

# R E P O R T

On the Activities of the  
Public Monitoring Group at the Detention Facilities of the  
Penal Services of the  
Ministry of Justice of the Republic of Armenia 2005

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## Introduction

After becoming a full and equal member of the Council of Europe on January 25, 2001, the Republic of Armenia, among other responsibilities, also undertook the task of reforming the prisons. Paragraph z particularly reads:

Within six months after becoming a member, law must be enacted on transferring responsibilities and legal authority over the prisons, as well as the pre-trial detention facilities and labor reform camps from the Ministries of Internal Affairs and National Security to the Ministry of Justice for the purpose of insuring the thorough reform and demilitarization of the prison system and to guarantee the efficient enforcement of the law within six months after its adoption, with the exception of the pre-trial detention facilities and labor reform camps, the efficient transfer of which is to be completed within one year after the adoption of the law.

The task of reforming the penal system and the criminal law complies with the principles of Article 3 of the European Convention, principles that were ratified by the Republic of Armenia. The process of transferring the prisons, including the pre-trial detention facilities from the jurisdiction of the Ministries of Internal Affairs and National Security to the Ministry of Justice was completed in January, 2003. To improve the penal system a series of Normative Acts were decreed: the Law of the RA «On the Custody of the Detainees and Prisoners» (06.02.2002); the Law «On Penal Services» (15.12.2003), etc. On November 10, 2004, the National Assembly, on its 2<sup>nd</sup> reading of the bill, enacted the Penal Code on the regulations of holding prisoners in custody.

After the detention facilities and prisons were transferred to the jurisdiction of the Ministry of Justice, they became accessible to the public. A number of public organizations conducted monitoring at the institutions.

Article 47 of the Law «On the Custody of Detainees and Prisoners» regulates that a public monitoring group be formed by the Ministry of Justice (M J, henceforth). On May 14, 2004, the Minister of Justice Davit Harutyunyan handed over a certificate to the eleven - member group of public monitors. The Group, created to monitor the penal services at the places of detention, consists of representatives of several public, as well as lawyers' organizations. The group, also, has a representative of the Armenian Apostolic Church as a member.

The group was formed upon the orders of the Minister of Justice and complies with the principles of «The Regulations of Activities of a Public Monitoring Group at the Detention Facilities of Penal Services of the Ministry of Justice» of the Law of the Republic of Armenia «On the Custody of Detainees and Prisoners».

In particular, according to the documents, the Group is authorized to supervise the protection of human rights and liberties of persons held in detention facilities. According to the regulations, the members of the Group have the right to free access to the penal institutions, acquire knowledge of the contents of various documents (as well as, upon the consent of the prisoner, the contents of his or her personal files and letters (except for secret documents)), examine the conditions at the institutions and meet with the prisoners.

The members are elected for a three – year term.

In June, 2004 and February, 2005, the members of the public monitoring group, with the support of the OSCE, PRI organizations participated in special training courses to obtain monitoring skills.

The visits of the Group to penal institutions began in June, 2004. The results of the visits conducted in June 2004 – February 2005 were summarized in the first, 2004 report. In the course of its activities the Group has adopted inner ethical rules ( appendix).

In the year of 2005 the group has paid scheduled (appendix) and non-scheduled visits to the places of detention, the non- scheduled visits conducted on the basis of phone call alerts and (or) publications in the press.

This annual report gives a complete description of the penal institutions visited by the Group, the conditions of the prisoners, the way they are treated by the officials of the system.

When working on the report, the Group has made a comparative analysis of the data of 2005 and of those of the 2004 report, as well as previously acquired information based on the monitoring by other public organizations (The Institute of Civil Society, The National League of Democratic Reforms, The Helsinki Committee of Armenia) and has compared them to the international standards.

The Group thanks the Penal Office of the Ministry of Justice and the management of correctional institutions for their support to the work of the group. The Group also would like to thank the personnel of the OSCE Yerevan office, the Armenian branch of the Institute of Open Society and the office of the regional PRI for their professional, technical and financial support.

## General Information on Detention Facilities

There are seven detention facilities in Armenia: the penal institutions «Nubarashen», «Vanadzor», «Goris», «Gyumri», «Abovyan», «Vardashen» and «Yerevan Kentron». The «Nubarashen», «Vardashen», «Abovyan» and «Goris» penal institutions are used for holding both pre-trial detainees and convicted criminals.

The «Vardashen» penal institution is designated for the former law enforcement personnel. It has two buildings: one for administrative use and the other for prison.

The prison building in its turn has two zones: pre-trial detainees' zone and convicted criminals' zone. The building was thoroughly repaired in 2003-2005. Of all the penal institutions existing in Armenia at present, this is the only one where the conditions of the prisoners stand close to international standards.

The penal institution «Abovyan» is designated for women and juveniles. It has three zones: a zone for convicted women, a zone for convicted juveniles and one for pre-trial detainees (women and juveniles). Women and juveniles are held separately in the same building, on the same floor but in separate cells. The facility was built in 1958.

The penal institution «Goris» has a separate floor for those sentenced to life imprisonment. The cells on this floor are repaired. There are other convicted criminals and detainees on the same floor who are held in cells that are in an extremely bad state of repair.

The building was constructed in the first half of the 19<sup>th</sup> century and was used as barracks. In 1870 it was turned into a prison. The building was last repaired in 1987, although maintenance repairs are done regularly. It needs to be mentioned that it is located immediately next to residential buildings.

The «Gyumri» penal institution was built in 1928 and used to serve as a stable. The building was constructed on a site abundant in underground waters, so all kinds of repair work have proven ineffective.

The penal institution «Nubarashen» is the central detention facility in Armenia. It serves both as a place of detention and as a distributive institution. Most of the criminals sentenced to life imprisonment are held in this prison.

The building of «Nubarashen» was constructed in 1980. It has a circular shape and because of that the floor warden is incapable of watching the doors of all the cells. Because of the landslide, the base of the building is in danger. There are two buildings for the detainees: one six-storied circular building and another two-storied subsidiary one. The criminals sentenced to life imprisonment are held on the fifth floor. The sixth floor is the recreation walk space. The first floor of the subsidiary building is for household management purposes (convicts working at the institution are held on this floor). The second floor (subsidiary building # 6) is for the pre-trial detainees. As a result of basic repairs, the cell toilets have been separated. The institution has a flour mill and a bakery.

The «Yerevan Kentron» penal institution was formerly the isolation facility of the National Security. The building was constructed in the 40s of the 20<sup>th</sup> century.

The building of the «Vanadzor» penal institution was constructed in the 19<sup>th</sup> century and was used as a stable. The building is in an extremely bad state because it was built on a site abundant in underground waters. Due to the humidity, the regularly done exterior repairs are to no effect. The institution has been granted a new building and at present it is under reconstruction.

Regardless of the ongoing repairs, all the institutions, except for «Vardashen», need overall repair or reconstruction or even need to be moved.

The «Goris», «Gyumri», «Vanadzor» and «Yerevan Kentron» institutions are located in residential areas, immediately next to residential buildings.

Below is the list of the penal institutions of the Ministry of Justice of Armenia, with their full staff and classifications.

	Goris	Abovyan	Nubarashen	Vardashen	Vanadzor	Yerevan Kentron	Gyumri
Closed correctional institution	61	15	108	15	10	10	14
Including convicted criminals sentenced to imprisonment	10	10	32	10	10		10
Semi- closed correctional institution	30	40	12		20		
Semi-open correctional institution	13	81	47		64	13	5
Open correctional institution	5	50	10		5	5	
Places of detention	52	50	618		31	100	45
Total	161	236	795		135	128	60

## Penal Institution «Yerevan Kentron»

The «Yerevan Kentron» penal institution (superintendent H.Khlghatyan) is located in the building of National Security of RA. As far back as in the Soviet era it was used as an isolation facility by the Committee of National Security.

Unlike other penal institutions, this one was transferred to the jurisdiction of the Ministry of Justice only in January 2003 (the others were transferred in 2001). So far, the monitoring group has not found any legislative or sub-legislative document to authorize this institution to function as a detention facility. The observations made by the Group suggest that this institution is used for detaining individuals arrested for committing political crimes (for example, the representatives of the Opposition arrested during the demonstrations in April, 2004), foreigners, as well as, in special cases, individuals, the crimes committed by whom have *aroused public attention*. Unlike other penal institutions, the visits of the Group to «Yerevan Kentron» begin at the (pass) checkpoint of the National Security Services, which means that the penal institution and the National Security Services are regarded as the same.

The dwelling space in the cells at the «Yerevan Kentron» penal institution meets the standards. The cells have wooden floor, the beds are single size, with no other bed on top. The cells are constantly illuminated (the switch is outside). Besides the spy holes on the cell doors, there are also openings in the wall from which the entire cell can be watched.

The toilets in the cells are not separated.

The cells lack electric plugs, so the detainees use spirit lamps to make tea or coffee. And because there is no ventilation system in the cells, the crystals of the burning spirit have a harmful effect on the detainees' health. The detainees take a shower bath once a week. The shower room is located in the basement. It has only two showers which causes inconvenience to the detainees, for the cell inmates are taken to the shower room all at once and, often, 4 or 5 people have to take a shower under only two showers. The bedding is worn-out, the bedclothes have lost color and freshness. So the detainees mostly use bedclothes provided by their families.

The institution provides them with toilet paper, soap and toothpaste, but the female detainees do not receive sanitary napkins.

The detainees eat mainly the food prepared by their families. They say the quality of the food at the institution is poor.

At this institution, contact with the outside world is below the standards defined by the law. The radio center operating inside the institution broadcasts the programs of the radio station «Armenakob». The detainees are not allowed to have radio sets. Besides, the detainees cannot receive newspapers. Instead, they may read those picked by the superintendent (Hayastani Hanrapetutyun, Hayots Ashkhar, Azg). The detainees are deprived of any opportunity to use a telephone. Only, on certain occasions, some detainees, upon the superintendent's wish, are allowed to use his office telephone. The detainees do not have secrecy of correspondence. The letters are routinely opened and read, and the prison authorities dignify this by saying that they are looking for suspicious objects.

The foreigners at the «Yerevan Kentron» penal institution are not held separately from the citizens of RA. This is in contravention of the requirements of the Law of RA «On the Custody of Detainees and Prisoners» (article 31, paragraph 11). Besides, foreign citizens are not provided with an explanation of their rights in a comprehensible to them language.

Paragraph 5 of Article 31 of the «Law on Custody of Detainees and Prisoners» requires that the employees or former employees of law-courts, law enforcement forces, customs and tax agencies, as well as the servicemen or former servicemen of the police armed forces be held separately. Nevertheless, on December 30, 2005, former employee of the prosecutor's office, now lawyer Vahe Grigoryan was for no reason transferred from the «Vardashen» penal institution (for former law enforcement personnel) to «Yerevan Kentron» and was locked up in the same cell with other detainees, one of them being a habitual criminal.

The detainees at «Yerevan Kentron» and their lawyers suspect that their meetings are being secretly taped. When making this report an article was published in the newspaper «Aravot» (04.03.2006), according to which A. Mirzoyan, head of the Chief Prosecutor's Investigation Office had asked R. Apoyan, head of the Operative Technical Office of the National Security Services, to give an order to videotape and audiotape the private conversations between the defendants Zaven and Vladimir Mkrtychyan, held in this institution, and their lawyers and to report the results to the preliminary investigation officials.

Another case of unlawful detention at this institution was recorded in 2005. The detention date of Syla Asatryan had expired at 17:45 on November 23, 2005. The court of first instance had rejected the petition to extend her detention. The resolution had been submitted to the penal institution on the same day, at 11:00. On November 23, 2005, S.Asatryan, under the supervision of four institution employees was sent to the appeal court. The session of the appeal court was adjourned until the next day (24/11/2005), but instead of releasing her, the institution employees took her back to the detention facility where she was kept till the next day. The next day the appeal court passed a resolution on extending the date of her detention.

Upon the agreement with the Office of Penal Services of the Ministry of Justice, the booklets «The Rights of Detainees in Armenia» issued by the NGO «The Institute of Civil Society», must be distributed to all the cells of penal institutions. «Yerevan Kentron» is the only facility where these booklets were not distributed to.

The above mentioned facts prove that, although the «Yerevan Kentron» penal institution is *de jure* under the jurisdiction of the Ministry of Justice, *de facto* it is used as an isolation facility by the National Security Services.

#### Suggestions:

1. Install electric plugs in the cells to allow the detainees not to use unhealthy spirit lamps. It will also allow them to watch TV and listen to radio.
2. Install card telephones as is done in other penal institutions.
3. Allow the detainees to get the newspapers of their choice.
4. Install radio sets in the cells.
5. Separate the toilets in the cells.
6. Increase the number of showers.

Taking into consideration the fact that the «Yerevan Kentron» penal institution is located in the territory of the National Security Services and that it is technically impossible to separate these two institutions, we suggest that the «Yerevan Kentron» penal institution ceases to function.

## Penal Institution «Goris»

The «Goris» penal institution serves as a detention facility for the southern parts of Armenia and this is the only institution where the convicted criminals (the most dangerous offenders and those sentenced to life imprisonment) are kept under prison conditions.

There are two types of cells designated for the detainees. The cells vary in size and may house from two to twelve inmates. The cells for the inmates serving life imprisonment are well repaired. The others are in severe disrepair, with concrete floors, faded walls and dilapidated plumbing system. The toilets are not separated. The inmates complain of bedbugs. The «Goris» penal institution has a heating system, but because it is usually turned on in the beginning of December, on the day the Group visited the institution, on November 18, 2005, the temperature outside was 6°C at 21:30 in the evening and it was rather cold in the cells, nevertheless the detainees were not allowed to use electric heaters. Besides, they had only one blanket and would not get an extra one.

Despite the fact that there is permanent electricity in the institution (the lights are always turned on), electricity for daily use is supplied by a fixed schedule: four times a day, for only one hour. The superintendent explained to the Group that it was because the institution is allowed to consume only a limited amount of electricity. In our opinion that explanation is not valid, for, without permanent electricity in the cells, the inmates are unable to make a cup of tea or coffee, and they cannot watch TV.

The frame of the window in cell #34 fits loose to the wall. At daytime the whole window is removed to prevent it from falling down. Nobody knows how it is put back and fastened at night. One of the panes is missing.\*

The quality of the bread and food at this institution is satisfactory.

The dwelling space of the cells is approximately 4.5 square meters which is in contravention of international standards requiring at least 6 square meters of space. This might as well be considered an example of inhuman conditions.

The prisoners at this institution are in grave moral and psychological condition. The inmates, spending long hours locked up in cells, deprived of other human contact but with fellow inmates even when taken out for a walk, lacking opportunities for exercise, work, education or other activities, often get depressed. But they cannot receive professional help because the institution does not have a psychologist. In 2004 only there have been 2 suicide cases and several cases of self-mutilation.

\* During the next visit the Group was informed that the prison authorities, taking into consideration the warning of the Group, had transferred the inmates to another cell.

During the visit on November 17, 2005, the Group learned that one of the prisoners had resorted to hunger strike to protest his transfer to this institution. He demanded that he be transferred to another penal institution closer to his domicile on the grounds that his family was having financial hardships. Several times before he had sent applications with this request to the Ministry of Justice and the head of the Penal Office, but all his applications had been neglected.

To make things worse, this prisoner, because of the hunger strike, had been locked up in a punishment cell. We denounce this kind of act: it is not a solution to a problem, but another kind of punishment. The superintendent, of course, explained that any prisoner on hunger

strike must be isolated, and in the case of that particular prisoner, he had been put into a punishment cell because there were no other vacant cells.

Also, during one of the visits of the Group, a prisoner complained of his health. In his words, long before his arrest he had fractured his foot. As a result of multiple surgeries, he had had a metal bar implanted in his heel. During the arrest the bar had shifted. More than once the detainee had applied to the superintendent with the request to allow him to meet his doctor for a medical examination, but all his requests had been turned down. The detainee asked the Group to put in a word for him and convince the superintendent to give him an opportunity to have his foot examined and, if needed, allow his transfer to the Hospital for Prisoners for further examination and treatment. The Group discussed the problem with the superintendent, who in his turn not only promised not to cause obstacles to the doctor's visit, but also, if needed, to assist the detainee's transfer to the hospital. However, the Group was later informed by the detainee's father that although, he (the father) and the doctor visited the institution, they had been denied a meeting with the detainee. On the next visit of the Group, the superintendent denied all the allegations. The problem was reported to the head of the Penal Office, who, too, promised to solve the problem as soon as possible. After some time the father of the detainee, worried about his son's health, again inquired the Group on when his son would be granted a permission to undergo a medical examination. The Group again applied to the head of the Penal Office, who again promised to solve the problem and did not keep his promise for another three months. Later the Group was informed by the Penal Office authorities that the detainee had submitted a letter with his signature that he was unwilling to undergo a medical examination or be transferred to a hospital.

The detainees do not have the list of their rights and obligations, nor do they have the booklets «The Rights of the Detainees in Armenia» in their cells which is in contravention with the agreement between the «Institute of Civil Society» and the Penal Office.\* Due to this the detainees have no knowledge of most of their rights. For example, the detainees in both cells mentioned that the meetings with their families were possible only upon the written consent of the investigating officer. In the room for handing in packets for the detainees, the Group caught sight of an anonymous document attached to the wall which read the same long expired (since 2002) statement meant for the families of the detainees on the terms of visits. \*Later they were provided with copies of the booklet.

The superintendent was very surprised to hear about that and promised to correct the "miss".\*

The institution has only one quarantine cell. But because of cell shortage, the quarantine cell is always occupied by some detainee. This means that the institution does not conduct quarantine procedures.

#### Suggestions:

1. Thoroughly repair the cells and separate the toilets.
2. Periodically disinfect the cells against insects.
3. Build a sport facility to give the detainees an opportunity to exercise and do sports.
4. Give the detainees a 24hour opportunity to use electric plugs.
5. Provide the institution with a psychotherapist.
6. Stop using the punishment cells.
7. Use the quarantine cell to its purpose.

8. Provide the detainees with knowledge of their rights properly.
9. Never lock up a prisoner on hunger strike in the punishment cell.
10. Activate the heating system whenever needed to provide the cells with necessary temperature.

- During the next visit of the Group, the signboard had been corrected.

## Penal Institution «Vanadzor»

The building of the «Vanadzor» penal institution was constructed in the 19<sup>th</sup> century. It was constructed on a site with plenty underground waters, as a result of which the humidity level in the cells reaches 80%, which exceeds the permissible limit. High level of humidity causes a number of diseases, tuberculosis in particular.

The superintendent Sh. Alchangyan told the Group that the construction of a new building was under way and that it would be completed by the end of 2006. He assured that the first round of the construction, costing 200 m. drams, had been successfully completed and that after a short break, the second round was going to start on April 1, 2006.

In the institution 200 beds have been uninstalled to provide each prisoner with the required 4 square meters of dwelling space.

The prisoners suffering from tuberculosis are held in cells repaired by the Red Cross. These prisoners told the Group that the physician of the institution provided them with necessary medication and that they had no complaints about the medical services.

A list of the rights and obligations of the detainees is attached to the walls of each cell.

In the parcel admittance room there are paragraphs of the regulations on parcels and visitations. The interviews with the prisoners proved that the detainees were obviously aware of their rights on receiving parcels and the frequency of their visitations and they had no complaints about those things.

When asked about the bedding items, the prisoners told the Group that the bed linen was changed every week. There were some detainees who, upon the consent of the institution management, used their personal bed linen changed by their families.

The detainees told the Group that they could take a shower once a week for 12 – 20 minutes. They had no complaints about the quality of the food or ill-treatment by the personnel. There were no complaints about insects in the cells. The detainees complained of the absence of radios. The officials explained to the Group that there was an inner radio network in the institution, but, because the wireless radio station longer operates in the city of Vanadzor, it was impossible to use the inner network. The problem will be solved if the prisoners are allowed to use electric radio sets. The detainees also complained about the lack of other means of information, the absence of newspapers in particular. An institution employee explained that they receive the newspapers from the Penal Office and, by the time they get to the institution, they are old and no longer a source of the latest news.

The superintendent assured the Group that there have been no cases when the use of special measures was needed, at least, in his words, during his time in office (the last 4 years). The interviews with detainees too revealed no cases of use of special measures and no complaints about inhuman, degrading treatment.

The detainees said that during their admission to the penal institution they had been explained their rights and obligations.

At the same time, all the prisoners unanimously complained about the beatings, torture and psychological oppression by the police officers at the detention facilities and the isolation cells of the military police. The detainees assured that that kind of ill-treatment is rather common and that nobody can avoid it, neither the civilians nor the military. The Group researched the registers of admittance and examination of the prisoners and found out that most of the detainees were admitted to the penal institution with injuries.

During the visit the punishment and segregation cells were empty. The punishment room was dark even at daytime (at 12:00-13:00); the toilet was not separated. The once concrete floor was covered with wooden boards. The punishment cell is single size (5-6 square meters). The segregation cell had concrete walls and there was nothing in it, not even a toilet.

In both cells there was no list of rights and obligations.

Even though a new facility is being built for the institution, it is inhuman to keep people in such conditions.

## Penal Institution «Abovyan»

The «Abovyan» penal institution holds pre-trial and convicted women and juveniles. There is a separate building for the detainees, where women and juveniles are kept in separate cells. The building has 16 cells on 2 floors. The cells on the first floor are extremely humid and, taking into consideration the fact that the detainees are women and juveniles, it is undesirable to use those cells.

The cells are far not in a satisfactory condition. The size of the cells is less than 4 square meters. «Abovyan» is the only penal institution where the window bars are fastened from both- inside and outside. Due to this the detainees are unable to open the windows. In summer, for the purpose of airing, the management removes the window glasses, but it is not a solution to the problem. It is worth mentioning that, recently, for safety reasons, window bars from inside have been installed in the cells of the prisoners serving life imprisonment, but even so they are fastened in such a way that the prisoners are able to open the windows.

The plumbing system in the cells is extremely old. The institution does not have a heating system. In winter the cells are heated with electric appliances, but at night the heaters are turned off and, as a result, the prisoners are cold. The management explains that the heaters are being turned off to save electricity.

The female prisoners complain of the lack of opportunity to take care of their personal hygiene. The law requires that detainees be allowed to take a shower at least once a week. This does not necessarily mean that, women in particular cannot be given an opportunity to bathe more frequently. But the management does not seem to consider this matter. The plumbing system in some cells is installed so that the cells may have a shower room in them. If certain reforms are made, women will have an opportunity to bathe more frequently. Besides, despite the fact that the government resolution «On the Ratio of Food, Clothing, Bedding and Sanitary Items for People Being Held at the Penal Institutions» requires that women be provided with sanitary items, the institution does not receive those items from the state. The detainees are provided with sanitary items by their families or charity organizations.

The institution has only one walking place. Taking into consideration the fact that the women and the juveniles are allowed to go out for a walk for two hours a day, one walking place is obviously not enough.

«Abovyan» has four visiting rooms, which, too, need to be repaired. Chairs and half broken armchairs are the only pieces of furniture in the rooms. There is no heating system and none is going to be installed. In two rooms there are no plugs. This means that that is impossible to heat the rooms even with electric appliances. One of the rooms has no windows, the others do, but because the windows have been painted, it is impossible to open them.

The conversations taking place inside the visiting rooms can be easily heard outside.

There are no toilets nearby. The lack of toilets and heating affects the duration of the visits.

There is no special room designated for delivering the parcels. They are handed in through a window facing the street. There are no documents displayed about the regulations of parcel delivery. The relatives have to line up in the street and wait till

their parcels are accepted. Another inconvenience is caused by the absence of a toilet. The nearest one is located in the management building. During one of its visits, the Group witnessed an incident when a visitor with a young child, after having lined up for hours to deliver a parcel, was told by the employees that their working day was over and that the parcel could not be accepted. Considering the fact that «Abovyan» is the only penal institution in Armenia which is especially designated for women and juveniles and that often their families come to visit them from remote parts of the republic, we think that this kind of treatment is indecent.

In the end we would like to emphasize that although in recent years a number of penal institutions have been reformed and repaired, «Abovyan» seems to have been neglected. This seems especially unfair when we compare the conditions in which women and juveniles are held with those created for former law enforcement personnel.

#### Suggestions:

1. As a first priority repair the building for the detainees.
2. Considering the fact that the cells are heated with electric heaters, provide the cells with 24 hour electricity.
3. Increase the frequency of showers for women.
4. Provide the female detainees with sanitary items.
5. Build a waiting room and display necessary documents and information.
6. Repair the visiting rooms. Build toilets nearby which can be used by the visitors and the detainees.
7. Increase the number of the walking places.
8. Stop using the cells on the first floor.

## **Penal Institution «Nubarashen»**

«Nubarashen» is the central penal institution of Armenia. It serves as both a detention facility and a distributional institution. Most of the prisoners sentenced to life imprisonment are held in «Nubarashen».

All the cells in this institution have the same size (30 square meters) and were originally designed to hold 12 people, with the exception of the subsidiary building # 6. But in recent years 2 to 4 beds have been uninstalled to provide each prisoner with the standard 4 square meter dwelling space. As a result of recent repairs the toilets have been separated. Most of the windows are covered with polyethylene films instead of glass. The detainees do not have small personal chests.

The sixth department of the institution is located on the second floor of the subsidiary building. The department has 15 cells. The prisoners here are arranged in such a way that, depending on the nature of the crime, they are more isolated from the others. They are kept in strict order.

The department has its shower room and a walking place. The shower room consists of the entrance hall and the shower compartment. The walls of the entrance hall are oil painted and have hooks for hanging clothes. The shower compartment has 5 showers.

The indicated one hour walking time is not observed. It is explained by the fact that the institution does not have a sufficient number of employees. There are no sport equipments in the walking place.

Several times the monitoring group has applied to the management with the request to provide the prisoners in the quarantine cells with bedding. The request is still unsolved.

There have been complaints that the letters written by the prisoners did not reach their families. Also, there have been cases when the prisoners were denied a request to meet with reporters.

In 2005, the Group has received warnings about violent treatment of the prisoners by the staff of the institution (see paragraph about «Torture and Inhumane Treatment»). It is a shame that such problems exist and that they are not being sufficiently investigated. In our opinion the Ministry of Justice should conduct fair and thorough investigation of such cases to prevent them from happening in the future.

Suggestions:

1. Provide the prisoners with the daily one-hour walk time.
2. Improve the quality of the food.
3. Secure the prisoner's right and secrecy of correspondence.
4. Provide the prisoners in the quarantine cells with bedding items.
5. Provide the prisoners with opportunities to do sports.

## **Penal Institution «Vardashen»**

«Vardashen» is designated for the former employees of law enforcement agencies. The institution consists of two subsidiary buildings: one for administrative use and the other for prison. The prison building has two zones: one detainees' zone and one prisoners' zone.

The building was thoroughly repaired in 2003-2005. The windows have been replaced with modern ones. At present, the cells are mainly for 2-4 people. The flooring is made of wood. The toilets are separated and tiled. The quality of the food is satisfactory. Although the switches are installed outside the cells, «Vardashen» is the only institution where there are two types of lamps: fluorescent and night. Each prisoner has a small chest for personal belongings.

The institution has two big walking grounds. Unlike the other penal institutions, the walking places here do not have barred roofs. The detainees are taken out for a walk not together with the inmates of the same cell but in a random order (seen to that detainees charged with the same crime do not come in touch with one another). This has a positive psychological impact, for the detainees have an opportunity to communicate with people other than their inmates.

The results of inquiries conducted here indicate that, unlike other penal institutions, the treatment of the detainees by the prison staff is more favorable.

Of all the penal institutions presently functioning in Armenia, «Vardashen» is the only one where the conditions of the detainees stand closer to the international standards.

## **Penal Institution «Gyumri»**

The institution has 24 cells, of which 18 have been repaired. The toilets are partially separated (partitioned with walls). The site on which this penal institution was built is rich in underground waters. Due to this, any repair work conducted here has proved ineffective. The prison authorities informed the Group that they have reached an agreement with the Red Cross to conduct works for pumping out the underground waters.

There is no radio transmission in the cells.

Recently the medical staff of the institution has been manned with new specialists: a surgeon, a dentist and an otolaryngologist. The medical facility is located in a detached one-storied building which cannot be repaired because of extremely high level humidity. The visiting room is very small and it is impossible to hold as many visits as it has been defined by the law.

## Food

The ratio of food at the detention facilities is defined by the government resolution «On the Average Daily Ratio of Food for People in Penal Institutions of the Ministry of Justice». But the members of the Group have never seen most of the foodstuff mentioned in the menu (fruits, juice, cheese, milk, eggs, etc.).

The penal institutions are supplied with the foodstuff by the Penal Office, on the basis of centralized delivery. That is, the Penal Office purchases the necessary foodstuff in accordance with the «National Purchase» law and distributes them to the institutions. Due to this, the institution management cannot take responsibility for the lack or bad quality of the foodstuff. Besides, this system of supplying is costly, as the stuff is delivered from Yerevan, and the institutions in other marzes (regions) pay a considerable amount of money for the transportation. In our opinion it would be more reasonable if the money for purchasing foodstuff were allotted directly to the institutions. In that case the institution would be responsible for the quality and the variety of the food.

The quality of the food, except for few institutions, is not satisfactory. Because of this, whenever they have a chance, the prisoners avoid eating the food provided by the institution. The food is cooked by fellow prisoners, who are in charge of the household managing but are not professional cooks, nor have received proper training.

In some institutions (Nubarashen, Gyumri), the kitchens are in an unsanitary condition. During the visits the Group never had a chance to examine the samples of the food from the previous day. In case an epidemic breaks out, having the samples of the food will help to find out the cause of the disease.

The kitchens do not have refrigerators for storing the foodstuff delivered from the warehouse. Refrigerators are especially necessary during the holidays when the food is delivered beforehand.

Not all institutions provide diet food to the prisoners who need them.

Most of the warehouses for food are in severe disrepair which causes most of the foodstuff go bad in a short time. The pickle pits are in an unsanitary condition.

The Group was informed that, at the penal institution «Goris», the prisoners, as a punishment, have more than once been deprived of food. There have been complaints also from «Nubarashen», that prisoners locked up in punishment cells do not get food. This is a flagrant violation of the law of the Republic of Armenia and of international standards.

The quality of the bread varies. The penal institutions «Nubarashen», «Goris» and «Vanadzor» have their bakeries. «Nubarashen» even has a flour mill. The quality of the bread in «Goris» and «Vanadzor» is satisfactory, but in «Nubarashen» the prisoners unanimously complained that the bread is damp and sour. The Group visited the bakery and confirmed that the quality of the bread was really not good.

It has been internationally proved that it is possible to improve the quality of the food in penal institutions easily if the staff of the institution is allowed to eat the same food with the prisoners. In Armenia it is still prohibited. Moreover, often the prison cooks prepare their meals separately and do not eat the same meal they cook for the prisoners.

Suggestions:

1. Improve the quality of the food.

2. Create proper conditions for storing foodstuff in the warehouses.
3. Keep the kitchens clean and germfree.
4. Install refrigerators in the kitchens.
5. Provide diet food at all the institutions.
6. Provide the prisoners with the food they are supposed to get according to the list made by the government.
7. Allot the money for purchasing foodstuff directly to the institutions.

## Medical Services

The medical services at all the institutions are not satisfactory. The penal institutions lack specialists as well as medical equipment and medicine. Only «Nubarashen» penal institution has a fluoroscopy device. Approximately every six months a fluoroscopy van arrives at the institutions and conducts an x-ray examination of the detainees. In our opinion not having an opportunity to diagnose tuberculosis in its latent period will make it even more difficult to fight the spread of the disease. The same applies also to other communicable diseases. Again only «Nubarashen» has different medical specialists, including a psychotherapist. Psychotherapy services are needed especially at the penal institution «Goris», where the prisoners are held in strict prison conditions.

The dentists mostly pull out the teeth only. Their equipments are old and unfit to be used for treatment. The medicine, supplied by the centralized penal institution «Hospital for the Prisoners», lacks variety and quantity. The prisoners, as a rule, use the medicine provided by their families. This means that the existing centralized system of supplying proves ineffective, and that the institutions should be given opportunities to purchase medicine by themselves by allotting a certain amount of money to them or create a chain of drugstores where the medicine could be purchased on credit. Only this would enable them to provide the prisoners with the necessary medication in the event of an emergency.

Paragraph 21 of «The Law on the Custody of Detainees and Prisoners» requires: «Any arrested or detained individual who needs professional medical help be transferred to a specialized or a civilian medical institution». But this requirement is not met properly because of lengthy bureaucratic proceedings.

The observations conducted by the Group confirm that the medical records present only concise description of the injuries and rarely include the explanation given by the prisoner about how he or she had got the injury. Private talks with the detainees confirm that medical examinations are often conducted in the presence of people other than the medical staff. This is a violation of the right on medical privacy and may prevent the detainees from giving accurate accounts of what happened.

Sometimes the detainees are not informed that they have to undergo a medical examination by the medical staff of the institution immediately after being admitted to the detention facility. Otherwise how can one explain the fact that the detainee A.V. held at the penal institution «Nubarashen», was transferred to a psychiatric hospital only after the Group's interference, despite the fact that his personal files included a medical certificate issued by the State Psychiatric Hospital verifying that he suffers from a psychiatric disease.

### Suggestions:

1. Provide the penal institutions with medical equipment, especially with a fluoroscopic device, and stomatological equipment.
2. Allocate the money for purchasing medicine to the penal institutions to enable them to provide the necessary variety and quantity of medicine.
3. Regulate and simplify the procedure of transferring a detainee to a civilian hospital whenever needed.
4. Sign an agreement with civilian health institutions, according to which medical

specialists will regularly visit the penal institutions.

5. To improve the quality of medical care, assign the medical services at the penal institutions to the Ministry of Health.
6. Record all the announcements made by the individuals undergoing a medical examination (including the description of their health conditions and, if any, the cases of ill treatment), as well as the objective results of detailed medical examination. Report the cases of bodily injuries to the corresponding authorities.
7. Exclude the presence of non- medical staff (law enforcement authorities) during the medical examinations.
8. Respect the privacy of the detainees seeking medical help, (allow them to send their complaints to the doctor in a sealed envelope). The prison authorities should by no means try to restrain the detainees request to consult a doctor.

## Psychological Problems at the Penal Institutions

**As a result of visits and observations made at the penal institutions in 2005 the Group has come to the following conclusions:**

In order to create favorable psychological atmosphere and normal human relations at the penal institutions, it is important to improve the conditions in the cells and to prevent overcrowding.

The «examination card of a detainee» and the «personal card of a prisoner» system, introduced by the department of socio- psychological and legal matters of the Penal Office, has proved effective, especially at the penal institutions «Abovyan», «Erebuni», «Gyumri» and «Yerevan Kentron».

The psychological condition of a detainee depends greatly on the good medical care that he or she can receive at the institution. But not all penal institutions can provide proper medical services due to the lack of specialists and medical equipment.

Another problem worth consideration is the problem of idleness. Extreme social isolation and forced idleness have a negative influence on the process of their rehabilitation (reform) and their return to the society. The problem of idleness is partially solved at the penal institution «Abovyan».

Despite the fact that some of the institutions have psychotherapy services, these services are still not satisfactory.

### Suggestions:

1. Pay special attention to the psychological condition of the employees of the penal institutions.
2. In order to improve the quality of the psychological services, organize proficiency and training courses for the psychologists, social workers and other social servants. With the support of the Ministry of Justice such training courses have been held for various employees of the penal institutions.
3. Compile psychology manuals for the employees of the penal institutions.
4. Reveal and treat the psychological distortions that occur in people from the moment of the arrest.
5. Study and improve the human relations and the socio- psychological atmosphere at the penal institutions.
6. Create favorable psychological conditions for the rehabilitation of the prisoners and their becoming a full and equal member of the society.
7. Study and improve the psychological condition of the employees of the penal institutions.

## Contact with the Outside World

### Visits

According to the Law of RA «On the Custody of Detainees and Prisoners», the detainees have the right to receive three-hour long visits at least twice a month. The preliminary investigation may prohibit the detainee from meeting with family members, representatives of ՁԼՄ s and other people. Practically, this is regarded by the prison authorities as a permission to have maximum two visits a month. Moreover, at some institutions, the next visit can be scheduled only with an interval of 15 days. It is also a common rule that newly admitted detainees are not allowed to receive visits the first 15 days.

There are problems with visits at the penal institution «Goris». Most of the prisoners were convinced that, while in custody, they may meet with their families only upon the permission of the investigator. There were other prisoners who knew the law, but thought that the investigator had prohibited their visits, although the prison authorities assured that they never received a document written by the investigators about prohibiting the visits. This proves that the prisoners are not being informed about their rights.

The number and the conditions of the visiting rooms vary. And there is no criterion for regulating the number of the visiting rooms depending on the number of the prisoners. As a result, the visiting rooms in «Abovyan» are almost always empty, while in «Nubarashen» there are long lines in front of them, which affects the duration of the visit.

Below are the data of the number of the visiting rooms and the number of the possible simultaneous visits.

	Yerevan Kentron	Nubarashen	Abovyan	Gyumri	Goris	Vanadzor	Vardashen
Number of the visiting rooms	3	1	4	1	2	3	1
Rooms for meeting with children under 5 years of age	-	1	-	-	-	1	-
Number of possible simultaneous visits	3	7	4	3	1	2	5

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Number of simultaneous visits with children under 5 years of age	-	1	-	-	-	1	-
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At «Yerevan Kentron» there is no distinction between the visiting rooms used for

meeting with the investigator and the family members. The visiting rooms are heated. There is a sofa, a chair and an armchair in the room. The floor is parquetted, the walls are covered with wallpaper and there are hangers. There is an announcement on the wall in English and Armenian languages, explaining how to exit the room. There is a calling button. There is a toilet nearby.

There are four different size visiting rooms at the penal institution «Abovyan». The rooms are in poor condition. There are no documents on the walls. All the rooms lack ventilation. The rooms are not heated. In two of the rooms there are no electric plugs, which means, that it is impossible to heat the rooms even with electric heaters. There is no toilet.

At «Gyumri» the visiting room can be used for three simultaneous meetings. There is a partition between the detainees and visitors, but none between the detainees. Practically it is not even possible to make one because the room is too small (3m+2m), there is only one entrance for both the detainees and the visitors. There is no heating system. The floor is made of concrete. The rooms lack documents. There is a repaired toilet nearby, but because of humidity, the tiles are falling out.

In the isolation facility of the penal institution «Nubarashen» there is a joint visiting room where 7 simultaneous meetings can be conducted. The visiting cells are partitioned with glass, have a small but tall iron bench, fastened to the wall. The room lacks windows and is not ventilated. The illumination is only artificial. Nearby there is no toilet for the visitors.

As a visiting place, at the penal institution «Vanadzor», the open space at the end of the corridor is used, which is separated with a metal net. It has two tables and two benches. There is a small window under the ceiling which opens to the street. In winter it is very cold in the room.

The visiting room at «Goris» penal institution has four glass wall cells, but they are not being used. The visits take place in the corridor. The room has no windows. The toilet is located next to the room.

It is worth mentioning that at the penal institutions «Nubarashen» and «Vanadzor» there are also specially furnished rooms for meetings with children under 5. These rooms have a sofa, an armchair, toys and pictures.

In our opinion it is very important to have such rooms when meeting with young children, because in such rooms the children do not feel too much emotional stress.

From the above mentioned facts it is obvious that there is no common approach in the ways of furnishing the visiting rooms. At some institutions it is possible to have an immediate contact with a detainee, at some it is not. This causes inequality among the detainees held at different institutions.

Also, it should be mentioned that the penal institutions do not do everything in their powers to provide the detainees with their lawful right to have a three-hour visit.

As for the problem of the prohibition of visits by the criminal investigator, the Law of the Republic of Armenia does not demand that they be prohibited for this or that period of time, but there is one resolution which requires that all kinds of visits be denied throughout the preliminary investigation and the hearing of the case. The CPT states that the denial of visits at the investigation isolation facilities may be significant for the preliminary investigation but the prohibition must, by all means, be substantiated by the matter of the case and be realized for the shortest period of time possible.\*

We think that changes should be made in the Law according to which the prohibition of the visits, like detention should be defined for a certain period of time (one or two months)

and later, upon need, be extended. Moreover, the resolution to prohibit the visits during the preliminary investigation should be carried by the law court, together with the person investigating the case, and the involvement should be substantiated.

Often the detainees are denied meetings with reporters, which, too is a violation of the Law.

## **Correspondence**

According to the Law «On the Custody of Detainees and Prisoners», correspondence should not be prohibited and the letters may be censored only upon the resolution of the law court. The detainees have the right to write and send as many letters and telegrams as they want as long as they pay for them personally. The mailing and receiving of the letters is conducted by the management of the detention facility by checking them from outside to prevent any transfer of forbidden objects through them without reading the contents of the letters.\*

Although recently only a few use letters as a means of correspondence, because at most penal institutions, except for «Yerevan Kentron», telephones have been installed, we should not ignore the problems that exist in the legal system.

Neither the Law, nor the Inner Regulations protect the secrecy of correspondence. In fact, the detainees who still make use of letters as a means of correspondence, mention that they hand in the letters to the staff without sealing them.

\* CPT, Visit to the Ukraine, 2000.

\* Article 17

The staff seals the letters and mails them, in the absence of the detainees. We wonder what the letter checker will do if he suspects that there is a forbidden object or substance inside the sealed letter. The problem of checking letters for illegal objects and substances may be easily solved by using scanners and only in the presence of the detainees. Besides, is there any need to check the letters sent from the prison? As we all know the Law prohibits the possession of all kinds of illegal objects and substances.

Another problem yet to be legally regulated is the problem of censorship. The Law defines that the censorship be conducted by the criminal investigation, but it does not define what kind of censorship may be conducted. If the censor finds information hindering the investigation, what happens to the letter? Is it returned to the detainee or is it sent to the addressee only after erasing the undesirable information? Is the detainee being informed of the results of the censoring?

We think that changes should be made in the Law according to which the permission of censorship should be defined for a certain period of time and later, upon need, be extended.

## **Telephone Communication**

Starting from 2002, telephones are being installed at the penal institutions.

The detainees use the telephones according to the timetable formed by the administration of the institution.

In our opinion, there is a need to regulate the minimum number of calls a detainee has the right to make (as has it been done in the case of visits).

We would like to emphasize again that there are still no telephones only at the penal institution «Yerevan Kentron». We hope that the problem will not be neglected by the Penal Office and will be solved in the nearest future.

### **Parcels**

According to the RA Law «On the Custody of Detainees and Prisoners», detainees have the right to receive seventy kilograms of parcels a month. They may receive the parcels all at once or in parts (article 22).

At the penal institution «Yerevan Kentron» the parcels, as a rule, are admitted with an interval of at least seven days. This is a violation of the law. Besides, taking into consideration the fact that there are no refrigerators in the institution, it is a big problem for the detainees. The parcel delivery rooms are rarely heated.

### **Libraries**

The number of the books in the libraries of the penal institutions vary (300- 3000). Those are mostly books from the Soviet era and are not maintained properly. New books come in rarely, as charity donations.

The library of the penal institution «Gyumri» is the only one worth presenting. The books here are arranged in alphabetical order / Armenian and Russian books separately/, there is a card index and a special register with the help of which the detainees are able to choose the books they are interested in. It is preferable that other penal institutions too apply this kind of system to make it easy for the detainees to choose the books.

It is necessary to provide the penal institutions with new books and create normal conditions for maintaining them.

## Refreshment Walks

According to the Law «On the Custody of Detainees and Prisoners» (article 16), detainees must have no less than a one-hour walk every day. Moreover, women and juveniles have the right to take a walk for at least two hours.

The walking places have benches, one of the walls is roofed with a 0.5 meter wide tin board to protect them from the rain.

Below is the number of the walking places at various penal institutions.

«Yerevan Kentron»	6
«Gyumri»	3
«Nubarashen»	27
«Goris»	4
«Abovyan»	1
«Vardashen»	2
«Vanadzor»	2

Although the penal institution «Nubarashen» has all the possibilities to organize walks, most of the problems occur especially at this institution. On days off there are no walks at all because of the insufficiency of the staff.

Besides, although the Inner Regulation requires that there be appropriate spaces for physical exercise, only «Gyumri» has a similar space at one of its walking grounds, where there are dumb-bells and a weight, and the walking place of the hospital department of «Nubarashen», where there is a hand made horizontal bar.

CPT suggests that the detainees leave their cells for eight hours every day. But none of the penal institutions in Armenia have the proper conditions for meeting this requirement. Taking into consideration the fact that most of the penal institutions are being reformed and reconstructed, it is time to create facilities where the detainees can spend time outside their cells.

## Prevention of Torture and Inhumane Treatment

In Armenia, cases of torture, inhuman and humiliating treatment occur mostly at the police departments, during the questioning. The main purpose of such treatment is to extort testimony, in certain cases, to punish the detainee.

On November 30, 2005, the Group visited the penal institution «Nubarashen» upon the written request of the mother of a detainee. The interview with the detainee revealed that he had been brutally beaten, as it had been described in the letter of the mother. He had been beaten in the presence of two people. He had been hit in the legs and hands to extort testimony and then he had been forced to sign a document, with no knowledge of the contents of the paper. The incident had happened at the police station, in the presence of an attorney (assigned by the state). Only after he had signed the papers, the attorney had informed him of the contents of the investigation. The detainee also told the Group that in two months he had met with his attorney only one time, and that the attorney had asked him for money to present his case properly.

Article 38 of the Law «On the Custody of Detainees and Prisoners» on the use of excessive force at the penal institutions, was generalized and did not regulate what kind of force could be used in a certain situation. On August 27, 2005, the Article was declared void. Besides, using any kind of force at the penal institutions is illegal.

After the penal system was transferred under the jurisdiction of the Ministry of Justice, there was an impression that torture was no longer practiced at the penal institutions. This was confirmed in the reports of the observations by various public organizations, as well as in the 2004 annual report of the monitoring group.

But in 2005 the Group recorded cases of torture and inhumane treatment especially at the penal institution «Nubarashen». The Group considers that these cases of torture and inhuman treatment were of punitive character. But at the Penal Office they were considered as use of force within the law.

On May 4, 2005, the monitoring group received a call, alerting that the detainee M. Yenokyan, sentenced to life imprisonment at the penal institution «Nubarashen», had been exposed to violence. The same day, the members of the Group M. Aramyan, A. Danielyan, M. Baghdasaryan visited the institution and met with superintendent, the vice superintendent, responsible for security, the head of the social-psychological services, the head of the medical services and the prisoner. The superintendent confirmed that there had been use of excessive force against M. Yenokyan. In his words, on April 30, it had been revealed that Yenokyan was going to attempt an escape, for that reason he had been incurred to spending 10 days in the punishment cell. Before being transferred to the punishment cell, he had not obeyed the demand of the officer to be searched. For that reason, upon the order of the superintendent, special measures had been taken against M. Yenokyan (a rubber truncheon), after which he had been taken to the punishment cell. The incident had been recorded and reported to the authorities.

During the interview with the detainee the Group found out that he had been exposed to brutal beatings, as a result of which he had wounds on his face, temples and the nose and had bruises on his right eye and left ear. The wounds did not look like they had been caused by hitting with a truncheon. But, there were traces of truncheon strokes on his back. There were wounds on his wrists, arms and legs. The wounds on the wrists he had most probably

got from the handcuffs he had been put on during the use of special measures.

The interviews also revealed that no employee of social-psychological services ever met with the detainee, neither before nor after the incident. As for the medical services of the institution, the head of the medical services informed the Group that after the incident the detainee had received medical care (had been given painkiller drugs), but the doctor had not keep records of the bodily injuries. He said that, as a rule, they do not keep records of the injuries a detainee receives while being held at the penal institution.

The facts recorded by the Group point out that, even if we assume that the detainee had not obeyed the officer's demand and that the latter had to put handcuffs on him, a handcuffed person could not put up such resistance to suppress which it would be necessary to use such force that would cause the above described injuries.

The Group presented the incident in a written form to the Minister of Justice (see Appendix 1), requiring that proper measures be taken to denounce the violent act and conduct an immediate forensic medical investigation.

In response, the Group received a note signed by the head of the Supervisors' Office of the Ministry of Justice V. Stepanyan (Ե-4285), informing that the case had been investigated and that «the use of a rubber truncheon had been necessary for maintaining law and order at the correctional facility» (see Appendix 2).

On May 30, the members of the Group paid an additional visit to the penal institution «Nubarashen», only to find out that during the investigation mentioned in the answering letter, nobody had a talk with Yenokyan. As for the medical card, it included the data of his blood pressure taken on April 30<sup>th</sup>, May 3<sup>rd</sup> and 5<sup>th</sup> and the fact that he had received medical care. There was no mentioning about the bodily injuries he had received during the incident on April 30. Because Yenokyan was complaining of pain in the ribs, the medical staff took an x-ray picture, but the detainee was not informed of the results of the examination.

The response of the head of the Supervisors' Office of the Ministry of Justice V. Stepanyan that the use of force had not exceeded the permissible limits is not adequate, and we believe it had been aimed at punishing the detainee.

During the same visit, the Group learned that on April 12, 2005, there had been another case of violent act by the staff of the institution against the detainee Soghomon Kocharyan, also sentenced to life imprisonment. S. Kocharyan was complaining that after the incident, possibly as a result of injuries, he had an internal bleeding and a sore wrist (probably fractured). The swelling of the wrist could be seen with the naked eye. After the beatings the detainee had been locked up in the punishment cell (the fact was not denied by the superintendent). But there is no record in his personal file mentioning that he had been taken to the punishment cell. As for the medical care, there is no such record in his medical card. Despite the fact that the prison authorities promised the Group that they would conduct a fluoroscopic examination of the detainee, they never did (see Appendix 3).

The answering letter by the head of the Supervisors' Office V. Stepanyan reads: "The questions, raised by you in your letter #07, dated 05.05.2005, about the use of special measures against the detainees, have been comprehensively answered to by us in the note # Ե -4285, dated 25.05.2005" (see Appendix 4). Thus, the questions considering the violent act against the detainee Kocharyan and his unrecorded seclusion in the punishment cell, remain unanswered.

On August 18, the chairman of the monitoring group Temik Khalapyan and member

Mikayel Aramyan, responding to a call, were visiting «Nubarashen» to meet with the detained Artyom Avagyan, who had been beaten up by the security guards at the penal institution «Hospital for the Detainees». During the interview, the detainee told the Group members that he had been bashed by the security guards with rubber truncheons and iron bats. The observers could see the traces of torture on his head and other parts of his body.

At that very same time, in the next room, another detainee was being beaten up. Hearing him scream, Aramyan approached the door and witnessed how he was being kicked at. Aramyan tried to ask what the matter was. His interference aroused the dissatisfaction of the chief specialist of security services V. Ohanyan, who finding out who they were and why they were there, demanded that they leave the premises of the institution, by telling them that it was none of their business and that he could beat the detainee as much as he pleased.

The incident was discussed at the superintendent A. Sargsyan's office, who promised to investigate the matter and respond to the Group in a written form, but we have not heard from him yet.

This was the first incident in the two year long activity of the Group when the activity was hampered (see Appendix 5, 6).

On August 19, the superintendent of the penal institution A. Sargsyan had informed the members of the monitoring group M. Baghdasaryan and A. Sakunts that he would not allow them to take pictures of the detainee R. Sargsyan who was on a hunger strike. Moreover, at the end of the visit, he had not allowed the observers to look through the medical cards of the detainees Rudik Sargsyan, Musa Serobyan and Arayik Zalyan, despite the fact that the observers had the written consent of the detainees. The superintendent had just told them that he had been ordered not to.

The following article was published in the January 11, 2006 issue of the newspaper «Aravot». The day before, «Aravot» had received a call that the detainees in the cell #88 Aram Petrosyan, Hakob Khachatryan and Artak Alekryan, held at the penal institution «Nubarashen» had been brutally beaten. All of them were serving life imprisonment. The press secretary of the Ministry of Justice Ara Saghatelyan had informed the newspaper that they had been conducting an investigation into the incident, which had happened on December 23, 2005. On that day, at around 17:30, a special search conducted in the cell #88 had disclosed a hiding place in the back of the toilet. Our sources at the penal institution informed us that 3 plastic bottles filled with alcohol, 61 saws, pieces of 4 broken saws, 4 steel frameworks, sand in 0.5 liter bottles, cement, plaster, metal wires, hand made ropes had been discovered at the hiding place. Prisoners Alekryan, Khachatryan and Petrosyan had tried to stop them from removing those items from the cell. The employees of the institution had used excessive force and special measures. As far as we know, the detainees had refused to give neither oral nor written explanation of what had happened. The same detainees used to be held in the cell #85 in 2005, and on April 26, the search conducted in that cell had revealed 8 saws, a hand made saw, a rope, etc. It had been discovered that three of the window bars had been broken. The investigation had labeled the act as an attempt to escape, the detainees had been tried and sentenced to two years of punitive service.

Two members of the monitoring group, Mikayel Baghdasaryan and Avetik Ishkhanyan visited the penal institution «Nubarashen» on January 19, had an interview with the detainees, only to find out that everything that had been published in the newspaper «Aravot» was true and that the detainees in question had been brutally beaten.

The Group took the case to the Minister of Justice and the chief prosecutor of the republic.

The chief prosecutor not only did not respond to the letter of the Group, but also did not reflect on the incident.

And, as for the Supervisors' Office of the Ministry of Justice, who had promised to hold an inquiry into the incident, it did not even send its employees to the penal institution to meet with the victimized detainees.

The above mentioned facts prove that there have been violations of the Articles 12 and 13 of the UNO Convention on «Against Torture, Severe, Inhumane and Degrading Treatment and Other Means of Punishment», as well as of Article 3 of the European Convention «On Prevention of Torture and Inhumane or Degrading Treatment or Punishment».

## **Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

## **Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Similar cases are the well known resolutions of the European Court on Human Rights «Asenov vs Bulgaria», «Veznedaroglu vs Turkey», «Aydin vs Turkey», «Poltoratski vs the Ukraine» (see Appendix 7).

Thus it is still early to talk about the abolition of torture and inhuman treatment at the penal institutions.

Suggestions:

1. Clearly define in the RA Law «On the Custody of Detainees and Prisoners»
  - a. the use of force within the limits of law,
  - b. the necessity, cases and ways of special measures
2. Ensure that an investigation is not a mere formality.
3. Make the supervisory powers more effective
4. In case acts of torture and inhuman treatment are revealed, take proper steps to punish the law breakers.
5. Conduct additional training for the employees of the penal institutions.
6. Individuals in custody, against whom excessive force has been used, must have the right to be examined immediately and, if necessary receive medical treatment. Every case of excessive force use must be recorded.
7. A person deprived of his liberty must be informed in a written form of the punishment he will receive, must be given an opportunity to express his viewpoint and complain to competent authorities.

## The Staff of the Penal Institutions and Their Problems

Several problems were drawn forth during the interviews with the employees of the penal institutions.

The first and foremost problem was that of the salaries. In the opinion of the employees, taking into consideration the nature of their jobs at the penal institutions, their salaries should be at least 200000 drams. The raise in the salaries would decrease the percentage of corruption that exists in the system. Among other problems, the administration also mentioned that the employees do not avail themselves of any privileges, despite the fact that according to the law «On the Social Security of Military Servicemen and Their Families» they are entitled to a number of privileges.

The employees of penal institutions are not provided with means of transportation. None of the penal institutions has its own business transportation, and the privileges of using public transportation are practically not applicable, due to the fact that most of the means of transportation are private business and the drivers react negatively when they see the certificates produced by the employees.

As for the problem of providing the employees with uniforms, the uniforms of the employees of the penal institutions are going to be changed, but it has not yet been decided what they are going to look like. For that reason new uniforms are not being made and the old ones are no longer distributed to the staff. The employees have to buy their uniforms by themselves.

The penal institutions do not provide the employees with food and there are no diners for them. So, those employees who have to work for 24 hours, bring their one day food provision and eat at their desks. The exception is the penal institution «Nubarashen», where the management has built a diner for the employees in the administration building, where they can cook themselves. The offices of the staff are in a bad state. This especially concerns to the staff who work immediately with the prisoners. Their rooms are almost in the same state as the prison cells.

The employees themselves feel that they need re-qualification training- «The approaches must be renewed; the principles of treatment of the detainees must be changed». The Penal Office is now conducting short term training for the employees.

The security guards do not take physical training courses; they do no master self defense skills.

The penal institutions need to recruit additional employees.

We regret that, although the government of Armenia is reforming its penal structures to defend the rights of the detainees to meet the requirements of the European standards, it ignores the humiliating working conditions of the employees of the penal system. Besides, the improvement of the working and social conditions will enable the institutions to man their staff with qualified specialists, which in its turn will help to defend the rights of the detainees more effectively.