)25



and the decisions regarding non-voluntary hospitalization must be reviewed on a regular basis<sup>94</sup>.

6. The Committee notes again that steps must be taken to ensure that the items of the law on Psychiatric care related to non-voluntary civic hospitalization are properly implemented in practice, including the conduction of trainings for all involved persons and bodies<sup>95</sup>.

#### **Dates of repeating recommendation.**

Both recommendations have been first mentioned in the 2006 visit report.

#### **Text of RA Government response report on CPT recommendation.**

RA Government did not provide a clear response to these questions.

#### **Brief text of CSL inquiry.**

Have non-voluntary hospitalization criteria been defined in the corresponding legislation and is the law on psychiatric intervention applied in practice? Please provide examples of application.

#### **Brief text of response.**

Non-voluntary hospitalization criteria are defined by the Law about “Psychiatric care”. The law has effective daily application. One example: in all hospitals non-voluntary hospitalized persons are held by a court decision, whose trial hearing takes place in the hospitals at the presence of their representative or defender.

#### **Conclusion/Remark.**

In the response of the RA Ministry of Health it is not clearly shown how the CPT recommendations have been implemented, whether the decisions on non-voluntary hospitalization have been reviewed on regular basis or whether the items of the law on Psychiatric care related to non-voluntary civic hospitalization are properly implemented in practice, including the conduction of trainings for all involved persons and bodies. Thus, the RA Ministry of Health did not carry out the CPT recommended actions, which would result in positive changes in the subject sphere in case of being implemented.

#### **Text of Committee’s recommendation.**

7. Prepare induction booklets which will contain the agenda of psychiatric hospitals, patients’ rights and will be distributed among patients and their families<sup>96</sup>.

#### **Dates of repeating recommendation.**

This recommendation has been first mentioned in the 2006 visit report.

#### **Text of RA Government response report on CPT recommendation.**

In all the clinics, patients having mental disorders are acquainted with free advocate services

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<sup>94</sup> CPT 2010 visit report point 147, CPT /Inf (2011)25

<sup>95</sup> CPT 2010 visit report point 148, CPT /Inf (2011)25

<sup>96</sup> CPT 2010 visit report point 151, CPT /Inf (2011)25

regarding their rights and the prescribed treatment, for which they sign and the mentioned document is attached to the medical history of the patient<sup>97</sup>.

**Brief text of CSL inquiry.**

It was planned to prepare induction booklets which would contain the agenda of psychiatric hospitals, patients' rights and would be distributed among patients and their families. Were the mentioned booklets prepared and regularly distributed among patients and their families? Please provide a copy of the mentioned booklet.

**Brief text of response.**

By the decree 14-N of the RA Health Minister from 29.07.2010, the information bulletin notifying the rights of persons suffering from mental diseases has been approved.

**Conclusion/Remark.**

From the response of the RA Ministry of Health it is obvious that by the decree 14-N of the RA Health Minister from 29.07.2010, the information bulletin notifying the rights of persons suffering from mental diseases has been approved, however no copy has been presented in response to the CSL inquiry, so we would refrain from expressing any opinion on the content of the mentioned information bulletin.

**Text of Committee's recommendation.**

8. To make sure that the patients kept in psychiatric establishments are regularly informed about the decisions of psychiatric commission and the court made in relation to them<sup>98</sup>.

**Text of RA Government response report on CPT recommendation.**

RA Government did not provide a clear response to this question.

**Brief text of CSL inquiry.**

Are the patients kept in psychiatric establishments regularly informed about the decisions of psychiatric commission and the court made in relation to them and also do they receive copies of those decisions? Please provide detailed information.

**Brief text of response.**

Patients undergoing treatment in psychiatric establishments are regularly informed about the decisions of psychiatric commission and the court made in relation to them and receive copies of those decisions.

**Conclusion/Remark.**

Although the RA Government did not provide a clear answer to the mentioned recommendation in response to CSL inquiry the RA Ministry of Health has mentioned that the patients undergoing treatment in psychiatric establishments are regularly informed about the decisions of psychiatric

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<sup>97</sup> RA Government response to point 151 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>98</sup> CPT 2010 visit report point 146, CPT /Inf (2011)25

commission and the court made in relation to them as well as receive copies of those decisions.

#### **Text of Committee's recommendation.**

9. To make sure that the means of mechanical restraint are not applied in the presence of other patients but in specially designed rooms<sup>99</sup>.

#### **Text of RA Government response report on CPT recommendation.**

RA Government did not provide a comprehensive response to this question.

#### **Brief text of CSL inquiry.**

It was planned not to apply means of mechanical restraint in the presence of other patients but in specially designed rooms. Are the mentioned measures implemented properly and what changes were made towards the solution of the presented issue?

#### **Brief text of response.**

The means of mechanical restraint are used quite rarely in our practice, mainly in the intervention rooms where no other patients are present. This is carried out in accordance with the guideline on the application of physical restraint in the establishments realizing psychiatric medical care and service for persons with mental diseases approved by the RA Minister of Health on 03.05.2010, by the decree No 691-A.

#### **Conclusion/Remark.**

From the response of the RA Ministry of Health it is obvious that the means of mechanical restraint are used quite rarely in practice, mainly in the intervention room, where no other patients are present. From the mentioned statement it can be concluded that the CPT recommendation is carried out in practice. Whereas it is worth mentioning that the "Helsinki Citizens' Assembly Vanadzor Office" NGO implementing permanent monitoring in neuro-psychological establishments states that the means of restraint are usually being applied in the patients' wards, moreover, cases have been registered when other patients help medics in the process of application of such measures.

#### **Text of Committee's recommendation.**

10. To create an individualized environment for the patients of "Nubarashen" republican psychiatric hospital and to provide them private lockable space for keeping their belongings<sup>100</sup>.

#### **Text of RA Government response report on CPT recommendation.**

In case of proper financing, it is envisaged to perform reconstruction works at the Clinic and improve the living conditions of the patients<sup>101</sup>.

#### **Brief text of CSL inquiry.**

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<sup>99</sup> CPT 2010 visit report point 145, CPT /Inf (2011)25

<sup>100</sup> CPT 2010 visit report point 134, CPT /Inf (2011)25

<sup>101</sup> RA Government response to point 134 of the CPT 2010 visit report, CPT /Inf (2011)25

It was planned to create an individualized environment for the patients of “Nubarashen” republican psychiatric hospital and to provide them private lockable space for keeping their belongings. Have these measures been taken? Please provide detailed information about the implemented activities.

#### **Brief text of response.**

In “Nubarashen” psychiatric clinic it is not possible to carry out capital construction works, in particular, to create an individualized environment for patients undergoing forced treatment. As for patients’ belongings those are held by the nurse-housekeeper of the given division under lock.

#### **Conclusion/Remark.**

In response to the CPT recommendations the RA Government noted that they planned to carry out repairing activities and improve the living conditions of the patients if corresponding financing is available. While, in response to the CSL inquiry, the RA Ministry of Health stated that in current conditions it is not possible to carry out capital construction works, in particular, to create an individualized environment for patients undergoing forced treatment in “Nubarashen” psychiatric clinic. Thus, the RA Ministry of Health did not fulfill the CPT recommended actions but in response to the CPT report has mentioned that certain activities are planned, which may not actually be considered an honest answer since in one case it is mentioned that certain activities are planned and in the other case it says it is not possible in current conditions.

### **6.5. Recommendations concerning the RA Ministry of Defense and the course of their implementation.**

#### **Text of Committee’s recommendation.**

The Committee recommends:

- ✚ the official occupancy levels of cells be reduced at the disciplinary isolators of Yerevan Military Police Division and Sevan Military Police Division.
- ✚ the cells measuring 4 m<sup>2</sup> at Sevan Military Police Division in Martuni be either enlarged or taken out of service;
- ✚ all detainees undergoing disciplinary confinement be provided with mattresses, blankets and pillows at night.
- ✚ the state of repair and cleanliness of the sanitary facilities at the Disciplinary Isolator of Yerevan Military Police Division be improved<sup>102</sup>.

#### **Text of RA Government response report on CPT recommendation.**

The bad conditions of cells and the poor state of repair and cleanliness of the sanitary facilities at the Disciplinary Isolator of Yerevan Military Police Division are eliminated as they are basically repaired since 24.01.2007.

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<sup>102</sup> CPT 2010 visit report point 55, CPT /Inf (2011)25

The reform of occupancy levels of cells is related to ongoing legislative amendments. Nevertheless, the Staff of Military Police doing its best to provide minimum 4 sqm of living space per-detainee, by allocating less detainees in the cells than the number of beds in that same cells are.

As regards to improvement of living conditions of militaries at the Disciplinary Isolators, it is also the issue of legislative amendments. The absence of mattresses and pillows and ban of usage of beds attached to the wall during the day are imposed by acting legislation.

Code of garrison and guard service of Armenian Armed Forces does not provide any type of out-of-cell activity for military staff remanded in custody or serving sentences.

Ministry of Defence of Armenia will take into consideration the comments and recommendations of CPT, while amending the legislation<sup>103</sup>.

#### **Brief text of CSL inquiry.**

1. In the frames of reforms being implemented in the RA Military Police it was planned to enlarge the size of cells. Have those reforms been implemented? If yes, please provide detailed information on the measures taken towards the solution of the subject matters.
2. It was envisaged to solve the issue of improving the living conditions of conscripts being kept in the disciplinary isolators of the RA Military Police. For example, providing the persons deprived of liberty in the disciplinary isolators with mattresses and pillows for the night and allowing to use the beds fastened to the walls during the daytime. Have measures been taken towards the solution of this issue? If yes, please provide detailed information on the steps undertaken.

#### **Brief text of response.**

1. Capital repairing and construction of new disciplinary isolators has been implemented in the system of Military Police of the RA Ministry of Defense (Ijevan, Vanadzor, Gyumri, Martuni, Yerevan, Vayk, Kapan, Stepanakert and Tshambarak). The cell sizes have been reformed and they have been refurbished in accordance with the regulations set by the charter. Thus, for one serviceman the size of the cell is 4sq/m, there is a fixed table in the cell, a military stool, a bending couch, military closet, a tray attached to the wall with a glass and water tank.
2. The draft of the law “Disciplinary Code of the RA Armed Forces” has been submitted to the RA National Assembly from which the disciplinary isolation of servicemen has been removed as a measure of disciplinary punishment and the servicemen will not be subjected to such punishment any more. In this regards corresponding changes will also be made in the Appendix 14 of the Code of Garrison and Patrol Services of the RA Armed Forces. The

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<sup>103</sup> RA Government response to point 55 of the CPT 2010 visit report, CPT /Inf (2011)25

mentioned drafts are planned for adoption during the spring semester of the RA National Assembly.

#### **Conclusion/Remark.**

From the response of the RA Ministry of Defense it is obvious that specific steps have been taken towards the implementation of CPT recommendations, which were meant to improve the living conditions of persons kept in the disciplinary isolators in the system of Military Police, as well as towards removing the disciplinary isolation of servicemen as a measure of disciplinary punishment.

#### **6.6. Recommendations concerning the RA Ministry of Justice and the course of their implementation.**

##### **Text of Committee's recommendation.**

1. Redouble efforts to combat prison overcrowding<sup>104</sup>.

##### **Text of RA Government response report on CPT recommendation.**

Respective measures have been taken and are now underway for the solution of problems in relation to the overcrowding and facility conditions of penitentiary establishments. The Programme for the Reforms of the Penitentiary System approved in 2010 by the Government of the Republic of Armenia provided for implementation of reforms in several directions. Naturally, these reforms should first of all relate to the legislative definition of the status of the Service. For these purposes in 2003 the Law of the Republic of Armenia "On penitentiary service" was adopted, and the improved version of the mentioned Law was adopted in 2005. Up to now many legal acts have been adopted for the purpose of properly ensuring the activities of the Penitentiary Service.

Besides the legal framework, the programme for reforms also provided for practical and infrastructure-related measures. The latter implied bringing the Penitentiary Service, particularly the logistics of penitentiary establishments, in line with both the new living conditions and international standards. In other words, it is necessary to terminate the functioning of old and non-optimally operated penitentiary establishments, transform the existing premises and bring them in compliance with the international standards and build new penitentiary establishments meeting the international standards. It is natural that the conditions of already obsolescent and physically depreciated premises of the establishments inherited from the soviet times are not suitable for execution of punishment in conformity with the international standards of human rights. In the initial phase of the Programme for Reforms of the Penitentiary Service, i.e. in 2001-2006, four penitentiary establishments have been renovated as a temporary measure of solving the problems faced by the system. Certainly, it should be noted that even with the repaired establishments we can hardly say

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<sup>104</sup> CPT 2010 visit report point 61, CPT /Inf (2011)25

that the system infrastructures fully comply with the European standards. In other words, penitentiary establishments repaired within the framework of reforms implemented so far may be considered solely as a transitional phase<sup>105</sup>.

#### **Brief text of CSL inquiry.**

What measures are being taken towards the solution of prison overcrowding and prison construction? Please provide detailed information on the undertaken measures.

#### **Brief text of response.**

For the purpose of solving the issue of improvement of prison conditions the experience of other countries has been studied in having prisons that meet current international standards and the conclusion is that such prisons could be achieved not by trying to bring the current ones to international standards but by constructing new prisons according to European standards.

By the program of infrastructure reforms of the Penitentiary Department it is planned that during the upcoming 10 years instead of certain prisons (including “Nubarashen” prison) new prisons will be built complying with the international standards and the operation of those having insufficient structural conditions will be ceased.

It should be mentioned that the corresponding measures have been and are being taken towards the improvement of structural conditions of prisons. By the prison reform program approved by the RA Government improvements are projected in several directions. A number of legal acts have been adopted for the proper implementation of the activities of the Penitentiary Department. Besides legal provision, the reform program also implies practical and infrastructure measures. The latter assuming bringing the Penitentiary Department, the prison material base in particular, in compliance with the current vital conditions as well as with the international standards. In other words, the repairing activities carried out so far as a result of the prison reform program should be considered as a transitional phase. This is why the construction of new prisons is a must.

Thus, for ensuring the proper and complete implementation of objectives of the Penitentiary Department prescribed by the law, 4 new prisons will be built and 4 others will undergo capital reconstruction during the upcoming 10 years.

The following is planned in the penitentiary system of the RA Ministry of Justice:

#### Capital Construction

- ✚ The construction activities of building the new “Armavir” prison of the RA MoJ are in the process (intended for 1200 prisoners) pursuant to the scheduled approved by the No 831-Ն decree, from 2 June 2011, of the RA Government;
- ✚ In case of financing the construction activities of the new “Goris” prison of the RA

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<sup>105</sup> RA Government response to point 61 of the CPT 2010 visit report, CPT /Inf (2011)25



MoJ will be carried out (intended for 320 prisoners, the design-projection activities are already completed),

- ✚ It is planned to build new “Yerevan” (provisional name, for 1800 prisoners) and «Sevan» (for 1200 prisoners) prisons, a new block for the RA MoJ “Vanadzor” prison (for 250 prisoners),

#### Reconstruction activities

- ✚ Reconstruction activities are planned in the RA MoJ “Abovyan”, “Sevan” and “Kosh” prisons. According to the RA Government N 831-Ն decree, from 02.06.2011, after attaching the land and property of the “National Oncological Center” CJSC of the RA Ministry of Health located at B.Fanarjyan 76 address to the RA Ministry of Justice, reconstruction works will be implemented there to adjust it to the requirements of a prison.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that construction and reconstruction activities are planned for solving the problems criminal-executive establishment, which are indeed encouraging, however, no active steps have been taken towards currently increasing overcrowding, for instance in the direction of improving the system of early conditional release.

#### **Text of Committee’s recommendation.**

1. The Committee recommends that the Armenian authorities strive to develop programmes of activities for both sentenced and remand prisoners<sup>106</sup>.

#### **Text of RA Government response report on CPT recommendation.**

As regards organised activities of remand and sentenced prisoners, it should be noted that in January of this year the “Assistance to the Prisoner” foundation was presented with a list of vocational skills of the sentenced prisoners aiming at involvement of sentenced prisoners in work based on their handicraft abilities. Both sentenced and remand prisoners will be involved in these work activities. In addition, on 6 April 2011 a new production unit with confectionery and bakery was opened in Abovyan Penitentiary Establishment the activities of which will involve more than ten remand and sentenced prisoners and to a certain extent will solve the problem of employment in that establishment; in the future it is planned to enlarge the dimensions of that production and open new units. At present, the development of a project on the establishment of a lamps unit is underway that will involve about two tens of sentenced and remand prisoners. The Penitentiary Service, in cooperation with the “Assistance to the Prisoner” foundation continuously pursues

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<sup>106</sup> CPT 2010 visit report point 62, CPT /Inf (2011)25



effective measures for ensuring the employment of sentenced and remand prisoners. (RA Government response to point 62 of the CPT 2010 visit report, CPT /Inf (2011)25).

#### **Brief text of CSL inquiry.**

In terms of programmes of activities for sentenced and remand prisoners it was planned to involve the prisoners in different activities based on their crafts/skills. Besides this it was planned to open a new production block in “Abovyan” prison, in the activities of which over ten sentenced and remand prisoners would be involved. Have the mentioned measures been carried out and what steps have been taken towards ensuring programmes of activities for sentenced and remand prisoners?

#### **Brief text of response.**

The effective pursuit of prisoners has always been one of the important issues of the system for which steps are being taken. In particular, the bakery production workshop has been resumed in “Abovyan” prison, workshops of stone processing and carpet weaving are operating, and in “Vanadzor” prison a pasta production workshop has been launched.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that the effective pursuit of prisoners is always in the center of attention of the system, certain steps have been taken towards ensuring the occupation of prisoners, however those steps are not sufficient for solving the issue of occupation for the large part of prisoners kept in the penitentiary system.

#### **Text of Committee’s recommendation.**

2. The CPT recommends that the Armenian authorities step up their efforts to combat corruption in the prison system. Further, all prison staff and public officials associated with the prison system should be given the clear message that obtaining or demanding undue advantages from prisoners or their relatives is not acceptable<sup>107</sup>.

#### **Text of RA Government response report on CPT recommendation.**

For the purpose of limitation of corruption risks existing at the Penitentiary Service of the Republic of Armenia, the Law Institute of the Republic of Armenia regularly conducts training and educational courses for penitentiary officers aimed at improvement of their knowledge and skills and raising their legal consciousness. Measures intended for the reduction of corruption are provided for in the Programme for Infrastructure Reforms of the Penitentiary Service. The National Programme for 2009-2012 on Combating Corruption also provides for a number activities aimed at combating corruption in the penitentiary service. During the last three years, two cases of taking

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<sup>107</sup> CPT 2010 visit report point 63, CPT /Inf (2011)25

bribes have taken place in the Penitentiary Service, whereon criminal cases have been initiated and offenders were subjected to criminal liability and were dismissed from the system<sup>108</sup>.

#### **Brief text of CSL inquiry.**

It was planned to develop a corruption risk reduction program in prisons, implementation of educational and training programs for prison servicemen. Have the mentioned measures been carried out and what steps have been taken towards reduction of corruption risks that have not been mentioned in the response to the CPT report.

#### **Brief text of response.**

During 2011, 735 servicemen working in the penitentiary system have received training. The training curriculum has also included topics about combating corruption and anticorruption strategy for the prison servicemen.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that the CPT recommendations for fighting against the existing corruption in prisons have not been disregarded and as a result of implemented steps 735 prison servicemen have been trained in the topics of combating corruption and anticorruption strategy.

#### **Text of Committee's recommendation.**

1. The CPT recommends that staff working at "Nubarashen" Prison be reminded periodically that the illtreatment of inmates is unacceptable and that resort to such illtreatment will be severely punished<sup>109</sup>.
2. The CPT recommends that the Armenian authorities adopt a national strategy for combating inter-prisoner intimidation, including steps to put an end to the reliance on the informal prison hierarchy to maintain good order in prison establishments<sup>110</sup>.

#### **Text of RA Government response report on CPT recommendation.**

In cases of non-performance of the legitimate requirements of a penitentiary officer or in case of hindering the fulfilment of duties, the penitentiary officer has the right to use physical force, special means and weapon.

With respect to the remark in the Report stating that in "Nubarashen" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia some of the prisoners sentenced to imprisonment received baton blow, it should be mentioned that no person imprisoned in penitentiary

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<sup>108</sup> RA Government response to point 63 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>109</sup> CPT 2010 visit report point 64, CPT /Inf (2011)25

<sup>110</sup> CPT 2010 visit report point 68, CPT /Inf (2011)25

establishments is beaten. According to the Law of the Republic of Armenia “On penitentiary service”, in case of failure by an inmate to execute the legitimate orders of a penitentiary officer or in case of hindering the fulfilment of duties, the penitentiary officer has the right to use physical force and special means. In each case of using physical force and special means, a protocol is drawn up and, if necessary, medical aid is provided whereon respective supervisory bodies are informed in a prescribed manner<sup>111</sup>.

#### **Brief text of CSL inquiry.**

It was planned to take corresponding measures for steps to putting an end to the illtreatment in prison establishments and the reliance on the informal prison hierarchy among the inmates. Have the mentioned steps been implemented and what steps have been taken? Please provide detailed information regarding the implemented activities.

#### **Brief text of response.**

No cases of illtreatment towards inmates have been recorded in the RA prison establishments during 2011.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that they do not provide a complete answer to the posed question in what steps have been taken to putting an end the reliance on the informal prison hierarchy among the inmates. Thus, RA the Penitentiary Department of the Ministry of Justice of the Republic of Armenia declares reports that no cases of illtreatment have been recorded during 2011, however, no steps have been taken to putting an end the reliance on the informal prison hierarchy among the inmates.

#### **Text of Committee’s recommendation.**

1. The CPT calls upon the Armenian authorities to review the security arrangements for life-sentenced prisoners, in the light of the preceding remarks. Steps should be taken without delay to ensure that at “Nubarashen” Prison, the handcuffing of life-sentenced prisoners when outside their cells is an exceptional measure and is always based on an individualised risk assessment<sup>112</sup>.

#### **Text of RA Government response report on CPT recommendation.**

Life-sentenced prisoners are convicted for committing particularly grave crimes and, as a rule, are defined under a high risk category. Their risk assessment is carried out in an individualised manner; but sufficient time is needed for giving a definite appraisal during which the low risk of the

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<sup>111</sup> RA Government response to points 64 and 65 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>112</sup> CPT 2010 visit report point 72, CPT /Inf (2011)25

sentenced prisoner will be confirmed. Should there be establishments that are technically more equipped, when the likelihood of escape or other illegal actions by a sentenced prisoner will be significantly minimised, there will be more potential for avoiding handcuffing sentenced prisoners when taking them out of their cells. The practice of handcuffing sentenced prisoners when taking out of cells is conditional on their own security<sup>113</sup>.

#### **Brief text of CSL inquiry.**

Is the practice of the handcuffing of life-sentenced prisoners outside their cells applied in cases of high risk? If it has a common nature, please provide justifications for the application of such practice.

#### **Brief text of response.**

Considering the need for safeguarding the security of penitentiary servicemen and other persons, in certain cases, due to the high risk of life-sentenced prisoners, their movement is organized by the use of special means.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that due to the high risk of life-sentenced prisoners, their movement is organized by the use of special means, which allows assuming that the handcuffing of life-sentenced prisoners outside their cells is a wide-spread practice. In this case, the Committee's recommendation that the handcuffing of life-sentenced prisoners when outside their cells must be exceptional measure applied in cases of individual high risk has not been accepted by the Penitentiary Department of the Ministry of Justice of the Republic of Armenia.

#### **Text of Committee's recommendation.**

1. The CPT calls upon the Armenian authorities to set the following as short-term objectives at "Nubarashen" Prison:
  - ✚ To take measures against the overcrowding of cells and issues related to bad conditions.
  - ✚ To ensure that every prisoner has his own bed,
  - ✚ To ensure an uninterrupted supply of electricity,
  - ✚ To repair and refurbish the shower facilities,
  - ✚ To ensure access to a shower at least once a week,
  - ✚ To provide all inmates with at least one hour of outdoor exercise every day, including at week-ends,

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<sup>113</sup> RA Government response to point 72 of the CPT 2010 visit report, CPT /Inf (2011)25

- ✚ To offer organised out-of-cell activities (work, recreation/association, education, sport) to all categories of prisoner,
- ✚ To pay special attention to hygiene in the cells, volumes of these structures, ensuring minimum space requirement, lighting, water supply, ensuring of sufficient warmth and ventilation<sup>114</sup>.

### **Text of RA Government response report on CPT recommendation.**

The issues relating to the indicated short-term objectives are acceptable; responses to some of them have been provided in foregoing paragraphs. With respect to the mid-term objectives, they are planned to be addressed by the implementation of the Programme for Infrastructure Reforms of the Penitentiary Service<sup>115</sup>.

### **Brief text of CSL inquiry.**

The following issues was planned for solving in “Nubarashen” prison:

- ✚ To take measures against the overcrowding of cells and issues related to bad conditions. To ensure that every prisoner has his own bed,
- ✚ To ensure an uninterrupted supply of electricity,
- ✚ To repair and refurbish the shower facilities,
- ✚ To ensure access to a shower at least once a week,
- ✚ To provide all inmates with at least one hour of outdoor exercise every day, including at week-ends,
- ✚ To offer organised out-of-cell activities (work, recreation/association, education, sport) to all categories of prisoner,
- ✚ To pay special attention to hygiene in the cells, volumes of these structures, ensuring minimum space requirement, lighting, water supply, ensuring of sufficient warmth and ventilation.

Have the aforementioned issues been solved? Please provide detailed information regarding the implemented measures.

### **Brief text of response.**

By the construction of new prisons the issue of overcrowding of cells will be solved completely. The shower facilities are furnished with hangers, shelves and benches. Access to a shower is provided according to the paragraph 47 of RA Government Decision No 1543-N, from 3 August 2006, “On approving the internal regulation of places for holding detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia”, at least once per week. As in “Nubarashen” prison, also in all prison establishments of the RA MoJ the inmates are

<sup>114</sup> CPT 2010 visit report point 83, CPT /Inf (2011)25

<sup>115</sup> RA Government response to point 82 of the CPT 2010 visit report, CPT /Inf (2011)25

provided with at least one hour of outdoor exercise every day.

The electricity supply is organized round-the-clock and the interruptions are excluded. The hygiene conditions in the cells are on acceptable level; lighting and water supply are ensured. The heating is organized by electric heaters.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that they did not respond to all proposed questions in relation to issues existing “Nubarashen” prison, while conditioning the solution of most of the issues, including the overcrowding, with the construction of new prisons.

#### **Text of Committee’s recommendation.**

1. The Committee recommends that appropriate steps be taken to develop activity programs for foreign prisoners and to eliminate the lack of foreign literature<sup>116</sup>.

#### **Text of RA Government response report on CPT recommendation.**

For the purpose of replenishing the programmes of activities for foreign prisoners and the foreign-language literature, providing foreign prisoners with reading materials in languages they understand, it is planned to co-operate periodically – starting from May 2011 – with embassies, for receiving foreign literature with their help and delivering to “Nubarashen” and “Vardashen” Penitentiary Establishments. When allocating foreign prisoners to cells, interpersonal communication possibilities, cultural peculiarities, as well as their national origin are taken into account, to the extent possible, so that representatives of the same nation are, as far as possible, allocated to the same cells. The unit for social, psychological, and legal activities of the Penitentiary Service pays particular attention to the activities conducted with foreign prisoners<sup>117</sup>.

#### **Brief text of CSL inquiry.**

Has the issue of overcrowding in the cells of foreign prisoners been solved and have there been corresponding measures implemented towards developing activity programs for foreign prisoners and eliminating the lack of foreign literature? Please provide detailed information regarding the implemented measures.

#### **Brief text of response.**

In terms of developing activity programs for foreign prisoners a sports program has been developed. Besides this the issue of assistance in foreign literature has been presented to embassies, which is still in the process.

#### **Conclusion/Remark.**

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<sup>116</sup> CPT 2010 visit report point 78, CPT /Inf (2011)25

<sup>117</sup> RA Government response to point 78 of the CPT 2010 visit report, CPT /Inf (2011)25

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that they do not answer to the question of overcrowding in the cells of foreign prisoners. As for the activity programs for foreign prisoners and for the elimination of the lack of foreign literature the steps in these directions are in the process, hence, the issues related to foreign prisoners are not solved.

#### **Text of Committee's recommendation.**

1. The CPT recommends that the Armenian authorities take action in excluding the cases of isolation of "homosexual" prisoners in "Kosh" Prison, as well as towards improving the bad conditions of their cells<sup>118</sup>.
2. The CPT urges the Armenian authorities to repair and refurbish the toilet and shower facilities at "Kosh" Prison and to increase the frequency of showers for inmates. The Committee recommends solving the issues of leaking roofs, unheated cells and cell overcrowding<sup>119</sup>.
3. The CPT recommends that the Armenian authorities strive to develop the programme of activities offered to prisoners at "Kosh" Prison, in particular as regards education and vocational training, and to increase work opportunities for prisoners. Further, leisure and organized sports activities should be further developed<sup>120</sup>.

#### **Text of RA Government response report on CPT recommendation.**

7. Not only "homosexual" prisoners but, in general, all of them are employed exclusively on the basis of their applications. All sentenced prisoners engaged in work have rest days. Certain negative attitude of other sentenced prisoners towards "homosexual" prisoners really exists in penitentiary establishments; that attitude has its roots going deep into the past, the elimination of which requires change of mentality and, of course, certain period of time. The administration of penitentiary establishments takes all possible measures to exclude any discriminatory treatment against them.

8. Overcoming of existing shortcomings at "Kosh" Penitentiary Establishment is also envisaged in the Programme for Infrastructure Reforms of the Penitentiary Service, concerning which remarks have been provided in the preceding paragraphs. The issue relating to the quality of food in "Kosh" Penitentiary Establishment will be discussed by the administration of the Penitentiary Service and a special attention will be focused thereon. Bath facilities in "Kosh" Penitentiary Establishment have been fully repaired.

9. With respect to the remark in the Report with regard to the educational programmes, insufficient

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<sup>118</sup> CPT 2010 visit report point 92, CPT /Inf (2011)25

<sup>119</sup> CPT 2010 visit report point 90, CPT /Inf (2011)25

<sup>120</sup> CPT 2010 visit report point 91, CPT /Inf (2011)25

number of TV sets, poor libraries, work opportunities for prisoners, sport activities and lack of leisure programmes in penitentiary establishments, it should be noted that the list of professional skills of sentenced prisoners was already submitted to the “Assistance to the Prisoner” foundation in January 2011 of this year, aimed at involving the sentenced prisoners in the work based on their handicraft skills. Sport and cultural events are planned during the year, particularly, organisation of tennis, football matches, intellectual games, and replenishment of libraries<sup>121</sup>.

#### **Brief text of CSL inquiry.**

Have corresponding actions been taken in excluding the cases of isolation of “homosexual” prisoners in “Kosh” Prison, as well as towards improving the bad conditions of their cells? Please provide detailed information regarding the implemented measures.

It was planned to solve the issue of outdoor exercise of life-sentenced prisoners, including the limitations in terms of outdoor exercise and of educational opportunities. Has a special program been designed towards the solution of these issues and what measures have been taken thereto?

It was planned to solve the following issues in “Kosh” prison:

- ✚ leaking roofs, unheated cells and cell overcrowding
- ✚ The repair and refurbish of the shower and toilet facilities of “Kosh” prison and the increase of frequency of access to a shower,
- ✚ Improvement of the food quality,
- ✚ The existence of discriminate attitude towards homosexual prisoners, improving the bad conditions of their cells and the cell repairing,
- ✚ Lack of educational programs, insufficient number of TV sets, poor library, lack of sports activities and leisure programs.

Have the aforementioned issues been solved? Please provide detailed information regarding the implemented measures.

#### **Brief text of response.**

- ✚ For all detainees and prisoners kept in the prisons of the Republic of Armenia equal conditions are stipulated by the legislation of the Republic of Armenia for ensuring the requirement of separation of custody for detainees and prisoners. According to paragraph 36 of RA Government Decision No 1543-N, from 3 August 2006, “On approving the internal regulation of places for holding detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia” each detainee or prisoner is responsible for ensuring the cleanness of their cell or compartment, for which the administration of the criminal-executive establishment provides with required means, including cleaning agents

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<sup>121</sup> RA Government response to points 90-92 of the CPT 2010 visit report, CPT /Inf (2011)25



and detergents.

- ✚ The limitations for effective pursuit of life-sentenced prisoners are objectively conditioned by the structural conditions of a prison. They take advantage of both the right to outdoor exercise and the right to education. Special program will be developed after the availability of new premises the territorial and technical equipment of which will allow enlarging the scope of activities.
- ✚ The roofs of RA MoJ “Kosh” prison have been repaired. The heating in dormitories is implemented by electric heaters, the shower facilities have been repaired and refurbished completely, new bathroom and washing facilities have been capitally built in 2007. The access to shower is provided according to paragraph 47 of RA Government Decision No 1543-N, from 3 August 2006, “On approving the internal regulation of places for holding detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia”, at least once per week. The food quality and portions comply with the norms stipulated by the RA Government. No cases of discriminate attitude have been reported towards homosexual prisoners in the RA “Kosh” prison, currently the mentioned prisoners are accommodated together with other prisoners based on their applications and use the same dining hall, shower facility and other utility-household services, there is no differentiated approach towards them and other inmates. The library of the establishment has been enhanced by new literature, cultural and sports groups are operating actively, TV sets are available in all leisure rooms, rooms for creative prisoners, rooms of prolonged meetings. There are chess and tennis rooms, sports equipment, football and volleyball fields. In terms of ensuring the right to education also there are no limitations. All prisoners who expressed willingness to obtain or continue education receive the opportunity for realizing their right.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that they have addressed all issues raised by CPT, as for the issue of discriminate attitude towards homosexual prisoners, the Penitentiary Department of the Ministry of Justice of the Republic of Armenia does not accept that they are subjected to discriminate attitude in prisons.

#### **Text of Committee’s recommendation.**

1. The CPT recommends that the Armenian authorities take appropriate to reinforce the health-care staff teams at “Vardashen” and “Kosh” Prisons<sup>122</sup>.

#### **Text of RA Government response report on CPT recommendation.**

With regard to the resources and facilities of the health-care staff and the unit of penitentiary establishments, it is worth mentioning that one vacancy out of two in “Kosh” Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia has been filled. Works are conducted in order to fill vacant staff positions for specialists of 3rd rank of “Kosh” and “Vardashen” Penitentiary Establishments. The issue of duty shifts at night and on weekends is arranged through existing medical employees. The issue of filling the staff position of a dentist for “Kosh” Penitentiary Establishment is in the process, whereas that service is temporarily provided by a narrowly specialised medical assistant<sup>123</sup>.

#### **Brief text of CSL inquiry.**

Has the issue of providing health-care staff teams at “Vardashen” and “Kosh” Prisons been solved? If yes, please provide information on the number of medical staff in the mentioned establishments.

#### **Brief text of response.**

The 6 medical service department staff positions of the RA MoJ “Vardashen” prison (manager, chief specialist, 4 specialists of 3rd rank) are filled. Also 4 doctor-specialists are employed on contractual basis (dermatologist-venerologist, ophthalmologist, dentist and neurologist). From 7 medical service department staff positions of the RA MoJ “Kosh” prison 2 positions are vacant – 1 doctor and 1 medical staff positions. The issue of filling the positions is in process.

#### **Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that the issue of filling the 2 vacancies of a doctor and a medical staff out of 7 positions of the medical service department of the RA MoJ “Kosh” have not yet been solved.

#### **Text of Committee’s recommendation.**

1. The CPT calls upon the Armenian authorities to ensure that prison establishments are supplied with appropriate medication<sup>124</sup>.

#### **Text of RA Government response report on CPT recommendation.**

Irrespective of the fact that there are certain financial difficulties relating to the acquisition of medicine, however, alongside with the increasing financing, the Penitentiary Department of the Ministry of Justice of the Republic of Armenia purchases new medicine and medical accessories<sup>125</sup>.

<sup>122</sup> CPT 2010 visit report point 102, CPT /Inf (2011)25

<sup>123</sup> RA Government response to point 102 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>124</sup> CPT 2010 visit report point 105, CPT /Inf (2011)25

<sup>125</sup> RA Government response to point 105 of the CPT 2010 visit report, CPT /Inf (2011)25

**Brief text of CSL inquiry.**

Have the prisons been supplied by appropriate medication and medical accessories? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

The Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and other criminal-executive establishments are provided with appropriate medication and medical accessories. The criminal-executive establishments submit requests based on which a general request is being prepared and appropriate medication and medical accessories are being purchased according to the RA Law “about procurements”.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that Hospital for Convicts Penitentiary Establishment and other criminal-executive establishments are provided with appropriate medication and medical accessories. The criminal-executive establishments submit requests based on which a general request is being prepared and appropriate medication and medical accessories are being purchased according to the RA Law “about procurements”.

**Text of Committee’s recommendation.**

2. The Committee highlighted the issue of working irregular working hours at night or on week-ends and the absence of doctor<sup>126</sup>.

**Text of RA Government response report on CPT recommendation.**

The issue of duty shifts at night and on weekends is arranged through existing medical employees<sup>127</sup>.

**Brief text of CSL inquiry.**

Has the issue of a doctor’s absence in criminal-executive establishments been solved?

**Brief text of response.**

Apart from the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia there is no requirement for a night shift doctor in other criminal-executive establishments. The night shifts are serviced by specialists of 3rd rank.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that in response to the CPT report the RA Government provided a general answer from which it is hard to judge whether there is a doctor available at criminal-executive

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<sup>126</sup> CPT 2010 visit report point 100, CPT /Inf (2011)25

<sup>127</sup> RA Government response to point 100 of the CPT 2010 visit report, CPT /Inf (2011)25

establishments during night hours or not, however from the response to CSL inquiry the RA MoJ Penitentiary Department has mentioned that apart from the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia there is no requirement for a night shift doctor in other criminal-executive establishments. The night shifts are serviced by specialists of 3rd rank. In this case the CPT has expressed concerns that during night hours and on weekends there are no doctors at criminal-executive establishments.

#### **Text of Committee's recommendation.**

1. The Committee calls upon the Armenian authorities to provide healthcare staff with detailed instructions on medical examinations of prisoners. In particular:

- + the medical examination should be comprehensive, including appropriate screening for injuries
- + the medical examination should never be conducted in the presence of escort police officers<sup>128</sup>.

#### **Text of RA Government response report on CPT recommendation.**

As to carrying out superficial medical examination of persons on admission to the penitentiary establishments (“Kosh”), and to performing a medical examination in the presence of the staff of the establishment or escort police staff (“Nubarashen”, “Vardashen”), it should be mentioned that in 2010, Head of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia has assigned all the penitentiary establishments to properly perform an initial medical examination of remand and sentenced prisoners and to register the findings in medical records.

Medical units of penitentiary establishments have been assigned by the Division of Medical Service of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia to strictly respect the following requirements of point 37 of the Decision of the Government of the Republic of Armenia No 825-N of 26 May 2006: all medical examinations should be performed out of the sight of penitentiary or other officers; when admitting to remand facilities (including through transit), persons should undergo initial medical examination, the findings of which are recorded in a relevant medical record for the purpose of delivering medical care and recording a bodily injury or another complaint on health condition. The recording of medical examination of a remand or sentenced prisoner should include:

1. Overall picture of all statements made by a person subject to medical examination (including the description of his or her health condition and any statement on illtreatment);
2. Overall picture of the findings of unbiased medical examination;

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<sup>128</sup> CPT 2010 visit report point 107, CPT /Inf (2011)25

3. Doctor's opinion based on subpoints 1 and 2 of this point.

Where the bodily injury discovered as a result of medical examination or a complaint on health condition is the consequence of the statement of a remand or sentenced prisoner, any act containing elements of crime against him or her, the person performing medical examination informs the administration of the remand facility or correctional establishment.

The administration of the remand facility or correctional establishment informs thereof to competent authorities.

The findings of any medical examination, as well as the statements of remand prisoners and doctor's opinions should be accessible to a remand or sentenced prisoner and to his or her authorised person<sup>129</sup>.

**Brief text of CSL inquiry.**

It was planned to eliminate the shortcomings in relation to carrying out superficial medical examination of persons on admission to the penitentiary establishments and to performing a medical examination in the presence of the staff of the escort police. Have all the mentioned shortcomings been eliminated? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

There is no practice of superficial medical examination at criminal-executive establishments. There was an instruction from the Head of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia to the medical departments of criminal-executive establishments to strictly follow the requirements of point 37 of the Decision of the Government of the Republic of Armenia No 825-N of 26 May 2006.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that they do not answer to shortcomings related to the conduction of medical examination in the presence of escorting police staff, i.e., there was no answer to the question whether the practice of conduction of medical examination in the presence of escorting police staff is continued or not. From the mentioned responses it may be concluded that the conduction of medical examination in the presence of escorting police staff continues.

**Text of Committee's recommendation.**

16. The CPT trusts that the Armenian authorities will pursue their efforts to combat tuberculosis in prison<sup>130</sup>.

**Text of RA Government response report on CPT recommendation.**

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<sup>129</sup> RA Government response to point 107 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>130</sup> CPT 2010 visit report point 108, CPT /Inf (2011)25

Statistical data on morbidity and mortality in penitentiary establishments in relation to tuberculosis for the last four years<sup>131</sup>:

N	Year	Regular TB			Multi-drug-resistant forms of tuberculosis		
		Number	Including new cases	Death	Number	Including new cases	Death
1	2007	29	16	0	17	0	0
2	2008	61	33	1	20	3	1
3	2009	70	43	0	27	12	0
4	2010	45	28	0	25	7	0

**Brief text of CSL inquiry.**

Have corresponding measures been implemented in relation to effectively combating tuberculosis? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

In the frames of the national program for combating tuberculosis all components required by the DOTS project are being ensured (active and passive identification of ill persons, including the use of movable fluorograph, triple examination of phlegm and etc). In cooperation with “Medecins Sans Frontieres” organization the Hospital for Convicts and “Nubarashen” penitentiary establishments carry out a treatment of patients with drug-resistant tuberculosis also.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that a number of measures are being implemented in the frames of the national program for combating tuberculosis, which are intended for fighting tuberculosis among the persons deprived of liberty.

**Text of Committee’s recommendation.**

1. The CPT recommends that the Armenian authorities discontinue their current practice in respect of inmates considered to be particularly high suicide risk and introduce appropriate suicide prevention procedures in prison<sup>132</sup>.

**Text of RA Government response report on CPT recommendation.**

The remark referred to in the mentioned paragraph is generally acceptable, but it should be mentioned that psychological works are permanently carried out by specialists with the sentenced prisoners showing severe signs of suicidal behaviour. Though there is a need to regulate the field

<sup>131</sup> RA Government response to point 108 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>132</sup> CPT 2010 visit report point 117, CPT /Inf (2011)25

and there should be a clear cut regulation-guidance which will help relevant specialists to adequately respond to the sentenced prisoners showing severe signs of suicidal behaviour, as well as will settle those issues<sup>133</sup>.

**Brief text of CSL inquiry.**

What steps are being taken for the prevention of cases of suicide in prisons? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

Psychologists are permanently conducting diagnostic and preventive activities in prisons. Based on diagnosis therapeutic activities are being carried out regularly with persons inclined towards self-harming to prevent the cases of suicide.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that the prison psychologists are permanently conducting diagnostic and preventive activities, however, based on the information possessed by CSL not all specialists employed in criminal-executive establishments have the appropriate education or qualification of psychologist, which makes the conduction of specialized diagnostic or preventive activities impossible.

**Text of Committee's recommendation.**

1. The CPT recommends that the Armenian authorities review their policy for the management of prisoners on hunger strike<sup>134</sup>.

**Text of RA Government response report on CPT recommendation.**

The sentenced prisoners on hunger strike are under permanent medical supervision. According to the law, they are segregated from other sentenced prisoners. As to keeping them within disciplinary unit, it should be mentioned that according to the law, the disciplinary cells are different from the ordinary ones only in that sleeping gears are collected from disciplinary cells at daytimes. It is not actually done in case of the prisoners on hunger strike. However, the field concerned also needs to be regulated<sup>135</sup>.

**Brief text of CSL inquiry.**

It was planned to revise the implementation of discriminate policy towards the sentenced prisoners on hunger strike and eliminate the demonstration of discriminate attitude towards them. Are the mentioned measures being implemented? Please provide detailed information regarding the

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<sup>133</sup> RA Government response to point 117 of the CPT 2010 visit report, CPT /Inf (2011)25

<sup>134</sup> CPT 2010 visit report point 118, CPT /Inf (2011)25

<sup>135</sup> RA Government response to point 118 of the CPT 2010 visit report, CPT /Inf (2011)25

implemented measures.

#### **Brief text of response.**

There is no biased treatment towards the detainees and sentenced prisoners on hunger strike.

#### **Conclusion/Remark.**

From the response of the penitentiary department of the RA Ministry of Justice it is obvious that there is no biased treatment towards the detainees and sentenced prisoners on hunger strike.

#### **Text of Committee's recommendation.**

1. The CPT recommends solving the following issues in the Hospital for Convicts Penitentiary Establishment such as keeping patients with mental diseases together with the somatic patients, not refurbished condition of psychiatric wards, not following the rules of personal hygiene and the lack of specialists with corresponding qualification<sup>136</sup>.

#### **Text of RA Government response report on CPT recommendation.**

As to the remark that the patients suffering from mental disorders at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia are accommodated with somatic patients, the rooms at the psychiatric ward need refurbishment, the personal hygiene rules are not preserved, the possibilities for activities of patients are rudimentary, there is a lack of relevant qualified specialists, it should be mentioned that only patients suffering from mental disorders currently undergo treatment at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice, whereas somatic patients have been transferred to relevant wards. Necessary standards of living space established for each patient are maintained. The rooms have been refurbished, sanitary facilities have been renovated and changed, hygiene items are provided to patients. The ward attendant has been assigned to make daily rounds to patients to regularly perform sanitary literacy activities concerning the preservation of rules of personal hygiene. Patients are given an opportunity to play non gambling games and watch TV; they also have the opportunity to read imaginative literature. Consultations are organised by leading psychiatrists of the country within the framework of close co-operation with the Ministry of Health of the Republic of Armenia<sup>137</sup>.

#### **Brief text of CSL inquiry.**

It was planned to solve issues related to the accommodation of patients suffering from mental disorders at the psychiatric ward with somatic patients, to the unrepaired conditions of the rooms at the psychiatric ward, to the lack of preservation of personal hygiene rules and to the lack of relevant qualified specialists in the Hospital for Convicts Penitentiary Establishment. Have all the

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<sup>136</sup> CPT 2010 visit report point 113, CPT /Inf (2011)25

<sup>137</sup> RA Government response to point 113 of the CPT 2010 visit report, CPT /Inf (2011)25



mentioned issues been solved? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

The patients suffering from mental disorders at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment are kept in separate wards. In case of availability of building conditions they will be separated also by blocks. The personal hygiene rules are preserved. The repairing activities are carried out on as needed basis.

**Conclusion/Remark.**

From the response of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia it is obvious that patients suffering from mental disorders at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment are kept in separate wards. In case of availability of building conditions they will be separated also by blocks.

**Text of Committee's recommendation.**

1. The CPT recommends that the Armenian authorities adopt a flexible approach as regards possibilities to convert visit entitlements into phone calls for foreign prisoners<sup>138</sup>.

**Text of RA Government response report on CPT recommendation.**

Pursuant to law, the duration of one phone call of each sentenced prisoner may not exceed 15 minutes; in addition, taking into account the reasonable justification submitted by a prisoner, that time-limit may be prolonged for 10 more minutes. As regards the recommendation of the Committee to convert visit entitlements into phone calls for foreign prisoners, it is acceptable, and the issue of making appropriate amendments to the law will be considered<sup>139</sup>.

**Brief text of CSL inquiry.**

It was planned convert visit entitlements into phone calls for foreign prisoners. Has this change been implemented? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

There is no limitation in allowing phone calls for foreign prisoners in practice. Consequently there is also no need to convert visit entitlements into phone calls.

**Conclusion/Remark.**

The RA MoJ Penitentiary Department denies the existence of limitation in allowing phone calls for foreign prisoners in practice by its response and therefore suggests that there is also no need to convert visit entitlements into phone calls.

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<sup>138</sup> CPT 2010 visit report point 79, CPT /Inf (2011)25

<sup>139</sup> RA Government response to point 79 of the CPT 2010 visit report, CPT /Inf (2011)25

**Text of Committee's recommendation.**

1. The Committee urges the Armenian authorities to ensure that prisoners in need of hospital treatment are promptly transferred to appropriate medical facilities<sup>140</sup>.

**Text of RA Government response report on CPT recommendation.**

As to delays, no such phenomena was recorded, the transfer of those in need of urgent inpatient treatment is immediately performed<sup>141</sup>.

**Brief text of CSL inquiry.**

Are the delays with transferring prisoners to hospital eliminated? Please provide detailed information regarding the implemented measures.

**Brief text of response.**

Only detainees and prisoners exceptionally requiring inpatient treatment are transported to the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and to healthcare institutions. As for delays there have not been reports of such cases.

**Conclusion/Remark.**

RA MoJ Penitentiary Department notes that the detainees and prisoners in need of medical treatment are transported to corresponding medical institutions on timely basis, whereas Slavik Voskanyan died on 24 October 2010, detained in the "Vanadzor" prison, whose death could have been prevented according to his relatives if he would have been transported to the Hospital for Convicts Penitentiary Establishment in time.

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<sup>140</sup> CPT 2010 visit report point 104, CPT /Inf (2011)25

<sup>141</sup> RA Government response to point 104 of the CPT 2010 visit report, CPT /Inf (2011)25

## 7. CONCLUSIONS

Summarizing the above mentioned information the “Center for Strategic Litigations” Human Rights NGO has come to the following conclusions.

✚ The RA Police, as a matter of fact, carries out certain steps towards implementing CPT recommendations. However, these steps often bear formal character or are insufficient for changing the existing situation. Moreover, in some cases, while the Republic of Armenia carries out steps meant for implementing the CPT recommendations, habitually “classifies” the latter, thus increasing the already long list of arguable legislative acts existing in Armenia.

✚ The RA Ministry of Labor and Social Issues fallen quite short in implementing even such formal activities towards the fulfillment of CPT recommendations as the development and implementation of internal procedures.

✚ The RA National Security Service has carried out only those activities, which referred to the training of NSS servicemen, whereas in the sphere system-wise issues, in particular the CPT concerns in regards to identification and severe punishment of cases of illtreatment towards detainees have been disregarded.

✚ The RA Ministry of Health often provided unclear responses or did not react at all to CPT recommendations and in some cases the responses given by the Ministry regarding the implementation of reforms did not comply with the reality.

✚ The RA Ministry of Defense took certain steps towards implementing CPT recommendations, which were particularly meant for improving the living conditions of persons kept in the disciplinary isolators of the Military Police, as well as towards legislative reforms meant for eliminating the use of disciplinary isolation of conscripts as a form of punishment.

The RA Ministry of Justice in some cases has been quite consistent in the process of implementation of CPT recommendations undertaking effective mechanisms. Meanwhile, the Ministry often prefers leaving unanswered those recommendations of the Committee that refer to medical examination and medical care of detainees and convicts.

## 8. RECOMMENDATIONS

Considering the results of the implemented research the “Center for Strategic Litigations” Human Rights NGO is presenting the following recommendations addressed to:

### **RA Police**

- + Develop information leaflets about the rights and responsibilities of apprehended persons in Russian and English languages and make them available in each division of the RA Police.
- + Implement a system for creating electronic protocols.
- + Develop an anticorruption code of conduct of the RA Police and implement effective service investigations on corrupt practices.
- + Examine the cases of abuse of power and illtreatment towards detainees in the frames of criminal investigation, which will lead to criminal charges for the guilty ones.
- + Ensure effective application of the adopted procedures, guidelines and sub-legislative acts.
- + Install audio-video recording rooms with one-way mirrors in all investigative divisions/departments of the RA.

### **RA Ministry of Labor and Social Issues.**

- + Develop a comprehensive national mental health program.
- + Develop the promised clear policy for the implementation of means of restraint.

### **RA National Security Service.**

- + Take measures towards identifying the cases of illtreatment of detained persons and subjecting the guilty ones to severe punishment.

### **RA Ministry of Health.**

- + Increase the number of staff of “Nubarashen” republican psychiatric hospital of psychiatric by adding the number of doctors and nurses in the 7th ward, organize trainings for the staff, including trainings about patients’ rights.
- + Implement therapeutic and recreational social-psychological events at “Nubarashen” Psychiatric Hospital.
- + In the Nork Psychiatric Center the implementation of therapeutic measures must be improved and include more patients. A special program must be designed for young patients, including educational. Steps must be taken for showing individual approach towards each patient.
- + Increase the staff/patient proportion at Nork Psychiatric Clinic.

- ✚ Decisions and legal requirements regarding non-voluntary hospitalization must be ensured in practice.
- ✚ Make sure that the patients kept in psychiatric establishments are regularly informed about the decisions of psychiatric commission and the court made in relation to them, as well as provided with the copies of those decisions.
- ✚ Make sure that the means of mechanical restraint are used as an exceptional measure and in specially designed rooms.
- ✚ Improve the living conditions in psychiatric establishments.

### **RA Ministry of Justice.**

- ✚ Solve the issue of overcrowding in prisons.
- ✚ Solve the effective pursuit of prisoners.
- ✚ Put an end to the reliance on the informal prison hierarchy between the prisoners.
- ✚ Eliminate the use of special means while organizing the movement of life-sentenced prisoners.
- ✚ Solve the issue of overcrowding in the cells of foreign prisoners.
- ✚ Solve the issue of filling 2 vacant positions out of the 7 as per the staff list in the medical service department of “Kosh” prison designed for 1 doctor and 1 medical staff.
- ✚ Pay special attention to ensuring the provision of appropriate medication and medical accessories to the Hospital for Convicts Penitentiary Establishment and other prisons.
- ✚ Ensure the availability of a doctor during night hours and on weekends at criminal-executive establishments.
- ✚ Ensure that all specialists employed in criminal-executive establishments as psychologists have the appropriate education or qualification of a psychologist.
- ✚ Detainees and prisoners in need of medical treatment must be transported to appropriate medical institutions on timely basis.