

GROUP OF PUBLIC OBSERVERS CONDUCTING PUBLIC MONITORING
OF PENITENTIARY INSTITUTIONS AND BODIES
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

PENITENTIARY SYSTEM
OF THE MINISTRY OF JUSTICE OF
THE REPUBLIC OF ARMENIA
IN 2008

Report

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Aygestan 11th str., 43 building
0025 Yerevan, Armenia
Tel/fax: + (37410) 55 96 34
e-mail: pmg.armenia@hra.am

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INTRODUCTION

This Report has been prepared on the basis of the monitoring conducted during 2008 by the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice of the Republic of Armenia.

The Report consists of three parts:

- General chapters: an overview of problems affecting the whole penitentiary;
- Chapters on specific penitentiary institutions: an overview of the situation in each institution and problems specific to the various institutions; and
- Comments of the Ministry of Justice of the Republic of Armenia on the Report.

The Group of Public Observers has made about 350 recommendations aimed at improving the situation in respect of both system- and institution-level problems.

The Armenian penitentiary is currently undergoing reforms designed to make a transition from the Soviet-era colony system to a European penitentiary model in which imprisonment will be a factor of the intensity of deprivation of liberty, rather than the severity of the regime. The Armenian Penitentiary Code provides that persons deprived of their liberty shall be held in cells of 4-6 and have the right to be in fresh air for one to 16 hours depending on the type of confinement. Institutions are being restructured with a view to bringing them into line with the legislative requirements.

The Group of Public Observers was created in 2004 and operates on the basis of the Regulation on Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice, as approved under decree KH-66-N of the Minister of Justice. The Regulation was drafted jointly by the Ministry of Justice and non-governmental and international organizations. The initial members to the Group were appointed by the Minister of Justice. The Regulation provides that, in order to ensure the subsequent independence of the Group, all decisions regarding the activities of the Group, including decisions on composition changes, shall be taken by the Group of Public Observers.

Group of observers include Arman Danielyan, Chairman - Civil Society Institute NGO, Avetik Ishkhanyan - Helsinki Committee of Armenia, Arthur Sakunts - Helsinki Citizens Assembly NGO, Vanadzor Branch, Gayane Shahnazaryan - "Huso Aragast" NGO, Edmon Marukyan - "Youth Center for Democratic Initiatives" NGO, Lusine Haroutyunyan - "Surb Kuys Sandukht" NGO, Michael Aramyan - Against Violation of Law NGO, Michael Baghdasaryan - "Collaboration for Democracy" Centre NGO, Temik Khalapyan - "Trtu" NGO, Pushkin Serobyan - August 23 National Pact-Right Protective Union NGO, Tigran Nersisyan - G. Magistros Medical Centre NGO.

GENERAL CONDITIONS

BUILDINGS

Correctional institutions in Armenia can be of the following types depending on the degree of isolation:

- Open correctional institutions;
- Semi-open correctional institutions;
- Semi-closed correctional institutions;
- Closed correctional institutions; and
- Medical correctional institutions.

Persons convicted of negligent crimes are mainly held in open correctional institutions. Under the Penitentiary Code,¹ convicts in open correctional institutions shall be held in dwellings designated for up to 10 persons. According to the Internal Regulations of Correctional Institutions, a convict may move within the designated night perimeter of an open correctional institution during night hours, or within the whole territory of the institution during the daytime, or leave the institution with the permission of the institution governor. The principles of Article 68 of the Penitentiary Code regarding separate confinement of convicts do not apply in open correctional institutions, in which convicts are held in accordance with the rules of societal coexistence.

At present, open correctional institutions exist within the majority of penitentiary institutions (PIs) under the Ministry of Justice (MoJ) of Armenia. There, persons deprived of liberty reside separately from other convicts, in dwellings allocated to them outside of the perimeter within which other convicts are confined. The Meghri PI is the only one that comprises only an open correctional institution.

Under the Penitentiary Code,² convicts are held in semi-open and semi-closed correctional institutions in dwellings designated for up to six persons. The difference between semi-open and semi-closed institutions is based on the number of hours that a convict may spend outside the cell (three hours per day in a semi-closed institution, as opposed to the “daytime hours” in a semi-open one). Observations have shown that the penitentiary system does not provide for any semi-closed correctional institutions: convicts that must serve their sentence in semi-closed correctional institutions are held in conditions of either semi-open or closed correctional institutions.

The procedure of holding up to six persons per cell is respected only in the Vardashen PI, and partially, also in the Artik PI. The vast majority of convicts entitled to this procedure are held in other institutions (Sevan, Kosh, Erebouni, and Abovyan), which have not been restructured since the Soviet era and operate through the so-called “dormitories,” which are two- or three-storey buildings, each comprising several dormitory-type halls. The surface area of the “halls” varies between 30 and 200 square meters. In some “halls,” there may be up to 60 (Kosh) to 85 (female convicts’ section in the Abovyan PI) convicts. The halls are furnished with beds, some of which are

1 Article 103 of the Penitentiary Code of the Republic of Armenia.

2 Articles 104 and 105 of the Penitentiary Code of the Republic of Armenia.

bunk beds, and small closets for personal items, though the convicts usually outnumber the closets. In most halls, the end part is separated from the rest and is furnished differently: the “privileged” convicts live there.

In the winter months, the halls are heated with electric stoves that normally fail to provide adequate temperature. Though the four-square-meter-per-convict requirement is formally met in most cases, the dormitory conditions of holding convicts contradict both the international standards and the Penitentiary Code of Armenia.³

The presence of a dozen persons in the same hall can cause numerous problems in terms of coexistence. Moreover, it is a primary reason for the emergence of non-statutory hierarchical relations between convicts.

The dormitory buildings (with the exception of the Abovyan PI) do not have running water, toilets, or showers, all of which are in separate buildings outside the dormitories.

As a consequence, the conditions in toilets (which have to be shared by all the convicts in the PI) and halls are non-sanitary, in part due to the unavailability of running water.

Closed-type cells are used to hold pre-trial detainees, convicts serving “detention” sentences, and convicts required to serve their sentence in closed-type institutions. Persons held in closed-type cells are entitled to one hour of exercise per day (women and juveniles are entitled to two hours), and spend the rest of the time in the cells. Under the Penitentiary Code of Armenia,⁴ a convict in a closed-type institution shall be held in an isolated cell designated for up to four persons. This requirement is met in the Artik, Vanadzor, Hrazdan, and Abovyan PIs, largely met in the Vardashen and Yerevan-Center PIs, and partially met in the Goris PI. The largest closed-type institution is Nubarashen with capacity of up to 840 persons deprived of liberty. The aforementioned requirement is not met in Nubarashen (with the exception of the cells designated for persons convicted to life imprisonment, in which up to four convicts are held). Most cells in Nubarashen are 30 square meters: formerly, they were designated for eight persons.

In the cells of closed-type institutions, the toilets are mostly isolated (with the exception of the Yerevan-Center PI), and the floor is mainly wooden (with the exception of the Nubarashen PI). Though persons deprived of their liberty in closed-type institutions are entitled to one hour of exercise per day, this rule is mostly not met, especially on days-off.

The prisoners’ right to bathe at least once a week is often not met. There have been cases in which prisoners were unable to bathe for as long as 15 days. However, prisoners often bathe inside the cells, heating water in various containers using water heaters, and bathing in the water closets of the cell. In view of this situation, bathing facilities can be created in the cell water closets, so that prisoners can bathe at their desired frequency, while the administration can be relieved of the duty to organize the bathing process.

Artificial lighting in the cells is mainly provided by means of a lamp hanging in the cell from the middle of the ceiling. The lamp stays on not only in the evening, but also, based on security considerations, at night. Having a powerful lamp on in the cell at night disturbs the prisoners’ sleep. In some institutions (such as Vardashen), the issue was addressed by installing a night-illumination lamp in the cells: these lamps are not as bright and are placed above the cell door.

In a medical correctional institution, convicts are held in conditions designated for semi-open correctional institutions, subject to the peculiarities of medical correctional institutions. Within a medical correctional institution, separated units or dwellings or cells may be created for holding convicts in isolation of varying degrees. In a medical correctional institution, convicts are held in accordance with the requirements of holding convicts separate.

3 Articles 104 and 105 of the Penitentiary Code of the Republic of Armenia.

4 Article 106 of the Penitentiary Code of the Republic of Armenia.

Recommendations

1. *Restructure the Sevan, Kosh, Abovyan, and Erebouni PIs to make the dwellings consistent with the cell conditions stipulated by the legislation;*
2. *In the Nubarashen, Erebouni, Vardashen, and Abovyan PIs, ensure the four square meters per person, as required by the legislation;*
3. *Provide a centralized heating system in all the PIs;*
4. *Ensure the exercise of prisoners' right to one hour of exercise per day in closed-type institutions;*
5. *Ensure the exercise of prisoners' right to three hours of exercise per day in semi-closed-type institutions;*
6. *Ensure every prisoner's right to bathe at least once a week in all the PIs, as required by the legislation;*
7. *Install night-illumination lamps in all the cells; and*
8. *When renovation is performed, ensure hot water supply to the water closets of the cells, so that prisoners can bathe within the cells.*

OVERCROWDING

Observations in 2008 have shown that the Nubarashen, Erebouni, and Vardashen PIs are overcrowded. The situation as of end-December was as follows:

PI	Capacity	Actual
Nubarashen	840	947
Vardashen	154	192
Erebouni	391	591

There were overcrowded cells in the Vardashen PI: six prisoners were held in cell #4, for example, which had a surface area of 18 square meters (i.e. three square meters on average per prisoner). In the Nubarashen PI, 10-13 prisoners were held in cells designated for eight, with some deprived of individual beds, having to take turns sleeping. In the Erebouni PI, all of the dormitory-type halls were overcrowded: in a hall of 32 square meters, for instance, 17 convicts were held (i.e. two square meters per person).

In response to the current report on overcrowding, the MoJ provided some explanation of the reasons (see Annex 1). We believe that, in addition to the reasons cited by the MoJ, the overcrowding is caused by:

The fact that courts normally order pre-trial detention as a preventive measure;

The reluctance of courts to apply “detention” as a sentence: the Hrazdan PI with a capacity of 200 convicts, specifically built for holding persons with “detention” sentences, normally held one or two convicts: in all of 2008, this PI held only 19 convicts;

The reduction in the number of convicts granted early release: in 2006, Independent Commissions for Early Release were created by presidential decree. Most of the members of these Commissions, including all the chairmen, are representatives of law-enforcement and security agencies. As a consequence, lists of convicts recommended for early release, which were previously presented to the courts by the PI administration, now have to be first endorsed by the Commissions: thus, only persons approved by the Commissions will be recommended to the courts for early release. The number of convicts granted early release has declined about 10-fold (in some cases, 90% of the list proposed by the PI administration is rejected). The Commission decisions are subjective, taken by vote, and not substantiated in any way. This situation, in which the “rules of the game” are not clear to the prisoners (good behavior, awards, employment, compensation of the civil claim, and other

factors do not positively contribute to early release), moral and psychological tension emerges. The work of the Commissions disgruntles not only the convicts, but also the administration of PIs. The administration, in particular, note that convicts no longer have any motivation to behave in a law-obedient manner.

Paragraph 35 of the 2006 “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)” reads: “The prison population has considerably decreased since the CPT’s first periodic visit to Armenia, with 2,997 prisoners in April 2006 compared to 5,624 in 2002. The delegation’s official interlocutors indicated that lighter prison sentences for certain crimes and a wider use of conditional release had made it possible to reduce the prison population. This is a positive trend which is to be commended and should continue.” Effectively, the situation in this sphere has deteriorated.

Recommendations

9. *Work with the courts to promote the use of alternatives to imprisonment;*
10. *Work with the courts to promote the use of “detention” as a sentence; and*
11. *Review the procedure by which the Independent Commissions for Early Release are formed and operate.*

ILL-TREATMENT

Manifestations of ill-treatment of prisoners in penitentiary institutions are hard to identify. Experience has shown that, in cases of ill-treatment discovered by the Group of Observers (Nubarashen PI in 2005, or Goris PI in 2006), the PI in question fails to document the use of special means (handcuffs, truncheons, and the like), while the health-care staff fail to document the injuries sustained by prisoners. These concerns are also reflected in the 2006 Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). According to the “tradition” formed in the penitentiary institutions, prisoners were generally reluctant to state complaints or provide information on violence used against them or other persons. Paragraph 41 of the CPT’s 2006 Report reads: “It also transpired during the 2006 visit that the use of physical force and “special means” was generally not notified to the Prosecutor’s Office. In this context, the CPT is particularly concerned by certain allegations according to which pressure had been exerted by prison staff on prisoners who officially complained to outside bodies to make them withdraw their complaints.” This practice still continues (see the “Treatment” chapter under the section on the Vardashen PI).

Since 2001, when the PIs were transferred to the MoJ system, the incidence of ill-treatment has declined, but violence, which sometimes reaches the severity of torture, continues to be applied as punishment for noncompliance and, especially, escape attempts. Ill-treatment is rather frequent when the “Rapid Response Team” of the Penitentiary Department visits the PIs. According to information received, the Rapid Response Team enters into cells with the aim of performing searches, treating prisoners offensively, and viewing any reaction by prisoners as “resistance” that is normally followed by violence (battering or, at times, torture), often against all the prisoners in the cell concerned. Considering that the members of the Rapid Response Team are masked, it is later very difficult to identify them. Such a case was discovered by the Group of Observers in the Goris PI in 2006.

On December 23, 2008, the Group of Public Observers visited the Nubarashen PI and, concluding that some of the cases involving the activities of the Rapid Response Team there amounted to torture, submitted an urgent report to the Minister of Justice (see Annex 2). The injuries noticed

by the Group of Observers had not been properly documented by the health-care staff of the PI.

Recommendations

12. *Document any use of special means in the relevant journals;*
13. *Require the health-care staff to document all the injuries after the use of special means;*
14. *Preclude any pressure by the administration on prisoners that lodge complaints;*
15. *Enhance the effectiveness of prosecutorial supervision of ill-treatment cases; and*
16. *Preclude the participation of the Rapid Response Team of the Penitentiary Department in cell searches.*

FOOD

The supply of food products to the penitentiary institutions is carried out through a centralized supply system. Bread for PIs is mainly baked in the workshops owned by the “Support to Convicts” foundation. Reviews by the Group of Observers have shown that the bread in the bakery attached to the Nubarashen PI (supplies bread to the Nubarashen, Erebouni, and Vardashen PIs) is of low quality, at times even raw, which makes the prisoners indignant.

The majority of the canteens in penitentiary institutions were renovated recently, and sanitary conditions there have improved.

In the majority of PIs, the cooks are convicts that have no special training. In those PIs, prisoners refuse the meals provided by the administration whenever they can. Observations revealed that, in the institutions where the cooks are civilians (Goris, Yerevan-Center, and Hrazdan PIs), the food quality is much better than in the other PIs.

According to both the monitoring by the Group of Observers and the information received from prisoners, the food provided by the PIs is homogenous and not diversified. Though the list of rations endorsed by decree of the Government of Armenia includes fruit, the Group never found any fruit present during its visits. Convicts held in the health care posts of PIs are given additional food (additional vegetable oil, milk, butter, and eggs) based on a doctor’s instruction. However, the relevant Government decree does not prescribe dietary rations for prisoners with chronic illnesses.

There is also a problem concerning prisoners that refuse certain food because of their religious beliefs (see the “Food” chapter under the section on the Vardashen PI).

Recommendations

17. *Require all the PIs to have a staff position for a civilian cook;*
18. *Improve the quality of the bread;*
19. *Ensure the diversity of the food;*
20. *Prescribe dietary food; and*
21. *Provide appropriate food to convicts that refuse certain food products due to religious or other motivation.*

BEDDING AND SANITARY AND HYGIENE SUPPLIES

Bedding

Penitentiary institutions are obliged to provide bedding to prisoners in accordance with established rations. In this sense, the Group of Observers noted that the pillows and mattresses available in the institutions are worn out and, probably, have been in use for much longer than the two years

stipulated by Government Decree 413-N.⁵

Rare prisoners use the bed linen provided by the institution administration, as most prisoners say they prefer the bed linen delivered by their families.

Sanitary and Hygiene Supplies

The provision of sanitary and hygiene facilities in the system has somewhat improved in recent years. Prisoners receive soap, toothpaste, toilet paper, and razors. Considering that the quantity and quality of designated supplies are not adequate, prisoners also use supplies delivered by relatives. The quality of soap provided to the prisoners, in particular, is low. The rationed monthly quantity of toilet paper is not sufficient.

Recommendations

22. *Provide new bedding to the prisoners;*
23. *Review the supplies rations set by Government Decree 413-N; and*
24. *Improve the quality of sanitary and hygiene supplies provided to prisoners.*

HEALTH CARE SERVICES

Health care “posts” have been created in all the penitentiary institutions in order to organize health care services for prisoners. Moreover, the “Hospital for Convicts” PI operates in the system, to which prisoners are transferred, if their treatment cannot be organized in the PI health care post. When a prisoner cannot be transferred to the “Hospital for Convicts” PI, or if the latter does not have the required capacity to treat the prisoner, the legislation⁶ prescribes also the possibility of transferring a prisoner to a civil health care facility subject to appropriate security measures.

Health Care Staff

The health care staffing of penitentiary institutions varies considerably depending on the institution size (the Yerevan-Center PI has 2 positions for health care staff, while the Nubarashen PI has 26).

Almost all the institutions have vacancies. According to the administration of institutions, the current salaries are not attractive enough for specialist doctors to work in the penitentiary. Moreover, the staffing capacity is often not adequate for organizing the work of the health care posts: in the Yerevan-Center PI, for instance, night shifts cannot be organized due to the inadequacy of staff positions.

Finding the right specialists to fill vacancies is another serious problem for the PIs: general physicians, for instance, which are most frequently needed in PIs, are rare, as opposed to a relatively large number of anesthesiologists whose narrowly-specialized skills are not relevant at the PI health care posts. This problem is partially due to the fact that the staffing list does not indicate the specialization of doctors.

The professional training of doctors working in the penitentiary system is neither regular nor mandatory. Doctors are not required to participate in any professional courses.

Considering that the doctors working in penitentiary institutions are PI staff members subor-

⁵ Republic of Armenia Government Decree Approving the Average Daily Food Rations, Clothing Rations and Use Terms, and Bedding and Hygiene Facilities Rations and Use Terms for Persons Held in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia.

⁶ Law on Holding Arrested and Detained Persons, Article 21. Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, para. 14.

dinate to the PI administration, problems arise in connection with the independence and impartiality of the health care staff. This problem is especially acute when the staff use force against a prisoner. The experience of the Group of Observers shows that, in those cases, doctors either fail to document the prisoner's injuries or document the injuries in a very superficial manner. The international experience shows that the health care staff should be subordinate to the health care agencies, rather than the MoJ, in order to safeguard their independence by reducing or, subject to appropriate safeguards, eliminating altogether their dependence on the PI administration. As an interim step in this direction, the health care services can be taken out of the Penitentiary Department and constituted in the form of a standalone Department.

Recommendations

25. *Approve a staffing list for PIs, which can be filled with appropriate staff in order to organize adequately the activities of the health care posts;*
26. *Specify the medical specialization required in respect of each health care staff position;*
27. *Organize regular training and professional qualification of doctors;*
28. *Take appropriate measures to fill the vacant positions; and*
29. *Develop an action plan for transferring the health care service to the health system.*

Medication

Medication for the penitentiary is delivered through a centralized supply system. Every year, a list of the required medicines is compiled, based on which a tender of suppliers is organized through the Public Procurement Agency. This scheme lowers the amount spent on procurements, but creates quite some difficulties in terms of providing the necessary quantity and diversity of medicines. Obviously, the medicine needs cannot be predicted for a full year. Therefore, the list prepared by institutions is based on the past experience and includes mainly the general medicines. If it turns out, any time during the year, that an institution needs any medicine that was not included in the original list, the head of the PI health care post has to apply to the Penitentiary Administration and, if the relevant medicine is available there, receive it. Clearly, this mechanism does not work for remote institutions, because it is much quicker and easier to purchase the necessary medicine from a nearby pharmacy than to go to Yerevan to get it.

Besides, in some cases, institutions need medicines that were never purchased: for instance, a pregnant prisoner may need some medicine that could not be predicted in advance. There are cases in which a patient needs a specific medicine, but the institution can only offer a replacement that is not effective for that patient. In those cases, the required medicine is mainly obtained by the prisoner's relatives or, in some cases, even paid for by the institution doctor.

On the other hand, as clear advance planning is impossible, some medicines are oversupplied: in the majority of institutions visited, the Group of Observers discovered expired medicines that may not be used and need to be dealt with carefully.

Even if the expired medicines were appropriately written off, they remained in the penitentiary institution, because the officials in charge of the health care posts did not have any instructions on how to destroy expired medicines.

The Group of Public Observers considers that the medicine supply mechanism is in some cases inefficient and needs improvement. In addition to centralized supply, a possible solution may be the provision of some non-cash funding to the institutions, which they can spend if necessary to purchase the urgently-needed medicines from pharmacies.

Recommendations

30. *Put in place a more flexible system of medicine supply, so that the necessary medicines can be fully provided to prisoners;*
31. *Prescribe special procedures precluding the use of expired medicines; and*
32. *Prescribe clear procedures for the destruction of expired medicines.*

Equipment

The availability of medical equipment in penitentiary institutions has always been a key vulnerability of the health care service. Despite significant progress in this area in recent years (the majority of institutions have received state-of-the-art dental chairs, a special machine for electronic fluorography has been purchased, and some other equipment is being received), institutions still need some of the most basic medical equipment. Most of the officials in charge of the health care posts at institutions said that they need new electrocardiogram devices, small laboratories, and basic otolaryngological and surgical hardware. They also mentioned the need for sonography devices, though the institutions have virtually no sonographers. Some institutions (for example, the Sevan PI) are in critical need of equipment.

The “Hospital for Convicts” and Nubarashen PIs need new X-ray and roentgenoscopy devices. All the institutions in which new dental chairs are installed need to be equipped with dental X-ray machines.

The patient rooms need to be furnished with appropriate beds.

Recommendation

33. *Improve the availability of medical equipment in the penitentiary institutions.*

The Transfer of Prisoners to Civilian Health Care Facilities

In some cases, prisoners need to be treated in civilian health care facilities under the state-subsidized schemes. The issue affects primarily female prisoners, for whom there is no special health care institution in the penitentiary system. In practice, the transfer of prisoners to civilian health care facilities and their treatment under state-subsidized schemes is related to bureaucratic hustle that will take quite some time to overcome. For example, after the PI doctor decides that a patient can be adequately treated only in a civilian hospital, he must request the authorization of the Penitentiary Department for the patient to become eligible for state-subsidized care. Then, the Department refers the case to the Ministry of Health, which assigns it to the relevant section. The process takes about 15-20 days. If state-subsidized care is approved, the doctor must personally visit the Ministry of Health to get the referral paper.

Recommendation

34. *Streamline the process of sick prisoners’ referral to and treatment in civilian health care facilities.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

The right to short-term visits is stipulated by the Law on Holding Arrested and Detained Persons and the Penitentiary Code:

A person in pre-trial detention is granted at least two visits (each lasting up to three hours) per month with close relatives, representatives of the mass media, or other persons (unless the body conducting pre-trial proceedings has prohibited such visits)⁷;

A convicted person is granted at least one short-term visit (lasting up to four hours) with close relatives or other persons per month. Persons convicted to imprisonment for a term for particularly grave crimes or those convicted to life imprisonment are granted at least three short-term visits a year.⁸

Visit rooms have been created in all the institutions for short-term visits, though they vary in terms of shape and furniture.

In various institutions, short-term visits are organized in either a general room (Erebouni, Sevan, and Artik PIs) or separate rooms (Yerevan-Center and Abovyan PIs).

During visits in the Nubarashen PI, prisoners and their relatives are separated by a glass partition and can only communicate by telephone. In all the other institutions, visitors and prisoners can interact directly.

In the Yerevan-Center PI, a controller is directly present during the visits (sitting at the same table), which makes the visit rather inconvenient for the visitor and the prisoner being visited.

Some institutions have separate rooms for visiting small children, which are appropriately equipped (soft furniture and toys), thanks to which the children do not get the impression of being in a prison.

Granting short-term visits is usually not problematic.

Under the Penitentiary Code of the Republic of Armenia,⁹ persons convicted for particularly grave crimes or those convicted to life imprisonment are entitled to three visits a year, which is four times less than the number of visits granted to other convicts. It is common knowledge that visits positively influence the prisoners' moral and psychological state. Moreover, firm ties with the family contribute to the prevention of reoffending. Based on the foregoing, the Group of Observers considers that achieving the severity of punishment by means of limiting contacts with the family is not appropriate.

Recommendations

35. *Develop general standards for furnishing the short-term visit rooms to avoid differences in the conditions provided to prisoners in different institutions;*
36. *Develop a procedure of monitoring short-term visits in such a way that the surveillance does not disturb the normal course of the visit;*
37. *Equip separate rooms for visits with small children in all the institutions; and*
38. *Increase the number of visits granted to persons convicted for particularly grave crimes or those convicted to life imprisonment, so that they are granted as many visits as all the other convicts.*

Long-Term Visits

The right to long-term visits is enshrined in the Penitentiary Code:¹⁰

Convicts are granted long-term visits (with the right of cohabitation) only with close relatives once per two months, for up to three days each time. Persons convicted to imprisonment for a

7 Law on Holding Arrested and Detained Persons, Article 15.

8 Republic of Armenia Penitentiary Code, Article 92.2.

9 Republic of Armenia Penitentiary Code, Article 92.2.

10 Republic of Armenia Penitentiary Code, Article 92.2.

term for particularly grave crimes or those convicted to life imprisonment are granted at least one long-term visit a year.

With the exception of the Yerevan-Center PI, all the closed, semi-closed, and semi-open correctional institutions have rooms for long-term visits. In the Abovyan PI, the rooms for long-term visits were built in 2008, but as of yearend 2008, no long-term visits had taken place there.

Institutions allocate separated dormitory-type space for the long-term visits. The space usually includes separate bedrooms and a shared kitchen, bathroom, and toilet. The conditions of long-term visits vary significantly between not only institutions, but also rooms within an institution. There are differences in terms of the sanitary facilities, the room size, furniture, and renovation standards. These differences create possibilities of discriminatory treatment and corruption risks.

Participants of long-term visits have to spend all three days in the bedroom, because there is no place near the dormitories where one can breathe fresh air. Considering that children also participate in the long-term visits, it would be appropriate to create possibilities for walking with them in the fresh air.

The conditions in the rooms for long-term visits in most places (with the exception of the Nubarashen and Yerevan-Center PIs) are sufficient for providing prisoners with the number of visits stipulated by the Penitentiary Code.

In the Nubarashen PI, there is only one room for long-term visits for the designated capacity of 290 prisoners (in reality, 384 prisoners were actually held in this PI as of December 2008). As a result, only life prisoners held in the institution are granted long-term visits, i.e. the right of other prisoners (a total of about 300 as of December 2008) to long-term visits is violated.

As for the Yerevan-Center PI, it has capacity for 15 prisoners (in reality, 2-3 are held, of which 2 are imprisoned for life), but no room for long-term visits, because of which the convicts held there are also deprived of the right to have long-term visits.

Under the Penitentiary Code,¹¹ persons convicted for particularly grave crimes or persons convicted to life imprisonment are entitled to one long-term visit a year, which is six times less than in the case of other convicts. The Group of Observers considers that, as with short-term visits, achieving the severity of punishment by means of limiting contacts with the family is not appropriate.

Recommendations

39. *Develop general standards for furnishing the rooms for long-term visits, precluding significant differences between the conditions in different rooms;*
40. *Ensure access to outdoor space during long-term visits;*
41. *Increase the number of rooms for long-term visits in the Nubarashen PI;*
42. *Make long-term visits possible in the Yerevan-Center PI or preclude the holding of convicts in this PI; and*
43. *Increase the number of long-term visits granted to persons convicted for particularly grave crimes or persons convicted to life imprisonment, so that it is equal to the number of such visits granted to other convicts.*

Telephone Communication

The right to telephone communication is enshrined in the Republic of Armenia Law on Holding Arrested and Detained Persons¹² and the Penitentiary Code.¹³ All prisoners may pay and use

11 Republic of Armenia Penitentiary Code, Article 92.2.

12 Law on Holding Arrested and Detained Persons, Article 17.

13 Republic of Armenia Penitentiary Code, Article 92.4.

the telephone, with the exception of pre-trial detainees prohibited from doing so by the body conducting the pre-trial proceedings.

To ensure prisoners' access to the telephone, card phones have been installed in all the penitentiary institutions, with the exception of the Meghri PI.

In semi-open correctional institutions, the telephones are accessible for all the convicts without restrictions, while in closed and semi-closed institutions, convicts and pre-trial detainees use the telephone according to a timetable compiled by the institution administration. The timetables vary considerably. Prisoners held in the Abovyan PI can make phone calls more frequently than others (every day with the exception of days-off), while prisoners in the Yerevan-Center PI can do it most infrequently (once every 10 days), which, given the small size of the institution, is absolutely unjustified. On average, prisoners in other institutions can make one-two phone calls a week.

Considering that, under the legislation,¹⁴ prisoners have to pay to use the phone, access to the telephone becomes problematic for indigent prisoners. Being unable to pay, they are effectively deprived of the right to stay in touch with their families.

Recommendations

44. *Set a minimum frequency at which prisoners in closed and semi-closed correctional institutions may use the telephone; and*
45. *Create possibilities for indigent prisoners to call their relatives at a certain frequency.*

Correspondence

Personal correspondence is a rare occurrence in the institutions, explained by the possibility to make phone calls and receive visits.

News

Under the Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, prisoners must have wireless receivers in order to have access to the news. This issue is somewhat overlooked by the institution administration, because prisoners mostly have TV-sets and wireless receivers brought by their relatives. Nevertheless, access to news is especially problematic in the quarantine cells, which lack any possibility for receiving the news.

The penitentiary institutions mainly subscribe to daily newspapers (on average, three papers), which the prisoners may access through the libraries. However, the press is usually outdated. Besides, the number of copies received is insufficient, especially for the larger institutions.

Recommendations

46. *Safeguard the right of all prisoners to receive news from the radio (especially during the quarantine phase); and*
47. *Ensure the delivery of a sufficient number of copies of diverse daily press to the institutions.*

Libraries

All the penitentiary institutions have libraries. Most of them were inherited from the Soviet

¹⁴ Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, para. 180.

era, because of which a large share of their stock is Soviet ideology propaganda literature. Providing new literature to the libraries has become a serious issue since the country acquired independence. There is still no state program in this area. A very limited quantity of literature is supplied by various charitable and religious organizations.

The existing library stock is not sufficient to meet the current demand. The literature in the libraries is mostly in Russian, though the majority of prisoners prefer Armenian-language reading materials. The assortment needs to be improved, as well. The librarians state that they are short of Armenian-language adventure and history fiction literature, which the prisoners are mainly interested in. On the whole, the library stock is extremely worn-out.

Depending on the institution type, prisoners either visit the library (semi-open correctional institutions) and choose their preferred books, or order and receive the books in their cells (semi-closed and closed correctional institutions). In the latter case, it is important for the librarian to have a list of books from which the prisoners can then select.

Recommendations

48. *Create a system for regularly supplying new literature to the libraries; and*
49. *In all the libraries (especially in semi-closed and closed correctional institutions), have a list of the books, from which prisoners can make a selection.*

Deliveries

Under the legislation,¹⁵ any prisoner has the right to receive a delivery. Article 72 of the Penitentiary Code prescribes the list of prohibited items and objects, which must be stipulated by the internal regulations of institutions. However, by virtue of paragraph 16, the list of prohibited objects and items has turned into a list of permitted items. In addition to the objects and items specified in paragraph 15, the list prohibits “any item, object, or food, with the exception of the following items, objects, or food stuffs, if the latter were purchased from the shop or booth that operates in the place of holding detainees or in the correctional institution...” (followed by the list of permitted items). In effect, had this paragraph been fully enforced, relatives would be able to deliver only items purchased from the institution shop or booth. This paragraph is even more unclear given the fact that some institutions have no shop or booth whatsoever. Besides, it is difficult to envisage how an institution booth could offer the broad spectrum of objects permitted by the internal regulation, which includes over 100 items, from matches to matches to TV-sets and refrigerators.

Moreover, this paragraph may lead to discriminatory treatment against certain convicts, because it gives the institution administration the power to prohibit any delivery. Some objects (such as computers) are not included in the list and are effectively prohibited in the institutions, which is hard to justify.

Nonetheless, the installation of modern scanners in the delivery receipt posts in institutions started in 2008; over time, they will significantly improve the effectiveness of discovering prohibited items in the parcels delivered by families.

Recommendation

50. *Review the list of prohibited items approved under the internal regulation and bring it into line with the Penitentiary Code.*

¹⁵ Republic of Armenia Penitentiary Code, Article 92.3. Law on Holding Arrested and Detained Persons, Article 22.

STAFF

The main problem reported by the institution administration in connection with the staff is the inadequacy of salaries. It is the reason for the persistence of vacancies and the inability to apply rigorous recruitment criteria. Nevertheless, salaries have tended to increase in recent years. As of January 2009, the average salary was 90,000 drams. Consequently, the number of vacancies has tended to decline, as well.

Due to low salaries, it is understandable that the institution administration and staff do not mention other problems as key issues affecting their work conditions. However, the Group of Observers would like to highlight the importance of providing a proper physical environment at the workplace. In this sense, the conditions in virtually all the institutions remain far from adequate. The work conditions for staff do not receive attention even in the newly-renovated or newly-built institutions. For instance, all the cells of the “new” institutions, as opposed to the space designated for staff, have wooden floors. The institutions have no canteen for the staff, and the staff has to bring their lunch from home and eat at the workplace, short of the most basic conditions. The Hrazdan PI is a positive exception in terms of the work conditions, as it has a staff canteen and proper conditions for the staff to rest.

Another problem observed in the penitentiary institutions is the inadequacy of staff security. The situation is rather worrisome in the Kosh, Sevan, and Erebouni PIs, which have not been re-structured since Soviet times and remain in dormitory-type buildings. There, a staff member may find himself facing several hundred convicts. Moreover, institutions are direly short of hardware and equipment. Even if video cameras are installed in an institution, their number is not sufficient to conduct proper surveillance. The staff does not have radios, which would enable them permanently to stay in touch and to call for urgent help in case of an emergency.

The staff, especially the health care staff, often has to work overtime without any additional pay.

The transport problems of the staff have largely been left unaddressed. Considering that the vast majority of the staff lives rather far away from the institutions (many travel from the regions: for instance, a large share of the staff of the Erebouni PI located in Yerevan live in Kosh and Talin), it is necessary for the institutions to have their own transport.

Recommendations

51. *Maintain the salary increase trends;*
52. *Safeguard proper conditions for staff at the workplace;*
53. *Build canteens in the institutions for the staff;*
54. *Provide appropriate hardware and equipment for the staff;*
55. *Ensure payment for overtime labor; and*
56. *Provide vehicles to the institutions to transport the staff.*

NUBARASHEN PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Nubarashen Penitentiary Institution is the largest penitentiary institution. It was put in commission in 1981. The structure of this Institution does not meet the current requirements. The Institution consists of 6 buildings in which persons deprived of their liberty are held in closed cells. Most of the inmates held in this Institution are pre-trial detainees and convicts serving their sentence in a closed correctional institution (including almost all of the inmates convicted to life imprisonment).

The following capacity has been approved for the Nubarashen Penitentiary Institution:

- Closed correctional institution: 153 persons;
- Semi-closed correctional institution: 19 persons;
- Semi-open correctional institution: 29 persons;
- Open correctional institution: 22 persons; and
- Place of holding detainees: 550 persons.

According to the approved capacity, 840 persons may be held in the Nubarashen Penitentiary Institution. The Institution was effectively overcrowded during all of 2008. As a consequence, the number of inmates in the majority of the cells significantly exceeded the capacity, and despite the placement of additional beds, many inmates did not have individual beds and slept in shifts.

The cells are identical in the Nubarashen Penitentiary Institution: each cell is 30 square meters. The toilets inside cells were partitioned as a result of renovation in recent years.

Sewerage is a key issue for the Institution: it is frequently damaged and creates an intolerable situation, especially in building #1. The administration of the Institution has been unable for years to find a solution for the sewerage problem, blaming the wrong design of the Institution.

Water supply is mainly limited to two-three hours in the morning and the evening according to a timetable. Therefore, inmates have to reserve a permanent supply of water.

The heating system does not work in the Institution; heating is performed by electrical stoves.

CELLS

Every cell in the Nubarashen Penitentiary Institution (with the exception of cells for life prisoners) is designed for 8 inmates. Though the requirement of 4 square meters per inmate is met in the cells, holding so many people in one cell contradicts the Penitentiary Code,¹⁶ which provides that up to 4 convicts may be held in each cell of a closed correctional institution. Besides, due to overcrowding, 2-4 additional beds have been installed in cells, and the Group of Observers encountered up to 13 inmates in some cells, though it has received allegations of holding as many as 18

¹⁶ Penitentiary Code of the Republic of Armenia, Article 106.

inmates in some cells. This situation is unprecedented for the whole history of the observation by the Group (starting from 2004).

The cell floor is concrete, and in view of the fact that inmates may spend 23 hours a day in the cells, the concrete floor can negatively affect their health. The cells are equipped with beds, tables, and benches that are fixed to the floor. Personal TV sets, refrigerators, and other electrical appliances were found in virtually all the cells.

Natural light is insufficient in some cells: the windows are small and do not provide sufficient light. The artificial lighting is delivered by a lamp hanging from the ceiling in the middle of the cell, which stays on in the evening and throughout the night, because there is no separate night lamp. The absence of a night lamp means that the more powerful evening lamp has to stay on during the night, which disturbs the inmates' sleep.

The cells have no ventilation system: as a consequence, the inflow of clean air into the cells is limited. Inmates reported that it causes health problems.

The situation is somewhat different in building #6, which has a higher degree of isolation of inmates and discipline. The "problematic" inmates are held there, too. Despite the general overcrowding of the institution, fewer inmates (2-6 inmates per cell visited by the Group of Observers) are held in the cells in building #6, which differ from cells in the other buildings by their size.

Life prisoners are held in building #5 and some in building #4 of the Institution. The cell conditions there are more favourable. Up to four inmates per cell are held there. In some cells, the floor is wooden. In the majority of the cells, inmates have created bathing possibilities in the bathroom of the cell.

Recommendations

57. *Take measures to eliminate the problem of overcrowding and, in the interim, place additional beds to ensure that each inmate has an individual bed;*
58. *Install wooden floor in the cells during future renovation; and*
59. *Install night lamps in the cells.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

There are two rooms in the Nubarashen Penitentiary Institution for short-term visits. The size of one room is 45 and the other 18 square meters. The former is designed for 7 concurrent visits. It is the only visit room in the penitentiary system, where visits take place without the possibility of direct interaction between the inmate and his relatives, i.e. they are separated by glass partition and speak with each other by telephone. These conditions of visits create discriminatory conditions for convicts held in the Nubarashen Penitentiary Institution. It is unclear why such creations are created given that the legislation does not require equipping visit rooms in this way.

Visits in the Institution take place in the presence of an inspector. There is neither natural light nor heating in the room.

The other room is for one visit at a time. It is furnished with a table and chairs, and the interaction is direct.

Recommendations

60. *Transform the room for short-term visits to enable direct interaction between the visitor and the inmate; and*
61. *Ensure heating in the rooms for short-term visits.*

Long-Term Visits

There is one designated room in the Nubarashen Penitentiary Institution for long-term visits. The room has three parts: a bedroom, a kitchen, and a corridor. There is a separate bathroom. In the kitchen, there is a sink, a table, and chairs. There is a bed, a wardrobe, and a refrigerator. There is natural and artificial light (there is a small window). Ventilation is performed through the window and a ventilator.

The general sanitation status of the room is adequate.

Considering that a large number of convicts are held in the Nubarashen Penitentiary Institution, having only one room for long-term visits is obviously not enough. Therefore, the majority of the inmates cannot exercise their right to long-term visits. The room only suffices for the visits of life prisoners, which are given preference in this matter.

Recommendation

62. *Increase the number of rooms for long-term visits.*

Telephone Communication

Card phones have been installed in all the buildings of the Nubarashen Penitentiary Institution, and inmates can use the card phones once a week in accordance with a timetable. The Group of Observers has not identified serious problems related to the use of the phone.

Recommendation

63. *Take measures to increase the frequency of telephone use.*

Deliveries

The unit for accepting deliveries at the Nubarashen Penitentiary Institution is an 18-square-meter room. The relatives of convicts transfer the deliveries in this room, in which there are two benches and a table. Next to the room, there is a booth where purchases can be made. Next to the room, there is also a toilet. The delivery transfer permitted hours, the list of permitted (prohibited) food and items, and the transfer procedure are posted on the wall of the room.

Deliveries are scanned with a modern “Rapiscan” device.

The employee of the delivery transfer unit said that queues are formed only on the eve of holidays.

SANITATION AND HYGIENE

Bathing

There are five bathhouses (each with 12-15 square meters) in the Nubarashen Penitentiary Institution for inmates. Each bathhouse has a changing room with benches and hangers. To ensure the flow of hot water, various-size tanks for heating water with electricity have been installed. There is no ventilation system in the bathhouses; windows are used for this purpose. There is no heating in the bathhouses, either.

Despite the foregoing, baths are not organized regularly in the Institution, and the inmates bathe mainly in the water closets inside the cells, though they lack appropriate conditions. Baths are regularly organized only in building #6.

Recommendations

64. *Ensure the bathing of inmates in the Institution bathhouse at the frequency stipulated by the legislation;*
65. *Put in place a ventilation system in the bathhouses; and*
66. *Ensure heating in the bathhouses.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Nubarashen Penitentiary Institution is the largest in the penitentiary system. It is a separate two-storeyed building. The health post has a sputum laboratory, rooms for X-ray, dental services, and procedures, and 12 patient cells. In the tuberculosis section, there is a separate room in which the patients take their drugs under the supervision of a doctor.

Showers and water heaters are installed in the water closets of the patient cells in the health post: as a result, inmates can bathe here at their preferred times and frequency.

The health post also has a separate exercise yard, which is in fact the only exercise yard in the Institution, which has facilities for athletic exercise (a handmade bar and a piece of training equipment).

The general sanitation status in the health post is adequate.

Staffing

The health post of the Nubarashen Penitentiary Institution has 26 staff positions, of which three were vacant at the time of the Group's visit, including the positions of a deputy chief of the post, a senior specialist, and a lead specialist.

Despite the large number of staff positions and a broad spectrum of professionals (a psychiatrist, a dentist, an infectionist, tuberculosis specialists, a general physician, a surgeon, a neurosurgeon, and an intensive care doctor) working in this health post compared to health posts in other penitentiary institutions, the chief of the health post thought that, to be considered fully staffed, the health post also needed a cardiologist, a urologist, and a radiologist.

Recommendation

67. *Ensure the presence of the necessary specialists in the health post of the Institution.*

Medication

According to the chief of the health post at the Nubarashen Institution, the health post receives an adequate supply of medication, and no medication is overdue. If any medication is needed and is not available in the Institution, it is brought additionally from the "Hospital for Convicts" Penitentiary Institution. The inmates, generally satisfied with the performance of the health professionals, did not consider the availability of medication adequate.

Equipment

The availability of medical equipment at the health post of the Nubarashen Penitentiary Institution has improved significantly in recent years. In 2008, a new digital fluorograph ("Pro Scan 2000") was installed; however, when the network voltage falls, it does not operate. To overcome this issue and to make sure that the expensive machine does not break because of voltage fluctuation, it is necessary to install a power stabilizer.

The health post received a new state-of-the-art dental chair during the last year. However, a dental X-ray is also needed in order for complete treatment to be provided. Such an X-ray could in fact serve the nearby institutions (Erebouni and Vardashen).

The Institution has an X-ray, which is working, but is outdated.

Recommendations

68. *Install a power stabilizer to ensure the operation of the fluorograph;*
69. *Provide a new X-ray to the Institution; and*
70. *Provide a dental X-ray to the Institution.*

OCCUPATION

Occupation for inmates in the Nubarashen Penitentiary Institution is provided by means of outdoor exercise and the library. In the cells, there are TV sets, video and audio players, and other appliances brought by the inmates' relatives. The only employment offered to convicts by the Institution is their engagement in its housekeeping.

Outdoor Exercise

There are 29 exercise yards in the Nubarashen Penitentiary Institution, of which 20 are on the roof of the main building, 6 in the yard of the main building, 2 in building #6, and one in the health post.

The exercise yards are mostly similar, each with about 30 square meters of space. There are no facilities for sports and athletic exercise.

The surface area of each exercise yard in building #6 is about 18 square meters. They are furnished with benches that are broken and unusable. These two exercise yards are covered in a way that the benches are not covered from any precipitation. There are no facilities for sports in these exercise yards.

The exercise yard in the health post is in a relatively better condition. Its surface area is 18 square meters. There is a bench that is covered from precipitation. There are two sport bars and one handmade piece of training equipment.

Though the Nubarashen Penitentiary Institution has the largest number of exercise yards, the outdoor exercise here is mainly organized irregularly. The frequency of outdoor exercise varies between the different buildings. Building #6 is the best in this sense, because the inmates there get outdoor exercise every day with the exception of days-off, even though this practice, too, contradicts the legislation,¹⁷ which requires daily outdoor exercise for inmates. Building #3 is the worst in this sense, because there, outdoor exercise is the exception, rather than the rule. The problems related to the organization of outdoor exercise are attributed to the inadequate number of staff. However, the Group's observation showed that whenever the Institution administration pays special attention to this issue, the situation in terms of the provision of outdoor exercise improves considerably, which means that the stated "causes" can be easily overcome provided that there is a desire to do so.

Recommendations

71. *Provide daily outdoor exercise as stipulated by the legislation; and*
72. *Create facilities for athletic exercise in the outdoor exercise yards.*

¹⁷ Penitentiary Code of the Republic of Armenia, Article 78.

Library

A 56-square-meter library operates in the Nubarashen Penitentiary Institution. There are 6,170 books. All the books are catalogued. The Group's observation showed that there were sufficient shelves for keeping the books, but the library was not heated. More books were in Russian than in Armenian. New books are needed. There is no mechanism for replenishing the book stock. New books have not been received for many years already. The library has recently received only spiritual literature. The librarian said that the inmates needed fiction, classics, and textbooks. The library does not receive any periodicals.

Recommendations

73. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*
74. *Ensure the supply of fresh press to the library through subscription.*

FOOD

Inmates have always complained about the food in the Nubarashen Penitentiary Institution. The reasons have to do with both the quality of the food products (especially the oil) and the cooking of the meals. A key problem is the professionalism of the cooks. The Nubarashen Penitentiary Institution does not have a staff position for a civilian cook (unlike the Yerevan-Center and Goris penitentiary institutions). As a consequence, one of the convicts from the logistical section, who does not have appropriate training, is appointed as the cook.

Kitchen

The kitchen in the Nubarashen Penitentiary Institution consists of the following sections: cooking section, dishwashing section, bread-cutting section, and storage.

The meals are cooked in electrical pans. As the Institution receives running water according to a timetable, twice a day, only for four hours, the kitchen has to keep a reserve of water. There is no hot water in the kitchen; the water is heated in pans.

The kitchen in the Nubarashen Penitentiary Institution receives hygiene supplies (Makruhi and Tage washing agents). There is a ventilation system in the kitchen. There are three refrigerators, one of which does not work. Food samples are present.

As for other equipment, the kitchen has a potato peeler, which often breaks due to its poor quality.

The kitchen generally needs a complete overhaul.

Food Quality

Inmates in the Nubarashen Penitentiary Institution mostly complain about the quality of the meals cooked at the Institution. The poor quality of the meals is proven by the fact that the cooks keep separate meals for themselves and do not eat the "general" food.

Bread is cooked for the Nubarashen Penitentiary Institution by the bakery located within the Institution, which belongs to the "Support to Convicts" Foundation. The quality of the bread baked here varies: sometimes, it is sour and sodden.

The majority of the inmates noted that they used the food received through deliveries.

Recommendations

75. *Overhaul the kitchen;*
76. *Improve the technical facilities in the kitchen;*
77. *Introduce a staff position for a civilian cook in the Institution; and*
78. *Improve the food quality.*

SANCTIONS

The punishment cells in the Nubarashen Penitentiary Institution are in the semi-basement of building #1. The cell conditions here are particularly grave given the humidity of the foundation and the accident condition of the sewerage in the basement.

The surface area of each punishment cell is 30 square meters. There are three beds per cell, which fold up during the day.

There are electrical stoves to heat the punishment cells, but they do not provide enough heat in the winter.

Natural light in the punishment cells is not enough, because the windows are small. Besides, some of the window glass is broken, and inmates have to cover the windows with blankets.

The punishment cell toilets are not partitioned.

The general condition of the punishment cells is unsanitary.

Recommendation

79. *Overhaul the punishment cells.*

USE OF SPECIAL MEANS

During 2008, the Group of Observers identified one case of use of special means in the Nubarashen Penitentiary Institution. An urgent report was prepared on the case (see Annex 2).

ADMISSION OF NEW INMATES

Health Check

During 2008, 101 cases of inmates admitted to the Institution with bodily injuries were registered in the health check journal for inmates brought from the police. The administration of the Institution said they informed the prosecutor's office immediately of such cases.

Quarantine Cell

The quarantine cells are in building #1 of the Institution. During the last year, the conditions in quarantine cells have been somewhat improved, but are still worse than in the ordinary cells.

Natural light in the cells is sufficient, but a window in one cell did not have glass and was instead covered with a plastic sheet.

The quarantine cell did not have any source of information such as a TV set or radio, and the inmates are fully isolated from the outside world during the quarantine stage. It is unacceptable given that the quarantine stage is particularly difficult for the psychological state of the inmates. Moreover, the presence of a radio in the cells is stipulated by the legislation.¹⁸

¹⁸ Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, paragraph 46.

Recommendations

80. *Ensure that the conditions in quarantine cells are no worse than those in the ordinary cells; and*
81. *Ensure the presence of a radio in the quarantine cells.*

TREATMENT

The Group of Observers did not find any cases of ill-treatment of inmates by the staff of the Nubarashen Penitentiary Institution in 2008.

STAFF

The Nubarashen Penitentiary Institution does not have vacancies, but needs staff positions for an additional 20 junior inspectors.

The Social-Psychological Service of the Institution has one psychologist, one social worker, and one lawyer, which is too little given that the Institution holds 800-900 inmates.

The staff regularly participates in training courses organized by the Penitentiary Department.

The most basic conditions have not been created for the staff of the Nubarashen Penitentiary Institution. As there is no canteen, the staff has to bring lunch from home and eat at the workplace. The “workplace” in the different buildings is the corridor, where the food cannot be heated.

The main problem reported by the Institution administration is the low wage of staff: currently, the average is 70,000-75,000, while they stated that wages of 200,000-250,000 would be fairer.

Recommendations

82. *Provide the necessary number of staff positions to the Institution, especially in the social-psychological service; and*
83. *Improve the workplace conditions for the staff.*

YEREVAN-CENTER PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Yerevan-Center Penitentiary Institution is located in the building of the National Security Service of the Republic of Armenia. Back in the Soviet years, it served as the KGB isolator.

The Group of Observers noted in its 2005 Annual Report that, although the Yerevan-Center Penitentiary Institution is legally subordinate to the Ministry of Justice, it is actually operating as the isolator of the National Security Service. The Report also noted that the Institution did not have a checkpoint, and that the National Security Service checkpoint had to be used to enter the Institution. The Report recommended terminating the activities of the Yerevan-Center Penitentiary Institution, unless its removal outside of the National Security Service was technically feasible. Since then, the situation has not changed in this respect.

The Institution has two floors. Only the second floor is used for holding inmates, while the cells on the first floor (which is in the basement) are not used, and only the bathroom on the first floor is equipped and functioning.

According to the Decree of the Minister of Justice “On Approving the Types of Penitentiary Institutions of the Ministry of Justice, Their Capacity, and Living Space per Detainee and Convict,” the Institution has a capacity of 60 persons. However, considering that a part of the Institution’s territory was allocated to the National Security Service for use as a place for holding arrested persons, the actual capacity of the Institution is currently 53 persons, including:

- Closed correctional institution: 10 persons;
- Semi-open correctional institution: 5 persons; and
- Place of holding detainees: 38 persons.

The Institution has not created conditions for holding convicts in a semi-open correctional institution.

At the time of the visit, the Institution held 48 inmates, including 3 convicts (of which 2 were life prisoners) and 45 detainees.

The Group’s observation supports the assumption that the Yerevan-Center Penitentiary Institution is used to hold persons detained on politically-motivated criminal charges (for instance, the opposition representatives were mostly kept here after the events in April 2004 and March 2008), foreigners, and some persons accused in criminal cases that attract strong publicity. To this end, the situation here has not changed relative to the 2005 Report.

Recommendations

84. *Move the Institution out of the National Security Service territory or perform construction works in a way as to ensure the isolation of the Institution from the National Security Service;*
85. *In the Decree of the Minister of Justice “On Approving the Types of Penitentiary Institutions of the Ministry of Justice, Their Capacity, and Living Space per Detainee and Convict” dated 16 February 2007, change the capacity of the Yerevan-Center Penitentiary Institution to match the conditions of the current building.*

CELLS

13 cells of two-five inmates currently operate in the Yerevan-Center Penitentiary Institution. The space requirements have been met. The floor is wooden, and the beds are single-decked. The cells recently underwent partial renovation.

The natural light varies between cells, but is insufficient in virtually all the cells. Therefore, the artificial lights are constantly on in the Institution.

The artificial lights are not separate for the day and the night; therefore, the more powerful lamp stays on during the night, which disturbs the inmates' sleep.

The cells have no ventilation system.

The toilets in the cells are not sufficiently isolated. In the absence of a ventilation system, it is impossible to isolate them fully. Nonetheless, the half-wall in one of the cells had been made higher, reaching about two meters, which created relatively more dignified conditions for the inmates.

Recommendations

86. *Install [low-power] night lamps in the cells;*
87. *Install a ventilation system in the Institution; and*
88. *Isolate the cell toilets.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

Two rooms operate in the Institution for short-term visits. In the Yerevan-Center Penitentiary Institution, visits take place in the immediate presence of the inspector, which the inmates perceive as an obstacle to the visits. The presence of an inspector is explained by the need "to prevent the transfer of prohibited objects by the relatives." The number of existing rooms is extremely insufficient, because the same rooms are used also as investigative rooms. For this reason, the administration of the Institution has limited the duration of each visit to one hour, while the legislation¹⁹ prescribes three hours for detainees and four hours for convicts. According to the administration of the Institution, the requirements of the legislation cannot be complied with on the current premises.

Recommendations

89. *Find a way of controlling visits, which will not violate the inmates' right to private life, while ensuring security;*
90. *For purposes of addressing the insufficiency of visit rooms, restructure some of the idle cells on the first floor of the Institution into visit rooms and eliminate the time restriction on visits.*

Long-Term Visits

The Institution has never had a room for long-term visits. Nevertheless, the decree of the Minister of Justice on approving the capacity of institutions provides that up to 10 convicts may be held in the Yerevan-Center Institution (at the time of the visit, there were three convicts). The lack of possibilities for convicts to receive long-term visits violates their rights and amounts to discrimination against them in comparison with convicts held in other institutions.

¹⁹ Republic of Armenia Law on Holding Arrested and Detained Persons, Article 15.

Recommendation

91. *Equip a room for long-term visits in the Institution (possibly, in one of the lighter rooms in the basement) or preclude the holding of convicts in the Yerevan-Center Penitentiary Institution.*

Telephone Communication

Yerevan-Center was the last penitentiary institution to provide access to the telephone for inmates. According to a timetable approved by the Institution governor, inmates are currently allowed to use the telephone once every 10 days for up to 15 minutes. The majority of inmates consider this frequency insufficient.

Recommendation

92. *Revise the timetable of telephone calls and, if possible, increase their frequency.*

Correspondence

Personal correspondence is rare in the Yerevan-Center Penitentiary Institution, as well as in the other institutions. It is explained by the availability of the telephone and visits. Nevertheless, the Group received an allegation about an inmate not being allowed to send a letter to his relative held in another penitentiary institution. The legislation²⁰ does not in any way limit the inmates' right to correspondence.

Deliveries

The unit for accepting deliveries at the Yerevan-Center Penitentiary Institution is a small room that through a window adjoins the Reception of the National Security Service, from where relatives can transfer the deliveries. The delivery transfer hours and the list of permitted (prohibited) food and items are posted on the window. The window size does not enable posting all of the necessary documents there, and it is not permitted to post them on the wall next to the window, because it would be the territory of the National Security Service. There is no toilet or drinking water in the area. According to the employee of the unit for accepting deliveries, queues almost never form at the unit.

Deliveries are scanned with a modern "Rapiscan" device.

At the time of the observation, the delivery acceptance scales were broken.

Inmates complained about the prohibition of delivering soup, pilau, or dairy products. In general, the acceptance of deliveries in the Institution is limited to once a week per inmate. This limitation is not prescribed by the legislation. The Institution has acquired two large refrigerators for storing the deliveries, which are located in the kitchen of the Institution. In contrast to other institutions, Yerevan-Center does not permit inmates to have refrigerators in the cells. This limitation is not prescribed by the legislation and creates numerous inconveniences for both the inmates and the staff.

Recommendations

93. *Move the unit for accepting deliveries to an area where it will not be connected with the National Security Service;*
94. *Remove the limitation on the frequency of accepting deliveries; and*
95. *Remove the prohibition to have refrigerators in cells.*

²⁰ Republic of Armenia Law on Holding Arrested and Detained Persons, Article 17.

SANITATION AND HYGIENE

Bathing

Inmates in the Yerevan-Center Penitentiary Institution bathe once a week according to a timetable.

The bathhouse in the Institution consists of two changing rooms and two bathrooms. In the changing room, there are hangers and concrete benches. The general sanitation status in the changing rooms is inadequate, as reported also by some inmates.

Each bathroom is equipped with two showers, tiles, and hot water. Hot water flows from two 100-litre heated tanks. Both the inmates and the administration noted that the heated tanks were not adequate, because the water heating took very long, and the quantity of hot water was not sufficient for inmates to bathe.

Considering that inmates are normally taken to bathe by cells, and there are as many as 5 inmates in some cells, the existing number of showers obviously cannot be enough.

Inmates stated that bathing once a week was not enough and asked to increase the frequency. The Group believes that, although the frequency prescribed by the legislation²¹ is not violated (“at least once a week”), the legislation permits a higher frequency of bathing, as well. The European Prison Rules, too, recommend prescribing the frequency of bathing at least twice a week (paragraph 19.4).

Recommendations

96. *Make the hot water supply system more convenient and flexible;*
97. *Increase the number of showers for inmates; and*
98. *Increase the frequency of bathing, if possible.*

Bedding

The Institution provides bedding to inmates. However, virtually all the inmates prefer to use their personal bed linen, because that provided by the Institution is of poor quality. Inmates complained about the quality of the bedding, especially the pillows, which were already quite old and worn out.

Recommendation

99. *Supply new bedding to the Institution.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Institution consists of one room only and has neither any patient rooms nor separate rooms for procedures, dental care, and the like. This situation was attributed mainly to the conditions of the building and the impossibility of providing additional rooms.

Recommendation

100. *Allocate additional rooms (possibly, from the unused cells on the first floor) to the health post to be equipped as offices of a sufficient number.*

21 Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, paragraph 47.

Staffing

The Institution health post has two staff positions, including a doctor and a paramedic. The scarcity of staff positions does not permit organizing night shifts at the Institution, and if medical care is urgently needed during non-working hours, the doctor or paramedic are telephoned and called to the Institution. Inmates mentioned that, if health issues arise during non-working hours, they would report the issues only in extreme cases in order not to disturb the rest time of the medical personnel. The Group of Observers considers the absence of night shifts unacceptable for the Penitentiary Institution.

Recommendation

101. *Increase the number of health post staff positions to four in order to ensure round-the-clock presence of a health professional in the Institution.*

Medication

The chief of the health post of the Institution said that the Institution was fully provided with medication, and there were no issues of expired medication or else. Nevertheless, at the time of the visit, members off the Group of Observers found 20 boxes (200 vials) of Analgin, which had expired 1 month and 22 days earlier. The doctor thought that he had the right to use the medication within two months of the expiry date of the medication and noted that the 200 vials would be given to the inmates within the remaining one week.

Recommendation

102. *Preclude the use of any expired medication in the Institution.*

Medical Equipment

The Institution does not have sufficient medical equipment. It only has a tonometer, a cardiograph, and a dental chair that was so worn and torn that it was not usable.

Recommendation

103. *Provide the necessary medical equipment to the Institution.*

OCCUPATION

The Institution provided inmates occupation only through outdoor exercise, the library, and board games. In the cells, there are TV sets, video and audio players, and other appliances brought by the inmates' relatives.

Outdoor Exercise

There are 6 exercise yards in the Yerevan-Center Penitentiary Institution, which are on the roof of the Institution. The surface area of the exercise yards varies from 35 to 50 square meters. Each has one bench with 3-4 seats, which were recently renovated. Considering that the inmates are taken out for exercise by cells (and there are up to 5 persons per cell), the benches are not big enough. The rain covers are in the corners of the exercise yards and do not cover the benches. There are possibilities for the inmates to do sports. The inmates take large bottles of water with them to the exercise yards for use as weights. The inmates expressed the desire to have tennis tables installed in the exercise yards, if possible. If the administration consented, the inmates said they were ready to install the tennis tables at their expense.

Inmates are taken out for exercise in two shifts, each for one hour. The outdoor exercise is organized around 10am-11am. Inmates made various recommendations on the organization of the outdoor exercise: the inmates that preferred gymnastic exercise suggested organizing the exercise always at the same hour, without change of shifts, in order to maintain their schedule. All the other inmates preferred to have the outdoor exercise after lunch. All the inmates agreed that it would be desirable to make the outdoor exercise longer and, if possible, organize it twice a day.

Recommendations

104. *Take measures to create possibilities for inmates to do sports; and*
105. *Apply a more flexible timetable for the organization of the outdoor exercise.*

Library

A library operates in the Yerevan-Center Penitentiary Institution. All the books are catalogued, and the inmates can choose. Nevertheless, some of the inmates were not aware of the existence of the catalogue. The observation showed that the conditions for storing the books were not adequate: the space was insufficient, and there were not enough shelves. Therefore, the books read less were on the floor. There were more books in Russian than in Armenian. There is a need for new books. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The library receives three periodicals. One copy of each newspaper is received, but the staff claimed it was sufficient for the inmates of all 13 cells.

Recommendation

106. *Improve the conditions in which books are kept in the library (add shelves) and acquire especially Armenian-language literature.*

FOOD

Kitchen

The general sanitation status in the kitchen is adequate. There are heating and ventilation systems. The menu is posted on the wall.

Food Quality

In the Yerevan-Center Penitentiary Institution, unlike the vast majority of the penitentiary institutions, the cooks are civil servants. The inmates are generally satisfied with the food quality. During the observation, the Group regularly noted the adequate quality of the meals cooked in the Institution. Nonetheless, the vast majority of the inmates use the food products received through deliveries.

SANCTIONS

No cell has been specially equipped as a punishment cell in the Institution. The administration explained it by saying that the need for placing someone in a punishment cell as a sanction did not arise in the Institution and were unable to recall when it was last applied. A member of the staff of the Institution noted that one of the idle cells on the first floor of the Institution was designed to be used as a punishment cell, but was unable to specify which cell exactly. The Group of Observers welcomes the fact that the most severe sanction, i.e. placement in a punishment cell, is not applied in the Institution, but notes that one should not preclude that such a need may arise in the future.

Recommendation

107. *Equip a punishment cell in accordance with the relevant standards.*

USE OF SPECIAL MEANS

There have not been any cases of the use of special means in the Institution in recent years.

ADMISSION OF NEW INMATES

Health Check

The administration of the Institution could recall only case during the last year when an inmate brought to the Institution was found to have bodily injuries, which were self-inflicted.

Quarantine Cell

There is no separate quarantine cell in the Institution, which contradicts the requirements of the legislation.²²

Recommendation

108. *Equip a separate quarantine cell.*

TREATMENT

The Yerevan-Center Penitentiary Institution is one of the rare institutions in which the Group of Observers received only positive feedback about the staff from the inmates.

STAFF

The Yerevan-Center Penitentiary Institution is one of the few institutions in which there are no staff vacancies. The staff regularly participates in training courses organized by the Penitentiary Department. The main issue mentioned by the Institution administration is the low level of staff wages (currently, 70,000-80,000 drams, while around 200,000 drams would be fairer in their opinion).

²² Republic of Armenia Law on Holding Arrested and Detained Persons, Article 29.

ARTIK PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Artik Penitentiary Institution is located in a highly mountainous region. In 2006, the Institution was renovated, and appropriate conditions were created there for holding convicts in cells. Nonetheless, due to the poor quality of the performed renovation and the unfavourable location of the Institution (built in a highly mountainous region that is very humid and has a harsh climate), the Institution constantly needs current repairs. The walls on the first floor dampen; the bathroom walls and tiles crack and fall down, because of which some bathhouses are not functioning. In the Artik Penitentiary Institution, convicts have built a “spiritual room” with their resources, in which there is religious literature, and convicts can light candles. Card phones are installed in all five buildings of the Institution.

The following capacity is designed for the Artik Penitentiary Institution:

- Closed correctional institution: 142 persons;
- Semi-closed correctional institution: 15 persons;
- Semi-open correctional institution: 141 persons;
- Open correctional institution: 25 persons;
- Place of holding detainees: 50 persons.

The Institution comprises five buildings, one of which serves as an investigative isolator, so only detainees are held there. Buildings #2, 3, and 4 are closed and semi-closed correctional institutions, in which only convicts are held. Building #5 is a semi-open correctional institution.

After the Institution was renovated, modern windows were installed in all five of the buildings. The cells in buildings #1, 2, 3, and 4 each hold 2-4 inmates, while those in building #5 are designed for up to 8 inmates. The cell floor is wooden; the toilets are partitioned and tiled.

After the Artik Penitentiary Institution was reopened, a rather difficult atmosphere had been created in the Institution, which was repeatedly noted by the Group of Observers. In 2007, the Group presented a special report on the situation. Because of this atmosphere, the Institution has had four governors in the three years since its reopening. At the end of 2008, the Group of Observers noted an improvement in the moral-psychological situation in the Institution. In contrast to the former administration, no complaints have been received about the present administration.

In the Artik Penitentiary Institution, water is supplied round the clock, but the quality of water is a serious problem. The running water contains sand, worms, and other micro animals. The water quality is a serious issue in not only the Artik Penitentiary Institution, but the whole settlement next to which the Institution is located.

Though the centralized heating system was fully restructured during the overhaul of the Institution, it was not launched until November 2008. The centralized heating system became fully functional only in November 2008. All five buildings and the offices in the Institution are currently heated through this system, which has resulted in considerable financial savings.

Recommendations

109. *Resolve the water quality issue through cooperation between the Ministry of Justice, local authorities, and the water supply company.*

Cells

There are two types of cells in the Artik Penitentiary Institution. The cells in buildings #1, 2, 3, and 4 (the “place of holding detainees”) each hold 2-4 inmates, while those in building #5 (the “semi-open correctional institution”) are designed for 2-8 inmates. The cells in buildings #1-4 have iron doors and are locked from inside, while the doors of the cells in building #5 are wooden and have no locks, and the convicts can freely walk around the zone allocated to them within the Institution during the daytime. All the cells have a wooden floor. The open sockets in the cells pose a serious threat of electrocution. The Institution has replaced them many times, but the administration said that the prisoners do not treat them with care.

Recommendations

110. *Install sockets in all the cells in which the socket holes are open.*

Cells in the Semi-Open Correctional Institution

The surface area of the cells in the Artik Penitentiary Institution varies from 12 to 30 square meters. 2-8 inmates are held in each cell. On the whole, the requirement of 4 square meters per convict is met.

The general sanitation status of the semi-open cells is adequate, but there is no ventilation system there. In the winter, the temperature is maintained through a centralized heating system.

As the water is of poor quality, inmates constantly leave the water running, so that it cleans by flowing. Besides, convicts keep water in various containers so that the sand and micro animals settle. In some cells, there is no list of the rights and responsibilities of detainees and convicts.

The natural light in the cells is adequate.

Recommendation

111. *Ensure the presence of the list of the rights and responsibilities of convicts in all the cells.*

Cells in the Place of Holding Detainees and Convicts

The cells in the “place of holding detainees and convicts” are designed for 2-4 inmates each. The natural light in the cells is adequate. As for the artificial lighting, two lamps are installed in each cell, one on the ceiling, which is turned on in the evening, and the second on top of the door, which provides dimmer light during the night. The heating is provided through the centralized boiler of the Institution. At the time of the visit, the temperature was adequate. In some cells, there is no list of the rights and responsibilities of detainees and convicts.

Recommendations

112. *Ensure the presence of the list of the rights and responsibilities of detainees and convicts in all the cells.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

The Institution has one room for short-term visits, the surface area of which is about 66 square meters. The room was overhauled in 2008 and is now equipped with 4 small tables, each with 4 chairs, one large table with 6 chairs, a sofa, and two armchairs. 5-6 concurrent visits can be organized, which, in the opinion of the Institution administration, meets the general need. The room is not heated, but is located in a way that the temperature in it is sufficient for organizing visits. There is no separate water closet next to this room. If necessary, the visitors may ask the inspector to allow using the water closet in the section for long-term visits. The natural light in the room is dim, because the windows have non-transparent glass from the outside. For this reason, the artificial light remains on during the daytime, as well. The Institution does not have adequate conditions for short-term visits with young children. There is a room for searches next to the room for visits.

Recommendations

113. *Create appropriate conditions for organizing short-term visits with young children; and*
114. *Build a water closet next to the room for short-term visits.*

Long-Term Visits

The Artik Penitentiary Institution has 6 rooms for long-term visits, each with a surface area of 16-20 square meters. Each room is equipped with chairs, a table, a bench, a sofa, armchairs, and big and small beds. Most of the rooms have enough natural light, but the windows of some rooms have non-transparent thick glass. The rooms are heated by electrical stoves. The water closet, bathroom, and kitchen are shared. In the kitchen, there is a refrigerator, kettle, and kitchenware. The bathroom does not work. One of the rooms had its own toilet and bathroom. The sanitation status was adequate. The Institution has not created adequate conditions for long-term visits with young children.

Recommendations

115. *Ensure sufficient natural light in all the rooms;*
116. *Create appropriate conditions for organizing long-term visits with young children; and*
117. *Fix the facilities in the bathroom.*

Telephone Communication

The Artik Penitentiary Institution has a telephone that is accessible to the inmates of the semi-open correctional institution round the clock, with the exception of the week-end. Detainees and convicts in buildings #1-4 use the telephone twice a week as per a timetable. The Group of Observers did not note serious problems related to telephone use.

Deliveries

In the Artik Penitentiary Institution, the unit for accepting deliveries is a separate building from the window of which convicts' relatives transfer the delivery directly from outside the Institution perimeter. If there are queues, relatives have to wait outside, where there are no conveniences. The delivery transfer hours, the list of permitted (prohibited) food and items, and the transfer procedure are posted on the wall of the room.

Deliveries are scanned with a modern "Rapiscan" device.

In the outside area where inmates' relatives have to wait, there is neither drinking water nor a toilet.

The employee of the delivery transfer unit said that queues are almost never formed.

Recommendations

118. *Build a waiting hall and a water closet next to the outside door of the unit for accepting deliveries; and*
119. *Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.*

SANITATION AND HYGIENE

Bathing

Inmates in the Artik Penitentiary Institution bathe in accordance with a timetable, one day for the inmates of each building. Thus, each inmate bathes once a week.

The Institution bathhouses are located on each floor of the buildings and are approximately of the same size (5-6 square meters per bathhouse). At the initiative of the administration, the bathhouses are renovated one by one. At the time of the Group's visit, the majority of the bathhouses had not been renovated yet. In the bathhouses that had not been renovated, the showers were hanging in a way that made the bathing inconvenient, and the sanitation status was inadequate. In the renovated bathhouses, the sanitation was adequate. The bathhouses have neither changing rooms nor benches.

Recommendations

120. *Improve the sanitation status of all the bathhouses in the Institution;*
121. *Continue to renovate the bathhouses in all the buildings similar to the one in building #5; and*
122. *Build changing rooms in the bathhouses of the Institution.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Institution is located in building #5, the semi-open correctional institution, and is separated. The health post includes an office of the doctors, as well as a dental room, patient rooms, a bathroom, and a toilet. There are 8 beds in the health post, which is not sufficient for the Institution. The administration told the Group that the health post would soon be renovated and the number of beds in the patient rooms doubled.

Inmates said that while first aid could be received in the Institution, access to specialized care was rather difficult due to the absence of specialists, equipment, and medication.

Recommendation

123. *Increase the number of beds in the patient rooms.*

Staffing

According to the staff list, one doctor and four nurses worked in the health post, which also had contracted doctors (a tuberculosis specialist, a dentist, and a surgeon). The competences of the

medical personnel corresponded to their positions. The contracted doctors visited the Institution infrequently, but could be invited when necessary. If other specialists are needed, they are invited from the “Hospital for Convicts” Penitentiary Institution

The health post personnel noted that the Institution needed a psychiatrist and cardiologist in order to organize health care properly.

Recommendation

124. *Recruit the necessary specialized doctors to the health post.*

Medication

Some inmates noted that they needed medication that the Institution did not receive. There were cases in which the inmates requested relatives to bring medication, but the Institution administration did not admit the medication, because the Penitentiary Department prohibits the admission of medication from outside.

The Institution administration noted that they had all the necessary medication and could request them specifically from the Penitentiary Department in case they did not have it.

Equipment

The Institution has recently received some equipment, including a modern dental chair.

The Institution still needs more equipment, though, especially a disinfection chamber, because of the absence of which medical tools are currently not sterilized.

Recommendation

125. *Provide additional medical equipment to the health post.*

OCCUPATION

The Artik Penitentiary Institution provided inmates occupation through a game room, outdoor exercise, the library, and the amateur association of convicts created in the Institution in 2008. In the cells, there are TV sets, video and audio players, radios, and other appliances brought by the inmates’ relatives. Many inmates noted their desire to work, but the only employment offered to convicts by the Institution was their engagement in its housekeeping.

Game Room

In building #5 of the Institution, there is a game room where there is a tennis table.

Outdoor Exercise

Only one outdoor exercise yard operates in the Artik Penitentiary Institution. The outdoor exercise yard, which is located in front of the investigative isolator in building #1, has separated sections. Detainees are taken out for exercise one cell at a time. Each separated section of the outdoor exercise yard has a one-meter cover, but there are no benches. There are no facilities for doing sports in the outdoor exercise yard.

Buildings #2-5 of the Institution have no exercise yards. The outdoor exercise of the inmates in those buildings is organized in the regular yards of the buildings, which have neither benches nor cover.

Recommendation

126. *Install benches and precipitation cover in the outdoor exercise yards.*

Library

A library operates in building #5 of the Artik Penitentiary Institution. There are 3,400 books. All the books are catalogued, and the inmates can choose. The Group noted that the books are kept in proper conditions. The library surface area is 20-30 square meters. It has been renovated with the resources of inmates. The library stock was last replenished in July 2008, when 111 books were received worth a total of 51,800 Armenian drams. The librarian reported a need for fiction and history books. The library receives newspapers, but the latest newspapers available in the library were 20-30 days old.

Recommendations

127. *Replenish the library book stock with Armenian-language fiction and history books, dictionaries, and educational literature; and*
128. *Ensure the supply of fresh press to the library through subscription.*

FOOD

Kitchen

The sanitation and technical condition of the kitchen in the Artik Penitentiary Institution was adequate at the time of the visit.

The meals were cooked in electrical pans, which were quite worn out, though still worked. 8 convicts worked in the kitchen and canteen. The workers wore white gowns and caps. The kitchenware was mostly old. Samples of the meals were available in the refrigerator.

Recommendations

129. *Improve the availability of technical means in the kitchen; and*
130. *Replace the kitchenware.*

Canteen

The canteen of the Artik Penitentiary Institution serves the inmates held in building #5. The canteen is essentially a performance hall with a separate stage, which is also used for meetings with convicts and various events. There are 10 tables in the canteen, each with two benches. The canteen is not heated. A menu is not posted anywhere in the canteen. The kitchenware is mostly old. The Group's visit coincided with lunch time, but few prisoners went down to the canteen for lunch. The inmates said that not all of them regularly had lunch in the canteen, because they had deliveries brought from home.

Recommendations

131. *Post a copy of the menu in the canteen;*
132. *Replace the kitchenware in the canteen; and*
133. *Heat the canteen.*

Food Quality

Some of the inmates in the Artik Penitentiary Institution considered the food to be of adequate quality, while others said they would not use it despite adequate quality. The majority of the inmates noted that they ate the food received in deliveries. When the Group was visiting, the Institution had received “Noy” natural juice that was distributed amongst the inmates. The inmates complained about the quality of the supplemental food: they had been given bad butter, as confirmed by the Institution administration. It turned out that a large supply of butter had been received, which had gone bad because of lengthy storage.

Recommendation

134. Improve the storage conditions of supplemental food.

SANCTIONS

The Institution administration noted that “placement in a punishment cell” was applied rather frequently as a sanction in response to inmates’ violations of the regulations. Typically, inmates were placed in the punishment cell for 7-15 days. At the time of the visit, 4 inmates were in the punishment cell, of which 3 for distilling alcohol and 1 for possessing a mobile phone.

USE OF SPECIAL MEANS

Special means had not been used in the Institution during the year preceding the Group’s visit.

ADMISSION OF NEW INMATES

Health Check

In 2008, 5 cases of inmates admitted with bodily injuries had been recorded in the health check journal for inmates brought from the police. The Institution administration said that they immediately reported those cases to the prosecution office.

TREATMENT

Prior to 2008, the Group of Observers had received numerous allegations and found cases of ill-treatment by the staff of the Artik Penitentiary Institution, but the Group noted progress in this area during its last visit. The inmates attributed it to reforms recently launched in the Institution.

STAFF

The Artik Penitentiary Institution has very few vacancies. The staff regularly participates in training courses organized by the Penitentiary Department and regular in-service drills carried out at the workplace. The main problem noted by the Institution administration was that of low wages and no payment for overtime work. The staff considered that a salary of 200,000-250,000 Armenian drams would be fair.

VANADZOR PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Vanadzor Penitentiary Institution used to have some of the worst physical conditions for holding detainees and convicts, as noted repeatedly in earlier reports of the Group. In 2007, it moved to a new building the construction of which had started in 2005. The new building was built in accordance with the relevant construction standards and has all of the basic conditions for holding detainees and convicts in accordance with the relevant international standards. For example, all the cells are sufficiently well-lit and ventilated. The floor is wooden, and the furniture is adequate. The water closet is separated from the residential part of the cell.

Three amateur associations of inmates function within the Institution, where inmates paint and make crosses, beads, and other objects. 6 card telephones have been installed in the Institution.

The following capacity has been approved for the Vanadzor Penitentiary Institution:

- Closed correctional institution: 130 persons;
- Semi-closed correctional institution: 10 persons;
- Semi-open correctional institution: 15 persons;
- Open correctional institution: 10 persons; and
- Place of holding detainees: 80 persons.

The residential part of the Institution comprises one four-storeyed building, the different floors of which serve as a “place of holding detainees,” a closed institution, a semi-closed institution, and a semi-open institution.

As of December 2008, there were 217 inmates in the Institution, compared with an approved total capacity of 245. No overcrowding was found. After the Institution moved to the new building, the capacity had been miscalculated: according to the approved capacity, the Institution should have had more free space, but it was quite full, and the quarantine and health post cells had to be used.

In the Vanadzor Penitentiary Institution, good-quality water flows round the clock. In the winter, a centralized boiler usually operates, which is turned off during the daytime when it is warm in order to minimize the electricity bill.

Recommendations

135. Clarify the capacity figure based on the available places; and
136. Take measures to prevent overcrowding.

Cells

The cells in the Vanadzor Penitentiary Institution are identical, each with a surface area of 16 square meters. Each cell accommodates 4 inmates, with the exception of the health post cells, each of which is designed for 2 inmates. The cell floor is wooden. On the whole, the requirement of 4 square meters per convict is met.

The overall sanitation status of the cells is adequate. In the winter, the necessary temperature is maintained through a centralized heating system. The list of the rights and responsibilities of detainees and convicts is not posted in the cells, though the “Rights of Detainees” booklet published by the Civil Society Institute was available in the cells. The cells had adequate natural light.

Recommendation

137. *Ensure the presence of the list of the rights and responsibilities of convicts in all the cells.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

There is one room in the Institution for short-term visits with a total surface area of 60 square meters. In the room, there are 7 tables and 2 benches. 5 to 7 concurrent visits can be organized, which, in the opinion of the Institution administration, is sufficient to meet the general need. The room is heated through a centralized heating system. Next to the room, there is a separate water closet, which can be freely used by the visitors. The room for short-term visits has sufficient light. The Institution, however, does not have adequate conditions for short-term visits with young children.

Recommendation

138. *Create appropriate conditions for organizing short-term visits with young children.*

Long-Term Visits

The Vanadzor Penitentiary Institution has two rooms for long-term visits, each with 16-20 square meters. The rooms are equipped with a cupboard, table, sofa, armchairs, and beds. The rooms get sufficient natural light. The room windows open, which allows ventilating them. The rooms are heated through a centralized boiler. Each room has a water closet. There is no separate kitchen, which means that the participants of long-term visits are given advance warning to bring along dry food or food that can be heated in the Institution kitchen.

The sanitation status is adequate. The Institution has adequate facilities for long-term visits with young children. Each room for long-term visits has a separate children’s room.

Recommendation

139. *Create a kitchen with appropriate facilities and kitchenware, which can be used by the participants of visits.*

Telephone Communication

There is telephone communication in the Vanadzor Penitentiary Institution, which the inmates can use twice a week as per a timetable. There are cases in which access to the telephone is banned by a special decision of the pre-trial investigation body, which will be valid until eliminated. No problems were found in terms of access to the telephone.

Deliveries

The unit for accepting deliveries is a separate room in the Vanadzor Penitentiary Institution, which has a window through which the inmates' relatives transfer the deliveries. If there is a queue, the relatives have to wait in a room that is equipped with a table and two benches, but in some cases the queue is long and they have to wait at the gates of the Institution, where there are no facilities for waiting. The delivery transfer hours, the list of permitted (prohibited) food and items, and the transfer procedure are posted on the wall of the room.

Deliveries are scanned with a modern "Rapiscan" device.

There is neither drinking water nor a toilet that could be used by the relatives of inmates waiting in the room or outside. The employee at the unit for accepting deliveries said that long queues are formed mainly when a large quantity of deliveries has to be examined and a lot of people bring deliveries concurrently.

Recommendations

140. *Build a water closet next to the unit for accepting deliveries; and*
141. *Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.*

SANITATION AND HYGIENE

Bathing

Inmates at the Vanadzor Penitentiary Institution bathe as per a timetable: each inmate bathes the latest once every 8 days, which contradicts the requirements of the legislation.²³

One bathhouse of the Institution is located on each floor of the residential buildings. The bathhouses are mainly of the same size (approximately 5-6 square meters). At the time of the Group's visit, there were no showers in the majority of the bathhouses. The walls of the bathhouses dampen, causing the paint cracks and falls down. Most of the bathhouses need to be renovated. Next to the bathhouses, there are changing rooms, each equipped with one bench. The sanitation status of the bathhouses was adequate.

Recommendations

142. *Ensure that inmates can bathe at least once every 7 days as stipulated by the legislation;*
143. *Overhaul all the bathhouses of the Institution;*
144. *Install showers in the bathhouses; and*
145. *Equip the bathhouse changing rooms with the necessary property.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Institution is located in a separated section of the building where inmates are held. The health post comprises an office for doctors, a dental room, patient rooms, a bathhouse, and a toilet. The health post size is generally sufficient to serve the patients.

The inmates noted that while first aid could be received in the Institution, access to specialized care was rather difficult due to the absence of specialists, equipment, and medication.

²³ Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, paragraph 47.

Staffing

As per the staff list, the health post employed one doctor and four nurses, as well as contracted doctors, such as a psychiatrist. The Institution direly needs a dentist and a general physician. The competences of the medical personnel correspond to their positions. The contracted doctors visit the Institution infrequently, but can be invited when necessary. If other specialists are needed, they are invited from the “Hospital for Convicts” Penitentiary Institution. The health post staff performs 50 health checks per day.

Recommendation

146. *Recruit the necessary specialized doctors to the health post.*

Equipment

The Institution has recently received some equipment, including a modern dental chair.

The Institution still needs more equipment, though, especially a disinfection chamber, as the current one is very small and does not meet the needs of the health post. The health post staff noted that they also needed general medical tools.

Recommendation

147. *Provide additional medical equipment to the health post.*

OCCUPATION

The Vanadzor Penitentiary Institution provided inmates occupation through a gym, outdoor exercise, the library, and the amateur associations of convicts created in the Institution. In the cells, there are TV sets, video and audio recorders and players, radios, and other appliances brought by the inmates’ relatives. Many convicts noted their desire to work, but the only employment offered by the Institution was their engagement in its housekeeping.

Outdoor Exercise

The Vanadzor Penitentiary Institution has the necessary outdoor exercise yards. Inmates are taken out for exercise one hour per day. Some inmates complained that, on some holidays and week-ends, they are not taken out for exercise. Inmates are taken out for exercise one cell at a time. Each separated section of the exercise yard has one bench, which are not covered above, and precipitation stains and damages the benches. There are no facilities for sports in the outdoor exercise yards.

Recommendations

148. *Make sure that inmates do outdoor exercise during days-off;*

149. *Install covers above the outdoor exercise yards, which will cover the benches there; and*

150. *Create facilities for doing sports in the outdoor exercise yards.*

Library

A library operates in the Vanadzor Penitentiary Institution, which is located in the area between the kitchen and the canteen. There are 799 books. All the books are catalogued, and the inmates can choose. The Group’s observation showed that the books are kept in adequate conditions. The

library surface area is about 30 square meters. There is a need for new books in Armenian. The library stock was last replenished in May 2008 with a donation of 208 books by private individuals. The stock is also replenished with books brought from the personal libraries of the staff and literature received from religious organizations. The librarian said that fiction and history books were needed. The library receives newspapers, but the choice was extremely limited, and the latest newspaper available in the library was a *Hayastani Hanrapetutyun* of 3 days before the date of the visit.

Recommendations

151. *Replenish the book stock with Armenian-language fiction and history books, dictionaries, and educational literature; and*
152. *Ensure the supply of fresh and diverse press to the library through subscription.*

FOOD

Kitchen

The sanitation and technical condition of the kitchen in the Vanadzor Penitentiary Institution was adequate at the time of the visit. The meals were cooked in electrical pans. Convicts of the housekeeping section worked in both the kitchen and the canteen. The workers wore white gowns and caps. Samples of the meals were available in the refrigerator. A menu was posted on the wall, which corresponded to the served meals and the samples. The kitchenware, especially the kettles, was worn out.

Recommendation

153. *Replace the kitchenware.*

Canteen

The canteen in the Vanadzor Penitentiary Institution serves only the convicts of the housekeeping section. 11 tables are placed in the canteen, each with two benches. The canteen is heated through the centralized boiler. The approved menu was not posted anywhere inside the canteen. The canteen tableware was mostly old.

Recommendation

154. *Post a copy of the menu in the canteen.*

Food Quality

Some of the inmates in the Vanadzor Penitentiary Institution considered the quality of the food adequate, while others noted that they used only the food received in deliveries. During the Group's visit, the Institution had received natural juice, which had been distributed amongst the inmates.

SANCTIONS

The Institution administration noted that "placement in a punishment cell" was applied as a sanction only if appropriate penalties had been applied before. Typically, inmates were placed in the punishment cell for 7-15 days. At the time of the visit, there were no inmates in the punishment cell of the Institution.

USE OF SPECIAL MEANS

According to the Institution administration, special means had been used once during the last year in respect of one convict for the purpose of preventing disobedience and the incitement of mass riots. A rubber truncheon had been used.

ADMISSION OF NEW INMATES

During 2008, dozens of cases of inmates admitted to the Institution with bodily injuries were registered in the health check journal for inmates brought from the police. The administration of the Institution said they informed the prosecutor's office immediately of such cases. To identify the causes of the injuries and to check the injuries, members of the Group of Observers met with one inmate, who insisted that his injuries had been inflicted during battering by officers in the police. From July 2008 to February 2009, 10 reports had been filed with the prosecutor's office regarding detainees admitted from the police with bodily injuries.

TREATMENT

The Group of Observers did not receive any complaints about the treatment by the staff of the Vanadzor Penitentiary Institution.

STAFF

The Vanadzor Penitentiary Institution has few vacancies: 199 of the 218 staff positions were filled at the time of the Group's visit. The staff regularly participates in training courses organized by the Penitentiary Department and regular in-service drills carried out at the workplace. The main problem noted by the Institution administration was that of low wages. The staff considered that a salary of 200,000-250,000 Armenian drams would be fair.

Recommendation

155. *Fill the vacancies.*

VARDASHEN PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Vardashen Penitentiary Institution holds imprisoned former employees of law-enforcement agencies and the majority of foreigners imprisoned in Armenia. It was the first institution in the penitentiary system of Armenia to undergo renovation back in 2005 and create appropriate conditions for holding the convicts in cells. Nonetheless, due to the poor quality of the performed renovation and the unfavourable location of the Institution (built in area prone to landslides and high humidity), the Institution constantly needs current repairs. The first floor walls, in particular, dampen; the walls within the perimeter crack and pose a danger of collapsing.

The following capacity has been approved for the Vardashen Penitentiary Institution:

- Closed correctional institution: 5 persons;
- Detention as a type of punishment: 5 persons;
- Semi-closed correctional institution: 25 persons;
- Semi-open correctional institution: 70 persons;
- Open correctional institution: 15 persons; and
- Place of holding detainees: 34 persons.

The building for holding inmates in the Institution consists of two zones, which are both in the same building, but have separate entrances. The first is a semi-open correctional institution, while the other is called a “place of holding detainees and convicts.” The latter operates as an investigative isolator, a closed and semi-closed institution, and a place for holding convicts serving detention as a type of punishment.

Modern windows were installed after the Institution was renovated. In the place of holding detainees and convicts, each cell holds 2-4 inmates, while those in the semi-open correctional institution each hold up to 8 inmates. The cell floor is wooden. The toilets are partitioned and tiled.

In 2008, the conditions for holding inmates in the Institution were generally adequate. However, starting from February 2008, the number of inmates rose considerably, and by December, the designated capacity was over twice exceeded. The Institution administration explained it by the fact that the number of detentions increased rapidly in the post-electoral period. Besides, after the creation of the Independent Commissions for Early Conditional Release from Serving the Sentence and Replacement of the Unserved Part of the Sentence with a More Lenient Type of Sentence, the number of convicts granted early conditional release fell by 80 percent, the number of convicts has grown and also reached the approved capacity limit of the Institution. Exceeding the capacity limit essentially means overcrowding of the cells: for example, 2 more beds will be installed in a 4-person cell, and a total of 6 inmates will be held there, meaning that each inmate gets on average only about 2.5 square meters of space, in contrast to the 4 square meters stipulated by the legislation,²⁴ let alone

24 Republic of Armenia Penitentiary Code, Article 73.

the fact that the additional beds take up a considerable part of the free space in the cell. Due to this situation, the Institution administration has decided to use the punishment and quarantine cells as ordinary cells.

Water supply is a serious problem in the Vardashen Penitentiary Institution. Water is mainly supplied twice a day for two hours each time. Because of this, water has to be stockpiled. Water supply is an acute problem in not only the Vardashen Penitentiary Institution, but also the whole Nubarashen district in which the Institution is located.

Though the Institution was fully reconstructed during the renovation, it still lacks heating and ventilation systems. The cells and offices are heated by electrical stoves. The stoves in the cells were in fact brought by the inmates' relatives. During its visit in the winter, the Group of Observers found a cell that, despite the low temperature, had no heater.

Recommendations

156. *Resolve the water supply issue through cooperation between the Ministry of Justice, the District Municipality, and the water supply company;*
157. *Install a heating system in the Institution and, in the interim, deliver government-purchased appropriate heaters to the cells; and*
158. *Install a ventilation system.*

CELLS

There are two types of cells in the Vardashen Penitentiary Institution. The cells for holding detainees and convicts have iron doors and are locked from outside. The doors of the cells of the semi-open correctional institution are wooden, have no locks, and the convicts held there can freely travel within the designated zone of their Institution.

The floor in all the cells is wooden, but cracks have opened between the planks, from where insects and scorpions enter the cells.

Cells in the Semi-Open Correctional Institution

The surface area of the semi-open-type cells in the Vardashen Penitentiary Institution varies from 12 to 30 square meters; 3-8 inmates are held in each cell. On the whole, the requirement of 4 square meters per inmate is met, but at the end of 2008, due to the increase in the number of inmates, overcrowding was taking place in the cells.

Though the general sanitation status of the semi-open-type cells is adequate, they lack a ventilation system. In the winter, the necessary temperature is maintained by means of electrical stoves brought by the inmates' relatives. Considering that water is supplied as per a timetable, the inmates stockpile water in the cells in various containers.

The cells have sufficient natural light.

Cells in the Place of Holding Detainees and Convicts

The cells in the place of holding detainees and convicts are designed each for 2-4 inmates. However, due to the increase in the number of inmates in the last year, up to 6 inmates are held in the cells. In one of the cells visited by the Group, the tap in the toilet was not working, and the inmates held there had to stockpile water in various containers through a rubber hose connected with to the water supply pipe.

The cells have sufficient natural light. As for the artificial lighting, two lamps are installed in

each cell, one on the ceiling, which is turned on in the evening, and the second on top of the door, which provides dimmer light during the night.

The heating is provided through electrical stoves brought by the inmates' relatives. At the time of the visit, one cell had no heater, though it was winter and the temperature outside was below zero.

Recommendations

159. *Take appropriate measures to keep the cells free from insects and scorpions.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

Three rooms for short-term visits operate in the Institution, the surface area of which varies from 8 to 21 square meters. One of them is located in the territory of the semi-open correctional institution, and two in the territory of the place of holding detainees and convicts. The latter are also used as investigative rooms.

The short-term visits room in the semi-open correctional institution is designed for 4 concurrent visits. There are 4 tables and 8 benches in the room. The room has sufficient natural light. Next to the room, there is a water closet that can be used by the visitors.

The short-term visits rooms of the place of holding detainees and convicts are designed each for one visit, are in a rather poor state, and do not have any natural light. One of the rooms is not even heated with an electrical stove. There is no water closet next to the rooms.

In the words of the Institution administration, the rooms in the place of holding detainees and convicts do not meet to the Institution's requirements, and that a new room for visits (to accommodate 6 concurrent visits) will be built instead of these rooms in the near future.

Recommendations

160. *Improve the conditions of the short-term visits rooms in the territory of the place of holding detainees and convicts;*

161. *Build a water closet next to the visit rooms of the place of holding detainees and convicts; and*

162. *Build separate investigative rooms.*

Long-Term Visits

The Vardashen Penitentiary Institution has 2 rooms for long-term visits, each with a surface area of 20 square meters. Each room is furnished with chairs, a table, a bench, and small and large beds. The rooms have natural light, electrical heating, a shared toilet, bathroom, and kitchen in which there is a refrigerator, a kettle, and kitchenware. The sanitation status is adequate.

Telephone Communication

In the Vardashen Penitentiary Institution, there is a telephone that can be accessed by the inmates in the semi-open correctional institution every day except for Saturdays and Sundays, while the inmates in the place of holding detainees and convicts access the telephone twice a week as per a timetable. The Group did not note serious problems in connection with access to the telephone.

Deliveries

The unit for accepting deliveries in the Vardashen Penitentiary Institution is a small room. The convicts' relatives transfer the delivery by entering into this room from just outside the Institution perimeter. In case of queues, relatives have to wait outside without any conveniences. The delivery transfer hours and the list of permitted (prohibited) food and items are posted on the wall of the room.

Deliveries are scanned with a modern "Rapiscan" device.

In the area, there is drinking water and a toilet, none of which is accessible to the inmates' relatives waiting outside.

In the words of the employee of the unit for accepting deliveries, there are virtually no queues.

Recommendations

163. *Build a waiting hall and water closet next to the unit for accepting deliveries; and*
164. *Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.*

SANITATION AND HYGIENE

Bathing

The inmates in the Vardashen Penitentiary Institution bathe once a week as per a timetable. However, some convicts said that they sometimes get to bathe only once every 15-30 days.

The Institution has three bathhouses of different sizes, from 8 to 14 square meters each. The sanitation status is not adequate. Only one has a changing room and a bench, but its sanitation status is inadequate, too.

Hot water is supplied from different-size tanks in which the water is heated by electricity. Sometimes, the hot water is not enough for all the inmates to bathe.

The bathhouses in the Vardashen Penitentiary Institution lack ventilation and heating.

Recommendations

165. *Improve the sanitation status in all 3 bathhouses of the Institution; and*
166. *Build changing rooms in 2 of the bathhouses of the Institution.*

HEALTH CARE SERVICES

Health Post: General Overview

The Institution's health post is located in the building where inmates are held, but has a separate entrance. There is an office of doctors within the health post, which also serves as a room for medical procedures; there is a dental room, patient rooms, a bathroom, and a toilet. Overall, the health post size is small.

Considering that the Institution holds former employees of law-enforcement agencies, which cannot be transferred to the "Hospital for Convicts" Penitentiary Institution in case of need, the current condition of the health post cannot be deemed sufficient for properly organizing the treatment of inmates.

Inmates said that while first aid could be received in the Institution, access to specialized care was rather difficult due to the absence of specialists and medication.

Recommendations

167. *Find a way to expand the size of the health post; and*
168. *Allocate a separate room for medical procedures.*

Staffing

According to the staff list, the health post employs two doctors and four nurses. Though the Group was told that the existing medical staff was sufficient, only one nurse was in the Institution at the time of the Group's visit; the doctor's absence was explained by the fact that he had a duty shift the day before.

One of the doctors is a cardiologist and the other an anaesthesiologist. There is also a half-time dentist who is invited to the Institution when necessary. If specialized doctors are needed, they are invited from the "Hospital for Convicts" Penitentiary Institution.

Recommendations

169. *Increase the number of staff positions for doctors.*

Medication

Many inmates complained about the medication, because some medication was not supplied to the Institution and inmates had to acquire them through relatives.

Recommendation

170. *Improve the provision of medication to the Institution.*

Equipment

The Institution has very little equipment. The staff noted the need to modernize the patient beds and to acquire new equipment, especially a sonograph.

Recommendations

171. *Improve the availability of equipment in the health post;*
172. *Install modern beds in the patient rooms.*

OCCUPATION

The Vardashen Penitentiary Institution provided inmates occupation through a gym, outdoor exercise, and the library. In the cells, there are TV sets, video and audio players, and other appliances brought by the inmates' relatives. Many convicts noted their desire to work, but the only employment offered by the Institution was their engagement in its housekeeping.

Gym

The Institution has a 300-square-meter gym with abundant natural light, 3 tennis tables, and 8 four-seat benches. Next to the gym, there is a changing room and a bathroom.

Outdoor Exercise

3 outdoor exercise yards function in the Vardashen Penitentiary Institution. All are in the yard of the Institution. The surface area of the exercise yards varies from 200 square meters for the semi-

open correctional institution to 300 for the place of holding detainees and convicts. In two of the outdoor exercise yards, there are 3-4-seat benches with cover above. Training equipment exists only in the exercise yard of the semi-open correctional institution. The training equipment in the exercise yard of the place of holding detainees and convicts is not usable. Considering that the exercise yards of the place of holding detainees and convicts are rather spacious, the Institution organizes the outdoor exercise of several cells concurrently in the same exercise yard, ensuring compliance with the legislative requirement to keep inmates separated from one another.²⁵ The Institution administration noted that it positively influenced the psychological state of the inmates. The Group also noted that the convicts held in the semi-closed correctional institution were granted only one hour of outdoor exercise per day, instead of the three hours stipulated by the legislation.²⁶ They are effectively held in the more conditions equivalent to those of a closed correctional institution.

Recommendation

173. *Ensure three hours of outdoor exercise for the inmates held in the semi-closed correctional institution.*

Library

A library operates in the Vardashen Penitentiary Institution with 3,025 books. All the books are catalogued, and inmates can choose. The Group's observation showed that the books were kept in adequate conditions. The library surface area is 14 square meters.

There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The librarian noted a need for fiction books. The library receives no press.

Recommendations

174. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*

175. *Ensure the supply of fresh press to the library through subscription.*

FOOD

Kitchen

The sanitation status in the kitchen of the Vardashen Penitentiary Institution is inadequate. Due to the lack of a ventilation system, mould has developed on the walls.

The kitchen has little equipment. The electrical pans do not work and are used only to stockpile water. Meals are cooked on electrical stoves.

The Institution has no staff position for a civilian cook, and these duties are performed by a convict who has no education as a cook.

Recommendations

176. *Improve the availability of equipment in the kitchen; and*

177. *Install a ventilation system in the kitchen.*

25 Republic of Armenia Penitentiary Code, Article 68.

26 Republic of Armenia Penitentiary Code, Article 105.

Food Quality

Some of the inmates in the Vardashen Penitentiary Institution considered the food to be of adequate quality, while others thought it was extremely poor. All without exception noted the poor quality of the bread, about which the members of the Group of Observers became convinced personally. The majority of the inmates noted that they ate the food received in deliveries.

The Vardashen Penitentiary Institution holds foreign convicts, namely Iranians whose religion does not permit them to eat pork. Therefore, they refuse to eat on the days when pork has been used in the meal.

Recommendations

178. *Improve the food quality; and*

179. *Provide appropriate food to convicts that do not eat certain food due to religious or other reasons.*

SANCTIONS

The Institution administration said that the sanction of placement in a punishment cell is applied 4-5 times a year. The rest of the time, the punishment cells are used as regular cells, because the Institution is overburdened and direly needs additional space. Nevertheless, the absence of free punishment cells means that any time when this sanction is applied, one of the cells originally designed as a punishment cell has to be vacated, and all the inmates held there must be accommodated in other cells, which would create quite some difficulties for both the staff and the inmates.

Recommendation

180. *Use at least one of the punishment cells exclusively for holding inmates subjected to the sanction of placement in a punishment cell.*

USE OF SPECIAL MEANS

There have not been any cases of the use of special means in the Institution in the last year.

ADMISSION OF NEW INMATES

Health Check

During 2008, 23 cases of inmates admitted to the Institution with bodily injuries were registered in the health check journal for inmates brought from the police. The administration of the Institution said they informed the prosecutor's office immediately of such cases. The Group was unable to find any records of further steps taken in respect of the injuries and their causes.

Quarantine Cell

Due to the overcrowding of the Institution, the quarantine cells are used as regular cells. It means that newly-admitted detainees are taken directly to the regular cells without any quarantine-phase activities.

Recommendation

181. *Use the quarantine cells in the Institution for their designated purpose.*

TREATMENT

Inmates spoke positively of the treatment by the staff of the Vardashen Penitentiary Institution. In 2008, the investigation ended in the criminal case instigated in respect of the beating of an inmate by the already fired deputy governor of the institution in his office. The beating had been triggered by the inmate's lodging of a complaint with the Head of the Penitentiary Department.

STAFF

There are no vacancies in the Vardashen Penitentiary Institution. The staff regularly participates in training courses organized by the Penitentiary Department. The main problem reported by the Institution administration is the low wage of staff: they consider that wages of 200,000-250,000 would be fair.

GORIS PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The building of the Goris Penitentiary Institution is the oldest in the penitentiary of Armenia: it was built of bricks in 1812 and has served as a prison since 1870.

According to the approved capacity, the Institution may hold 170 inmates. The breakdown of the approved capacity is as follows:

- | | |
|---|----------------|
| - Closed correctional institution: | 110 persons; |
| - Semi-closed correctional institution: | 10 persons; |
| - Semi-open correctional institution: | 10 persons; |
| - Open correctional institution: | 5 persons; and |
| - Place of holding detainees: | 35 persons. |

The capacity of the cells in the Institution varies from 2 to 12 inmates. The Institution has running water round the clock. Heating is delivered through a boiler. There is one room for short-term and one for long-term visits. At the time of the Group's visit, 2 inmates were subject to a current ban on visits and telephone calls.

The Goris Penitentiary Institution is currently under renovation. All the cells with the exception of 9 have been renovated. The second bathhouse was being renovated at the time of the Group's visit.

Considering that the building of the Institution is very old and generally in a very poor condition, any renovation will fall apart after a short while. The financing is not enough to overhaul the Institution properly.

CELLS

Some of the cells in the Goris Penitentiary Institution have been renovated, but others have not.

The renovated cells are in a relatively better condition: their floor is wooden, and metalloplastic windows have been installed. Natural light is sufficient. The toilet is partitioned. An average of 6-7 inmates is kept in each cell. The list of inmates' rights and responsibilities is posted in the cells.

The situation is completely different in the cells that have not been renovated. In one of those cells, which had a surface area of 30 square meters, 15 pre-trial detainees were kept at the time of the Group's visit, meaning that the cell was double-overcrowded, and each inmate got 2 square meters, despite the legislative requirement to provide 4 square meters per inmate.²⁷ This particular cell was in an unsanitary condition. The toilet was not partitioned. The list of inmates' rights and responsibilities was not posted. The cell did not get enough natural light.

The Group of Observers has repeatedly observed a situation in which the pre-trial detainees are held in much worse conditions than the convicts.

²⁷ Republic of Armenia Law on Holding Arrested and Detained Persons, Article 20.

Recommendations

182. *Renovate the cells as a matter of priority during the overhaul of the Institution; and*
183. *Address the problem of the overcrowding of the detainees' cells.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

There is one room for short-term visits in the Goris Penitentiary Institution. It is a 24-square-meter room with one sofa, 2 armchairs, a corner chair, and a table.

The same room is used as a unit for inspecting and accepting deliveries.

The room does not get sufficient natural light. It is heated. The general sanitation status is adequate.

Recommendation

184. *Allocate other space for the room for short-term visits, which will be separate from the unit for accepting deliveries.*

Long-Term Visits

Two rooms for long-term visits operate in the Goris Penitentiary Institution. The section for long-term visits consists of 2 bedrooms, a kitchen, and a water closet. Fresh air cannot be accessed from within the rooms. The rooms do not have sufficient natural light. There is running water. Heating is provided through the Institution boiler.

In the kitchen, there is a refrigerator and kitchenware.

The overall sanitation status of the room for long-term visits is adequate.

Recommendations

185. *Improve the natural light in the rooms for long-term visits.*

Telephone Communication

There are 2 telephones in the Goris Penitentiary Institution, which the inmates use twice a week as per a timetable. The Group of Observers has not identified serious problems related to the use of the phone.

Deliveries

The unit for accepting deliveries in the Goris Penitentiary Institution is an 18-square-meter room. It is furnished with two benches and a table. The delivery transfer procedure, the list of permitted (prohibited) items, the procedure of filling out cards, and the rights of detainees and relatives are posted on the wall of the room.

There is no water closet in the unit for accepting deliveries.

Deliveries are inspected without any equipment.

Recommendations

186. *Build a water closet next to the unit for accepting deliveries; and*
187. *Install delivery inspection equipment in the Institution.*

SANITATION AND HYGIENE

Bathing

There are four bathhouses in the Goris Penitentiary Institution, one of which has been renovated, another not, and two are currently being renovated. The renovated bathhouse and the adjacent changing room each have a surface area of 4 square meters. There are no benches in the changing room. The hangers are handmade. The sanitation status is adequate. There are 3 showers in the bathhouse.

Recommendation

188. *Put in place benches and hangers in the changing rooms.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Goris Penitentiary Institution has been fully renovated. It is on the first floor of the Institution and includes an office of doctors, in which the medication is kept, a room for medical procedures, and a patient room. The patient room surface area is 30 square meters; there are 4 beds. The floor is wooden. There is sufficient natural light. The patient room has a separate water closet.

The general sanitation status of the health post is adequate.

Staffing

The Institution health post currently has four employees, including two doctors and two paramedics. In the words of the Institution administration, the main problem of the health post is that of vacancies that cannot be filled. In the opinion of the chief of the health post, the Institution direly needs a dentist and an oculist.

Recommendation

189. *Fill the vacancies.*

Equipment

The health post of the Goris Penitentiary Institution lacks medical equipment. The available equipment is worn out and old.

Recommendation

190. *Improve the availability of medical equipment in the health post.*

OCCUPATION

Library

The library of the Goris Penitentiary Institution has a surface area of 8 square meters. There are 1,309 books. The book stock of the library has not been replenished in recent years, with the exception of donations by the staff. Though there is a catalogue, the books are not properly classified and arranged on the shelves. The book storage conditions are generally inadequate.

Recommendations

191. *Replenish the book stock; and*

192. *Improve the book storage conditions.*

Outdoor Exercise

4 outdoor exercise yards function in the Goris Penitentiary Institution, each with surface area of 30-35 square meters. All of the outdoor exercise yards have benches and cover that protects from precipitation. There are no facilities for doing sports in the outdoor exercise yards. The convicts exercise their right to one hour of outdoor exercise per day, including the week-ends.

Recommendation

193. *Install training equipment in the outdoor exercise yards.*

FOOD

The Goris Penitentiary Institution has always stood out among the penitentiary institutions for the good quality of the food. The main reason is that the Institution employs civilian cooks

At the time of the Group's visit, the Institution warehouse had an extended assortment of fresh foods; the refrigerators stored dairies, natural juice, and canned foods.

Kitchen

The surface area of the kitchen of the Goris Penitentiary Institution is 30-35 square meters. The kitchen consists of 3 sections: the bread-cutting, meal-cooking section, and vegetable-cleaning sections. The kitchen is equipped with two gas and two electrical stoves. There is permanent running water, including hot water. The kitchen has hygienic supplies. A ventilation system is present.

The overall sanitation status of the kitchen is inadequate; an overhaul is needed.

Recommendation

194. *Overhaul the kitchen.*

Food Quality

Inmates held in the Goris Penitentiary Institution generally consider the food quality adequate.

SANCTIONS

There are 3 punishment cells in the Goris Penitentiary Institution, each for holding one inmate. The punishment cells are renovated. The floor is wooden. The heating is sufficient. Nonetheless, as the Group of Observers has repeatedly noted, the surface area of the punishment cells in this Institution (about 4.5 square meters) does not correspond to the relevant international standard²⁸ (at least 7 square meters), and therefore cannot be used for holding inmates.

Recommendation

195. *Discontinue the use of the existing punishment cells.*

USE OF SPECIAL MEANS

There have not been any cases of the use of special means in the Institution in the last year.

²⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT), 2nd General Report, Ref.: CPT/Inf (92) 3 [EN]

ADMISSION OF NEW INMATES

Health Check

During 2008, there was only one case of an inmate admitted to the Institution with bodily injuries. In the words of the Institution governor, the injuries were self-inflicted. The case was recorded and attached to the convict's personal file.

Quarantine Cell

The Goris Penitentiary Institution has a separate quarantine cell that is used as a regular cell because of the crowding of the Institution. As a consequence, newly-admitted inmates do not undergo all of the required quarantine measures.

Recommendation

196. *Use the quarantine cell to hold only inmates undergoing the quarantine phase.*

TREATMENT

The Group of Observers did not receive any complaints about the treatment of inmates by the staff of the Goris Penitentiary Institution in 2008.

STAFF

The Goris Penitentiary Institution has 97 staff positions, of which 13 were vacant at the time of the Group's visit. The position of the head of the social-psychological unit, for instance, was vacant. The Institution also needs a chief investigator, a chief specialist in the health post, a dentist, a chief of staff, and a chief of the intelligence group.

Recommendation

197. *Fill the vacancies.*

ABOVYAN PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Abovyan Penitentiary Institution is designated to hold detained and convicted women and minors. Minors are sent to this Institution from age 14 and may serve their sentence there, based on their request, until they turn 21. The Institution is divided into three zones:

- Place of holding detainees: one building in which detained women and detained minors are held in different cells;
- Semi-open correctional institution: the zone for women; and
- Semi-open correctional institution: the zone for male minors.

There is no separate zone for convicted female minors, because they are rarely convicted to imprisonment, and whenever it happens, they are held together with the female adults. This fact contradicts the legislative requirement²⁹ to segregate the convicts (minors must be segregated from adults). However, it is obvious that when there is only convicted female minor, formal compliance with the legislative requirement would mean holding her alone, creating an inhuman situation. The international standards³⁰ on this matter are less rigid and do not preclude the holding of minors with adults.

The Abovyan Penitentiary Institution is designed to hold 250 inmates, including 100 detainees and 150 convicts.

The Institution has undergone major reconstruction in the last year: a new building of the isolator was built, the short-term visit rooms were renovated, and long-term visit rooms were built. The place of holding detainees is heated through a boiler, and gas stoves have been installed in the correctional institutions.

Though the legislation³¹ provides that a convict who has an under-three child may keep the child with her, while the Republic of Armenia Government Decree Approving the Average Daily Food Rations, Clothing Rations and Use Terms, and Bedding and Hygiene Facilities Rations and Use Terms for Persons Held in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia does not prescribe any rations for young children (child food, diapers, clothes, and the like).

During the visit, the Group of Observers encountered foreign detainees, as well. It turned out that they had been brought to the Institution back in the summer, but had not received any warm clothes for the winter, because they did not have relatives in Armenia. The Institution governor thought that the Institution had no obligation to provide clothes to detainees and was unaware that Article 20 of the Republic of Armenia Law on Holding Arrested and Detained Persons directly prescribes the institution's obligation to provide seasonal clothing to the detainees if necessary. As a result, the detainees had received winter clothes with the support of the International Committee of the Red Cross.

29 Republic of Armenia Penitentiary Code, Article 68.

30 European Prison Rules, 18.9.

31 Republic of Armenia Penitentiary Code, Article 82.

Recommendations

198. *Make appropriate legislative amendments concerning the holding of detained and convicted female minors;*
199. *Adopt legislation prescribing the food and objects needed for young children; and*
200. *Preclude cases of failing to provide clothes to detainees in case of need.*

CELLS AND DORMITORIES

Two types of accommodation exist in the Abovyan Penitentiary Institution: cells in the place of holding detainees and dormitories in the semi-open correctional institutions.

Dormitories of the Semi-Open Correctional Institution (Women's Zone)

Most of the inmates in the semi-open correctional institution designated for women in the Abovyan Penitentiary Institution are kept in a dormitory with a surface area of 200 square meters. At the time of the visit of the Group of Observers, there were 89 beds, of which 6 were bank beds, and a total of 85 convicts were held there. Clearly, the legislative requirement³² of 4 square meters per convict is not met. Besides, the room of the Institution guard is adjacent to the dormitory and is separated from it with a glass partition. Considering that men also serve on duty in the women's zone, this fact creates quite some inconvenience, especially at night.

In recent years, small cells have been furnished in the Institution, as well, and allocated to the women with young children and elderly women. There, too, the requirement of 4 square meters per inmate is not met: 6 women are held in an area of 18 square meters.

The large room is heated with two gas stoves. The small rooms are heated by electrical stoves. The accommodation areas have sufficient natural light.

Recommendations

201. *Meet the requirement of 4 square meters per convict;*
202. *Reconstruct the dormitories to hold the inmates in cells; and*
203. *Organize night shifts with the participation of only female staff.*

Dormitories of the Semi-Open Correctional Institution (Minors' Zone)

There are two rooms in the semi-open correctional institution section of the Abovyan Penitentiary Institution, one with 14 and the other 90 square meters. On the whole, the requirement of 4 square meters per convict is met.

Convicted minors receive sanitary supplies. They bathe once a week as per a timetable. The Institution provides bedding, linen, underwear, and warm socks in the winter. The cells have sufficient natural and artificial light.

Recommendation

204. *Reconstruct the dormitories to hold the inmates in cells.*

Cells in the Place of Holding Detainees

The cells in the place of holding detainees in the Abovyan Penitentiary Institution vary by size from 10 to 16 square meters and each hold 2 to 4 inmates. On the whole, the requirement of 4 square meters per detainee is met.

³² Republic of Armenia Penitentiary Code, Article 73.

The general condition of the cells is adequate. The list of rights and responsibilities is posted. The temperature is adequate in the winter. Natural light is sufficient. As for the artificial light, though the building was recently renovated, night lamps were not installed, and the same power lamp stays on in the evening and at night. It is prohibited to turn it off, though the switches are inside the cells.

Recommendation

205. *Install dimmer lamps in the cells for the night.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

3 newly-renovated rooms are available in the Abovyan Penitentiary Institution for short-term visits. Their surface area varies from 12 to 24 square meters. During the visits, direct contact is possible. The rooms have sufficient natural light. The visit rooms are equipped with new tables, but chairs have not yet been received after the renovation. The rooms are heated through the Institution's boiler. There is a water closet, too, which may be used by the inmates and their relatives during the visits. The water closet is in clean good shape. The short-term visit rooms in the Abovyan Penitentiary Institution are newly-renovated and generally in a good condition.

Under the Penitentiary Code, every convict is entitled to one short-term visit per month,³³ but in view of the particular importance of minors' contact with their families, the Group considers this frequency insufficient.

Recommendations

206. *Allocate chairs for the short-term visit rooms; and*

207. *Amend the Penitentiary Code to increase the number of short-term visits for convicted minors.*

Long-Term Visits

Before 2008, the Abovyan Penitentiary Institution did not have rooms for long-term visits. The issue was repeatedly noted by the Group of Observers. Presently, there are 4 newly-renovated light rooms in the Abovyan Penitentiary Institution for long-term visits, each with 20 square meters. Each room has new furniture, including 4 chairs, 1 table, 1 sofa, 1 bed, and 2 personal cupboards. The rooms have a separate furnished kitchen and a bathroom with a separate shower, washbasin, and toilet.

The rooms are heated through the Institution boiler.

The general sanitation status of the area is good.

Despite the existence of excellent conditions for long-term visits, no such visit had taken place from the construction of the rooms to the time of the Group's visit, and the convicts were not aware of the possibility.

Recommendations

208. *Organize and encourage long-term visits in all possible ways.*

33 Republic of Armenia Penitentiary Code, Article 92.

Telephone Communication

There is a telephone in the Abovyan Penitentiary Institution, which the detainees may use every day for up to 15 minutes, with the exception of the week-end.

The frequency and duration of the telephone conversations of convicts is not limited, but the only phone installed in the women's building is not enough for over 100 female convicts, causing queues.

The telephone is accessible to convicts from 9:00am to 6:30pm.

Recommendation

209. *Increase the number of telephones in the zone for holding convicted women in the Institution.*

Deliveries

The unit for accepting deliveries in the Abovyan Penitentiary Institution is a small room with 4 square meters. It is heated. The room does not have benches or chairs for waiting. No documents on the procedure of accepting deliveries are posted on the wall of the room. The relatives of convicts transfer the deliveries through the window of the room. At the time of the observation, there were 6 persons in the room.

Deliveries are inspected without any equipment.

In the area, there is neither drinking water nor a toilet, but the Institution governor said that visitors could use the water closet in the administrative building.

Recommendations

210. *Build a water closet in the unit for accepting deliveries;*

211. *Furnish the unit for accepting deliveries with chairs and tables;*

212. *Post the relevant documents in the unit for accepting deliveries;*

213. *Acquire modern equipment for the inspection of deliveries.*

SANITATION AND HYGIENE

Bathing

Inmates in the Abovyan Penitentiary Institution bathe once a week as per a timetable, which is extremely insufficient given that women are held in this Institution, as well.

The Institution has 7 bathhouses. 5 of them are in the place of holding detainees, and one in each of the correctional institutions. The bathrooms are tiled. However, the bathhouse in the building for convicted women does not have a changing room.

Hot water is permanent. There is centralized heating.

Recommendations

214. *Increase the frequency of bathing for inmates, especially the women; and*

215. *Make sure that there is a changing room for each bathhouse.*

HEALTH CARE SERVICES

General Overview

The Institution has a separate building for the health post, which currently needs an overhaul

and does not operate. Instead, health points operate in the place of holding detainees and the semi-open correctional institution for women, where a doctor receives inmates.

There are 2 patient rooms in the semi-open correctional institution for women; in the isolator, one of the cells serves as a patient room.

Recommendation

216. *Reconstruct the building of the health post of the Institution.*

Staffing

The health post of the Institution has 8 staff positions, including three doctors and 5 nurses. The doctors are a gynaecologist, a dentist, and an anaesthesiologist. The health post urgently needs a general physician. The inmates were mostly satisfied with the gynaecologist's performance, but the absence of a general physician could be felt. There were some complaints about the other doctors.

Recommendation

217. *Recruit a general physician for the health post.*

Medication

The Institution receives medication through a centralized supply system. Considering that women are kept in the Institution, as well, and they sometimes need rare medication, the current system makes it rather difficult for the health post to operate: the women sometimes need medication that cannot be predicted and ordered a year in advance.

Equipment

The Institution has very little equipment. It needs an electrocardiogram, a sonograph, a laboratory, and so on. The provision of equipment is especially important for the Abovyan Penitentiary Institution, because the inmates held there, including both the women and the minors, cannot be moved to the "Hospital for Convicts" Penitentiary Institution due to the legislative requirement³⁴ to segregate the inmates (women from men, and minors from adults), and they mostly receive the treatment within the Abovyan Penitentiary Institution.

Recommendation

218. *Provide the necessary equipment to the health post.*

OCCUPATION

In the past, the Abovyan Penitentiary Institution had a livestock farm with cows, rabbits, and pigs. The farm used to produce large quantities of milk and meat, which were supplied to other institutions, as well. In addition to supplying food to inmates, the farm also performed the key function of providing employment to a considerable number of the convicts. Shortly after the transfer to the "Support to Convicts" Foundation, the farm stopped existing. Now, only some of the convicts are engaged in the agricultural works through the Foundation during the summer season by growing tobacco in the areas adjacent to the Institution

³⁴ Republic of Armenia Penitentiary Code, Article 68; Republic of Armenia Law on Holding Arrested and Detained Persons, Article 31.

Occupation for inmates in the Abovyan Penitentiary Institution is provided by means of the library. There are tennis tables. In the zone for minors, there is a sports ground, as well.

In the cells, there are TV sets, video and audio players, and other appliances brought by the inmates' relatives.

In the zone for female convicts, a large room has been designated for watching television; a modern TV set is available there. However, with one television, convicts cannot choose between many TV programs, which may become a cause of tension.

Recommendation

219. *Increase the number of TV sets in the zone for convicts.*

Library

Three libraries operate in the Abovyan Penitentiary Institution.

The main library of the Institution, which has about 1,500 books, is in the semi-open correctional institution for women. All the books are catalogued, and the inmates can choose. The Group noted that the books are kept in adequate conditions. The library surface area is 9 square meters. More books are in Russian than in Armenian. New books are needed. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The library recently received some books from the Penitentiary Department and the Khnko Aper Children's Library. The librarian noted a need for fiction books. The library receives the daily press.

Small libraries exist in the zones for holding detainees and minors. Especially the library in the zone for holding detainees cannot meet the demand; it has no catalogue of the permanent books, which would allow detainees to choose.

The foreigners held in the Institution noted the absence of English-language books in the library, as well.

Recommendations

220. *Prepare a catalogue of the books available in the library, with the help of which detainees can choose the books of their preference;*

221. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*

222. *Replenish the book stock with foreign-language literature.*

FOOD

Kitchen

The kitchen in the Abovyan Penitentiary Institution is 8 square meters. It has a ventilation system. There are 3 sinks. The pans and stoves are old. The convicted women use their own kitchenware. The kitchen needs renovation, tiling, and new kitchen appliances. As the Institution is connected to the natural gas network, it would be efficient to install gas stoves in the kitchen.

Recommendations

223. *Overhaul the kitchen; and*

224. *Provide appropriate kitchen appliances.*

Canteen

2 canteens operate in the Abovyan Penitentiary Institution: one in the zone for convicted women and the other in the zone for convicted minors.

The canteen in the zone for convicted women has 12 tables, 6 benches, and 55 chairs. The menu is posted on the wall. The convicted women use their own tableware. The canteen is not heated.

The canteen in the zone for convicted minors has 10 tables and 31 chairs, which are quite old. The canteen is not heated. There is no ventilation system. At the time of the observation, the floor was covered with ice, and the windows were without glass. No menu was posted on the wall.

Recommendations

225. *Replace the technical appliances in the canteens;*

226. *Heat the canteens in the Institution;*

227. *Install a ventilation system in the canteens;*

228. *Install new furniture in the canteens; and*

229. *Post the menu in the canteen for minors.*

Food Quality

The food quality in the Abovyan Penitentiary Institution is not adequate: inmates noted that the meals had low nutritional value, and that it would have been hard for them to get by without deliveries.

The second meal served at lunch is also a soup. Inmates suggested serving the vegetables in the form of a salad, rather than soup. The majority of inmates noted that they used the food received in deliveries.

Recommendation

230. *Strictly control the quality of the meals.*

SANCTIONS

The Institution does not have a separate punishment cell, and one of the cells in the place of holding detainees is used for this purpose when necessary.

USE OF SPECIAL MEANS

There have not been any cases of the use of special means in the Institution in the last year.

ADMISSION OF NEW INMATES

Health Check

During 2008, the health checks of detainees admitted to the Institution from the police did not reveal any bodily injuries.

Quarantine Cell

The Institution does not have a separate quarantine cell.

Recommendation

231. *Designate a separate quarantine cell.*

TREATMENT

The Group of Observers did not find any cases of ill-treatment of inmates by the staff of the Abovyan Penitentiary Institution in 2008.

STAFF

There are vacancies in the Abovyan Penitentiary Institution. The Institution governor reported 16 vacancies.

The staff regularly participates in training courses organized by the Penitentiary Department and the Ministry of Justice. The main problem noted by the Institution administration is that of low wages of the staff.

Recommendation

232. *Fill the vacancies.*

EREBOUNI PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Erebouni Penitentiary Institution is designated to hold only convicts. It has not been renovated since the Soviet era, and the convicts there are kept in dormitories that are located in three buildings.

The Institution is built in an area prone to landslides and humidity, because of which the majority of the buildings are in accident condition: there are large cracks on the main walls of the administrative building, for example. Though current repairs are performed in the Institution, the renovation is quickly damaged due to the humidity of the building foundations.

As Erebouni is a dormitory-type institution, it can provide only the conditions of open and semi-open correctional institutions. According to the approved capacity, the Institution may hold:

- Semi-open correctional institution: 371 persons; and
- Open correctional institution: 29 persons.

During 2008, the Erebouni Penitentiary Institution was heavily overcrowded. Instead of the approved capacity of 371, the Institution held over 600 persons.

The water supply situation in the Institution is extremely grave. In addition to the water being supplied only twice a day for up to three hours each time as per a timetable, the water pipes often freeze in the winter months and the Institution has no water for days at a time. Besides, different workshops start operating near the Institution, which consume a large amount of water, leaving an insufficient quantity for the Institution. As a consequence, the Institution often has to buy water from water-carrying trucks.

Recommendations

- 233. *Overhaul or relocate the Institution;*
- 234. *Convert the dormitories to smaller-size cells; and*
- 235. *Improve the water supply to the Institution.*

DORMITORIES

At the time of the Group's visit, the dormitories in the Institution were heavily overcrowded: in two of the dormitories (which held Jehovah's Witnesses and convicts working in the housekeeping section of the Institution), the surface area per convict was 2 square meters despite the legislative requirement to provide 4 square meters.³⁵

On the whole, the dormitories need an overhaul. The walls of the first-floor accommodation dampen.

³⁵ Republic of Armenia Penitentiary Code, Article 73.

The Institution lacks centralized heating, and electrical stoves brought by the convicts' relatives are used to heat the dormitories, which, given the large size of the dormitories, cannot heat the rooms to a sufficient temperature.

The dormitories lack water closets. The toilet and washbasin are shared by the whole Institution.

Recommendations

236. *Comply with the legislative requirement on the amount of living space per convict;*
237. *Transform the dormitories to cells;*
238. *Perform water insulation of the foundation of the buildings;*
239. *Build separate water closets in the accommodations; and*
240. *Properly heat the accommodations.*

CONTACT WITH THE OUTSIDE WORLD

Considering that the Erebouni Penitentiary Institution holds convicts serving the sentence in a semi-open correctional institution, the Institution provides rather intensive contact with the outside world.

Short-Term Visits

The Erebouni Penitentiary Institution has one room for short-term visits, which is designated for 6 concurrent visits. Direct contact is possible in the room. Its surface area is about 40 square meters. The natural light is sufficient. The room is furnished with 6 tables and 12 benches. Each table fits up to 8 persons. The room is heated, and at the time of the Group's visit, the temperature there was adequate.

Adjacent to the room for short-term visits, there was another room that was renovated and furnished with soft furniture. The room is designed as a children's room, but in contrast to other institutions, it is used not for visits to convicts that have young children: this room is used to "isolate" the children while the convict accepts the visiting relatives in the neighbouring larger room. At the time of the visit, the children's room was not heated.

The room for visits does not have a separate water closet; the visitors can use the water closet in the same building, which is designed for convicts working in the housekeeping section, but one would have to ask the staff in order to find out where the water closet is located.

Recommendations

241. *Build a separate water closet for the room for visits;*
242. *Conduct the visits of convicts that have young children in the children's room.*

Long-Term Visits

The Erebouni Penitentiary Institution has 12 rooms for long-term visits, 8 of which have been renovated. The surface area of the rooms varies from 7 to 15 square meters. The availability of furniture in the rooms varies, too: each room has tables, a chair, and one large or two separate beds, but some rooms have a sofa, a cupboard, and a refrigerator. The rooms are heated by electricity.

The rooms for long-term visits had sufficient natural light.

Two shared toilets (one for women and the other for men) operate adjacent to the rooms. The toilets are tiled.

In the section for long-term visits, there is also a bathroom. It can be used by one person at a time. Hot water flows from a tank that has enough water for 5-6 persons to bathe, which is insufficient, because the Institution has 12 rooms for long-term visits.

Next to the rooms, there is a kitchen with two taps and a refrigerator. At the time of the Group's visit, there were no other supplies, including a stove for heating meals. The administration said that a stove is provided when necessary.

Fresh air cannot be accessed from inside the rooms for long-term visits in the Erebouni Penitentiary Institution, which means that the visitors have to stay in the rooms for three days: this is undesirable, given that young children take part in the visits, too.

Recommendations

243. *Renovate the rooms for long-term visits that have not been renovated yet;*
244. *Minimize the differences between rooms in terms of the renovation and furniture standards;*
245. *Increase the number of bathrooms;*
246. *Install the necessary appliances in the kitchen (as a priority, install an electrical stove); and*
247. *Create a possibility for visitors to access the fresh air.*

Telephone Communication

Card phones have been installed in the Erebouni Penitentiary Institution, and the convicts can access the telephone every day without any restrictions. The convicts are generally satisfied with the functioning of the phones, though some complaint about the line quality. The problem concerned not only the card phones, but also the administration telephones.

Recommendations

248. *Take measures to improve the quality of the telephone line.*

Deliveries

The unit for accepting deliveries at the Erebouni Penitentiary Institution is located on the first floor of the administrative building. Deliveries are accepted and inspected in a room of about 30 square meters, in which a modern scanner is installed. However, the convicts' relatives transfer the deliveries through a window between the corridor and the unit, without being able to access the room and being present in the inspection, which may cause problems.

The corridor where relatives wait is not heated. The delivery transfer procedure and the list of permitted (prohibited) food and items are posted on the wall of the room.

There is no water closet in the territory of the unit for accepting deliveries. In the words of the administration, relatives may use the water closet in the administrative building, which is on the floor above, but relatives would have to ask a member of the staff in order to find out about it.

The Erebouni Penitentiary Institution has a booth which mainly sells food products. Purchases can be made from the booth by both the convicts and their relatives. The prices in the booth correspond to those in the shops of the City of Yerevan.

Recommendations

249. *Furnish and heat the waiting hall;*
250. *Build a water closet in the unit for accepting deliveries; and*
251. *Inspect the delivery in the presence of the relative who brought it.*

SANITATION AND HYGIENE

Bathing

Only one bathhouse operates in the Erebouni Penitentiary Institution. It has a changing room that has only one 20-place hanger. The bathroom is tiled and has 9 showers. Hot water flows from a 5-ton tank. As the Institution has problems of water supply, convicts bathe only with stockpiled water. When it is done, only 3 of the 9 showers can function, and only 50 convicts can bathe during one day. It means that, in case of overcrowding, the Institution cannot make sure that the convicts bathe once a week as prescribed by the legislation.³⁶ In case if the bathhouse operates every day, it can serve 350 convicts per day, while at the time of the Group's visit, the Institution held about 600 convicts. Besides, considering that there is no clear timetable for bathing, there is a danger that some convicts may be deprived of the possibility of bathing altogether.

A laundry with appropriate equipment, a drier, and a barber's shop operated adjacent to the bathhouse.

Recommendation

252. *Ensure that all the convicts in the Institution bathe at least once a week.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post in the Erebouni Penitentiary Institution is located in a separate building within the zone for holding convicts. It consists of 10 patient rooms and dental and procedural rooms. The latter serves also as the doctors' office. The health post was undergoing renovation at the time of the Group's visit.

Recommendation

253. *Provide a separate room for medical procedures within the health post.*

Staffing

The health post employs 8 specialists, including the post chief, a cardiologist, a dermatovenerologist, a dentist, and 4 paramedics. The position of the general physician is vacant.

Recommendation

254. *Fill the vacant position of the general physician.*

Equipment

The Institution receives a new state-of-the-art dental chair during the last year. Nevertheless, the overall availability of medical equipment in the Institution is poor. As a priority, the need for a new electrocardiogram was noted, because the existing one is old and worn out.

Recommendation

255. *Provide the necessary medical equipment to the Institution (as a matter of priority, an electrocardiogram).*

³⁶ Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, paragraph 47.

OCCUPATION

The Erebouni Penitentiary Institution provides occupation to convicts mainly through their engagement in the activities of the housekeeping section. During the summer months, there is a workshop that makes pumice stones, which employs 5 convicts. Besides, some convicts are engaged in the current repairs of the Institution.

Convicts can practice sports in the Institution: they play football and table tennis. There is a library. In the dormitories, there are also TV sets, video and audio players, and other appliances brought by the convicts' relatives.

Library

The Erebouni Penitentiary Institution has a 20-square-meter library with 3,750 books. As the majority of the books were inherited from the Soviet period, the literature advocating for the then popular communist ideology has a large share and is currently not of any interest to the readers.

Convicts can choose the books on the spot by visiting the library. The library does not have a separate reading hall. The number of shelves for storing books is not sufficient. There is no regular mechanism for replenishing the library stock. It is replenished with literature donated by private individuals. The librarian noted a need for fiction books. The library receives the press once a week.

Recommendations

256. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*
257. *Increase the number of bookshelves in the library.*

FOOD

Canteen

A canteen operates in the Erebouni Penitentiary Institution, which can serve up to 180 convicts at a time: it means that, to cover all the convicts, the canteen would need to serve in 4 shifts.

The surface area of the canteen is about 100 square meters. 18 tables and 36 benches are installed. The tables and benches are old.

At the time of the Group's visit, the menu was not posted.

The canteen is not heated. There is no ventilation system. There is no possibility to wash one's hands before having a meal in the canteen.

The canteen needs an overhaul.

Recommendations

258. *Overhaul the canteen;*
259. *Install new tables and chairs in the canteen;*
260. *Heat the canteen;*
261. *Install a ventilation system; and*
262. *Install washbasins.*

Kitchen

The kitchen in the Erebouni Penitentiary Institution consists of the bread-cutting, meal-cooking, dish-washing, and vegetable-cleaning sections, a warehouse, and a refrigerator section. It is difficult to maintain sanitation and hygiene in the kitchen, because it needs an overhaul. Electrical pans and stoves are mostly used to cook. As for appliances, the Institution also has a Soviet-made potato peeler, which frequently breaks.

Considering that the Institution does not have running water, water is stockpiled in the kitchen. Tanks are installed to ensure the supply of hot water.

Recommendations

263. *Overhaul the kitchen; and*

264. *Provide new equipment to the kitchen.*

Food Quality

Convicts in the Erebouni Penitentiary Institution complained mainly about the quality of the bread, which in their words was sodden. Convicts also noted that the meals recently used canned meat, which was of worse quality than fresh meat.

The majority of the convicts used the food received in deliveries.

Recommendation

265. *Improve the food quality.*

SANCTIONS

8 punishment cells operate in the Institution. The Institution governor noted that alcohol use is the main reason for placement in a punishment cell. This sanction is applied relatively more frequently in the Erebouni Penitentiary Institution. The Institution administration explained it by the governor's lower tolerance to infringements.

USE OF SPECIAL MEANS

The Institution governor said that special means are used in the Institution once or twice a year.

ADMISSION OF NEW INMATES

Health Check

Considering that the Erebouni Penitentiary Institution holds only convicts, new inmates are admitted here from other penitentiary institution, because of which they are almost never found to have fresh injuries. The Institution governor assured that a convict would not be admitted to the Institution if brought with injuries. At the time of the Group's visit, convicts had been brought to the Institution from the "Hospital for Convicts" Penitentiary Institution, one of whom suffered from the rare disease called elephantiasis (the patient's legs are swollen, and he can move only with crutches). With the doctor's interference, the Institution governor decided to send the patient back to the "Hospital for Convicts" Penitentiary Institution.

TREATMENT

The Group of Observers did not receive any complaints about ill-treatment of convicts by the staff of the Erebouni Penitentiary Institution.

STAFF

According to the staff list, the Institution should have 191 employees, but there were 9 vacancies at yearend 2008. The total number includes also the guards of the external perimeter. Most of the staff live in the regions (Kosh, Talin), from where they have to travel to work every day. Though there are very few vacancies, the designated number of staff positions, especially the positions of external perimeter guards, is not sufficient. In the words of the Institution administration, every shift needs to have three status components (guards on duty at the post, awake guards, and resting guards), but there are currently only two components according to the designated staff list.

Like all the penitentiary institutions, the main problem was that of low wages.

Recommendation

266. *Increase the number of staff positions in the Institution.*

SEVAN PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Seven Penitentiary Institution is designated to hold only convicts. It has not been renovated since the Soviet era, and the convicts there are kept in dormitories that are located in four two-storeyed buildings.

As Sevan is a dormitory-type institution, it can provide only the conditions of open and semi-open correctional institutions. According to the approved capacity, however, the Institution may hold:

- Closed correctional institution: 50 persons;
- Semi-closed correctional institution: 450 persons;
- Semi-open correctional institution: 33 persons; and
- Open correctional institution: 15 persons.

The Institution has always had a problem of water supply. During the last year, the Institution itself managed to install a water pipeline of approximately 500 meters, as a result of which the situation somewhat improved. Presently, the Institution receives water for 4-6 hours a day. During this time, water is stockpiled in various containers, from which it is later pumped in the necessary direction.

The Institution does not have a separate boiler and is heated by electrical stoves, which is not sufficient to maintain the necessary temperature.

The Institution has one common toilet, which is in a detrimental and unsanitary condition. It is not heated, causing the sewerage to freeze frequently in the winter months.

Recommendations

267. *Overhaul or close down the Institution; and*

268. *Renovate the toilet.*

DORMITORIES

In the Seven Penitentiary Institution, inmates are held in dormitories within four buildings. There, the convicts are held in large rooms each with several dozen persons, which does not correspond to the requirements of the Penitentiary Code.³⁷

There is no centralized heating in the Institution, and the electrical stoves brought by the convicts' relatives are used to heat the dormitories: given the large surface area of the accommodation and the fact that the Institution is located in an area with a harsh climate, the stoves cannot maintain the necessary temperature.

The dormitories do not have water closets: the toilet and washbasin are common for the whole Institution.

³⁷ Republic of Armenia Penitentiary Code, Article 105.

Recommendations

- 269. *Convert the dormitories to cells;*
- 270. *Make sure that the dormitories have separate water closets; and*
- 271. *Maintain appropriate temperature in the dormitories.*

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

The Sevan Penitentiary Institution has one room for short-term visits. The room has a surface area of about 25 square meters and is furnished with two rooms, five chairs, and benches. 2 to 3 visits can be held concurrently.

Direct contact is possible during the visits. Natural light is not sufficient: the room has a small window that does not provide enough light. Therefore, the electrical light is always on in the room.

The room is heated by an electrical stove.

The Institution does not have a separate room for visits with young children, which would allow visits with children to be organized away from the prison atmosphere.

The room for visits does not have a water closet that could be used by the visit participants in case of necessity.

Recommendations

- 272. *Build a water closet accessible to the participants of visits; and*
- 273. *Build and furnish a separate room to organize visits with young children.*

Long-Term Visits

The Sevan Penitentiary Institution has 8 rooms for long-term visits. Each room has a surface area of 15-20 square meters. All the rooms need to be renovated and furnished. The availability of furniture in the rooms varies. In each room, there is a table, sofa, bed, and cupboard; some rooms also have a TV set and a DVD player. The existing furniture is old. The natural light in the rooms for long-term visits is sufficient. The rooms are heated by electrical stoves. The rooms do not have separate water closets. Two common toilets operate next to the rooms (one for women and the other one for men), as well as a bathhouse in which a 700-litre tank is installed.

The kitchen is also shared and is furnished with 2 refrigerators and an electrical stove. The kitchen has a water tap, but water is stockpiled as the supply is not permanent. The kitchen is generally in an unsanitary condition.

Fresh air cannot be accessed from within the rooms for long-term visits, which means that the visitors have to stay indoors for three days.

Recommendations

- 274. *Renovate the rooms for long-term visits;*
- 275. *Renovate the kitchen and furnish it with the necessary kitchenware and furniture; and*
- 276. *Create a possibility for visitors to access the fresh air.*

Telephone Communication

Card phones are installed in the Sevan Penitentiary Institution. Convicts can access the telephone every day without limitations. There are no complaints about the operation of the phones. Convicts can buy phone cards from the Institution booth.

Deliveries

The unit for accepting deliveries is located on the first floor of the administrative building of the Sevan Penitentiary Institution. Deliveries are accepted and examined in a room with a surface area of about 10 square meters. The Institution has received a state-of-the-art scanner for inspecting deliveries, which had not been connected as at yearend 2008 yet. Relatives of convicts transfer the deliveries through a window. The corridor in which the relatives wait is not heated. No document describing the procedure of accepting deliveries is posted on the walls.

Recommendations

- 277. *Furnish and heat the waiting hall; and*
- 278. *Post the relevant documents in the unit for accepting deliveries.*

SANITATION AND HYGIENE

Bathing

One bathhouse operates in the Sevan Penitentiary Institution. It has a changing room with hangers. The bathroom is tiled and has 12 showers. Hot water is supplied from a 5-ton tank installed in the roof. The bathhouse operates every day except for the week-end. Besides, considering that there is no clear timetable for bathing, there is a danger that some convicts may be deprived of the possibility of bathing altogether.

A laundry with appropriate equipment, a drier, a barber's shop, a shoemakers' workshop, and a tailor's workshop operate adjacent to the bathhouse.

Recommendations

- 279. *Renovate and furnish the changing room; and*
- 280. *Establish a clear timetable for the bathing of inmates.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post in the Sevan Penitentiary Institution is located in a separate building within the zone for holding convicts. It consists of 8 patient rooms and a room for medical procedures. The patient rooms have undergone cosmetic renovation. However, the floor in the patient rooms is made of concrete, which is unacceptable for such rooms. The patient rooms are heated by electrical stoves that do not maintain the necessary temperature.

Recommendation

- 281. *Overhaul the health post.*

Health Personnel

There are vacancies in the health care post of the Sevan Penitentiary Institution. Only 6 of the 10 positions are filled. The positions of 3 doctors (including the dentist) and one paramedic are vacant.

Recommendation

- 282. *Fill the vacancies at the health post.*

Equipment

The health post in the Sevan Penitentiary Institution has very little equipment. The health post needs an electrocardiogram, a dental chair, and basic medical tools.

Recommendation

283. *Provide the necessary medical equipment to the Institution.*

OCCUPATION

The Sevan Penitentiary Institution provides occupation to convicts mainly through their engagement in the activities of the housekeeping section. Convicts can do sports in the Institution: they play football and table tennis. There is a library. In the dormitories, there are also TV sets, video and audio players, and other appliances brought by the convicts' relatives.

Library

The Sevan Penitentiary Institution has a 20-square-meter library with 2,200 books. As the majority of the books were inherited from the Soviet period, the literature advocating for the then popular communist ideology has a large share and is currently not of any interest to the readers.

Convicts can choose the books on the spot by visiting the library. The library does not have a separate reading hall. The number of shelves for storing books is not sufficient. There is no regular mechanism for replenishing the library stock. It is replenished with literature donated by private individuals and charitable organizations. The librarian noted a need for fiction books. The library receives the press.

Recommendations

284. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*

285. *Increase the number of bookshelves in the library.*

FOOD

Canteen

A canteen operates in the Sevan Penitentiary Institution, which can serve up to 300 convicts at a time: it means that, to cover all the convicts, the canteen would need to serve in 2 shifts.

The surface area of the canteen is about 200 square meters. 20 tables and 40 benches are installed. The tables and benches are old.

At the time of the Group's visit, the menu was posted.

The canteen is not heated. There is no ventilation system. The sanitation status of the canteen is inadequate.

The canteen needs an overhaul.

Recommendations

286. *Overhaul the canteen;*

287. *Install a new table and chairs in the canteen;*

288. *Heat the canteen;*

289. *Install a ventilation system.*

Kitchen

The kitchen in the Sevan Penitentiary Institution was recently renovated. It consists of the bread-cutting, meal-cooking, dishwashing, and vegetable-cleaning sections, a warehouse, and a refrigerator section. Electrical pans and stoves are mostly used to cook. As for appliances, the Institution also has a Soviet-made potato peeler.

Considering that the Institution does not have running water, water is stockpiled in the kitchen. Tanks are installed to ensure the supply of hot water.

The kitchen does not have a ventilation system.

Recommendation

290. *Install a ventilation system in the kitchen.*

Food Quality

In the opinion of the inmates in the Sevan Penitentiary Institution, the food quality has recently somewhat improved, but is still far from being adequate. The majority of the inmates use the food products received in deliveries.

Recommendation

291. *Improve the food quality.*

SANCTIONS

7 punishment cells operate in the Sevan Penitentiary Institution. At the time of the Group's visit, 8 convicts were held in the punishment cells. In the words of the Institution governor, the reasons for placement in the punishment cell were violations of the internal regulations, mainly the consumption of alcohol and the possession of a mobile phone.

The surface area of the observed punishment cell was 18 square meters. The cell held 2 convicts and had 3 beds. The floor in the punishment cell was wooden. The list of rights and responsibilities is posted on the wall. The punishment cell is heated by an electrical stove that does not provide the necessary temperature.

The natural light in the punishment cell is insufficient. One of the windows had broken glass and was covered with cloth.

Convicts held in the punishment cell do not get daily outdoor exercise.

Recommendations

292. *Ensure sufficient heat in the punishment cells;*

293. *Ensure sufficient light in the punishment cells; and*

294. *Ensure the daily outdoor exercise of convicts held in the punishment cells.*

USE OF SPECIAL MEANS

The Institution governor said that special means have not been in the Institution during the last year.

ADMISSION OF NEW INMATES

The Institution holds only convicts, and new inmates are admitted here from other penitentiary institution, because of which they are never found to have injuries.

Quarantine Cell

As the quarantine cell construction is unfinished, newly-admitted convicts do not undergo any quarantine and are taken directly to the general dormitory.

Recommendation

295. *Build quarantine cells.*

TREATMENT

The Group of Observers did not find any cases of ill-treatment of convicts by the staff of the Sevan Penitentiary Institution.

STAFF

There are virtually no vacancies in the staff of the Sevan Penitentiary Institution. However, the designated staff number is not sufficient for organizing the activities of the Institution. If one of the guarding staff goes on vacation, organization of the activities becomes problematic. As a consequence, the guarding is organized in two shifts, and not three, as required. On the one hand, it overloads the staff, and on the other, would make impossible the organization of the necessary activities in case of emergencies.

As in all the other institutions, the main problem of the staff is that of low wages.

Recommendation

296. *Increase the number of staff positions.*

KOSH PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Kosh Penitentiary Institution is designated to hold only convicts. It has not been renovated since the Soviet era, and the convicts there are kept in dormitories that are located in three three-storeyed buildings.

The Institution has approved capacity to hold 640 persons. As it is a dormitory-type institution, it can provide only the conditions of open and semi-open correctional institutions. According to the approved capacity, however, the Institution may hold:

- Semi-closed correctional institution: 570 persons;
- Semi-open correctional institution: 45 persons; and
- Open correctional institution: 25 persons.

The Institution does not have permanent water supply. Water is pumped to a reservoir twice a week in order to ensure the availability of water.

The Institution does not have supply of natural gas. Therefore, it has no centralized heating, either. The Kosh Penitentiary Institution is presently heated by electrical stoves.

DORMITORIES

Convicts in the Kosh Penitentiary Institution are held in dormitories located within three buildings, 2 small and 1 small. Each is a three-storeyed building. Convicts are held in rooms of varying sizes, each with 10-60 persons, which does not correspond to the requirements of the Penitentiary Code of the Republic of Armenia.³⁸

The newly-renovated 36-place toilets and washbasin room are located in a separate 125-square-meter building adjacent to the dormitories.

Each dormitory has a furnished lobby on the first floor, in which there is a TV set, sofa, and armchairs. The rooms are designated for resting.

The general sanitation status of the dormitories is adequate. The dormitories are heated by electrical stoves that cannot maintain the necessary temperature. The natural and artificial light in the dormitories is sufficient.

Recommendations

297. *Overhaul the Institution by converting it to the cell-type accommodation stipulated by the legislation; and*
298. *Improve the heating of the Institution.*

38 Republic of Armenia Penitentiary Code, Article 105.

CONTACT WITH THE OUTSIDE WORLD

The rooms for visits in the Kosh Penitentiary Institution were renovated in 2008 and are in a good condition.

Short-Term Visits

There is one room for short-term visits in the Kosh Penitentiary Institution. The room is light and has a surface area of about 35 square meters. It is furnished with new armchairs and tables. The water closet is adjacent to the room and is accessible for the participants of visits. Direct contact between inmates and their relatives is possible during visits.

The room is heated by electrical stoves.

Long-Term Visits

12 renovated rooms for long-term visits operate in the Kosh Penitentiary Institution. In the area, there is also one sitting room furnished with sofas and one playroom for children. The average surface area of each room for long-term visits is 18 square meters. The rooms are light and are heated by electrical stoves. The furniture is adequate: the rooms have new furniture, including a bed, a table, and chairs. The room floor is wooden. The water closet and kitchen are shared by all 12 rooms. There is a separate toilet for women. In the kitchen, there is a refrigerator and appropriate furniture, a sink, and kitchenware.

Telephone Communication

Telephone communication is available in a separate building within the Kosh Penitentiary Institution. Two card phones are installed, which can be used by the convicts every day from 7pm to 11pm, each for 15-20 minutes. During the daytime, inmates cannot access the telephone. There were no complaints about the operation of the phones.

Recommendation

299. *Eliminate the limitation on the hours of using the telephone.*

Deliveries

The unit for accepting deliveries in the Kosh Penitentiary Institution is an 18-square-meter room with 2 tables and 2 benches. Convicts' relatives transfer the delivery from this room. There are virtually no queues, except for days-off. The delivery transfer hours, the list of permitted (prohibited) food and items, and the transfer procedure are posted on the wall of the room.

Deliveries are scanned with a modern "Rapiscan" device.

The drinking water and toilet are in the administrative building

Recommendation

300. *Build a water closet adjacent to the unit for accepting deliveries.*

SANITATION AND HYGIENE

Bathing

The Kosh Penitentiary Institution has only one bathhouse. Inmates bathe once a week as per a timetable. The total surface area of the Institution's bathhouse is 85 square meters, 25 of which

have been allocated to the changing room, and the other 60 square meters to the bathroom. In the changing room, there are benches and hangers. The bathroom has 17 shower chambers with a total of 8 showers. Hot water flows from a 9-ton electricity-heated tank. There is no toilet in the bathhouse territory. In the bathhouse, there is a separate room with 5 washbasins.

The bathhouse building of the Kosh Penitentiary Institution needs an overhaul.

Recommendations

- 301. *Overhaul the bathhouse building; and*
- 302. *Build a toilet adjacent to the bathhouse.*

HEALTH CARE SERVICES

Health Post: General Overview

The health post of the Kosh Penitentiary Institution is located in a separate building and has a surface area of about 80 square meters. The health post consists of a room for admitting patients, a room for procedures, a water closet, a small library, and 7 patient rooms, which have been recently renovated.

20 inmates undergo health checks each day.

In the words of the health post chief, 17 self-injury cases were reported in 2008, all of which received adequate health care. The health post building needs an overhaul.

Recommendation

- 303. *Overhaul the health post building.*

Staffing

Two officer-doctors, one civilian doctor, and one paramedic work in the Kosh Penitentiary Institution. Night shifts are not organized because of vacancies. The health post needs to recruit 3 paramedics and 1 doctor.

Recommendation

- 304. *Fill the vacancies in the health post.*

Equipment

During the last year, the Kosh Penitentiary Institution received a new state-of-the-art dental chair. Nevertheless, the Institution still does not have sufficient equipment. The health post chief insisted that the health post needs physiotherapeutic equipment.

Recommendation

- 305. *Provide the necessary medical equipment to the health post.*

OCCUPATION

The Sevan Penitentiary Institution provides occupation to convicts only through their engagement in the activities of the housekeeping section. No other employment is available in the Institution.

To provide occupation to the convicts, a leisure room has been furnished in a separate building, where the convicts play board games (chess, checkers, and backgammon).

Library

A 50-square-meter library with 4,700 books operated in the Kosh Penitentiary Institution. All the books are catalogued, and the inmates can choose. The books are kept in adequate conditions. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The librarian noted a need for fiction books. About 220 persons use the library. The library does not receive any press.

Recommendations

306. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature; and*
307. *Ensure the supply of fresh press to the library through subscription.*

FOOD

Canteen

The canteen of the Kosh Penitentiary Institution is located in a separate building with a surface area of 100 square meters. There are 22 tables and 44 benches in the canteen. The canteen has sufficient natural light. The area is not heated. There is no ventilation system.

The menu is posted. Convicts use their personal tableware.

Recommendation

308. *Overhaul the canteen.*

Kitchen

The surface area of the kitchen of the Kosh Penitentiary Institution is about 60 square meters. It was recently partially renovated. The kitchen consists of the bread-cutting, meal-cooking, dish-washing, and vegetable-cleaning sections, a warehouse, and a refrigerator section. Electrical pans and stoves are mostly used to cook.

Because of the absence of a ventilation system, the kitchen roof dampens, and the plaster comes off.

Water is supplied twice a day for 4 hours as per a timetable. It is heated in pans.

Recommendation

309. *Install a ventilation system in the kitchen.*

Food Quality

Though inmates in the Kosh Penitentiary Institution considered the food quality adequate, most of them used the food received through deliveries. Inmates consider the bread quality inadequate.

Recommendation

310. *Improve the bread quality.*

SANCTIONS

The punishment cells in the Kosh Penitentiary Institution are located in a separate building. There are 4 punishment cells. A 45-square-meter outdoor exercise yard has been built adjacent to the building. 2 iron benches have been installed in the outdoor exercise yard.

The punishment cells are identical, each with 18 square meters of space. In each punishment cell, there are 5 beds and one table, all metallic. The toilet is not sufficiently isolated. The punishment cells do not get enough natural light, causing the artificial light constantly to stay on. The punishment cells are heated by electrical stoves. A list of the rights and responsibilities is posted.

Inmates in the punishment cells exercise their right to daily outdoor exercise.

Recommendation

311. *Ensure sufficient natural light in the punishment cells.*

USE OF SPECIAL MEANS

In the words of the Institution administration, three cases of the use of special means were reported in the Kosh Penitentiary Institution during the last year, all because of the inmates' failure to comply with the lawful demands of the staff.

ADMISSION OF NEW INMATES

As the Institution holds only convicts, new inmates are admitted here from other penitentiary institution, because of which, according to the Institution governor, they are never found to have injuries.

Quarantine Cell

As the Kosh Penitentiary Institution does not have a quarantine cell, newly-admitted convicts do not undergo any quarantine and are taken directly to the general dormitory.

Recommendation

312. *Build quarantine cells.*

TREATMENT

The Group of Observers did not find any cases of ill-treatment of inmates by the staff of the Kosh Penitentiary Institution in 2008.

STAFF

The Kosh Penitentiary Institution needs to fill the vacancies. At the time of the Group's visit, the Institution had 173 of the 186 staff positions filled.

The Kosh Penitentiary Institution has vacancies of three intelligence officers, 1 investigator, 3 paramedics, 1 doctor, 1 lead specialist, 1 civil defence officer, and 4 security officers.

The main problem noted by the Institution administration is that of low wages of the staff.

Recommendation

313. *Fill the vacancies.*

MEGHRI PENITENTIARY INSTITUTION

The Meghri Penitentiary Institution is the only one in the penitentiary system in which convicts are held only in the conditions of an open correctional institution. The Institution is located in the borderline area, 7 kilometres away from the Nrnadzor Village of the Syunik Marz (region).

The dormitory of inmates is located in the former railway station building with a total surface area of about 60 square meters. The building is divided into two parts. One part serves as a general sleeping room for convicts, while the other is tailored to serve as a warehouse, kitchen, and canteen. Some convicts live in the Institution-owned warehouse located in the Nrnadzor Village. The Institution's administrative building, too, is located in the Nrnadzor Village. The buildings are not reflected in the balance sheet of the Ministry of Justice, which means that the Ministry cannot perform any renovation work here.

The Institution toilet is outdoors, about 10 meters away from the dormitory. It is in a detrimental shape and is filled with wastes. An 800-litre tank is installed right in front of the toilet, which is the only source of water for the convicts. This water is used for both drinking and housekeeping. The water is brought once every seven days. The Institution lacks the basic facilities for bathing, washing the laundry, and even washbasins. As a consequence, convicts have to bathe in the bathroom of the Institution governor's private house in the Nrnadzor Village.

The sanitation status of the kitchen is detrimental, too. There is only one refrigerator for an Institution that has an approved capacity of 50 inmates. There is no storage for food. Convicts complain about the abundance of rodents, as well as venomous snakes and insects during the warm season.

The institution has approved capacity for up to 50 inmates. Considering that inmates held in an open correctional institution are entitled to 6 months of leave a year, the Institution must have capacity to hold at least 25 convicts. At the time of the Group's visit, the Institution had 38 convicts in the records, of which 9 lived in the former railway station building and 3 in the Nrnadzor Village. The other 26 were on leave. At the time, there were no free beds.

The convicts have employment contracts with the "Support to Convicts" Foundation. During March-November, they are engaged in agricultural activities.

The Institution has no health post, but there is a paramedic who is employed at the health station of the Nrnadzor Village and lives in the village.

The beds in the sleeping room are very old and worn out. The sleeping room is heated by a wood stove.

Under Article 103 of the Penitentiary Code of the Republic of Armenia, convicts held in an open correctional institution may move around the institution territory during the daytime; however, the Institution does not have a defined "territory," and the convicts' "internal movement" is limited by decision of the Institution governor: convicts living in the former railway station building have no right to go to the village and buy food without the governor's permission. However, as the administration of the correctional Institution is located in the village, they can only be contacted using the convicts' personal mobile phones.

Recommendations

314. *Move the buildings of the Institution to the balance sheet of the Ministry of Justice;*

315. *Overhaul the dormitory;*

316. *Build an administrative building adjacent to the dormitory;*

317. *Build a new toilet and bathhouse; and*

318. *Ensure permanent water supply to the Institution.*

HRAZDAN PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The Hrazdan Penitentiary Institution has operated from June 2008. It is a closed-cell-type institution designed to hold convicts serving detention as a type of sentence. The Institution is well-renovated and furnished.

The following capacity has been approved for the Institution:

- Closed correctional institution (for convicts serving detention as a type of sentence): 200 persons; and
- Semi-open correctional institution (for convicts employed in the housekeeping section): 15 persons;

The Institution has its own boiler that supplies heating and hot water to the Institution. Like the whole of the City of Hrazdan, the Institution has a problem of water supply: water runs for 2-3 hours per day according to a timetable, because of which the Institution plans to install large tanks to stockpile water.

The Hrazdan Penitentiary Institution is located in the City of Hrazdan next to residential buildings, and the cells of the Institution can be seen clearly from the windows of the nearby buildings. Considering that the cell windows have no curtains, it can cause inconvenience.

The main problem of the Institution is that detention as a type of sentence is rarely ordered by courts, because of which the Institution held only 19 inmates during 6 months of 2008, and only 1 inmate as of December 2008. With other penitentiary institutions being overcrowded, these statistics justify the need to change the approved capacity of the Institution and to designate it to hold convicts in closed and semi-closed correctional institutions, as well.

Recommendation

319. *Change the approved capacity of the Institution.*

CELLS

The Hrazdan Penitentiary Institution has 77 three-inmate cells. All the cells are identical, each with 20 square meters of space, a wooden floor, and metalloplastic windows. The water closets are partitioned and tiled.

The cells have adequate furniture: new large wooden cupboards, a table, and a chair have been installed in each cell. The beds are wooden, too.

Cells are heated by the boiler of the Institution. At the time of the visit, the temperature in the cells corresponded to the required standard.

Cells have sufficient natural light. The artificial lighting is delivered by a lamp hanging from the ceiling of the cell, the switch for which is located inside the cell, but it is not permitted to turn off the lamp at night. Using the same lamp both in the evening and at night creates an inconve-

nience, because the powerful light disturbs night sleep, while a less powerful lamp would not deliver enough light in the evenings. In some other institutions (such as the Vardashen Penitentiary Institution), this problem has been solved by installing a less powerful night lamp above the cell door in addition to the powerful night lamp hanging from the ceiling.

The list of rights and responsibilities is posted on the cell wall.

As the Institution has few convicts, they are held in solitary confinement. Considering that detention as a type of sentence implies also isolation from the outside world, inmates here serve all of their time without any possibility to speak with anyone: this can negatively affect their psychological state.

Recommendations

320. *Minimize solitary confinement of inmates in cells; and*

321. *Install night lamps in the cells.*

CONTACT WITH THE OUTSIDE WORLD

The Hrazdan Penitentiary Institution is designed to hold only convicts serving detention as a type of sentence: by law,³⁹ they are held in extreme isolation and have no rights to visits, telephone communication, and correspondence, with rare exceptions. Convicts may not receive deliveries except for essential items.

Inmates receive information about the outside world only from the mass media. However, despite the legislative requirements,⁴⁰ there are no radios in the cells of the Institution. Convicts may have TV sets, but it is not clear how the TV set can be transferred to a convict, if deliveries are prohibited. The Institution library receives the press, which is provided to inmates.

During 2008, the need to organize visits did not arise. However, later, when the housekeeping section of the Institution gets convicts (up to 15 inmates may work there) that will be held in conditions of a semi-open correctional institution, rooms for short-term and long-term visits will be needed.

Recommendation

322. *Install a radio network in the Institution.*

Visits

7 rooms are designated for visits in the Hrazdan Penitentiary Institution. The rooms are on the first floor, between the administrative section and the kitchen. As the Institution did not hold any convicts that were entitled to visits during 2008 and those rooms were never used for visits, there is no distinction between rooms for long-term and short-term visits. There is neither a bathroom nor a kitchen for long-term visits. The Institution administration noted their plan to reconstruct two rooms to serve as a kitchen and water closet.

On the whole, the rooms are in an adequate condition: they have been renovated and have wooden floors. The rooms have sufficient heating.

39 Republic of Armenia Penitentiary Code, Article 56.2.

40 Internal Regulation of Places of Holding Detainees and Correctional Institutions under the Penitentiary Service of the Ministry of Justice, paragraph 46.

Recommendations

323. *Install appropriate furniture in the rooms;*

324. *Ensure the existence of a water closet and kitchen next to the rooms for visits.*

Telephone Communication

6 card phones have been installed in the Hrazdan Penitentiary Institution (two per floor), which can be used by the convicts serving detention as a type of sentence only in exceptional circumstances with the permission of the Institution governor.

Correspondence

Convicts serving detention as a type of sentence in the Hrazdan Penitentiary Institution are not entitled to correspondence.

Deliveries

There is no unit for accepting deliveries in the Hrazdan Penitentiary Institution. The Institution administration noted that no need arose in 2008, because only convicts serving detention as a type of sentence were held in the Institution during 2008, which have the right to receive only essential items. Nevertheless, considering that the Institution may hold convicts in the housekeeping section, which will have the right to receive deliveries, the Institution administration plans to build a unit for accepting deliveries.

Recommendation

325. *Build and appropriately equip a unit for accepting deliveries.*

SANITATION AND HYGIENE

Bathing

6 bathhouses operate in the Hrazdan Penitentiary Institution. They are identical, each with about 12 square meters, two showers, tiled, and heated. There are toilets adjacent to the bathrooms. The bathhouse includes changing rooms that are not furnished and lack hangers and benches.

Inmates bathe once a week. Hot water is supplied through the Institution boiler. The Institution has capacity to increase the frequency of the bathing to at least twice a week in line with the international standards.

Recommendations

326. *Furnish the changing rooms; and*

327. *Increase the frequency of the bathing.*

Bedding

The Hrazdan Penitentiary Institution provides quality bedding to all the inmates. The observation of the Group showed that the bed linen provided by the Institution is of sufficient quality and quantity.

Sanitary Supplies

The Institution provides inmates sanitary supplies as per the established rations. The rations of some supplies may be insufficient (for instance, one roll of toilet paper per month). While in other penitentiary institutions, this gap is filled by deliveries brought by the inmates' relatives, the lack of sanitary and hygiene supplies in the Hrazdan Penitentiary Institution may be a problem given that convicts held there have no right to receive deliveries.

HEALTH CARE SERVICES

Health Post: General Overview

The health post in the Hrazdan Penitentiary Institution has 9 patient rooms. Each has a surface area of 20 square meters and is designed to hold 2 convicts. The patient rooms have sufficient furniture, light, and heating.

During 2008, no inmates were placed in the health post.

Recommendation

328. *Provide appropriate equipment to the health post of the Institution.*

Health Personnel

Not all the health post positions are filled: currently, four paramedics are employed, while the positions of doctors are vacant. This situation has not caused problems yet, because the convicts held in the Institution have not had major health issues. The Group considers the absence of a doctor in the Institution unacceptable.

Recommendation

329. *Fill the vacant positions of doctors.*

Equipment

The Institution had not received any medical equipment as at yearend 2008.

Recommendation

330. *Provide the necessary medical equipment to the Institution.*

Medication

The Institution has only a limited quantity of essential medication.

Recommendations

331. *Improve the availability of medication in the Institution.*

OCCUPATION

Outdoor Exercise

There are 10 identical outdoor exercise yards in the Hrazdan Penitentiary Institution, each with a surface area of 15 square meters. Daily exercise lasts one hour. The outdoor exercise yards lack benches and rain cover. There are no facilities for athletic exercise.

Recommendations

332. *Install benches and rain cover in the outdoor exercise yards; and*
333. *Create facilities for athletic exercise in the outdoor exercise yards.*

Library

A library operates in the Hrazdan Penitentiary Institution with 215 books. All the books are catalogued, and the inmates can choose. The books are kept in adequate conditions. The library surface area is about 20 square meters. New books are needed. There is no mechanism for replenishing the book stock. The library receives the daily newspapers and magazines. There is a record-keeping journal in the library.

Recommendation

334. *Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.*

FOOD

Kitchen

The kitchen in the Hrazdan Penitentiary Institution is located on the first floor of the Institution building. The kitchen has ventilation and fire safety systems, as well as a bathroom for the kitchen staff.

The sanitation and technical condition of the kitchen is good. As the Institution receives water in accordance with a timetable, the kitchen stockpiles water.

The cooks of the Institution are penitentiary servants.

Canteen

Inmates cook meals in their cells. However, the Hrazdan Penitentiary Institution is one of the rare institutions that have a staff canteen.

Food Quality

Both the Group and the inmates consider the food to be of good quality.

SANCTIONS

No sanctions were ordered in respect of inmates in the Hrazdan Penitentiary Institution during 2008.

As the Institution does not have a separate punishment cell, one of the regular cells would have to be used as a punishment cell in case of necessity.

USE OF SPECIAL MEANS

The Institution governor said that there was no use of special means in 2008.

ADMISSION OF NEW INMATES

The Institution governor told the Group that none of the inmates admitted to the Hrazdan Penitentiary Institution in 2008 had bodily injuries.

TREATMENT

The Group of Observers did not receive any complaints from inmates about their treatment by the staff of the Hrazdan Penitentiary Institution.

STAFF

The conditions for the staff of the Hrazdan Penitentiary Institution are the best in the penitentiary system. The Institution offices are in good condition. A staff canteen operates.

141 of the 151 staff positions were filled at the time of the Group's visit.

“HOSPITAL FOR CONVICTS” PENITENTIARY INSTITUTION

GENERAL OVERVIEW

The “Hospital for Convicts” Penitentiary Institution is located in the City of Yerevan. It is the only specialized medical institution in the penitentiary system. Inmates are placed in this Institution if their treatment cannot be organized in the health post of a regular penitentiary institution. When it is impossible to place an inmate in the “Hospital for Convicts” Penitentiary Institution or the latter is unable to treat the inmate, the legislation stipulates the possibility of placing an inmate in a civilian hospital.

The following capacity has been approved for the “Hospital for Convicts” Penitentiary Institution:

- Medical correctional institution: 424 persons;
- Closed correctional institution: 6 persons;
- Semi-open correctional institution: 14 persons;
- Open correctional institution: 10 persons; and
- Place of holding detainees: 6 persons.

Under the legislation,⁴¹ convicts are held in a medical correctional institution in the conditions designated for a semi-open correctional institution, subject to the peculiarities of a medical correctional institution.

The Institution does not have a heating system. The patient rooms are heated by electrical stoves. This method of heating cannot be adequate, because there is a big difference in the temperature between the patient rooms and the corridors, which can negatively affect the health status of inmates.

The “Hospital for Convicts” Penitentiary Institution has round-the-clock water supply.

The “Hospital for Convicts” Penitentiary Institution has three local zones. There are several wards within each zone.

First Zone	Second Zone	Third Zone
Surgical	Infectious disease	Tuberculosis
Dental	Psychiatry	Narcological
Diagnostic and physiotherapeutic	General medicine	X-ray
		Clinical-biological laboratory

The pharmacological ward is located within the Institution, outside the local zones.

⁴¹ Republic of Armenia Penitentiary Code, Article 107.

Recommendations

335. *Install a heating system in the Institution.*

Surgical Ward

The ward is located in a three-storeyed building constructed in 1828. The building is outdated and is in a poor physical condition.

The surgical ward provides higher-quality specialized treatment to detainees and convicts held in the penitentiary institutions of the Ministry of Justice. The doctors in this ward regularly visit other penitentiary institution to examine inmates in need of surgical care and to provide the necessary treatment.

If necessary, the ward is assisted by counselling doctors working in civilian health care institutions.

In case of extreme necessity, such as the need for appropriate equipment and supervision of post-surgical complications, patients are transferred to civilian hospitals that have the relevant specialized wards.

Patients in this ward are under constant supervision of the health personnel. Doctors tour the ward every day.

The first floor of the ward accommodates the doctors' offices and the room for procedures; the surgical and post-surgical rooms are on the second floor. There are patient rooms on both floors. At the time of the Group's visit, there were 6 patients in the first patient room on the second floor of the ward. The surface area of the patient room is 24 square meters. There are 6 beds in the room. The room has sufficient natural light.

Recommendations

336. *Reconstruct the building of the ward.*

Dental Ward

The dental ward is located in the same zone with the surgical ward. In 2008, the dental ward moved to the newly-renovated building. The dental ward has the necessary equipment, but not a dental X-ray.

The dental ward performs:

Surgery;

Dental therapy, including oral cavity prophylaxis; and

Orthopaedic procedures.

The ward performs maxillofacial surgery, too.

The ward chief said that the ward has the necessary medication.

Recommendation

337. *Provide a dental X-ray to the ward.*

Physiotherapeutic and Functional Diagnosis Ward

The ward performs sonography and electrocardiogram. Considering the lack of sonographs and relevant specialists in the penitentiary institutions, a specialist of this ward visits the institutions and performs checks there when necessary.

Infectious Disease Ward

This ward treats inmates with the following diseases:

- HIV/AIDS;
- Hepatitis;
- Enterocolitis and chronic colitis; and
- Dermatovenerological diseases.

This ward holds all the inmates living with HIV/AIDS, which in fact account for the majority of the inmates in the ward. Their clinical laboratory tests are performed jointly with specialists of the National AIDS Prevention Center.

When necessary, the inmates living with AIDS receive antiretroviral treatment and intravenous Armenikum.

The blood of all the high-risk convicts from all the wards of the “Hospital for Convicts” Penitentiary Institution is sent to the National AIDS Prevention Center for HIV testing.

The ward regularly performs medical-social assessment of inmates to determine the capability of inmates.

General Medicine Ward

This ward is located in a separate building that has not been renovated in recent years. It employs four doctors and one nurse. The ward has vacancies: the positions of the oculist, neurologist, senior nurse, and paramedics are vacant.

The ward consists of an office for doctors, a room for procedures, and patient rooms.

The vast majority of the patients suffer from cardiovascular and respiratory conditions. The ward needs modern equipment, especially an electrocardiogram.

The ward sometimes receives patients that need immediate care. For these cases, an intensive care unit with appropriate equipment is needed, which is currently lacking in the Institution.

In the words of the ward chief, the Institution has sufficient medication.

Recommendations

338. *Renovate the building of the ward;*

339. *Fill the vacancies of medical personnel;*

340. *Provide the necessary equipment (first of all an electrocardiogram) to the ward; and*

341. *Create an intensive care unit.*

Tuberculosis Ward

The ward is located in a newly-built building. The latter was constructed with the support of the International Committee of the Red Cross. The patients in this ward are isolated from patients in other wards. They have a separate exercise yard. There is a separate card phone in the tuberculosis ward, which is used only for the patients in this ward.

The medical personnel in this unit are responsible for diagnosing and treating tuberculosis in all the penitentiary institutions of the country.

Patients are discovered in two ways:

- Passive discovery, when the patient applies; and
- Active discovery, through the screening conducted twice a year by a digital mobile fluorograph, when sputum samples are taken in case of suspicion.

The tuberculosis patients are taken to the “Hospital for Convicts” Penitentiary Institution, where they get the appropriate treatment.

As at December 2008, there were 34 convict patients in the ward. During the year, 72 convicts were admitted, of which 55 were diagnosed with tuberculosis, 28 with the TB disease (infectious patients), 13 with the drug-resistant forms of tuberculosis (cannot be effectively treated with ordinary medication), and the rest with the TV infection (carry the infection, but are not contagious).

The diagnosed TV disease cases are very quickly moved to the “Hospital for Convicts” Penitentiary Institution. Besides, a “DOTS Plus” joint program with the “Médecins Sans Frontières” started in September 2008, which covers 12 convicts with drug-resistant tuberculosis.

The ward regularly performs medical-social assessment of inmates to determine the capability of inmates.

The ward fights against tuberculosis jointly with the National Tuberculosis Program in accordance with the national standards. General information has been processed and data generated using the EP 16 info software.

Narcological Ward

The ward is located in the same building as the tuberculosis ward, but a separate building was being constructed for the narcological ward at the time of the Group’s visit.

This ward holds patients suffering from alcoholism and drug addiction. Most of them are ordered compulsory treatment by court in accordance with Article 97 of the Criminal Code of the Republic of Armenia.

Under Paragraph 110 of Government Decree 825-N dated 26 May 2006,⁴² “detainees or convicts that have not completed the compulsory treatment from alcoholism or drug addiction, as well as persons subject to ward control shall not be sent to the institution until the end of the treatment, the adoption of a court decision to terminate the compulsory treatment, or the termination of the ward control.” This clause precludes the application of the phased treatment method, which is currently considered the international best practice. Under this method, a patient undergoes in-patient medication-based treatment in the first phase, after which he remains under control for some time. Then, depending on the results, the patient undergoes in-patient rehabilitation activities in the last phase. The application of this method may require months (at times even years) of work, throughout which an inmate should not and cannot be held in the “Hospital for Convicts” Penitentiary Institution, because it is pointless given the number of places in the ward.

Recommendation

342. *Revise Paragraph 110 of Government Decree 825-N dated 26 May 2006.*

Clinical-Biological Laboratory Ward

The clinical-biological laboratory ward serves the 6 clinical wards of the Institution. It performs the following laboratory tests:

- General urine test;
- General blood test;
- Biochemical blood test;
- Coprology;

⁴² Procedure of Organizing the Medical Sanitary and Preventive Care of Detainees and Convicts, Their Referral to Medical Institutions of Health Care Authorities, and the Engagement of Their Medical Personnel for Such Purposes.

- Smear examination;
- Serology; and
- Immunological test.

Pharmacological Ward

This ward receives all the medication, medical tools, laboratory supplies, and other medical supplies procured with state budget resources for the whole penitentiary system. Later, everything is distributed to the penitentiary institutions from this ward.

Donated medication is also distributed through the pharmacological ward.

CONTACT WITH THE OUTSIDE WORLD

Short-Term Visits

The “Hospital for Convicts” Penitentiary Institution has 2 rooms for short-term visits, but the Institution governor thinks this number is not sufficient to grant inmates the number of visits to which they are entitled under law.

Each room has a surface area of 15-20 square meters. The rooms are furnished with sofas, armchairs, tables, and chairs.

The natural and artificial light in the rooms for short-term visits is sufficient.

The rooms are heated by electrical stoves. The sanitation status is adequate.

Recommendation

343. Increase the number of rooms for short-term visits.

Long-Term Visits

The “Hospital for Convicts” Penitentiary Institution has 4 rooms for long-term visits. The rooms are sufficiently furnished. Each room has a separate water closet and kitchen section.

The sanitation and hygiene status of all the rooms is adequate.

The rooms are heated by electrical stoves.

Telephone Communication

4 card phones operate in the “Hospital for Convicts” Penitentiary Institution. One phone is installed in each local zone. An additional phone is located separately in the tuberculosis ward, because the patients in the latter are isolated from other patients within their zone. There are no complaints related to telephone calls.

Deliveries

The unit for accepting deliveries in the “Hospital for Convicts” Penitentiary Institution is a room with 2 benches. The room is small, and if several inmates’ relatives visit concurrently, some of them have to wait outside.

There is neither drinking water nor a water closet in the area.

Deliveries are inspected with a modern device.

Recommendations

344. *Allocate a larger room for the unit for accepting deliveries; and*
345. *Build a water closet in the unit for accepting deliveries.*

SANITATION AND HYGIENE

Bathing

The inmates in this Institution bathe once a week as per a timetable. The bathhouse is in the yard. It has a changing room that is not sufficiently furnished and has only 2 small hangers and a few chairs. The changing room sanitation status is inadequate.

The changing house and bathroom are not heated.

The Institution laundry has the necessary equipment and detergent. A special washing machine has been allocated to the Infectious Disease Ward.

Recommendations

346. *Overhaul the changing room;*
347. *Properly furnish the changing room; and*
348. *Heat the changing room and bathroom.*

OCCUPATION

Library

The library of the Institution is in the basement of the surgical ward. It has a surface area of 20 square meters.

Natural and artificial light in the library is insufficient.

There are 1,140 books, all very old and worn-out. The library has not received a single new book in recent years. Most of the books are outdated Soviet-era publications. The library has no spiritual literature. Inmates expressed an interest in spiritual and fiction literature. The library has a catalogue and a library use journal. There is no reading hall.

Recommendations

349. *Allocate new space to the library;*
350. *Build a reading hall; and*
351. *Replenish the library with new books.*

FOOD

Kitchen

The kitchen has stoves, sinks, a refrigerator, and appropriate tableware. The kitchen has a ventilation system. Water supply is ensured: there is permanent water, and tanks for hot water have been installed. Samples of the food are available. The sanitation status is adequate.

Food Quality

The vast majority of the inmates in the "Hospital for Convicts" Penitentiary Institution use the food received in deliveries. Nevertheless, the quality of the food provided by the Institution was considered adequate. Some complained about the quality of the bread.

TREATMENT

The Group of Observers did not receive any complaints from inmates about their treatment by the staff of the “Hospital for Convicts” Penitentiary Institution.

STAFF

The governor of the “Hospital for Convicts” Penitentiary Institution said that the Institution had vacancies at the time of the Group’s visit (about 10% of the total number of positions).

Recommendation

352. *Fill the vacancies.*

Annexes

Annex 1.1 (*unofficial translation*)

GROUP OF PUBLIC OBSERVERS CONDUCTING PUBLIC MONITORING
OF PENITENTIARY INSTITUTIONS AND BODIES
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

N 09-007

30.01.2009

For the attention of: Mr. G. Danielyan
 Minister of Justice of The Republic of Armenia

INTERIM REPORT

During 2008, significant overcrowding was observed in some penitentiary institutions. The situation persisted in 2009: in the Erebouni Penitentiary Institution, in particular, 593 prisoners were held on January 22, 2009, when the Group of Public Observers visited the institution, representing a more than 150% overcrowding relative to the designated capacity of 391 prisoners. As a result, the space per prisoner in some dormitories was about 2 square meters, far below the legally-required minimum of 4 square meters. The situation in the Nubarashen Penitentiary Institution was even worse: despite a relatively lower overcrowding rate (962 prisoners as of January 30, 2009, compared with a designated capacity of 840), the closed-type cells of the institution designed for 8 persons were holding up to 13 prisoners, and the Group observed that, in the majority of the cells, one to three prisoners did not have individual beds and had to take turns sleeping at night.

According to official data of the Ministry of Justice, there are numerous vacancies in other penitentiary institutions. As of January 1, 2009, there were:

- 96 vacancies in the Artik PI;
- 36 vacancies in the Vanadzor PI;
- 87 vacancies in the Sevan PI; and
- 87 vacancies in the Kosh PI.

Thus, the Group notes that the mechanism of distributing prisoners between institutions is causing concern. Therefore, the Group hereby

RECOMMENDS:

- To eliminate overcrowding in the Nubarashen and Erebouni penitentiary institutions; and
- To amend the mechanism of distributing prisoners between institutions in order to preclude the overcrowding of institutions caused by disproportionate distribution.

A. Danielyan
Chairman of the Group of Public Observers Conducting
Public Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

Annex 1.2 (*unofficial translation*)

[Letterhead of the Minister of Justice of the Republic of Armenia]

N: E837

February 17, 2009

41/a Halabyan Street, Yerevan 0078

Tel.: 380-389

E-mail: info@moj.am

For the attention of: Mr. A. DANIELYAN
Chairman of the Group of Public Observers Conducting
Public Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

Dear Mr. Danielyan;

Under Decree 41-N of the Minister of Justice dated May 27, 2008 “On Approving the Types and Capacity of Penitentiary Institutions of the Ministry of Justice and the Residential Space per Detainee and Convict” and Decree 211-N dated December 10, 2008 “On Supplementing Decree 41-N of the Minister of Justice dated May 27, 2008,” the total capacity of all the penitentiary institutions in Armenia is 4,396 detainees and convicts.

As of February 2, 2009, a total of 4,023 persons were held in the penitentiary institutions.

The breakdown of the number of detainees and convicts by penitentiary institutions is presented below.

Penitentiary Institution	Capacity	Number of Persons Held as of February 2, 2009
Goris	179	163 (-7)
Artik	373	279 (-94)
Sevan	548	466 (-82)
Kosh	640	545 (-95)
Erebouni	391	580 (+189)
Abovyan	250	231 (-19)
Nubarashen	840	966 (+126)
Vardashen	154	200 (+46)
Vanadzor	245	215 (-30)
“Hospital for Convicts”	460	284 (-176)
Yerevan-Center	60	49 (-11)
Meghri	50	38 (-12)
Hrazdan	215	7 (-208)

As the table above clearly indicates, the number of persons held in the Erebouni, Nubarashen, and Vardashen PIs exceeds their designated capacity. There are objective reasons for the increase in the number of prisoners in the aforementioned three institutions:

On January 1, 2009, relative to January 1, 2008, the total number of persons held in penitentiary institutions grew by 426, while the number of those released from pre-trial detention or the sentence during the same period was 287.

Given the specific category of persons held in the Vardashen Penitentiary Institution, they cannot be placed in other penitentiary institutions.

The Erebouni Penitentiary Institution is the only one that is fully designated for convicts serving their sentence in the conditions of a semi-open correctional institution. The Artik Penitentiary Institution has a capacity of 142 for such convicts, too. However, the capacity of the Artik Penitentiary Institution for convicts serving their sentence in semi-open conditions has been used up, and considering the cell structure of the Artik Penitentiary Institution, it is virtually impossible to add capacity there. In the Erebouni Penitentiary Institution, given its dormitory structure, increasing the number of places has a milder impact on the availability of living space for persons held there.

The Nubarashen Penitentiary Institution is currently holding 131 convicts that have been allocated to various penitentiary institutions, but are awaiting their transfer, but the relevant unit of the Police is not properly performing the transfer of convicts. Besides, instructions on putting judgments into legal force in respect of 20 persons have not been sent by courts within the timelines set by law. Thus, considering the factors mentioned above, it can be concluded that, had transfers been organized properly and in a timely fashion, and had the courts not unduly delayed the delivery of papers, there would be no overcrowding of the Nubarashen Penitentiary Institution with convicts.

[signature]

G. DANIELYAN

GROUP OF PUBLIC OBSERVERS CONDUCTING PUBLIC MONITORING
OF PENITENTIARY INSTITUTIONS AND BODIES
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

Yerevan

December 25, 2008

For the attention of: Mr. G. Danielyan
 Minister of Justice of
 The Republic of Armenia

URGENT REPORT

On December 23 and 24, 2008, A. Danielyan, A. Sakuntz, E. Marukyan, A. Ishkhanyan, L. Harutyunyan, and M. Baghdasaryan, all members of the Group of Public Observers, visited the Nubarashen and “Hospital for Convicts” PIs. During the visit, it was discovered that the Rapid Response Team of the Penitentiary Department carried out a search in the Nubarashen PI on December 23, 2008. Further inquiries showed that, during the search, incidents occurred in different cells, the vast majority of which, according to the convicts, involved degrading treatment, including slaps, insults, and pulling, especially during the search in Building #6 in the cell where Grigor Voskerchyan was held: according to G. Voskerchyan, after the end of the search, one of the individuals performing the search had asked him on what charges he was detained. Then, hearing that Voskerchyan was facing trial under Article 300 of the Criminal Code of the Armenia, he had slapped Voskerchyan and kicked his leg.

The main incident took place in cell 36 in Building #3, in which 13 convicts were held. According to information from different sources, there was a clash during the search, as a result of which Zorik Arzumanyan, the Leader of the Rapid Response Team of the Penitentiary Department, had been injured. After that, violence was exerted against all the convicts in the cell for a lengthy period of time. As a consequence, all the convicts in the cell sustained different bodily injuries, which the Group of Observers could see, including broken noses, hemorrhage, and bruises on different parts of bodies, including the face, head, spine, legs, and arms. The victims of the violence had difficulty moving.

Based on these findings, the Group can conclude that the principle of proportionate use of force had been gravely violated, and there had been abuse of official position. In view of the length and mass scale of the operation, the Group considers that what happened amounted to torture and pursued a punitive aim.

A. Danielyan
Chairman of the Group of Public Observers Conducting
Public Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

Annex 2.2 (*unofficial translation*)

[Letterhead of the Ministry of Justice of the Republic of Armenia]

N: E-6049

December 27, 2008

41/a Halabyan Street, Yerevan 0078

For the attention of: The Group of Public Observers Conducting Public
Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

Dear Mr. Danielyan;

The Urgent Report of the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice of the Republic of Armenia dated December 25, 2008 addressed to the Minister of Justice has been referred to the Prosecutor General, as instructed by the Minister, for appropriate measures to be taken.

Moreover, we hereby inform you that, under Decree 225-A of the Minister of Justice dated December 24, 2008, an internal investigation has been ordered and is being carried out in the Nubarashen Penitentiary Institution.

[signature]

L. Simonyan

Acting Head of the Staff Supervision Department

Annex 2.3(*unofficial translation*)

GROUP OF PUBLIC OBSERVERS CONDUCTING PUBLIC MONITORING
OF PENITENTIARY INSTITUTIONS AND BODIES
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

N 09-011

January 14, 2009

For the attention of: Mr. A. Hovsepyan
Prosecutor General of
The Republic of Armenia

Dear Mr. Prosecutor;

On December 25, 2008, the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice of the Republic of Armenia presented an Urgent Report to the Minister of Justice regarding violence used against prisoners in the Nubarashen PI on December 23, 2008. The Head of the Ministry of Justice Staff Supervision Department stated in his response that the Urgent Report had been referred to the Prosecutor General, as per the Minister's instruction, for appropriate measures to be taken. Please, inform us whether a criminal case has been instigated in respect of the facts stated in the Report.

Attached are copies of the Group's Urgent Report and the response of the Ministry of Justice.

Regards,

A. Danielyan
Chairman of the Group of Public Observers Conducting
Public Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

GROUP OF PUBLIC OBSERVERS CONDUCTING PUBLIC MONITORING
OF PENITENTIARY INSTITUTIONS AND BODIES
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA

N 09-002

January 14, 2009

For the attention of: Mr. G. Danielyan
 Minister of Justice of
 The Republic of Armenia

Dear Mr. Minister;

On December 25, 2008, the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice of the Republic of Armenia presented an Urgent Report to you regarding the violence used on December 23, 2008 against 13 convicts in cell #36 of the Nubarashen PI and against G. Voskerchyan, who was held in Building #6 of the same institution. In his response, the Head of the Ministry of Justice Staff Supervision Department stated that, under Decree 225-A of the Minister of Justice dated December 24, 2008, an internal investigation had been ordered and was being carried out in the Nubarashen Penitentiary Institution.

Please, inform us of the outcome of the internal investigation.

Regards,

A. Danielyan
Chairman of the Group of Public Observers Conducting
Public Monitoring of Penitentiary Institutions and Bodies of the
Ministry of Justice of the Republic of Armenia

Annex 2.5 (*unofficial translation*)

[Letterhead of the Minister of Justice of the Republic of Armenia]

N: E-259

January 21, 2009

41/a Halabyan Street, Yerevan 0078

Tel.: 380-389

E-mail: info@moj.am

For the attention of: Mr. A. Danielyan
 Chairman of the Group of Public Observers Conducting
 Public Monitoring of Penitentiary Institutions and Bodies of the
 Ministry of Justice of the Republic of Armenia

Dear Mr. Danielyan;

It has been substantiated in the internal investigation conducted in respect of the reported incident involving G. Voskerchyan, detainee in the Nubarashen Penitentiary Institution of the Ministry of Justice of the Republic of Armenia, that on December 23, 2008, during the performance of a search jointly with staff of the Nubarashen PI, Artur Yeghiazaryan, Justice Captain, Senior Specialist in the Rapid Response Division of the Penitentiary Department of the Ministry of Justice, displayed non-officer-like conduct, thereby breaching the Disciplinary Code: in this connection, a disciplinary sanction (giving severe reprimand) was applied in respect of Artur Yeghiazaryan by Decree 2-A of the Minister of Justice dated January 9, 2009.

Regards,

[signature]

G. Danielyan

[Letterhead of the Office of the Prosecutor General of the Republic of Armenia]

N: 17/6-15

January 21, 2009

5 V. Sargsyan Street, Yerevan 375010

For the attention of: Mr. A. Danielyan
 Chairman of the Group of Public Observers Conducting
 Public Monitoring of Penitentiary Institutions and Bodies of the
 Ministry of Justice of the Republic of Armenia

Regarding your letter 09-001 dated January 14, 2009, we would like to inform you that the “urgent report” of the Group of Public Observers has been received and examined by the Department Overseeing the Lawfulness of the Execution of Sentences and Other Means of Compulsion in the Office of the Prosecutor General of Armenia.

The inquiry showed that, in order to discover the circumstances of the use of violence against detainee Grigor Voskerchyan in the Nubarashen Penitentiary Institution of the Republic of Armenia, an internal investigation has been carried out by the Supervision Department of the Ministry of Justice.

The internal investigation has revealed that Artur Yeghiazaryan, Justice Major, officer in the Rapid Response Team of the Penitentiary Department, has improperly carried out his duties, for which he was subjected to a disciplinary sanction by a decree of the Minister of Justice dated January 9, 2009. On January 19, 2009, the materials concerning the internal investigation were sent to the Special Investigative Service under the Government of the Republic of Armenia.

The materials prepared in connection with the battering of Justice Colonel Zorik Arzumanyan, the Leader of the Rapid Response Team, by convicts during the search performed in cell #36 of the Nubarashen Penitentiary Institution have been sent to the Erebouni Investigative Division of the Police, where criminal case #12100409 was instigated on the basis of Article 316(1) of the Criminal Code of the Republic of Armenia on January 3, 2009, and the pre-trial investigation is currently underway.

Forensic medical examinations of all the convicts in cell #36 have been ordered.

The Office of the Prosecutor General has referred the “urgent report” of the Group of Public Observers regarding violence committed in cell #36 of the Nubarashen Penitentiary Institution to the Erebouni Investigative Division of the Police to be attached to criminal case #12100409 for determination of future measures in the pre-trial investigation.

We will inform about the results additionally.

[signature]

V. Avetisyan

Deputy Head of the Department Overseeing the
Lawfulness of the Execution of Sentences and
Other Means of Compulsion

Annex 2.7 (*unofficial translation*)

[Letterhead of the Ministry of Justice of the Republic of Armenia]

N: E376

January 29, 2009

41/a Halabyan Street, Yerevan 0078

For the attention of: Mr. A. Danielyan
 Chairman of the Group of Public Observers Conducting Public
 Monitoring of Penitentiary Institutions and Bodies of the
 Ministry of Justice of the Republic of Armenia

Dear Mr. Danielyan;

Regarding the urgent report dated December 25, 2008, I hereby inform you that criminal prosecution is currently underway in connection with the incident that took place in cell #36 in building #3 of the Nubarashen Penitentiary Institution, and you can obtain detailed information about it from the body conducting criminal proceedings or the Office of the Prosecutor General of the Republic of Armenia.

Regards,

[signature]

L. Simonyan
Acting Head of the Supervision Department

**COMMENTS
OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA**

**ON THE 2008 REPORT ON THE ACTIVITIES OF THE GROUP OF PUBLIC OBSERVERS
CONDUCTING PUBLIC MONITORING OF PENITENTIARY INSTITUTIONS AND
BODIES OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA**

Below are the comments of the Ministry of Justice of the Republic of Armenia on the issues raised in the 2008 Report on the Activities of the Group of Public Observers Conducting Public Monitoring of Penitentiary Institutions and Bodies of the Ministry of Justice of the Republic of Armenia.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
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**Yerevan-Center Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. The Institution does not have a checkpoint, and the National Security Service checkpoint has to be used to enter the Institution.	1. This issue is due to the location of the Institution. For substantive comments, see paragraph 1 under the Recommendations.
2. The natural light varies between cells, but is insufficient in virtually all the cells. Therefore, the artificial lights are constantly on in the Institution. The artificial lights are not separate for the day and the night; therefore, the more powerful lamp stays on during the night, which disturbs the inmates' sleep.	2. For substantive comments, see paragraph 3 under the Recommendations.
3. The cells have no ventilation system.	3, 4. For substantive comments, see paragraph 1 under the Recommendations.
4. The toilets in the cells are not sufficiently isolated. In the absence of a ventilation system, it is impossible to isolate them fully.	
5. Two rooms operate in the Institution for short-term visits. In the Yerevan-Center Penitentiary Institution, visits take place in the immediate presence of the inspector, which the inmates perceive as an obstacle to the visits. The presence of an inspector is explained by the need "to prevent the transfer of prohibited objects by the relatives." The number of existing rooms is extremely insufficient, because the same rooms are used also as investigative rooms. For this reason, the administration of the Institution has	5. Under Paragraph 143 of Government Decree 1543-N dated 3 August 2006 "On Approving the Internal Regulation of Places of Holding Detainees and Correctional Institutions of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia," visits with close relatives or other persons shall be conducted under the control of the

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<p>limited the duration of each visit to one hour, while the legislation prescribes three hours. The Institution has never had a room for long-term visits. Nevertheless, the decree of the Minister of Justice on approving the capacity of institutions provides that up to 10 convicts may be held in the Yerevan-Center Institution.</p>	<p>administration of the place of holding detainees of the correctional institution, with the exception of cases stipulated by law and the long-term visits stipulated by convicts. Article 15 of the Republic of Armenia Law on Holding Arrested and Detailed Persons provides that a detained person shall be granted at least 2 visits a month, <i>each lasting for up to three hours</i>, with close relatives, the mass media, or other persons. Given the conditions of the building, rooms for long-term visits cannot be created yet.</p>
<p>6. Inmates are currently allowed to use the telephone once every 10 days for up to 15 minutes. The majority of inmates consider this frequency insufficient.</p>	<p>6. For substantive comments, see paragraph 9 under the Recommendations.</p>
<p>7. The Group received an allegation about an inmate not being allowed to send a letter to his relative held in another penitentiary institution.</p>	<p>7. Such a complaint has not received, but if one is received, it will be considered.</p>
<p>8. The unit for accepting deliveries at the Yerevan-Center Penitentiary Institution is a small room that through a window adjoins the Reception of the National Security Service, from where relatives can transfer the deliveries. The delivery transfer hours and the list of permitted (prohibited) food and items are posted on the window. The window size does not enable posting all of the necessary documents there, and it is not permitted to post them on the wall next to the window, because it would be the territory of the National Security Service. There is no toilet or drinking water in the area. At the time of the observation, the delivery acceptance scales were broken. Inmates complained about the prohibition of delivering soup, pilau, or dairy products. The acceptance of deliveries in the Institution is limited to once a week per inmate. This limitation is not</p>	<p>8. The conditions in the units for accepting deliveries depend on the resources of the buildings. The broken scales have been replaced with a new one. Paragraph 5 of the List of Items, Objects, and Food that Detainees and Convicts are Prohibited from Possessing, Receiving in Deliveries, Parcels, or Packages, or Acquiring prohibits glass or metal containers and liquids or food in other such containers, with the exception of convicts in an open correctional institution. Article 22(1) of the Republic of Armenia Law on Holding Arrested and Detailed Persons provides that a detainee may</p>

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prescribed by the legislation. The Institution has acquired two large refrigerators for storing the deliveries, which are located in the kitchen of the Institution.	receive up to 70 kilograms of deliveries per month in one or several pieces.
9. In contrast to other institutions, Yerevan-Center does not permit inmates to have refrigerators in the cells. This limitation is not prescribed by the legislation and creates numerous inconveniences for both the inmates and the staff.	9. For substantive comments, see paragraph 12 under the Recommendations.
10. The bathhouse in the Institution consists of two changing rooms and two bathrooms. The general sanitation status in the changing rooms is inadequate, as reported also by some inmates.	10. The relevant units have been instructed to improve the sanitation status of the bathrooms and changing rooms.
11. Inmates complained about the quality of the bedding, especially the pillows, which were already quite old and worn out.	11. For substantive comments, see paragraph 16 under the Recommendations.
12. The health post of the Institution consists of one room only and has neither any patient rooms nor separate rooms for procedures, dental care, and the like. This situation was attributed mainly to the conditions of the building and the impossibility of providing additional rooms.	12. To provide this health care and the medical services, the resources of the “Hospital for Convicts” Penitentiary Institution and the relevant authorities of the Ministry of Health of the Republic of Armenia are used in accordance with the procedure stipulated by the Republic of Armenia legislation.
13. The Institution health post has two staff positions, including a doctor and a paramedic. The scarcity of staff positions does not permit organizing night shifts at the Institution, and if medical care is urgently needed during non-working hours, the doctor or paramedic are telephoned and called to the Institution. Inmates mentioned that, if health issues arise during non-working hours, they would report the issues only in extreme cases in order not to disturb the rest time of the medical personnel. The Group of Observers considers the absence of night shifts unacceptable for the Penitentiary Institution. At the time of the visit, members off the Group of Observers found 20 boxes (200 vials) of Analgin, which had	13. The expediency of increasing the number of staff positions, including medical staff positions in the Yerevan-Center Penitentiary Institution of the Ministry of Justice of the Republic of Armenia is currently under consideration.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>expired 1 month and 22 days earlier. The doctor thought that he had the right to use the medication within two months of the expiry date of the medication and noted that the 200 vials would be given to the inmates within the remaining one week.</p>	
<p>14. The Institution does not have sufficient medical equipment. It only has a tonometer, a cardiograph, and a dental chair that was so worn and torn that it was not usable.</p>	<p>14. For substantive comments, see paragraph 19 under the Recommendations.</p>
<p>15. There are 6 exercise yards in the Yerevan-Center Penitentiary Institution, which are on the roof of the Institution. Each has one bench with 3-4 seats, which were recently renovated. Considering that the inmates are taken out for exercise by cells (and there are up to 5 persons per cell), the benches are not big enough. The rain covers are in the corners of the exercise yards and do not cover the benches. There are possibilities for the inmates to do sports. The inmates take large bottles of water with them to the exercise yards for use as weights. The inmates expressed the desire to have tennis tables installed in the exercise yards, if possible. If the administration consented, the inmates said they were ready to install the tennis tables at their expense.</p>	<p>15. For substantive comments, see paragraphs 21 and 22 under the Recommendations.</p>
<p>16. Inmates are taken out for exercise in two shifts, each for one hour. The outdoor exercise is organized around 10am-11am. Inmates made various recommendations on the organization of the outdoor exercise: the inmates that preferred gymnastic exercise suggested organizing the exercise always at the same hour, without change of shifts, in order to maintain their schedule. All the other inmates preferred to have the outdoor exercise after lunch. All the inmates agreed that it would be desirable to make the outdoor exercise longer and, if possible, organize it twice a day.</p>	<p>16. Outdoor exercise is organized in accordance with the timetable approved by the institution governor and the daily schedule, taking into account also the security concerns of the institution.</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>17. A library operates in the Yerevan-Center Penitentiary Institution. All the books are catalogued, and the inmates can choose. Nevertheless, some of the inmates were not aware of the existence of the catalogue. The observation showed that the conditions for storing the books were not adequate: the space was insufficient, and there were not enough shelves. Therefore, the books read less were on the floor. There were more books in Russian than in Armenian. There is a need for new books. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The library receives three periodicals. One copy of each newspaper is received, but the staff claimed it was sufficient for the inmates of all 13 cells.</p>	<p>17. For substantive comments, see paragraph 22 under the Recommendations.</p>
<p>18. There is no separate quarantine cell in the Institution, which contradicts the requirements of the legislation.</p>	<p>18. An appropriate instruction has been given to set aside one of the available cells in the institution as a quarantine cell.</p>
<p>19. The main issue mentioned by the Institution administration is the low level of staff wages (currently, 70,000-80,000 drams, while around 200,000 drams would be fairer in their opinion).</p>	<p>19. This observation is acceptable, but cannot be implemented in view of the current economic crisis.</p>
Recommendations	Comments on the Recommendations
<p>1. Move the Institution out of the National Security Service territory or perform construction works in a way as to ensure the isolation of the Institution from the National Security Service.</p>	<p>1. The Ministry of Justice of the Republic of Armenia has launched the drafting of a plan to reform the infrastructure of the penitentiary service: the plan will stipulate the construction of completely new penitentiary institutions or the overhaul of existing ones during the next 10-15 years. It will also help to meet the legislative requirement concerning the conditions in different types of correctional institutions. The existing financial resources should be</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	used to solve completely all of the problems that exist in one penitentiary institution. Presently, the construction of the new Armavir Penitentiary Institution is underway, which will meet the European standards. This recommendation will be taken into consideration in the drafting of the aforementioned plan.
2. In the Decree of the Minister of Justice “On Approving the Types of Penitentiary Institutions of the Ministry of Justice, Their Capacity, and Living Space per Detainee and Convict” dated 16 February 2007, change the capacity of the Yerevan-Center Penitentiary Institution to match the conditions of the current building.	2. According to the approved capacity, some convicts will be kept in a semi-open correctional institution, so that it is possible later to involve them in the housekeeping activities of the institution. Currently, no convicts are kept in the conditions of a semi-open correctional institution.
3. Install [low-power] night lamps in the cells.	3. The lighting is not separated only in three cells. An appropriate instruction has been given to separate the lighting in these three cells in the shortest timeframe possible.
4. Install a ventilation system in the Institution.	4. Given the conditions of the current building, it is impossible for the time being. These issues can be addressed in the context of the infrastructure reform of the penitentiary service.
5. Isolate the cell toilets.	5. See the comment above in paragraph 4.
6. Find a way of controlling visits, which will not violate the inmates’ right to private life, while ensuring security.	6. Under Paragraph 143 of Government Decree 1543-N dated 3 August 2006 “On Approving the Internal Regulation of Places of Holding Detainees and Correctional Institutions of the Penitentiary Service of the Ministry of Justice of

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	the Republic of Armenia” (hereinafter, “the Internal Regulation”), visits with close relatives or other persons shall be conducted under the control of the administration of the place of holding detainees of the correctional institution.
7. For purposes of addressing the insufficiency of visit rooms, restructure some of the idle cells on the first floor of the Institution into visit rooms and eliminate the time restriction on visits.	7, 8. Furnishing some of the existing idle rooms in the basement of the Institution as rooms for visits is neither technically feasible nor expedient.
8. Equip a room for long-term visits in the Institution (possibly, in one of the lighter rooms in the basement) or preclude the holding of convicts in the Yerevan-Center Penitentiary Institution.	
9. Revise the timetable of telephone calls and, if possible, increase their frequency.	9. Under Paragraph 182 of the Internal Regulation, a detainee or convict is granted access to the telephone in accordance with a timetable approved by the governor of the place of holding detainees or correctional institution, respectively. In each case, the duration of telephone use may not exceed 15 minutes. Under Paragraph 183 of the Internal Regulation, the duration of the telephone call may be extended by an additional 10 minutes in case the inmate presents adequate reasons.
10. Move the unit for accepting deliveries to an area where it will not be connected with the National Security Service.	10. Given the conditions of the current building, it is impossible for the time being (see the comments in paragraph 1 under the Recommendations).
11. Remove the limitation on the frequency of accepting deliveries.	11. Article 22(1) of the Republic of Armenia Law on Holding Arrested and Detailed Persons provides that a

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	detainee may receive up to 70 kilograms of deliveries per month in one or several pieces. Studies have revealed no violations of this legislative requirement.
12. Remove the prohibition to have refrigerators in cells.	12. The legislation does not prescribe such a limitation. However, there is no obligation to install refrigerators in the cells, either. If a detainee or convict expresses such a desire and assumes the costs of acquiring and operating, he may have a TV set, radio, audio player, and small-size refrigerator in the cell.
13. Make the hot water supply system more convenient and flexible.	13. The number of electrical stoves has been increased.
14. Increase the number of showers for inmates.	14. The showers are installed in accordance to the area of the bathrooms.
15. Increase the frequency of bathing, if possible.	15. Bathing is organized at the frequency stipulated by the legislation; the frequency will be increased, if possible.
16. Supply new bedding to the Institution.	16. Bedding is provided in accordance with Government Decree 413-N dated 10 April 2003. Studies have not revealed any violations of the relevant requirements.
17. Allocate additional rooms (possibly, from the unused cells on the first floor) to the health post to be equipped as offices of a sufficient number.	17. The presently idle cells in the basement may not be used as additional rooms for the health post. These issues can be addressed in the context of the infrastructure reform of the penitentiary service.
18. Preclude the use of any expired medication in the Institution.	18. Instruction has been given to preclude the use of expired medication.

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19. Provide the necessary medical equipment to the Institution.	19. The penitentiary service, including the Yerevan-Center Penitentiary Institution, will receive the necessary supplies and medical equipment if the necessary amount of financing becomes available.
20. Take measures to create possibilities for inmates to do sports.	20. This is impossible given the current conditions of the building. These issues can be addressed in the context of the infrastructure reform of the penitentiary service.
21. Apply a more flexible timetable for the organization of the outdoor exercise.	21. Under Paragraph 61 of the Internal Regulation, the outdoor exercise hours of a detainee or convict serving his sentence in a closed or semi-closed correctional institution are defined by the daily schedule as per the timetable approved by the governor of the place of holding detainees or the governor of the penitentiary institution.
22. Improve the conditions in which books are kept in the library (add shelves) and acquire especially Armenian-language literature.	22. Paragraph 118 of the Internal Regulation gives detainees and convicts the right to use literature and periodicals acquired at their expense through an employee of the place of holding detainees or of the correctional institution, for which the detainee or convict shall file a request with the governor of the place of holding detainees or the penitentiary institution. The subscription shall be documented by a representative of the administration of the place of holding detainees or the penitentiary institution. The money needed for the subscription is transferred from the detainee's account or the convict's personal account.

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	A number of other methods are being used to replenish the library stock.
23. Equip a punishment cell in accordance with the relevant standards.	23. Studies have shown that placement in a punishment cell as a sanction is very rarely applied in this institution. Therefore, when necessary, the institution is able to set up a cell that will meet the requirements on punishment cells. It is presently inappropriate to set up such a cell given the overcrowding of the institution.
24. Equip a separate quarantine cell.	24. An appropriate instruction has been given to set aside one of the existing cells in the institution as a quarantine cell.

**Nubarashen Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. 840 persons may be held in the Nubarashen Penitentiary Institution. The Institution was effectively overcrowded during all of 2008. As a consequence, the number of inmates in the majority of the cells significantly exceeded the capacity, and despite the placement of additional beds, many inmates did not have individual beds and slept in shifts.	1. For substantive comments, see paragraph 1 under the Recommendations.
2. Sewerage is a key issue for the Institution: it is frequently damaged and creates an intolerable situation, especially in building #1. The administration of the Institution has been unable for years to find a solution for the sewerage problem, blaming the wrong design of the Institution.	2. This observation is acceptable: the design and estimates are currently being prepared to address this issue, and the sewerage will be overhauled subject to the availability of sufficient funding.
3. Water supply is mainly limited to two-three hours in the morning and the evening according to a timetable. Therefore, inmates have to reserve a permanent supply of water.	3. This issue is related to the general water supply timetable for the area in which the institution is located.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>4. Every cell in the Nubarashen Penitentiary Institution (with the exception of cells for life prisoners) is designed for 8 inmates. Though the requirement of 4 square meters per inmate is met in the cells, holding so many people in one cell contradicts Article 17 of the Penitentiary Code, which provides that up to 4 convicts may be held in each cell of a closed correctional institution. Besides, due to overcrowding, 2-4 additional beds have been installed in cells, and the Group of Observers encountered up to 13 inmates in some cells, though it has received allegations of holding as many as 18 inmates in some cells.</p>	<p>4. For substantive comments, see paragraph 1 under the Recommendations.</p>
<p>5. Natural light is insufficient in some cells: the windows are small and do not provide sufficient light. The artificial lighting is delivered by a lamp hanging from the ceiling in the middle of the cell, which stays on in the evening and throughout the night, because there is no separate night lamp. The absence of a night lamp means that the more powerful evening lamp has to stay on during the night, which disturbs the inmates' sleep.</p>	<p>5. This problem exists not in all the cells. The units responsible for these issues have been instructed swiftly to address the separation of the lights.</p>
<p>6. The cells have no ventilation system: as a consequence, the inflow of clean air into the cells is limited.</p>	<p>6. This observation is acceptable: the ventilation system is inadequate, but it is due to the conditions of the building. The windows can be used to ventilate the cells.</p>
<p>7. There are two rooms in the Nubarashen Penitentiary Institution for short-term visits, one of which is designed for 7 concurrent visits. It is the only visit room in the penitentiary system, where visits take place without the possibility of direct interaction between the inmate and his relatives, i.e. they are separated by glass partition and speak with each other by telephone. These conditions of visits create discriminatory conditions for convicts held in the Nubarashen Penitentiary Institution. It is unclear why such creations are created given that the legislation does not require equipping visit rooms in this way.</p>	<p>7. The legislation does not prohibit the creation of such conditions. In this case, security concerns were taken into account.</p>

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8. There is no ventilation system in the bathhouses; windows are used for this purpose. There is no heating in the bathhouses, either.	8. For substantive comments, see paragraphs 9 and 10 under the Recommendations.
9. Baths are not organized regularly in the Institution, and the inmates bathe mainly in the water closets inside the cells, though they lack appropriate conditions.	9. This observation is not substantiated: studies showed that at least weekly bathing is organized in accordance with the established procedure.
10. Ensure the presence of the necessary specialists in the health post of the Institution.	10. The health post is staffed by the specialists designated under the staff list.
11. There are no facilities for sports in these exercise yards.	11. As the outdoor exercise yards are small, detainees do athletic exercise to the extent possible.
12. New books are needed in the library. There is no mechanism for replenishing the book stock. The library does not receive any periodicals.	12. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
13. Inmates have always complained about the food in the Nubarashen Penitentiary Institution. The reasons have to do with both the quality of the food products (especially the oil) and the cooking of the meals. A key problem is the professionalism of the cooks. The Nubarashen Penitentiary Institution does not have a staff position for a civilian cook (unlike the Yerevan-Center and Goris penitentiary institutions). As a consequence, one of the convicts from the logistical section, who does not have appropriate training, is appointed as the cook.	13. All the penitentiary institutions receive the same-quality food. Having a civilian cook is acceptable. Appropriate measures are being taken to solve this issue.
14. The kitchen generally needs a complete overhaul.	14. This observation is acceptable: the renovation work can be carried out subject to the availability of sufficient funding.
15. Bread is cooked for the Nubarashen Penitentiary Institution by the bakery located within the Institution, which belongs to the “Support to Convicts” Foundation. The quality of the bread baked	15. Owing to the measures implemented, the bread quality has improved, and activities are still underway in this area.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>here varies: sometimes, it is sour and sodden. The majority of the inmates noted that they used the food received through deliveries.</p>	
<p>16. The quarantine cell did not have any source of information such as a TV set or radio, and the inmates are fully isolated from the outside world during the quarantine stage.</p>	<p>16. The units responsible for these matters have been instructed swiftly to install radios in the quarantine cells.</p>
<p>17. The most basic conditions have not been created for the staff of the Nubarashen Penitentiary Institution. As there is no canteen, the staff has to bring lunch from home and eat at the workplace. The “workplace” in the different buildings is the corridor, where the food cannot be heated.</p>	<p>17. This observation is partially acceptable: the problem is due to the building conditions. The possibility of creating a staff canteen is now being considered. The heating issue will be addressed, too, subject to the availability of sufficient funding.</p>
<p>18. The main problem reported by the Institution administration is the low wage of staff: currently, the average is 70,000-75,000, while they stated that wages of 200,000-250,000 would be fairer.</p>	<p>18. This observation is acceptable, but cannot be implemented in view of the current economic crisis.</p>
Recommendations	Comments on the Recommendations
<p>1. Take measures to eliminate the problem of overcrowding and, in the interim, place additional beds to ensure that each inmate has an individual bed.</p>	<p>1. Overcrowding in the penitentiary institutions of the Ministry of Justice of the Republic of Armenia, including the Nubarashen Penitentiary Institution, was caused by the following: relative to 1 January 2008, the number of inmates held in the penitentiary institutions grew by 426 as of 1 January 2009, while the number of inmates released from detention or the sentence fell by 287. The increase in the number of persons held in the Nubarashen Penitentiary Institution of the Ministry of Justice of the Republic of Armenia was due also to the fact that convicts’ transfers were for some time not organized properly during a</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	transition phase (the function was transferred from the police troops to the penitentiary service), as well as undue delays of the courts' instructions on putting judgments into final force. Further details on the overcrowding issue were provided in the 17 February 2009 letter of the Minister of Justice. Inmates have individual beds.
2. Install wooden floor in the cells during future renovation.	2. This observation is acceptable and will be considered when planning renovation activities, subject to the availability of sufficient funding.
3. Install night lamps in the cells.	3. The responsible units have been instructed swiftly to address the issue of separating the lights.
4. Transform the room for short-term visits to enable direct interaction between the visitor and the inmate.	4. This observation is not substantiated (see paragraph 7 under the Comments).
5. Ensure heating in the rooms for short-term visits.	5. The rooms are heated by electrical stoves.
6. Increase the number of rooms for long-term visits.	6. This issue is related to the building conditions. The relevant units have been instructed to consider the possibility of increasing the number of rooms for long-term visits.
7. Take measures to increase the frequency of telephone use.	7. Telephone conversations are granted in accordance with a timetable approved by the institution governor; no requirement of the legislation is violated.
8. Ensure the bathing of inmates in the Institution bathhouse at the frequency stipulated by the legislation.	8. Bathing is organized in accordance with Paragraph 47 of the Internal Regulation: at least once a week for at least 15 minutes. The requirements of the legislation are not violated.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
9. Put in place a ventilation system in the bathhouses	9. The relevant units have been instructed to install electrical ventilators.
10. Ensure heating in the bathhouses.	10. The building is heated by electrical stoves, which cannot be done in the bathrooms; heating can be installed in the bathrooms subject to the availability of sufficient funding.
11. Install a power stabilizer to ensure the operation of the fluorograph.	11. The fluorograph works. Measures have been taken to purchase a new power stabilizer.
12. Provide a new X-ray to the Institution.	12. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
13. Provide a dental X-ray to the Institution.	13. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
14. Provide daily outdoor exercise as stipulated by the legislation.	14. Measures are being taken to do the most possible in this area.
15. Create facilities for athletic exercise in the outdoor exercise yards.	15. As the outdoor exercise yards are small, detainees do athletic exercise to the extent possible.
16. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.	16, 17. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
17. Ensure the supply of fresh press to the library through subscription.	
18. Overhaul the kitchen.	18. The kitchen will be overhauled subject to the availability of sufficient funding.
19. Improve the technical facilities in the kitchen.	19. This recommendation will be implemented subject to the availability of sufficient funding.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
20. Introduce a staff position for a civilian cook in the Institution.	20. The operating procedures of the structural units of the penitentiary service are currently being discussed. After they are adopted, the breakdown of staff positions within the penitentiary service will be revised.
21. Improve the food quality.	21. The food quality corresponds to the established standards.
22. Overhaul the punishment cells.	22. This recommendation will be implemented subject to the availability of sufficient funding.
23. Ensure that the conditions in quarantine cells are no worse than those in the ordinary cells.	23. Appropriate measures have been and are currently being taken to improve the conditions in the quarantine cells.
24. Ensure the presence of a radio in the quarantine cells.	24. The units responsible for these matters have been instructed swiftly to install radios in the quarantine cells.
25. Provide the necessary number of staff positions to the Institution, especially in the social-psychological service.	25. For comments, see Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution.
26. Improve the workplace conditions for the staff.	26. Improvement is possible subject to the availability of sufficient funding.

**Artik Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. In the Artik Penitentiary Institution, water is supplied round the clock, but the quality of water is a serious problem. The running water contains sand, worms, and other micro animals. The water quality is a serious issue in not only the Artik Penitentiary Institution, but the whole settlement next to which the Institution is located.	1. For comments, see Paragraph 1 under the Recommendations on the Artik Penitentiary Institution.
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OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
2. In some cells, there is no list of the rights and responsibilities of detainees and convicts.	2. This issue has been addressed.
3. The Artik Penitentiary Institution has 6 rooms for long-term visits, each with a surface area of 16-20 square meters. The bathroom does not work.	3. The responsible units have been instructed swiftly to fix the bathroom.
4. In the Artik Penitentiary Institution, the unit for accepting deliveries is a separate building from the window of which convicts' relatives transfer the delivery directly from outside the Institution perimeter. If there are queues, relatives have to wait outside, where there are no conveniences. In the outside area where inmates' relatives have to wait, there is neither drinking water nor a toilet.	4. In case of possibilities and funding, the issue will be solved.
5. The canteen is not heated. A menu is not posted anywhere in the canteen. The inmates complained about the quality of the supplemental food: they had been given bad butter, as confirmed by the Institution administration. It turned out that a large supply of butter had been received, which had gone bad because of lengthy storage.	5. The canteen area is heated by electrical stoves. The butter that had gone bad is the only such occurrence and should not be generalized. Though no legal act requires posting the menu, the relevant units have been instructed to post it in the kitchen.
6. The main problem noted by the Institution administration was that of low wages and no payment for overtime work. The staff considered that a salary of 200,000-250,000 Armenian drams would be fair.	6. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Resolve the water quality issue through cooperation between the Ministry of Justice, local authorities, and the water supply company.	1. The matter of renovating the water main supplying water to the Artik Penitentiary Institution was presented to the Government of Armenia for discussion on 3 May 2008.
2. Install sockets in all the cells in which the socket holes are open.	2. This work is constantly performed.
3. Ensure the presence of the list of the rights and responsibilities of convicts in all the cells.	3. Done.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
4. Create appropriate conditions for organizing short-term visits with young children.	4. It will be done subject to the availability of funding.
5. Build a water closet next to the room for short-term visits.	5. Options are being considered.
6. Ensure sufficient natural light in all the rooms.	6. The relevant units have been instructed swiftly to address the issue of natural light in the rooms for visits.
7. Create appropriate conditions for organizing long-term visits with young children.	7. Appropriate studies have been instructed for the purpose of organizing such visits.
8. Build a waiting hall and a water closet next to the unit for accepting deliveries.	8. It will be built subject to the availability of sufficient funding.
9. Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.	9. Instruction has been given.
10. Improve the sanitation status of all the bathhouses in the Institution.	10.11. 12. The bathhouses are being renovated in the planned sequence order.
11. Continue to renovate the bathhouses in all the buildings similar to the one in building #5.	
12. Build changing rooms in the bathhouses of the Institution.	
13. Increase the number of beds in the patient rooms.	13. The number has been increased.
14. Recruit the necessary specialized doctors to the health post.	14. For comments, see Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution.
15. Provide additional medical equipment to the health post.	15. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
16. Install benches and precipitation cover in the outdoor exercise yards.	16. The responsible units have been instructed swiftly to install benches and rain cover in the outdoor exercise yards.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
17. Replenish the library book stock with Armenian-language fiction and history books, dictionaries, and educational literature.	17, 18. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
18. Ensure the supply of fresh press to the library through subscription.	
19. Improve the availability of technical means in the kitchen.	19. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
20. Replace the kitchenware.	20, 22. The kitchenware is replaced at the frequency stipulated by the legislation.
21. Post a copy of the menu in the canteen.	21. Though the legislation does not require posting the menu in the canteen, they are being posted there at the initiative of the administration.
22. Replace the kitchenware in the canteen.	
23. Heat the canteen.	23. The canteen is heated by electrical stoves.
24. Improve the storage conditions of supplemental food.	24. The relevant units have been instructed to improve the food storage conditions and to prevent any food from going bad.

**Vanadzor Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. After the Institution moved to the new building, the capacity had been miscalculated: according to the approved capacity, the Institution should have had more free space, but it was quite full, and the quarantine and health post cells had to be used.	1. For comments, see Paragraph 1 under the Recommendations on the Vanadzor Penitentiary Institution.
2. The list of the rights and responsibilities of detainees and convicts is not posted in the cells, though the “Rights of Detainees” booklet published by the Civil Society Institute was available in the cells.	2. Studies have shown that this observation is not substantiated.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
3. The Institution does not have adequate conditions for short-term visits with young children.	3. Such conditions have been created.
4. In the room for long-term visits, there is no separate kitchen, which means that the participants of long-term visits are given advance warning to bring along dry food or food that can be heated in the Institution kitchen.	4. This observation is acceptable: instruction has been given swiftly to address the problem of the kitchen.
5. There is neither drinking water nor a toilet that could be used by the relatives of inmates waiting in the room or outside the unit for accepting deliveries.	5. Instruction has been given to consider and, if possible, solve the issue.
6. Inmates at the Vanadzor Penitentiary Institution bathe as per a timetable: each inmate bathes the latest once every 8 days, which contradicts the requirements of the legislation. At the time of the Group’s visit, there were no showers in the majority of the bathhouses. The walls of the bathhouses dampen, causing the paint cracks and falls down. Most of the bathhouses need to be renovated.	6. Most of the issues identified have been addressed. Subject to the availability of sufficient funding, the bathrooms will be overhauled.
7. The inmates noted that while first aid could be received in the Institution, access to specialized care was rather difficult due to the absence of specialists, equipment, and medication.	7. The resources of the “Hospital for Convicts” Penitentiary Institution and the relevant authorities of the Ministry of Health of the Republic of Armenia are used in accordance with the procedure stipulated by the Republic of Armenia legislation. There are no problems related to medication. As for equipment, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
8. The Institution needs more equipment, though, especially a disinfection chamber, as the current one is very small and does not meet the needs of the health post. The health post staff noted that they also needed general medical tools.	8. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
9. In the library, there is a need for new books in Armenian. The librarian said that fiction and history books were needed. The library receives newspapers, but the choice was extremely limited, and the latest	9. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
newspaper available in the library was a <i>Hayastani Hanrapetutyun</i> of 3 days before the date of the visit.	
10. The approved menu was not posted anywhere inside the canteen. The canteen tableware was mostly old.	10. Though the legislation does not require posting the menu in the canteen, they are being posted there at the initiative of the administration.
11. The main problem noted by the Institution administration was that of low wages. The staff considered that a salary of 200,000-250,000 Armenian drams would be fair.	11. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Clarify the capacity figure based on the available places.	1. The capacity figure in the Vanadzor Penitentiary Institution has not been wrongly calculated. The overload emerged because of the fact that convicts engaged in the activities of the housekeeping section, which serve their sentences in an open correctional institution, are fewer than the authorized capacity.
2. Take measures to prevent overcrowding.	2. Such a problem does not exist for the time being.
3. Ensure the presence of the list of the rights and responsibilities of convicts in all the cells.	3. The list is present in all the cells.
4. Create appropriate conditions for organizing short-term visits with young children.	4. Such conditions have been created.
5. Create a kitchen with appropriate facilities and kitchenware, which can be used by the participants of visits.	5. This observation is acceptable: instruction has been given swiftly to address the problem of the kitchen.
6. Build a water closet next to the unit for accepting deliveries.	6. Instruction has been given to build one if possible.
7. Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.	7. Done.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
8. Ensure that inmates can bathe at least once every 7 days as stipulated by the legislation.	8. Bathing is organized in accordance with Paragraph 47 of the Internal Regulation: at least once a week for at least 15 minutes. The requirements of the legislation are not violated.
9. Overhaul all the bathhouses of the Institution.	9, 11. The bathhouses will be overhauled and appropriately furnished subject to the availability of sufficient funding.
10. Install showers in the bathhouses.	10. Showers have been installed.
11. Equip the bathhouse changing rooms with the necessary property.	
12. Recruit the necessary specialized doctors to the health post.	12. When the staff list is reviewed, the possibility will be considered.
13. Provide additional medical equipment to the health post.	13. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
14. Make sure that inmates do outdoor exercise during days-off.	14. The operating procedures of the structural units of the penitentiary service are currently being discussed. After they are adopted, the breakdown of staff positions within the penitentiary service will be revised, and the institution will have appropriate staff positions to address this issue.
15. Install covers above the outdoor exercise yards, which will cover the benches there.	15. Instruction has been given to the responsible units.
16. Create facilities for doing sports in the outdoor exercise yards.	16. An equipped gym operates in the institution.
17. Replenish the book stock with Armenian-language fiction and history books, dictionaries, and educational literature.	17, 18. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
18. Ensure the supply of fresh and diverse press to the library through subscription.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
19. Replace the kitchenware.	19. The kitchenware is replaced at the frequency stipulated by the legislation.
20. Post a copy of the menu in the canteen.	20. Though the legislation does not require posting the menu in the canteen, they are being posted there at the initiative of the administration.
21. Fill the vacancies.	21. The process of filling vacancies is a permanent one.

**Vardashen Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. Water supply is a serious problem in the Vardashen Penitentiary Institution. Water is mainly supplied twice a day for two hours each time. Because of this, water has to be stockpiled.	1. This issue is related to the general water supply timetable for the area in which the institution is located.
2. The floor in all the cells is wooden, but cracks have opened between the planks, from where insects and scorpions enter the cells.	2. The responsible units have been instructed to renovate the floor.
3. Though the general sanitation status of the semi-open-type cells is adequate, they lack a ventilation system.	3. Adequate ventilation can be performed using the accommodation door and windows.
4. The short-term visits rooms of the place of holding detainees and convicts are designed each for one visit, are in a rather poor state, and do not have any natural light. One of the rooms is not even heated with an electrical stove. There is no water closet next to the rooms. In the words of the Institution administration, the rooms in the place of holding detainees and convicts do not meet to the Institution's requirements, and that a new room for visits (to accommodate 6 concurrent visits) will be built instead of these rooms in the near future.	4. The construction of new rooms for visits will soon end.
5. The sanitation status in the bathhouses is not adequate. Only one has a changing room and a bench, but its sanitation status is inadequate, too.	5. The bathhouses will be renovated subject to the availability of sufficient funding.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
6. Hot water is supplied from different-size tanks in which the water is heated by electricity. Sometimes, the hot water is not enough for all the inmates to bathe.	6. The number of water tanks supplying hot water has been increased.
7. The bathhouses in the Vardashen Penitentiary Institution lack ventilation and heating.	7. Instruction has been given to install electrical ventilators. The heating issue will be addressed, as well, subject to the availability of sufficient funding.
8. Overall, the health post size is small. Considering that the Institution holds former employees of law-enforcement agencies, which cannot be transferred to the “Hospital for Convicts” Penitentiary Institution in case of need, the current condition of the health post cannot be deemed sufficient for properly organizing the treatment of inmates. Inmates said that while first aid could be received in the Institution, access to specialized care was rather difficult due to the absence of specialists and medication.	8. The resources of the “Hospital for Convicts” Penitentiary Institution and the relevant authorities of the Ministry of Health of the Republic of Armenia are used in accordance with the procedure stipulated by the Republic of Armenia legislation.
9. Many inmates complained about the medication, because some medication was not supplied to the Institution and inmates had to acquire them through relatives.	9. Penitentiary institutions receive any medication that is registered in the Republic of Armenia.
10. The Institution has very little equipment. The staff noted the need to modernize the patient beds and to acquire new equipment, especially a sonograph.	10. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
11. The training equipment in the exercise yard of the place of holding detainees and convicts is not usable.	11. The institution has a gym: if possible, the necessary exercise equipment will be acquired, as well.
12. The convicts held in the semi-closed correctional institution were granted only one hour of outdoor exercise per day, instead of the three hours stipulated by the legislation.	12. For comments, see Paragraph 18 under the Recommendations on the Vardashen Penitentiary Institution.
13. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The librarian noted a need for fiction books. The library receives no press.	13. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
14. The sanitation status in the kitchen of the Vardashen Penitentiary Institution is inadequate. Due to the lack of a ventilation system, mould has developed on the walls. The kitchen has little equipment. The electrical pans do not work and are used only to stockpile water. The Institution has no staff position for a civilian cook, and these duties are performed by a convict who has no education as a cook.	14. To improve the conditions in the kitchen, sufficient funding is needed. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution and Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution.
15. Due to the overcrowding of the Institution, the quarantine cells are used as regular cells. It means that newly-admitted detainees are taken directly to the regular cells without any quarantine-phase activities.	15. Due to need, one of the cells for holding detainees is used as a quarantine cell. All of the required quarantine activities are performed in respect of newly-admitted inmates.
Recommendations	Comments on the Recommendations
1. Resolve the water supply issue through cooperation between the Ministry of Justice, the District Municipality, and the water supply company.	1. This issue is related to the general water supply timetable for the area in which the institution is located.
2. Install a heating system in the Institution and, in the interim, deliver government-purchased appropriate heaters to the cells.	2, 3, 8, 10. Can be done subject to the availability of sufficient funding.
3. Install a ventilation system.	
4. Take appropriate measures to keep the cells free from insects and scorpions.	4. Instruction has been given to undertake the necessary measures.
5. Improve the conditions of the short-term visits rooms in the territory of the place of holding detainees and convicts.	5. The construction of new rooms will soon end.
6. Build a water closet next to the visit rooms of the place of holding detainees and convicts.	6. A water closet, too, has been built next to the newly-constructed rooms for visits.
7. Build separate investigative rooms.	7. Once the construction of new rooms for visits ends, the problem of investigative rooms will be solved, as well.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
8. Build a waiting hall and water closet next to the unit for accepting deliveries.	2, 3, 8, 10. Can be done subject to the availability of sufficient funding.
9. Post the relevant documents in a place where the inmates' relatives waiting in the queue can easily read them.	9. This observation is not substantiated. The relevant documents are posted in a visible place.
10. Improve the sanitation status in all 3 bathhouses of the Institution.	2, 3, 8, 10. Can be done subject to the availability of sufficient funding.
11. Build changing rooms in 2 of the bathhouses of the Institution.	11. They will be built when the bathrooms are renovated.
12. Find a way to expand the size of the health post.	12. The area of the health post is sufficient given the approved capacity of the institution.
13. Allocate a separate room for medical procedures.	13. This is impossible in the current conditions.
14. Increase the number of staff positions for doctors.	14. For comments, see Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution.
15. Improve the provision of medication to the Institution.	15. Penitentiary institutions receive any medication that is registered in the Republic of Armenia.
16. Improve the availability of equipment in the health post	16, 17, 21. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
17. Install modern beds in the patient rooms.	16, 17, 21. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
18. Ensure three hours of outdoor exercise for the inmates held in the semi-closed correctional institution.	18. Article 78(3) of the Penitentiary Code of the Republic of Armenia provides that the duration of a convict's outdoor exercise may not be less than one hour per day. Article 105 of the same Code provides that

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	convicts may move <i>for at least three hours</i> around a semi-closed correctional institution. These requirements of the legislation are met.
19. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.	19, 20. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
20. Ensure the supply of fresh press to the library through subscription.	
21. Improve the availability of equipment in the kitchen.	16, 17, 21. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
22. Install a ventilation system in the kitchen.	22. Instruction has been given to install an electrical ventilator.
23. Improve the food quality.	23. The food quality meets the acceptable standards. However, the institution governors have been instructed to be persistent on this matter.
24. Provide appropriate food to convicts that do not eat certain food due to religious or other reasons.	24. Instruction has been given to do so to the extent possible.
25. Use at least one of the punishment cells exclusively for holding inmates subjected to the sanction of placement in a punishment cell.	25. The punishment cells that exist in the institution are used in accordance with the legislation, and studies in this area did not reveal any violations.

**Goris Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. Considering that the building of the Institution is very old and generally in a very poor condition, any renovation will fall apart after a short while. The financing is not enough to overhaul the Institution properly.	1. The proposal to build a new penitentiary building in the Goris area was presented to the Government of Armenia for discussion on 26 February 2009.
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OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>2. The situation is completely different in the cells that have not been renovated. In one of those cells, which had a surface area of 30 square meters, 15 pre-trial detainees were kept at the time of the Group's visit, meaning that the cell was double-overcrowded, and each inmate got 2 square meters, despite the legislative requirement to provide 4 square meters per inmate. This particular cell was in an unsanitary condition. The toilet was not partitioned. The list of inmates' rights and responsibilities was not posted. The cell did not get enough natural light. The Group of Observers has repeatedly observed a situation in which the pre-trial detainees are held in much worse conditions than the convicts.</p>	
<p>3. The rooms for long-term visits do not have sufficient natural light.</p>	
<p>4. There is no water closet in the unit for accepting deliveries.</p>	
<p>5. Deliveries are inspected without any equipment.</p>	
<p>6. There are no benches in the changing room. The hangers are handmade.</p>	
<p>7. In the opinion of the chief of the health post, the Institution direly needs a dentist and an oculist.</p>	
<p>8. The health post of the Goris Penitentiary Institution lacks medical equipment. The available equipment is worn out and old.</p>	
<p>8. The book stock of the library has not been replenished in recent years, with the exception of donations by the staff. Though there is a catalogue, the books are not properly classified and arranged on the shelves. The book storage conditions are generally inadequate.</p>	
<p>9. There are no facilities for doing sports in the outdoor exercise yards.</p>	
<p>10. The overall sanitation status of the kitchen is inadequate; an overhaul is needed.</p>	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>11. As the Group of Observers has repeatedly noted, the surface area of the punishment cells in this Institution (about 4.5 square meters) does not correspond to the relevant international standard (at least 7 square meters), and therefore cannot be used for holding inmates.</p>	
<p>12. The Goris Penitentiary Institution has a separate quarantine cell that is used as a regular cell because of the crowding of the Institution. As a consequence, newly-admitted inmates do not undergo all of the required quarantine measures.</p>	
<p style="text-align: center;">Recommendations</p> <ol style="list-style-type: none"> 1. Renovate the cells as a matter of priority during the overhaul of the Institution. 2. Address the problem of the overcrowding of the detainees' cells. 3. Allocate other space for the room for short-term visits, which will be separate from the unit for accepting deliveries. 4. Improve the natural light in the rooms for long-term visits. 5. Build a water closet next to the unit for accepting deliveries. 6. Install delivery inspection equipment in the Institution. 7. Put in place benches and hangers in the changing rooms. 8. Fill the vacancies. 9. Improve the availability of medical equipment in the health post. 10. Replenish the book stock. 11. Improve the book storage conditions. 12. Install training equipment in the outdoor exercise yards. 13. Overhaul the kitchen. 14. Discontinue the use of the existing punishment cells. 	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>15. Use the quarantine cell to hold only inmates undergoing the quarantine phase.</p> <p>16. Fill the vacancies.</p>	

**Abovyan Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

<p>1. Though the legislation provides that a convict who has an under-three child may keep the child with her, while the Republic of Armenia Government Decree Approving the Average Daily Food Rations, Clothing Rations and Use Terms, and Bedding and Hygiene Facilities Rations and Use Terms for Persons Held in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia does not prescribe any rations for young children (child food, diapers, clothes, and the like).</p>	<p>1. This observation is acceptable: amendments will be proposed to Republic of Armenia Government Decree 413-N of 10 April 2003 “On Approving the Average Daily Food Rations, Clothing Rations and Use Terms, and Bedding and Hygiene Facilities Rations and Use Terms for Persons Held in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia.”</p>
<p>2. Most of the inmates in the semi-open correctional institution designated for women in the Abovyan Penitentiary Institution are kept in a dormitory with a surface area of 200 square meters. At the time of the visit of the Group of Observers, there were 89 beds, of which 6 were bank beds, and a total of 85 convicts were held there. Clearly, the legislative requirement of 4 square meters per convict is not met. Besides, the room of the Institution guard is adjacent to the dormitory and is separated from it with a glass partition. Considering that men also serve on duty in the women’s zone, this fact creates quite some inconvenience, especially at night.</p>	<p>2. Making the calculation on the basis only of the dormitory space is wrong, because convicts just sleep there, but they also use other areas in the Institution; if the other areas were included in the calculation, the legislative requirement would be met. As for the inconveniences of guarding, there are not any, because only female employees serve night duty shifts at the station concerned.</p>
<p>3. In recent years, small cells have been furnished in the Institution, as well, and allocated to the women with young children and elderly women. There, too, the requirement of 4 square meters per inmate is not met: 6 women are held in an area of 18 square meters.</p>	<p>3. See the comments in the paragraph above.</p>
<p>4. As for the artificial light, though the building was recently renovated, night lamps were not installed, and the same power lamp stays on in the evening and</p>	<p>4. The units responsible for these issues have been instructed to address the separation of the lights.</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
at night. It is prohibited to turn it off, though the switches are inside the cells.	
5. Under the Penitentiary Code, every convict is entitled to one short-term visit per month, but in view of the particular importance of minors' contact with their families, the Group considers this frequency insufficient.	5. Article 92(2) of the Penitentiary Code prescribes not one, but <i>at least one</i> visit. In practice, visits are granted only once, if the convict has a pending disciplinary sanction; in the other cases, there is generally no limitation.
6. The frequency and duration of the telephone conversations of convicts is not limited, but the only phone installed in the women's building is not enough for over 100 female convicts, causing queues.	6. For comments, see Paragraph 9 under the Recommendations on the Abovyan Penitentiary Institution.
7. The unit for accepting deliveries in the Abovyan Penitentiary Institution is a small room with 4 square meters. The room does not have benches or chairs for waiting.	7. Due to the building conditions, the unit for accepting deliveries cannot be furnished in this manner.
8. Deliveries are inspected without any equipment.	8, 10. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
9. Inmates in the Abovyan Penitentiary Institution bathe once a week as per a timetable, which is extremely insufficient given that women are held in this Institution, as well.	9. Bathing is organized at least once a week, as required by the law. It would be unacceptable to introduce a legislative provision that would create positive discrimination.
10. The Institution has very little equipment. It needs an electrocardiogram, a sonograph, a laboratory, and so on. The provision of equipment is especially important for the Abovyan Penitentiary Institution, because the inmates held there, including both the women and the minors, cannot be moved to the "Hospital for Convicts" Penitentiary Institution due to the legislative requirement to segregate the inmates (women from men, and minors from adults), and they mostly receive the treatment within the Abovyan Penitentiary Institution.	10. The relevant authorities of the Ministry of Health of the Republic of Armenia are used in accordance with the procedure stipulated by the Republic of Armenia legislation: as a result, no problems arise in terms of the health care of women and minors.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
11. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations.	11. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
12. The canteen in the zone for convicted minors has 10 tables and 31 chairs, which are quite old. The canteen is not heated. There is no ventilation system. At the time of the observation, the floor was covered with ice, and the windows were without glass. No menu was posted on the wall.	12. During the winter months, the canteen is not used, because so far it cannot be heated. Instead, a part of the dormitory separated specifically for this purpose is used. The renovation can be performed subject to the availability of sufficient funding.
13. The food quality in the Abovyan Penitentiary Institution is not adequate: inmates noted that the meals had low nutritional value, and that it would have been hard for them to get by without deliveries.	13. The food quality and quantity (nutritional value) correspond to the established rations.
14. The Institution does not have a separate quarantine cell.	14. Quarantine cells exist in the new building for holding detained persons.
15. The main problem noted by the Institution administration is that of low wages of the staff.	15. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Make appropriate legislative amendments concerning the holding of detained and convicted female minors.	1. There is no need to amend legislation, because the current laws are very clear on this point. The issue of holding female minors, detained or convicted, is a separate issue, but studies have shown that there would very rarely be any. When they happen, the institution is able to comply with the legislative principle of segregation.
2. Adopt legislation prescribing the food and objects needed for young children.	2. Amendments will be proposed to Republic of Armenia Government Decree 413-N of 10 April 2003 “On

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
	Approving the Average Daily Food Rations, Clothing Rations and Use Terms, and Bedding and Hygiene Facilities Rations and Use Terms for Persons Held in Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia.”
3. Preclude cases of failing to provide clothes to detainees in case of need.	3. Studies have not revealed any cases of failure to provide clothes to detainees.
4. Meet the requirement of 4 square meters per convict.	4, 5. For comments, see Paragraph 1 under the Recommendations on the Yerevan-Center Penitentiary Institution. Besides, detainees and convicts held in this institution get more space than the 4 square meters required by the legislation.
5. Reconstruct the dormitories to hold the inmates in cells.	
6. Organize night shifts with the participation of only female staff.	6. Only female employees serve night duty shifts.
7. Install dimmer lamps in the cells for the night.	7. The units responsible for these issues have been instructed to address the separation of the lights.
8. Amend the Penitentiary Code to increase the number of short-term visits for convicted minors.	8. This observation is groundless, because the Penitentiary Code stipulates <i>at least one</i> short-term visit per month.
9. Increase the number of telephones in the zone for holding convicted women in the Institution.	9, 18. In accordance with Paragraph 182 of the Internal Regulation (“a detainee or convict is granted access to the telephone in accordance with a timetable approved by the governor of the place of holding detainees or correctional institution, respectively. In each case, the duration of telephone use may not exceed 15 minutes...”), the institution governor has been instructed to compile a timetable of telephone use, which will prevent queues.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
10. Build a water closet in the unit for accepting deliveries	10. There is no need, because they can use the water closet in the nearby administrative building.
11. Furnish the unit for accepting deliveries with chairs and tables.	11. Given the space limitation, it is impossible.
12. Post the relevant documents in the unit for accepting deliveries.	12. The relevant documents are posted in a visible place.
13. Acquire modern equipment for the inspection of deliveries.	13, 17. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
14. Increase the frequency of bathing for inmates, especially the women.	14. Bathing is organized at least once a week, as required by the law. It would be unacceptable to introduce a legislative provision that would create positive discrimination. Nonetheless, instruction has been given to study the possibility of doing so.
15. Make sure that there is a changing room for each bathhouse.	15. It can be done subject to the availability of sufficient funding.
16. Reconstruct the building of the health post of the Institution.	16. It can be done subject to the availability of sufficient funding.
17. Provide the necessary equipment to the health post.	
18. Increase the number of TV sets in the zone for convicts.	
19. Prepare a catalogue of the books available in the library, with the help of which detainees can choose the books of their preference. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature. Replenish the book stock with foreign-language literature.	19. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
20. Overhaul the kitchen, provide appropriate kitchen appliances. Replace the technical appliances in the canteens. Heat the canteens in the Institution. Install a ventilation system in the canteens. Install new furniture in the canteens.	20. It can be done subject to the availability of sufficient funding.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
21. Post the menu in the canteen for minors.	21. For comments, see Paragraph 20 under the Recommendations on the Vanadzor Penitentiary Institution.
22. Strictly control the quality of the meals.	22. The food quality is subject to daily control.
23. Designate a separate quarantine cell.	23. Quarantine cells exist in the new building for holding detained persons.
24. Fill the vacancies.	24. For comments, see Paragraph 12 under the Recommendations on the Vanadzor Penitentiary Institution.

**Erebouni Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. During 2008, the Erebouni Penitentiary Institution was heavily overcrowded. Instead of the approved capacity of 371, the Institution held over 600 persons.	1. For comments, see Paragraph 1 under the Recommendations on the Nubarashen Penitentiary Institution.
2. The water supply situation in the Institution is extremely grave. In addition to the water being supplied only twice a day for up to three hours each time as per a timetable, the water pipes often freeze in the winter months and the Institution has no water for days at a time. Besides, different workshops start operating near the Institution, which consume a large amount of water, leaving an insufficient quantity for the Institution. As a consequence, the Institution often has to buy water from water-carrying trucks.	2. This issue is related to the general water supply timetable for the area in which the institution is located.
3. On the whole, the dormitories need an overhaul. The walls of the first-floor accommodation dampen.	3, 4, 5, and 6. Partial is underway. An overhaul will be carried out subject to the availability of sufficient funding. The issue will be comprehensively considered in the context of the infrastructure reform of the penitentiary service.
4. The dormitories lack water closets. The toilet and washbasin are shared by the whole Institution.	
5. The room for short-term visits does not have a separate water closet; the visitors can use the water closet in the same building, which is designed for convicts working in the housekeeping section, but one would have to ask the staff in order to find out where the water closet is located.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>6. Fresh air cannot be accessed from inside the rooms for long-term visits in the Erebouni Penitentiary Institution, which means that the visitors have to stay in the rooms for three days: this is undesirable, given that young children take part in the visits, too.</p>	
<p>7. There is no water closet in the territory of the unit for accepting deliveries. In the words of the administration, relatives may use the water closet in the administrative building, which is on the floor above, but relatives would have to ask a member of the staff in order to find out about it.</p>	<p>7. The water closet in the administrative building can be used. The issue will be comprehensively considered in the context of the infrastructure reform of the penitentiary service.</p>
<p>8. Only one bathhouse operates in the Erebouni Penitentiary Institution. It has a changing room that has only one 20-place hanger. The bathroom is tiled and has 9 showers. Hot water flows from a 5-ton tank. As the Institution has problems of water supply, convicts bathe only with stockpiled water. When it is done, only 3 of the 9 showers can function, and only 50 convicts can bathe during one day. It means that, in case of overcrowding, the Institution cannot make sure that the convicts bathe once a week as prescribed by the legislation. In case if the bathhouse operates every day, it can serve 350 convicts per day, while at the time of the Group's visit, the Institution held about 600 convicts. Besides, considering that there is no clear timetable for bathing, there is a danger that some convicts may be deprived of the possibility of bathing altogether.</p>	<p>8. The calculations are not substantiated. There is an approved timetable, according to which convicts bathe at the minimum frequency stipulated by the legislation.</p>
<p>9. The overall availability of medical equipment in the Institution is poor. As a priority, the need for a new electrocardiogram was noted, because the existing one is old and worn out.</p>	<p>9. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.</p>
<p>10. The library does not have a separate reading hall. The number of shelves for storing books is not sufficient. There is no regular mechanism for replenishing the library stock. It is replenished with literature donated by private individuals. The librarian noted a need for fiction books. The library receives the press once a week.</p>	<p>10. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
11. The canteen is not heated. There is no ventilation system. There is no possibility to wash one's hands before having a meal in the canteen. The canteen needs an overhaul.	11. The canteen renovation will soon end.
12. Convicts in the Erebouni Penitentiary Institution complained mainly about the quality of the bread, which in their words was sodden.	12. Owing to measures taken, the bread quality has improved.
13. Though there are very few vacancies, the designated number of staff positions, especially the positions of external perimeter guards, is not sufficient. In the words of the Institution administration, every shift needs to have three status components (guards on duty at the post, awake guards, and resting guards), but there are currently only two components according to the designated staff list.	13. For comments, see Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution.
14. Like all the penitentiary institutions, the main problem was that of low wages.	14. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Overhaul or relocate the Institution.	1, 2, 4, 5, 6, 7, 8, 11, 13, 14, 15, 18, 19, 20, 21, 22, and 25. For comments, see Paragraphs 1, 19, and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, and Paragraphs 1, 8, and 20 under the Recommendations on the Nubarashen Penitentiary Institution.
2. Convert the dormitories to smaller-size cells.	
3. Improve the water supply to the Institution.	3. This issue is related to the general water supply timetable for the area in which the institution is located.
4. Comply with the legislative requirement on the amount of living space per convict.	
5. Transform the dormitories to cells.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
6. Perform water insulation of the foundation of the buildings.	
7. Build separate water closets in the accommodations.	
8. Properly heat the accommodations.	
9. Build a separate water closet for the room for visits.	9. A water closet functions next to the room for visits.
10. Conduct the visits of convicts that have young children in the children's room.	10. Conditions will be created, if possible. The issue will be considered in the context of the infrastructure reform of the penitentiary service.
11. Increase the number of bathrooms.	
12. Install the necessary appliances in the kitchen (as a priority, install an electrical stove).	12. Instruction has been given to study the issue and propose a possible solution.
13. Create a possibility for visitors to access the fresh air.	
14. Furnish and heat the waiting hall.	
15. Build a water closet in the unit for accepting deliveries.	
16. Inspect the delivery in the presence of the relative who brought it.	16. Deliveries are inspected in the presence of the persons that brought them.
17. Ensure that all the convicts in the Institution bathe at least once a week.	17. Convicts bathe at least once a week in accordance with the procedure stipulated by the legislation.
18. Provide a separate room for medical procedures within the health post.	
19. Fill the vacant position of the general physician.	
20. Provide the necessary medical equipment to the Institution (as a matter of priority, an electrocardiogram).	
21. Replenish the book stock with Armenian-	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
language fiction books, dictionaries, and educational literature	
22. Increase the number of bookshelves in the library.	
23. Overhaul the canteen. Install new tables and chairs in the canteen. Heat the canteen. Install a ventilation system. Install washbasins. Overhaul the kitchen. Provide new equipment to the kitchen.	23. The canteen renovation will soon end.
24. Improve the food quality.	24. The food quality corresponds to the established standards and is subject to daily control.
25. Increase the number of staff positions in the Institution.	

**Sevan Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. The Institution has one common toilet, which is in a detrimental and unsanitary condition. It is not heated, causing the sewerage to freeze frequently in the winter months.	1, 2, 3, 4. There are 3 toilets in the institution territory, and a separate water closet in the health post building. The overhaul will be considered in the context of the infrastructure reform of the penitentiary service.
2. In the Seven Penitentiary Institution, inmates are held in dormitories within four buildings. There, the convicts are held in large rooms each with several dozen persons, which does not correspond to the requirements of the Penitentiary Code.	
3. There is no centralized heating in the Institution, and the electrical stoves brought by the convicts' relatives are used to heat the dormitories: given the large surface area of the accommodation and the fact that the Institution is located in an area with a harsh climate, the stoves cannot maintain the necessary temperature.	
4. Fresh air cannot be accessed from within the rooms for long-term visits, which means that the visitors have to stay indoors for three days.	
5. The Institution has received a state-of-the-art scanner for inspecting deliveries, which had not been connected as at yearend 2008 yet.	5. A delivery inspection scanner is present and in use.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
6. Relatives of convicts transfer the deliveries through a window. The corridor in which the relatives wait is not heated. No document describing the procedure of accepting deliveries is posted on the walls.	6. The room for accepting deliveries is being renovated. The relevant documents are posted in a visible place.
7. The floor in the patient rooms is made of concrete, which is unacceptable for such rooms. The patient rooms are heated by electrical stoves that do not maintain the necessary temperature.	7. In the majority of the patient rooms, the floor is wooden. There is no wooden floor in only two of the rooms. The health post will be renovated if sufficient funding is available.
8. The health post in the Sevan Penitentiary Institution has very little equipment. The health post needs an electrocardiogram, a dental chair, and basic medical tools.	8. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
9. There is no regular mechanism for replenishing the library stock. It is replenished with literature donated by private individuals and charitable organizations. The librarian noted a need for fiction books.	9. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
10. The canteen is not heated. There is no ventilation system. The sanitation status of the canteen is inadequate. The canteen needs an overhaul.	10. The canteen and kitchen have been renovated. The heating and ventilation issues will be considered in the context of the infrastructure reform of the penitentiary service.
11. The natural light in the punishment cell is insufficient. One of the windows had broken glass and was covered with cloth.	11. The punishment cell has sufficient natural light. There are presently no broken windows in the punishment cell.
12. Convicts held in the punishment cell do not get daily outdoor exercise.	12. Outdoor exercise is granted in accordance with the procedure stipulated by the legislation. A study did not reveal any violations of the legislative requirements in this area.
13. As the quarantine cell construction is unfinished, newly-admitted convicts do not undergo any quarantine and are taken directly to the general dormitory.	13. If sufficient funding is available, the construction activities will be finalized.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
14. As in all the other institutions, the main problem of the staff is that of low wages.	14. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Overhaul or close down the Institution.	1. The issue of the overhaul or closure will be considered in the context of the infrastructure reform of the penitentiary service.
2. Renovate the toilet.	2, 3, 4, 5, 6, 8, 10, 13, 15, 16, 17, 18, 19, 21, 22, 23, 29, 30. For comments, see Paragraphs 1, 19, and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, and Paragraphs 1, 8, and 20 under the Recommendations on the Nubarashen Penitentiary Institution.
3. Convert the dormitories to cells.	
4. Make sure that the dormitories have separate water closets	
5. Maintain appropriate temperature in the dormitories.	
6. Build a water closet accessible to the participants of visits.	
7. Build and furnish a separate room to organize visits with young children.	7. Such conditions will be created to the extent possible.
8. Renovate the rooms for long-term visits.	
9. Renovate the kitchen and furnish it with the necessary kitchenware and furniture.	9. The canteen and kitchen have been renovated.
10. Create a possibility for visitors to access the fresh air.	
11. Furnish and heat the waiting hall.	11, 12. The unit for accepting deliveries is being renovated. The relevant documents are posted in a visible place.
12. Post the relevant documents in the unit for accepting deliveries.	
13. Renovate and furnish the changing room.	
14. Establish a clear timetable for the bathing of inmates.	14. Convicts bathe at least once a week in accordance with the procedure stipulated by the legislation.
15. Overhaul the health post.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
16. Fill the vacancies at the health post.	
17. Provide the necessary medical equipment to the Institution.	
18. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.	
19. Increase the number of bookshelves in the library.	
20. Overhaul the canteen.	20. The canteen and kitchen have been renovated.
21. Install a new table and chairs in the canteen.	
22. Heat the canteen.	
23. Install a ventilation system.	
24. Install a ventilation system in the kitchen.	24. An electrical ventilator has been installed.
25. Improve the food quality.	25. The food quality corresponds to the established standards and is subject to daily control.
26. Ensure sufficient heat in the punishment cells.	26. Sufficient temperature is maintained in the punishment cells.
27. Ensure sufficient light in the punishment cells.	27. There is sufficient natural light in the punishment cells.
28. Ensure the daily outdoor exercise of convicts held in the punishment cells.	28. The requirement of the internal regulation is met.
29. Build quarantine cells.	
30. Increase the number of staff positions.	

**Kosh Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. Convicts in the Kosh Penitentiary Institution are held in rooms of varying sizes, each with 10-60 persons, which does not correspond to the requirements of the Penitentiary Code of the Republic of Armenia.	1. For comments, see Paragraph 1 under the Recommendations on the Yerevan-Center Penitentiary Institution.
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OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
2. Telephone communication is available in a separate building within the Kosh Penitentiary Institution. Two card phones are installed, which can be used by the convicts every day from 7pm to 11pm, each for 15-20 minutes. During the daytime, inmates cannot access the telephone.	2. For comments, see Paragraph 9 under the Recommendations on the Abovyan Penitentiary Institution.
3. The health post building needs an overhaul. The Institution still does not have sufficient equipment. The health post chief insisted that the health post needs physiotherapeutic equipment.	3. For comments, see Paragraph 19 under the Recommendations on the Yerevan-Center Penitentiary Institution.
4. There is no mechanism for replenishing the book stock. Books are donated personally by the staff and religious organizations. The librarian noted a need for fiction books. The library does not receive any press.	4. For comments, see Paragraph 22 under the Recommendations on the Yerevan-Center Penitentiary Institution.
5. The canteen area is not heated. There is no ventilation system. Because of the absence of a ventilation system, the kitchen roof dampens, and the plaster comes off.	5. The canteen renovation is currently underway.
6. Inmates consider the bread quality inadequate.	6. Owing to the measures implemented, the bread quality has improved.
7. The punishment cells do not get enough natural light, causing the artificial light constantly to stay on.	7. Instruction has been given to solve the light problem to the extent possible.
8. As the Kosh Penitentiary Institution does not have a quarantine cell, newly-admitted convicts do not undergo any quarantine and are taken directly to the general dormitory.	8. Measures are being taken to finalize the construction of the quarantine building.
9. The main problem noted by the Institution administration is that of low wages of the staff.	9. This observation is acceptable, but cannot be implemented in view of the current economic crisis.
Recommendations	Comments on the Recommendations
1. Overhaul the Institution by converting it to the cell-type accommodation stipulated by the legislation.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15. For comments, see Paragraphs 1, 19,

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
2. Improve the heating of the Institution.	and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, Paragraphs 1, 8, and 20 under the Recommendations on the Nubarashen Penitentiary Institution, and Paragraph 9 under the Recommendations on the Abovyan Penitentiary Institution. Besides, the overhaul of the institution will be considered in the context of the infrastructure reform of the penitentiary service.
3. Eliminate the limitation on the hours of using the telephone.	
4. Overhaul the bathhouse building.	
5. Build a toilet adjacent to the bathhouse.	
6. Overhaul the health post building.	
7. Fill the vacancies in the health post.	
8. Provide the necessary medical equipment to the health post.	
9. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.	
10. Ensure the supply of fresh press to the library through subscription.	
11. Overhaul the canteen. Install a ventilation system in the kitchen.	
12. Improve the bread quality.	12. Owing to the measures implemented, the bread quality has improved.
13. Ensure sufficient natural light in the punishment cells.	
14. Build quarantine cells.	
15. Fill the vacancies.	

**Meghri Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. The buildings are not reflected in the balance sheet of the Ministry of Justice, which means that the Ministry cannot perform any renovation work here.	1, 2, 3, 4, 5, 6, 7. For comments, see Paragraphs 1 and 19 under the Recommendations on the Yerevan-Center Penitentiary Institution. The issues related to real estate for the Meghri Penitentiary Institution will be considered in the context of the infrastructure reform of the penitentiary service.
2. The Institution toilet is outdoors, about 10 meters away from the dormitory. It is in a detrimental shape and is filled with wastes. An 800-litre tank is installed right in front of the toilet, which is the only source of water for the convicts. This water is used for both	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
<p>drinking and housekeeping. The water is brought once every seven days. The Institution lacks the basic facilities for bathing, washing the laundry, and even washbasins. As a consequence, convicts have to bathe in the bathroom of the Institution governor’s private house in the Nrnadzor Village.</p>	
<p>3. The sanitation status of the kitchen is detrimental, too. There is only one refrigerator for an Institution that has an approved capacity of 50 inmates. There is no storage for food. Convicts complain about the abundance of rodents, as well as venomous snakes and insects during the warm season.</p>	<p>3. The sanitation and hygiene status of the kitchen has been improved and is now adequate.</p>
<p>4. The Institution has no health post, but there is a paramedic who is employed at the health station of the Nrnadzor Village and lives in the village.</p>	
<p>5. The beds in the sleeping room are very old and worn out. The sleeping room is heated by a wood stove.</p>	
<p>6. Under Article 103 of the Penitentiary Code of the Republic of Armenia, convicts held in an open correctional institution may move around the institution territory during the daytime; however, the Institution does not have a defined “territory,” and the convicts’ “internal movement” is limited by decision of the Institution governor: convicts living in the former railway station building have no right to go to the village and buy food without the governor’s permission.</p>	<p>6. The administration of the penitentiary institution comply with Article 103 of the Penitentiary Code of the Republic of Armenia, which provides that convicts held in an open correctional institution may move around the institution territory during the night within the designated territory of the correctional institution, and during the daytime they may move within the territory of the correctional institution and, with the institution governor’s permission, outside of the institution. The Nrnadzor Village cannot be considered territory of the penitentiary institution; therefore, to go to the village during the daytime, convicts must obtain the institution governor’s permission.</p>

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
7. As the administration of the correctional Institution is located in the village, they can only be contacted using the convicts' personal mobile phones.	
Recommendations	Comments on the Recommendations
1. Move the buildings of the Institution to the balance sheet of the Ministry of Justice.	1, 2, 3, 4, 5. For comments, see Paragraphs 1 and 19 under the Recommendations on the Yerevan-Center Penitentiary Institution. The issues related to real estate and water supply for the Meghri Penitentiary Institution will be considered in the context of the infrastructure reform of the penitentiary service.
2. Overhaul the dormitory.	
3. Build an administrative building adjacent to the dormitory.	
4. Build a new toilet and bathhouse.	
5. Ensure permanent water supply to the Institution.	
Hrazdan Penitentiary Institution of the Ministry of Justice of the Republic of Armenia	
1. The main problem of the Institution is that detention as a type of sentence is rarely ordered by courts, because of which the Institution held only 19 inmates during 6 months of 2008, and only 1 inmate as of December 2008. With other penitentiary institutions being overcrowded, these statistics justify the need to change the approved capacity of the Institution and to designate it to hold convicts in closed and semi-closed correctional institutions, as well.	1. For comments, see Paragraph 1 under the Recommendations on the Hrazdan Penitentiary Institution.
2. The artificial lighting is delivered by a lamp hanging from the ceiling of the cell, the switch for which is located inside the cell, but it is not permitted to turn off the lamp at night. Using the same lamp both in the evening and at night creates an inconvenience, because the powerful light disturbs night sleep, while a less powerful lamp would not deliver enough light in the evenings. In some other institutions (such as the Vardashen Penitentiary Institution), this problem has been solved by installing a less	2. The units responsible for these issues have been instructed to address the separation of the lights.

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
powerful night lamp above the cell door in addition to the powerful night lamp hanging from the ceiling.	
3. As the Institution has few convicts, they are held in solitary confinement. Considering that detention as a type of sentence implies also isolation from the outside world, inmates here serve all of their time without any possibility to speak with anyone: this can negatively affect their psychological state.	3. This issue was resolved as a result of amendments made by Decree 50-N of the Minister of Justice dated 27 May 2008.
4. Inmates receive information about the outside world only from the mass media. However, despite the legislative requirements, there are no radios in the cells of the Institution.	4. The units responsible for these matters have been instructed to install radios in the cells.
5. Convicts may have TV sets, but it is not clear how the TV set can be transferred to a convict, if deliveries are prohibited.	5. For comments, see Paragraph 12 under the Recommendations on the Yerevan-Center Penitentiary Institution.
6. During 2008, the need to organize visits did not arise. However, later, when the housekeeping section of the Institution gets convicts (up to 15 inmates may work there) that will be held in conditions of a semi-open correctional institution, rooms for short-term and long-term visits will be needed.	6. The existence of rooms for short-term and long-term visits has been contemplated, and the design and estimates are currently being prepared.
7. The bathhouse includes changing rooms that are not furnished and lack hangers and benches.	7. Instruction has been given to furnish the bathhouse changing rooms.
8. The Institution provides inmates sanitary supplies as per the established rations. The rations of some supplies may be insufficient (for instance, one roll of toilet paper per month). While in other penitentiary institutions, this gap is filled by deliveries brought by the inmates' relatives, the lack of sanitary and hygiene supplies in the Hrazdan Penitentiary Institution may be a problem given that convicts held there have no right to receive deliveries.	8. The rations of personal hygiene items are defined by Government Decree 413-N dated 10 April 2003.
9. Not all the health post positions are filled: currently, four paramedics are employed, while the positions of doctors are vacant. This situation has not caused problems yet, because the convicts held in the	9. For comments, see Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution, and Paragraph 21 under the

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
Institution have not had major health issues. The Group considers the absence of a doctor in the Institution unacceptable.	Recommendations on the Vanadzor Penitentiary Institution.
10. The Institution has only a limited quantity of essential medication.	10. Penitentiary institutions receive medication based on the requests filed by them.
Recommendations	Comments on the Recommendations
1. Change the approved capacity of the Institution.	1. Decree 50-N of the Minister of Justice dated 27 May 2008 has approved the following capacity for the Hrazdan Penitentiary Institution: closed correctional institution-150 persons, persons convicted to detention-50, and semi-open correctional institution-15 persons.
2. Minimize solitary confinement of inmates in cells.	2. It is being done since the changes in the approved capacity.
3. Install night lamps in the cells.	3. Instruction has been given to separate the lights.
4. Install a radio network in the Institution.	4. Instruction has been given to install radio in the cells.
5. Install appropriate furniture in the rooms.	5, 6, 7, 8, 10, 11, 13, 14, 15. For comments, see Paragraphs 1, 19, and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, and Paragraph 21 under the Recommendations on the Vanadzor Penitentiary Institution.
6. Ensure the existence of a water closet and kitchen next to the rooms for visits.	
7. Build and appropriately equip a unit for accepting deliveries.	
8. Furnish the changing rooms.	
9. Increase the frequency of the bathing.	9. Convicts bathe at least once a week in accordance with the procedure stipulated by the legislation. If possible, the frequency will be increased.
10. Provide appropriate equipment to the health post of the Institution.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
11. Fill the vacant positions of doctors.	
12. Improve the availability of medication in the Institution.	12. Penitentiary institutions receive any medication that is registered in the Republic of Armenia. Medication is provided on the basis of requests by the penitentiary institutions.
13. Install benches and rain cover in the outdoor exercise yards.	
14. Create facilities for athletic exercise in the outdoor exercise yards.	
15. Replenish the book stock with Armenian-language fiction books, dictionaries, and educational literature.	

**“Hospital for Convicts” Penitentiary Institution
of the Ministry of Justice of the Republic of Armenia**

1. The Institution does not have a heating system. The patient rooms are heated by electrical stoves. This method of heating cannot be adequate, because there is a big difference in the temperature between the patient rooms and the corridors, which can negatively affect the health status of inmates.	1, 2, 3, 4, 5, 6, 7, 8. For comments, see Paragraphs 1, 19, and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution, and Paragraph 21 under the Recommendations on the Vanadzor Penitentiary Institution. Additionally, instruction has been given to study the issue of heating the corridors.
2. The dental ward has the necessary equipment, but not a dental X-ray.	
3. This general medicine ward building has not been renovated in recent years. It employs four doctors and one nurse. The ward has vacancies: the positions of the oculist, neurologist, senior nurse, and paramedics are vacant.	
4. The ward needs modern equipment, especially an electrocardiogram.	
5. The ward sometimes receives patients that need immediate care. For these cases, an intensive care unit with appropriate equipment is needed, which is currently lacking in the Institution.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
6. The “Hospital for Convicts” Penitentiary Institution has 2 rooms for short-term visits, but the Institution governor thinks this number is not sufficient to grant inmates the number of visits to which they are entitled under law.	
7. Natural and artificial light in the library is insufficient. There are 1,140 books, all very old and worn-out. The library has not received a single new book in recent years. Most of the books are outdated Soviet-era publications. The library has no spiritual literature. There is no reading hall.	
8. The governor of the “Hospital for Convicts” Penitentiary Institution said that the Institution had vacancies at the time of the Group’s visit (about 10% of the total number of positions).	
Recommendations	Comments on the Recommendations
1. Install a heating system in the Institution.	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12. For comments, see Paragraphs 1, 19, and 22 under the Recommendations on the Yerevan-Center Penitentiary Institution, Paragraph 20 under the Recommendations on the Nubarashen Penitentiary Institution, and Paragraph 21 under the Recommendations on the Vanadzor Penitentiary Institution.
2. Reconstruct the building of the surgical ward.	
3. Provide a dental X-ray to the ward.	
4. Renovate the building of the general medicine ward. Fill the vacancies of medical personnel. Provide the necessary equipment (first of all an electrocardiogram) to the ward. Create an intensive care unit.	
5. Revise Paragraph 110 of Government Decree 825-N dated 26 May 2006.	5. Instruction has been given to review the respective provision of the Decree and, in case of necessity, to propose draft amendments.
6. Increase the number of rooms for short-term visits.	
7. Allocate a larger room for the unit for accepting deliveries.	
8. Build a water closet in the unit for accepting deliveries.	
9. Heat the changing room and bathroom.	

OBSERVATIONS OF THE GROUP	COMMENTS OF THE MINISTRY OF JUSTICE
10. Overhaul the changing room. Properly furnish the changing room.	
11. Allocate new space to the library. Build a reading hall. Replenish the library with new books. Fill the vacancies.	

A number of issues identified in the “General Conditions” section of the Group’s Report have been addressed in the comments made above in respect of the individual penitentiary institutions. Therefore, the comments below are concerned with the matters that have not been addressed in the section on the individual penitentiary institutions.

RECOMMENDATIONS OF THE GROUP ON THE ISSUE OF OVERCROWDING IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Work with the courts to promote the use of alternatives to imprisonment; 2. Work with the courts to promote the use of “detention” as a sentence; and 3. Review the procedure by which the Independent Commissions for Early Release are formed and operate. 	<ol style="list-style-type: none"> 1, 2. Courts are independent and act only on the basis of law. The task of the Penitentiary Service is to execute final decisions and judgments of courts. 3. This matter is currently being examined.

RECOMMENDATIONS OF THE GROUP ON THE ISSUE OF ILL-TREATMENT IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Document any use of special means in the relevant journals; 2. Require the health-care staff to document all the injuries after the use of special means; 3. Preclude any pressure by the administration on prisoners that lodge complaints; 4. Enhance the effectiveness of prosecutorial supervision of ill-treatment cases; and 5. Preclude the participation of the Rapid Response Team of the Penitentiary Department in cell searches. 	<ol style="list-style-type: none"> 1. This is now being addressed. 2. This is now being addressed. 3. Impossible. The case in the Vardashen PI of the Ministry of Justice took place in 2007, and the officer in question was subjected to a criminal sentence. 4. This is being done in accordance with the procedure stipulated by law. 5. This issue is regulated by law. Under Article 6 of the Law on the Penitentiary Service, the Special Purpose Unit supports the performance of functions aimed at ensuring compliance with the internal regulations.

RECOMMENDATIONS OF THE GROUP ON FOOD IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Improve the quality of the bread; 2. Ensure the diversity of the food; and 3. Prescribe dietary food. 	<p>1, 2. Measures are continuously taken to improve the quality of the bread and the diversity of the food.</p> <p>3. Under Government Decree 413-N dated April 10, 2003, sick convicts and detainees are given additional food rations on the basis of Appendix 1 to the Decree. The provision of dietary food is organized in accordance with the specified food rations (including the additional rations), and appropriate instructions have been given to improve its efficiency. Moreover, legal works are underway to regulate this matter by law.</p>

RECOMMENDATIONS OF THE GROUP ON BEDDING AND SANITARY AND HYGIENE SUPPLIES IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Provide new bedding to the prisoners; 2. Review the supplies rations set by Government Decree 413-N; and 3. Improve the quality of sanitary and hygiene supplies provided to prisoners. 	<p>1, 2, 3. The rations and utilization terms of bedding and hygiene supplies are defined in Government Decree 413-N dated April 10, 2003. Reviewing this Decree would necessitate the provision of additional financing. Therefore, it cannot be considered yet.</p>

RECOMMENDATIONS OF THE GROUP ON HEALTH CARE SERVICES IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Approve a staffing list for PIs, which can be filled with appropriate staff in order to organize adequately the activities of the health care posts; 2. Specify the medical specialization required in respect of each health care staff position; 3. Organize regular training and professional qualification of doctors; and 	<p>1, 2. The process of recruiting the necessary health care specialists in penitentiary institutions is continuing.</p> <p>3. The doctors undergo regular training courses in the Ministry of Health National Institute for Improving the Qualification of Doctors. Besides, through work-related travel abroad, they study the experience of other countries.</p>

4. Develop an action plan for transferring the health care service to the health system.	4. The feasibility and possible solutions are being considered.
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RECOMMENDATIONS OF THE GROUP ON THE AVAILABILITY OF MEDICINES IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<p>1. Put in place a more flexible system of medicine supply, so that the necessary medicines can be fully provided to prisoners;</p> <p>2. Prescribe special procedures precluding the use of expired medicines;</p> <p>3. Prescribe clear procedures for the destruction of expired medicines.</p> <p>4. Improve the availability of medical equipment in the penitentiary institutions; and</p> <p>5. Streamline the process of sick prisoners' referral to and treatment in civilian health care facilities.</p>	<p>1. Under the Republic of Armenia Law on Procurements, the frequency of procuring medicines is addressed on the basis of the tender contract. The distribution of medicines to the health care units of PIs is performed through the Medicines and Medical Supplies Distribution Center of the Penitentiary Service.</p> <p>2. The use of expired medicines has been precluded.</p> <p>3. In the Republic of Armenia, prescribing a procedure for the destruction of expired drugs does not fall within the mandate of the Ministry of Justice.</p> <p>4. Subject to the availability of funding, the relevant PIs are gradually being equipped with the necessary medical equipment. Measures are being taken to engage off-budgetary funding for this purpose, as well.</p> <p>5. The issue has already been solved by Government Decree 825-N dated May 26, 2006 "On Approving the Procedure of Organizing the Delivery of Preventive and Sanitary Health Care Services to Detainees and Convicts, Accessing Health Care Facilities of the Health Authorities, and Engaging their Health Care Staff for Such Purposes." Besides, many of the leading experts of the Ministry of Health of Armenia are engaged in the health care activities of the Penitentiary Service.</p>

RECOMMENDATIONS OF THE DELIVERIES IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
1. Review the list of prohibited items approved under the internal regulation and bring it into line with the Penitentiary Code.	1. Additional inquiries into this matter have been instructed.

RECOMMENDATIONS OF THE GROUP ON THE STAFF OF PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Maintain the salary increase trends; 2. Safeguard proper conditions for staff at the workplace; 3. Build canteens in the institutions for the staff; 4. Provide appropriate hardware and equipment for the staff; 5. Ensure payment for overtime labor; and 6. Provide vehicles to the institutions to transport the staff. 	<ol style="list-style-type: none"> 1, 2, 4. These recommendations are acceptable; measures are being taken to address these issues. 3. The possibilities of creating canteens for the staff in penitentiary institutions are currently being discussed. 5. Penitentiary servants are paid additionally for overtime in accordance with the procedure stipulated by Government Decree 2303-N dated December 29, 2005 “On Approving the Amount and Calculation and Payment Procedure of Overtime Payments to Penitentiary Servants.” 6. Due to their location, a number of penitentiary institutions have vehicles used specifically for this purpose.

In a number of cases, the allegations of the Group of Observers do not reflect the reality, because some of them have not been studied in sufficient depth in a professional manner; this gives rise to discrepancies. To make the observation mission more effective, we recommend compiling protocols on the spot on shortcomings and violations discovered, engaging the relevant officials of the penitentiary institutions in the compilation process. In this way, discrepancies could be avoided in the future.