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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 2 to 12 April 2006

The Armenian Government has requested the publication of this response. The report of the CPT on its April 2006 visit to Armenia is set out in document CPT/Inf (2007) 47.

Strasbourg, 13 December 2007

FINAL 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 2 to 12 April, 2006

The comments of the Government of the Republic of Armenia on 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 2 to 12 April, 2006 are stated below by areas.

The institutions under the jurisdiction of the Police under the Government of the RA.

Concerning the paragraph 2 of the point 5 and point 31 of the CPT report (hereinafter Report)

According to the CPT delegation, the Police of the Republic of Armenia has disposed to them the incomplete list of the detention areas for the arrested persons (Sevan Police Department and the Organized Crime General Department were out of list).

During the visit the delegation was disposed the list of 35 renovated detention areas, but the Organized Crime General Department naturally was out of the list, as it has no jurisdiction to have separate detention area. In the structure of the Police of the Republic of Armenia, only the territorial bodies have detention areas, but the Organized Crime General Department is not a territorial body.

Returning to the question of the use of the detention area of Sevan Police Department, we have to mention, that the functioning of the above mentioned detention area was indeed stopped several months before the visit of the CPT delegation, because of the communal and everyday unsatisfactory conditions. Taking into consideration the renovation works of the detention areas at the Police territorial bodies in Gegharkunik region, and because of extreme necessity, for a short period of time, the detention area of Sevan Police Department was used, about which the CPT's delegation could make sure of during the researches of the documents.

By the way, the detention area of Sevan Police Department was not included in renovation works because of it's unsatisfactory building conditions. By the order of the leadership of the Police of RA, since November 2006, the new administrative building of Sevan Police department and detention area are being built.

As to the reason of providing the custody register to the delegation with a delay for one day, it was because of the good reason of absence of the head of the detention area (his mother was ill) and the custody register was locked in his safe.

Concerning the point 9 of Report

According to the amendments made in the Criminal Procedure Code of the Republic of Armenia on May 23, 2006, the part 1 of the Article 128 was not only newly edited, according to which the detention is the bringing of the person to the "body of inquiry", but also the Code was added with the Article 131^1, which defines the procedure of arrest of the suspected persons. According to the pointed Article suspected person is being arrested by the "body of inquiry" within the period of 3 hours. The basis of arrest, the month, the hour, the minute of the arrest are clearly mentioned in the detention protocol. In any case, the person can stay under arrest not more than 72 hours.

Concerning the point 11 of Report

The person who officially appears to be a "witness" can't be kept in detention area. The participants and the parts of the procedure, including the witnesses and the suspects are being clearly explained about their rights during the criminal procedure, in the preliminary investigation,. Besides, presently, the suspect, after the amendments made in the Criminal Procedure Code of Armenia in May 2006, as well as the witness have a right to have an advocate, who in it's turn will prevent the interrogation of the person who is *de facto* in the status of the suspect as a witness, moreover the supervising prosecutor and judge will return to that.

Concerning the point 12 of Report

The convoy of the detained persons from the Charentzavan and Hrazdan detention areas was carried out by the Yerevan City Police Department convoy group each Wednesday according to the affirmed schedule.

The problem raised by CPT delegation has been discussed during enlarged session of collegium of the Police of the Republic of Armenia on 03.02.2007 and it was decided to create convoy subdivisions in Aragatsotn, Ararat, Armavir, Gegharqunik, Kotayk and Vayots Dzor Marz Police Departments, who will provide the transfer of the mentioned persons to the places of imprisonment within 3 days (point 9.1. of the report of collegium session).

Detained persons, as a rule, are transferred to the territorial department's detention areas for making necessary investigations in the corresponding territory or for providing their assistance in hearing, according to the requirements of the Article 6 of the Law of the RA on Keeping Detained and Arrested persons. Detained persons during the pre-judicial or judicial investigation of the criminal case are transferred to the detention areas only by the written assignment of the prosecutor or the court and the arbitrary transfers are excepted during this period.

Concerning the points 13, 14, 15 and the 17 of Report

As to the realized torture, which according to the appreciation of the CPT delegation have not been reduced since the visits made in 2002, we must proof, that the information obtained by CPT are unilateral and have been received from the accused and convicted persons. None of the presented facts has been based. There have been made only general and baseless announcements, without taking into consideration the legal status of the persons in the prisons who have been inquired. The evidence of this is the announcement made by the General Prosecutor's Office of RA testifying to the CPT delegation, that during 2005 no ill-treatment complaints were registered by the law enforcement officials.

The analysis showed that during 2006 facts concerning the ill-treatment by the policemen towards the arrested persons have not been registered at the Police of RA. Five cases of violations by policemen were registered, when they were out of service, in life conditions and in the result of the internal investigation three of them were fired from police. For two other policemen disciplinary penalty was imposed.

The Police of RA will be very much grateful to the CPT delegation for providing necessary information about ill-treatment facts by the policemen. The Police of RA informs you of its readiness to explore the mentioned facts and to call to responsibility the guilty persons.

Notwithstanding to this, in order to ensure the application of the terms of the Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in Armenia, in 2006 several amendments have been made in the Criminal Procedure Code concerning the procedure and time limits of interrogation.

In compliance with the new Article 205^1 of the Criminal Procedure Code, the interrogation cannot last continuously more than four hours, and more than two hours for juvenils, as well as for the persons with mental or other serious diseases. In any case, the duration of the interrogation cannot exceed eight hours per day, and six hours for the persons with mental or other serious diseases. Minimum one hour must be given for having rest and having food during the interrogation.

Besides, for the prevention of ill-treatment, the Police of Armenia has prepared and circulated the project of the decision of the Government of the RA "On the list of rights subject to notice in the case of restriction of human rights and freedom and the order of notice".

<u>On the 16th, 17th, and the 18th points of Report</u>

According to the criminal procedure legislation of the RA in force, for getting evidences in crime pre-judicial process, for assessing of factual circumstances as an evidence a lot of examinations are being arranged, the sphere of which is widening parallely with the progress of the science and techniques.

The Article 108 of the Criminal Procedure Code defines the conditions, which can be confirmed and recognized as an evidence only in the result of corresponding conclusion of the examination. However, the evidences obtained during the interrogations, together with the objective testimony obtained in the result of examinations, are very important in the system of obtained evidences.

With the purpose of revealing treatment defined due to moral and legal rules towards a person during the examination held by policemen, including officers of operational services and investigators, commissions were given by the police leadership, where personnel's attention was drawn to raising juridical knowledge, as well as to mastering rules of attitude towards people.

At the same time, due to the decision adopted on February 3, 2007, collegium of Police of the Republic of Armenia assigned to prepare a programme of events with the purpose of raising professional knowledge of policemen, including completely mastering tactics of examination. It should already be mentioned with gratification, that Training centre, completely reconstructed and corresponding to modern high international standards, was put into operation, which became possible by the OSCE and USA government immediate investments. The training process was recomposed completely, in which considerable attention is payed to issues connected with problems of treatment of policemen of the Republic of Armenia, of preserving police ethics.

As to the legal prevention of ill-treatment by policemen, we should mention, that due to the Articles 119 and 341 of the Criminal Code, a criminal resposibility is forseen for torturing. If in the first Article criminal responsibility is forseen for private persons for torturing other persons, in the second Article criminal responsibility is forseen for judge, prosecutor and investigator for forcing the witness, defendant, accused or victim to give an evidence, or false conclusion by an expert, as well as for making a intepritor to do an incorrect translation, with compulsion, which is combined with ridicule, torture and other violence use.

Therefor, in case of manifesting similar actions on the part of mentioned officials, they will undergo criminal responsibility too.

Moreover, in the case of receiving an application-complaint both by every citizen, and any person who is deprived from freedom, particularly concerning illegal deprivation of rights and freedoms, the Head of Police of the Republic of Armenia gives a commission to arrange an examination and the officials who have made violations of law undergo to the responsibility.

At the same time, the principle mentioned in the point 18 of the report is incomprehensible saying that " Judges are not examination bodies'', and that this point of view has been expressed by the Armenian authorities. In our opinion, that the principle mentioned in the report took place as a result of incorrect translation or as a result of given non-proper answer to the delegation, which is not corresponding to the legislation of the Republic of Armenia. Due to the criminal procedure legislation, courts have much competence in the prejudicial process of the examination of criminal cases, including the court chooses arrest as restraint, only in accused person's presence, as a result of conversation with him. Besides, the court is not obstructed by the evidences obtained during the prejudicial investigation of the case and examines the case in essence. Above mentioned presumes, that each evidence given by the accused being in castody during the judicial investigation is being discussed together with evidences obtained during the judicial investigation and if the accused gives evidence, that he was a subject of violation, then the court is obliged to send the files related to such announcement to prosecutor. And instituting a criminal proceedings in connection with mentioned matters on the part of the prosecutor is an obligation and not a right (point 4 of the second part of Article 41 of the Criminal Procedure Code of the RA and point 1 of the part 1 of the Article 53 of the Criminal Procedure Code of the RA).

We would like to inform the CPT delegation that there is a hot line (trust phone) in Police of the RA. This information is always announced in the program "02" (the program of the Police of Armenia) on TV, as well as in the "02" weekly newspaper.

We also want to add that in order to carry out the centralized registration of complaints of ill-treatment on the part of policemen towards persons under the arrest the instruction of the Head of Police of the Republic of Armenia is in the stage of preparation, presently.

Concerning points 20-25 of Report

In the mentioned points of the report the attention was drawn to the three basic rights of the imprisoned persons:

- the right to inform about the place of location to the closest relatives in the case of imprisonment;

- the right to have a lawyer;

- the right to have a doctor.

The three rights mentioned above, pointed by the delegation, are determined by the legislation of the Republic of Armenia.

The suspected person, according to the point 9 of the part 2 of the Article 63 or the accused person according to the point 9 of the part 2 of the Article 65 of the Criminal Procedure Code of the RA, has the right, immediately after the arrest, not late then in 12 hours, to inform through the "body of inquiry" his/her closest relatives about his/her place of location. Here it mast be bared in mind that the closest relatives have to be informed about the location of the mentioned persons immediately, and in case if there is no possibility to inform, it mast be done not late then in 12 hours.

The mentioned terms are fully defined in the Law of the Republic of Armenia on Keeping of Detained and Arrested Persons, as well as in the internal regulations for the detention areas, confirmed by the Order of the Head of Police number 8-N dated 11.08.2003. The governing body of the Police of the RA consistently controls the realization of the mentioned terms.

As to the problem of providing a legal aid to the suspected person, it must be recorded, that according to the the Article 211 of the Criminal Procedure Code of the RA the suspected person, till the first examination, according to his wish, is given a chance to meet his lawyer without any obstacle for not less than 2 hours.

Here it is also important to state, that the witness can appear for an interrogation with his lawyer /point 10 of the part 5 of the Article 86 of the Criminal Procedure Code of RA/.

In the point 22 of the report it was mentioned as well, that persons being under administrative arrest are deprived to enjoy the judicial rights. The administrative arrest has been abolished by the Constitution of the RA since 2005. According to the Article 267 of the Administrative Violations Code of the RA, a person who is bearing administrative responsibility has the right to avail himself/herself of the legal aid of the lawyer. The Article 270 of the same code determines the rights of the lawyer.

The right of the suspected or accused person to have a doctor is a principal criminal procedural term, which is provided for the mentioned persons and for each participant of the legal procedure in each stage.

In accordance with the demands of the Law of the RA on Keeping of Detained and Arrested Persons, the defender of the arrested person has the right to demand forensic medical examination for his defendant and the deprived person has the right to be examined by the doctor he wants to be examined by. Each arrested person by means of possible communication at the detention area has the right to inform his chosen person about his place of location. The board of administration of the detention area must immediately inform the person chosen by the arrested person about the place of location of the arrested person or about trasferring him from one area to another, which is being done unconditionally. According to the Order of the Head of Police of Armenia number 8-N dated 11.08.2003 the person, who was brought to the detention area by the police body on duty, must be informed in written form in language he speaks about internal regulations of the area, his rights and duties, for which he/she signs. The information concerning the mentioned rights and duties are also fixed in the duty places of the territorial police bodies and on the walls of the cells of the detention area. Consequently, announcements of arrested persons concerning being uninformed about their rights are far from being real.

Concerning the 26th point of Report

According to the point 8 of the Record of the collegium session of the Police of Armenia on February 3, 2007, on purpose to raise the discipline at the detention areas, the governing body of the Police of RA charged to discuss the problem to change the staffs of the middle or senior groups of the chiefs of the Detention Area, which will leave its good influence on the development of the detention area activity.

Concerning the points 28 and 29 of Report

According to Article the 31 of the Law of the RA on Keeping of Detained and Arrested Persons, at the detention areas, the arrested persons are kept in separate cells, and according to the Article 20 dwelling spaces for detained and arrested persons must not be less then $4m^2$ for each person. Each of the cell surfaces of the detention area of Eghegnadzor department of RA is equal to $5.27m^2$.

The institutions under the jurisdiction of the Ministry of Justice

Preliminary remarks

Concerning the paragraph 34 of Report

On 3 August 2006 the Government of Armenia adopted the Decision No 1543-N "On approving the internal regulation of places for holding the detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia", which was verified by the President of Armenia and entered into force on 3 December 2006

Concerning the paragraph 36 of Report

Long since the infrastructure reforms of penitentiary service of Ministry of Justice of Armenia are carried out by the program concept of the same name, which is still the work document. In the base of program concept of infrastructure reforms of penitentiary service of Ministry of Justice of Armenia is the predictions of future volume outgoing from criminal policy. It is foreseen for future ten years.

According to mentioned concept in the works of infrastructure reforms the organization of centralized financial expenditures is primary, that means the finances are spent in concrete penitentiary establishment through fulfilling the whole works, instead of fulfilling different works in different establishments (the mentioned does not means that there are no works done in other establishments for improving the material conditions). It is planned to build several new penitentiary establishments and to stop the exploitation of several old ones. In this context:

- After the construction works which will start in 2007, in the area near city Echmiadzin, the totally new penitentiary establishment will be put into operation,
- After the operation of the new penitentiary establishment near city Echmiadzin, exploitation of "Sevan" prison will be stopped and the new penitentiary establishment will be built instead of it,
- The exploitation of "Gyumri" prison, of the old building of "Vanadzor" prison has already been stopped.

In 2007 is foreseen the final discussion and approval of program concept of infrastructure reforms of penitentiary service of Ministry of Justice of Armenia.

Concerning paragraph 37 of Report

The chief staff of the penitentiary service was permanently anxious about the necessity of providing the efficient free time foreseen by the daily routine to detainees and sentenced prisoners and also the necessity of involving them in different activities (sport, education, job). There are some obstacles for the mentioned activities to be carried out, the obstacles are mainly caused by building conditions and bad material conditions in penitentiary establishments (especially places for holding detainees). For organizing the leisure time of prisoners in newly building establishments, the appropriate conditions have been already created in newly erected "Vanadzor" penitentiary establishment. In other institutions, where the capital constructions are in process, the necessity of providing such conditions is taken into account.

With the purpose to provide job for prisoners, in the system of penitentiary service the Government of Armenia founded the fund "Assist to prisoner". There is no very positive progress in the work of fund yet, which is probably caused by the shortage (in several establishments even by the lack) of work places in the establishments. The penitentiary service is eager to provide by job all the prisoners who want to work and this problem is permanently under the attention of service. In cooperation with the fund the penitentiary service is looking for ways to find the alternative job opportunities for the prisoners. In that purpose in 2006 in Yerevan city the market-hall "Prison Art" was opened, where work of art of prisoners are sold. The money from sale is transferred to personal accounts of prisoners. The number of prisoners involved in that work, is increasing gradually. By the aim to organize the education and vocational training of detainees and sentenced persons it is planned to reach some agreements with appropriate educational institutions

Meanwhile by the purpose to increase the job opportunities of prisoners it is planned to create little workshops in the prisons acting at present time (the works will start from June 2007), these for the time present will be the minimum conditions for providing job for prisoners.

Concerning paragraph 38 of Report

From May 2006 to April 2007 the efforts were continued to prevent the cases of undesirable relations between criminal-executive servants and detained or sentenced prisoners. In addition to explanatory and educative measures, the disciplinary and in case of corpus delicti, penal measures were applied.

In above mentioned period disciplinary sanction were applied regarding 109 criminal-executive servants, the obligations of 4 criminal-executive servants were suspended, basing on criminal cases instituted 2 criminal-executive servants were dismissed from criminal-executive service basing on court's sentence.

Ill-treatment

Concerning paragraphs 39-41 of Report

The Armenian authorities thoroughly examined the allegations mentioned in Report concerning the physical ill-treatment in "Abovyan", "Nubarashen" and "Goris" penitentiary establishments, and in case of confirmation the severe measures will be taken concerning the initiators.

Also the special attention will be paid to proper registration of possible injuries sustained by detainees and sentenced persons and to proper opportunity of prisoners to complaint.

Concerning paragraph 42 of Report

As it was mentioned in Report " many prisoners indicated that they were being treated in a humane manner". But in cases of not fulfilling the legal demands of prison officers, in cases of preventing them from fulfilling their duties, or in case of doing illegal acts, criminal-executive servants sometimes have to apply physical force and special means.

Each case of applying physical force or special means is registered. If the prisoner is not agree with that, he/she can appeal that actions, as each action violating his/her rights. In cases of causing the harm to the health of prisoner or in case of his/her death (which has never taken place in practice) as the result of applying physical force or special means, it is necessarily reported in written to the head of Criminal executive department and prosecutor. Prosecutors are systematically investigating also other cases of applying the physical force and special means by the purpose to decide whether they have been applied correspondingly to the nature of break or the nature of danger of counteraction.

The application of physical force or special means as punishment is excepted.

Concerning paragraph 43 of Report

The Ministry of Justice considers that the process of improvement of staff-prisoner attitudes is very important and in this purpose continues to carry out the activities mentioned in the response to the paragraph 68 of CPT Report of 2004; these activities already give the results in practice. That work have the continuous nature, and the purpose is, that as more part of prison officers as possible be able to get control of problematic situations and show the proper attitude in case of such situations exist.

Prisoners sentenced to life imprisonment

Concerning paragraph 45 of Report

On September 2006 all the life-sentenced prisoners held in "Goris" penitentiary establishment of the Ministry of Justice of Armenia were moved to "Nubarashen" penitentiary establishment of the Ministry of Justice of Armenia, where the improvement of cell condition is processing more rapidly. The roof of "Nubarashen" penitentiary establishment is basically renovated, as the result the dampness of the cells of life-sentenced prisoners disappeared (cells of life-sentenced prisoners are situated in upper deck). At present time the works are in process to renovate the in-cell toilet facilities and cells of 4-th flour of "Nubarashen" prison and also of general improvement of cell conditions.

Concerning paragraph 46 of Report

According to the point 36 of the Internal Regulation of places for holding detainees and correctional establishments of the Criminal-Executive service of the Ministry of Justice of Armenia all the detainees and sentenced prisoners are provided with the opportunity to take shower minimum once a week. If it is possible in case of necessity fore maintaining the hygiene the shower can be organized more frequently.

Concerning paragraph 47 of Report

In "Nubarashen" penitentiary establishment of the Ministry of Justice of Armenia all the life-sentenced prisoners have the opportunity to use the multifaceted and sport rooms. In order to regulate the attendance to the sport room and with purpose to involve all life-sentenced prisoners in sport activities, it was made a attendance graph of prisoners, who wish to go in for sports.

The conditions of holding life-sentenced prisoners, including the issues of education and work are permanently at the center of attention of criminal-executive servants. One of the life-sentenced prisoner studies in psychology faculty of "Urartu" university, by correspondence at his own expense. Penitentiary establishment created all the necessary conditions for organization of his education.

Criminal-executive service takes the measures to organize the education also for other prisoners.

The issues on involving the life sentenced prisoners in rehabilitation programs are still discussed with organization "International Prison Reforms" from last year, as the result of those discussions it is expected to solve above-mentioned issues efficiently, basing on international experience.

The issue of outdoor exercise of life-sentenced prisoners, including weekends alarms the criminal-executive service. As the result of measures taken, the free posts of "Nubarashen" penitentiary establishment are gradually occupied, which will solve the raised problem totally.

Concerning paragraph 48 of Report

As it was mentioned in answer of paragraph 45 of Report, on September 2006 all the life-sentenced prisoners held in "Goris" penitentiary establishment of the Ministry of Justice of Armenia were moved to "Nubarashen" penitentiary establishment of the Ministry of Justice of Armenia.

Concerning paragraph 49 of Report

The part of life-sentenced prisoners held in "Nubarashen" penitentiary institution of the Ministry of Justice of Armenia, who are in high group of risk, are still in handcuffs in all cases of movement, and except for long term visits.

In a letter of 21 June 2006 the by saying "exceptional cases'' Armenian authorities meant the cases, when there are motivated suspicions to propose, that detainee or sentenced prisoner may escape, harm himself/herself or convoying people or other inmates.

What about the Internal Regulations, it regulates only the cases of handcuffing inmates during their transportation, which is also performed only in above-mentioned cases.

Concerning paragraph 50 of Report

For actively maintaining the contact with outside world for life-sentenced prisoners, besides, that they enjoy telephone calls, visits, library, there are also TV sets, radios, recorders almost in all cells, also frequently they receive some newspapers, light magazines, monthly magazines and other press, by means of which the are able to maintain contact with the outside world.

In Armenian legislation, for life sentenced (included long-term prisoners) and all other prisoners and also for detained persons the minimum quantity of short-term and long-term visits is stipulated. Only negatively described prisoners and also the prisoners who have illegal behavior or is under disciplinary sanction, are not given visits more than minimum.

In case of positive behavior prisoners may have visits in more quantity than the minimum stipulated by law. In this case, the granting of visits more than minimum is connected only with the necessary number of visit rooms.

Concerning paragraph 51 of Report

According to article 95 of the Criminal-Executive Code of Armenia, for all prisoners including life-sentenced prisoners only the reprimand, severe reprimand and placement in punishment cell up to 15 days are applied as the disciplinary sanction.

Any other sort of sanctions including deprivation of water, food and out door exercise was not applied and is not applied regarding the prisoners.

Concerning paragraph 52 of Report

The issue of keeping life-sentenced prisoners apart from other prisoners is regulated by the article 68 of the Criminal Executive Code of Armenia, according to which the life-sentenced prisoners must be kept apart from prisoners sentenced to deprivation of liberty in certain term. That is to say, it is a demand of law, and the suggestion of its review and correspondence with international standards will be presented to appropriate bodies.

The authorities of Armenia will take into account the recommendations of CPT while elaborating further policy of attitude with life-sentenced prisoners.

Conditions of detention

Concerning paragraphs 53-57 of Report

Now for each prisoner held in "Goris" penitentiary establishment of the Ministry of Justice of Armenia is provided minimum 4-m2 living space. In 2006 the reconstruction works have started in the establishment, during that works some cells have already been renovated. In renovated cells the in-cell toilets have been partitioned totally. The heating system of prison was renovated. In 2007 the reconstruction of several other cells started.

The everyday control is conducted on sanitary situation of shower room and food storage area of prison with purpose to provide proper cleanliness and now there are positive changes in this area. The reconstruction works now are in process.

In near future it is planned to build new building for "Goris" penitentiary establishment, which will meet all the international standards.

Concerning paragraph 58 of Report

Appropriate works are in process to refresh the library of "Goris" penitentiary establishment of the Ministry of Justice of Armenia and to supplement library with various literature. Besides, there are systematic donations of books by different organizations or persons. At the first opportunity the mentioned donations will be directed to "Goris" prison.

The present conditions of building of establishment do not give the opportunity to involve the inmates in work, or to organize sport and education activities out of their cells.

As regards religious activities, it should be mentioned, that by the wish of prisoners, the representatives of the religious organizations, they profess are allowed to attend the establishment according to law of Armenia.

Concerning paragraphs 59-69 of Report

On 19 March 2007 in Vanadzor city was opened and accepted its first inhabitants the new building of "Vanadzor" penitentiary establishment of the Ministry of Justice of Armenia. The building conditions, area conditions and cell conditions of the new block are exemplary in comparison with other establishments and are closer to international standards. As against the unacceptable conditions of previous building, in new building there are much better conditions, in particular the area of cells gives the opportunity to provide $4m^2$ space for each inmate, the cells have wide windows, the toilets are totally partitioned, there are outdoor exercise areas with necessary quantity and surface etc.

The four-level building of "Vanadzor" penitentiary establishment of the Ministry of Justice of Armenia is foreseen to hold 240 detainees and sentenced persons (in previous building this number was 128). The establishment is foreseen to hold detainees and prisoners who serve their punishment in the closed-type correctional establishment.

The number of work places of "Vandzor" prison also increased considerably. If formerly there were 75 posts for the administration of the establishment, now the number is 219.

Criminal-Executive department of the Ministry of Justice of Armenia has the aim to provide, that detainees and sentenced persons held in the establishment spent the reasonable part of day out of their cells, being involved in different activities, as the appropriates conditions for sports and other rehabilitation activities are provided and the measures will be taken to organize these activities.

Concerning paragraphs 70-75 of Report

The Criminal-executive department of the Ministry of Justice of Armenia planned in the nearest future to reconstruct buildings within the area of "Abovyan" penitentiary establishment, particularly the dormitories for sentenced persons, dividing them into separate cells. It is planned to reconstruct a building situated in juveniles' area, making it the place for holding detainees (remand prisoners), as the result of analyze, it was proved that the present building for remand prisoners is not reasonable to reconstruct from professional point of view.

The reconstruction will assist to get rid of the shortcomings that CPT mentioned in this establishment.

The quality and hygiene standards of food given to persons held in penitentiary establishments of Ministry of Justice of Armenia is at the center of attention of criminal-executive service direction. As regards the assortment and quantity, in this issue the penitentiary establishments are guided by the Armenian Government decree of 10 April 2003 No 413-N " On approval of minimum daily average proportions of food, proportions of dressing and it's using terms, the proportions of bedding hygienic items and their using terms for persons held in penitentiary establishments of the Ministry of Justice of the Republic of Armenia" and by the decision of 31 July 2003 No 961-N "On approval of the proportions of substitution of food given to persons held in penitentiary establishments of the Ministry of Justice of the Republic of Armenia and the terms of using the items of residential and kitchen use".

Concerning paragraph 77 of Report

The problem of general education of juvenile prisoners has already been solved. From 1 December 2006 the Minister of Education and Since of Armenia empowered Abovyan vocational school No 2 to organize the general education of prisoners, the lessons there are now conducted in correspondence with educational programs stated in Armenia.

Concerning paragraph 78 of Report

The conditions of holding female and juvenile prisoners are permanently in the center of attention of Criminal-Executive department direction.

Within the opportunities of the "Abovyan" penitentiary establishment's areas for holding the remand prisoners (detainees) all the remand prisoners enjoy the outdoor exercise provided by law with certain time restrictions. The restrictions are caused by the circumstance, that there is one out door exercise area in the establishment, which is insufficient to provide minimum 2 hours of outdoor exercise for female and juvenile prisoners, which is stipulated by law.

For that very reason the direction of the criminal-executive service allowed to organaize the outdoor exercise of female and juvenile prisoners also in the yard near the building (in the are of remand prisoners.)

The juvenile remand prisoners are allowed to take part in sport, educational and cultural activities organized in the area of juvenile sentenced prisoners.

Health-care services

Concerning pargraph 79 of Report

The activity of whole medical staff of criminal-executive service is regulated by decision of the Government of Armenia No 825-N, adopted on 26 May 2006 "On approving the order of organization of medical-sanitary and prophylaxis aid, the order of treatment in medical establishments of health-care agencies and for that purpose involving the medical staff in that", not official copy of which will be presented to CPT.

Concerning paragraph 81 of Report

In 2006 the new dental equipments was given to "Abovyan" and "Goris" penitentiary establishments of the Ministry of Justice of Armenia, also such equipments is planned to give to "Vanadzor" penitentiary establishment during 2007. In order to organize necessary dental care appropriates alternative measures are in process, using the services of medical establishments' specialists of health-care agencies.

Concerning paragraph 82 of Report

On the demand presented from the penitentiary establishments concerning the necessary equipments, the requests for 2007 were already given.

The existence of essential financial means gave the opportunity to provide penitentiary establishments with necessary medicine and medical equipments in sufficient quantity and assortment.

The issue on purchasing medicine in exceptional cases is regulated by the order of the head of Criminal-Executive department from 2 August 2006 No 83-L.

Concerning paragraph 83 of Report

Reasoning from construction and technical conditions, it is not advisable to create the female ward in "Hospital for prisoners" penitentiary institution. It is planned to extend the conditions of health-care service of female prisoners in "Abovyan" prison. The female remand or sentenced prisoners in case of necessity are hospitalized in the medical establishments of health-care agencies, which is regulated by the decision of Government from 26 May 2006 No 825-N.

Concerning paragraph 84 of Report

See the answer of paragraph 82. On the laboratory base of Hospital for prisoners and "Nubarashen" prison and also of the medical establishments of health-care agencies essential medical examinations are carried out.

The issue presented in 2-nd part of paragraph is regulated by the decision of Government from 26 May 2006 No 825-N.

Concerning paragraph 85 of Report

In the framework of the national TB Control program, it is foreseen in 2007 to obtain stationary and portable photofluorographic units for penitentiary service, which will give the opportunity to solve the problem of immediate examination of newly-arrived prisoners.

Concerning paragraph 86 of Report

The testing of multi-drug resistant form of tuberculosis is carried out in cooperation with the Ministry of Public Health of Armenia, in reference laboratory of Abovyan. The works are conducted to implement new methods in treatment of prisoners suffering from multi-drug resistant form of tuberculosis.

Concerning paragraph 87 of Report

The TB treatment in Criminal-executive service is a long-term process. In case of conditionally release (parole) the penitentiary establishment sends special form of continuing the treatment (TB-09) to civil health-care establishment.

The cases of holding prisoners with active forms of tuberculosis with healthy prisoners in the same cells are excluded.

Generally the prisoners are not transferred to police holding facilities. In case of such precedent the treatment will not be interrupted but will be continued.

Concerning paragraph 88 of Report

The transfer of HIV-positive prisoners to Hospital for Prisoners does not have the aim to segregate them. These prisoners are held with the other prisoners under the control of doctors and they are not held in any special conditions.

Concerning paragraph 89 of Report

The measures are taken to fill the vacant medical posts included posts of psychiatrists. The life-sentenced prisoners are held in "Nubarashen" prison, where the post of psychiatrist is not vacant.

In "Vanadzor" prison the candidate for the vacant post of psychologist is passing the training at present and after successful graduation the appropriate order of designation will be adopted.

In "Nubarashen" prison the psychologist is in maternity leave, but two officers of psycho-socio-legal division have passed the special psychological retraining and now are carry out psychological works.

The measures are being taken to fill the vacant post of psychiatrist in "Goris" prison, appropriate announcements has been given for that.

It must be mentioned, that the divisions for psycho-socio-legal works have been created in 2001, from the day of transfer of Criminal-Executive service under jurisdiction of the Ministry of Justice. These divisions have the appropriate manual of their activity (ratified by the Minister of Justice decree No 141-N, on 9 September 2004) and the scope of aims, including the psychological assistance to prisoners. Now the works of recruitment of qualified psychologists for penitentiary establishments is are in process.

Concerning paragraph 90 of Report

The issue was examined additionally. Now the medical files in "Goris" and "Nubarashen" prisons are kept according to the demands stipulated in the decision of Government from 26 May 2006 No 825-N.

Concerning paragraph 91 of Report

The raised issue is regulated by the decision of Government from 26 May 2006 No 825-N, according to point 37 of which, all the medical examinations must take place in a manner, when criminal-executive or other officers may see but not hear them. When the doctor requires it, the medical examinations may take place in a manner, when criminal-executive or other officers may not even see them. Except for several cases the mentioned provision stated by the Government is carried out to promote proper doctor-patient relations.

Concerning paragraph 93 of Report

There are 1719 positions in the Criminal-Executive service of the Ministry of Justice of Armenia, from which 1580 are criminal executive servants' positions, 139 are civilian positions. By the data of April 2007 the 232 of criminal-executive servant's positions and 28.5 civilian positions are vacant.

Concerning paragraph 94 of Report

The right of remand or sentenced prisoner on presentation of his/her disciplinary offence personally is formally stipulated in point 215 of the Decision No 1543-N "On approving the internal regulation of places for holding the detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia", according to which "Concerning the infringement, the written explanation is requested from detained or sentenced prisoner. When the prisoner refuses to give the explanation, the refusal shall be recorded".

Concerning paragraph 95 of Report

Concerning the cases of self-harm, the criminal-executive service has the following approach; in each such case special messages are received by criminal-executive department and emergence measures are taken to clarify and expose the reasons of incident, the personal, psychological and health state, of the person, and measures are taken to make appropriate plan of interference. By the reason to have proper control on cases of self-harm, and to activate the measures directed to their prevention, the task was given by the Head of Criminal-Executive department to the officers of divisions for psycho-socio-legal works and security division to organize the reception for the persons who have committed the self-harm act and to give a report on the results.

Cooperating with officers of divisions for psycho-socio-legal works and security division the medical staff keeps the persons who have the inclination to self-harm under control.
In all the cases, when it is turned out, that the act of self-harm is connected not with concrete aim of infringement, but has psychological or psychiatric motivation it is not considered the offence and works of social and psychological nature are conducted.

Concerning paragraph 96 of Report

The confirmation of doctor before placing the prisoner in punishment cell comes from the demand of objectivity and corresponds to the interests of prisoner, as it is not excluded, when the state of health of prisoner would not allow to place him/her in punishment cell and that fact can be assured only by medical staff member. Besides, doctor makes everyday control on the prisoner placed in punishment cell.

The issue is regulated by the point 43 of the decision of Government from 26 May 2006 No 825-N, in particular; "Everyday medical control must be conducted on the detained or sentenced person placed in punishment cell on the base of complaints made during the visits or, in case of necessity, on the base of professional medical examination. Medical staff shall make record on visiting the punishment cell in special register. The worsening of the state of health is reason to take out the detained or sentenced person from punishment cell basing on the medical certificate of doctor".

Nevertheless, the Armenian authorities will elaborate appropriate measures to provide, that the confirmation of doctor before placing the prisoner in punishment cell not make harm for maintaining good doctor-patient relations.

The issues mentioned in CPT report, concerning the medical care of prisoners, its quality, the order of conducting medical examinations, the work and education of prisoners, the improvement of life conditions of prisoners, and providing their fundamental rights, including the right to inform third parties about the fact of imprisonment, the right of contact with the outside world, the right to make applications and several other issues are permanently at the center of attention of appropriate divisions of General Prosecutor's office.

Meanwhile in the past period the General Prosecutor's office programmed and carried out several investigations, for eliminating the reasons of violations in this sphere and conditions supporting to them.

The results of investigations were discussed in the General Prosecutor's office collegium and during the operative discussions in Deputy General Prosecutor's office. The applications and concrete proposals for eliminating the reasons of violations and conditions supporting to them were sent to competent officials.

In particular

1. According to General Prosecutor's office work plan of first half of 2005 the state of medical care and material conditions of prisoners were explored.

As the result of explorations the reports were sent to Prime Minister and Minister of Justice of Armenia.

2. According to General Prosecutor's office work plan of second half of 2005 the state of work occupation of prisoners and the prosecutor's control on it was explored.

As the result of explorations the reports were sent to Prime Minister of Armenia.

3. According to General Prosecutor's office work plan of second half of 2005 the state of legality of applying punishments or other means of compulsion regarding juveniles were explored.

As the result of explorations the reports were sent to Prime Minister of Armenia.

Concerning paragraph 97 of Report

Armenian legislation prohibits keeping personal items while being in disciplinary cell, except for items of personal hygiene and religious literature and pictures.

However the Criminal-executive service will take measures to make more humanistic changes in legislation.

It is foreseen by the Criminal-executive service program of capital construction for 2007 to rebuild the former school building of "Abovyan" penitentiary establishment into place for holding detainees, where also the punishment cells will be placed and the recommendations presented by CPT will be provided.

"Vanadzor" penitentiary establishment has been moved to new capitally constructed (address: Tavros steet. 20) building, where all requirements are provided.

Concerning paragraphs 98-99 of Report

In "Abovyan" penitentiary establishment in 3-4-th trimesters of 2006 the roof of short-term visits block was reconstructed. The capital renovation works of short-term visit rooms are foreseen in 2007.

In "Goris" penitentiary establishment 12 cells were capitally renovated in 4-th trimester of 2006 and first trimester of 2007. In cooperation with International Organization of Red Cross the renovation of medical wards were done.

Now the works are in process for obtaining the land for building the prison in the region.
As to visits of juveniles see the response of paragraph 50.

Concerning paragraph 100 of Report

According to the legislation of Armenia the detained or sentenced prisoners have the opportunity to make telephone calls by the schedule confirmed by head of establishment, the telephone calls are organized by the officers of divisions for psycho-socio-legal works.

On the weekends and on weekdays after 6.00 pm the telephone calls are prohibited, as that is out of working hours. The other reason is the lack of employees in night shift, which also put obstacles for organizing access to telephone for prisoners, out of working hours.

Nevertheless, it must be mentioned, that despite of such circumstances the prisoners in the case of problems with their families or other exceptional cases are allowed to make telephone calls.

Concerning paragraph 101 of Report

According to the order stipulated in Decision of Armenian Government of 3 August 2006 No 1543-N "On approving the internal regulation of places for holding the detainees and correctional establishments of the penitentiary service of the Ministry of Justice of Armenia" in open and semi-open correctional establishments the mail boxes should be equipped in places accessible for prisoners, which are opened by the representative of prison administration by the end of teach working day in order to check, whether there are letters to be sent. In semi-close or close establishments the letters are handed to the representative of establishment. The letters are dropped into mailbox or handed to the representative of establishment in closed position.

The criminal-executive service will take all measures to provide the requirements of legislation.

The institutions under the jurisdiction of the Ministry of Health of the RA.

In order to settle defects mentioned in the report the following measures have been carried out in the structure of the Ministry of Health of the RA.

The interagency medical committee on review of the compulsory treatment has been created according to the Decision N 1636 ''On creation of interagency medical committees'' adopted by the Government of the RA on December 4, 2003. The representatives of the Ministry of Health of the RA, Ministry of Justice of the RA and Police of the RA formed part of the committee.

The Order of application of compulsory measures of medical character to the perpetrators and persons committed the public dangerous acts has been elaborated and will be submitted to the Ministry of Justice for registration.

The Ministry of Town-building is carried out the Program of capital repair of the Sevan mental treatment hospital by the Recommendation of the Government of the RA on 2006. It is planned to finish the program in 2008. Carrying out of program should contribute to the improvement of conditions of patients: to change the chambers and diminish the level of territorial employment, to create the more comfortable conditions for patients, to repair the conveniences and bathrooms.

The special attention is given to ration and energetic value of daily food offered to patients in the hospital.

In order to give back the patients to their families and independent life, the great number of patients, as possible, is integrated into social and mental rehabilitation programs.

Personal treatment programs are drew taking into account the particularity of each patient. The programs includes the aim of treatment, used drags, etc. The patients should be informed on their personal treatment.

It is expected to organize the employment of more patients after repair.

It is ordered to prohibit the application of chlorpromazine as the chemical preventive measure.

It is prescribed to establish the separate promise for reception after the end of repair works.

All patients have a right to write letters and to telephone, except the cases foreseen by the Law on Mental Treatment Aid.

The issues of the improvement of conditions of persons detained in the psychiatrist hospitals, of illicit putting of persons to the psychiatrist hospitals, and also the issues of providing of basic rights of persons detained in the psychiatrist hospitals and some other issues mentioned in the report are permanently in the center of attention of appropriate divisions of the General Prosecutor's Office of the RA.

At the same time, in the past period in the General Prosecutor's Office of the RA have been planned and accomplished some researches with a view of removing of the reasons of breaches which take place in mentioned area and of removing of the conditions further to the break of law.

The results of researches have been considered at the rapid deliberations in the Board of the General Prosecutor's Office of the RA and in the office of the Deputy General Prosecutor of the RA and the mediations and proposals have been sent to the competent officials in order to remove the reasons and the conditions further to the breaches of law.

In particular: According to the Working program of the General Prosecutor's Office of the RA for the second half of 2005 the situation of prosecutor's control to the observation of laws during the application of compulsory treatment in the mental treatment hospitals.

The mediation on removing of reasons and conditions which further to the creation of breaches in this process has been submitted to the Minister of Health of the RA in result of the consideration.