

**Response of the Armenian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Armenia**

from 20 to 22 April 2004

The Armenian Government has requested the publication of this response. The report of the CPT on its April 2004 visit to Armenia is set out in document CPT/Inf (2006) 38.

Strasbourg, 16 November 2006

Introduction

The Republic of Armenia has ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter Convention), which entered into legal force for Republic of Armenia on 1 October 2002.

According to the mentioned Convention the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the Republic of Armenia (it is the second visit to Armenia made by the committee) from 20 to 22 of April 2004. The visit was organized as appeared to it to be required in the circumstances (Article 7, Paragraph 1, of the Convention).

Two members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited Armenia: Mr Eric Svanidze, Head of the delegation, and Ms. Marija Definis-Gojanović as well as Mr. Borys Wódz from the Secretariat of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: CPT).

(*) *In accordance with Article 11, paragraph 3, of the Convention, certain names have been deleted.*

**COMMENTS RELATIVE TO THE REPORT
PRESENTED BY THE EUROPEAN COMMITTEE FOR THE PREVENTION
OF TORTURE AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT (CPT) AFTER THE VISIT TO ARMENIA,
FROM 20 TO 22 APRIL 2004**

Concerning paragraph 3 of the Report

On 16 April 2004 the Police of the of the Republic of Armenia has informed the CPT, that in the night of 12 to 13 April 2004 during the unauthorized demonstration, 115 persons were brought to the district divisions of police department of Yerevan city for committing the offences. 4 of that 115 were arrested according to the order indicated in the articles 128 and 129 of the Criminal Procedure Code of the Republic of Armenia, 2 persons of that 4 were released, and the other 2 remanded in custody by the decision of the court on the base of articles 300, 301, 318 of the Criminal Code of Armenia. 32 offenders were attracted to administrative responsibility, 12 of that 32 were arrested in administrative order, 20 persons were fined. Because of the state of health 2 citizens were sent to health care institutions, and 77 persons were interrogated by prosecutor office and were released.

FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

Concerning the preliminary remarks

According to the paragraph 1 clause 2 of the article 19 of the law “On police”, when there are sufficient bases for suspect in existence of crime or actions which needs conduction of case, the police has the right to check the documents which confirms the identity of citizens or officials, and to bring them to the appropriate agencies by the order stipulated by law. According to the paragraph 2 of the same article the word “sufficient bases” includes the cases, when:

1. The person was caught while committing the crime or administrative offence, or immediately after that,
2. The eyewitnesses, including the victim shows that person as the offender, or a person committed the crime,
3. On the given person, or on his/her clothes or on the items used by him/her or in his/her house or car there are obvious tracks of the crime or the administrative offence.

The police have the power to carry out the arrest of the person suspected in crime or administrative offence. The administrative arrest can last not more than 3 hours (Article 262 of the Code On Administrative offences), and the arrest for committing the crime can last not more than 72 hours (Article 129 of the Criminal Procedure Code).

Administrative custody is applied for the separate types of administrative offenses in exclusive cases in 15 days, which is appointed by the court (Article 31 of the Code on Administrative offences).

The persons arrested by the administrative order were held in the places for the arrested persons of the police of the Yerevan city in the terms appointed by court, there were not recorded any break of terms.

The persons who were arrested by administrative order were kept in Places for arrested persons of Yerevan city in the terms appointed by the court, there were no recorded brakes of terms.

According to the requirements of the Order 3.1, clause n. 5. of the Head of police, administrations of regional bodies were called to undertake measures to exclude the interrogation of witnesses as suspects or convicted persons in a criminal case, the cases of keeping persons suspected of administrative violations for longer than 3 hours, as well as cases of physical ill-treated of prisoners in penitentiary establishments.

According to requirements of the Order 3.1, clause n. 5. of the Head of Police activities in this regard are taking place, particularly they are called:

- a. to record the cases of detention or administrative arrest according to the requirements of the legislation, to duly count the period of detention (also by administrative way) and administrative arrest
- b. to inform as soon as possible a relative of the detainee of its detention, to inform about his right to access to a lawyer and to provide information about his rights

Concerning the criminal responsibility of the persons who had been under the administrative arrest, only one similar case was recorded. was called for administrative responsibility in one the establishment, for administrative violation in station-nearby territory, and during the administrative arrest it was established that before being called to administrative responsibility he committed an act with criminal elements, afterwards he was called to criminal responsibility, according to the 1 clause of article 300 of criminal code.

During April' 2004, 12 detained persons entered to the TKP of Yerevan city police, according to the Articles 217, 325, 300, 301 and 318 of the Criminal Code of the Republic of Armenia. 4 persons from the mentioned 12 were realized by the decision of the investigating body. Towards the 8 of the 12, was selected arrest as a preventive measure and they were moved to the "Yerevan-Kentron" criminal-executive institution.

Concerning the paragraph 7 of the Report

According to article 258 of the Code “On administrative offences”, by purpose to make the record on the administrative offence, if it is obligatory to make the record, and if it is impossible to make the record on the place, the offender may be brought to the police division by police officer.

According to the article 262 of the same Code the period of administrative arrest is counted from the moment the person has been brought for making the record. In the night of 12 to 13 April, taking into account the big number of offenders and the impossibility of making the record on the place, the arrested persons were brought to the police divisions, where the records of arrests were made, consequently the periods of arrests were counted from the moment the records were made in police.

Concerning the counting the period of administrative detention, according to the article 324 of the Code “On administrative offences” the period of the administrative arrest is counted within the period of the administrative detention.

Concerning the paragraph 7 of the Report there was checked the legality of receiving and keeping of the people brought to the TKP criminal-executive institutions “Yerevan-Kentron” and “Nubarashen” of the Yerevan city police concerning to the events, which had taken place on 12-13 April’ 2004.

Arrest serving deadlines were counted by the order prescribed by law and they were realized the day of the deadlines.

The above-mentioned persons did not appeal.

TORTURE AND OTHER FORMS OF PHYSICAL ILL TREATMENT

Concerning the paragraphs 8 and 9 of the Report

The police officer uses physical force and special means in the cases and by the order indicated in the law “On Police”.

According to the article 30 of the mentioned law, during the prevention or stopping the violations of law, during catch of offenders and bringing them to the police divisions, in the cases of not doing the legal demands of the police officer, of disobedience or showing the resistance, and also for the purpose of self-defense, the police officer has the right to use physical enforcement, including tricks of hand-to-hand fighting with respect to offenders, in case of which some injuries are not excluded.

According to the article 31 of the same law, the police has the right to apply special means, including rubber truncheons, handcuffs, sound/light bombs, water means, electric means during the stopping the group offences. The technical/tactical descriptions of the special means correspond to the stated norms.

Concerning the paragraphs 10 and 11 of the Report

Related to the persons brought to the police by the police officers, there were no records of ill treatment in the Police of Republic of Armenia. The forensic medical examinations were appointed in respect of 16 women. Among them only refused to pass the examination, in respect of other 13 women there were not found any objective features of physical injuries. Some injuries not having the characteristic of light injury were found in respect of and

The first had the scratches on the left footplate, right hand, right elbow, right backside, left leg, and the second had the fracture injuries on joints of both legs, and scratches on the left leg and footplate.

It is not clear, who is the person who was kicked and struck by truncheon on the head, back and legs and who subsequently suffered from the recurrent headaches and eyesight problems, and in respect to whom the medical examination revealed at the back of external side of the left thigh 2 bruises, unsharpened margins, mottled yellow-green color sized 4 cm x 5 cm and 6 cm x 5 cm.

During April' 2004, 12 detained persons entered to the TKP of Yerevan city police, according to the Articles 217, 325, 300, 301 and 318 of the Criminal Code of the Republic of Armenia. 4 persons from the mentioned 12 were realized by the decision of the investigating body. Towards the 8 of the 12, was selected arrest as a preventive measure and they were moved to the "Yerevan-Kentron" criminal-executive institution.

In receiving process to TKP all the mentioned persons were subjected to the medical examination and search, in the results of which only on the body of were found reddened tracks.

No one from the detained persons appealed on the treatment of the employees of law enforcement bodies.

11 persons, based on the decisions of the courts, were subjected to the administrative arrest according to the Articles 172 and 182 of the RA Administrative Code. They also during the receiving process subjected to the medical examination and search. They weren't stated bodily harms on their bodies, neither the time of receiving, no during serving the administrative arrest.

Concerning the paragraph 12 of the Report

The police officers of the Republic of Armenia periodically pass the retraining in the training center of the police, in the educational/methodic plans of retraining are foreseen the special trainings with the title "Human rights and police". Except for that, either in Armenia, or in several foreign countries the officers of the police of Armenia periodically take part in the trainings called "Human rights and dignity", "Police ethics", "The methodological aspects of applying the force, arms, and special means and the attitude to the victims". The trainings in the same topics are involved also in topic plans of office trainings held in police divisions.

To enforce the control under police officers in order to prevent cases of tortures, inhuman or degrading treatment or punishment of police officers.

Concerning the paragraph 13 of the Report

From the 33 police officers, indicated in the information presented previously concerning the events of the night of 12 to 13 April, in respect of 5 officers (.....,,,,) and also citizen, there were not revealed any objective features of body injuries during the forensic medical examination.

From citizens refused to pass the examination, a person by namewas not found in the indicated address, the whereabouts ofis not known and was mentally ill and has no any connection to the mentioned events, so to appoint the medical forensic expertise and carrying it out was impossible in his respect, (.....'s first name is, the name of was repeated in the previous list).

Within the frame of the criminal case, by the initiative of Prosecutor General office (without any complaints-allegations) by decisions made by the body of investigation were done forensic medical examinations in respect of more than 150 persons, who were brought or invited to the police, according to the results of the examinations the physical injuries were found in respect of 44 persons, from whom 16 persons were citizens, 28 persons were officers of state agencies and military personnel.

Concerning the demonstrations the following criminal cases were proceeded:

The representatives of union “Ardarutyun” and their followers since the February 2004 organizing the demonstrations in the different regions of the republic and in the districts of Yerevan, publicly insulting the representatives of the state agencies, summoned to seize the state power by force and to change the constitutional order. Due to this fact, in March 30 2004 the criminal case was proceeded in General Prosecutor’s office of the republic, basing on the articles 301 and the part 2 of the article 318 of the Criminal Code.

For making the summons to seizure the state power by force, and changing the constitutional order by force and other actions by the leaders of union “Ardarutyun” and party “Azgayin Miabanutyun”, in 13 April 2004 the criminal case was proceeded in General Prosecutor’s office of the republic, basing on the part 1 of the article 300 of the Criminal Code.

Due to the fact of attempt of terrorist act by illegal arms, during the demonstration of 9 April 2004 in the square of Freedom by and, the criminal case was proceeded in the in General Prosecutor’s office of the republic, basing on the articles 34-217 part 2, clauses 1 and 2 and part 1 of the article 235 of the Criminal Code in 10 April 2004.

In 14 April 2004 the mentioned 3 criminal cases were joined in one conducting.

So,

Within mentioned 3 criminal cases 12 persons were arrested, including:

| | | |
|------|-----------------|----------|
| 1. | | 04.04.04 |
| 2. | | 08.04.04 |
| 3-4. | and | 10.04.04 |
| 5. | | 11.04.04 |
| 6-7. | and | 13.04.04 |
| 8. | | 15.04.04 |
| 9. | | 22.04.04 |

And also;

| | | |
|--------|------------------------|----------|
| 10-12. |, and | 13.04.04 |
|--------|------------------------|----------|

The last 3 arrestees (....., and) were released, that means, that there was no accusation presented to them, and there were no preventive punishment applied.

To the other 9 persons the accusation was presented, and by the decisions of courts the pre-trial detention as the preventive punishment was applied.

No one was under criminal prosecution because of realizing the political rights or political convictions.

Mentioned persons were prosecuted exceptionally for committing crimes foreseen in the concrete articles of the Criminal Code.

Including;

- by the article 301 and the part 2 of the article 318, for public summons of seizure of the state power by force, changing the constitutional order of the Republic of Armenia, and for public insult of the representatives of the power,
- by the article 301 of the Criminal Code, only for summons
- and, by the part 2 of the article 318 of the Criminal Code, for public insult of the representatives of the power,
- and, by the part 1 of the article 300 of the Criminal Code, for the actions directed to the seizure of the state power, by breaking the Constitution. (The accusation presented to was requalified to the part 1 of the article 316 of the Criminal Code, and he was prosecuted for using the violence not dangerous for life in respect of the representative of the power),

-, by the part 1 of the article 300 and by the part 1 of the article 329 of the Criminal Code, for illegal crossing of the state frontier,
- and, by the clauses 1 and 2 of the part 2 of the articles 34-217 and by the article 235 of the Criminal Code, for carrying the illegal arm and for the attempt of terrorism by using that arm. (Later the part of accusation presented to them was abolished and the new accusation was presented only by the part 1 of the article 235).

Consequently, the abovementioned crimes committed by them, cannot be considered as the mean of expression of political views.

In respect of 5 persons from abovementioned 9, (.....,,, and) the criminal case was abolished and the criminal prosecution was stopped, in respect of other 4 persons (.....,,, and) the cases were sent to the court.

So, the criminal case was abolished, the criminal prosecution was stopped and the preventive punishment was abolished in respect of

1. in 26.04.2004 and in 20.08.04, on the base of clauses 2 of the part 1 of the article 37 of the Criminal Procedure Code, for change of situation.

- and in 25.05.04 and in 14.06.04, on the base of the clauses 1 of the part 1 of the article 37 of the Criminal Procedure Code, for showing the real remorse.

2. was sentenced to 1-year imprisonment by the sentence made in 02.06.04 by the court of the first instance of the communities Avan and Nor-Nork, on the base of article 300 of the Criminal Code. Applying the article 70 of the Criminal Code, the punishment was conditionally not applied by the term of 1 year.

- was sentenced to 1,5 year imprisonment by the sentence made in 26.05.04 by the court of first instance of the communities Kentron and Nork-Marash, on the base of part 1 of the article 316 of the Criminal Code.

And and were sentenced to 1-year imprisonment by the sentence made in 03.08.04 by the same court, on the base of part 1 of the article 235 of the Criminal Code.

The criminal case was abolished in respect of persons who made public summons of seizure of the state power, and also for changing the constitutional order by force, also for public insult of the representatives of the state power, because of the change of the situation. And in respect of police officers, which applied the means of resistance in respect of people who committed the offences, the criminal cases were abolished because of the absence of

We also inform, that on the base of the letters of the Defender of the Human Rights of the Republic of Armenia, the legality of the materials of the administrative detention of persons committed the administrative offends was examined the, and the appropriates measures were taken.

So, in 09.06.2004 the deputy prosecutor general of the Republic of Armenia sent the letter to the prosecutors of the regions and of the Yerevan and communities of Yerevan, about the violations, made during the examinations of the administrative offences in the police departments, and it was ordered to discuss the letter in the prosecutor offices with the judges of the first instance and the officers of police, drawing their attention on the necessity to abolish the violations.

The same day the letter was sent to the head of the police department of Armavir region, for abolishing the reasons and conditions, which bring to violations while examining the administrative offences.

Connected with the violation in 4 administrative cases mentioned in the letter of the Defender of the Human Rights, the materials were prepared in the Prosecutor's office, and 26 May 2004 the decision was made to refuse the proceeding of the case, by the reason of the absence of *corpus delicti*.

The Defender of Human Rights was informed about the abovementioned.

Concerning the paragraph 14 of the Report

In the night of 12 to 13 April 2004 during the measures of protection of the public order with the appropriate services, taking into account the caliber and the character of the measures, took part also the officers of the not specialized services, who did not have the necessary skills for acting in such situations.

Besides, the administration of the Police of the Republic of Armenia, giving the importance to the raising of the co-ordination and professionalism of the common actions of the divisions not involved in the protection of the public order during the extreme situations, organizes the tactical trainings from the May 2004.

Concerning the paragraph 14 see also comments relative to paragraph 12 of the Report.

Concerning the paragraph 15 of the Report

In connection with the "passive attitude" of the judges, when finding some injuries in respect to the citizens, it must be mentioned, that the judges are not the bodies who conducts the criminal prosecution. The articles 41 and 42 of the Criminal Procedure Code limit their powers, and it is inadmissible to carry out other powers then indicated in abovementioned articles.

According to the 4 clause of the 41st article of the Criminal procedure code, the court, in cases provided by criminal procedure law has the right to address to the prosecutor with to solicit for institute legal proceedings. But it is obvious, that in this stage the court has not enough legal evidences for solicitation of the legal proceedings. Additionally, according to the 243 article of criminal procedure code of the RA accord a right to take a decision of assignment an expertise to the organs of inquiry, and the court is not regarded as such an organ. It means that the court can address to law competent organs in case he reveal injuries of citizens, which will take appropriate measures. In practice it is more often and, of course, more logical, that the person informs personally about the violation of his rights.

Concerning the paragraph 16 of the Report

During the April 2004 12 arrested persons entered to the police department of Yerevan, basing on the articles 217, 235, 300 and 318. 4 persons were released by the decisions of bodies conducting the cases, 8 persons were detained and there were transported to “Yerevan-Kentron” penitentiary establishment.

On the arrival to the Temporary Detention Center (TDC) all the abovementioned persons passed detailed medical examinations and searches, and due to the results only had red traces on the shoulder, ear and left arm.

No one from the arrested persons submitted the complaint concerning the actions of state officers.

By the decisions of the court, 11 persons were subjected to the administrative detention, by the articles 172 and 182 of the Code of Administrative Offences; they passed the medical examination and were searched during their arrival. There was no body injuries recorded in respect to those persons neither on their arrival, nor during the detention.

Except for that, the head of the Penitentiary Department of the Ministry of Justice had the discussion with the medical staff members in 25 August 2004, during that discussion all the recommendations made in the Report, which concerns to the medical service, were discussed, in particular, it was ordered to carry out the medical examinations of the prisoners, as a rule excluding the participation of the police officers and other persons. The medical staff was explained that, only in case of their request other persons could take part in examination. This rule was also formulated in the written direction of the head of the Penitentiary Department, and also it was involved in the decree, which regulates the activity of the medical services. Concrete measures were taken to maintain and conduct the files of the medical services in accordance with the secrecy regime. In order to inform about the abovementioned measures the prisoners, the booklets and boards about their right were being changed.

In practice a proper attention is given to the records of the statements of prisoners about their injuries. At the time the appropriate guidelines are given permanently to medical stuff of the criminal executive servants about indicated problem.

SAFEGUARDS AGAINST THE ILL TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY

Concerning the paragraphs 17 and 18 of the Report

Concerning the limitation of the right to access to a lawyer for administrative detainees, it is to say that according the 1st part of the 40th article of Constitution of the Republic of Armenia, and 6th article of the Law on Advocacy adopted on 14 of December 2004, the State ensure free legal assistance in criminal cases` in cases and ways provided by criminal procedure code, as well by civil code of the Republic of Armenia, in following cases.

1. in cases of alimony recovery
2. in case of compensation of damages caused by distortion or other health injuries as well by harms caused by the death of bread winner.

Chamber of Advocates provides free legal assistance at the state expenses, through the office of public defender. (Law on advocacy, art. 41,42)

Free legal assistance can be give also by advocate's initiative.

The criminal procedure code of RA provides a legal assistance of detainees and suspected persons by their requests during the examination of criminal cases at government expenses, meanwhile the Code on Administrative violations do not have such provisions for administrative detainees. By the way all infringes have an access to a lawyer from the moment of detention.

Also, the rights of detainees and arrested to an access to a lawyer is also foreseen by the law on Treatment of Arrestees and detainees, in its article 13, as well by the Internal regulations of establishments of maintenance of persons deprived of liberty of Police system (5.1).

According to the 13th article of Law on treatment of arrestees and detainees, the 5.1 clause of the regulations of establishments of maintenance of persons deprived of liberty of Police system, the person who is under the arrest or under a ban has a right to be informed about his rights , and responsibilities in an accessible for him language.

In order to accomplish the indicated provision in each duty section of police for maintenance of arrestees and in cells for detainees the rights and responsibilities of detainees and persons under a ban are represented, also, at the end of the protocol on search the person who was conducted to the place of maintenance of arrestees, sigh a notification about the acknowledgment on his rights and responsibilities (such signature is attached to the personal records of detainees

According to the order of Head of Police adopted on 11 august 2003 on "Internal regulations of establishments of maintenance of persons deprived of liberty of Police system" the conditions and regulations of short term maintenance of person under a ban are established. 19 appendixes are the registers and administrative forms which are applied from the moment of arrival of person deprived of the liberty at the establishment till the moment of release or transfer to other establishment. It means that the treatment to arrestees is conducted in all places of Keeping of arrestees of police in a common way.

And the Internal Regulation of establishment of maintenance of detainees is envisaged to be adopted at the end of the 2005.

Concerning the medical examination of persons who are in place of maintenance of detainees they are adjusted with the requirements of the Report.

Concerning the right of the lawyer to assign a medical expertise, according to the Criminal procedure code only the body conducting the case has such a right, the lawyer can solicit for the assignment of expertise before the body conducting the case, which can satisfy the request in case of sufficient legal ground.

Concerning the paragraph 19 of the Report

The order of activity of the public observers in the Temporary detention centers of the Police system is stated by the decree of the head of the Police of RA No1-N, from 14 January 2005.

In 28 April 2004 by the Order N° KH-18-A of the Minister of Justice, was confirmed the group of public observers for the Places for maintenance of detained persons of the Criminal Executive service, consisted of 11 persons, in which the representatives of 9 NGOs were involved. The mentioned group during the 2004 made many visits to the penitentiary establishments, met the detained persons, and also carried out two monitoring programs; by the results of these programs two large and detailed directories were published. The directories were discussed in the penitentiary department with the members of the group and now the programmed works are in process, in order to abolish those deficiencies. The group of public observers for the convicted persons will be formed in the nearest future in connection of the adoption of the new Criminal Executive Code.

Except for that, since 2002 many visits were done to the penitentiary establishments by the CPT, ICRC, and by Commission on Human Rights attached to the President of the republic, by the Helsinki association of Armenia and other organizations.

CONDITIONS OF DETENTION

Concerning the paragraph 20 and 21 of the Report

By adopting the law “On maintenance of arrested and detained persons” and the Order of 11 August 2003, No 8-N of the Chief of Police the conditions of the arrested persons are appreciably improved, connected with legal aid, visits, connections with the outside world, health care, including the sufficient food and first medical aid and other issues.

According to the clause n. 4.4. of the Order number 5, Ag, of the Head of Police, practical measures were taken in order to ensure appropriate living space of 4m² for prisoners, in cell lightning, and fresh air, to provide bedding at night time, and access to hot shower at least once a week for administrative detainees . The cells and sanitary facilities are kept in satisfactory hygienic conditions. Concerning the minimal portions of meal, the portions and variety was doubled according to the governmental decision from May 2003, n. 587.

According to the clauses 4.1 and 4.5 of the Order n. 5 Ag, of the head of the police, it is forbidden to use the rooms which have less than 2 m² for keeping of administrative detainees, at all duty sections of keeping of persons deprived of liberty. Recently, substantial repair works were accomplished for the amelioration of those rooms.

Concerning the paragraph 22 and 23 of the Report

The Police of Armenia, fully accepting the necessity and emergency of improving the conditions of the cells for holding administrative arrestees and expresses its willingness to start the improving as soon as appropriate financial means will be available.

As the result of the control measures, there were no persons found illegally (more than 10 days) kept in the district divisions of Yerevan Police Department.

As regards the living space for the detainees, according to the Law of RA on "On maintenance of arrested and detained persons" the minimum living space for each person of such category cannot be less than 4 m². The cells of the temporary detention of Yerevan Police Department are foreseen for 4 persons and the space of those is more than 12.5m².

Concerning the paragraphs 24 and 27 of the Report

Computers, TV-sets, paints and instruments for enjoying the art handcraft were given to the prisoners of "Yerevan-Kentron" and "Nubarashen". Now some programs are in process to furnish workshops, classrooms, reading-rooms, and gymnasiums in these penitentiary institutions. The Criminal-Executive Crevice of the Ministry of Justice is now elaborating the program for repairing and renovating the cells and facilities of detained and sentenced persons of "Yerevan-Kentron" penitentiary institution. These works are planned to carry out during 2005 and will be in regular process.

Concerning paragraph 25 of the Report

Concerning paragraph 25 of the Report, see the comment for the paragraph 16 of this answer.

Concerning the paragraph 28 of the Report

Now in the penitentiary institutions of the Republic of Armenia is excluded the holding of life-imprisonment prisoners in single cells, today even the prisoners who permitted the infringements only in special cases are held in single cells. But there are cases, when the prisoners sentenced to long time imprisonment or life imprisonment, are held alone in cells furnished in general way. Such cases have the special character and 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.

Before the adoption of the new Criminal-Executive Code the order of serving the punishment of life-imprisoned prisoners was stated by the Order No KH-9 adopted in 3 March 2004. It also used to regulate the rights of prisoner, particularly the shopping, receiving and sending the letters, having the telephone communications minimum 40 minutes per month, having minimum 1 hour outside walk per day, to see the relatives twice per year. The administrations of the penitentiary institutions are strictly prohibited the deprivation of abovementioned rights. Now the Criminal-Executive Code regulates all the mentioned issues

Concerning the paragraph 29 of the Report

In the penitentiary institution “Yerevan-Kentron” no one from the inmates sentenced to life-imprisonment committed the act of suicide, such information is probably is the result of misinformation.