

EXECUTIVE SUMMARY

During the 2023 visit, the CPT delegation examined the treatment and safeguards afforded to persons deprived of their liberty by the police and the military as well as the treatment and conditions of detention of persons in several prisons and at the Central Prison Hospital. Furthermore, the situation of persons in residential care homes was examined. The visit provided an opportunity to examine the treatment of persons deprived of their liberty and to assess the extent to which the CPT's previous recommendations to strengthen their protection have been implemented.

Police establishments

Most of the persons interviewed by the CPT delegation, who were or had recently been in police custody, stated that they had been treated correctly by the police. However, the delegation did hear some allegations of recent physical ill-treatment of persons detained by the police, including the excessive use of force at the time of apprehension and physical ill-treatment inflicted during questioning by investigators from the Investigative Committee and from the National Security Service, reportedly with the aim of extracting a confession or obtaining other information.

Regarding the fundamental legal safeguards against ill-treatment (information on rights, notification of custody, access to a lawyer and to a doctor), the delegation's findings suggested that the situation had generally improved as compared to the 2019 periodic visit. This was, no doubt, at least in part due to the entry into force of the new Criminal Procedure Code.

However, it appeared that, in most cases, persons in police custody were still only informed of their rights and effectively enabled to notify their relatives (or other third persons of their choice) of their detention and to benefit from the assistance of an *ex officio* lawyer from the moment they were brought before an investigator which could happen up to six hours after their *de facto* apprehension.

Regarding access to a doctor, the Committee noted that when detained persons were brought to a police detention facility, an ambulance was called and detained persons were examined by a doctor who also described any injuries that the person might have. However, such medical examinations continued to routinely take place in the presence of police officers who had brought in the person; furthermore, descriptions of injuries were still generally cursory and often incomplete.

Regarding the material conditions in cells of police establishments visited, they continued to be overall satisfactory. All police detention facilities had outdoor exercise yards (fitted with benches and protection against inclement weather) and detained persons interviewed generally confirmed that they were allowed access to them daily.

Penitentiary establishments

The CPT's delegation carried out follow-up visits to Abovyan, Armavir, Artik, and Nubarashen Prisons, as well as to the Central Prison Hospital.

The delegation did not receive any allegations of physical ill-treatment by staff in the penitentiary establishments visited. Further, staff-prisoner relations appeared generally free of any visible tension (and were relaxed and even cordial in some cases).

Likewise, the CPT delegation did not receive any direct allegations of physical inter-prisoner violence, and it was clear that the management and staff in the establishments visited were making efforts to prevent any such physical violence. That said, the delegation did hear allegations according to which certain categories of inmates continued to be subjected to intimidation, extortion, and exploitation by fellow inmates, with prison staff being aware of such practices but generally not intervening (except in case of physical violence).

It appeared to the CPT delegation that, in part thanks to the recent criminalization of membership in prison subculture and to the decision taken by the prison administration to segregate some of the most influential and least compliant “crime bosses” at Yerevan-Kentron Prison and the instalment of CCTV in corridors, the power of the informal prisoner hierarchy had greatly diminished. However, it was clear that it had not yet been fully eradicated, especially at Nubarashen and Artik Prisons. The CPT has therefore recommended that resolute steps be taken to put an end to the influence of the informal prisoner hierarchy.

Turning to material conditions, the Committee has noted that Abovyan Prison was undergoing comprehensive refurbishment, which is a positive development. For the rest, the CPT delegation’s findings were very similar to those from the previous visits; in particular, conditions were generally very poor at Nubarashen Prison and mediocre at best at Armavir and Artik Prisons, with the continuing discrepancy in material conditions between different cells.

The CPT calls upon the Armenian authorities to proceed, as a matter of priority, with the planned closing down of Nubarashen Prison and with the comprehensive refurbishment of Artik Prison. Pending this, efforts should be made to reallocate prisoners within the existing accommodation to stop using the most dilapidated cells.

At Artik Prison, the advanced disrepair of the dark, unventilated, and cold “quarantine” and “kartzet” cells (and their equipment including the beds) rendered them unfit for any human detention. Following an immediate observation made by the CPT delegation at the end of the visit, the Armenian authorities informed the Committee that the “quarantine”/disciplinary block had been completely refurbished.

A comparable situation was found at the Central Prison Hospital where the conditions in three rooms used to place agitated/aggressive patients or patients requiring protection (so-called “isolator”) were extremely poor. Similarly, following an immediate observation made by the CPT delegation at the end of the visit, the Armenian authorities informed the Committee that the “isolator” had been closed pending refurbishment and patients requiring isolation/seclusion were accommodated in ordinary rooms.

Except for juveniles and sentenced female prisoners on low security regime at Abovyan Prison, none of the prisons visited offered anything remotely resembling a regime of organized constructive out-of-cell activities (and even for juveniles, it was only general education classes).

Individual risk and needs assessment, foreseen in the new Penitentiary Code, had only been introduced recently as a pilot project essentially concerning newly arrived sentenced female and juvenile prisoners at Abovyan Prison. There were still no individual sentence plans nor any genuine and generalized preparation for release (the State Probation Service remaining at an early stage of development).

The Committee has positively noted that an increasing number of prisoners sentenced to life imprisonment had been allowed to move from the high to medium-security regime (and a few more had been transferred to the low security regime), and that those accommodated at Armavir and Artik Prisons were no longer segregated from the rest of the prisoner population and were, in principle, allowed to work and study.

The most important development with respect to prison health-care services since the 2019 periodic visit was the recent transfer of responsibility from the Ministry of Justice to the Ministry of Health, which has increased the professional independence of health-care staff working in prisons and should eventually improve prisoners’ access to outside specialist consultations and treatments. However, in the Committee’s opinion, the transfer could have been better prepared. At the time of the 2023 periodic visit, most of the necessary implementing regulations were still being drafted and several important issues remained subject to tensions and difficulties, particularly so at Armavir Prison.

As for the Central Prison Hospital, living conditions therein had further deteriorated since the 2019 periodic visit, the whole establishment being in a state of advanced dilapidation (apart from some of the rooms previously renovated using patients' own financial means). In short, conditions at the Central Prison Hospital did not befit a health-care facility, and the Committee called upon the Armenian authorities to close it as soon as possible. Pending this, efforts should be made to limit the use of the current facility to the strictest minimum, that is, only for the period and to the extent where no other options (such as hospitalisation in "civil" establishments) are available.

Social care establishments

The CPT delegation visited, for the first time, Nork Residential Care Home for the elderly and/or persons with disabilities in Yerevan, and Vardenis Neuropsychiatric Residential Care Home for persons with psychiatric disorders and learning disabilities, which was last visited by the Committee in 2010.

The delegation received no credible allegations of the physical ill-treatment of residents by staff and found no other indications of such behaviour. Indeed, many residents spoke positively about staff, and the atmosphere in the two homes appeared generally relaxed, which is especially commendable considering the challenges faced by the low numbers of staff caring for so many residents.

Turning to living conditions, in both homes visited, residents were accommodated in dormitories which were generally clean, well-lit, and ventilated; however, the accommodation buildings, except for one block in Nork Home, were considerably dilapidated and cramped, the rooms were generally bare and austere, with no lockable personal space and lacking privacy and personalization.

Regarding the daily regime, occupational and recreational activities offered to residents were very limited in both homes, and most residents spent their days in the rooms, wandering the corridors or staring at a television in noisy day rooms; the Committee recommended to substantially increase the range of purposeful and meaningful activities, including the preparation for the re-integration into the community.

As for the legal safeguards concerning a placement in a social care institution, the Committee noted that despite its previous recommendation, the Armenian legislation still did not require that the need for continued placement of a person who was placed in a social care institution against their wish be periodically reviewed by a court.

Similarly, despite a previous recommendation, the Armenian legislation still foresees that following the placement of a resident deprived of their legal capacity, the social care institution automatically becomes the legal guardian of such a resident; a situation which may easily lead to a conflict of interests, considering that part of the role of a guardian is to defend the rights of the incapacitated person for whom they are responsible vis-à-vis the host institution.

Military detention establishments

The delegation visited two military establishments, which could detain servicemen held under military disciplinary regulations - the Disciplinary Battalions of the Military Police in Martuni and Yerevan.

The delegation received no allegations of verbally inappropriate behaviour or of physical ill-treatment by staff; inter-detainee violence did not appear to be a problem.

As regards material conditions, the dormitories were of a reasonable size for their intended occupancy; they were adequately ventilated, clean and in a good state of repair.

The regime applied to detained servicemen involved at least eight hours of out-of-cell activities every day (including outdoor exercise in a yard, maintenance, and cleaning work on the territory of the barracks, drill, studying the military statutes, etc.).

As regards health care, a feldsher or a doctor visited the disciplinary battalions every day; all newly arrived servicemen were medically examined upon admission.