

The Response of the Ministry of Justice to the 2005 Annual Report of the Activities of the Public Monitoring Group at the Penal Institutions of the Ministry of Justice

The 2005 annual report of the supervisory activities of the non-governmental monitoring group at the penal institutions was discussed at the Ministry of Justice of the Republic of Armenia. Below is commentaries made by the Minister of Justice on the problems raised in the report. The commentaries are made on diverse problems.

The remarks of the Group on the penal institution «Yerevan Kentron»	The commentaries of the Penal Office of the Ministry of Justice
<ul style="list-style-type: none"> <input type="checkbox"/> Install electric plugs in the cells to give the detainees an opportunity not to use unhealthy spirit lamps and also to have a TV and a radio set. <input type="checkbox"/> Install card telephones, as it is done in other penal institutions. <input type="checkbox"/> Allow the detainees to get the newspapers of their choice. <input type="checkbox"/> Separate the toilets in the cells. <input type="checkbox"/> Increase the number of showers. 	<ul style="list-style-type: none"> <input type="checkbox"/> Plugs and TV sets have been installed in the cells. <input type="checkbox"/> Works are under way for installing card telephones. <input type="checkbox"/> The detainees are not prohibited to get the newspapers they prefer. <input type="checkbox"/> We have already estimated the cost of the work. Soon the works to separate the toilets will begin. <input type="checkbox"/> The number of the showers has been increased.

<p>The remarks of the Group on the penal institution «Nubarashen»</p>	<p>The commentaries of the Penal Office of the Ministry of Justice</p>
<p>The indicated one hour walking time is not observed. There have been cases when the letters written by the prisoners did not reach the addressees. The prisoners have been denied a request to meet with reporters. The prisoners in the quarantine cells are not provided with bedding items. The prisoners lack the opportunities to do sports in the walking places. In 2005, the Group has received warnings about the brutal treatment of the prisoners by the management of the institution. We are deeply concerned that the incidents are not being sufficiently investigated.</p> <p>Suggestions</p> <p>Provide the prisoners with the daily one-hour walk time.</p> <p>Provide the prisoners in the quarantine cells with bedding items.</p> <p>Improve the quality of the food.</p> <p>Secure the prisoner’s right and secrecy of correspondence.</p>	<p>We agree. At present, due to the fact that the number of the employees is not sufficient, it is impossible to provide all the detainees with an opportunity to take a walk every day. We are doing everything in our power to provide them with that opportunity. The problem will be solved in the nearest future.</p> <p>The claims are not substantiated. There have been no such reports.</p> <p>It has been ordered that those in charge provide the prisoners in the quarantine cells with bedding as soon as possible.</p> <p>Due to the fact that the size of the walking places is small, it is impossible to hold sports and games there. But sports equipments are being installed in the walking places.</p> <p>The Penal Office has already made comments on «the facts of torture» mentioned by the Group. All the divergent cases have been investigated objectively and properly.</p> <p>commentaries on them</p> <p>Measures are being taken to provide them with the opportunity to take a walk.</p> <p>It has been ordered that those in charge provide the prisoners in the quarantine cells with bedding as soon as possible.</p> <p>At present we do everything in our power to improve the quality of the food.</p> <p>The prisoner’s right and secrecy of correspondence is secured.</p>

The remarks of the Group on the penal institution «Gyumri»

- The site on which this penal institution is built is rich in underground waters. Due to this, any repair work conducted here has proved ineffective.
- Not providing a patient with medicine on time and in the right quantity will result in slow recovery.
- The visiting room is very small. Another facility should be allocated for visits.
- There is no radio transmission in the cells.

Suggestions

- Solve the problem of the drainage system of the institution
- Allot a new room for visits.
- Provide the cells with radio transmission.

The commentaries of the Penal Office of the Ministry of Justice

- We had an agreement with the Red Cross to conduct works for pumping out the underground waters, but research done in the area proved that it would be ineffective to conduct such works. For that reason it has been decided not to use that building in the future. Hence, no reconstruction works are being conducted.
- During the visit of the Group, there were three prisoners in the institution who had recovered from tuberculosis and were being examined by the doctor every day. No exacerbation of the disease has been observed. The institution is provided with all kinds of medicine to treat tuberculosis and other diseases.
- The room for short visits has been enlarged as much as possible. Another room for long visits has been constructed. It has a toilet, a bathroom, a bedroom and a kitchen. But because of the humidity it looks unattractive and needs to be repaired.
- To provide the cells with radio transmission, we are seeking the cooperation of various charity organizations in Gyumri.
- Commentaries on them**
- Because this penal institution is going to be liquidated in the future, it is pointless to conduct any construction work here.
 - Because the institution will be liquidated in the nearest future, we think that there is no need to.
 - We are working on it.

The remarks of the Group on the penal institution

«Abovyan»

- The cells on the first floor are extremely humid and it is undesirable to hold prisoners in them. The standard 4 sq. meter dwelling space per person is not provided. The plumbing system in the cells is very old. The bars of the windows are fastened in such a way that the detainees cannot open the windows. Because there is only one walking place in the institution, the detainees cannot take their daily walks as defined by the law.
- At night the electric power in the cells is cut off, which causes the detainees to be cold.
- The administration does not take measures to enable women to take a shower more frequently. The institution does not receive sanitary items for women from the state.
- The visiting rooms are in need of repair. The rooms lack electric outlets. There are no papers on the regulations of parcel delivery or visits available to the visitors.
- During one of the visits of the Group, an incident was reported that a visitor with a small child had been kept waiting in a line for hours to deliver a parcel only to be told later that the working hours were over and that there was no more admittance of parcels.

Suggestions

1. As a first priority, repair the subsidiary building where the prisoners are held.
2. Taking into consideration the fact that the cells are heated with electric appliances, do not cut off the power.

The commentaries of the Penal Office of the Ministry of

Justice

- We agree with the remarks. The building of the detention facility is subject to demolition. The reconstruction of the building will be a waste of money. We need to build a new facility which will meet the standards and will provide the detainees with a walking place, ventilated cells, permanent water supply and a normal plumbing system. There are more detainees held in the cells on the second floor, but, because the number of the detainees has increased, it is impossible not to use the cells on the first floor at all. The cells that are comparatively humid are not being used.
- All the cells are provided with 24 hour electric power supply.
- We shall do everything in our power to enable women to take a shower more frequently.
- We absolutely agree. But rooms for long visits and waiting rooms can be constructed only when we have the appropriate amount of money. Plugs have already been installed in the cells and the papers on the regulations of parcel delivery, visits and other instructions have been displayed.
That is not true. On the contrary, the staff always treats the visitors with kindness and understanding.

commentaries on them

1. It is pointless to repair the building; we need to build a new one, but we are doing our best to improve the present conditions.
2. The cells are supplied with twenty-four-hour electricity.
3. In the nearest future women will have more opportunities for frequent baths.
4. Measures have already been taken to provide women with

3. Increase the women's shower opportunities.
4. Provide women with sanitary items.
5. Build a waiting room and display all necessary documents.
6. Repair the visiting rooms. Build a toilet nearby, which may be freely used by both, the detainees and the visitors.
7. Increase the number of walking places.
8. Do not use the cells on the first floor.

necessary sanitary items; in the second quarter of 2006 they will receive them.

5. Building a waiting room will be possible only when we are provided with the necessary amount of money. Documents on the regulations of visits and parcel delivery have been displayed in the rooms.
6. One of the visiting rooms has already been repaired, the others have been repaired partially. The missing plugs have been installed. We shall have a toilet built as soon as we are allocated the necessary amount of money.
7. We would like to, but the now existing building is not fit for an additional walking place.
8. Because of the increasing number of inmates, we cannot completely exclude the use of the first floor. But the most humid cells are not being used.

<p align="center">The remarks of the Group on the penal institution «Vanadzor»</p>	<p align="center">The commentaries of the Penal Office of the Ministry of Justice</p>
<ul style="list-style-type: none"> <input type="checkbox"/> It is inhuman to hold people in such conditions. <input type="checkbox"/> There is no inner radio station in the institution. <input type="checkbox"/> The punishment and segregation cells lack the documents on the rights and obligations of the detainees. 	<ul style="list-style-type: none"> <input type="checkbox"/> In 2005 the construction of the new building of the penal institution «Vanadzor» has begun and it will be completed by December, 2006. <input type="checkbox"/> A radio station exists, but the broadcasting center of the city of Vanadzor does not operate. Measures are being taken to provide the cells with electric radio sets. <input checked="" type="checkbox"/> The law does not require providing those cells with the above mentioned document.
<p align="center">The remarks of the Group on the penal institution «Vardashen»</p>	<p align="center">The commentaries of the Penal Office of the Ministry of Justice</p>
<p>The results of the observations done at the institution have been presented. There are no remarks.</p>	

The remarks of the Group on the penal institution «Goris»	The commentaries of the Penal Office of the Ministry of Justice
<ul style="list-style-type: none"> <input type="checkbox"/> Some of the cells are in a disastrous condition; the drains are extremely old and not fit for use. <input type="checkbox"/> The toilets in the cells are not separated. <input type="checkbox"/> The prisoners complain of bed lice. <input type="checkbox"/> Electric power is supplied for limited hours. <input type="checkbox"/> The size of the punishment cells does not meet the international standards. <input type="checkbox"/> The detainees are not informed of their rights. <input type="checkbox"/> The prisoners are in grave moral psychological condition. They are deprived of opportunities to do sports. <p>Suggestions</p> <ul style="list-style-type: none"> <input type="checkbox"/> Activate the heating system whenever needed to provide the cells with necessary temperature. <input type="checkbox"/> Do not use the punishment cells. 	<ul style="list-style-type: none"> <input type="checkbox"/> We absolutely agree with the remarks. The dwelling space, all the cells, except for those designated for the prisoners sentenced to life imprisonment, the shower room on the first floor, need to be repaired. <input type="checkbox"/> We shall have the drains changed and toilets separated whenever we have the corresponding amount of money. The cells are periodically being disinfected. <input type="checkbox"/> If the amount of electric power is increased, the cells will be provided with twenty-four – hour electricity. <input type="checkbox"/> We agree with that. But, at present we cannot stop using the punishment cells. <input type="checkbox"/> The quarantine cell has been changed. <input type="checkbox"/> Upon admission to the penal institution, the detainees and prisoners are immediately explained about their rights and obligations, then a certificate is issued about the procedure and it is attached to the personal files of the prisoners. <input type="checkbox"/> The open space of the accommodation zone on the second floor can be reformed and be used as a sports ground. <p>commentaries on them</p> <ul style="list-style-type: none"> <input type="checkbox"/> The heating system will be activated whenever needed to provide the cells with necessary temperature. <input type="checkbox"/> At present it is impossible not to use them.

The remarks of the Group on the quality of the food at the penal institutions	The commentaries of the Penal Office of the Ministry of Justice
<ul style="list-style-type: none"> <input type="checkbox"/> By allotting the money for purchasing foodstuff directly to the institutions it would allow them to control the quality and the variety of the food. <input type="checkbox"/> The food, except for a few institutions, is not sufficient. <input type="checkbox"/> Not all institutions provide diet food to the prisoners who need them. <input type="checkbox"/> There are no refrigerators in the kitchens. <input type="checkbox"/> There have been reports from the penal institutions «Goris» and «Nubarashen», that the prisoners are being deprived of food, as a punishment. <input type="checkbox"/> The quality of the bread at the penal institution «Nubarashen» is not good. 	<ul style="list-style-type: none"> <input type="checkbox"/> The purchase of foodstuff is conducted in accordance with the «National Purchase» law. Taking into consideration the fact that to purchase foodstuff the Penal Office, during the year, conducts purchase competition and signs contracts on supplying, it is impossible to estimate how many prisoners this or that institution will have during the year. For that reason the foodstuff is purchased on the centralized system basis and is monthly distributed to the institutions to avoid unnecessary storage. <input type="checkbox"/> At all penal institutions the distribution of food is conducted based on the number of the prisoners and complies with the RA government resolution № 413 passed on April 10, 2003. <input type="checkbox"/> The Penal Office has instructed the medical staff at all penal institutions to taste the food prepared every day, take a sample and keep it for twenty- four hours. The Penal Office permanently checks that it is done properly. <input type="checkbox"/> Because of limited financial resources, the renovation of the appliances is done step by step. <input type="checkbox"/> According to the appendix 1 of the government resolution № 413 passed on April 10, 2003, the sick prisoners and detainees get extra portions of food. The organization of special diet food (including the extra portions) is done within the limits of the improved ratio, and instructions have been given to make it more effective. <input type="checkbox"/> As for the reports from the penal institutions «Goris» and «Nubarashen», that the prisoners are being deprived of food, as a punishment, we have no knowledge of such reports and they are

	<p>not true.</p> <ul style="list-style-type: none"> □ The Penal Office is continuously taking measures to improve the quality of the bread for the prisoners and the detainees.
<p>The remarks of the Group on the medical services at the penal institutions</p>	<p>The commentaries of the Penal Office of the Ministry of Justice</p>
<ul style="list-style-type: none"> □ The institutions lack necessary specialists, equipment and medicine. □ Except for «Nubarashen», the other penal institutions do not have a fluoroscopy device. □ Psychotherapists are needed especially at the penal institution «Goris», where the prisoners are held in strict prison conditions. □ The dentistry equipments are old and unfit to be used for treatment. □ The existing centralized system of supplying medication is ineffective. The institutions should be given opportunities to purchase medicine by themselves by allotting a certain amount 	<ul style="list-style-type: none"> □ The process of recruiting necessary medical specialists is still going on. We have applied for necessary medical equipment. At present the variety and quantity of medicine is sufficient. □ According to the national program to prevent tuberculosis, the disease may be diagnosed not only with a fluoroscopic device, but also through the examination of the mucus, which is an internationally approved and an effective method (DOTS program) of diagnosis. The penal system, too, applies that method. □ Measures are being taken to provide the penal institutions with psychotherapists, regardless of which penal institution it is. □ In 2006 we are expecting to receive two dentistry devices along with their tools. □ According to the law «On Purchases», the medicine is purchased in accordance with the competition contract. The distribution of medicines and medical items to the institutions is conducted by the distributional center, which is located in the institution

of money to them or create a chain of drugstores where the medicine could be purchased on credit.

- The requirements of Article 21 of the law «On the Custody of Detainees and Prisoners» are not met properly due to bureaucratic proceedings.
- The medical examination is conducted in the presence of non-medical staff
- In most cases the detainees are not informed that, upon the admittance to the penal institution, they have to undergo a medical examination.
- It would be very helpful if the Ministry of Health were more involved in the matters of medical services at the penal institutions.
- Suggestions**
- Provide the penal institutions with medical equipment, especially with a fluoroscopic device, and dentistry equipment.
- Allocate the money for purchasing medicine directly to the penal institutions.
- Regulate and simplify the procedure of transferring a detainee to a civilian hospital whenever needed.
- Sign an agreement with civilian health institutions, according to

«Hospital for the Prisoners».

- Whenever needed, the detainees and prisoners, within the limits of national order, are provided with free medical care by the civilian medical institutions.
- Each and every injury is described by the representatives of the medical staff.
- Upon the admittance to the penal institution, all detainees undergo a medical examination and are they informed of that.
- Many leading specialists from the Ministry of Health are already involved in the matters of medical services at the penal institutions. The problem has been solved by the resolution № 825 –Ն «On the Organization of Medico- Sanitary and Prophylactic Care of the Detainees; on the Regulations of Using Civilian Medical Institutions and the Involvement of the Medical Staff of Those Institutions», passed by thy government of the Republic of Armenia on May 26, 2006.
- commentaries on them**
- The penal institutions are provided necessary medical equipment possible to purchase with the allocated amount of money. We are taking measures to obtain those equipments also with means not included in the budget.
- According to the law «On Purchases», the medicine is purchased in accordance with the competition contract.
- The problem has been solved by the resolution № 825 –Ն «On the Organization of Medico- Sanitary and Prophylactic Care of the Detainees; on the Regulations of Using Civilian Medical Institutions and the Involvement of the Medical Staff of Those Institutions», passed by thy government of the Republic of Armenia on May 26, 2006. Besides, many leading specialists from

which medical specialists will regularly visit the penal institutions.

- To improve the quality of medical care, assign the medical services at the penal institutions to the Ministry of Health.
- All the announcements made by the individuals undergoing a medical examination must be recorded.
- Exclude the presence of non- medical staff (law enforcement authorities) during the medical examinations.
- Respect the privacy of the detainees seeking medical help.

the Ministry of Health are involved in the matters of medical services at the penal institutions.

- We do not agree with that suggestion. In case of transfer, the legal status of the medical servicemen (who are also penal servicemen) will deteriorate and they will lose their social guarantees.
- The description of the health conditions and the results of objective medical examinations must by all means be recorded in the medical card and in the corresponding register.
- We agree. The medical staff of the penal institutions has been instructed to act correspondingly.
- We agree. We are taking measures to provide the detainees with medical privacy.

<p style="text-align: center;">The remarks of the Group on the psychological problems at the penal institutions</p>	<p style="text-align: center;">The commentaries of the Penal Office of the Ministry of Justice</p>
<p><input type="checkbox"/> The psychological services are not adequate.</p> <p>Suggestions</p> <p><input type="checkbox"/> Pay special attention to the psychological condition of the employees of the penal institutions.</p> <p><input type="checkbox"/> . Organize proficiency and training courses for the psychologists, social workers and other social servants.</p> <p><input type="checkbox"/> Compile psychology manuals for the employees of the penal institutions.</p> <p><input type="checkbox"/> Study and improve the human relations and the socio-psychological atmosphere at the penal institutions.</p> <p><input type="checkbox"/> Create favorable psychological conditions for the rehabilitation of the prisoners and their becoming a full and equal member of the society.</p> <p><input type="checkbox"/> Pay attention to the problem of idleness; take measures to solve the problem.</p>	<p><input type="checkbox"/> The psychological services are conducted within the limits of the existing personnel</p> <p>Commentaries on them</p> <p><input type="checkbox"/> There are no regulations on conducting psychological works with the employees. It will become possible when we increase the number of psychology specialists</p> <p><input type="checkbox"/> Ever since 2003, with the collaboration of various international organizations, training courses have been held for various employees of the penal institutions. In 2005, highly-specialized training courses were held for the psychologists. At present, organized by the «Institute of Law» ՊՈԱԿ of the Ministry of Justice of Armenia, proficiency training is conducted for the employees of the penal services, attended also by the psychologists, social workers and other legal servants of the penal institutions. This has been regulated by Articles 19 and 20 of the RA law «On Penal Services» «The Regulations of Conducting Proficiency Trainings for the Penal Servants».</p> <p><input type="checkbox"/> With the financial support of the «Institute of Open Society, Armenia», the methodological manual «The Realization of Reform Programs at the Penal Institutions of the Ministry of Justice of Armenia» was published in 2005. For the publishing of a new textbook, we are seeking the financial support of other public organizations which are members of the non-governmental monitoring group.</p> <p><input type="checkbox"/> Various psychological studies are being conducted at the penal institutions. We would appreciate if the monitoring group shared with us their observations on the socio- psychological</p>

	<p>atmosphere among the detainees.</p> <ul style="list-style-type: none"> <input type="checkbox"/> What kind of psychological conditions would that be? Anyway, the Ministry of Justice is willing to discuss any constructive suggestion, connected with positive psychological progress. <input type="checkbox"/> Measures are being taken.
<p>The remarks of the Group on the contact with the outside world at the penal institutions</p>	<p>The commentaries of the Penal Office of the Ministry of Justice</p>
<p>Visits</p> <ul style="list-style-type: none"> <input type="checkbox"/> The administration, as a rule allows two visits a month, based on the fact that in certain institutions, the number of visiting rooms is not enough to grant the detainees three or more visits. <input type="checkbox"/> The detainees are not informed of their rights. <input type="checkbox"/> The detainees are not provided with an opportunity to have a three-hour long visit. <input type="checkbox"/> The number and the conditions of the visiting rooms vary. And there is no criterion for regulating the number of the visiting rooms depending on the number of the prisoners. <input type="checkbox"/> Often the detainees are denied meetings with the reporters. 	<p>Visits</p> <ul style="list-style-type: none"> <input type="checkbox"/> The detainees are allowed two have at least two visits in a month. But not all institutions make these limitations. The problem will be solved when the institutions are staffed with more manpower. <input type="checkbox"/> We do not agree with that statement. Every detainee, after being admitted to the institution, is put to the quarantine cell for 7 days, where he or she is informed of his or her rights and obligations; that fact is registered in a certificate which is attached to the personal file of the detainee. Besides, every day they have the chance to read about their rights and obligations (all the cells have the list of their rights and obligations). The detainees and their families are regularly provided with the booklet «The Rights of the Detainees in Armenia», published by the public organization «The Institute of Civil Society ». <input type="checkbox"/> According to Article №15 of the law «On the Custody of Detainees and Prisoners», three hours is the maximum duration of the visit and it may last less than that. <input type="checkbox"/> We agree with the remarks of the Group on the number and

Letters

- The detainees who use letters as a means of communication, hand in the letters to the administration in an unsealed form.
- There is a need for regulations in the censoring the letters.
- The minimum number of permitted calls must be defined.
- The detainees make telephone calls according to the schedule made by the administration.
- Socially insecure detainees need to be allowed to use the telephone on the account of the state.

Parcels

- The rooms of parcel delivery are not heated.

Libraries

- The books in the libraries of the penal institutions are old and are not taken care of properly.

Suggestions

- Provide the institutions with the necessary number of visiting rooms, furnish them comfortably, heat the rooms and build toilets nearby.

conditions of the visiting rooms. We are taking measures to correct the situation.

- We have no records of such facts.

Letters

- That is how they wish to do. They have the right to hand them in in a sealed form.
- The answer to that problem is given in Article № - of the Penal Regulations and Article № - of the law «On the Custody of Detainees and Prisoners». Nothing more can be done.
- The order and number of telephone calls made by the detainees and prisoners is defined by the inner regulations of the detention facilities and correctional institutions.
- Not at all penal institutions do the detainees make calls by the schedule fixed by the management (according to the order № 141 – released by the Minister of Justice on September 9, 2004, schedules of telephone calls are made only upon need).
- We agree, but there is no law on that matter yet.

Parcels

- We agree. Measures are being taken to solve the problem.

Libraries

- We agree and we hope we shall have the support of public organizations in that matter.

Commentaries on them

- We agree. The Penal Office is taking measures to solve the problem.
- We agree. The Penal Office is taking measures to solve the problem.

<ul style="list-style-type: none"> <input type="checkbox"/> At all institutions prepare rooms for meeting with children. <input type="checkbox"/> Install a telephone at the penal institution «Yerevan Kentron». <input type="checkbox"/> It should be regulated that the letters be submitted to the management in a sealed form. <input type="checkbox"/> It should be regulated that the author of the letter is informed of the results of the censoring. <input type="checkbox"/> Take measures to provide the libraries with new books. <input type="checkbox"/> Regulate the procedures of providing opportunities for a walk. 	<ul style="list-style-type: none"> <input type="checkbox"/> If the detainee hands in the letter in a closed form, it will be posted in that form. <input type="checkbox"/> It is regulated by the penal law of the republic. <p>Commentaries have been submitted in the paragraph «Libraries»</p> <p>Refreshment walks</p> <ul style="list-style-type: none"> <input type="checkbox"/> We agree. Procedures are being planned in accordance with the inner regulations of the detention facilities and correctional institutions
<p>The remarks of the Group on the prevention of torture and inhuman treatment at the penal institutions</p>	<p>The commentaries of the Penal Office of the Ministry of Justice</p>
<p>Suggestions</p> <ul style="list-style-type: none"> <input type="checkbox"/> Clearly define in the RA Law «On the Custody of Detainees and Prisoners» the use of force within the limits of law, the necessity, cases and ways of special measures <input type="checkbox"/> Ensure that an investigation is not a mere formality. <input type="checkbox"/> Make the supervisory powers more effective. 	<ul style="list-style-type: none"> <input type="checkbox"/> The Penal Office has already made comments on «the facts of torture» mentioned by the Group. All the divergent cases have been investigated objectively and properly. <p>Commentaries on them</p> <ul style="list-style-type: none"> <input type="checkbox"/> The order and cases of the use of physical force, special measures and weapons by the employees of the penal institutions are clearly defined by the law «On the Penal Services» (Articles 47-51). <input type="checkbox"/> The observation has no grounds. Besides, the problem will be solved by conducting an investigation. <input type="checkbox"/> The supervising of the penal institutions is conducted by a special department of the chief prosecutor's office and not just by some office at the Ministry of Justice or the Penal Office. <input type="checkbox"/> The commentaries on other suggestions are presented in the corresponding paragraphs