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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 5 to 7 December 2011

The Armenian Government has requested the publication of this response. The report of the CPT on its December 2011 visit to Armenia is set out in document CPT/Inf (2012) 23.

Strasbourg, 3 October 2012

Note:
In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

Response of the Ministry of Justice of the Republic of Armenia with respect to the Report prepared by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to the Republic of Armenia from 5 to 7 December 2011

Introduction

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the penitentiary establishments of the Ministry of Justice of the Republic of Armenia on 15-17 March 2010; the delegation visited "Yerevan-Kentron" and "Nubarashen" penitentiary establishments of the Ministry of Justice of the Republic of Armenia. The Ministry of Justice of the Republic of Armenia expresses its gratitude to the Committee for the co-operation and assures that the Ministry of Justice of the Republic of Armenia pays particular attention to all the recommendations and comments submitted by the Committee. The Ministry of Justice of the Republic of Armenia considers the reforms of the penitentiary service as a priority and undertakes, to the extent currently possible, all the measures aimed at improving the situation at the penitentiary establishments.

Besides, all the responsible staff of the penitentiary establishments of the Ministry of Justice of the Republic of Armenia has received a clear message concerning inadmissibility of torture and inhuman or degrading treatment or punishment, and the positive changes in the attitude of the administration of the penitentiary establishments are in this regard obvious.

With regard to the current material conditions of the penitentiary establishments, the improvement thereof is related to the social and economic situation of the State. It is clear that the social and economic situation of the State may not justify improper fulfilment of the international legal commitments of the State, and in this regard we would like to reiterate that the Ministry of Justice of the Republic of Armenia will continue its consistent efforts aimed at improving the material conditions of the penitentiary establishments of the Ministry of Justice of the Republic of Armenia.

In 2011, capital repair works of the newly built "Armavir" penitentiary establishment were resumed; a new contract has been signed for 2012-2013 pursuant whereto the new buildings designed for 400 persons and having all the utilities, as well as the buildings of the "Armavir" penitentiary establishment ensuring the proper functioning of the establishment, will be exploited by December of 2013.

A. Follow-up visit to "Kentron" penitentiary establishment

1. Conditions of detention

In connection with paragraphs 9 and 15 of the Report

Despite the unfavourable facility conditions at "Yerevan-Kentron" penitentiary establishment, all the possible measures are undertaken to improve the material situation of the establishment. Particularly, cleaning and refurbishment works have been undertaken during which five cells have been refurbished and trimmed; such works will be regular. With regard to cleaning works it should be mentioned that a new storage room has been built, and the old storage room located in the basement has been cleaned and brought to good order where only vegetables are stored. The bathroom has been repaired, and an additional water tank has been installed. The sanitation situation is permanently at the centre of attention of the economic department staff, and additional works are undertaken to bring the establishment to a better state.

However, it should be mentioned that sanitation situation in cells, bathrooms and other places depends greatly on the very attitude of convicts and remand prisoners, and quite often the situation is bad by reason of their careless attitude and lifestyle. Pursuant to point 36 of the Internal Regulation of the establishments for keeping remand prisoners and of correctional facilities, each remand prisoner or convict is responsible for the cleanliness of his or her cell or living space, for the purpose whereof the administration of the establishment provides them with all the relevant means, including main cleaning means and materials.

The accessibility of natural light and fresh air depends mainly on the facility conditions of the establishment which do not allow to fully resolve the given issue; however, we think that following exploitation of the new penitentiary establishment the given issue will be resolved.

The issue of providing the prisoners with at least 4 m^2 of living space is one of the main issues the penitentiary service is currently facing; a number of measures are implemented for the purpose of eliminating overcrowding at the establishments, which may be conditionally divided into 2 groups: technical and system-related.

System-related solutions include a wider application of penalties alternative to imprisonment, imposing detention as a measure of restraint only in extreme necessity, improvement of institutes of early conditional release from punishment and probation. The Ministry of Justice of the Republic of Armenia undertakes intensive steps in this direction the results whereof will be obvious in the near future; in particular, the Ministry has launched extensive works for the purpose of establishing the probation institute, assisted by international donor organisations. Activities for reforming the procedure for early conditional release have been launched.

Technical issues include construction of new penitentiary establishments, as mentioned above.

The members of the delegation have also been convinced that facility conditions of “Yerevan-Kentron” penitentiary establishment do not provide for an opportunity to enlarge the exercise yards, since they are situated on the 5^{th} floor of the building of the National Security Service of the Republic of Armenia, and therefore, by reason of the architectural structure of the building, enlargement and construction of new exercise yards are not possible. Under current facility conditions, organisation of relevant sport activities is impossible.

Provision of long-term visits at the given penitentiary establishment is impossible since “Yerevan-Kentron” penitentiary establishment occupies only the first floor of the National Security Service where administrative offices, storage rooms, alert units, medical station, kitchen, library, short-term visit rooms are located; therefore, by reason of structural limitations, provision of long-term visit rooms within the same establishment is impossible, but the right to long-term visits of prisoners kept at “Yerevan-Kentron” penitentiary establishment is exercised by transferring them to the long-term visit room of “Nubarashen” penitentiary establishment.

However, under current facility and financial conditions certain works are implemented; particularly repair works have also been carried out in the following places:

- Kitchen
- Sentry post and the alert unit
- Corridor of the restricted area

The tap in the cell No 18 has been changed as well.

Life-sentenced prisoners are kept apart from other convicts by virtue of the requirement of the Law, since Article 68(1)(8) of the Penitentiary Code of the Republic of Armenia defines that life-sentenced prisoners shall be kept apart from the persons sentenced to imprisonment for a certain period. Following complete introduction of the probation service accompanied by the full application of the institute of individual risk assessment, the appropriateness of maintaining the above-mentioned provision in its current form will be reviewed.

2. Health care

In connection with paragraphs 16 to 21 of the Report

To ensure the availability of medical personnel at "Yerevan-Kentron" penitentiary establishment on weekends and at night, at least 4 doctors are required. Currently, medical assistance is at those hours provided by the available medical personnel.

Measures are undertaken for training of the medical personnel; particularly the main doctor of the establishment is permanently participating in training and thematic courses organised by the Ministry of Healthcare (Certificate is available).

Actions with regard to filling the vacant position of the doctor are currently undertaken.

The ECG machine and dental chair are in proper order and are, where necessary, used.

An application for the procurement of new medical equipment has been submitted and upon availability of financial resources it will be procured.

The information that envisaged medical services are provided only where prisoners pay for them, is not correct.

Specialist consultations and medical services at the establishment are provided without any payment. Patients, in particularly those in need of in-patient treatment or examination, are freely transferred to "Hospital of Convicts" penitentiary establishment or civilian hospitals without any delays.

With respect to insufficient examination and assistance of newly-arrived prisoners, we would like to mention that we agree with the referred comment; there are actually certain shortcomings in this sphere. For the purpose of eliminating those shortcomings, the administration of "Yerevan-Kentron" penitentiary establishment has been instructed to properly and in detail record primary medical examination of the remand prisoners and convicts and the results thereof in registers designed for that purpose. The administration of the penitentiary establishment has been sent another clear message and been warned that all the medical examinations should be performed out of the hearing and out of the sight of the penitentiary or other servants.

Medical registers and the procedure for keeping them have also been updated and reviewed and they are now kept in strict adherence to the requirements of the defined norms.

In connection with paragraph 22 of the Report
The doctor at "Yerevan-Kentron" penitentiary establishment carries out daily visits to all the remand prisoners and convicts, and as a therapeutist he carries out monthly admission and consultations of patients.

Psychiatric interviews with prisoners A. and B. have taken place every three months and where so required — more often. Based on the results of interviews carried out by psychiatrists of "Hospital of Convicts" and "Nubarashen" penitentiary establishments, the doctor at "Yerevan-Kentron" penitentiary establishment continues the assigned treatment. Where appropriate, consultations with other specialists (surgeon, dentist, etc) have been organised. Currently, psychiatric interviews of prisoners A. and B. are carried out on a monthly-basis (copies of medical files are available).

However, currently the possibility of transferring prisoner B. to an establishment with relevant hospital facilities is being considered; it should be mentioned that in this case we deal also with a security problem. We also consider the option of intensifying his psychological supervision and, where necessary, the treatment on-site.

Besides the above-mentioned, remand prisoners and convicts of "Yerevan-Kentron" penitentiary establishment undergo consultations by the doctors of the medical commission twice a year according to the schedule, and where necessary they undergo diagnostic examinations both at "Hospital of Convicts" penitentiary establishment and civilian hospitals.

B. Follow-up visit to the unit for life-sentenced prisoners at "Nubarashen" penitentiary establishment

In connection with paragraphs 23-29 of the Report:
The issue of overcrowding at "Nubarashen" penitentiary establishment of the Ministry of Justice of Republic of Armenia still remains topical. Actions already undertaken and to be undertaken by the Ministry of Justice of the Republic of Armenia for the purpose of elimination of the overcrowding have been addressed to in the comments of points 9-15.

The issue of window grids is closely related to the problem of security. Unfortunately, the facility conditions and security systems of the establishment are not as good as to allow the removal of grids. The problem will be automatically eliminated with the exploitation of the new penitentiary establishment. Explanatory works with respect to cleanliness of the cells have been carried out with the convicts and remand prisoners, urging them to keep the cells clean and not to spoil the walls, but the efforts were in vain; however, in certain cells of the restricted area, kitchen and the storage room certain refurbishment works have been undertaken, but if the attitude of the remand prisoners and convicts does not change, no traces of these works will be left in a short period of time.

The right of remand prisoners and convicts to take a shower at least once a week is defined by the domestic legislation of the Republic of Armenia; particularly, pursuant to point 36 of the Internal Regulation of the establishments for keeping remand prisoners and of correctional facilities of the penitentiary system of the Ministry of Justice of the Republic of Armenia, each remand prisoner or convict is responsible for the cleanliness of his or her cell or living area. They should keep clean the hygiene items, clothes and household articles distributed to them, take a shower or bath under temperature conditions consistent with the climate, at least once a week, or more, where so required for the maintenance of the general hygiene, take care of themselves, have a neat appearance and keep a clean bed. The legislation of the Republic of Armenia has not been, in this regard, brought into compliance with the new European prison rules. At the time of drafting the mentioned Regulation, the provision in force envisaged the right to shower at least once a week. However, the mentioned Regulation will be reviewed in this respect.

With regard to the prohibition of cooking their own food in cells; the prohibition does not in any way relate to the case of escape from “Nubarashen” penitentiary establishment in November, 2009. It is defined by Annex 2 (point “x”) of the Internal Regulation of the establishments for keeping remand prisoners and of correctional facilities of the penitentiary system of the Ministry of Justice of the Republic of Armenia, pursuant whereto remand prisoners and convicts are allowed to keep only such food which does not require cooking. This is done for the purpose of observing both hygiene and security rules.

The issue of the quality and prices of food sold in stores is still to be resolved.

Life-sentenced prisoners of “Nubarashen” penitentiary establishment studying at higher education institution have been given an opportunity to use a computer outside the cell for the purposes of study.

In general, a comprehensive programme of activities for prisoners is being elaborated. It includes also proposals submitted by social and educational organisations, with the help whereof educational, professional, therapeutic activities are to be implemented.

Since the penitentiary establishments have been mainly built during the Soviet period, currently, based on the facility conditions of the mentioned penitentiary establishment it is impossible to organise activities for convicts, including life-sentenced convicts.

Currently, outdoor exercise at “Nubarashen” penitentiary establishment is at least 1 hour a day and 7 days a week, *i.e.* convicts are taken for outdoor exercise also on weekends.

With regard to cells Nos. 00, 01 and 02 located in the basement, we would like to inform that the exploitation of disciplinary cells Nos. 00, 01 and 02 has been temporarily suspended, and capital repair and refurbishment works are being undertaken; sewer lines have been completely repaired, the size of the window niches has been enlarged, refurbishment works are being carried out. Exploitation of the cell No 00 has been fully terminated, and it has now been changed into a storage room for household articles. The bathroom located on the 4th floor, as well as the general bathroom envisaged for convicts, are being repaired. The postsurgical ward and the new X-ray room will also be repaired.

At the time of the visit of the delegation the life-sentenced convict C. was kept in the cell No 02 of “Nubarashen” penitentiary establishment, who was transferred to the referred cell with regard to the hunger strike announced on 6 December 2011.

The doctors at “Nubarashen” penitentiary establishment visited C. several times, but he firmly refused any medical assistance declaring that he did not need any medical help, and his written statement concerning it is available (copies of his medical file and statement are available).

In general, remand prisoners and convicts on hunger strike are transferred to a separate cell, where they are under the supervision of the medical staff. It is also informed that no other penalty is applied in relation to them.

Life-sentenced convicts periodically receive visits by the psychiatrist, and, where appropriate, by the dentist.

With respect to the persons kept in the cell No 00, *i.e.* D. and E., who are former officers and have officer ranks, we would like to inform that relevant medical examinations and consultations have been carried out; besides, on 18 August 2011 and 16 April 2012, D. has been transferred to Nubarashen psychiatric hospital for in-patient forensic psychiatric examinations, and based on the results of those examinations D. does not suffer from any mental disorder, and his behaviour is fake and false. Several explanatory works with regard to his hygiene have been carried out, but in vain.

E. does not suffer from any mental disorder either and at the moment of the visit he was pretending to be taking care of D.

Currently, the remand prisoner D. and the convict E. have been transferred to relevant cells.

With regard to medical assistance and the diet of life-sentenced prisoners kept at “Nubarashen” penitentiary establishment, we would like to inform that the doctors of the establishment carry out daily visits to remand prisoners and convicts kept in all the cells, and based on the records made, the specialists (including psychiatrist and dentist) carry out admission of patients.

Life-sentenced convicts have been assigned a separate doctor, who, besides the above-mentioned, also carries out admission of patients.

All patients receive additional food.

C. Other issues with regard to life-sentenced prisoners

In connection with paragraphs 30-33 of the Report

With respect to entitlement to visits of life-sentenced prisoners, we would like to mention that the current manner and number of visits do not relate to life-sentenced prisoners; it is the same for all the convicts serving sentence in closed correctional facilities and is related to regime peculiarities. However, the issue of reviewing the legislation in this regard will be considered.

The issue of handcuffing during outdoor exercise is based mainly on two important circumstances, first being the security reasons. In particular, security conditions of the establishment do not still allow taking them to outdoor exercise without handcuffs, and the second circumstance, on which the first is based, includes the facility conditions.

In the previous statements we have informed that construction of "Armavir" penitentiary establishment of the Ministry of Justice of the Republic of Armenia (hereinafter referred to as the "establishment") is currently under way. In 2011, the construction of the establishment was resumed.

We would like to inform that the establishment is situated in Chobanqara region of Armavir marz of the Republic of Armenia, 12 km away from the city of Echmiadzin - 3 km west from the highway lying between the city of Echmiadzin and the village of Margara, and 30 km away from Yerevan.

The new establishment will meet the European standards:

- Administrative building – this building is divided into 3 sections; the first section includes spacious and lighted working-rooms for the employees, cloakrooms, showers for the employees, dining room for the staff, and a conference room. The second section is designed as a household warehouse, where separate spaces are envisaged for all the goods, namely pickle pits, special rooms for storing dry goods, areas for storing vegetables under special conditions, separate refrigeration room where meat, canned food and fish will be stored, as well as detached areas for bedding, clothes and household articles. The third section includes working-rooms for the security staff and quick response unit, subsidiary areas for providing sufficient services, namely medical center for providing first aid, dining room with all the necessary equipment, arsenal, day room, cloakroom, shower, clothes dryer, as well short-term visit rooms with restrooms designed for visitors and convicts, a waiting-room for visitors, a store and a parcel admission station with auxiliary waiting-room and restroom. The territory includes a parking lot for the staff and visitors.

- Quarantine, first aid and in-patient medical assistance buildings – this building comprises two sections, the first including cells for newly-arrived convicts (each person is provided with 4 m^2 living space) designed for two, four and six persons, with natural and artificial lighting, natural and artificial air-conditioning, all cells have a detached restroom and a shower, are equipped with central heating system, as well as rooms for medical examination of newly-arrived convicts and those serving sentence, rooms for storing personal articles, room designed for the ad-hoc and social psychiatrist; X-ray, dental, surgical, post-surgical, pharmaceutical rooms, and rooms for storing linen and medicine, and providing other medical services. The second section includes wards for in-patient treatment of convicts, with all the utilities mentioned above. The buildings will also have spacious exercise yards and a workshop attached thereto.

- Long-term visits building – this building, too, has all the necessary facilities. Rooms are equipped with a separate restroom, shower and a kitchen, central heating and air conditioning; a nursery is included as well. Convicts receiving visits will have at their disposal also two open-air spacious exercise yards.

- Buildings for the kitchen and laundry – they have all the utilities; the laundry will have separated sections for clean and dirty linen, infected and dirty linen brought from the hospital, sections for sorting and repair, disinfection, drying and ironing, storing the washing materials, cloakrooms for the staff, as well as spacious areas for washing and drying linen.

- Punishment cells building – punishment cells will be designed for two and four persons, and will have all the utilities except for a shower room which will be shared, but will have all the facilities required for a bathroom. All the cells will have the 4 m^2 living space envisaged for one convict. The building will also include an open-air exercise yard, adjusted sports areas, storage room, library and a small store.

- Special regime buildings – all the buildings are two-storied, each floor having 12 cells on the right and left sides; all the cells have 17 m^2 living space, detached restrooms and showers. Cells have natural and artificial lighting, natural and artificial air-conditioning, central heating network; warm water will be provided at least as prescribed by the Penitentiary Code (possibly more). The buildings are not separated by intermediate ceilings; therefore they will have a wide and spacious hall. An open-air internal yard will be attached to each building, with adapted sports areas. Each of the buildings will have a drug-store and s first-aid medical center, working-rooms for ad-hoc and social psychiatrist.

- The territory will have a electric power substation, with 2 separate energy sources, a power-producing engine, diesel fuel warehouse, pits for drinking water and fire-protection water, with a supporting pumping station, boiler-house, air-conditioning system fittings, gas supply and external lighting.