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Interim 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 6 to 17 October 2002

The Armenian Government has requested the publication of the CPT's report on the visit to Armenia from 6 to 17 October 2002 (see CPT/Inf (2004) 25) and of its interim and follow-up responses. The interim response is set out in this document and the follow-up response in document CPT/Inf (2004) 27.

Strasbourg, 28 July 2004

INTERIM RESPONSE
of the Government of the Republic of Armenia
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 6 to 17 October 2002

Preface

After acquisition of independence the Republic of Armenia has undertaken a number of political and organizational measures, with the view of integration to the international processes, which supported to the installation of a new social system and created the ground for its further development. In this process one of priority problem was the realization of legal reforms of the different branches of social life, structural adjustments, including rearrangement of the country's prison system, police service thought the adoption of new penal and penitentiary legislations. The signed reforms gained the additional importance due to the membership of the Republic of Armenia in the Council of Europe.

The mentioned membership engaged the Republic of Armenia to ratify the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, which came into legal force from 1 October 2002. According to the Convention the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) organized the visit to Armenia, in the period from 6 to 17 October 2002.

The establishments under the jurisdiction of the Police of the Republic of Armenia

Taking into consideration that the facts indicated in the report were not concrete the presentation of complete answer was not possible.

Concerning the questions relevant to treatment of the stuff of Ministry of Internal Affairs, the adequate measures and activities are undertaken aimed to prevent the violation of procedure norms and ensuring the human rights and their prevention.

In order to provide the implementation of freedoms and rights of the prisoners also, in order to increase the responsibility of the stuff in case of the violation, the Ministry of Internal Affairs and Ministry of National Security adopted a statement in May, 1999, N 202 NG according to which the heads of all departments are called to accomplish the personal control over the delivery of the convicted persons, the registration of the cases, and supplying of delay provided by law, the reject of the case proceeding and the practice of applying of other legal measures.

According to the provision of above-mentioned decision the disciplinary exam is foreseen as well as the responsibility in case of the violation of legal norms.

We would be appreciated if the Committee presents the concrete facts concerning the issues touched in report to the Police.

In regard to the issues raised in paragraph 232 concerning the stuff training and qualification we inform that the special courses are organized for the stuff, during which the particular attention is posed to the legal norm study, to the international standards study and they every day apply conditions. In addition, there is a special course on human rights and freedoms within the training plan, foreseen for the police stuff.

Also, the issues relevant to improvement of conditions of military disciplinary units and provide of qualified food, which are the subject of particular regulation by Police authorities. For fulfillment of all initiated activities the strong financial needs are evident, and adequate measures in this direction are already undertaken.

Concerning the food provision of temporarily detention places we inform that these provisions are regulated by governmental statement on “Establishment of minimal rations for providing free food to the persons, imprisoned in the places of detention” 2003 May 15 N 587 ”

The pretrial detention places, which were under the jurisdiction of the Ministry of National Security, were transformed to the “YEREVAN-CENTER” penitentiary institution, by governmental statement from 2002, November 28, Number 1874 N.

It is why the issues concerning this institution are considered in the Answer of the Ministry of Justice.

Introduction

The prison system of the Ministry of Justice of the Republic of Armenia represents a unity of bodies and establishments which have as an objective the stipulation of the order of implementation and serving of criminal penalties/punishments/sentences (therein after - penalty) and other measures of legal-criminal influence; provision of necessary conditions for reformation of convicted persons; protection of the rights and freedoms of the latter's; as well as rehabilitation after serving of the penalty.

Till 2001 the penitentiary service of the Republic of Armenia was under the jurisdiction of the Ministry of Internal Affairs. At the beginning it was represented as the section after what it was transformed to the department, (so-called Department of Detention Places). In the period of 1970-1980 it was renamed to the Correction Affairs Department, after to the Criminal-executive Department. Recently the penitentiary service of the Republic of Armenia has been transferred from the Ministry of Internal affairs to the Ministry of Justice and nowadays the Penitentiary system of the Republic of Armenia is composed of Criminal Executive Department of the Republic of Armenia and Reformatory institutions, which includes the complex of judicial, legal, social, economical establishments.

At the present the penitentiary service of the RA consists of Criminal -executive Department and 15 criminal executive establishments, including:

- General security institutions, medium security institution, maximum-custody type institution, level-6 institution and prison: 6
- Detention houses: 2
- Correctional center (with medical character): 1
- Work farm: 1
- Detention houses: 4

Other persons primarily aim to the reformation of convicted persons and to the prevention of the crimes the penitentiary service. The main difference from other field bodies is that the penitentiary service has multifunction structure, which manages the issues relevant to the correction of detainees, securing their life and health, issues connecting with their education rehabilitation.

The transfer of the penitentiary service to the jurisdiction of Ministry of Justice and its functioning as nearly independent, but unified and centralized body requests the review of the different services, the revision of the jurisdiction of various authorities in whole system, also by securing the workplaces for the former stuff. It is also foreseen that up to 2004 the regional sections also will function, as bodies of fulfillment of alternative measures in locale space. The service had been absorbed to some changes, which were conditioned by necessity of improvement of the branch, also with the obligations of Republic of Armenia before the Council of Europe after its membership to the European community. The data of reforms is mainly directed to the disarming of the penitentiary system of Armenia and to the assuring of international standards.

Therefore, according to the governmental decision number 1015 from 2001 October 19, on ”Establishment of penitentiary service in the system of Ministry of justice” the criminal executive department with its whole content was transferred to the Ministry of Justice and was renamed as the penitentiary service of the Ministry of Justice of Republic of Armenia. In this regard within the system of Ministry of Justice the Department on structural reforms was created, which was renamed to the department of judicial reforms later on (the head of the department Nikolay Arustamyan - 3741-582215).

After the transfer of the country’s prison from the Ministry of Internal Affairs to the Ministry of Justice the penitentiary service of Armenia gained additional obligations, and for those qualified implementation there was a need of wide rearrangement reforms.

During the visit of the penitentiary establishments, which are under the jurisdiction of the Ministry of Justice, CPT raised some questions, in reply to which the correspondent activities are already envisaged. Hereinafter we will refer to the legislative enactment, which were already implemented, are in the process of realization, or planed to be done in the nearest future. It must be indicated that most of the problems are relevant to the financial issues, and nowadays it is the priority problem for the Republic of Armenia.

Related to the comments done in the report

1. Preliminary remarks

1. Concerning the 63 paragraph of the report

Up to now the external supervision of 4 criminal executive establishments is accomplished by the Ministry of Internal Affairs (Police at the present). The Ministry of Justice has already undertaken the activities in order to transfer this establishment under its jurisdiction, for providing the unity of the components of the penitentiary service. The policy plan and timetable is elaborated to fulfill the mentioned provisions.

2. Concerning the paragraph 65 of the report

For more legible comprehension of the activities on the improvement of legislation regarding to the penitentiary service of Armenia, we also attach to the main report the timetable of penitentiary reforms of Republic of Armenia according to the RA President's order from 2001, March 3.

The information concerning the recommendation of CPT to increase the living space per prisoner to at least $4m^2$ will be presented afterwards.

3. Concerning the paragraph 66 of the report

The existing socio-economic situation will by all means refer to the penitentiary establishments of the Republic. Nevertheless in private cases, when the financial recourses are not the priority for the reforms the local self - developments policy can be engaged.

2. Ill-treatment

4. Concerning the paragraph 67 of the report

CPT expressed the wish to receive the information on number of complains lodged concerning ill-treatment by prison officers and number of disciplinary and/or criminal proceedings initiated as a result of those complains, and the account of the outcome of the above-mentioned proceedings.

As you had mentioned in the report there is remarkable positive tendency concerning the relations between stuff and prisoners. The relations between them are based on the Principe of mutual respect and tolerance. Therefore, during the first quarter of 2001, 2002, 2003 there are recorded 17 cases of the violation of the established order concerning the relations prisoner-stuff, and as a result of the investigation 12 persons were subject of disciplinary measures and 5 persons were discharged. In the mentioned period the measures of legal-criminal influence were not applied.

5. Concerning the paragraph 68 of the report

The remark concerning the formal and distant nature of the Stuff-inmate relations at Erebuni and Gyumri prisons is correct and will be taken into consideration. The Ministry of Justice accepts the fact of the existence of such phenomena and undertakes some measures for their liquidation.

In this regards, the following three executive decrees were proposed:

1. The improvement of the qualification of existing stuff, they're training, simultaneously the assistance to not qualified personal to find alternative job.

2. The choice of new stuff, giving the priority to the persons who represent interpersonal communication skills.

3. The exam of the stuff's qualification, organized at Erebuni prison.

Even if the stuff- personal relations were in positive level now, the danger of their change for the worse cannot be ignored, so the Ministry of Justice envisaged the continuing intensive policy in this direction.

3. Conditions of detention

6. Concerning the paragraphs 69-71 of the report

Republic of Armenia being a country on the development stage obviously has some financial difficulties, which could not find their reflection on the penitentiary service. In this regards the report says that the most of establishments were in poor state repair and decoration. It must be mentioned that in compliance with the report of European expert commission after their visit to the Republic of Armenia in 1997, Ministry of Justice engaged to the realization of some productive measures devising the proposed recommendation by three groups:

1. The recommendations, which can be implemented without financial support.
2. The recommendations, which can be implemented through internal reserves.
3. The recommendations, which can be implemented with strong financial support.

Taking into consideration the above mentioned, also basing on the principle of the classification by the priority of the problem, the Ministry of Justice undertakes a number of activities for the favorable decision of the existing problems. Furthermore after the enforcement of the new penal code lots of prisoners will be liberated, after the revision of the sentences by court according to provisions of new penal code. This circumstance will support to reduce of the financial costs, and will provide the productive enforcement of the mentioned recommendations.

7. Concerning the paragraph 72 of the report

The windows, which had been frequently devoid of panels, were reconstructed in Nubarashen.

In addition, the cleanliness of the sanitary annexes of the cells is now under the daily special control, and positive results are already signed.

8. Concerning the paragraphs 74-75 of the report

For the improvement of the conditions on the ground floor of the main accommodation block, of the "quarantine section", of a cell occupied by hunger striker and the accommodation for prisoners under psychiatric observation the repair works are already initiated in order to eliminate the poorest material conditions. The above-mentioned prisoners are now placed in upper floor till the end of repair works. The disciplinary units were also removed from the ground block to upper floor, providing them with comfortable contemporary conditions. There are only 5 cells placed on the ground block, which are used according to their destination. But taking into consideration that they are situated on the eastern side, and the natural light is accessible they are not regarded as basements, and the rest of the cells are used for domesticity purposes as utility room.

Also the renovation of sanitary units was accomplished, with a view of the territorial enlargement as well of the improvement of sufficient quality of the preliminary steps are envisaged.

9. Concerning the paragraph 78 of report

Now there are productive measures planed to be fulfilled for the renovation and enlargement of the Gyumri prison, thanks to their implementation the normal level of accommodation will be provided, also by assuring the separate sanitary units, shower facilities, and space of 4^{2m} per person.

The conditions of cells recommended by CPT will be supplied only by the end of 2003, which will be provided by the renovation of new disciplinary and quarantine sections.

Concerning the heating facilities, instead of repair works of central heating will be implemented the local heating system in cells.

10. Concerning the paragraphs 80 and 81 of the report

The new arrived prisoners in the quarantine sections are duly provided by beddings. Furthermore, this quarantine sections are completely reconstructed by the same criteria as provided for ordinary sections.

It is also foreseen to carry out reconstruction in the bathroom of the establishment. The studies are under way.

11. Concerning the paragraph 82 of the report

According to the decision N 413 from 2003 April 10, the daily quantity of the food for the prisoners is equivalent to the 3000 calories per persons, which is an acceptable level. The provision of food at the Gyumri prison has been already implemented according to that decision. Also, it must be mentioned the positive progress in compare with the previous years.

12. Concerning the paragraph 83 of the report

The adequate measures for the enlargement of space up to $4m^2$ per person were already ensured in Gyumri, Nubarashen prisons. In this regards the special order for the Minister of Justice elaborates the establishment of above-mentioned provision.

Taking into consideration the remarks done in the paragraphs 70-81 of the report, the reconstructive works have already been initiated, which are mentioned in the points 7–11.

The main part of the metal blinds fixed to cell-windows, which blocked the access of natural lights to the cells, were removed. The works are continuing and are planned to be finished by the end of the year.

In the Gyumri prison the renovation of the central heating system is not envisioned taking into consideration it's inexpediently. The problem of in cell-toilets partitioning, in order to ensure adequate privacy was also solved. The problem of provision of the prisoners accommodated in the establishment's "quarantine" cell with mattresses and bed lines was solved (see point 10 of the answer).

Activities

13. Concerning the paragraphs 84 and 85 of the report

After the transfer of the penitentiary service from the Ministry of Internal Affairs to the jurisdiction of the Ministry of Justice the researches and concert measures were implemented in order to assure the social and physical assistance to the prisoners. Due to collaboration and assistance of the OSCE Armenian branch the working strategy in this direction was elaborated, as the result of that policy we'll have a draft on «Statute on social and physiological activities". The law should follow the mentioned act on penitentiary service. But the main provisions of the regulation are imposed already in the practice. The organization of the various activities for prisoners, the solving issues relative to the training and work is connected with the practical implementation of above-mentioned innovations. Particularly, it is envisaged to construct the following with the repair works of the Gyumri prison.

- the socio-physiological consultation rooms
- working and recreation room
- the sport inventory
- to improvement of territory foreseen for outdoor walks

The statute on socio-physiological activities ensures also the organization of cultural, sportive, educational activities.

Having as an example the Gyumri prison, adequate researches and activities were also accomplished in other penitentiary establishments.

The measures aimed to fulfill the posts of the subordinate officers are attempted, also every day open air walk was ensured on legal level. In this regard the positive amendments were already indicated. The correspondent measures are implemented to provide the prisoners with physical exert opportunities during their outdoors walk.

Erebuni and Sevan penitentiary establishments

14. Concerning the paragraph 86-87 of the report.

Also having the purpose to improve the material situation of the mentioned establishments, by existing financial resources, other measures were also foreseen. The permanent control is realized in order to ensure an appropriate level of cleanliness of the establishment. And it was mentioned, the level of the cleanliness of the Erebuni prison as well at Sevan prison are now in acceptable level. According to the order of Minister of Justice on reformation of the reestablishment of the limits of the penitentiary service the structure of the Erebuni prison was reviewed.

Basing on the demand to provide the minimum living space of 4^{2m} per person. The occupancy of the Erebuni prison was established within 391 persons.

15. Concerning the paragraphs 88 – 90 of report

The provision of the minimum living space per person at Sevan prison has been solved. (see point 12). Also a remarkable repair works have been completed, also the permanent control is carried out to keep the establishment on the proper level of cleanliness.

16. Concerning the paragraph 91 of the report

The preparatory works are engaged in order to provide equal conditions for the newly arrived prisoners. The better facilities will be implemented already by the end of the year.

17. Concerning the paragraph 92 of the report

At Sevan and Erebuni penitentiary establishments the repair works in a view to improve the sanitary facilities have been completed already.

18. Concerning the paragraph 93 of the report

At Sevan and Erebuni prison as well as at other criminal executive establishments, reference to the provision of the qualified food was signed (see point 11).

19. Concerning the paragraph 94 of the report

- The problem of the overcrowding at the Erebuni and Sevan prisons is solved (see point 12).
- The continuing repair works are still going on at Sevan and Erebuni prisons. They will be completed at the end of the year.
- There is a special attention to the provision of an appropriate level of cleanliness of living space. In regards of above mentioned the correspondent sanitary measures were fulfilled. Also, there was the enlargement of the supervising medical activities in order to provide appropriate medical control by the newly established medical divisions.
- The issues concerning the renovation of shower facilities at Sevan prison were definitively solved after CPT's visit. Now the prisoners are allowed to take a shower once in 5-6 days.

Activities

20. Concerning the paragraphs 95-98 of the report

The full program was elaborated for better organization of different kinds of activities for the prisoners. (see point 13). The correspondent activities were realized by the foundation called «Assistance to the prisoners» (was established according to the governmental decision, head of the board is the Minister of Justice). Thanks to the foundation efforts, two shops, named «prison art» are built in Yerevan, where will be presented the works prepared by the prisoners. The organizational issues are already completed and now these shops are on construction process. They will be finished by the end of the year.

In Sevan prison the authorities regulated the renovation of sport premises, (repair works are on final stage) and the sport equipment, and sport inventory is already purchased.

Afterwards according to the timetable the measures will be undertaken for the renovation of the clubroom of the establishment.

After the implementation of appropriate activity programs and providing with facilities clubroom will form social-physiological rehabilitation services. The club's remit includes the access to the appropriate literature, films, etc, which will support for the productive and interesting time spent.

The statute on social-physiological activities will be attached to the main report.

Prisoners sentenced to death

21. Concerning the paragraph 99-100 of the report

According to the President's order from 1 August 2003 the sentence of death penalty was changed into life imprisonment, by form of mercy (The point 17, article 55 RA Constitution). It supposes the fact that locating committee proceeding in the system of criminal executive service will locate the prisoners according to the regimes in equal conditions with the other convicted persons.

For the life-imprisoned persons the prison regime is foreseen and according to the Corrective-Labor Code, which is still in force, the prisoners will enjoy the rights ensured for the prisoners under this regime.

22. Concerning the paragraphs 101-102 of the report

At Nubarashen criminal executive institution there will be a possibility to work within the individual program with each prisoner. Also, there will be applied the conditions for purposeful and effective time spare for prisoners. The Armenian authorities realize the particularities of prisoners this category, their physiological situation that is why they make efforts to increase the conditions o the detention.

23. Concerning the paragraph 103 of the report

At present the activities in order to review the working policy of security are taking place. In this light will be reviewed the current practice of routine handcuffing of life sentenced prisoners. The draft regulation of this domain will be completed by the end of the year.

4. Health care services

24. Concerning the paragraphs 104-105 or the report

The medical service of prisoners is accomplished through structural divisions of the criminal executive institutions, as well as at one specialized institution. The Ministry of Justice collaborates for a while with the Ministry of Health. That collaboration will find its legal regulation in the statute on "medical service of the prisoners. This document is now presented to the expertise of the Council of Europe. It will be send to CPT in final view.

During the elaboration of this document the recommendation of European Minister's Committee, N R (98) 7 were taken into consideration.

25. Concerning the paragraph 106-108 of the report

It is also foreseen to realize some amendments in order to fulfill the human recourses by providing each establishment at least with six doctors (1 head doctor, 1 feldsher, 4 general practitioners). Additional posts, taking into consideration the size of the inmate population at the establishment, will recruit this stuff. Till the implementation of those plans the duties will be scheduled, so person competent could always provide first aid to the prisoners, and someone from medical division should be present on prison premises, including at night and weekend time. Also, it should be said that all vacancies at Gyumri and Sevan prisons are filled according to the CPT's recommendation. Despite to the difficulties to fulfill the doctor's posts in region the adequate measures are undertaken.

26. Concerning the paragraphs 109 –110 of the report

Now and never before the prisoners were involved to the distribution of medicines. They can only be engaged as sanitary workers in case of need and their desire, realizing only sanitary-hygienic functions, and do not have access to the medicines. They do not have the access not only to the medicines but also to the medical carts and other documentation. Anyway, the problem of the medical confidentiality should be review by all means under the light of statute on "Medical service of prisoners"

27. Concerning the paragraphs 112 and 113 of the report

As the psychology and psychiatry are different concepts in all penitentiary establishments there are the posts of psychologists. Now the steps are taken to recruit these posts. In «Hospital for prisoners» is reconstructing the division for the patients who need psychiatric treatment. After this works all the prisoners will be concentrated in this division, in order to receive qualified medical service (Taking into consideration the lack of the psychiatric specialists). The researches are taking place at Nubarashen prison to review of situation of prisoners under the psychiatric observation, in collaboration with another psychiatric establishment situated in Nubarashen-Republic Psychiatric Hospital.

28. Concerning the paragraphs 112-113 of the report

In order that fill the deficiency of medicine and medical facilities caused by financial crisis the reasonable steps are taken for the involvement of humanitarian assistance and social enterprising, in the ground of what the positive progress is mentioned. For the achievement of that object continuing policy is permanently conducting, at the same time considering the fact that the desired result is not yet completed.

29. Concerning the paragraph 114 -115 of the report

Being fully aware of the importance of medical exam (especially for the newly arrived prisoners) the special policy had been elaborated. Paying the special attention to the guarantee of medical confidentiality and to issues connected with personal medical files, which will be reviewed (including the issues mentioned in the report) legal document, which will regulate the legal relationship in this context (see point 24).

30. Concerning the paragraphs 117-125 of the report

Tuberculosis represents a major problem in the Armenian prison system. Notwithstanding the fact that this problem is hampered by poor material conditions and budgetary difficulties Armenian authorities seek for productive task solution, and for struggle against that disease. Some positive achievements should be mentioned, in particular, the fact that the new tuberculosis building started functioning in 2002 November. There are about 150 patients who pass their treatment, according to the DOTS project

Besides the Ministry of Justice has concluded a treaty with International Committee of Red Cross, and according to those treaty 5 cells in Nubarashen prison will be repaired refurnished in a view to stipulate the treatment and control of tuberculosis patients.

By the enforcement of indicated projects the most of the questions raised in the report will find their solution, and will promote to the implementation of the amendments, specially to the screening of the inmate population, regular supply of anti-tuberculosis medication and related materials, and appropriate distribution of necessary medication and monitoring of taking anti-tuberculosis medication through the enforcement of DOTS project.

Also through the realization of the mentioned projects the positive achievements are expected in better resolution of issues connected with materials conditions, which generally promote to the diagnosis by the help of modern equipment, decease treatment and medicine delivery, monitoring of the distribution and taking of a medication.

Because of implementation of aforesaid activities the remarkable achievements are awaited concerning the issues providing the material conditions of the patient’s treatment.
The problem connected to the natural light and good ventilation has been already solved and the problem of overcrowding expected to be solved in the nearest future. Also, the activities for the provision of prisoners with tuberculosis with an adequate diet are to be realized.

Up to 2000 the fights against tuberculosis within penitentiary service were initiated by the accord concluded between International Committee of Red Cross, Ministry of Justice, and the Ministry of Health and Ministry of Internal Affairs. It was the beginning of the collaboration between those institutions aimed to prevent that decease. In case of long-term policy in this direction we are expecting to fulfill the productive tuberculosis control. Also through the enforcement of the mentioned project the continuing training should be followed.

The issues relative to the provision of food for the prisoners with tuberculosis are almost completed by theoretical and practical meanings.

31. Concerning the paragraphs of 127-128 of the report

The issues relevant to the HIV +inmates were reflected in fore mentioned Statute on "Medical service of prisoners", where another way of looking to the principles of keeping HIV-inmates are considered, specially put a stop to idle talk to the isolation of the HIV- prisoners. The training has been organized within this subject in collaboration with "Republic HIV Prevention center".

32. Concerning the paragraphs 129 –130 of the report

The regulation of issues related to hunger strikes is also foreseen to be regulated by statute on "Medical service of the prisoners".

"**Hospital for prisoners**"

33. Concerning the paragraphs 131, 132, 133 of the report

The hospital for prisoners is the specialized medical institution called to provide medical service and treatment for convicted persons. Despite to the financial crisis all the measures are made for the normal functioning of that institution. Particularly there are active and productive collaboration with international organizations and funds in this direction.

As it was indicated in the 11th paragraph of the report, the government decision from April 10 2003 establish the daily ration of food for prisoners, which ensures the sufficient quantity and quality of food for the convicted persons, at the rate no less then 3000 calories by day, and for ill prisoners at the rate no less then 3200. In spite of the financial lack thanks to the collaboration with the Ministry of Health the appropriate level of medicine is provided to the prisoners.

The intense activities are undertaken for the improvement of the conditions of the Hospital for the prisoners. Particularly, special project was elaborated, with strict timetable for repair works of the hospital. It is foreseen to complete at the end of the next year. Within the project all the division of the hospital will be repair, including the infectious disease department. Also, with the framework of these activities all the old windows will be replaced with normal, contemporary windows, which will provide natural light access, the toilets and washing facilities will have adequate conditions. Furthermore the concrete steps are to be realized, with the object to supply central heating.

Thanks to undertaken activities the problem of overcrowding was solved. Particularly thanks to activating of the new building of tuberculosis division constructed with support of the International Committee of Red Cross. This building has 250 beds and presents qualified and sufficiently equipped treatment.

At the end of the repair works of the mentioned building also will be solved the problem of the division for physiatrist patient, which will solve not only the problem of overcrowding but also the issues relative to the treatment conditions and material conditions (see point 26).

We have already mentioned the fact of repair works proceeding in washing, shower and other sanitary facilities. The necrology, infectious and tuberculosis divisions are already completed and are accessible for the prisoners. Already foreseen to recondition the laundry room, which will thoroughly fulfill the material conditions of the Hospital for prisoners.

34. Concerning the paragraphs 134-135 of the report

The issues regarding to the food provision of the «Hospital for prisoners» are regulated by the governmental decision N 413N from 10 of April 2003. According to that decision the quantity of daily average ration was established in quantity at least 3000 calories per person. It is the quantity of calories, which is an adequate quantity for the person. Realizing that the special medical diets providing is essential for the patients with various decease, the authorities undertake the adequate measure in order to ensure more varied food, and special diets. Moreover this problem will be legislatively reflected, and will be regulated by the Statute on «Medical service of prisoners». Also, other measure is initiated to provide more varied food to prisoners. Nevertheless there are also provided by food brought by their relatives.

The problem of renovation and technical assistance of the medical equipment at Hospital for prisoners is always under the principal concern of competent governmental bodies.

The positive results can be already signed. In particularly may be underlined the project of construction of the new therapeutic and surgery departments, which will be supplied by modern medical equipments. It will certainly promote to the diagnosis and treatment of the prisoners (for example the surgery room will be equipped with surgical table, as well ECG and roentgen new equipment, the dental clinic facilities will be renewed.) We already succeeded in finding two unities of medical supplies, which noticeably contributed to the treatment.

Also, thanks to the continuous collaboration with Ministry of Health the providing of «Hospital of Prisoners» with medical supplies and medicine is an object of particular policy. At present, this provision satisfies the needs of the prisoners without breaks nevertheless this a task which needs the continuing strategy of development, therefore the collaboration with international organization and other funds is taking place. There is also inmate collaboration with some European governments; especially concerning the issues related to medical facilities. The evaluation grade of that collaboration is difficult to attest. Although the works are still proceeding

35. Concerning the paragraph 136 of the report

As regard health care stuff it must be said that the adequate steps have been already ensured. Particularly the 7 vacant doctors posts were already completed with qualified specialist and 3 other posts are to be completed in the nearest future. The nursing stuff is fulfilled but not completely. But still the existing number is sufficient for minimal provision of medical service. The mentioned developments also contributed to the presence of satisfactorily number of medical personal, including doctors, health-care workers, and feldshers during all the week, week- ends included. The problem of fulfillment with medical stuff will be an object of revision in nearest future (see point 25).

36. Concerning the paragraph 137 of the report

In regard to the outside secure of the «Hospital for prisoners», the concrete activities were already undertaken in order to transfer this jurisdiction from the Ministry of Internal Affairs to the Ministry of Justice. (Which is already done in some penitentiary institutions?) As we have already indicated, it is the result of transfer of penitentiary service from the jurisdiction of Ministry of Internal Affairs to the jurisdiction of Ministry of Justice. The process of transfer demands some time, that's why it is a stage-by-stage operation. So as we have already existing stuff mentioned in report will be replaced by personal employed by the Ministry of Justice.

37. Concerning the paragraph 138 of the report

More detailed information of medical supplies and medicine is presented in points 24 and 29 of the Reply.

38. Concerning the paragraph 139 of the report

The issues relative to the keeping of psychiatric patients are also the object of the Statute on «Medical service of prisoners» Anyway, the positive measures were initiated already. Particularly the build of psychiatric room will be completed soon and will serve as treatment point for psychiatric patients. The issues relevant to the material conditions of physic iatric department were completed (see point 33), which will promote to the treatments of patients. Within the repair works taking place at the established rooms for physical restrained will be renovated. Due the works the access to natural light will be ensured, as well as heating. The physical restrained for prisoners are applied rare at the Hospital for prisoners so and in very short period of time, about 15-20 minutes. And their application for a period of day is not permitted and not practiced, as you have justly noted in your report it does not have any therapeutic justification (Paragraph 139 of the report). This aspect will be also regulated by the Regulation on Medical Service of prisoners.

39. Concerning the paragraph 140 of the report

The positive results with regard to the patients suffering from tuberculosis can be already recorded. Particularly the new tuberculosis division was inculcated from the November 2002, which ensures 250 places and was built thanks to contribution of the International Committee of Red Cross. It is supplies with modern and qualified equipment and the DOTS project is taking place there. Also, in collaboration with International Committee Red Cross the medical stuff passed the special training in order to implement the best quality of medical service (see point 30). After the enforcement of that establishment the DOTS project was implemented as the unique methodology. Now within the framework of collaboration of the Ministry of Justice with the International Committee of Red Cross the tuberculosis division consisted of 5 cells is under construction, according to the accord concluded in August of this year. Also within DOTS project it is foreseen the establishment of special Committee which will control the treatment of patients their after they will be free.

40. Concerning the paragraph 141 of the report.

The isolation of HIV-patients from other prisoners because of their decease is forbidden. see more detailed information in point 31.

41. Concerning the paragraph 142 of the report

The lack of purposeful activities at the Hospital for prisoners was mostly dictated by vagueness of activities of social and psychological policy. Now, the policy is not just clarified but also the special regulating act is elaborated. (see point 13)

5. Other issues of relevance to the CPT's mandate

Staff

42. Concerning the paragraphs 144 of the report

After the transfer of penitentiary service to the Ministry of Justice the problem of staff training and their qualification is the subject of particular interest. During the 2003 year due to the collaboration and assistance of OSCE Armenian office and to Open Social Institute (Soros Foundation) there was organized the training for the prison staff by the Juridical Institute of the Ministry of Justice, which was aimed to the raising of the level of stuff's skill in this domain. As the result of extendibility of this collaboration, the more profound training is organized. In a way of training for the security stuff and training for medical, sociological stuffs.

The legal acts on training and qualification of the prison staff will follow the acceptance of Law on Penitentiary service, which is presented to the attention of the Armenian Assembly, as these are the issues, which are directly reflected in this Law. After enforcing of this law, the correspondent legal acts will be presented. Now, they are on elaboration process.

Contact with outside world

43. Concerning the paragraphs 146,147,149 of the report

According to the article 15 of law on the «Treatment of Arrestees and Detainees» prisoners are entitled to visits during the criminal process, which was prohibited before. The authorities of penitentiary establishments informed all convicted persons about their right to have visitors, also in order to provide this information to prisoners the informational papers are attached in all establishments. It testifies the fact that comparing to the same period of time of the last year the number of admissible visit is trebled.

Within the framework of repair works at Gyumri prison (see point 13) it is foreseen to build the rooms of longtime visit and short time visits, which will be supplied by correspondent furniture and will contribute to the amelioration of the visiting practice. They will also help to the managing of open visits. At Nubarashen Prison it is also planned to separate some space and furniture for the visits. After implementation of those activities the general level and effectiveness in this domain will increase. For this purpose the drafting and counting activities are now envisaged.

According to the article 18 of the «Internal statute on treatment of convicted persons in penitentiary establishments of the Ministry of Justice of Republic of Armenia», (which will be put into force as inter-institutional legal act) the access to a telephone is established by the timetable fixed by the head of the place of detention. The conversation is accomplished under the control. The prisoners according to the pricelist do the payment of the telephone calls. Almost in each prison, including Nubarashen the telephone cart system was implemented, correspondent telephone cabins were installed. The carts are accessible in prison stalls.

This provision will be reflected also in the draft of «Internal Statute of penitentiary establishment». It could be also ratified and put into force after the acceptance of the penitentiary code of the Republic of Armenia, which was elaborated and examined by international experts, and now is presented to the Government.

44. Concerning the paragraph 150 of the report.

The confidentiality of correspondence is the constitutional demand. According to the legislation the prisoners can send and receive unlimited amount of correspondence. Such correspondence is not a subject to censorship. According to existing rules they must be received by stuff in closed form, regulated, mentioning the prisoners name, last name (so in case of need there will be the possibility to proof whatever the letter was received or not.)

The received parcel can be the subject only of external control, in order to prevent the transfer of unauthorized subjects. The censorship can be accomplished only by court decision.

The correspondence for prisoners of Sevan prison are received at post office of Hrasdan town, whereupon they are deviled to the prison by the post officers (there is no position of postman) and then hand in to the person whom it had been addressed. The receiving information from post office, the delivery from the office can take 3-4 days, but as soon as it reaches the prison it is given to the prisoner. According to existing rules the prisoners have to buy themselves the envelopes, to seal up the envelope and give to the administration for the delivery. As most of the prisoners do not have possibility to buy envelopes they give the letter without envelope to the administration.

Discipline and segregation

45. Concerning the paragraphs 151- 152 of the report.

The prison director imposes the disciplinary sanctions; he doesn't take part in the elaboration and acceptance process of internal rules. These rules are elaborated by the correspondent departments of the Ministry of Justice, and signed by the Minister of Justice of Republic of Armenia. It is to say that the bodies, which elaborate and accept these rules and the bodies, which directly implement them, are not the same. In regard with penitentiary code, this also regulates these issues. It is the legal act, which has force of the law and accepted by National Assembly of RA.

According to the expositing rule and law each prisoner has a rights to appeal to a higher authorities (the central body of the penitentiary service, i.e. to the head of the penitentiary department of the Ministry of Justice) against any sanction imposed, as well as to the general prosecutor office, particularly to the department which exercise control over the enforcement of punishment and other disciplinary measures. The law on "Treatment of Arrestees and Detainees" regulates these provisions.

The same rules will be envisages concerning the accused persons.

46. Concerning the paragraphs 153, 154 of the report

According to the existing rules the prisoners may face to various disciplinary sanctions for the infraction of prison discipline. In accordance with rules, the fact of commitment of infraction by prisoner is presented to the head of establishment in written form, when then the reasons of infraction are trying to be clarified, as well as the prisoner's attitude and motivation, afterwards the head of the establishments takes a decision on imposing of disciplinary measures. According to law it is the head of the establishment who is authorizes to take such decision, but it can be also a collective decision. It must also be underlined that no prisoners has a right to participate in this process and do not take part in any circumstances, specially taking into consideration that this provision is not foreseen anywhere, realizing the danger of its negative reflection on relations between the prisoners. The prisoner can only express his opinion concerning the case, being the member of self-initializing group or its head.

The Penitentiary Department and Directorate of Public Prosecutions supervise the measures of punishments, in order to provide the accordance between the infractions and imposed disciplinary sanctions. In particularly relative to the decision of establishment's head's, which segregate the prisoner for more, then two month in accommodation which resembles a Shizo cell. In order to prevent the extreme measures the control is accomplished. These circumstances promote to the well-grounded and adequate decision, as every implication of such measure must be justified and legal.

According to new legislation in particular to new Penal code and correspondent regulations the Shizo cell are excluded. In order to provide the universality of disciplinary measures there will be only one type of disciplinary cell.

47. Concerning the paragraph 156 of the report

The repair works of penitentiary establishments includes the accordance of the disciplinary cells with acceptable standards. Particularly, the disciplinary cells of Nubarashen cell were displaced, and other repaired cells are used, which are no more on ground floor.

Some improvement activities in disciplinary cells were accomplished at Yuri prison.

Each of which has 4.52.of space foreseen for one person. Intense activities are engaged to eliminate defects of some cells, especially for providing the acceptable level of light, fresh air. Most of the cells at Sevan prison are in good state, they had good lighting and good ventilation the cells N 3, and 4,5 are not used and will not be used till their repairing.

48. Concerning the paragraph 157 of the report

All the prisoners at all penitentiary establishments of Armenia, including the prisoners facing disciplinary charges have daily at least one hour of outdoor exercise.

Complains and inspection procedures

49. Concerning the paragraph 159 of the report

The confidential basis of proposals, applications, complains is ensured in all penitentiary establishments. Each proposal, application, complain is recorded before its delivery, so it will serve as a proof that it was accepted by administration, afterwards sent to the addressed person.

The content of complain is not mentioned in the register book, but the person whom it was addressed, the date and the title. So there is no any violation of confidentiality in this case.

50. Concerning the paragraph 160 of the report

The article 47 of Law on “Treatment of Arrestees and Detainees” establishes the system of social supervising. The same article presumes the existence of institutional legal act, thus the draft of the statement of Minister of Justice is drew up, and will be signed in nearest future. According to that act will be established the group of public observers, which will include the representatives of various funds (NGO), organizations practicing human rights protection and other representatives of civil organizations. They will accomplish the periodical visits to the places of detention, will discuss with prisoners, and will become acquainted with their problems. The implementation of the same institution will be envisaged in the penitentiary Code of Republic of Armenia.

The establishments under the jurisdiction of the Ministry of Health of Republic of Armenia

Basing on the CPT‘s recommendation relative to the “Nubarashen Republic Psychiatric Hospital” of the Ministry of Health the adequate activities were undertaken according to the information presented head of Psychiatric Hospital. The tight and intensified control is realizing regarding to the compulsory treatment; the electricity was removed in medico-legal division. Davison, also natural light was ensured.

All the medical stuff of the Hospital passed the training by Hospital internal fees in the Health Care National institute of the Ministry of Health during the 2003. During the 2004 physiotherapist, social workers, nurses and sanitary workers, will fulfill the number of personal as CPT recommends. It must be noted that the Ministry of Health encourage the training of the medical personal the hospital provided all the prisoners with personal cupboards. Also, all the patients pass exam aimed to discover the tuberculosis patients and prevent the development. The contacts with the outside world are not limited at psychiatric divisions. In case of need the prisoners have also access to telephone. The regulation of visit and contact with the outside world of stationary psychiatric establishments is established by RA legislation.

The establishments under the jurisdiction of Ministry of Defense of the Republic of Armenia

The following activities were initiating in regard to the recommendations and remarks done by the European committee for the prevention of torture and inhuman or degrading treatment or punishment after their visit to the military detention places of the Ministry of Defense.

Some remarks and recommendations are dictated by the need of amendments the internal military regulations. The correspondent draft is elaborated, which will be presented to the attention of the Government of Republic of Armenia, during the 2003. Basing on the recommendation done by the Committee, the resolution of above-mentioned issues will be taken into consideration.

- **Providing adequate in-cell lighting (including access to natural light) lentil**
- **Ensuring that all the detainees aware offered adequate living space of space per person, according to the article 20 of the Law “Treatment of détentes and arrestees”**
- **Ensuring that all the detainees are offered a mattress and blankets at night (it is established garrison and guard regulation, which is accepted by the National Assembly) the draft of law on amendments to that legal act is now elaborating.**

Concerning other issues

The issues relevant to the isolation of toilets and providing of washing facilities are already solved. Concerning the places where the sanitary conditions and ventilation is not in acceptable level their functioning is temporarily stopped, till the end of initiated repair works.

- At least on hour of out door exercise are foreseen for detainees and arrestees. According to the article 16 of the Law.
- All documentation, including protocols and decision are accounted and kept.

The recommendations titled as “Information demands” (the provide of data on accusation, the questioning of witnesses, the appeal of the sanction) are mainly relative to the competence of the body executing legal proceedings (particularly to the Military prosecutor office)

Concerning the applying of complains, applications, proposals these are the issues, which are regulated by internal statutes and rules in order to avoid the disadvantages.

Approved
By Coordinating Commission
For activities derived from the implementation of the commitments
Assumed by accession to the Council of Europe

President of the Republic of Armenia R. KOCHARIAN

3 March 2001

TIMETABLE

OF THE LEGISLATIVE REFORMS IN PENITENTIARY SERVICE SYSTEM

Ð/	Legal Act	Body responsible for elaboration of legal act	Date envisaged for adoption	Additional information
1.	Draft Penitentiary Code ***(enforcement of criminal court judgments)***	Working group established by Prime Minister decision	September–November 2001	Submitted to the National Assembly. The draft is on re-elaboration stage, basing on the comments and recommendations of the State-Legal Committee of the National Assembly, relevant to the adoption of the new Penal
2.	Draft law on implementation of Penitentiary Code	Working group established by Prime Minister decision	September –November 2001	Submitted to the National Assembly. The draft is on re-elaboration stage, basing on comments and recommendations of the State-Legal Committee of the National Assembly, relevant to the adoption of the New Penal.
3.	Draft law on Penitentiary service ***(prison service)***	Ministry of Justice	September –November 2001	Was adopted by the National Assembly in October 14 for the first reading
4.	Draft law on **remand in custody**	Ministry of Justice	September –November 2001	Was adopted by National Assembly in February 6, 2002.
5.	Drat order of Minister of Justice “On Internal regime regulations of Correctional institutions”	Ministry of Justice	Within 1 month after entry into force of Penitentiary Code	It is already elaborated, and now presented to the Coe expertise.

6.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 1 month after entry into force of law on **remand in custody**	It is already elaborated. The results of the CoE expertise are summarizing.
7.	Draft decision of the Government on definition of regime specific features of the extraordinary situations in the Penitentiary institutions and pre-trial detention places	Ministry of Justice	Within 2 months after entry into force of Penitentiary Code	It is already elaborated.
8.	Draft order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 1 month after entry into force of Penitentiary Code	It is already elaborated The results of the CoE expertise is summarizing.
9.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 2 months after entry into force of Penitentiary Code	It is in the phase of elaboration
10.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 2 months after entry into force of law on penitentiary service	It is already elaborated
11.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 3 months after entry into force of law on **remand in custody**	It is in the phase of elaboration
12.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 2 months after entry into force of Penitentiary Code	It is already elaborated.
13.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 2 months after entry into force of Penitentiary Code	It is already elaborated.
14.	Draft decision of Government "On the approval of the structure and place of disciplinary battalions"	Ministry of Defence	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration
15.	Draft order of Minister of Defence "On the approval of the instruction on the organization of supervision over the arm servants in case of conditional punishment"	Ministry of Defence	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration
16.	The joint draft order of the ministers of Justice and Health "On the approval of the order of implementation of the compulsory medical means, the supervision over them"	Ministry of Public Health	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration

17.	The draft order of the Minister of Health "On the approval of the order of the implementation of compulsory treatment and out of hospital supervision at the mental doctor"	Ministry of Public Health	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration
18.	The draft order of the Minister of Health "On the approval of the order of the implementation of the compulsory medicinal means, which is connected with the execution of the punishment"	Ministry of Public Health	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration
19.	The draft order of the Minister of Health "On the approval of the order of the compulsory treatment in mental hospitals"	Ministry of Public Health	Within 3 months after entry into force of Penitentiary Code	It is in the phase of elaboration
20.	The draft decision of the Government of RA "on approval of the list of the convicts' prohibited labour"	Ministry of Justice	Within 3 months after entry into force of Penitentiary Code	It is already elaborated
21.	The joint draft order of the Ministers of Justice and Education and science "on Organization of convicts' education"	Ministry of Justice	Within 5 months after entry into force of Penitentiary Code	It is already elaborated
22.	The draft decision of the Government of RA "on approval of the order of use of physical force, special means and fire arm in correctional institutions and pre-trial detention places"	Ministry of Justice	Within 3 months after entry into force of Penitentiary Code	The preliminary works are being carried out
23.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 6 months after entry into force of Penitentiary Code	It is in the phase of elaboration
24.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 4 months after entry into force of Penitentiary Code	It is already in the phase of elaboration.
25.	Drat order of Minister of Justice "On Internal regime regulations of Pre-trial detention institutions"	Ministry of Justice	Within 3 months after entry into force of Penitentiary Code	The preliminary works are being carried out