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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 10 to 21 May 2010

The Armenian Government has requested the publication of this response. The report of the CPT on its May 2010 visit to Armenia is set out in document CPT/Inf (2011) 24.

Strasbourg, 17 August 2011

RESPONSE
of the Government of the Republic of Armenia 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 10 to 21 May 2010

Police establishments

Concerning the point 9 of the report

As early as 2006 the Criminal Procedure Code of the Republic of Armenia has been completed with Article 131.1 on law-making initiative of the Police, which guarantees the possibility to institute the criminal case regarding de facto detained persons within the period of 3 hours and to implement procedural arrest. The legality of action of bringing a person to the Police is in close conjunction with the matter and in practice is not considered as a detention with the negative consequences deriving from it. Taking into account the fact that a new draft of the Criminal Procedure Code is currently processed, therefore the procedure for drawing up the protocol of detention at the moment of bringing a person will be regulated within the framework of the new legislation.

In the scope of police reforms programme, it is currently foreseen to make an electronic protocol without delay following the bringing a person to the police units, using the computers with mirror display connected to the Police network. In addition, it is intended to work out booklets in Armenian, Russian and English about the rights of the persons brought to the police.

Concerning the point 10 of the report

According to the part 2 of the Article 137 of the Criminal Procedure Code of RA a detainee may not be held in police detention facilities for more than 3 days, except when the transfer is impossible due to a lack of transportation. Besides, according to the Article 6 of the Law of the Republic of Armenia “On treatment of arrested and detained persons”, if it is impossible to transfer a detainee from the place of detention every day for conducting investigative actions, the detainee may be transferred to a custody for a period of up to 3 days by a decision of the appropriate investigator, prosecutor or court.

In addition to the exceptional cases mentioned, in order to prevent cases of holding people under arrest for longer period than it is foreseen by the law, Instruction #Ց-2 dated 29.01.2009 and Order #2625-Ա dated 14.10.2009 have been issued by the Head of Police of the Republic of Armenia. In particular, it has been assigned for territorial Police units by the above mentioned Order to take all necessary measures to exclude:

1) the cases of holding detainees outside the places of detention in the nighttime, except for the urgent cases,
2) conducting operative inquiries of the suspects or performing investigative actions with participation of a suspect/accused in the nighttime, except for the urgent cases,
3) holding a brought suspect for more than 3 hours without procedural status of the suspect,

4) holding detainees in custody for more than 3 days, if it is not called forth by impossibility of the transfer from place of arrest to the investigative isolator or, in accordance with the appropriate requirements of the law, to another places of detention.

Concerning the point 11 of the report

Fully realizing the importance of the matter, an action programme directed to reducing the corruption risks in the Police has been established by the Order #3140- of the Head of Police of the Republic of Armenia dated 09.12.2009. At the meantime, the "Police ethics" subject has been included in educational schedules at Police Academy and Police Training Centre by the initiative of the leadership of the Police of the Republic of Armenia. In addition, the Police servicemen continually participate in training courses on similar topics both in the Republic of Armenia and in foreign countries. The mentioned topics are also included in thematic plans training classes of the Police units.

A guideline on anti-corruption behaviour of Police servicemen is currently processed within the framework of the Police reforms programme.

Despite all this, the Police expresses its willingness to conduct service examinations and bring guilty servicemen to appropriate account in case the CPT delegation will provide any objective information on corrupt practices committed by the Police servicemen.

Concerning the point 12 of the report

Any case of cruel, disrespectful attitude or treatment, especially torture and inhuman or degrading treatment of citizens committed by the Police servicemen becomes the subject of wide discussions in the Police of RA and guilty persons are subjected to strict disciplinary liability.

Thus, during 2010 81 complaints (245 complaints were received in 2009) on cruel, disrespectful, degrading attitude towards citizens committed by the Police servicemen were received, 19 of the mentioned complaints (37 complaints were established in 2009) were proved by the examining. As a result of made service examinations 23 police servicemen were subjected to disciplinary liability (51 police servicemen were subjected to disciplinary liability in 2009), 4 police servicemen were subjected to criminal liability (2 police servicemen were subjected to criminal liability in 2009). By the way, 1 police serviceman called for criminal liability was sentenced to imprisonment, 1 policeman to detention, and for 2 policemen conditional sentence with trial period were applied.

As to the wide-ranging operative preventive measure of bringing to Police 53 persons participated in criminal "clarification" in Nor Nork administrative district, Yerevan City, there were appropriate insignias on uniforms of servicemen of the Police units participated in above mentioned operation (see photos of 17.04.2010 uploaded on www.a1plus.am). By the way, 13 firearms, 8 cold steels and notable amount of ammunition were seized from the brought persons.

In order to ensure the application of identification numbers on uniforms of the Police servicemen protecting the public order, an appropriate addition has been made to the Article 12 of the Law of RA "On Police" and the Order #34-Ա has been signed by the Head of Police of the Republic of Armenia on 23.03.2011, by which the application procedure of identification numbers for Police servicemen has been established.

Concerning the point 13 of the report

As a result of service examination made by the Police of RA regarding the fact of death Vahan Khalafyan at Charentzavan Police Division, 6 police servicemen (including head of police division) were subjected to strict disciplinary liabilty, 4 of them to criminal liability as well. Damning verdict with respect to 2 former police servicemen was brought in by the court of first instance, which was then appealed against and presently the criminal case is under the jurisdiction of the Court of Appeal.

Concerning the point 14 of the report

See the considerations of the Police of the Republic of Armenia concerning the points 10 and 12 of the report.

Concerning the point 15 of the report

According to amendment to the Law of RA "On Police" dated 22.12.2010, a Police serviceman is obliged to report without delay to a higher police authority all cases of injuries or death occured in result of applying (using) of physical force, special means or firearms; the same applies to any case of using special means (excepting handcuffs and rubber baton) and applying (using) firearms.

The use of physical force, special means and firearmes in cases forbidden by the law or their use with exceeding self-defense limits by a Police serviceman entails the responsibility defined by the law. The chief of a Police authority immediately reports to the prosecutor all cases of injuries or death in the result of applying (using) physical force, special means or firearms by policemen.

Concerning the point 16 of the report

Changes and additions have been made to the Law of RA "On Police" on 22.12.2010 concerning the use of speacial means, including electric stun devices. In paticular, it has been forbidden to involve in Police equipment types of special means, which can, by their tactical technical specifications, cause serious damage to health or arise irreversible changes in human organism or death or may act as an unfound risk source. In addition, the responsibility to set addmissible standards for using special means are assigned by law to the Ministry of Health. The grounds for use of electric stun devices and spark-gaps have been also fixed by the law (see the p.p. of 1-4, part 1, Article 31 of the Law of RA "On Police").

The special means have been involved in Police equipment in conformity with the 2nd para of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, according to which law enforcement agencies will possess such types of police equipment which are non-lethal, exceptionally have neutralizing characteristics and are used with the aim to restrict the possibility of causing death or injuries. Police servicemen are regularly provided with special trainings for use of physical force, special means and firearms.

The Police of the Republic of Armenia received no information about bodily injuries caused by spark-gaps used by the Police.

Concerning the point 17 of the report

See the considerations of the Police of the Republic of Armenia concerning the point 12 of the report.

Concerning the point 18 of the report

Due to the Instruction #8 -5 issued on 01.02.2011 by the Head of Police of RA in order to train those who have responsibility to obtain basic information for expert examinations and who authorized to prescribe expert examinations in the Police system, as well as to raise the level of their skills, the Police servicemen authorized for investigation and inquest, in accordance with schedule defined, should appropriately participate in training courses organized by the "National Buraeu of Expert Examinations" State Non-Commercial Organization. Besides, the Police Academy organizes training courses for improvement of theoretical and practical knowledges of the servicemen mentioned.

Concerning the improvement of the interviewing techniques, it is planned to establish the rooms with one-way mirrors pursuant to the point 27 of the Police Reform Programme, and the interrogation process may be recorded upon a request made by an interrogated person which is foreseen by the Article 209 of the Crininal Procedure Code of RA.

Concerning the point 19 of the report

It should be noted that during 2010, 105 police servicemen were subjected to disciplinary liability for their professional misconduct. In general, 1014 police servicemen were subjected to disciplinary sanctions (939 – in 2009), 74 of them were dismissed (44 – in 2009), 13 servicemen were downgraded and 5 were disrated, 30 servicemen were warned of noncompliance with the position, etc.

As a result of the facts of various offences committed by the Police servicemen, 46 criminal cases were instituted regarding 74 servicemen in 2010 with 15 of them convicted.

23 police servicemen were subjected to criminal liability for the verious types of corruption. It is noteworthy that a half of the offences have been revealed on initiative of the Police.

In this respect, the cooperation between Police of the Republic of Armenia and Special Investigating Service of the Republic of Armenia is close enough.

The Special Investigating Service (SIS) acts in the framework of functions granted to it according to the Law of RA "On Special Investigating Service".

According to the Article 2 of the Law, the SIS carries out investigation of criminal cases regarding the complicity in abuse of power or crime committed by heads of legisltaive, executive and judicial authorities, those on special state service, as well as investigation of criminal cases concerned with the electoral procedures, which is foreseen by the Criminal Procedure Code of the Republic of Armenia.

The Special Investigation Service is self-governing state body and fulfils its power independently.

Concerning the point 20 of the report

See the considerations of the Police of the Republic of Armenia concerning the point 19 of the report.

Concerning the point 28 of the report

The rights of arrested persons to inform a near relation or others of their situation, have a lawyer and a doctor together with other rights are specified in the Article 13 of the Law of RA "On treatment of arrested and detained persons".

In the result of research carried out by international organizations and local non-governmental observer groups during the year, no serious violations of mentioned rights were registered.

Concerning the point 29 of the report

Indeed, there is inconsistency between Article 5 of the Law of RA "On Police" and Article 63 of the Crminal Procedure Code of RA: in one case the time of notification is set to be three hours, in another – not later than 12 hours. It is necessary to eliminate the discrepancy by making an amendment to the Criminal Procedure Code of RA. At the same time it should be mentioned that in case of such a collision more favorable norm is applicable to an arrested person, i.e. the provision of notification within 3 hours.

The Police would be grateful to the CPT delegation if the latter provides information on non-notification in due course by the Police in order to conduct official examinations.

Concerning the point 30 of the report

As for the issue of realization of the rights of of brought and detained persons to be notified and have a lawyer, heads of the Police units conducting inquest have been instructed by the Instruction # -12 issued by the Head of Police of RA on 03.04.2010 as follows:

1) to take all the necessary measures to invite a lawyer upon requst from persons brought to police, which is foreseen by the Article 128 of the Criminal Procedure Code of RA;

2) to give a chance to a brought person for explanation with the participation of his/her lawyer, when it is necessary to take an explanation or conduct an operative inquiry before drawing up a protocol of detention or selection of a preventive punishment;

3) to maintain strictly other requirements of the Governmental Decision №818- dated 14.06.2007 "On adoption of the list of the rights arising from limitation of the human rights and freedoms and liable to notification and the procedure of notification".

Necessary steps are being currently undertaken to ensure proper fulfilment of the listed legal acts.

Concerning the point 32 of the report

The right of inerrogation of a witness with the assistance of his/her lawyer is guaranteed by the Criminal Procedure Code of RA, however, taking into consideration the results of studying legal acts of a number of European countries, it is possible to widen the scope of procedural authorities of lawyer (during the interrogation of the witness) in order to strengthen the protection of rights and legal interests of witnesses.

Concerning the point 33 of the report

Para 4 of the Article 13 of the Law of RA "On treatment of arrested and detained persons" states that "the detained person has the right to protect his/her health, including receiving sufficient food and urgent medical aid, as well as to be examined by the doctor of his/her choice in his/her own financial expenses". As to medical examination of a detainee a forensic medic, then, according to the Article 15 of the same Law, "an arrested or detained person and, in consent of an arrested or detained person, also his/her lawyer have the right to demand the forensic medical examination".

In conformity with the point 13 of the Governmental Decision №574- dated 05.06.2008, "In case of discovering a bodily injury or obvious signs of disease or any complaints about state of health, the Police officer on duty invites a medic. The invited doctor immediately carries out the examination, during which the doctor chosen by the detained person may also participate. The medical examination of a detained person shall be conducted out of hearing and, unless the doctor requests otherwise, beyond the sight of an administrative serviceman of a place of detention. The results of the medical examination shall be recorded in registration book, in personal file and the patient, as well as the agency of criminal proceedings shall be informed of that.". By the way, in compliance with the point 3 of the Article 13 of the Law of RA "On treatment of arrested and detained persons", a detained person has the right to complain about violations of his/her rights and freedoms, both personally and through the lawyer or legal representative to administration of the place of arrest or detention, to higher organs, court, prosecutor's office, Ombudsman, central and local government bodies, public associations and parties, mass media, as well as international bodies or organizations dealing with protection of human rights and freedoms.

Concerning the point 34 of the report

See the considerations of the Police of the Republic of Armenia concerning the point 33 of the report.

Concerning the point 35 of the report

See the considerations of the Police of the Republic of Armenia concerning the point 33 of the report.

Concerning the point 36 of the report

See the considerations of the Police of the Republic of Armenia concerning the point 9 of the report.

Concerning the point 37 of the report

According to the Governmental Decision №574- dated 05.06.2008 "On adoption of internal regulations of the places of detention functioning in the system of the Police of the Republic of Armenia", an officer on duty shall register every detained person passed to the places of detention in the book "for registration of persons kept in places of detention", where the following should be mentioned: name, surname, father's name, date of birth, place of residence of a detained person, arresting authority, grounds for admission to a place of detention, date and time of detention, previous convictions, notes on transfer of the detained person, grounds for release from the place of detention, date and time of the release. In addition, a personal file shall be compiled for every detained person in places of detention, including dates of detention and release, the individual card, protocol of bringing to police, that of list of clothes and personal items, information about previous convictions, protocol of search, fingerprint data, written requests for parcels and visits, running of personal account and other documents related to a detained person.

According to the regulations established by the Governmental Decision №574- dated 05.06.2008, infill with shortcomings in registration books and forms of places of detention entails the liability foreseen by the law.

The places of detention are the most transparent places of the Police, where, within the framework of their competence assigned by the acting legislation, supervisory bodies and organizations pay special attention to proper infill of the registration books. The improvement of the mentioned function is under the control of the Police leadership.

The departmental network is being implemented, by which the mentioned process will be automatized and enable a real control over the terms of keeping and transfer of detained persons. (See also the considerations of the Police of the Republic of Armenia concerning the point 9 of the report).

Concerning the point 38 of the report

Taking into consideration the fact that a person brought to police may not be kept for more than 3 hours (the Article 131.1 of the Criminal Procedure Code of the Republic of Armenia), the access of the Public Monitoring Group to police stations upon concrete facts is unrealistic. In addition, the activity of the Group may hamper the investigation, disclosure of a crime on hot trail and violate the prniciple of confidentiality of investigation.

Concerning the point 39 of the report

The constructional specifications of the detention facilities are defined by the Governmental Decision #574-ն dated 05.06.2008. It should be noted that the majority of the police detention facilities were built 30-40 years ago, therefore large financial investments will be required for the improvement of conditions.

As for the period of outdoor exercises, then, according to legislation in force, it should be no less than 1 hour, however in some cases it can be reduced at will of a detainee and an appropriate note shall be made in registrartion book.

The cells in district police divisions are foreseen for detention period of up to 3 hours and not for overnight stays, however in cases when it is impossible to establish the identity of an offender, the period of detention may be prolonged. The mentioned problem will be resolved by adoption of the new Criminal Procedure Code of the Republic of Armenia (See also the considerations of the Police of the Republic of Armenia concerning the point 9 of the report).

The matters illustrated in the points 21, 27, 31 of the report are ultra vires for the Police.

Military establishments

During the period of 2009-2010 no complaint of inhuman behavior or ill-treatment against military police staff was made.

The bad conditions of cells and the poor state of repair and cleanliness of the sanitary facilities at the Disciplinary Isolator of Yerevan Military Police Division are eliminated as they are basically repaired since 24.01.2007.

The reform of occupancy levels of cells is related to ongoing legislative amendments. Nevertheless, the Staff of Military Police doing its best to provide minimum 4 sqm of living space per-detainee, by allocating less detainees in the cells than the number of beds in that same cells are.

As regards to improvment of living conditions of militaries at the Disciplinary Isolators, it is also the issue of legislative amendments. The absence of mattresses and pillows and ban of usage of beds attached to the wall during the day are imposed by acting legislation.

Code of garrison and guard service of Armenian Armed Forces does not provide any type of out-of-cell activity for military staff remanded in custody or serving sentences.

In accordance to the provision of the Draft Disciplinary Code of Armenian Armed Forces the disciplinary companies will act on garrison basis. The military servicemen against whom the disciplinary sanction of being kept in disciplinary company is imposed should be sent from military unit to disciplinary company and vice versa by the means of the military unit. Intermediary facilities to keep military servicemen will not be available.

Ministry of Defence of Armenia will take into consideration the comments and recommendations of CPT, while ammending the legislation.

National Security Service establishments

Nasional Security Service officers who deal with suspects of criminal cases are periodically being instructed on inadmissibility of illtreatment to suspects (detained persons) and about the responsibility they will be brought to connected with such behavior. About the gaps prescribed by the points 58-59 of the report measures are being taken to eliminate the lacks.

Prison Service establishments

Preliminary remarks

In connection with paragraph 61

Respective measures have been taken and are now underway for the solution of problems in relation to the overcrowding and facility conditions of penitentiary establishments. The Programme for the Reforms of the Penitentiary System approved in 2010 by the Government of the Republic of Armenia provided for implementation of reforms in several directions. Naturally, these reforms should first of all relate to the legislative definition of the status of the Service. For these purposes in 2003 the Law of the Republic of Armenia "On penitentiary service" was adopted, and the improved version of the mentioned Law was adopted in 2005.

Up to now many legal acts have been adopted for the purpose of properly ensuring the activities of the Penitentiary Service. Besides the legal framework, the programme for reforms also provided for practical and infrastructure-related measures.

The latter implied bringing the Penitentiary Service, particularly the logistics of penitentiary establishments, in line with both the new living conditions and international standards. In other words, it is necessary to terminate the functioning of old and non-optimally operated penitentiary establishments, transform the existing premises and bring them in compliance with the international standards and build new penitentiary establishments meeting the international standards.

It is natural that the conditions of already obsolescent and physically depreciated premises of the establishments inherited from the soviet times are not suitable for execution of punishment in conformity with the international standards of human rights. In the initial phase of the Programme for Reforms of the Penitentiary Service, *i.e.* in 2001-2006, four penitentiary establishments have been renovated as a temporary measure of solving the problems faced by the system. Certainly, it should be noted that even with the repaired establishments we can hardly say that the system infrastructures fully comply with the European standards. In other words, penitentiary establishments repaired within the framework of reforms implemented so far may be considered solely as a transitional phase.

Having studied the experience of other countries as regards having prisons meeting the present international standards it was concluded that it is possible to have such prisons not through bringing the existing prisons — not complying with standards — into compliance with standards but through building prisons in compliance with the European standards.

For this very reason, construction of new penitentiary establishments is a must, and the Government of the Republic of Armenia, as a solution to the problem, has approved the Programme for Infrastructure Reforms of the Penitentiary Service.

Thus, for the purpose of ensuring complete and proper fulfilment of the tasks of the Penitentiary Service as provided for by law, it is planned to put into operation four new penitentiary establishments and to carry out capital repairs in four more establishments.

From Soviet period up to now in correctional establishments the sentenced prisoners lived mainly in hostel type living spaces, while now there is need to shift to completely cell-type living spaces. The problem has two important aspects. First, it derives from the necessity to implement the principle of individualisation of punishment in compliance with the international standards, by ensuring that the sentenced prisoners in penitentiary establishments are kept in small groups in separate cells or living areas by providing partitioned sanitary and other facilities. Second, the administration attaches importance to this problem in terms of ensuring the security.

Thus, for the purpose of complete fulfilment of the tasks set for the Penitentiary Service, it is planned within the coming ten years to put into operation penitentiary establishments meeting the conditions of a closed, semi-closed and semi-open type correctional establishment, as well as of a remand facility (spreading as of regions).

The following urgent measures are planned to be implemented for the purpose of reducing overcrowding:

- Increase of efficiency of applying the institute of early conditional release from punishment;
- Review of criteria for serving the punishment in open-type correctional establishments that will significantly contribute to the increase of the number of sentenced prisoners serving the punishment in an open-type establishment.

For the purpose of eliminating overcrowding, the following strategic measures are planned to be implemented implying also legislative reforms:

- Increasing the number of types of punishment that are alternative to imprisonment, and strengthening the application practice;
- Implementation of measures aimed at reduction of cases of using remand detention as a measure of prevention.

As mentioned above, in December 2009 the Government of the Republic of Armenia approved the concept for the Infrastructure Reforms of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, which provides for construction of new penitentiary establishments meeting the international standards by 2018 and closure of some of the old penitentiary establishments thus improving the conditions in which remand and sentenced prisoners are kept.

For the purpose of addressing these problems, a symposium was organised in March 2011 in Yerevan with co-operation of the Ministry of Justice of the Republic of Armenia and the Council of Europe, where authoritative CoE experts were invited to participate, covering the issue of the need to reform the criminal legislation of the Republic of Armenia in terms of punishments with a view to provide for more alternative types of punishments, consider issues in relation to reintegration and other issues of significance that are vital for the elimination of disadvantages present in the system.

In connection with paragraph 62

As regards organised activities of remand and sentenced prisoners, it should be noted that in January of this year the "Assistance to the Prisoner" foundation was presented with a list of vocational skills of the sentenced prisoners aiming at involvement of sentenced prisoners in work based on their handicraft abilities. Both sentenced and remand prisoners will be involved in these work activities.

In addition, on 6 April 2011 a new production unit with confectionery and bakery was opened in Abovyan Penitentiary Establishment the activities of which will involve more than ten remand and sentenced prisoners and to a certain extent will solve the problem of employment in that establishment; in the future it is planned to enlarge the dimensions of that production and open new units.

At present, the development of a project on the establishment of a lamps unit is underway that will involve about two tens of sentenced and remand prisoners. The Penitentiary Service, in co-operation with the "Assistance to the Prisoner" foundation continuously pursues effective measures for ensuring the employment of sentenced and remand prisoners.

In connection with paragraph 63

For the purpose of limitation of corruption risks existing at the Penitentiary Service of the Republic of Armenia, the Law Institute of the Republic of Armenia regularly conducts training and educational courses for penitentiary officers aimed at improvement of their knowledge and skills and raising their legal consciousness. Measures intended for the reduction of corruption are provided for in the Programme for Infrastructure Reforms of the Penitentiary Service. The National Programme for 2009-2012 on Combating Corruption also provides for a number activities aimed at combating corruption in the penitentiary service. During the last three years, two cases of taking bribes have taken place in the Penitentiary Service, whereon criminal cases have been initiated and offenders were subjected to criminal liability and were dismissed from the system.

2. Ill-treatment

In connection with paragraphs 64 and 65 of the Report:

In cases of non-performance of the legitimate requirements of a penitentiary officer or in case of hindering the fulfilment of duties, the penitentiary officer has the right to use physical force, special means and weapon.

With respect to the remark in the Report stating that in Nubarashen Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia some of the prisoners sentenced to imprisonment received baton blow, it should be mentioned that no person imprisoned in penitentiary establishments is beaten. According to the Law of the Republic of Armenia “On penitentiary service", in case of failure by an inmate to execute the legitimate orders of a penitentiary officer or in case of hindering the fulfilment of duties, the penitentiary officer has the right to use physical force and special means. In each case of using physical force and special means, a protocol is drawn up and, if necessary, medical aid is provided whereon respective supervisory bodies are informed in a prescribed manner.

In connection with paragraphs 66-68 of the Report:

Relations between sentenced prisoners based on informal hierarchy constitute a practice inherited from the Soviet period, and the administration of the Penitentiary Service takes intensive measures to combat such practice. Technically equipped penitentiary establishments to be constructed in the future and cell conditions will contribute to the elimination of such relations and will notably limit any informal relations among prisoners.

As regards “homosexual” prisoners, their segregation is conditioned by their own security and very often is provided upon their own request.

According to Article 8 of the Penitentiary Code, the procedure for and conditions of execution of punishment apply to all sentenced prisoners irrespective of their gender, race, skin colour, language, political or other conviction, national and social origin, belonging to a national minority, birth, property or other status. The observance of the mentioned requirements is ensured and the interpersonal relationships between the remand or sentenced prisoners in penitentiary establishments are supervised by respective services.

However, once again instructions will be given to penitentiary officers to take strong control measures to prevent any informal relations between prisoners.

3. Prisoners sentenced to life imprisonment

In connection with paragraphs 69 and 70 of the Report:

Metal grids in cells 77 and 79 of Nubarashen Penitentiary Establishment are constructed for security reasons and are conditioned by the location of these cells. Taking into account the overcrowding, ways are sought for transferring the sentenced prisoners held in those cells to other cells but this matter significantly depends on the solution of the problem of prison overcrowding. Implementation of the Programme for Infrastructure Reforms of the Penitentiary Service will contribute to the final settlement of the matter. As regards education of life-sentenced prisoners held at Nubarashen Penitentiary Establishment, the opportunity of education is provided for by law, and only two of the sentenced prisoners expressed a desire to be included in educational programmes and are now involved in distance-learning programmes. Work related issues are conditioned by objective circumstances, *i.e.* by facility conditions, social-economic situation, etc., but the Penitentiary Service is seeking ways for involving the sentenced prisoners of this category in working activities. The unit for social, psychological, and legal activities of the Penitentiary Service is intensively involved in activities related to life-sentenced prisoners.

In connection with paragraphs 69, 70, and 71 of the Report

As regards the issue of providing a TV set to two life-sentenced prisoners held in Yerevan-Kentron Penitentiary Establishment, it should be noted that the Penitentiary Service does not have an obligation set by the legislation of the Republic of Armenia to provide sentenced prisoners with a TV set; the administration of the mentioned establishment does not prohibit sentenced prisoners to have a TV set but is not obligated to provide them with one.

Sentenced prisoners are allowed to acquire a TV set at their own account or with the help of their relatives. The two sentenced prisoners of Yerevan-Kentron Penitentiary Establishment mentioned in the Report have not proposed to acquire a TV set at their own account or at the account of the relatives.

As to their cell conditions, the Programme for Infrastructure Reforms of the Penitentiary Service stipulates complete termination of the functioning of Yerevan-Kentron Penitentiary Establishment. The issue of transferring them to another place is under consideration.

In connection with paragraph 72 of the Report

Life-sentenced prisoners are convicted for committing particularly grave crimes and, as a rule, are defined under a high risk category. Their risk assessment is carried out in an individualised manner; but sufficient time is needed for giving a definite appraisal during which the low risk of the sentenced prisoner will be confirmed. Should there be establishments that are technically more equipped, when the likelihood of escape or other illegal actions by a sentenced prisoner will be significantly minimised, there will be more potential for avoiding handcuffing sentenced prisoners when taking them out of their cells. The practice of handcuffing sentenced prisoners when taking out of cells is conditional on their own security.

In connection with paragraph 73 of the Report

There is no restriction set by the legislation of the Republic of Armenia for the maximum number of visits; the law provides for only the minimum number which is in the interests of sentenced prisoners.

According to the legislation of the Republic of Armenia, short-term visits — lasting up to four hours — are provided to sentenced prisoners at least once a month; long visits with persons having the right to cohabitation and with only close relatives is provided at least once in two months lasting up to three days. At least three short-term visits and one long visit are provided to persons sentenced to imprisonment for a certain period or to life imprisonment for committing particularly grave crime. At least two visits within a month are provided to a remand prisoner lasting up to three hours. Thus, there is no restriction set by the legislation of the Republic of Armenia for the number of visits; grounds for restriction arise only in the case when the imprisoned person is under disciplinary penalty. The permission for a visit is given by the head of the penitentiary establishment or by his or her alternate.

As regards the organisation of visits through a partition, it should be mentioned that sentenced prisoners are provided with the opportunity of visits under equal conditions at Nubarashen Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, and visits through a partition are provided for security reasons, since the establishment also has facilities to provide visits — including long visits — without a partition, and it provides such visits. Visits through a partition are provided only where there is a security issue.

In connection with paragraph 74 of the Report

The requirement for holding together persons sentenced for a particularly grave crime is prescribed by law, but, at the same time, the law provides for the possibility of transferring a life-sentenced prisoner to an establishment with a lower degree of segregation, in particular after serving at least 20 years of the sentence. For the purpose of providing a more comprehensive solution to the issue, the necessity for legislative amendments will be considered at the Ministry of Justice of the Republic of Armenia.

4. Foreign prisoners

In connection with paragraphs 75 and 76 of the Report

The problem of overcrowding exists at all penitentiary establishments, and appropriate measures are taken to eliminate the problem (see the remark provided in connection with paragraph 61 of the Report).

Persons held at penitentiary establishments are provided with food needed for normal life activity of the organism. It is prohibited to somehow deteriorate the quality of food or to decrease its nutritional value from the established portions, including as a sanction. Pregnant women, nursing mothers, minors or ill sentenced prisoners are provided with additional food.

Moreover, it has been envisaged — in the Action Plan for 2011 of the Government of the Republic of Armenia and in priority tasks — to review the daily average food portions of persons held at penitentiary establishments, which will result in the provision of special diet for foreign nationals with special dietary needs.

In connection with paragraph 78 of the Report

For the purpose of replenishing the programmes of activities for foreign prisoners and the foreign-language literature, providing foreign prisoners with reading materials in languages they understand, it is planned to co-operate periodically — starting from May 2011 — with embassies, for receiving foreign literature with their help and delivering to Nubarashen and Vardashen Penitentiary Establishments.

When allocating foreign prisoners to cells, interpersonal communication possibilities, cultural peculiarities, as well as their national origin are taken into account, to the extent possible, so that representatives of the same nation are, as far as possible, allocated to the same cells. The unit for social, psychological, and legal activities of the Penitentiary Service pays particular attention to the activities conducted with foreign prisoners.

In connection with paragraph 79 of the Report

Pursuant to law, the duration of one phone call of each sentenced prisoner may not exceed 15 minutes; in addition, taking into account the reasonable justification submitted by a prisoner, that time-limit may be prolonged for 10 more minutes.

As regards the recommendation of the Committee to convert visit entitlements into phone calls for foreign prisoners, it is acceptable, and the issue of making appropriate amendments to the law will be considered.

5. Conditions of detention of the general prison population

a. Follow-up visit to Nubarashen Prison

In connection with paragraph 81 of the Report:

Despite the overcrowding at Nubarashen Penitentiary Establishment, all the prisoners are provided with own sleeping accommodation. With regard to the issue of overcrowding and bad state of the cells, the authorities of the Republic of Armenia undertake appropriate measures (see the remark concerning paragraph 61). As to the cells of "homosexual" prisoners, all the cells at Nubarashen Penitentiary Establishment are in serious need of repair. Electricity cuts at Nubarashen Penitentiary Establishment are very rare and last a very short period of time.

In connection with the remark made at Nubarashen Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, as stated in the Report, it should be mentioned that capital repairing works were carried out at the building of the remand facility, and dilapidated toilets are the result of improper use. Shower facilities are properly furnished, and access to a shower is provided in accordance with the Internal Regulation.

At present, running water is available at Nubarashen Penitentiary Establishment for 12 to 14 hours a day.

In connection with paragraph 82 of the Report

For the purpose of realisation of the right of provision to remand and sentenced prisoners of outdoor exercise at week-ends, appropriate measures have been taken by the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, and at present, persons held at penitentiary establishments are, in the prescribed manner, provided with outdoor exercise at week-ends as well.

In connection with paragraph 83 of the Report

The issues relating to the indicated short-term objectives are acceptable; responses to some of them have been provided in foregoing paragraphs. With respect to the mid-term objectives, they are planned to be addressed by the implementation of the Programme for Infrastructure Reforms of the Penitentiary Service.

In connection with paragraph 84 of the Report

In addition to that mentioned in paragraph 61, it is necessary also to add that one of the main issues of the Programme for Infrastructure Reforms of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia is to ensure that the cells and dormitories of the penitentiary establishments comply with all sanitary requirements; *inter alia*, within the framework of this Programme attention is paid to the dimensions of those structures, to ensuring minimum space, lighting, sufficient temperature and ventilation. Especially, importance is attached to the factor of building prison structures appropriately from the point of sanitary requirements. Toilets placed in cells or next to cells should have toilet bowl with lid and should be segregated from the residential premise at least through a partition. It is especially important for the establishments, where persons deprived of liberty have meals in cells.

Penitentiary establishments to be established within the framework of the envisaged reforms — for the purpose of complying with international standards and having high level of administration — should comply with certain institutional requirements; particularly, it is necessary for all penitentiary establishments to have water supply and drainage, heating, ventilation, natural and artificial lighting, energy supply, communication and other facilities appropriate for a penitentiary establishment, in compliance with fire protection, sanitary-hygienic rules. Meanwhile, all the mentioned facilities should be segregated from each other in terms of their functionality; however they should constitute a whole in terms of their dimensions. The establishments should be accommodated with modern security technologies corresponding to their type.

The premises designed for accommodating the persons deprived of liberty should be furnished with the following facilities:

- dormitory,
- inpatient treatment,
- kitchen,
- quarantine cells,
- disciplinary cells;
- facility for arrangement of short-term and long visits.

The dormitory should be designed so as to provide at least 5 square metres of cell space or living space for each person. Outdoor exercise is necessary to be organised in each block in the accommodation facility in compliance with “open sky and open air” international standard. The space requirements should comply with the European standards, the cells and dormitories should have sanitary facilities and bath facilities. Inpatient treatment facility should be arranged in view of 10% of the full strength of the establishment concerned, in view of 2-3 persons in each cell. At least 5 square metres of space should be available for each person. The blocks should have the possibility of outdoor exercises. Facility for disciplinary cell should be arranged in view of 5% of the establishment concerned (the major part being solitary confinement cell). At least 5 square metres of cell space should be available for each person. The blocks should have the possibility of outdoor exercises. Each cell should have sanitary facilities; whereas the possibility of shower should be provided in the shared bathroom of the block. Quarantine block should be arranged in view of 2.5% of the establishment concerned, designed for two, four and six persons. At least 5 square metres of cell space should be available for each person. The blocks should have the possibility of outdoor exercises. The kitchen facility should be designed for remand facilities, closed, semi-closed and medical correctional establishments with the principle of supplying food to cells, and for semi-open correctional establishments — in the form of canteen with relevant functional and storage facilities thereof. Long visits arrangement facility should include rooms with sanitary-hygienic and kitchen conditions, each of them occupying at least 12 square metres (the schedule of the Programme for Infrastructure Reforms of the Penitentiary Service is attached).

b. Kosh Penitentiary Establishment

In connection with paragraphs 86, 87, 88, 89, and 90 of the Report:

Overcoming of existing shortcomings at Kosh Penitentiary Establishment is also envisaged in the Programme for Infrastructure Reforms of the Penitentiary Service, concerning which remarks have been provided in the preceding paragraphs.

The issue relating to the quality of food in Kosh Penitentiary Establishment will be discussed by the administration of the Penitentiary Service and a special attention will be focused thereon.

Bath facilities in Kosh Penitentiary Establishment have been fully repaired.

In connection with paragraph 91 of the Report:

With respect to the remark in the Report with regard to the educational programmes, insufficient number of TV sets, poor libraries, work opportunities for prisoners, sport activities and lack of leisure programmes in penitentiary establishments, it should be noted that the list of professional skills of sentenced prisoners was already submitted to the «Assistance to the Prisoner" foundation in January 2011 of this year, aimed at involving the sentenced prisoners in the work based on their handicraft skills. Sport and cultural events are planned during the year, particularly, organisation of tennis, football matches, intellectual games, and replenishment of libraries.

In connection with paragraph 92 of the Report

Not only "homosexual" prisoners but, in general, all of them are employed exclusively on the basis of their applications. All sentenced prisoners engaged in work have rest days.

Certain negative attitude of other sentenced prisoners towards "homosexual" prisoners really exists in penitentiary establishments; that attitude has its roots going deep into the past, the elimination of which requires change of mentality and, of course, certain period of time. The administration of penitentiary establishments takes all possible measures to exclude any discriminatory treatment against them.

c. Vardashen Penitentiary Establishment

In connection with paragraphs 93 and 94 of the Report:

Vardashen Penitentiary Establishment will terminate its functioning in 2018, once the new Yerevan Penitentiary Establishment is put into operation. Some issues relating to overcrowding and material conditions of the establishment will be resolved once the mentioned new penitentiary establishment is put into operation; though all possible steps will be undertaken to eliminate those shortcomings.

The present day facility conditions do not allow taking a shower at least 2 times per week in certain penitentiary establishments; however, steps are undertaken to ensure this possibility under existing poor conditions. After having such opportunity, relevant amendment will be made in the legislation of the Republic of Armenia by providing the right to have a shower twice a week instead of minimum once a weak.

In connection with paragraphs 95 and 96 of the Report

As regards spending major part of a day in cells by the prisoners held in the closed section of Vardashen Penitentiary Establishment, it is conditioned by the peculiarity of the closed section. The issue of employment exists not only in the penitentiary system but in the whole society. Moreover, mainly former employees of law-enforcement authorities are kept in Vardashen Penitentiary Establishment, which causes certain difficulties in providing them with work due to their professional characteristics.

In connection with paragraph 97 of the Report

More profound social and psychological works are conducted with sentenced prisoners segregated in the interests of own safety; however an assignment will be issued to develop an individualised programme of activities and to follow that specialised programme.

6. Health care

a. health-care staff resources and facilities

In connection with paragraphs 98, 99, 100, 101, and 102 of the Report:

With regard to the resources and facilities of the health-care staff and the unit of penitentiary establishments, it is worth mentioning that one vacancy out of two in Kosh Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia has been filled. Works are conducted in order to fill vacant staff positions for specialists of 3rd rank of Kosh and Vardashen Penitentiary Establishments. The issue of duty shifts at night and on weekends is arranged through existing medical employees.

The issue of filling the staff position of a dentist for Kosh Penitentiary Establishment is in the process, whereas that service is temporarily provided by a narrowly specialised medical assistant.

In connection with paragraphs 103 and 104 of the Report:

Sterilisation equipment was planned to be provided to Kosh Penitentiary Establishment in 2009-2010, but because of the lack of funds it has not been carried out. The issue is included in the programme on acquisition of medical equipment for the year 2011.

As to the remark in the Report, according to which some prisoners confined to medical facilities, who did not have such health problems, at the presence of which their confinement to a medical facility of the establishment might have been necessary, as well as to serious delays in transfer to the Hospital for Convicts Penitentiary Establishment, regular visits were made to penitentiary establishments by the Division of Medical Service of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia and Medical Working Commission, as a result of which only those remand and sentenced prisoners currently receive inpatient treatment, who need it. Only those in need of inpatient treatment or examination are admitted to Division of Medical Service of Hospital for Convicts and Nubarashen Penitentiary Establishments. As to delays, no such phenomena was recorded, the transfer of those in need of urgent inpatient treatment is immediately performed.

In connection with paragraph 105 of the Report:

Irrespective of the fact that there are certain financial difficulties relating to the acquisition of medicine, however, alongside with the increasing financing, the Penitentiary Department of the Ministry of Justice of the Republic of Armenia purchases new medicine and medical accessories.

b. medical screening on admission / prevention of violence

In connection with paragraphs 106 and 107 of the Report:

As to carrying out superficial medical examination of persons on admission to the penitentiary establishments (“Kosh”), and to performing a medical examination in the presence of the staff of the establishment or escort police staff (“Nubarashen”, “Vardashen”), it should be mentioned that in 2010, Head of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia has assigned all the penitentiary establishments to properly perform an initial medical examination of remand and sentenced prisoners and to register the findings in medical records.

Medical units of penitentiary establishments have been assigned by the Division of Medical Service of the Penitentiary Department of the Ministry of Justice of the Republic of Armenia to strictly respect the following requirements of point 37 of the Decision of the Government of the Republic of Armenia No 825-N of 26 May 2006: all medical examinations should be performed out of the sight of penitentiary or other officers; when admitting to remand facilities (including through transit), persons should undergo initial medical examination, the findings of which are recorded in a relevant medical record for the purpose of delivering medical care and recording a bodily injury or another complaint on health condition. The recording of medical examination of a remand or sentenced prisoner should include:

1. Overall picture of all statements made by a person subject to medical examination (including the description of his or her health condition and any statement on ill-treatment);
2. Overall picture of the findings of unbiased medical examination;
3. Doctor's opinion based on subpoints 1 and 2 of this point.

Where the bodily injury discovered as a result of medical examination or a complaint on health condition is the consequence of the statement of a remand or sentenced prisoner, any act containing elements of crime against him or her, the person performing medical examination informs the administration of the remand facility or correctional establishment.

The administration of the remand facility or correctional establishment informs thereof to competent authorities.

The findings of any medical examination, as well as the statements of remand prisoners and doctor's opinions should be accessible to a remand or sentenced prisoner and to his or her authorised person.

c. tuberculosis

In connection with paragraph 108 of the Report:

Statistical data on morbidity and mortality in penitentiary establishments in relation to tuberculosis for the last four years:

N	Year	Regular TB			Multi-drug-resistant forms of tuberculosis		
		Number	Including new cases	Death	Number	Including new cases	Death
1.	2007	39	16	0	17	0	0
2.	2008	61	33	1	20	3	1
3.	2009	70	43	0	27	12	0
4.	2010	45	28	0	25	7	0

d. psychological and psychiatric care in the prison establishments visited

In connection with paragraph 109 of the Report:

With respect to unsatisfactory situation concerning the provision of psychiatric care to remand and sentenced prisoners mentioned in the Report, as well as the lack of psychiatrists at Kosh and Vardashen Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia, it should be mentioned that a psychiatric care is regularly provided to penitentiary establishments by psychiatrists of Hospital for Convicts and Nubarashen Penitentiary Establishments. A psychologist is engaged in the activities of the Medical Working Commission. For the purpose of receiving inpatient psychological care, remand or sentenced prisoners are transferred to the psychiatric department of the Hospital for Convicts Penitentiary Establishment. Where appropriate, sentenced prisoners are also transferred to the Nubarashen Psychiatric Clinic of the Ministry of Health of the Republic of Armenia.

e. Yerevan Prison Hospital's psychiatric ward

In connection with paragraphs 112, 113, and 114:

As to the remark that the patients suffering from mental disorders at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia are accommodated with somatic patients, the rooms at the psychiatric ward need refurbishment, the personal hygiene rules are not preserved, the possibilities for activities of patients are rudimentary, there is a lack of relevant qualified specialists, it should be mentioned that only patients suffering from mental disorders currently undergo treatment at the psychiatric ward of the Hospital for Convicts Penitentiary Establishment of the Ministry of Justice, whereas somatic patients have been transferred to relevant wards.

Necessary standards of living space established for each patient are maintained. The rooms have been refurbished, sanitary facilities have been renovated and changed, hygiene items are provided to patients. The ward attendant has been assigned to make daily rounds to patients to regularly perform sanitary literacy activities concerning the preservation of rules of personal hygiene. Patients are given an opportunity to play non gambling games and watch TV; they also have the opportunity to read imaginative literature.

Consultations are organised by leading psychiatrists of the country within the framework of close co-operation with the Ministry of Health of the Republic of Armenia.

In connection with paragraphs 115 and 116

Adequate measures were and are still undertaken for recruiting people for the psychiatric ward of the Hospital for Convicts. There is no information on the register envisaged by regulations of the Ministry of Health of 3 May 2010. Steps will be taken to clarify the existence of these regulations and the appropriateness of relying thereon will be considered.

f. suicide prevention

In connection with paragraph 117 of the Report

The remark referred to in the mentioned paragraph is generally acceptable, but it should be mentioned that psychological works are permanently carried out by specialists with the sentenced prisoners showing severe signs of suicidal behaviour. Though there is a need to regulate the field and there should be a clear cut regulation-guidance which will help relevant specialists to adequately respond to the sentenced prisoners showing severe signs of suicidal behaviour, as well as will settle those issues.

g. hunger strikes

In connection with paragraph 118 of the Report

The sentenced prisoners on hunger strike are under permanent medical supervision. According to the law, they are segregated from other sentenced prisoners. As to keeping them within disciplinary unit, it should be mentioned that according to the law, the disciplinary cells are different from the ordinary ones only in that sleeping gears are collected from disciplinary cells at daytimes. It is not actually done in case of the prisoners on hunger strike. However, the field concerned also needs to be regulated.

7. **Other issues of relevance to the CPT's mandate**

a. prison staff

In connection with paragraph 119 of the Report:

The issue of staffing level of the penitentiary system is a result of social and economic conditions, which became more aggravated due to the world economic crisis. However, this issue is under the attention of the Government of the Republic of Armenia; pursuant to the Decision of the Government of the Republic of Armenia of 14 April, 100 new work positions have been opened at the Penitentiary Service, which is targeted at settlement — to some extent — of issues put forward in the mentioned paragraph of the Report.

b. discipline

In connection with paragraph 120 of the Report:

Time-limits for imposition of "placement in disciplinary cells" disciplinary sanction against remand and sentenced prisoners are generally observed, and no prisoner is subjected to a sanction for more than the time period prescribed by legislation.

As to the cases mentioned in the Report that sentenced prisoners were confined to disciplinary cells for 20 days, it should be mentioned that in this case not one disciplinary sanction on placement in the disciplinary cell was imposed on the sentenced prisoner, but two or more disciplinary sanctions were imposed against the latter for different violations, and the time period for confinement to the disciplinary cell as a result of bearing them amounted to 20 days. It means that the sentenced prisoner has committed a disciplinary violation, and for example "placement in disciplinary cell" disciplinary sanction for 10 days was imposed against him or her for the committed violation and during confinement to the disciplinary cell, the sentenced prisoner committed a new disciplinary violation for which "placement in disciplinary cell" disciplinary sanction for 10 days was also imposed against him or her as a result of which the sentenced prisoner was confined to a disciplinary cell for 20 days, and not for one, but for several different disciplinary violations.

In connection with paragraph 121 of the Report

A remand or sentenced prisoner should submit a written explanation on the committed violation, and in case of refusal to submit the explanation, a relevant protocol is drawn up. The remand or sentenced prisoner is, by this way, informed of the violations imputed to him or her. This also ensures the prisoner's possibility to be heard and, where necessary, to involve persons indicated by him or her as witnesses, as well as to perform other necessary actions. Besides, it is also stipulated by the legislation of the Republic of Armenia that the sanction should be fair and should be imposed only based on the decision adopted as a result of appropriate investigations. When imposing a sanction upon considering the committed disciplinary violation, head of the remand facility or correctional establishment familiarises himself or herself with the written materials submitted by the officer of the remand facility or correctional establishment, and adopts a relevant decision, which is attached to the personal file of the remand or sentenced prisoner. When choosing the type of a disciplinary sanction, conditions of the committed violation, the behaviour of a remand or sentenced prisoner before committing the violation and the overall character reference are taken into account. The imposed sanction should be proportionate to the gravity and nature of the committed violation. A remand or sentenced prisoner familiarises himself or herself with the decision on imposition of a sanction. The imposition of a sanction against a remand or sentenced prisoner may be appealed against before bodies performing control and supervision over the remand facility or correctional establishment, as well as through a judicial procedure.

Medical examination of a sentenced prisoner before placement in a disciplinary facility is first of all in his or her own interests and is targeted at preventing the cases when a person who suffers diseases incompatible with confinement to a disciplinary cell, is placed therein. The need for medical examination of a sentenced prisoner before placement in a disciplinary cell was also underlined by the Human Rights Defender of the Republic of Armenia.

However, Armenian legislation, in particular, the "Procedure on arrangement of health and sanitary and health and prophylactic care to remand and sentenced prisoners, access to medical establishments of health authorities and involvement of their health-care staff for that purpose" does not provide for such a mandatory requirement.

In connection with paragraph 122 of the Report

Appropriate measures are planned to be undertaken for the purpose of improving the condition in disciplinary cells at Kosh Penitentiary Establishment. As to Vardashen and Nubarashen Penitentiary Establishments, because of overcrowding of Vardashen Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, three disciplinary cells are used as ordinary cells or quarantine cells and are always occupied, that is why for imposition of the "placement in a disciplinary cell" disciplinary sanction the sentenced prisoners are transferred in the disciplinary cell of Erebuni Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia.

In disciplinary cells at Nubarashen Penitentiary Establishment refurbishment work has been carried out in the following directions:

1. Walls of cells have undergone capital repair;
2. Sanitary facilities have been separated from cells and renovated;
3. Sewage lines and water supply pipelines have undergone capital repair;
4. New electricity supply cables have been mounted in the cells.

In connection with paragraph 123 of the Report

Currently, the sentenced prisoners held in the disciplinary cell of Nubarashen Penitentiary Establishment benefit from one hour of daily outdoor exercise per day.

As to not providing reading materials, as well as depriving the inmates held in a disciplinary cell of the right to have visits, phone calls and sending and receiving letters, it is prescribed by point 231 of the "Internal regulation of remand facilities and correctional establishments of the Penitentiary Service" as well as Article 95 of the Penitentiary Code of the Republic of Armenia and by the Law of the Republic of Armenia "On confinement of detainees and remand prisoners".

The placement in disciplinary cells should contain certain elements of punishment, otherwise, it will lose tits meaning and purpose, taking, in particular, the fact that a person may be confined to a disciplinary cell not more than 10 or 15 days.

In connection with paragraph 124 of the Report:

See the remark made in connection with paragraph 73.

In connection with paragraph 125 of the Report:

The out-of-order telephone at Kosh Penitentiary Establishment has already been replaced by a new one; besides the administration of the establishment undertakes steps for increasing the number of telephones.

In connection with paragraph 126 of the Report

The issue of prohibiting remand prisoners to have visits or phone calls does not fall within the scope of the powers of the Ministry of Justice of the Republic of Armenia; it is within the powers of a person or body conducting the specific criminal proceeding.

d. complaints and inspection procedures

In connection with paragraph 127 of the Report

Pursuant to Armenian legislation, imprisoned persons have the right to file requests and complaints regarding violations of their rights and freedoms, in person or through a counsel or a legal representative with the punishment execution body or establishment, their superior authorities, the court, prosecutor's office, human rights defender, state and local self-government bodies, non-governmental associations and political parties, mass media, as well as with international bodies or organisations protecting human rights and freedoms. A person held in a penitentiary establishment may submit his or her proposals, applications and complaints in written and oral form every day. Written complaints shall, not later than within one day, be sent to the addressee. Sentenced prisoner's proposals, applications and complaints are not subject to censorship. Any type of prosecution against an imprisoned person is prohibited in case of filing applications, proposals and lodging complaints on violations of his or her rights and legal interests. Persons carrying out such prosecution are held liable in the manner prescribed by law. The legislative requirements are strictly observed.

However, it will be once more rigidly assigned to the administration of penitentiary establishments to observe the aforementioned provisions, and adequate control will be performed over the observance thereof.

Psychiatric establishments

Preliminary remarks

- Regarding "Norq" Mental Clinic let me inform you that by entering the mental hospital in-patients give their written consent, except the patients who enter the Clinic not willfully, but according to the decision of the court.
- Taking into consideration that in the wards of the mentioned clinic there are patients who entered the hospital willfully, as well as socially dangerous patients, who are treated by the decision of the court, the principle of open doors is not realizable.

Patients living conditions

- The metal shutters have been removed.
- Two women passing forced treatment of special type at the ward have been moved to another room, which has better conditions.
- In case of proper financing, it is envisaged to perform reconstruction works at the Clinic and improve the living conditions of the patients.

Staff

- Specialists from France, which have arrived upon the invitation of MOH RA, nowadays conduct trainings for 25 nurses.
- The number and structure of the Staff is approved by the Ministry of Health RA according to the existing norms.

Treatments

- A fenced area has been built adjacent to the 6-th ward, where people under trial go for a walk and can do exercises.

Safeguards

- The employees of guarding service of RA Police are guided by the RA laws and other legislative acts.
- In all the clinics, patients having mental disorders are acquainted with free advocate services regarding their rights and the prescribed treatment, for which they sign and the mentioned document is attached to the medical history of the patient. In both mentioned hospitals trainings have been provided concerning the rights of the patients.
- The treatment and care of the patients with mental disorders are organized according to the requirements of RA Law "On Mental Aid".
- Now paid telephones are placed at "Norq" and "Avan" Clinics.

Social care homes

In response to the statement of questions with regard to functioning of Vardenis Nursing Home psycho-neurological establishment, we should firstly mention that it is not a medical institution, but according to the RA Government decree N1874 dated December 7, 2007 it is envisaged for twenty-four-hour care, social service and permanent residence for persons aged from 18 having chronic mental deceases, learning disabilities, senile psychosis or severe sclerosis.

We would like to state the following with regard to the problems and issues raised in the report:

Selection of the nursing home staff
Starting from 2009 selection and recruitment of the staff is carried out following the conclusion of the Committee set up by the Director of the nursing home.

Training of the staff
Workers and specialists delivering care services annually participate in training courses organized by the National Institute of Labour and Social Researches under the RA Ministry of Labour and Social Issues. At the end of the training courses they receive corresponding certificates. The training courses program provides the workers with knowledge about social work, legislation (in the field of social protection and psychiatric assistance), psychology, peculiarities of work with persons having mental health problems.

Treatment of the residents by the staff
While being recruited the workers are forewarned about respectful treatment of residents, necessity of showing respect towards their personal dignity, and they get acquainted with rules and norms of ethics for the staff. The mentioned issues are also part of the training courses for the staff. Rudeness and disrespectful treatment of residents by the staff is punishable with imposing disciplinary penalty according to the established order.

Joint accommodation of the residents with learning disabilities and psychiatric disorders
Learning disabled residents are placed on a separate ward. Proceeding from the conditions of the facilities not in all cases residents with different needs are separately accommodated, however socio-psychological services, including occupational therapy are delivered in accordance with their needs and abilities. Also persons with various mental health problems are disjoined within the limits of the possible.

Provision with living space, increase of the number of the residents by 40
Proceeding from the conditions of the facilities, indeed provision of each resident with living space is not entirely in compliance with the standard of 5 square meters, specified by the RA Government. In 2010 based on the existing demand 40 bed places were added for the residents of the nursing home, with that purpose second floor of the 7-th ward was reconstructed and not a new ward was built, in the result 5 rooms were added, where the new residents were accommodated.

Necessity for personal lockable space for the residents' belongings
In 2010 the nursing home acquired necessary number of wardrobes and each resident has a separate wardrobe to keep his/her own belongings.

Food standards

Food provision at the nursing home is organized in accordance with the standards, approved by RA Government decree N730 dated May 31, 2007, according to which minimum daily nutritional values of food delivered to the residents of a specialized nursing home should not be less than 2200 kcal (at Vardenis Nursing Home it factually amounts to 3500 kcal). In 2010 budget for food was 194.3 million Armenian Drams (AMD).

At Vardenis Nursing Home daily expenses on each resident for 2011 amount to 5066.3 AMD, out of which 1579.6 AMD - for food (in 2010 correspondingly 5021.1 AMD and 1387.0 AMD), hence funds provided for food increase year-by-year.

Daily menus are compiled and signed by the Director of the nursing home and Chief Medical Officer and are posted in the canteen at a noticeable place. Copies of standard menus are enclosed.

Vacant posts of psychiatrists

There are vacant posts of psychiatrists at the nursing home. The directorate of the nursing home and the RA Ministry of Labour and Social Issues applied to the relevant bodies with the request to send corresponding specialists to Vardenis, however taking into consideration the place and the size of the salary there were no applicants. The works are being continued. Currently out of 4 posts of psychiatrists provided for the nursing home 2 posts of psychiatrists are occupied.

Individual written treatment plans for the residents

As it was explained in the beginning, Vardenis Nursing Home psycho-neurological establishment is not a medical institution, but according to the RA Government decree N1874 dated December 7, 2007 it is envisaged for twenty-four-hour care, social service and permanent residence for persons aged from 18 having chronic mental deceases, learning disabilities, senile psychosis or severe sclerosis. For each resident of the Nursing Home an individual socio-psychological rehabilitation register is kept, where types of rehabilitative activities carried out by social worker and psychologist are recorded. As far as the residents' medical registers are concerned, all residents have individual medical registers, where doctors make notes about prescribed medical measures and medication. Individual medical registers are kept by the doctor.

About the resorts to isolation

The nursing home has two resorts to isolation, which were established at the 7-th ward after reconstruction in 2010.

Use of means of physical and chemical restraint (straightjacket, etc.)

According to the RA law "About Psychiatric Assistance" against a person with psychiatric disorders involuntary placed at a psychiatric establishment, means of physical restraint (belts, special clothing) and resorts to isolation, as well as chemical restraint can be used only following the psychiatrist's justified decision, use and duration of such means are recorded in the medical documents.

At Vardenis Nursing Home the aforementioned procedure is also followed, with the exclusion of belts and special clothing usage. At the nursing home means of restraint are mainly chemical, in other words medication is used, which is prescribed following the psychiatrist's decision and is recorded in a special register kept by the Chief Medical Officer. Based on the resident's aggressive behaviour it can also be decided to temporarily isolate him/her.

Contact with relatives
Required information is provided to the nursing home residents' relatives on their inquiries about the residents. Through social workers and other care staff constant contact is being maintained with the residents' relatives. Where necessary, social workers visit the residents' relatives, which is correspondingly recorded in the residents' personal register.
There are also attendance books at the nursing home, where relatives while visiting the residents make records, including complaints.
At the nursing home there are 8 telephones provided for the residents.

Order of the residents' admission
At Vardenis Nursing Home, as a special establishment of social protection, placement of citizens is organized according to the already mentioned procedure, approved by the RA Government decree N1874 dated December 7, 2007. In order to obtain social care the customer with such need or his/her legal guardian (if the person is recognized legally incompetent by the court) applies to the territorial body of social services at the place of abode, submitting relevant documents.

If the application is submitted by the legal guardian of the customer the following documents should also be enclosed:
(a) personal identification document of the legal guardian and its copy,
(b) copy of the court decision on recognizing the citizen as legally incompetent,
(c) copy of the guardianship and trusteeship body decision on determining legal guardianship for the citizen.

Involuntary placement as such is not carried out at Vardenis Nursing Home, because mainly persons recognized by court as legally incompetent are admitted to the establishment and their consent is not required. There were cases when a person recognized as legally incompetent was placed at Vardenis Nursing Home upon his/her application, that is voluntary placement was carried out. In this case the resident can be discharged on his/her own will upon the psychiatrist's conclusion.

Additional issues

- **It is necessary to elaborate national comprehensive program on mental health, which will fill in the gaps existing at socio-medical institutions**

The issue of elaborating national comprehensive program on mental health will be discussed with the RA Ministry of Health.

- **The resident's right to apply to the court**

As it was mentioned above at Vardenis Nursing Home mainly legally incompetent citizens are being taken care of and according to the civil legislation they have no competence to carry out any legal activity, instead of them their legal guardian can apply to the court. And if the resident is not recognized legally incompetent following the court decision, then he/she can apply and realize his/her rights without limitations.

- **Possibility of being discharged from the nursing home depending on change of the resident's health state**

Persons not recognized as legally incompetent can be discharged from the nursing home upon their application and the psychiatrist's conclusion. Such cases have happened at the nursing home: in 2008 and 2010 residents were discharged from the nursing home determined by change of their health state.

APPENDIX I

TIMETABLE

On the Programme for Infrastructure Reforms of the Penitentiary Service of the Republic of Armenia

Name of the penitentiary establishment of the Ministry of Justice of the Republic of Armenia	*Phase 1 2009-2012*				*Phase 2 2013-2015*			*Phase 3 2016-2018*		
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
“Echmiadzin” (conditional name; to be established)	Capital construction	Capital construction	Completion of capital construction and putting into operation							
"Meghri”	Termination of functioning									
"Goris”	Acquisition of a land plot adjacent to Goris and performance of design and planning works	Completion of design and planning works; capital construction	Capital construction	Completion of capital construction and putting into operation						
“Sevan”	Examination of the issue on acquisition of the required land plot adjacent to the present establishment	Acquisition of the required land plot adjacent to the present establishment	Performance of design and planning works	Capital construction	Capital construction	Capital construction	Completion of capital construction and putting into operation			

“Kosh”								Termination of functioning after putting into operation of Sevan Penitentiary		
“Yerevan” (conditional name; to be established)				Examination of the possibility for acquisition of the required land plot	Acquisition of the required land plot	Performance of design and planning works	Capital construction	Capital construction	Capital construction	Completion of capital construction and putting into operation
“Nubarashen”										Termination of functioning after putting into operation of Yerevan Penitentiary
“Erebouni”										Termination of functioning after putting into operation of Yerevan Penitentiary
“Vardashen”										Termination of functioning after putting into operation of Yerevan Penitentiary

“Prison Hospital”										Termination of functioning after putting into operation of Yerevan Penitentiary
“Yerevan-Kentron”										Termination of functioning after putting into operation of Yerevan Penitentiary
”Abovyan”				Performance design and planning	Capital and reconstruction					
“Vanadzor”										Performance of design and planning works for capital repair
“Artik”										Performance of design and planning works for capital repair
“Hrazdan”										Performance of design and planning works for capital repair