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Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

from 20 to 22 April 2004

The Armenian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2006) 39.

Strasbourg, 16 November 2006

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Copy of the letter transmitting the CPT's report

Strasbourg, 8 July 2004

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I enclose herewith the report to the Armenian Government drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to Armenia from 20 to 22 April 2004. The report was adopted by the CPT at its 54th meeting, held from 28 June to 2 July 2004.

The CPT requests the Armenian authorities to provide within three months a response to the recommendations, comments and requests for information set out in **bold type** in paragraphs 6, 7, 12 to 16, 18 to 23, 25, and 27 to 29. The Committee would also welcome any observations which the Armenian authorities might wish to make on other parts of the report. The CPT would be grateful if it were possible, in the event of the response forwarded being in Armenian, for it to be accompanied by an English or French translation. It would also be most helpful if the Armenian authorities could provide a copy of the response in an electronic form.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully,

Silvia CASALE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

Mr Christian TER STEPANIAN
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Permanent Representative of Armenia to the Council of Europe
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I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT visited Armenia from 20 to 22 April 2004. The visit was one which appeared to the Committee "to be required in the circumstances" (cf. Article 7, paragraph 1, of the Convention) and was the CPT's second visit to Armenia.[1]

2. The visit was carried out by two members of the CPT, Eric SVANIDZE, Head of the delegation, and Marija DEFINIS GOJANOVIĆ. They were supported by Borys WÒDZ of the CPT's Secretariat, and assisted by two interpreters, Artashes DARBINYAN and Astrig KATCHIKYAN.

3. The main purpose of the visit was to examine the treatment of persons deprived of their liberty in the course of or following demonstrations organised by opposition parties in Yerevan in April 2004. The CPT received reports according to which a large number of persons had been apprehended by the police in the course of a demonstration held in the night of 12 to 13 April 2004. According to those reports, the police had used excessive force when carrying out the apprehensions. Further, concern was expressed about the apparently unknown whereabouts of certain of the persons apprehended.

By letter of 14 April 2004, the CPT invoked Rule 30 (1) of its Rules of Procedure[2] and requested the Armenian authorities to provide: i) a full list of the persons apprehended in relation to the events in the night of 12 to 13 April 2004 in Yerevan (with an indication of the establishments in which they were being held); ii) information on the state of health of each of the persons concerned, including about any injuries which they may have sustained during and after apprehension, and on the origin of those injuries.

On 16 April 2004, the Armenian authorities informed the CPT that, following an intervention by police units in the morning hours of 13 April 2004, 115 persons had been apprehended; 2 of them were still in police custody, 4 had been remanded in custody and sent to Kentron penitentiary establishment, and 12 had been placed in administrative arrest for up to 15 days at the Temporary detention centre of the Department of Internal Affairs of the City of Yerevan. Further, it was indicated that 77 persons had been released after being interviewed as witnesses (2 of whom had been treated in a hospital) and 20 persons had been sentenced to pay a fine. According to the Armenian authorities, none of the persons detained had sustained any injuries and their state of health was "normal".

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1 The first visit, which was of a periodic nature, took place from 6 to 17 October 2002.

2 Rule 30 (1) reads as follows: "Before deciding on a particular visit, the Committee or, if appropriate, the Bureau may request information or explanations as regards the general situation in the State concerned, as regards a given place, or as regards an isolated case concerning which it has received reports."

4. The response of the Armenian authorities to the CPT's request made under Rule 30 (1) of its Rules of Procedure failed to remove the Committee's concerns. In the meantime, the CPT continued to receive disturbing reports from different sources regarding the treatment of persons detained in relation to the April 2004 events.

In the light of the above, the Committee decided that a delegation should visit Armenia in order to examine the situation on the spot. The delegation interviewed numerous persons who had been deprived of their liberty in connection with the April 2004 events. Most of these persons had been released by the time they were interviewed. The others were interviewed by the delegation at Kentron penitentiary establishment and at the Temporary detention centre of the Department of Internal Affairs of the City of Yerevan[3]. The delegation also visited Erebuni District Division of Internal Affairs in Yerevan, where many of the persons apprehended during the demonstration in the night from 12 to 13 April 2004 had been held. Further, the delegation interviewed a newly arrived prisoner at Nubarashen Prison and examined medical records at Yerevan City Hospitals Nos 2 and 3.

5. As had been the case during the CPT's first visit to Armenia in 2002, the co-operation provided to the Committee's delegation was of a very high standard. The CPT is grateful for the time devoted to its delegation by Davit HARUTYUNYAN, Minister of Justice, Hayk HARUTYUNYAN, Head of the National Police, and Aghvar HOVSEPYAN, Prosecutor General. Fruitful discussions were also held with senior officials of the Ministry of Justice, the National Police and the General Prosecutor's Office. Further, the delegation welcomed the possibility to meet Larissa ALAVERDYAN, the recently appointed Ombudsperson.

The delegation received a very satisfactory reception from the management and staff of the establishments visited. The delegation had ready access to all the detained persons it wished to interview in private and was provided with all the information necessary to carry out its task.

The CPT wishes to express its appreciation for the assistance provided to its delegation by the liaison officers designated by the national authorities, Nikolay ARUSTAMYAN, Head of the Directorate for Judicial Reforms at the Ministry of Justice, and Hayk KHEMCHYAN, Head of the Division for Penitentiary Reforms of that Directorate.

The list of the national authorities and non-governmental and international organisations consulted during the visit is set out in Appendix I to this report.

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[3] It should be noted that the delegation also interviewed persons deprived of their liberty for reasons unconnected with the demonstrations and held at the establishments visited.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

1. Preliminary remarks

6. The legal framework governing deprivation of liberty by the police was summarised in the CPT's report on the 2002 visit to Armenia (cf. paragraphs 14 to 16 of CPT (2003) 5). The delegation's observations during the 2004 visit suggest that the actual implementation of the existing legal provisions relative to police detention remains a problem. Many allegations were again heard that persons had spent long periods in police detention, officially as "witnesses", although they were in fact interrogated as suspects in a criminal case. Further, as in 2002, allegations were received to the effect that the 3-hour administrative detention and administrative arrest for up to 15 days were exploited by the police in order to hold and question persons who in reality were suspected of criminal offences. **The CPT calls upon the Armenian authorities to stamp out, without further delay, these unacceptable practices.**

7. Moreover, in a number of cases, the delegation found evidence that persons had spent periods from a few hours to over two days in police detention (in one or, consecutively, in several police establishments) without the application of any legal procedure and without registration of the fact of their detention. This was of particular concern as some of these persons alleged that they had been physically ill-treated by police officers during these periods (cf. paragraph 10). Further, on several occasions, evidence was found that the period of police custody (i.e. 72 hours) had only been counted from the moment when a person had been brought to the temporary detention centre (and not from the moment of apprehension); in some other cases, the term of administrative arrest had been calculated as from the moment of issue of the judicial decision (and, again, not from the moment of apprehension).

The CPT recommends that the Armenian authorities take vigorous steps to eliminate these practices. In particular, measures should be taken to ensure that the detention of persons in police establishments is always duly recorded, and that the time-limits for police custody and administrative detention are strictly adhered to in practice.

2. Torture and other forms of ill-treatment

8. During the visit, the CPT's delegation received numerous allegations of physical ill-treatment of persons deprived of their liberty by the police in connection with the demonstrations in April 2004.

Most of these allegations referred to the excessive use of force at the time of apprehension. The ill-treatment alleged consisted, in the main, of slaps, punches, kicks, truncheon blows, and being pushed to the ground, handcuffed and dragged to a police vehicle. Some of the allegations heard by the delegation related to the dangerous use of certain "special means" by the police during the demonstration in the night of 12 to 13 April 2004. In this context, a number of allegations referred to the use of "electric truncheons" against persons sprayed with water jets, and of the application, in a manner which had caused serious injuries, of so-called "sound/light bombs".

9. In two cases, the delegation's medical member examined persons who alleged to have sustained injuries when a "sound/light bomb"[4] exploded close to them during the above-mentioned demonstration. When examined a week after the event, they displayed:

case no 1:

- several short linear abrasions and small to pin-point scabs on the right calf, measuring from 0.8 cm to 0.3 cm in diameter;

case no 2:

- on both lower legs, at the back and external side, as well as on the left foot, several small scabs, measuring from 0.3 cm to 0.5 cm, partially fallen off.

Further, the delegation found in the admission and emergency care registers of City Hospitals No. 2 and No. 3 medical information consistent with allegations that persons participating in the demonstration in the night from 12 to 13 April 2004 had sustained injuries due to the explosion of "sound/light bombs". For example, in respect of one person, the admission register of Hospital No. 3 referred to "multiple injuries of the face, legs, with particles; his right testis was surgically removed; removed particles, surgical treatment of face and legs". An entry in the register in respect of another person stated: “the lower part of his legs was wounded by particles”.

10. The delegation also received some allegations of physical ill-treatment at the time of questioning of persons deprived of their liberty by law enforcement officials in relation to the April 2004 events. The allegations concerned several police establishments in Yerevan (*inter alia*, Arabkir, Erebuni and Kentron District Divisions of Internal Affairs).

The ill-treatment allegedly inflicted in the course of questioning consisted essentially of slaps, punches, kicks and truncheon blows; it was said to have occurred mainly with the purpose of obtaining confessions, other information or - in certain cases - witness testimonies incriminating other persons. The CPT's delegation also received numerous allegations of threats made both against the persons detained and their families or friends.

Certain of the persons who made allegations of ill-treatment were found on examination by the medical member of the delegation to display physical marks or conditions consistent with their allegations. By way of illustration, reference might be made to the following case:

- a person interviewed by the delegation alleged that, after being apprehended during the demonstration in the night of 12 to 13 April 2004, she had been taken to Erebuni District Division of Internal Affairs, where police officers pushed her violently to the floor, and kicked and struck her with a truncheon on the head, back and legs. She also alleged that she was made to sit on a chair and repeatedly slapped and punched. The person concerned claimed that she subsequently suffered from recurrent headaches, sleeplessness and eyesight problems. The medical examination revealed: at the back external side of the left thigh, two bruises, unsharpened margins, mottled yellow-green colour, sized 4 cm x 5 cm and 6 cm x 5 cm. The top of the head was painful on palpation.

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[4] According to the information provided by the Armenian authorities, these "sound/light bombs" are of the brand "Zarya" and are produced in the Russian Federation.

11. It should be added that several other persons interviewed by the delegation - who had been detained for reasons unconnected with the April 2004 events - also alleged that they had been physically ill-treated by the police and operational staff of the National Security Service during interviews. In one case, the delegation gathered medical evidence which was fully consistent with the allegations made:

- a person interviewed at a penitentiary establishment alleged that, 12 days previously, he had been apprehended and taken to a police station where he was held for 10 days. During that time, he was allegedly repeatedly beaten by police officers (kicks, blows with fists and truncheons) on various parts of the body, including the stomach. The ill-treatment was said to have stopped when the person agreed to sign a confession. Upon examination by the medical member of the delegation, the person displayed: on the left back side of his head, a partly dried laceration 3 cm in length, with irregular and contused margins, covered with tampon and glued with dried blood; the left eye was closed, with swelled, violet greenish eyelids (with one small scab on each eyelid) and scleral haemorrhage; in the middle of the external side of the right upper arm, a reddish-purple to green bruise sized 10 cm x 6 cm and, on the right forearm, several smaller scabs; almost the whole left upper arm in a dark violet bruise; in the middle part of the chest, two impact, reddish-brown abrasions, measuring 2 cm in diameter and 3 cm x 1.5 cm, inside a yellow discoloration; on the upper side of the left hand, several small scabs; colour of both shoulder blade regions: violet-blue, green, brownish to pale yellow, with a visible elongated pattern; both sides of lumbar region yellow coloured; both lower legs full of scrape and impact abrasions, partially in scabs.

12. In the light of the information gathered during the visit, **the CPT calls upon the Armenian authorities to make it clear to all police and National Security Service staff that the ill-treatment of persons in custody is illegal and will be dealt with severely in the form of criminal prosecution. In this context, the CPT also refers to its recommendations concerning the criteria for recruitment and professional training of police officers, set out in paragraph 20 of the report on the 2002 periodic visit[5].**

13. According to the information received from the Prosecutor General's Office, 52 persons (including 33 police officers) had sustained injuries during the demonstration in the night of 12 to 13 April 2004 in Yerevan. Out of the other 19 persons, 7 persons had made statements indicating that their injuries had been due to the actions of the police. In the course of its meeting with the Prosecutor General, the delegation was informed that an investigation had been opened into the above-mentioned events and into complaints about police misconduct; the Committee trusts that the issue of proportionality will form part of this investigation. In the context of the investigation in question, a forensic medical examination of all persons injured in the course of the events had been ordered by the General Prosecutor's Office. **The CPT would like to receive copies of these forensic medical reports, and to be informed in due course of the results of the investigation into complaints of police misconduct during the demonstration in the night of 12 to 13 April 2004.**

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[5] Cf. Appendix II for the text of this recommendation.

14. At the meeting with the Head of National Police, the delegation was informed that there was no special riot police in Armenia. The operation in the night of 12 to 13 April 2004 was thus carried out by the public order police and reserve police units, which had not received special training for crowd control. In the CPT's view, the circumstances and consequences (especially the degree and type of bodily harm caused) of the use of "special means" in the course of the above-mentioned operation raise questions in respect of the training of the members of the police units involved. In the course of their training, it should be made clear that no more force than is strictly necessary must be used. Furthermore, once apprehended persons have been brought under control, there can never be any justification for their being struck. The training should be supplemented by correct planning, strict control of the operations and proper organization of the actions, with subsequent debriefing. In the light of the above remarks, **the CPT recommends that the Armenian authorities develop specific training for the police, and ensure appropriate preparative arrangements, in the context of carrying out crowd control operations.**

15. As stressed by the CPT in its report on the visit in 2002, it is axiomatic that judges must take appropriate action when there are indications that ill-treatment by the police may have occurred. In this connection, some of the persons interviewed at the time of the April 2004 visit indicated that the judges before whom they were brought with a view to being remanded in custody - or to being sentenced to administrative arrest - ignored their complaints of police misconduct and paid no regard to their visible injuries.

The CPT reiterates its recommendation that whenever persons brought before a judge at the end of police custody allege ill-treatment by the police, the judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the judge should request a forensic medical examination whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that ill-treatment may have occurred. The CPT also recommends that these points be emphasised during the professional training of judges.

16. The CPT wishes to stress once again the role which health-care services can play in the prevention of ill-treatment by the police, through the systematic recording of injuries borne by newly-arrived prisoners and, when appropriate, the provision of information to the relevant authorities.

The examination of medical records at Kentron and Nubarashen Prisons indicated that the initial screening of prisoners was performed in a cursory manner. Statements made by prisoners as regards the origin of their injuries were often missing, and there was no mention of the doctor's conclusions on the consistency of these statements with injuries observed. Furthermore, medical examinations continued to take place in the presence of police officers who had delivered the person to prison, as well as non-medical prison staff. Certain of the persons interviewed by the delegation claimed that the presence of police officers during the initial medical examination had prevented them from giving true information about the origin of their injuries.

Further, it is also noteworthy that the delegation found cases in which a person's injuries had been recorded on arrival at the penitentiary establishment, but not in the medical register of the temporary detention centre from which the inmate had departed shortly before.

The CPT reiterates the recommendation made in paragraph 22 of its report on the visit in 2002 concerning the contents of the record drawn up by prison doctors upon examination of newly-arrived prisoners[6]. The Committee also reiterates its recommendation that all medical examinations be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of law enforcement officials and other non-medical staff. The same rules should apply *mutatis mutandis* to the medical screening performed on arrival at temporary detention centres.

3. Safeguards against the ill-treatment of persons deprived of their liberty

17. In the report on the visit in 2002, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons deprived of their liberty by the police and made a series of recommendations. The main purpose of these recommendations was to ensure that all persons brought to a police establishment, irrespective of their legal status (i.e. witness, administrative detainee, criminal suspect, etc) enjoy fundamental safeguards against ill-treatment as from the moment when they are obliged to remain with the police. The information gathered in the course of the April 2004 visit indicates that these recommendations have not been implemented.

18. As regards the right of notification of custody, many of the persons interviewed by the delegation who had been detained in relation to the April 2004 demonstrations indicated that they had been denied the possibility to inform a relative of their detention, or that this notification had been delayed for several days.

Concerning the right of access to a lawyer, several persons interviewed claimed that they had not been allowed - or allowed only with a significant delay (often after having provided the police with the desired statement or information) - to have access to a lawyer, or that the police had prevented them from contacting a particular lawyer. Further, as during the 2002 visit, the delegation heard several complaints about the work of *ex officio* lawyers, who allegedly did not defend their clients or tended to co-operate with the organs of inquiry.

Access to a doctor remained at the discretion of police staff. Further, persons detained by the police and their lawyers did not have the right to request directly a forensic medical examination; such requests could only be made by the investigator or prosecutor dealing with the case.

Several persons stated that they had not received information about their rights (or had received incomplete information) while in police custody, or that such information had been provided several hours or even days after apprehension. A few persons also complained that they had received misleading information, e.g. they were told that they could not benefit from free legal assistance.

Further, the examination of the custody records at the Temporary detention centre of the Department of Internal Affairs of the City of Yerevan and at Erebuni District Division of Internal Affairs revealed that a standard, single and comprehensive custody record for all persons taken into custody had still not been introduced.

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6 Cf. Appendix II for the text of this recommendation.

In the light of the above remarks, **the CPT reiterates the recommendations made in paragraphs 26, 29, 32, 35, 37, 38 and 39 of the report on the 2002 visit[7]. Further, the Committee recommends that the existing legal provisions be amended in order to enable persons detained by the police and their lawyers to request directly a forensic medical examination.**

19. As regards independent inspections, the delegation was informed that the recently appointed Ombudsperson had the right to visit all places of deprivation of liberty run by the police. This is a welcome development; **the CPT would like to receive, in due course, copies of reports on visits to police establishments carried out by the Ombudsperson.**

However, the delegation noted that supervising prosecutors still had no authority to control the conditions of detention and treatment of persons under administrative arrest. **The CPT reiterates its recommendation that measures be taken to remedy this lacuna.**

Further, the delegation learned that no progress had been made on the setting up of a monitoring group of representatives of civil society which would, pursuant to Section 47 of the Law on the Treatment of Arrestees and Detainees, carry out visits to police facilities. **The Committee recommends that the setting up of such a system be treated as a matter of priority.**

4. Conditions of detention

a. Temporary detention centre of the Department of Internal Affairs of the City of Yerevan

20. Conditions of detention in this facility remained basically the same as those observed during the 2002 visit, i.e. poor. One positive change was that persons under administrative arrest were now provided with bedding (pursuant to Order No. 8 of the Head of the National Police of 20 August 2003). Further, the delegation was informed that the food entitlement for detainees had been increased by Government decision of May 2003. Otherwise, no refurbishment or major repairs had taken place since the previous visit.

Consequently, **the CPT reiterates the recommendations made in paragraph 49 of the report on the 2002 visit, in particular as regards living space, in-cell lighting, ventilation, state of repair and hygiene[8].**

21. The temporary detention centre was not overcrowded at the time of the visit. However, according to numerous, consistent and credible allegations heard by the delegation, the establishment had been severely overcrowded following the demonstration of 12 to 13 April 2004 (until the morning of 14 April), with 10 m² cells accommodating up to 6 persons, apparently without bedding. **The CPT would like to be informed of measures (including transport arrangements) foreseen in case large groups of persons are apprehended simultaneously in Yerevan and need to be accommodated in police establishments.**

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7 Cf. Appendix II for the text of these recommendations.

8 Cf. Appendix II for the text of these recommendations.

b. holding cells at district divisions of Internal Affairs

22. Erebuni District Division of Internal Affairs possessed four extremely small (0.6 m²) holding cells which, according to staff, were being used to hold persons for a maximum of 3 hours. As already stressed in the report on the 2002 visit (cf. paragraph 50 of CPT (2003) 5), such cells are, by virtue of their size alone, not suitable for custody purposes, no matter how short the duration. Consequently, **the CPT recommends that they be taken out of service.**

23. More generally, the delegation received allegations to the effect that persons had spent periods of up to 10 days in various district divisions of Internal Affairs in Yerevan, in cells deprived of suitable means of rest, without a mattress and a blanket, and without food (other than that brought by the families). In this context, **the CPT reiterates the recommendations made in paragraph 52 of the report on the 2002 visit[9].**

c. Kentron penitentiary establishment, Yerevan

24. Kentron penitentiary establishment was first visited by the CPT's delegation in 2002 (cf. paragraphs 53 to 61 of CPT (2003) 5). At that time, the establishment was under the authority of the Ministry of National Security. On 1 January 2003, it was transferred to the Ministry of Justice and renamed; however, this did not lead to any important changes in the establishment's general make-up and functioning.

The delegation noted that no changes to the material conditions of detention had taken place since the 2002 visit. Thus, the conclusion reached by the CPT after that visit, namely that these conditions are not suitable for lengthy periods of detention, remains valid. This is of particular concern as the establishment accommodated several prisoners who had been there for up to 5 years.

On the positive side, the delegation noted some improvements as regards activities. In particular, all inmates could now listen to the radio and had access to newspapers and books. However, as in 2002, there were no organised out-of-cell activities.

25. Concerning health care, the main positive change was that the vacant doctor's post had been filled. As to other aspects highlighted in the report on the 2002 visit, the delegation noted that medical examination on admission was still very cursory, and medical confidentiality was not respected. In this context, **reference is made to the recommendation in paragraph 16 above.**

26. The situation with respect to prisoners' contact with the outside world had clearly improved after the transfer of the establishment to the Ministry of Justice. Visits by relatives (usually 1.5 hours once or twice per month) were allowed in principle, except if prohibited by the competent organ due to the needs of the particular investigation, for a limited period of time. There were no restrictions on visits by lawyers. The visiting facilities were of an acceptable standard. Almost all the inmates spoken with by the delegation indicated that they had no difficulties in sending and receiving letters.

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9 Cf. Appendix II for the text of these recommendations.

27. In the light of the above remarks, **the CPT calls upon the Armenian authorities to take measures at Kentron penitentiary establishment in Yerevan to:**

- **ensure that all the cells, as well as the shower facility, are maintained in a satisfactory state of repair and cleanliness;**

- **improve the establishment's exercise yards;**

- **continue to improve activities for inmates.**

28. Finally, the CPT is deeply concerned by the situation of two prisoners sentenced to life imprisonment, whose treatment was in a striking contrast to that of other inmates. They were being held in single cells, in conditions resembling solitary confinement. Further, their possibilities of maintaining contact with the outside world were severely restricted; one of them had only received two short visits from his close relatives in nearly 5 years of detention.

The CPT reiterates its comments and recommendation made in paragraph 102 of the report on the 2002 visit[10].

29. During the visit, the delegation was informed that a third inmate sentenced to life imprisonment, held at Kentron penitentiary establishment, had recently died in his cell, apparently as a consequence of a suicide. An inquiry into this incident was said to be underway. **The Committee would like to be informed of the results of this inquiry.**

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10 Cf. Appendix II for the text of this recommendation.

APPENDIX I

LIST OF THE NATIONAL AUTHORITIES AND NON-GOVERNMENTAL AND INTERNATIONAL ORGANISATIONS WITH WHICH THE DELEGATION HELD CONSULTATIONS

National authorities

Ministry of Justice

Mr Davit HARUTYUNYAN	Minister of Justice
Mr Samvel HOVHANNISYAN	Head of the Criminal Executive Department
Mr Nikolay ARUSTAMYAN	Head of the Directorate for Judicial Reforms
Mr Hayk KHEMCHYAN	Head of the Division for Penitentiary Reforms of the Directorate for Judicial Reforms

Police of the Republic of Armenia

Mr Hayk HARUTYUNYAN	Head of Police of the Republic of Armenia
Mr Ararat MAHTESYAN	First Deputy Head of Police of the Republic of Armenia
Mr Mikhael GRIGORYAN	Legal Adviser

Prosecutor General's Office

Mr Aghvar HOVSEPYAN	Prosecutor General
Mr Vahgarshak VARDANYAN	Head of the Department for Supervision of Implementation of Criminal Punishments and Other Measures of Compulsion
Mr Gourgen AMBARYAN	Head of the Public Relations and Information Division

Ombudsman's Office

Mrs Larissa ALAVERDYAN	Ombudsperson

Non-governmental organisations

Armenian Helsinki Committee
Caucasus Center for Peace-Making Initiatives
Civil Society Institute
Forum Law Center
Free Fund for Civil Initiatives
International Union of Advocates

International organisations

Council of Europe Field Office in Yerevan
OSCE Office in Yerevan

APPENDIX II

RECOMMENDATIONS FROM THE REPORT ON THE 2002 VISIT REFERRED TO IN THE PRESENT REPORT

Paragraph 20

The CPT recommends:

- that a very high priority be given to professional training for police officers of all ranks and categories, including in modern investigation techniques. Experts not belonging to the police force should be involved in this training;

- that an aptitude for interpersonal communication be a major factor in the process of recruiting police officers and that, during the training of such officers, considerable emphasis be placed on acquiring and developing interpersonal communication skills.

The CPT also recommends that the relevant national authorities as well as senior police officers make it clear to police officers that the ill-treatment of persons in their custody is not acceptable and will be dealt with severely.

Paragraph 22

The CPT recommends that the record drawn up by prison doctors following a medical examination of a newly-arrived prisoner contain: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings. Whenever injuries are recorded which are consistent with allegations of ill-treatment made, the record should be systematically brought to the attention of the relevant authority. Further, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the detained person and his lawyer.

Paragraph 26

The CPT recommends that all persons deprived of their liberty by the police in Armenia – for whatever reason – be granted the right to inform a close relative or a third party of their choice of their situation, as from the very outset of their deprivation of liberty (i.e. from the moment when they are obliged to remain with the police).

The CPT recommends that any possibility exceptionally to delay the exercise of the right to have the fact of one's custody notified to a relative or a third party be clearly circumscribed in law, be made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a senior police officer unconnected with the case at hand or of a prosecutor) and be applied for as short a time as possible.

Paragraph 29

The CPT recommends that the Armenian authorities take steps to ensure that the right of access to a lawyer for persons in police custody applies as from the very outset of their deprivation of liberty (and not only when the person is formally declared a suspect). The right of access to a lawyer must also be enjoyed by anyone who is under a legal obligation to attend – and stay at - a police establishment (e.g. as a "witness") as well as by persons in administrative detention.

Paragraph 32

The CPT recommends that the right of persons detained by the police to be examined by a doctor be expressly guaranteed. This right should exist as from the very outset of deprivation of liberty (i.e. not only after the person has been formally declared a suspect) and should include the right to be examined, if the person concerned so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police (it being understood that an examination by a doctor of the detained person's own choice may be carried out at his own expense).

The relevant provisions should also stipulate that:

- all medical examinations should be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;

- the results of every examination, as well as any relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available to the detainee and his lawyer.

Paragraph 35

In order to ensure that persons in police custody are duly informed of all their rights, the CPT recommends that the form setting out those rights be given systematically to such persons as from the very outset of their deprivation of liberty (and not only when they are formally declared suspects). The contents of this form should reflect the recommendations made in paragraphs 26, 29 and 32. The form should be available in an appropriate range of languages. Further, the persons concerned should be systematically asked to sign a statement attesting that they have been informed of their rights.

Paragraph 37

The CPT recommends that the Armenian authorities supplement the provisions already existing in the Code of Criminal Procedure by drawing up a comprehensive code of conduct for police interviews. In addition to reiterating the total prohibition of ill-treatment, the code should deal, inter alia, with the following: the systematic informing of the detained person of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during an interview; places in which interviews may take place; whether the person detained may be required to remain standing while being questioned; the questioning of persons who are under the influence of drugs, alcohol or medicine, or who are in a state of shock. It should also be stipulated that a systematic record be kept of the times at which interviews start and end, the persons present during each interview and any request made by the detained person during the interview. Further, the position of specially vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be the subject of specific safeguards.

Paragraph 38

The CPT recommends that steps be taken immediately to ensure that police custody records are properly maintained.

Paragraph 39

The CPT recommends that a standard, single and comprehensive custody record be introduced for all persons brought to a police station. This register should record all aspects of the custody and all the action taken in connection with it (including time of and reason(s) for the arrival at the police station; time of issuing the order of detention; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when released, etc.).

Paragraph 49

The CPT recommends that the Armenian authorities take steps at temporary detention centres to:

- ensure that all detainees are offered adequate living space; the objective should be at least 4 m^2 per person;

- provide adequate in-cell lighting (including access to natural light) and ventilation;

- maintain the cells and common sanitary facilities in a satisfactory state of repair and hygiene;

- ensure that administrative detainees are able to take a hot shower at least once a week during their period of detention;

- ensure that all detainees are offered food - sufficient in quantity and quality - at normal meal times.

Paragraph 52

The CPT recommends that the Armenian Ministry of Internal Affairs remind all establishments falling under its responsibility that holding cells/cubicles for persons suspected of administrative violations should not be used for accommodating detainees for longer than 3 hours.

Further, the Committee recommends that all holding cells/cubicles measuring less than 2 m² be withdrawn from service.

Finally, the CPT recommends that measures be taken to ensure that all holding cells/cubicles which remain in service have adequate lighting and ventilation, and are maintained in a good state of repair and cleanliness.

Paragraph 102

The CPT has already highlighted the importance of sentenced prisoners being offered appropriate activities. This is all the more important for those who can expect to remain in prison for many years.

Long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, long-term prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society, to which almost all of them will eventually return. In the view of the CPT, the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way.

The prisoners concerned should have access to a wide range of purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association). Moreover, they should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psycho-social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, when the time comes, to prepare for release. Moreover, the provision of such a regime to prisoners serving long sentences enhances the development of constructive staff/inmate relations and hence reinforces the security within the prison.

The CPT calls upon the Armenian authorities to fundamentally revise the regime applicable to prisoners sentenced to life imprisonment, in the light of the above remarks.