

Report

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

from 20 to 23 May 2014

The Armenian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2015) 11.

Strasbourg, 27 January 2015

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Copy of the letter transmitting the CPT's report

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Ministry of Justice
41/a Halabyan street
Yerevan 0079, Armenia

Strasbourg, 25 July 2014

Dear Deputy Minister,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Armenian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Armenia from 20 to 23 May 2014. The report was adopted by the CPT at its 84th meeting, held from 7 to 11 July 2014.

The various recommendations, comments and requests for information made by the CPT are set out in bold type in paragraphs 15, 22, 23, 25, 26, 31, 38 and 39. The CPT requests the Armenian authorities to provide **within three months** a response containing an account of action taken by them to implement the Committee's recommendations and setting out their reactions and replies to its comments and requests for information.

As regards the request for information in paragraph 38, the CPT wishes to receive a response **on a monthly basis** (July to October 2014).

The CPT would ask, in the event of the response being forwarded in Armenian, that it be accompanied by an English or French translation.

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

Yours faithfully,

Lətif Hüseynov
President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

EXECUTIVE SUMMARY

The main objective of the ad hoc visit to Armenia was to review the measures taken by the Armenian authorities vis-à-vis life-sentenced prisoners and, in particular, two such prisoners (prisoners A and B) who were being held in solitary confinement for already 14 years at Yerevan-Kentron Prison, in the light of specific recommendations made by the Committee after the 2010, 2011 and 2013 visits to the country.

The CPT's delegation received hardly any allegation of physical ill-treatment from prisoners at Kentron and Nubarashen Prisons. However, the two above-mentioned prisoners, as well as another life-sentenced prisoner at Nubarashen Prison, were (still) being held under conditions which, in the CPT's view, could be considered as amounting to inhuman and degrading treatment.

The visit brought to light that many of the specific recommendations previously made concerning the situation of life-sentenced prisoners had not been (fully) implemented in practice, in particular, as regards the regime, contact with the outside world, the use of handcuffs and discipline.

As regards, more specifically, the situation of prisoners A and B, certain improvements were observed in terms of psychiatric care. However, the situation had remained by and large unchanged since the 2013 visit with regard to their detention regime. Whilst acknowledging that both prisoners had apparently often refused to have contact with each other, it is a matter of serious concern that they continued to be locked up in their cells alone, without being offered any out-of-cell activity other than outdoor exercise for one hour per day. In addition, their contacts with the outside world as well as with members of staff were very limited.

On the other hand, the CPT appreciates all the measures taken by the Armenian authorities after the 2014 visit with a view to putting an end to the solitary confinement of prisoners A and B and providing them with adequate treatment and care. The Committee also welcomes the initiative of the Armenian authorities to amend the Penitentiary Code in order to abolish the legal obligation of segregating life-sentenced prisoners from other prisoners.

In the light of the preceding remarks, the Committee decided to keep open the procedure under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which had been set in motion on 28 January 2014, and to review the situation at the November 2014 plenary meeting, on the basis of the response of the Armenian authorities to the present report.

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Armenia from 20 to 23 May 2014.¹

2. The visit was carried out by the following members of the CPT:

- Marzena KSEL, 1st Vice-President of the CPT (Head of Delegation)
- Maïté DE RUE.

They were supported by Michael NEURAUTER, Head of Division in the Committee’s Secretariat, and assisted by:

- Clive MEUX, forensic psychiatrist, Oxford, United Kingdom (expert)
- Vincent THEIS, Director of Luxembourg Prison, Luxembourg (expert)
- Khatchatur ADUMYAN (interpreter)
- Aram BAYANDURYAN (interpreter)
- Gevork GEVORKYAN (interpreter).

¹ The CPT has previously carried out three periodic visits (in 2002, 2006 and 2010) and four ad hoc visits (in 2004, 2008, 2011 and 2013) to Armenia. The published reports and related Government responses are available on the CPT’s website: <http://www.cpt.coe.int/en/states/arm.htm>

B. Context of the visit and establishments visited

3. The visit was one which appeared to the CPT “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention). The main objective of the visit was to review the measures taken by the Armenian authorities vis-à-vis life-sentenced prisoners and, in particular, two such prisoners who were being held at Yerevan-Kentron Prison, in the light of specific recommendations made by the Committee after the 2010, 2011 and 2013 visits to Armenia.

For this purpose, the delegation carried out targeted visits to Yerevan-Kentron Prison and Yerevan-Nubarashen Prison (Unit for life-sentenced prisoners). In addition, the delegation went to the Prison Hospital in Yerevan in order to interview one life-sentenced prisoner and to have consultations with medical staff. Moreover, it paid a visit to the construction site of Armavir Prison which in the future is intended to accommodate life-sentenced prisoners with other inmates.

4. In the report on the 2013 visit², the CPT expressed grave concern that, despite the specific recommendations made following its previous visits, two life-sentenced prisoners (prisoners A and B*) had been held in solitary confinement at Yerevan-Kentron Prison for more than 13 years, without being offered any out-of-cell activities other than outdoor exercise for one hour per day. The situation was further exacerbated by the fact that, up until the time of the 2013 visit, neither of the two prisoners was being provided with adequate psychiatric treatment, even though they both appeared to suffer from severe mental disorders.

In the report on the 2013 visit, the CPT also stressed that, if the Armenian authorities continued to fail to improve the situation of the two above-mentioned prisoners in the light of the specific recommendations made in paragraph 72 of the aforementioned report, the Committee would have no choice but to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.³ When adopting the visit report at the November 2013 plenary meeting, the Committee mandated its Bureau to take a decision, in the light of the Armenian authorities’ response to the recommendations made in paragraph 72 of the report, on whether to set in motion the procedure under Article 10, paragraph 2, of the Convention.

5. By letter dated 20 December 2013, the Armenian authorities provided a response to the recommendation in paragraph 72 of the report on the 2013 visit. The information contained in that response was subsequently examined by the Bureau of the CPT.

From that response it transpired that some positive steps had recently been taken by the Armenian authorities regarding the two prisoners concerned. In particular, in line with a specific recommendation made by the Committee in the report on the 2013 visit, the state of mental health of both prisoners had reportedly been reviewed by a “Consilium” of three psychiatrists in the Prison Hospital in Yerevan in November 2013, which confirmed the previously diagnosed disorders (see, in this regard, also paragraph 32).

² See paragraphs 8 and 66 to 70 of the visit report.

* 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.

³ Article 10, paragraph 2, reads as follows: “If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter”.

In addition, both prisoners had recently been seen by the prison doctor and the psychiatrist more frequently than had previously been the case, and were regularly receiving pharmacotherapy. The Bureau also welcomed the Armenian authorities' initiative to prepare a draft amendment to the relevant legislation with a view to abolishing the legal obligation of segregating life-sentenced prisoners from all other prisoners.

Notwithstanding the above, the situation of the two prisoners remained by and large unchanged as regards their detention regime. Whilst acknowledging the efforts made by the management of Kentron Prison to arrange for the two prisoners to associate during outdoor exercise, it remained of particular concern that no end had been put to the solitary confinement of the two prisoners.

The Bureau noted that, on two occasions (on 27 September and 18 November 2013), the two prisoners had prematurely interrupted their common outdoor exercise and that, subsequently, they had not expressed any wish to see each other during outdoor exercise. In the view of the Bureau, such behaviour appeared in part to be symptomatic of the prisoners' current mental state. Persons who have been isolated for a prolonged period without being offered appropriate human contact and stimulating activities are likely to develop a severe form of institutionalisation which impacts on motivation and relationship skills.

On the basis of the information provided by the Armenian authorities, the Bureau of the CPT could not but conclude that the Armenian authorities had failed to significantly improve the situation of the two above-mentioned prisoners in the light of the (long-standing) recommendations made in paragraph 72 of the report on the 2013 visit. With a view to preventing further damage and to progressively improving the situation of the two prisoners, the Bureau therefore decided to set in motion the procedure under Article 10, paragraph 2, of the Convention, after having been mandated to do so by the full Committee at its plenary meeting in November 2013.

The above-mentioned considerations and the decision taken by the Bureau were communicated to the Armenian authorities on 28 January 2014 by a letter from the President of the CPT. In that letter, the Bureau called upon the Armenian authorities to take resolute and proactive measures to put an end to the solitary confinement regime applied to the two prisoners and provide them both with appropriate human contact. To this end, it was considered to be equally important that both prisoners be provided with adequate psychiatric treatment including, in addition to regular psychiatric consultations and uninterrupted pharmacotherapy, a range of therapeutic activities such as occupational therapy. The Armenian authorities were informed that the Committee would consider at its 84th meeting, to be held from 7 to 11 July 2014, whether to make a public statement in respect of the above-mentioned matters. In accordance with the provisions of Article 10, paragraph 2, of the Convention, the Armenian authorities were also invited to make their views known on this question.

6. By letter of 25 February 2014, the Armenian authorities stated that the management of Kentron Prison was not only willing but also regularly making efforts to arrange for contacts between the two prisoners. The authorities also stressed that both prisoners were kept separate from other prisoners for their own safety. As regards the provision of health care, the authorities provided updated information on the medical examinations which both prisoners had recently undergone and the treatment which had been prescribed for them. Moreover, the authorities informed the Committee that a special unit was being set up within the Ministry of Justice with the task of ensuring the implementation of CPT standards as well as of other relevant international standards in the Armenian legal system. The unit would be under the direct supervision of Mr Arman Tatoyan, Deputy Minister of Justice.

7. At the March 2014 plenary meeting, the CPT took note of the above-mentioned information and decided to carry out an ad hoc visit to Armenia and to hold high-level talks with the Armenian authorities in order to discuss with them further details on the concrete steps to be taken to render the situation of the two life-sentenced prisoners concerned acceptable and to review, more generally, the measures taken by the Armenian authorities vis-à-vis life-sentenced prisoners.

C. Consultations held by the delegation and co-operation encountered

8. In the course of the visit, the delegation held fruitful consultations with Hovhannes MANOUKYAN, Minister of Justice, and Suren KRMOYAN and Arman TATOYAN, Deputy Ministers of Justice, as well as with Hayk HARUTYUNYAN, Head of the Criminal-Executive Department, and other senior officials of the Ministry of Justice.

A list of the national authorities met by the delegation is set out in the Appendix to this report.

9. The co-operation received by the delegation throughout the visit was on the whole very good. The delegation generally enjoyed rapid access to all the establishments visited. Further, it was promptly provided with all the information necessary for carrying out its task and was able to talk in private to all persons it wished to interview.

That said, during the consultations it held with the management of Nubarashen Prison, at the outset of the visit to that establishment, the delegation was provided with information regarding the use of security measures and, more specifically, the handcuffing of life-sentenced prisoners inside the prison, which subsequently appeared to be totally inaccurate (see paragraph 19).

The CPT trusts that the Armenian authorities will take appropriate steps to prevent any repetition of such occurrences in the future.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Situation of life-sentenced prisoners at Nubarashen Prison

1. Preliminary remarks

10. At the time of the visit, a total of 104 prisoners (all male) were serving a life sentence in Armenia. Ninety-eight of them were imprisoned at Nubarashen Prison, three at Kentron Prison (see Section A.), and one was being temporarily held at the Prison Hospital in Yerevan.⁴ To date, not a single life-sentenced prisoner (including among those whose death penalty had been converted into life imprisonment) has ever benefited from conditional release under Section 76, paragraph 5, of the Criminal Code and Section 116 of the Penitentiary Code (see, in this regard, paragraph 26).

11. During the follow-up visit to Nubarashen Prison, the delegation focused on the conditions of detention in the unit for life-sentenced prisoners and the arrangements for life-sentenced prisoners' contact with the outside world as well as on the security measures applied to them. To this end, it interviewed the majority of life-sentenced prisoners held in the establishment. Two of the prisoners were being held in solitary confinement, while all the others were being accommodated in multi-occupancy cells (usually with five inmates).

2. Ill-treatment

12. It should be noted at the outset that the delegation received hardly any allegation of physical ill-treatment from prisoners at Nubarashen Prison. As was the case in 2011, the attitude of staff towards prisoners generally appeared to be correct.

13. That said, during its visit to Nubarashen Prison, the delegation came across a life-sentenced prisoner who was being held in conditions, which, in the CPT's view, could easily be considered to be inhuman and degrading.

The prisoner had been held in solitary confinement for more than two years in a cell of the establishment's infirmary.⁵ When entering into his cell, the delegation found him slouched on his bed; he was suffering from a marked neurological disorder, in particular a severe choreoathetosis and he also displayed signs suggestive of an organic mental disorder. This meant that he was plagued by near continuous involuntary writhing dyskinetic movements of his body and limbs, which also made standing and walking difficult for him. Reportedly, his serious mental and neurological condition was the result of a stroke which he had sustained several years earlier. His unpredictable and on occasion aggressive behaviour posed a risk to others⁶. It would appear that the prisoner has not benefited from any outdoor exercise in recent years.

⁴ Two life-sentenced prisoners had been transferred to a semi-closed prison after having served more than 20 years in prison.

⁵ In total, the prisoner had already served 25 years in prison.

⁶ The delegation was told that the prisoner had been placed in solitary confinement after having splashed boiling vegetable oil on another prisoner on two occasions.

The situation was further exacerbated by the prisoner's extremely poor level of self-care. His skin was covered in dirt with ingrained filth (arms and legs), his fingernails were several centimetres long and his hair long and dirty. In addition, his clothes were torn in tatters and in an appalling hygienic condition. The delegation was told that the prisoner on occasion defecated in his sleep but that he often resisted and became aggressive when staff tried to wash him, cut his nails or change his clothes. Given his demeanour it is clear that the prisoner had not seen a shower for several months at least.

Moreover, the cell was in a very poor state of repair, the walls being stained and dilapidated and the mattress and pillow dark grey with dirt. Some of the glass in the windows of the cell was missing and the holes were covered with a translucent plastic sheet which had come loose allowing the wind to blow in. According to staff, the prisoner had broken the glass in the window, often left the water running and flooding the floor and on occasion he attempted to set his cell on fire.

It should also be noted that, according to the prisoner's medical file, the last medical consultation had taken place more than a year before.

Several members of staff interviewed by the delegation expressed their despair by stating that they were not able to satisfactorily meet the needs of this challenging prisoner. The difficulties are indeed understandable. However, what is incomprehensible and in fact unacceptable is the fact that the prison authorities had left the prisoner to languish under such conditions for such a long time and had not accommodated him in a health-care establishment.

14. During the end-of-visit talks with the Minister of Justice, the delegation expressed its deep concern about the situation of the above-mentioned prisoner and made an immediate observation, in pursuance of Article 8, paragraph 5, of the Convention, requesting the Armenian authorities to take urgent action to transfer the prisoner to an appropriate health-care facility and to provide him with adequate treatment and care. The authorities were asked to provide by 30 June 2014 an account of the concrete measures taken in response to this immediate observation.

15. On 26 May 2014, the CPT was informed by Mr Arman Tatoyan, Deputy Minister of Justice and liaison officer of the Committee, that, at the request of the Minister of Justice, an unannounced visit had been carried out to Nubarashen Prison by him and Mr Suren Krmoyan, Deputy Minister of Justice, together with a senior psychiatrist from a civil hospital, immediately after the CPT's visit, in order to assess on the spot the situation of the above-mentioned prisoner. The following day, the Minister of Justice instructed the Criminal-Executive Department to initiate proceedings to transfer the prisoner to the Prison Hospital and to take all procedural steps (including the commissioning of a forensic psychiatric expert opinion) to subsequently transfer him as soon as possible to a civil psychiatric hospital.

By letters dated 30 June and 4 July 2014, the Armenian authorities informed the CPT that, on 2 June 2014, the above-mentioned prisoner had been transferred to the Prison Hospital and that, on 9 June 2014, he had been transferred for a review of his state of health to the forensic ward (6th Division) of Nubarashen Psychiatric Centre. On 20 June 2014, an expert commission concluded that the prisoner concerned was in need of a neurosurgical intervention.

The CPT welcomes the prompt and effective action taken by the Armenian authorities in response to the above-mentioned immediate observation **and would like to receive updated information on the location where the patient will henceforth be accommodated, his legal status and the treatment and care being provided to him.**

3. Conditions of detention, security, contact with the outside world and discipline

16. The CPT must express its concern that almost none of the specific recommendations made by the Committee after previous visits regarding the situation of life-sentenced prisoners had been implemented in practice.

17. In particular, it remained the case that life-sentenced prisoners were not offered any out-of-cell activities other than outdoor exercise for one hour per day. There was still no access to work, education, vocational training or sports. In other words, prisoners were locked up in their cells for 23 hours a day, the only occupation being watching television, playing board games or reading books. Moreover, the relevant legislation still prohibits life-sentenced prisoners working outside their cells.⁷

The CPT wishes to stress that the provision of a regime of purposeful activities (including group association) and constructive staff/inmate relations would be of benefit to the prisoners and also reinforce “dynamic security”⁸ within the prison.

On a positive note, it should be added that prisoners were now usually granted one hour of outdoor exercise every day (including at weekends).⁹

18. Material conditions in the unit for life-sentenced prisoners at Nubarashen Prison remained by and large unchanged.¹⁰ In particular, as in 2011, windows in many of the cells were obstructed by several layers of grids and bars, thus restricting access to natural light and fresh air. Further, a number of cells were affected by continuous water leaking through the ceiling. In addition, life-sentenced prisoners still had access to a shower only once a week.

19. As already mentioned in paragraph 9, at the beginning of the visit to Nubarashen Prison, the delegation held consultations with the management on the use of security measures in the unit for life-sentenced prisoners. On that occasion, the Director affirmed to the delegation that, after the 2011 visit, an individual risk assessment had been conducted in respect of all life-sentenced prisoners and that, as a result of that assessment, only four prisoners were usually handcuffed whenever they were taken out of their cells and prisoners were never handcuffed during outdoor exercise.

⁷ See Section 108 of the Penitentiary Code.

⁸ “That is the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners” (Paragraph 18.a of the Council of Europe’s Committee of Ministers Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners).

⁹ See, however, paragraph 21.

¹⁰ On a positive note, it should be added that no more than five prisoners were usually held in multi-occupancy cells of some 30 m², thus respecting the legal requirement of offering life-sentenced prisoners a minimum of 6 m² per person.

That said, during the interviews which delegation members subsequently carried out with the majority of life-sentenced prisoners, all inmates indicated that they were systematically handcuffed every day whenever they were taken out of their cells and that no handcuffs were applied only on the day of the delegation's visit¹¹. Many prisoners also stated that they often refused to go into the open air, because they considered the routine handcuffing cumbersome and humiliating.

In this regard, the CPT wishes to recall once again that life-sentenced prisoners are not necessarily more dangerous than other prisoners and that life-sentenced prisoners – as indeed any prisoners – should therefore as a rule not be handcuffed when being escorted by staff inside the prison. Such a practice may only be justified in highly exceptional cases; it should always be based on an individual and comprehensive assessment of the real risks and should be reviewed on a regular and frequent basis.

20. Further, as regards contacts with the outside world¹², the visit entitlements of life-sentenced prisoners still remained significantly lower than those of other sentenced prisoners for as long as they were not eligible for conditional release (i.e. for 20 years).¹³ While ordinary sentenced prisoners were allowed to receive at least one short-term visit (of up to four hours) per month and one long-term visit (of up to three days) every two months, life-sentenced prisoners were still only entitled to three short-term visits and one long-term visit per year. In this regard, reference is also made to the relevant case-law of the European Court of Human Rights¹⁴.

Further, in contrast to most other sentenced prisoners, life-sentenced prisoners could still receive short-term visits, as a rule only under closed conditions (i.e. with a glass partition, thus not allowing physical contact between them and their visitors).

Whilst acknowledging the fact that a number of prisoners were allowed to receive additional short-term visits (as well as telephone calls), the CPT wishes to stress once again that there can be no justification for imposing particular restrictions on life-sentenced prisoners regarding their contacts with the outside world. As a matter of fact, life-sentenced prisoners – as indeed all prisoners – are sent to prison as a punishment and not to receive punishment.

¹¹ At the same time, all prisoners interviewed by the delegation confirmed that they were never handcuffed during outdoor exercise.

¹² In the same way as other prisoners, life-sentenced prisoners were usually granted access to the telephone once a week.

¹³ According to Section 92, paragraph 2, of the Penitentiary Code, sentenced prisoners are entitled to at least one short-term visit of up to four hours per month and one long-term visit of up to three days every two months (instead of a short-term visit).

¹⁴ See, for instance, the judgment in the case *Trosin v. Ukraine* (application no. 39758/05, 23 February 2012), in which the Court found a violation of the European Convention on Human Rights since “the relevant provisions of domestic law introduced automatic restrictions on frequency and length of visits for all life prisoners and did not offer any degree of flexibility for determining whether such severe limitations were appropriate or indeed necessary in each individual case even though they were applied to prisoners sentenced to the highest penalty under the criminal law”.

21. As regards **discipline**, prisoners (including those sentenced to life imprisonment) who were subjected to the disciplinary sanction of solitary confinement, were still not allowed to have contacts with the outside world (i.e. visits, telephone calls and correspondence), except with a lawyer, or to have access to reading material other than religious literature.¹⁵ In addition, the delegation once again received allegations that prisoners placed in a disciplinary cell were not offered any outdoor exercise.

22. The CPT calls upon the Armenian authorities to take the necessary measures – including of a legislative nature – to ensure that all life-sentenced prisoners:

- **are offered a range of purposeful out-of-cell activities (such as work, education, sports, recreational activities);**
- **benefit from the same visit entitlements as other sentenced prisoners;**
- **are, as a rule, allowed to receive short-term visits in open conditions (i.e. table visits) and that visits through a partition are only imposed on the basis of an individual risk assessment.**

Further, the CPT calls upon the Armenian authorities to put an immediate end to the practice of routinely handcuffing life-sentenced prisoners within the prison perimeter. Handcuffing of such prisoners outside their cells should be an exceptional measure, always based on an individual risk assessment and should be reviewed on a regular and frequent basis.

Finally, the Committee reiterates its recommendations that the Armenian authorities take steps to ensure that all prisoners (whether sentenced to life imprisonment or not) are:

- **not subjected to a total prohibition on family contacts during placement in a disciplinary cell and that any restriction on family contacts as a form of punishment is imposed only when the offence relates to such contacts;¹⁶**
- **offered at least one hour of outdoor exercise every day during placement in a disciplinary cell;**
- **offered more frequent access to a shower, in the light of Rule 19.4 of the European Prison Rules.¹⁷**

¹⁵ See Section 98 of the Penitentiary Code and Paragraphs 231 and 233 of Government Decision No. 1543-N of 3 August 2006.

¹⁶ See also Rule 60.4 of the European Prison Rules.

¹⁷ See paragraph 83 of CPT/Inf (2011) 24. Rule 19.4 of the European Prison Rules states: “Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene”.

4. Other issues

23. The CPT welcomes the initiative of the Armenian authorities to amend the Penitentiary Code with a view to abolishing the legal obligation of segregating life-sentenced prisoners from other prisoners¹⁸, in line with Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners¹⁹.

During its consultations with the Armenian authorities, the delegation was informed that the draft bill which had been prepared for this purpose would be submitted to Parliament in the autumn of 2014. **The CPT would like to receive updated information on this matter.**

24. During the above-mentioned consultations, the Armenian authorities also indicated that the first detention block (with a capacity of 400 places) of the new prison in Armavir would be opened shortly and that two more identical detention blocks would be constructed in the near future. The prison will eventually have a total capacity of 1,200 places. The authorities also stressed that it was planned to progressively transfer all life-sentenced prisoners from Nubarashen Prison to Armavir, where they would no longer be kept separate from other prisoners.

25. In the course of the visit, the delegation went to the construction site of Armavir Prison, some 40 kilometres west of Yerevan, in order to get a first-hand impression of the existing infrastructure and, in particular, of the arrangements made for organising purposeful activities for prisoners in the future.

The construction of the first detention block (including the premises for the administration and the health-care services) had been completed and all rooms were in the process of being equipped and furnished. The design and layout of the prison are based on the model of a US American prison, and, overall, material conditions appeared to be of a high standard. Prison accommodation is arranged in four-bed cells (measuring some 18 m²) which are located in a U-shape on two floors, with one large open vestibule area in-between. It is particularly noteworthy that all cells comprise a fully partitioned sanitary facility with a basin, toilet and shower).

That said, the delegation observed a number of deficiencies which give rise to particular concern:

Firstly, the establishment (including all the cells) is lacking a ventilation system.

Secondly, apart from one outdoor exercise yard (measuring 20m x 10m) for the main prisoner population in the first detention block, no arrangements have been made for workshops, sports or any other out-of-cell activities. Further, it is regrettable that the aforementioned yard is surrounded by high concrete walls, which does not offer prisoners any outside view.

¹⁸ See Section 68 of the Penitentiary Code.

¹⁹ Adopted by the Committee of Ministers on 9 October 2003.

Thirdly, no provision has been made for short-term visits to take place in open conditions, as only booths (eight in total) with a glass partition were available. In contrast, the delegation gained a favourable impression of the visiting area for long-term visits which also comprised an adjoining room in which children could play. However, the adjacent outdoor exercise cubicle which is surrounded by concrete walls and covered by a metal cage roof is totally inappropriate for children who would be staying in the visiting area for up to three days.

Fourthly, the prison does not have a vandalism-proof cell and all disciplinary cells have numerous ligature points and are furnished in such a way that they are very vulnerable to intentional destruction and self-harm (sharp edges, plastic basins and toilets with a cord string water flush, artificial lighting with easily breakable glass).

The CPT recommends that the Armenian authorities take steps to remedy the above-mentioned deficiencies.

26. According to the relevant legislation²⁰, life-sentenced prisoners may be transferred from a closed prison to a semi-closed prison after having served at least 20 years and from a semi-closed prison to a semi-open prison after having served at least 25 years in a semi-closed prison.

Moreover, life-sentenced prisoners who have served at least 20 years and who have not committed a disciplinary offence during the last five years whilst in prison, may apply themselves or be recommended by the prison administration for conditional release.²¹

In this regard, the delegation was informed by the Armenian authorities that thus far all requests for conditional release of life-sentenced prisoners who met the above-mentioned requirements had been rejected primarily because they had not paid full compensation to the victim(s) of the crimes they had committed. In the CPT's view, it is not acceptable that indigent prisoners are *de facto* kept in indefinite detention whilst not being offered any remunerated work on the basis of which they could compensate victims. It is also matter of concern that no measures are being taken to prepare life-sentenced prisoners for release²² and that no probation service has been put in place.

The CPT would like to receive the Armenian authorities' comments on the above-mentioned issues. Further, it encourages the Armenian authorities to establish as soon as possible an effective probation service, in line with the Committee of Ministers Recommendations Rec(2010)1 on the Council of Europe Probation Rules, Rec(2003)22 on conditional release (parole) and Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners.

²⁰ See Section 102 of the Penitentiary Code.

²¹ See Section 76, paragraph 5, of the Criminal Code and Section 116 of the Penitentiary Code.

²² See also the Grand Chamber judgment of the European Court of Human Rights in the case of *Vinter and Others v. the UK* [GC], nos. 66069/09, 130/10 and 3896/10, 9 July 2013, paragraphs 114-118.

B. Situation of life-sentenced prisoners at Yerevan-Kentron Prison

27. As already indicated, the delegation carried out a targeted follow-up visit to Yerevan-Kentron Prison,²³ in order to review the conditions under which life-sentenced prisoners were being held in that establishment, in the light of the specific recommendations made by the CPT after the 2010, 2011 and 2013 visits.²⁴ In this regard, particular attention was paid to the situation of two life-sentenced prisoners, namely prisoner A and prisoner B*, the main objective being to identify further steps which should be taken by the Armenian authorities with a view to putting an end to the prisoners' prolonged solitary confinement (which had already lasted 14 years). For this purpose, the delegation interviewed both prisoners, examined their medical files (as well as other relevant documentation) and held discussions with the management of Kentron Prison, with the prison doctor and other staff (including the establishment's social workers). The delegation also held consultations with the chief psychiatrist of the Prison Hospital who is responsible for the psychiatric treatment of prisoners at Kentron Prison.

In addition, the delegation reviewed the conditions of detention of another life-sentenced prisoner, prisoner C, who had been transferred to the establishment for his own protection shortly before the 2011 visit (see paragraph 39).²⁵

28. At the outset, the CPT wishes to stress that its delegation received no allegations and found no other evidence that any of the three above-mentioned prisoners had been subjected to physical ill-treatment by prison officers.

That said, the information gathered during the visit re-confirmed the CPT's firm conviction that prisoners A and B had suffered significant psychological harm as a result of their extreme isolation. The Committee cannot but conclude once again that the conditions under which both prisoners were being held at Kentron Prison could be considered as amounting to inhuman and degrading treatment.

29. Clearly, under the present circumstances, improving the situation of the two life-sentenced prisoners is not a straightforward matter. On the one hand, in addition to serious mental-health problems, both prisoners seem to have developed symptoms of a severe form of institutionalisation which has impacted on their motivation and relationship skills. As a result, they have often been reluctant to engage in any activities and to have contact with other persons (see also paragraph 5). On the other hand, the CPT acknowledges the fact that both prisoners are particularly vulnerable in terms of their own safety and that it is currently unlikely that they can be integrated into the mainstream prison population. This is due not only to the crimes they have committed, but also to the challenging nature of their interpersonal interactions which reflects their deteriorated state of mental health.

²³ Kentron Prison is located within the compound of the National Security Service in Yerevan.

²⁴ See paragraphs 70, 71 and 73 of CPT/Inf (2011) 24, paragraphs 13, 15 and 22 of CPT/Inf (2012) 23 and paragraphs 8 and 63 to 73 of CPT (2013) 36.

* 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.

²⁵ As was the case in 2011 and 2013, no other life-sentenced prisoners were being held at Kentron Prison.

30. As regards the provision of health care, the delegation observed certain improvements since the 2013 visit, in particular in terms of psychiatric care. As indicated in paragraph 5, in line with a specific recommendation made by the Committee in the report on the 2013 visit, the state of mental health of both prisoners had been reviewed by a “Consilium” of three psychiatrists in the Prison Hospital in Yerevan in November 2013. In addition, both prisoners were being seen by the psychiatrist at least once a month, which had not been the case previously, and were regularly being prescribed pharmacotherapy.

31. That said, the CPT has serious concerns about the role of the prison doctor of Kentron Prison. During consultations with the delegation, the doctor unequivocally stated that it was his firm belief that neither of the two prisoners was ill or required psychiatric treatment, including medication, despite the clear opinion to the contrary of the visiting psychiatrist. What is even more serious, he had apparently not consistently provided the medication prescribed by the psychiatrist to at least one of the two prisoners during several weeks before the CPT’s visit. Under such circumstances, there can be no confidence that both prisoners (and, possibly, other prisoners) can receive safe and effective care which is required by their state of health. **In the CPT’s view, it would thus seem appropriate that the prison doctor of Kentron Prison be replaced by another doctor who is beyond all doubt in terms of professional attitude and abilities.**

32. The direct observations by the delegation’s psychiatrist when interviewing the two prisoners (separately and in private) suggest that prisoner B suffers from a serious mental illness and that prisoner A has serious mental-health problems and is possibly also mentally ill. In the light of these observations, the CPT has some doubts about the accuracy of the psychiatric diagnosis which had been established by the above-mentioned “Consilium” of psychiatrists in the Prison Hospital in respect of one of the two prisoners (prisoner A). The delegation was informed that the entire review of the prisoner’s state of health (including his mental health), as well as various diagnostic tests (such as blood tests, ultrasound and ECG) had been completed in less than one hour. In the CPT’s view, it is not feasible within such a short time to perform a thorough and comprehensive review of the prisoner’s state of mental health (as recommended by the Committee in paragraph 72 of the report on the 2013 visit).

Moreover, psychiatric treatment was still limited to pharmacotherapy, and other aspects of psychosocial care continued to be neglected. In addition, the two prisoners were not seen by a psychologist²⁶ and they were not provided with any kind of therapeutic activity (such as occupational therapy).

33. As regards the prisoners’ detention regime, the situation remained by and large unchanged since the 2013 visit. Both prisoners remained locked up in their cells alone, without being offered any out-of-cell activity other than outdoor exercise for one hour per day (usually taken alone on the roof of the prison building).²⁷ In addition, contacts with the outside world remained very rare²⁸ (one visit in 2012, two visits in 2013, no visits so far in 2014, plus one telephone call in 2013 and one in 2014), and contacts with staff remained very limited (for instance, one of the establishment’s social workers had a discussion with the two prisoners only once in 2013 and twice in 2014).

²⁶ The delegation was informed that, since 2009, Kentron Prison has not employed a psychologist.

²⁷ It is recalled that, after the 2010 visit, both prisoners were provided with a television set.

²⁸ It should be noted that several close relatives of the two prisoners have passed away in recent years.

In principle, both prisoners were allowed to associate during outdoor exercise. However, as already mentioned in paragraphs 5 and 29, such contacts had apparently often been refused by the prisoners themselves. Notwithstanding this, the delegation noted that during the weeks preceding the CPT's visit, both prisoners had had contacts with each other more frequently during outdoor exercise.

34. Having explored in-depth and in consultation with the treating psychiatrist all possible options (including the transfer of the two prisoners on a longer-term basis to the Prison Hospital or the forensic ward of Nubarashen Psychiatric Centre), the delegation acknowledged that unfortunately, at least for the time being, the only suitable solution would be to keep the two prisoners at Kentron Prison, provided that additional arrangements are made in terms of association, out-of-cell activities and the provision of appropriate human contact (including with appropriately trained staff).

35. During the end-of-visit talks with the Minister of Justice, the delegation presented its preliminary observations and urged all relevant authorities to take resolute and proactive measures in the light of the above-mentioned remarks. The delegation also stressed that, as part of a fuller psychiatric treatment programme, first and foremost, steps must be taken to provide both prisoners with a range of purposeful out-of-cell activities (in addition to daily outdoor exercise) as well as with appropriate human contact. The Armenian authorities were requested to provide, by 30 June 2014, a detailed account of:

- all out-of-cell activities offered to both prisoners since the CPT's visit and of all activities which have actually taken place (including an indication of the periods during which the two prisoners were able to associate with each other);
- all contacts of the two prisoners with health-care staff and other members of staff as well as with other persons (including an indication of the duration of these contacts);
- any contacts of the two prisoners with the outside world, such as telephone calls and visits (including an indication of the duration of these contacts).

36. By letters of 30 June and 4 July 2014, the Armenian provided the following information:

- Both prisoners had been offered to be accommodated in the same cell, but they both rejected that offer. On the other hand, they had agreed on several occasions to associate during outdoor exercise.
- Both prisoners are regularly provided with reading material (books and newspapers) and are allowed to go to the prison library where they can also use a computer. In June, both prisoners went to the library together twice (on 12 and 26 June 2014), and action is being taken to arrange such visits more frequently.
- Both prisoners had been offered to use a drawing kit and to play chess and other board games but they refused to engage themselves in these activities.
- Neither of the two prisoners has recently made use of the possibility to make telephone calls or to receive visits.

- Recently, both prisoners had discussions with one of the social workers three times (on 19, 25 and 26 June 2014).
- On two occasions (18 June and 2 July 2014), both prisoners were visited by a psychologist from the Criminal-Executive Department of the Ministry of Justice.
- Prisoner A was seen by the psychiatrist on 27 June 2014 and prisoner B on 13 June 2014.

37. The CPT acknowledges that the above-mentioned measures clearly constitute a significant step in the right direction in order to put an end to the solitary confinement of the two prisoners concerned and to provide them with adequate treatment and care.

That said, the Committee wishes to stress again that both prisoners require a weekly regime on a long-term basis, which includes time spent out of the cell with other persons. Such psychosocial rehabilitation sessions should provide recreational and occupational activities; they should also be recorded. Due to the risks from other prisoners and the reluctance of the two prisoners to associate with each other, the above-mentioned activities should be arranged by appropriately skilled staff.

38. In the light of the above, **the CPT reiterates its recommendation that the Armenian authorities take steps to ensure:**

- **a comprehensive review of the state of health of prisoner A is conducted by at least two independent senior psychiatrists (preferably in a hospital setting);**
- **both prisoners are provided with adequate psychiatric treatment including, in addition to regular psychiatric consultations and uninterrupted appropriate pharmacotherapy, a range of therapeutic activities such as psychological therapeutic interventions and occupational therapy.**

Further, in the CPT's view, it would be desirable that a small multi-disciplinary expert group be established, comprising senior psychiatrists, a psychologist, a social worker and a member of the prison management, with the task to institute the changes highlighted above and to draw up and implement an appropriate individualised care and treatment plan for prisoners A and B (in consultation with both prisoners).

Finally, the Committee would like to receive on a monthly basis (July to October 2014) a detailed account (preferably, in the form of a simple table) of:

- **all out-of-cell activities offered to both prisoners since the CPT's visit and of all activities which have actually taken place (including an indication of the periods during which the two prisoners were able to associate with each other);**
- **all contacts of the two prisoners with health-care staff and other members of staff as well as with other persons (including an indication of the duration of these contacts);**
- **any contacts of the two prisoners with the outside world, such as telephone calls and visits (including an indication of the duration of these contacts).**

39. As regards prisoner C, the situation generally remained more favourable in terms of his contacts with the outside world. As in 2013, the prisoner could make telephone calls on a regular basis (three times a month), receive short-term visits (every three months for one hour) under *open* conditions and benefit from a three-day unsupervised visit by his wife and child once a year; for this purpose, he was each time temporarily transferred to Nubarashen Prison (due to the lack of appropriate facilities at Kentron Prison).²⁹ Moreover, the staff appeared to interact with prisoner C frequently (which was not the case for the other two life-sentenced prisoners).

That said, the prisoner remained *de facto* subjected to a solitary-confinement-type regime. The CPT is concerned to note that, despite the specific recommendation made by the Committee in the report on the 2013 visit, the prisoner remained locked up in his cell all day, the only activities being reading, watching television and playing computer games, apart from one hour of outdoor exercise per day (taken alone).

With a view to preventing a deterioration of the prisoner's mental state caused by his continued isolation, **the CPT reiterates its recommendation that the Armenian authorities take steps to ensure that prisoner C is offered a range of purposeful out-of-cell activities (including sports). Further, steps should be taken to provide the prisoner concerned with appropriate human contact.**

C. Concluding remarks

40. On the basis of the delegation's findings during the 2014 visit, the CPT has reached the conclusion that many of the specific recommendations made by the Committee after the 2010, 2011 and 2013 visits concerning the situation of life-sentenced prisoners had not been (fully) implemented in practice, in particular, as regards the regime, contact with the outside world, the use of handcuffs and discipline.

As regards, more specifically, the situation of the two life-sentenced prisoners A and B, the visit brought to light certain improvements in terms of psychiatric care. However, the situation had remained by and large unchanged since the 2013 visit with regard to their detention regime. Whilst acknowledging that both prisoners had apparently often refused to have contact with each other, it is a matter of serious concern that both prisoners continued to be locked up in their cells alone, without being offered any out-of-cell activity other than outdoor exercise for one hour per day. In addition, their contacts with the outside world as well as with members of staff were very limited.

That said, the CPT appreciates all the measures taken by the Armenian authorities after the 2014 visit with a view to putting an end to the solitary confinement of the two prisoners concerned and providing them with adequate treatment and care. The Committee also welcomes the initiative of the Armenian authorities to amend the Penitentiary Code in order to abolish the legal obligation of segregating life-sentenced prisoners from other prisoners.

In the light of the preceding remarks, the Committee decided not to make a statement under Article 10, paragraph 2, of the Convention at this point, but to keep the procedure open and to review the situation at the November 2014 plenary meeting, on the basis of the response of the Armenian authorities to the present report.

²⁹ See, in this regard, also paragraphs 20 and 22.

APPENDIX

**LIST OF THE AUTHORITIES
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

Ministry of Justice

Hovhannes MANOUKYAN	Minister of Justice
Suren KRMOYAN	Deputy Ministers of Justice
Arman TATOYAN	Deputy Ministers of Justice
Hayk HARUTYUNYAN	Head of the Criminal-Executive Department
Rafayel HOVHANNISYAN	First Deputy Head of the Criminal-Executive Department
Aleksandr SARGISOV	Head of the Medical Service of the Criminal-Executive Department
Margarit HAKOBYAN	Head of the International Relations Department