

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

(Extract from the 2008 Annual Report: General Conditions)

YEREVAN 2009



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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 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.

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.

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 week⁵ 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.

⁵ 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. 47.

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.

III-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).⁶

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.

⁶ See the full text of the Report.

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.⁷

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 legislation⁸ prescribes also the possibility of transferring a prisoner to a civil health care facility subject to appropriate security measures.

Health Care Staff

⁷ 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.

⁸ 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.

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 subordinate 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)⁹;
- 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.¹⁰

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.

⁹ Law on Holding Arrested and Detained Persons, Article 15.

¹⁰ Republic of Armenia Penitentiary Code, Article 92.2.

Under the Penitentiary Code of the Republic of Armenia,¹¹ 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:¹²

- 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 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.

¹¹ Republic of Armenia Penitentiary Code, Article 92.2.

¹² Republic of Armenia Penitentiary Code, Article 92.2.

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,¹³ 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 Persons¹⁴ and the Penitentiary Code.¹⁵ All prisoners may pay and use 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,¹⁶ 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.

¹³ Republic of Armenia Penitentiary Code, Article 92.2.

¹⁴ Law on Holding Arrested and Detained Persons, Article 17.

¹⁵ Republic of Armenia Penitentiary Code, Article 92.4.

¹⁶ 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.

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 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,¹⁷ 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.

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

¹⁷ Republic of Armenia Penitentiary Code, Article 92.3. Law on Holding Arrested and Detained Persons, Article 22.

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 restructured 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.

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

[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:

1. 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.

2. Given the specific category of persons held in the Vardashen Penitentiary Institution, they cannot be placed in other penitentiary institutions.
3. 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.
4. 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

[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

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

[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

[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.

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. 	<ol style="list-style-type: none"> 1, 2. Measures are continuously taken to improve the quality of the bread and the diversity of the food. 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.
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. 	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.
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 4. Develop an action plan for transferring the health care service to the health system. 	<ol style="list-style-type: none"> 1, 2. The process of recruiting the necessary health care specialists in penitentiary institutions is continuing. 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. 4. The feasibility and possible solutions are being considered.
RECOMMENDATIONS OF THE GROUP ON THE AVAILABILITY OF MEDICINES IN PENITENTIARY INSTITUTIONS	COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA
<ol style="list-style-type: none"> 1. Put in place a more flexible system of medicine supply, so that the necessary medicines can be fully provided to prisoners; 2. Prescribe special procedures precluding the use of expired medicines; 3. Prescribe clear procedures for the destruction of expired medicines. 4. Improve the availability of medical equipment in the penitentiary institutions; and 	<ol style="list-style-type: none"> 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. 2. The use of expired medicines has been precluded. 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. 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

<p>5. Streamline the process of sick prisoners' referral to and treatment in civilian health care facilities.</p>	<p>this purpose, as well. 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>
<p align="center">RECOMMENDATIONS OF THE DELIVERIES IN PENITENTIARY INSTITUTIONS</p>	<p align="center">COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA</p>
<p>1. Review the list of prohibited items approved under the internal regulation and bring it into line with the Penitentiary Code.</p>	<p>1. Additional inquiries into this matter have been instructed.</p>
<p align="center">RECOMMENDATIONS OF THE GROUP ON THE STAFF OF PENITENTIARY INSTITUTIONS</p>	<p align="center">COMMENTS OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF ARMENIA</p>
<p>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.</p>	<p>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.</p>

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.