CPT/Inf (2015) 9

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 4 to 10 April 2013

The Armenian Government has requested the publication of this response. The CPT's report on the April 2013 visit to Armenia is set out in document CPT/Inf (2015) 8.

Strasbourg, 27 January 2015

Note by the Secretariat of the CPT:
In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the interim response concerning paragraph 72 of the visit report has not been published and certain names in the full response have been deleted.

Introduction

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the police and penitentiary establishments of the Ministry of Justice of the Republic of Armenia on 4-10 April 2013; the main objective of the delegation's visit was to review the implementations of reccomendations made after previous visits regarding the treatment of persons deprived of their liberty by the police.

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 police and penitentiary establishments.

In this regard the Armenian authorities once again refer to the new draft Criminal Procedure Code (hereinafter referred to as "the CCP), which contains provisions reinforcing the fundamental safeguards against ill-treatment for persons deprived of their liberty by the police.

Thus, taking into account the Committee's wish to receive some updated information on this matter, the Government is sending the copy of the draft CCP with the mention that it has been elaborated and submitted to the Parliament and is supposed to be adopted by the end of Spring 2014.

Ill-treatment

Concerning paragraphs 11-17 of the Report

1. At the outset the Government stresses that by the decision of the Constitutional Court of 23 November 2012 §2 and §3 of Article 262 of the Code of Administrative Offences, stating that "*Persons who have violated the state-border regime or the regime of the USSR state border crossing points could be arrested for up to three hours in order to make a report, or for up to three days in case it is necessary to reveal the offender and the circumstances of the offence with the terms of informing the Prosecutor in written form within 24 hours after the arrest, or for up to ten days by the Prosecutor's authorization in case the offenders haven't got the identity documents.*

The period of administrative arrest is calculated from the moment of apprehension of the offender in order to make a report, and from the moment of the sober in case the offender is intoxicate" were recognized unconstitutional and invalid.

2. The Government would further like to turn to paragraph 13 in which the delegation referred to an alleged case of use of violence in the Arabkir Divsion of the Police of the Republic of Armenia. In this connection it should be mentioned that by the letter of 19 December 2014 the Government has already made comments regarding the issue raised in the paragraph in question.

3. Further to the above, taking into account the high importance of the CPT reports, an assignment was issued to the Head of the Educational Complex of the Police of the Republic of Armenia to include CPT reports and their recommendations in the educational programs and training courses organised in the Educational Complex of the Police of the Republic of Armenia.

4. At the same time an assignment was issued to ensure translation into Armenian of the provisions, concerning the Police, contained in CPT country reports on Armenia and to send them to the relevant subdivisions of the Police for the purpose of discussing them during operational meetings. The mentioned instruction was communicated to all the officers of the Police of the Republic of Armenia.

5. Turning to the necessity to increase the awareness of police officers regarding the consequences of ill-treatment towards persons deprived of liberty, the Government submits that for the purpose of improving the effectiveness of activities of police holding facilities and raising the professional competence of the personnel, two seminar-conferences were organised in 2013, covering a number of key issues concerning police holding facilities operating within the system of the Police, with the participation of representatives from the General Investigation Department, Yerevan Department, marz departments, Legal Department and Public Order Maintenance Department of the Police of the Republic of Armenia.

6. During the seminar-conferences particular assignments were issued by the management of the Police to subordinate subdivisions, and two methodological guidelines were developed and provided by the Headquarters of the Police of the Republic of Armenia covering in brief the normative legal acts regulating the field, as well as articles from the Optional Protocol to the UN Convention against Torture and Inhuman Treatment, the membership composition of the public monitoring group carrying out oversight in police holding facilities of the Police of the Republic of Armenia, the membership composition of the staff of the Human Rights Defender's Office of the Republic of Armenia, approved by the Decision of the Human Rights Defender of the Republic of Armenia of 21 January 2013, and the membership composition of the Expert Council for the Prevention of Torture adjunct to the Human Rights Defender of the Republic of Armenia, the procedure of activities of the public monitoring group in police holding facilities approved by the Order of the Chief of Police of the

Republic of Armenia No 1-N of 14 January 2005, and video materials on compliance of police holding facilities with the international standards. The Yerevan Department and marz departments of the Police of the Republic of Armenia were provided with the legal acts regulating the police holding facilities, that is the Law of the Republic of Armenia "On treatment of arrestees and detainees", "Internal regulations of police holding facilities operating within the system of the Police of the Republic of Armenia" approved by the Decision of the Government of the Republic of Armenia No 574-N of 5 June 2008; for the purpose of improving the effectiveness of activities of police holding facilities and raising the professional competence of their personnel the higher services of the Police were assigned to provide regular practical and methodological assistance to the administrations of police holding facilities of subordinate subdivisions.

7. In February 2014 the Headquarters of the Police of the Republic of Armenia prepared and provided to Yerevan Department and marz departments of the Police of the Republic of Armenia the "Question and answer" manual concerning the activities of units on duty and police holding facilities, and an assignment was issued on including this in the test to be taken by the personnel of the unit on duty and police holding facilities.

8. The police subdivision coordinating and exercising oversight over the activities of police holding facilities provides, on a continuous basis, consultation, practical and methodological assistance to the administrations of police holding facilities, and oversight is exercised over the activities through regular visits and phone calls.

Recording of injuries and allegations

Concerning paragraphs 18-25 of the Report

9. With respect to the paragraphs 18-25 of the Report, the Government states that the issue regarding the medical examination of detainees and convicts newly admitted to the penitentiary establishment is regulated under Decision of the Government of the Republic of Armenia No 825-N of 26 May 2006, and according to its point 37, when admitted to remand facilities (including through transit), persons undergo initial medical examination, the findings of which are recorded in a relevant register book for the purpose of delivering medical care and recording a bodily injury or another complaint on the health state. The record on medical examination of a detained person or convict shall include the following:

- Overall picture of all statements made by a person subject to medical examination (including the description of his or her health state and any statement on ill-treatment);
- Overall picture of the findings of the unbiased medical examination;
- Doctor's conclusion based on sub-points 1 and 2 of this point.
- All the medical examinations must be carried out beyond audibility and sight of penitentiary or other officers.
- Where the bodily injury, discovered as a result of medical examination, or a complaint on health state is — according to the statement of a detained person or convict — a consequence of any act containing elements of crime against him or her, the person performing medical examination informs thereon to the administration of the remand facility or correctional institution.
- The administration of the remand facility or correctional institution informs thereon to competent authorities.
- The findings of any medical examination, as well as the statements of detained persons and doctor's conclusions must be accessible to the detained person or convict and to his or her authorized person.

10. According to point 38 of the mentioned Government decision, persons admitted to remand facilities (including through transit) and placed in the quarantine unit shall undergo medical examination for the purpose of identifying detainees who are in need of medical aid and constitute an epidemiological danger (...).

11. The findings of a medical examination are recorded in the medical record card, wherein records are made on previous and present diseases, injuries, surgeries and other issues pertaining to the health of the person.

Concerning paragraphs 27-31 of the Report

12. In connection with the delegation's recommendations set out in paragraphs 27-31 regarding the recording of injuries and allegations of ill-treatment in police detention centers, the Government stresses that On 13 July 2013, a relevant assignment has been issued to the Yerevan Department and marz departments of the Police of the Republic of Armenia according to which in case of detection of bodily injuries on the arrested and detained persons a health professional must necessarily be invited to carry out a medical examination; afterwards, in manner defined by the

legislation, the body carrying out the proceedings must be immediately notified in compliance with Article 21 of the Law of the Republic of Armenia "On treatment of arrested and detained persons" and point 13 of the Decision of the Government of the Republic of Armenia No 574-N of 05 June 2008 "On the internal regulation of the police holding facilities operating within the system of the Police of the Republic of Armenia".

13. According to the above-mentioned legal acts, every time the examination of persons admitted to police holding facilities reveals bodily injuries, obvious signs of disease or health complaints, the police officer on-duty invites a health professional who undertakes an immediate medical examination in which the physician selected by the arrested person may also be involved. The medical examination is carried out beyond audibility and, unless otherwise requested by the physician, also sight of the administration officers of the police holding facilities. The findings of the medical examination are recorded in a register book as prescribed by the Decision of the Government of the Republic of Armenia No 574-N of 05 June 2008 (*which includes the name last name, patronymic name and age of the arrested person, date of the medical examination or first-aid provision, complaints of the person, diseases and injuries detected at the moment of examination, the nature of first-aid, undertaken measures, name, last name, patronymic name and signature of the person having carried out the examination*); the findings are also recorded in the personal files of which the arrested person is informed, and in case of detection of injuries or health problems a notice is also sent to the body carrying out the criminal proceedings.

14. As to the requirement to immediately and systematically forward to the competent prosecutors all the reports revealing any kind of bodily injuries which are consistent with allegations of ill-treatment, it should be mentioned that according to the assignment issued by virtue of point 1(1) of the Decision adopted at the session of the Collegium of the Prosecutor's Office of the Republic of Armenia on 10 August 2012, every instance of violence shall give rise to institution of a criminal case and a preliminary investigation.

Reporting of injuries and action taken by the prosecutor and the SIS

a. measures undertaken by the Prosecutor's Office

Concerning paragraphs 32-43 of the Report

15. The Government draws the Committee's attention to the fact that the Prosecutor General of the Republic of Armenia has assigned the prosecutors exercising oversight over penitentiary

establishments and police holding facilities of the Police of the Republic of Armenia to have a more proactive role in revealing the cases of ill treatment by the police and prepare written protocols on them based on communication with persons deprived of liberty.

16. The Prosecutor General ensures improvement of exchange of information between regional prosecutors and those carrying out oversight, exercises effective supervision over them, guarantees effective examination into the cases of ill treatment by the police.

17. Meanwhile, for guaranteeing human and citizen's relevant rights and freedoms, ensuring the protection of an individual, the society, and the State from criminal encroachments, and to reveal offenders, as well as ensuring that prosecutors properly address the reports on beating, torturing, or using other violent acts against individuals by inquest or preliminary investigation bodies — as defined by Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 4 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 16 and 17 of the Constitution of the Republic of Armenia — by Protocol No 4 of the sitting of the Collegium of the Prosecutor's Office of the Republic of Armenia of 17 July 2013, the heads of departments and divisions of the General Prosecutor's Office of the Republic of Armenia, senior prosecutors of the General Prosecutor's Office and of the Military Central Prosecutor's Office of the Republic of Armenia, military prosecutors of marzes, of the city of Yerevan, of Yerevan administrative districts and of garrisons, have been assigned to consider and decide — within the scope of tasks defined by Chapter 25 of the Criminal Procedure Code of the Republic of Armenia — on reports on bodily injuries of persons identified during their medical examination on admission to police holding facilities and detention facilities, except for cases of bodily injuries connected to the established circumstances of the criminal case and their matching, by viewing these reports as detection by the inquest and preliminary investigation bodies, in the course of performance of their responsibilities, of material traces and consequences of crime and as a cause to instigate criminal proceedings.

18. Thus, the reports should be addressed within the framework of preparation of statements of case split from the main proceedings by adopting on each of them one of the decisions provided for by Article 181 of the Criminal Procedure Code of the Republic of Armenia, or in case of existence of relevant grounds on the basis of the requirements of point 1(3) of the Decision of the Collegium of the Prosecutor's Office of 8 February 2008 (Protocol No 2) (Immediately after deciding on the issue of subordination, as prescribed by Article 190 of the Criminal Procedure Code of the Republic of Armenia, the materials and criminal cases under the jurisdiction of the Special Investigation Service of the Republic of Armenia, together with the accompanying letter of the Prosecutor, shall be forwarded to the Prosecutor General of the Republic of Armenia, whereas other correspondences with regard to the forwarded materials and the criminal cases shall be immediately forwarded to the Special

Investigation Service of the Republic Armenia) and requirements of the assignment of the Prosecutor General of the Republic of Armenia No 20/4-116-08 of 10 April 2008 (Immediately after deciding on the issue of subordination, as prescribed by Article 190 of the Criminal Procedure Code of the Republic of Armenia, the materials and criminal cases under the jurisdiction of the Special Investigation Service of the Republic of Armenia, together with the accompanying letter of the Prosecutor, shall be forwarded to the Prosecutor General of the Republic of Armenia, whereas other correspondences with regard to the forwarded materials and criminal cases shall be immediately forwarded to the Special Investigation Service of the Republic Armenia), whereas in case of reports submitted to the Court conducting the criminal proceedings in accordance with the requirement of Article 21 of the Law of the Republic of Armenia "On the treatment of arrested and detained persons", the prosecutors pursuing the charge should follow the procedure for deciding on the reports forwarded to the courts defined by the Case-Law of the Court of Cassation of the Republic of Armenia No EAQD/0049/01/09 of 12 February 2010, excluding any superficial approach to the solution of the issue by courts.

19. By the assignment of the Prosecutor General of the Republic of Armenia No 20/2(3)-120-11 of 19 April 2011, heads of the structural subdivisions of the Prosecutor's Office of the Republic of Armenia have been ordered:

- To timely and appropriately verify the legitimacy of arrest and detention of individuals and verify at least once a week, when carrying out oversight, the legitimacy of holding the individuals in the police holding facilities, as well as regularly carry out unscheduled checks, including at off-duty hours, immediately releasing persons held illegitimately or unjustifiably.
- To immediately forward in a reporting notice, along with the necessary materials, to the Prosecutor General of the Republic of Armenia information on beating, torture or other violent actions against persons held in police holding and other facilities collected by inquest and preliminary investigation bodies while exercising prosecutorial powers.

20. With a view to essentially raise the effectiveness of registration and addressing of the reports, based on the motion of the Head of Department of the Prosecutor's Office of the Republic of Armenia engaged in oversight over the lawfulness of enforcing sentences and other coercive measures No 17/8-36-11 of 16 March 2011, the Head of the Criminal Executive Department of the Ministry of Justice of the Republic of Armenia, in his letter No E-40/7-790 of 23 March 2011, instructed heads of the Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia to also inform the prosecutor, carrying out procedural control and prosecutorial oversight over the preliminary investigation into the relevant criminal cases, for clarification of reasons and addressing the issue of

bodily injuries of detained persons when they are admitted to detention facilities; at the same time, it was also determined to settle the matter through making an amendment to Article 21(5) of the Law of the Republic of Armenia "On the treatment of arrested and detained persons", with regard to which a relevant draft law has been elaborated, stipulating to supplement the mentioned Article with the words "and to the prosecutor carrying out procedural control".

21. In addition, it is envisaged to stipulate in the same law the obligation of the administration of holding facilities to mandatorily arrange and conduct medical examination of arrested and detained persons on their admission to holding facilities. At the same time, such a requirement of the law may be an additional guarantee for the protection of the rights of the abovementioned persons. To this end, an amendment to Article 21(4) of the Law of the Republic of Armenia "On the treatment of arrested and detained persons" has been drafted, which envisages to supplement the article with a new part, which reads as follows: "On admission of arrested and detained persons to holding facilities the administrations of establishments shall organise their mandatory medical examination."

b. investigation by the SIS

Concerning paragraphs 44-48 of the Report

22. Turning to the necessary steps recommended to be taken by all relevant authorities to review the current system of forwarding cases revealing possible ill-treatment by police officers to the SIS, the Government asserts that for preventing any ill-treatment of citizens, arrested and detained persons by police officers, and for raising public confidence in the police, on 27 November 2013 the Chief of Police of the Republic of Armenia signed Instruction No 20 "On ensuring the enforcement of standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", according to which assignment was issued to the heads of subdivisions of the Police to ensure that police officers behave in compliance with the CPT standards when apprehending, arresting persons or performing any other act with respect to them within the scope of their competence; to ensure proper record of cases of ill treatment and complaints on such treatment in compliance with CPT standards; to report to the management of the Police of the Republic of Armenia on any case of violation of CPT standards or on existence of any prima facie similar complaint and to forward immediately the relevant materials together with the complaint to the Special Investigation Service of the Republic of Armenia **(see Appendix)**; regularly to raise awareness of all police officer on the impermissibility of ill treatment in the course of their activities and on inevitable liability for any such act.

23. Moreover, it is noteworthy that taking into consideration the well-developed international practice and previous CPT reports referring to the issue of police officers being engaged in the group carrying out investigations on police ill-treatment cases, this practice is no longer applied, and police officers who are affiliated to the implicated police establishment are no longer involved in (preliminary) criminal investigations regarding potential cases of police ill-treatment.

24. As to the issue of the access to the SIS and the strengthening of public confidence it should be mentioned that it is worth mentioning that there are effective measures which ensure the opportunity of each citizen subjected to ill-treatment to apply to the RA Special Investigation Service confidentially. In particular,

- letters cab be received via SIS email,
- there is a letter box near the entrance of the RA Prosecutor General's Office building, which is checked two times a day and any letters received are admitted into the SIS general division,
- persons kept in penitentiary establishments can send letters to the Head of the RA SIS or any investigator directly, those letters can be send by them both by email and through their attorneys
- the citizens also have the right for reception by the Head of the RA SIS or his deputies,

25. The Government would also like to mention that a "Law on Making Amendments and Supplements to the Law on the SIS" is pending before the National Assembly of the Republic of Armenia, according to which specialized departments are to be created within the structure of the SIS, one of which is expected to deal with cases of any kind of ill-treatment in police or penitentiary establishments.

26. Pursuant to the delegation's request set out in paragraph 48, the Government is sending the following information:

It is noteworthy that the amount of the received claims, prepared materials and the investigated cases in SIS has significantly increased which is conditioned by the increase of public confidence with respect to the SIS and its activities. Thus, in most cases the citizens have directly required the SIS to especially deal with their cases even if the issues raised were beyond the scope of competency of the SIS

- *Thus, **1234 claims** were received in SIS (instead of **863** received last year, i.e. the amount of the claims was increased by **43%**) during 2013.*
- *During the same period of time case materials were prepared in **466 cases** (instead of **273** prepared last year, i.e. the amount of the prepared materials was increased by*

*67%). **87 cases** referred to the practice of unlawful detention in police and other establishments, the cases of torture or inhuman or degrading treatment and other violations of human rights by the officials.*

- *In **85 cases** from above mentioned **87 cases** criminal proceedings were not initiated on the grounds of lack of corpus delicti.*
- *the preparation of materials of **2 cases** is still pending.*
- ***4 criminal cases** were instituted on the amount of facts of false denunciation on torture or inhuman or degrading treatment.*

*Throughout 2013 the SIS investigated **19 criminal cases** instituted on the amount of illegally keeping citizens in police establishments, depriving them of their liberty, torture and ill-treatments against them.*

- ***2 cases** were sent to the Court for the examination of merits,*
- *the proceedings in **10 cases** were discontinued on the ground of the lack of corpus delicti,,*
- *the proceedings of **1 case** were terminated on the ground of the accused to be unknown,*
- *the investigation of **6 cases** is still being carried out.*

Fundamental safeguards against police ill-treatment

Concerning paragraphs 55-59 of the Report

27. The Government mentions that all persons apprehended to the Police Departments of the Republic of Armenia are always informed of their rights defined by the Decision of the Government of the Republic of Armenia No 818-N of 14 June 2007 "On approving the list of rights arising from the restriction of human rights and freedoms and subject to notification, as well as the procedure for such notification", and the procedure for the exercise of such rights is clarified, with regard to which protocols are drawn up as prescribed by the Order of the Head of the Police of the Republic of Armenia No 3-N of 17 September 2007.

28. Moreover, the decision of the Court of Cassation of the Republic of Armenia No EADD/0085/06/09 of 18 December 2009 (G M case) is aimed at establishing uniform practice in the sphere of activities of bodies carrying out pre-trial proceedings. It has clarified the status of persons suspected of a crime, *i.e.* "apprehended persons" and stipulated their following rights

defined by the Constitution and the Convention: right to be informed of the reason for being taken into custody prior to arrest, right to remain silent, right to inform of his or her apprehension, right to invite his or her lawyer, the requirement regarding the arrest periods to be calculated from the moment of de-facto deprivation of liberty.

29. Here, it should once again be underlined that the draft CCP vestes the arrested person from the moment of his or her de-facto deprivation of liberty with the following minimal rights:

a) to be orally informed about their minimal rights and responsibilities at the moment of de-facto deprivation of liberty, and to be informed about those minimal rights and responsibilities in written, once entered the police station,

b) to be informed about the reasons of deprivation of liberty,

c) to notifiy a person of their own choise about their arrest,

d) of access to a lawyer,

e) of access to a doctor (including their own doctors).

30. Lastly, rights and obligations of the arrested persons, as well as the hotline numbers of public observers carrying out supervision in the police holding facilities of the Police of the Republic of Armenia are posted in the cells of the police holding facilities operating within the system of Police of the Republic of Armenia.

Situation of life-sentenced prisoners at Yerevan-Kentron Prison

Concerning paragraphs 64-65 of the Report

31. Regarding the recommendation of the CPT established in paragraph 64 of the Report on equalizing the conditions for visits of persons sentenced to life imprisonment to the conditions of other convicts the Government submits that according to Article 92(2) of the Criminal Executive Code of the Republic of Armenia, long visit is granted to a convict at least once in two months with duration of up to three days. Persons, sentenced to imprisonment for a certain period of time or to life imprisonment for the commitment of particularly grave crime, are granted at least three short visits and one long visit during a year. Thus, the above-mentioned provision of the Criminal Executive Code of the Republic of Armenia defines the minimum number of visits granted to convicts. The procedure for granting visits is defined by Chapter 16 of the Decision of the Government of the Republic of Armenia No 1543-N of 3 August 2006 "On Approving the internal regulation of remand facilities and

correctional institutions of the Criminal Executive Service of the Ministry of Justice of the Republic of Armenia". According to point 139 of the Annex to the mentioned decision, "Visits more than the minimum number of visits defined by the legislation of the Republic of Armenia are not granted to detained persons or convicts having a negative record, not demonstrating law abiding behaviour, demonstrating dishonest attitude to work or education, or under a disciplinary sanction. Thus, is it apparent that there is no restriction on granting visits to convicts having a positive record and demonstrating law abiding behaviour (regardless of whether they are sentenced to imprisonment for a certain period of time or to life imprisonment).

32. Further, concerning the recommendation of the CPT enshrined in paragraph 65 of the Report regarding the necessity of purposeful out-of-cell activities (including sports) of the prisoner Government submits that the physician of "Yerevan-Kentron" Penitentiary Establishment makes rounds once a week to detained persons and convicts (including life-sentenced) confined in the establishment, and, if necessary, as a therapist receives them and provides medical consultation.

33. According to the conclusion of the physician, convict is apparently healthy and does not have any health problem. Due to the limited facility conditions, convict does physical exercises during his daily walk.

34. Moreover, in this field the draft "Law on Making Ammendments and Supplements to the Criminal Executive Code of the Republic of Armenia" has been elaborated and the prohibition to keep life-sentenced prisoners along with other prisoners has been cancelled.

35. The Armenian authorities highly appreciate the role of the CPT in introducing the European human rights standards and are always willing to cooperate closely in transposing the CPT legal standards. Thus, this Draft law is in conformity with the CPT legal standards and recommendations referred to the Armenian authorities.

Concerning paragraph 72-73 of the Report

36. The Government submits that it has already provided to the CPT the information on prisoners A. And B. by its letters dated 19 December 2013 and 25 February 2014.

37. In regard to the updated information on the construction of Armavir Prison and the transfer of life-sentenced prisoners to the establishment the Government submits that the 1st block of the „Armavir" pentientiary establishment of the Ministry of Justice of the Republic of Armenia will be put into operation in May 2014. The newly built penitentiary institution meets the concerns raised by

the CPT Report, in terms of cell sizes and conditions, and runs in line with the international standards. The cells measure 18,5 m^2 and are forseen for 4 inmates.

38. The „Armavir" penitentiary establishment is designed for 400 inmates placed in four types of correctional institutions: closed correctional institution – 180 inmates, semi-closed correctional institution – 175 inmates, semi-open correctional institution – 40 inmates, open correctional institution – 5 inmates. „Armavair" pentitentiary institution is forseen to hold and create more favorable conditions also for life-sentenced prisoners.

39. The „Armavir" penitentiary establishment, designed for 1200 inmates, is expected to be fully put into operation by 2016 with the prospect of improvement of the prisoners' re-socialisation aspect and the organisation of the prison system itself, and a view of better social conditions of the prisoners.

40. In this regard the Government submits to the CPT also the Excerpt from the order of the Minister of Justice of the Republic of Armenia "On approving the primary measures and the timetable for putting into operation the "Armavir" penitentiary establishment of the Ministry of Justice of The Republic of Armenia, as well as on repealing the order of the Minister of Justice of the Republic of Armenia No. 281-L of 11 November 2013" ***(Appendix .).***

Appendix

DRAFT

ON ENSURING THE APPLICATION OF LEGAL STANDARDS OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Considering that any act of ill treatment by police officers against citizens, arrested or detained persons contradicts the norms of international law on human rights and freedoms, the rights of citizens prescribed by the Constitution of the Republic of Armenia, and taking into account that the mentioned vicious practice casts a shadow on the open and transparent activities implemented by the Police;

Taking into account the importance of complying with the legal standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "CPT") for the prevention of ill treatment against persons related to the Police system, highly respecting human rights and freedoms, and aiming at strengthening public confidence in the Police:

I ASSIGN

1. Heads of the Central Administration, Yerevan and Marz Departments, their territorial subdivisions and line unit of "Zvartnots" Airport of the Police of the Republic of Armenia:

   (1) To ensure that police officers' conduct is in accordance with CPT standards when apprehending, arresting persons or performing any other action with respect to them within the limits of their competence;

(2) To ensure proper record of cases of ill treatment and complaints against such treatment in accordance with CPT standards;

(3) To report the management of the Police of the Republic of Armenia on any case of detecting violation of CPT standards, as well as on any prima facie similar complaint and to send immediately, as prescribed by law, the relevant materials together with the complaint to the Special Investigation Service of the Republic of Armenia;

(4) To ensure that all police officers are regularly informed of inadmissibility of ill treatment in the course of their activities and of inevitable liability for any such act.

2. H. Varyan, Head of Police Educational Complex, Lieutenant General of Police:

to include CPT reports and their recommendations in the programmes of subjects and training courses taught in the Police Educational Complex of the Republic of Armenia.

3. V. Eghiazaryan, Head of Headquarters of the Police of the Republic of Armenia, Major General of Police:

(1) To ensure the Armenian translation of provisions concerning the Police contained in CPT Reports on the Republic of Armenia and to send them to the relevant subdivisions for discussing during operational briefing sessions;

(2) To establish control over the execution of this instruction.

4. To inform about the instruction to officers holding highest, chief, senior, mid-level and junior positions in the Police of the Republic of Armenia.

LIEUTENANT GENERAL V. GASPARYAN

" " 2013

Yerevan

Appendix 1

EXCERPT

FROM THE ORDER OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA No 7-L OF 20 JANUARY 2014

ON APPROVING THE PRIMARY MEASURES AND THE TIMETABLE FOR PUTTING INTO OPERATION THE "ARMAVIR" PENITENTIARY ESTABLISHMENT OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA, AS WELL AS ON REPEALING THE ORDER OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF ARMENIA No 281-L OF 11 NOVEMBER 2013

Guided by Article 72(1)(b) of the Law of the Republic of Armenia "On legal acts" and Article 25(2)(2) of the Law of the Republic of Armenia "On penitentiary service":

I HEREBY ORDER:

1. To approve the primary measures and the timetable for putting into operation the "Armavir" penitentiary establishment of the Ministry of Justice of the Republic of Armenia in compliance with the annex.
2. To repeal the Order of the Minister of Justice of the Republic of Armenia No 281-L of 11 November 2013 "On approving the primary measures and the timetable for putting into operation the "Armavir" penitentiary establishment of the Ministry of Justice of the Republic of Armenia".

H. TOVMASYAN

True copy

N. Yeghiazaryan

Annex

To the Order of the

Minister of Justice of the Republic of Armenia

No 7-L of 20 January 2014

Primary measures and the timetable for putting into operation the "Armavir" penitentiary establishment of the Ministry of Justice of the Republic of Armenia

No	Measure	Responsible body	Implementation period or deadline
1	Notifying the employees of the "Erebuni" penitentiary establishment of the Ministry of Justice of the Republic of Armenia (hereinafter referred to as "RA MoJ), the operation whereof has to be terminated, on the launch of the process of terminating the operation	Staff administration division of the RA MoJ Penitentiary Department	21 January 2014
2	Elaboration of the draft of a legal act on making relevant amendments to the Decision of the RA Government No 1015 of 19 October 2001 concerning the termination of the operation of the RA MoJ "Erebuni" penitentiary establishment	Coordinating group	01 February 2014
3	Announcement of vacancies at the RA MoJ "Armavir" penitentiary establishment	Staff administration division of the RA MoJ Penitentiary Department	Long-term
4	Organisation of procurement of property, devices and equipment for the RA MoJ "Armavir" penitentiary establishment	RA MoJ Penitentiary Department	01 March 2014
5	Development of an electronic program on the basis of the technical specification of the electronic government system	Coordinating group	01 May 2014
6	Elaboration and submitting to approval of the list of staff positions for the	Coordinating group	01 March 2014

	"Armavir" penitentiary establishment, as well as of relevant amendments to the lists of staff positions of other penitentiary establishments		
7	Transfer of convicts of the penitentiary establishment the operation whereof has to be terminated to other penitentiary establishments	RA MoJ Penitentiary Department	01 April 2014
8	Elaboration of the draft of a legal act on approving new staff compositions of the penitentiary establishments (at the same time determining the type of the correctional institution in the first stage of operation of the RA MoJ "Armavir" penitentiary establishment)	Coordinating group, RA MoJ Penitentiary Department	15 February 2014
9	Elaboration and submitting of drafts of legal acts on making amendments and supplements to the relevant legal acts defining the internal regulation of the penitentiary establishments and regulating the activities of the SPLA (Social, Psychological and Legal Activities) and SM (Security Maintenance) Divisions	Coordinating group, RA MoJ Penitentiary Department	01 April 2014
10	Examination of the quality of effective installation and operation of the property, engineering and technical means of the RA MoJ "Armavir" penitentiary establishment, every 15 days	Coordinating group, RA MoJ Penitentiary Department (relevant specialists)	01 April 2014
11	Implementation of the training of trainers program in the USA	"Law Institute of the Ministry of Justice of the Republic of Armenia" SNCO, Coordinating group, RA MoJ Penitentiary	11 January 2014 - 06 February 2014
12	Preparation of the personal files of the newly recruited employees of the RA MoJ "Armavir" penitentiary establishment for further issuance of hiring orders	Staff administration division of the RA MoJ Penitentiary Department	Long-term

13	Issuance of relevant hiring orders to the newly recruited and seconded employees	Staff administration division of the RA MoJ Penitentiary Department	Long-term
14	Review of the academic programs or elaboration of new programs based on the US practice	Coordinating group, "Law Institute of the Ministry of Justice of the Republic of Armenia" SNCO, RA MoJ Penitentiary Department	28 February 2014
15	Training and special instruction of the newly recruited employees of the "Armavir" penitentiary establishment	"Law Institute of the Ministry of Justice of the Republic of Armenia" SNCO	01 April 2014-15 May 2014
16	Distribution of the convicts for the purpose of transferring them to the RA MoJ "Armavir" penitentiary establishment	Relevant distribution commission envisaged by the RA Penitentiary Code	Starting on 01 May 2014, long-term
17	Transfer of relevant convicts to the RA MoJ "Armavir" penitentiary establishment	RA MoJ Penitentiary Department	Starting on 15 May 2014, long-term