

Prison Conditions in Armenia^x

Summary

(Oslo 1 April 2005) According to several human rights reports, there have been some improvements of prisons conditions in Armenia in recent years. As will be seen from this report, however there is still a long way to go for Armenian authorities to ensure compliance with relevant international standards. In addition to poor conditions of the majority of the facilities, there are also problems of lengthy pre-trial detentions and abusive interrogation techniques during police investigation. There is a provision in the Criminal Procedure Code that a suspect may be detained for no more than 12 months pending trial, but this provision is not always enforced in practice. There is no system of bail.

The present report summarises some of the Council of Europe critique of Armenia's penitentiary system, and renders some of the responses by Armenian authorities to that critique. Against this background, it presents some findings by the Norwegian Helsinki Committee during fact-finding missions to Armenia in 2003 and 2004.

Finally, the report presents some recommendations to Armenian authorities related to further reform of the penitentiary system. A way to vitalise reforms would be for Armenian authorities to enter into long term cooperation with prison authorities in countries which already have subjected their penitentiary systems to reforms in order to comply with international standards and have developed methods of socialising and developing personal skills of the inmates. This kind of cooperation should focus on establishing a plan of reforms containing realistic target goals given the available resources in the Armenian penitentiary system.

Continued monitoring by both governmental and non-governmental actors is essential in ensuring further improvements. The Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) could play crucial roles in addressing violations, providing expertise and coordinating international support for prison reforms.

^x The report is based on 1-7 September 2003 and 28 August-5 September 2004 fact-finding missions. Gunnar M. Karlsen and Berit Lindeman wrote the report. Helge Blakkisrud edited it.

Introduction

Armenia regained independence in 1991. In 1992-94 it was involved in a war with Azerbaijan over Nagorno-Karabakh. The issue remains an unsettled problem. The conflict over Nagorno-Karabakh has severe consequences for Armenia in terms of reducing economic prospects and preventing regional economic and political co-operation and integration. Armenian authorities frequently invoke the conflict and its economic consequences in explaining limited investments in public institutions, including the penitentiary system.

The legal framework for serving sentences is the Law on the Treatment of Arrestees and Detainees of March 2002. There are also recent internal regulations for pre-trial detention facilities and standards for the medical treatment of prisoners. A long awaited new Law on the Enforcement of Sentences was adopted by the Parliament in December 2004, and was signed by the President 19 January 2005.

Until 2001 the penitentiary system was under the jurisdiction of the Ministry of Internal Affairs. From 1970 to 1980 a department of the Ministry of Internal Affairs was in charge of the system, called the Correction Affairs Department. In 1980 it was renamed the Criminal Executive Department.

The system was transferred to the Ministry of Justice in October 2001. It is composed of the Criminal Executive Department and 14 criminal executive institutions:

- Six prisons
- Six places of detention
- One work farm
- One hospital for prisoners

There are currently approximately 1200 persons in pre-trial facilities, while the number of prisoners amount to approximately 5300 persons.

Armenia became a member of the Council of Europe 25 January 2001, and has ratified the main Council of Europe human rights treaties.¹ As a member of Council of Europe, Armenia is subject to scrutiny by the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States. The Committee published a critical report on 12 January 2004, pointing at misconduct during the presidential and parliamentary elections held in 2003, and the need for substantial progress as regards the functioning of the judicial system and the independence of the judiciary, the situation in Armenian prisons and the conditions of detention, misconduct of law enforcement officials, and several other issues.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its first report on Armenia 28 July 2004. The CPT criticism was followed up by several responses by Armenian authorities (see sections on criticism by the Council of Europe and Armenian responses below for more details).

¹ Armenia ratified the European Convention on Human Rights on 26 April 2002. It has also ratified several of the additional protocols, including Protocol No. 6 concerning the abolishment of the death penalty (ratified 29 September 2003). It ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 18 June 2002, the Framework Convention for the Protection of National Minorities on 20 July 1998, and the European Social Charter on 21 January 2004.

THE NORWEGIAN HELSINKI COMMITTEE

On this background, in 2003 the Norwegian Helsinki Committee entered into a co-operative project with the Armenian Helsinki Association to monitor conditions of Armenian prisons and places of detention.² 2003 and 2004 fact-finding missions were part of this project. The present report is mainly based on observations during these missions.

As part of the project, the Armenian Helsinki Association visited 11 criminal executive institutions in 2003. Several institutions were visited more than once. In 2004, a new round of visits was conducted.

During the Norwegian Helsinki Committee fact-finding missions the following facilities were visited, some of them more than one time:

- Abovyan Criminal Executive Institution for Women and Juveniles
- Vanadzor Criminal Executive Institution
- Gyumri Criminal Executive Institution
- Nubarashen Criminal Executive Institution
- Sevan Criminal Executive Institution
- The Hospital for Prisoners (in Yerevan)
- Erebuni Criminal Executive Institution

In addition, the Norwegian Helsinki Committee met with Armenian prison authorities, journalists, representatives of the diplomatic community in Yerevan, and NGOs.

The Ministry of Justice of Armenia has approved the project and for the first time permitted non-governmental organisations to visit pre-trial detention facilities and prisons. There are, however, still restrictions on access. The Helsinki Association has not been given permission to visit national security detention facilities or police arrests.

The final report of the project will be published by the Armenian Helsinki Association, and will be presented to the Ministry of Justice of Armenia as well as to relevant national and international organisations.

The project should be seen as in-put to Armenia's programs to comply with its obligations to protect human rights and strengthen democracy as a member of the Council of Europe and as a party to the main Council of Europe and United Nations human rights treaties.

² The Norwegian Ministry of Foreign Affairs funded the project. The Norwegian Helsinki is grateful for this support.

Criticism by The Council of Europe

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its first report on Armenia 28 July 2004. The report is based on a visit to Armenia 6-17 October 2002.³

In its contact with Armenian authorities during the visit, the CPT called for urgent steps – under the authority of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) Article 8, paragraph 5 – to ensure that inmates in Erebuni, Nubarashen, Gyumri, and Sevan Prisons had access to daily outdoor exercise.⁴ – “Daily outdoor exercise of at least one hour per day is a fundamental requirement for all prisoners, including those undergoing disciplinary confinement”, the CPT underlined.⁵

The CPT report contains a long list of concerns, both related to police conduct, prison conditions, and conditions of psychiatric institutions. Some of the key points related to the police conduct and to prison conditions are rendered in the following paragraphs.

Although the law sets a 72 hours maximum limit for police detention without court approval, there are several loopholes in current legislation, which gives the police considerable discretion to keep persons for much longer periods.

During its visit, the CPT received numerous and consistent allegations of physical ill-treatment of persons detained by the police (punches and kicks, striking the persons concerned with truncheons and/or other hard objects, such as chair legs, thick metal cables and gun butts). The ill-treatment took place as a part of police interrogation to extract confessions or information. In some cases the ill-treatment could be considered as amounting to torture. In contrast, hardly any allegations were received of physical ill-treatment by staff working in temporary detention centres. The CPT concluded that, “persons deprived of their liberty by the police in Armenia run a significant risk of being ill-treated. Vigorous action is required to combat ill-treatment by the police”.⁶

³ Both the CPT report and Armenian responses are available at the CPT web-site:
<http://www.cpt.coe.int/documents/arm/2004-07-28-eng.htm>

⁴ ECPT Article 8(5) reads: “If necessary, the Committee may immediately communicate observations to the competent authorities of the Party concerned.”

⁵ *Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 17 October 2002*. Strasbourg, 28 July 2004. – Another urgent step required was to improve living conditions at Nubarashen Republican Psychiatric Hospital in Yerevan (Ibid.).

⁶ The CPT Report pages 18-19. Among measures recommended are: the right of those deprived of their liberty by the police to have the fact of their detention notified to a close relative or third party of their choice; the right of access to a lawyer; the right of access to a doctor. Furthermore, the police should be trained in modern investigation techniques, and an aptitude for interpersonal communication should be a major factor in the process of recruiting police officers. There should be efficient and trustworthy complaints mechanisms, and prison health care services should improve their recording of injuries borne by newly arrived prisoners. CPT Report pages 18-29.

“Conditions of detention in the temporary detention centres⁷ visited varied from acceptable (at the Hrazdan Department of Internal Affairs) to poor (e.g. at the Akhurian and Sevan Departments of Internal Affairs)”.⁸

The CPT heard from both prison staff and inmates of some significant improvements after the transfer of the penitentiary system to the Ministry of Justice in October 2001. Among these were improvements in prison officers’ attitudes towards them, overall enhanced possibilities for maintaining contact with relatives, and more stability to internal operations of the prisons.⁹ Nevertheless, the CPT still notes several important shortcomings, such as:

- Absence of systematic and ongoing renovation of the prison estate
- Lack of work opportunities for prisoners
- Very limited health care for inmates

The CPT did not receive any allegations of ill-treatment of inmates by prison staff, although at Erebuni and Gyumri Prisons relations between inmates and prison staff “appeared to be of a rather formal and distant nature, with staff ... limiting their interaction with them [inmates] to the strict minimum.”¹⁰

The CPT report goes into some detail about necessary improvements in Nubarashen and Gyumri prisons (for pre-trial detainees).¹¹ Authorities should:

- Ensure living space of at least 4 m² per prisoner
- Upgrade cells and bathrooms (some of them are in very bad conditions)
- Ensure that in-cell toilets are kept reasonably clean
- Remove the remaining devices blocking windows of prisoner accommodation (Nubarashen Prison)
- Improve central heating systems, establish partitioning of the in-cell toilets, in order to ensure adequate privacy, and ensure that there are mattresses at night in the “quarantine” cell (Gyumri Prison)
- Ensure at least one hour of outdoor exercise

The CPT report also makes recommendations regarding Erebuni and Sevan Prisons (strict-regime colonies). The main recommendations are the following:¹²

- Reduce occupancy levels in the dormitories to provide a minimum living space of 4 m² per prisoner
- Complete refurbishment of prisoner accommodation areas
- Ensure an appropriate level of cleanliness in all dormitories
- Allow inmates at least one hot shower per week

⁷ These centres are used to hold criminal suspects and persons under administrative arrest. The use of administrative arrest or detention per se has been criticized by both the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe for being a way of repressing political opposition. See, “Republic of Armenia, Presidential Election 19 February and 5 March 2003”, OSCE/ODIHR, Warsaw, April 28, 2003; and “Honouring of obligations and commitments by Armenia”, Document 10027, January 12, 2004, Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Parliamentary Assembly of the Council of Europe, paragraph 33, 35, and 106.

⁸ Op. cit., page 30.

⁹ Op. cit., page 36.

¹⁰ Op. cit., page 37.

¹¹ Op. cit., pages 40-42.

¹² Op. cit., pages 42-44.

The CPT underlined that the state of repair and cleanliness of toilet facilities “left an enormous amount to be desired”.¹³ At the end of its visit, the CPT requested confirmation, within three weeks that Armenian authorities had been taken measures to improve the sanitary facilities at Erebuni and Sevan Prisons.

The CPT report also deals with the situation of 42 persons on death row in the Nubarashen Prison. The report welcomes some positive developments the last two years, but points to lack of contact with the outside world as a major problem. The material conditions of the cells are also subject of criticism, as well as limited possibilities of activities and outdoor exercises.¹⁴

The new Penal Code of Armenia, which entered into force on 1 August 2003, no longer provides for death penalty. There had been a moratorium on executions in place since 1991. Based on the new law, President Kocharyan signed on 2 August 2003 an edict that commuted the death penalties of the 42 Nubarashen prisoners to life imprisonment. Some 30 of them went on hunger strike, demanding to have their cases re-tried.¹⁵

The CPT report includes a separate chapter on health-care services, with a long list of recommendations. In particular, the report points to the need for measures to fight tuberculosis effectively in the Armenian penitentiary system.¹⁶ There are a few HIV+ inmates, and according to the CPT these are held in isolation and in totally unacceptable conditions.¹⁷ The Hospital for Prisoners did not constitute a better state of affairs than other parts of the Armenian penitentiary system, with poor material conditions, very low food budget and generally outdated medical equipment.¹⁸ Despite limited resources, the treatment offered to patients at the hospital was according to the CPT “on the whole adequate”.¹⁹

¹³ Op. cit., page 43.

¹⁴ Op. cit., page 44-46.

¹⁵ Chapter on “Armenia”, in: The International Helsinki Federation for Human Rights (IHF), *Human rights in the OSCE Region: Europe, Central Asia and North America*. Report 2004, page 33. The chapter is based on the Annual Report of the Armenian Helsinki Association.

¹⁶ As of 1 October 2002, about 10 % of the Armenian prison population was suffering from tuberculosis. Op. cit., page 50.

¹⁷ Op. cit., page 52.

¹⁸ Op. cit., pages 53-57.

¹⁹ Op. cit., page 55. The CPT also notes work underway at upgrading the buildings of the hospital. The CPT visited a building, which had been constructed and equipped with the support of the ICRC, which was to accommodate the new tuberculosis ward. According to the CPT Report, the “new building had the potential to offer good living conditions for patients.” Op. cit., page 56. The Norwegian Helsinki Committee visited the prison hospital during its 2004 mission. See below for comments on the current situation of the hospital.

Response by the government of Armenia

Armenian authorities responded to the criticism of the CPT in an interim and a follow-up report.²⁰ Reform of the prison system and adoption of new penal and penitentiary legislations are mentioned as longstanding key targets of Armenian authorities in the reports. These reforms gained additional importance due to the membership of Armenia in the Council of Europe. According to the government, most of the problems pointed at by the CPT concerning the penitentiary institutions are due to financial limitations.²¹

The government notes that the CPT criticism of ill-treatment by the police was not concrete, so “presentation of a complete answer was not possible”.²² However, the government claims that some adequate measures have been undertaken to prevent violation of “procedure norms and ensuring the human rights.”²³

The government underlines that there have been very few complaints on ill-treatment by prison staff. During the period 2001-2003, there are recorded only 17 cases of “violation of the established order concerning the relations prisoner-staff”.²⁴ It admits that relations between staff and prisoners at Erebuni and Gyumri prisons are of a “formal and distant nature”, and refers to some measures to improve staff attitudes and communications skills.²⁵

The government acknowledges the “poor state of repair and decoration” of the prisons, explaining it by pointing to Armenia as “a country on the development stage”.²⁶ It points to some measures taken in order to upgrade the buildings. It also underlines that the prison population are reduced due to the entry into force of the new Penal Code, reducing the financial burden of running the penitentiary system and making more money available for repair work.²⁷

It also points to work under way to ensure that inmates have a minimum of 4 m² in each cell, and that some cells used for disciplinary and quarantine functions have been upgraded.²⁸ The government also points to some improvements on the issue of ensuring sufficient quantity of food for inmates, and ensuring sufficient daylight inside cells. Daily quantity of food should according to governmental standard be equivalent to 3000 calories, and metal blinds in front

²⁰ *Interim response of the Armenian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Armenia from 6 to 17 October 2002; and Follow-up response of the Armenian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Armenia for 6 to 17 October 2002.*

²¹ Follow-up response, page 6.

²² Follow-up response, page 4.

²³ Ibid.

²⁴ Op. cit., page 7.

²⁵ Op. cit., page 8.

²⁶ Op. cit., page 8.

²⁷ Ibid. Before entering into effect of new Penal Code, the overall prison population amounted to 6490 inmates. After its entry into effect, 3888 inmates appealed for reduced sentences. As a result, 954 were released, 1132 had their terms reduced and 1802 complaints were dismissed. IHF, *Op. cit.*, page 29.

²⁸ Follow-up response, page 9, referring specifically to Gyumri prison.

of cell windows should be removed.²⁹ The government also refers to measures to ensure “an appropriate level of cleanliness” inside prisons.³⁰

According to the government, a special “Statute on social and physiological activities” of the inmates has been adopted with the collaboration of the OSCE office in Yerevan. After the transfer of the penitentiary system to the Ministry of Justice, a policy to provide social and physical assistance to the prisoners has been established. Among other things, the government refers to plans in the Gyumri prison to establish socio-physiological consultation rooms, working and recreation rooms, and facilities for sports and recreational activities.³¹

In its responses on health care services, the government refers to both the services provided inside the different prisons and the services provided by the Hospital for Prisoners in Yerevan. It refers to different collaborative projects, involving the Ministry of Health, the Ministry of Justice, and the Council of Europe providing expert review of a new statute on “medical service of the prisoners”.³² It devotes considerable attention to the fight against tuberculosis, and its co-operation with the International Committee of the Red Cross (ICRC) in this respect.³³

Going through the governmental responses to the CTP criticism, a general impression is that the government expresses considerable willingness to initiate measures to deal with the main points of the criticism. However, it points to financial limitations as a main hindrance in implementing the necessary reforms.

In the view of the Norwegian Helsinki Committee, the weakest point of the response is that the government does not express a proactive and determined attitude in confronting police abuse.

It remains to be seen how well the abovementioned measures are implemented. A main question in this regard is whether the government simply take the CPT report as a list of documented shortcomings to be addressed or whether it makes use of the whole exercise as an inspiration to adopt a human rights approach to its penitentiary system and its dealing with suspected and convicted criminals. Only the latter choice will ensure success in reforming the system in line with international standards.

²⁹ Op. cit., page 10.

³⁰ Op. cit., page 12, referring specifically to Erebuni and Sevan prisons.

³¹ Op. cit., page 11.

³² Op. cit., page 14.

³³ The ICRC has i.a. supported the construction of a new building in the Hospital for prisoners to provide treatment of prisoners with tuberculosis. Op.cit., page 17.

Conditions of pre-trial detention^x

In many countries, unsentenced prisoners are in worse conditions than sentenced prisoners. Due to the human rights principle of 'presumption of innocence' their situation should, however, be more favourable in several respects.

International standards require that unsentenced prisoners should be protected against "torture or cruel, inhuman or degrading treatment or punishment."³⁴ And they should "benefit by a special regime".³⁵ They should be kept separate from convicted prisoners.

An untried prisoner shall be allowed to wear his own clothing, be offered opportunity to work and be paid for it, be allowed to procure at his own expense books and newspapers, and to be visited and treated by his own doctor or dentist. He shall be given facilities for communicating with his family and friends, and be allowed to "receive visits from them, subject only to restrictions and supervision as are necessary in the interests of the administrations of justice and of the security and good order of the institution."³⁶

According to human rights reports, there have been improvements of prison conditions in recent years. The US Department of State 2003 report on human rights in Armenia, documents among other things that "food was better prepared, prisoners' rights were codified in writing and displayed throughout the prisons ... [And in some prisons] inmates were allowed to engage in activities and hobbies".³⁷

These improvements are often explained by the fact that the responsibility for the prison system since October 2001 has been transferred from the Ministry of Internal Affairs to the Ministry of Justice. Important as these improvements are, they should, however, not detract attention from the fact that there still are numerous violations of international standards for the treatment of prisoners.

As will be seen from this report, there occur many breaches of UN Standard Minimum Rules provisions for treatment of persons in Armenian pre-trial detention facilities. There is also a problem of lengthy pre-trial detention. Although there is a provision in the Criminal Procedure Code that a suspect may be detained for no more than 12 months pending trial, this provision is not always enforced in practice. Moreover, there is no system of bail. There are currently approximately 1200 persons in pre-trial facilities.

Poor physical conditions. In general, physical conditions of pre-trial detention facilities visited by our delegation was poor, characterised by lack of maintenance, high humidity in

^x This Chapter is based on a 1-7 September 2003 fact-finding mission, conducted in cooperation with the Armenian Helsinki Association.

³⁴ The most important international instrument defining the rights of prisoners is the UN Standards Minimum Rules for the Treatment of Prisoners (SMR), adopted in 1955. This document as a whole can be seen as detailed enactments, which are complementary to more general international conventions. The International Covenant on Civil and Political Rights (1966) contains both an absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment and a provision stating that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". (Article 10.1).

³⁵ SMR Rule 84 (3).

³⁶ SMR Rules 88-92 (Quotation is from rule 92).

³⁷ US Department of State: Country report on Human Rights Practices, March 31 2003, page 4.

many of the cells, insufficient sanitary conditions without properly separated space for toilets inside the cells, and with no central heating system.

Those facilities originally built to serve detention or prison functions, like Nubarashen Criminal Executive Institution, were better than those facilities that originally had served other purposes.

There are significant differences between the facilities indicating that there are no operational national minimum standards of physical conditions. In one of the detention facilities we visited, the Criminal-Executive Institution of Gyumri, the local prison authorities finance repair and upgrading of the facilities.³⁸ The prisoners do the work themselves. It is not clear to us why some institutions are able to finance such upgrading, while others are not.

Space. In some cases cells were overcrowded with insufficient space between beds and unhealthy air quality. Prison authorities informed about their policy of reducing the number of prisoners in each cell to meet standards of minimum space (4 m²) and air for each prisoner, but still there are shortcomings in this respect. In all detention centres, the number of detainees has dropped in recent years.

Light conditions. Although there have been progress in ensuring proper day light into cells, many of the cells are still dark. In contrast, several prisoners complained that the electric lightning in the cells was not switched off during nights.

Nutrition. Although prison authorities claimed that prisoners were offered adequate nutrition, and the delegation were offered some tasty examples of food available for prisoners, there were several indications that the quality and amount of food did not meet standards necessary to avoid malnutrition. Most prisoners we talked with claimed to be dependent on additional food parcels from relatives or friends or food they were able to buy with their own money. This indicates that the governmental standard of 3000 calories per inmate daily is not always adhered to. Another problem is that this amount of calories may be reached without providing sufficiently healthy food, containing necessary vitamins etc.

Telephone calls. Some of the prisoners complained that their right to telephone communication with their family was violated. When we raised this issue with prison authorities they claimed that the new Armenian Penal Procedure Code was not granting such a right, and consequently there could be no violation.

International standards do not permit unreasonable restriction on maintaining outside contacts for any kind of prisoners. In addition to visits, letters and telephone calls are essential in keeping contact with the outside world. Any lack of clarity on this point in national legislation should be seen in light of Armenia's international human rights obligations that does provide such a right.

Bribing. According to many prisoners, bribing is common inside Armenian prisons and pre-trial detention facilities. The bribing is used to get better cells and additional services, and creates a system of discrimination against those with scarce resources.

³⁸ We suspect that the financing was mainly drawn from prisoners bribing prison staff for better services.

Mistreatment. Although we did not see indications of mistreatment or abuse inside prisons, many of the prisoners complained that they had been heavily beaten at police stations, and that there were insufficient medical services to document and heal the resulting physical and psychological wounds.

Medical care. There has been some progress in providing medical care to prisoners.³⁹ Among other things, a special tuberculosis unit was operational in October 2002. In Nubarashen Criminal Executive Institution, which is the largest pre-trial detention centre in Armenia with 607 inmates at the time of visit, there were 33 prisoners suffering from serious infections, 6 prisoners suffering from tuberculosis, two prisoners are HIV+ and 26 prisoners suffer from other diseases.

Despite progress, many diseases still remain untreated. We met one HIV+ prisoner. Although medicine now exists that could dramatically improve his condition, he complained that he was receiving nothing except vitamins. "I am left here to die", he said. Prison authorities admitted that they do not provide any treatment for HIV positive prisoners.⁴⁰

Activities. There are very few activities for pre-trial prisoners, and they are permitted to stay outside the cell only for short periods of time. As an exception, women in Abovyan Criminal Executive Institution told that they could stay three hours outside their cells daily.⁴¹ There were very few possibilities for meaningful activities, except table tennis in some of the facilities.

Concluding remarks. Although conditions in Armenian pre-trial detention facilities have improved somewhat during recent years, there is a need for fundamental reform of the system. Authorities should implement national minimum standards related to the physical conditions of the facilities, and ensure that these are compatible with international standards.

Some of the facilities – like the Vanadzor Criminal Executive Institution -- are in need of such fundamental upgrading that consideration should be given to if they are suitable at all. Although prison authorities in Gyumri Criminal Executive Institution has initiated repair and upgrading of their buildings, the problem of high humidity in many of the walls seems very hard to solve because of its location near an underground river. In other facilities, low cost and easy repair work could improve conditions considerable and sustainable.

Physical conditions of detention facilities and the treatment of unsentenced and sentenced prisoners are just one part in the overall system of administration of justice. Torture and mistreatment at police stations, lengthy periods of pre-trial detention, imprisonment of conscientious objectors and lack of independence of the judiciary are other serious problems which should be addressed in order to improve respect for human rights and rule of law in Armenia.

The Norwegian Helsinki Committee witnessed one person just transferred to prison from police custody. He was in a terrible condition after being severely ill-treated. He was unable to communicate and obviously in a state of shock.

³⁹ US Department of State, op. cit., page 4.

⁴⁰ In some countries, HIV+ inmates with no prospect of recovery are released to be able to stay with family.

⁴¹ This was, as we understand it, a favourable arrangement made by the head of the Criminal Executive Institution, Y. Djamalyan.

Conditions of imprisonment^x

In evaluating its observations, The Norwegian Helsinki Committee applies standards set forth in the UN Standard Minimum Rules for the treatment of Prisoners dated 1955 (SMR), as well as the Council of Europe Recommendation no R (87) 3 of the Committee of Ministers to the Member states on the European Prison Rules (EPR). Recommendations to Armenian authorities are made on the basis of these standards.

According to the SMR, deprivation of liberty is a punishment in itself.⁴² Every effort should be made to ensure that the regimes of the institutions are designed to ensure that the conditions of life in a prison are compatible with human dignity and acceptable standards in the community. This gives a directive for prison authorities to provide qualified staff and sufficient material conditions in order to meet those standards.

During its August 30 to September 3 2004 fact-finding mission, the Norwegian Helsinki Committee carried out visits in five penitentiary establishments: Sevan, Erebuni, Nubarashen, and Vanadzor criminal executive institutions, as well as the The Hospital for Prisoners.

The Norwegian Helsinki Committee also met with the Head of the Criminal Executive Department Samvel Hovhannisyanyan and the Head of the Department of Judicial Reform of the Ministry of Justice Nikolay Anstamyanyan. The monitoring group, consisting of members of both The Armenian Helsinki Association and The Norwegian Helsinki Committee, was granted access to all facilities to which it requested entrance. The group met with representatives of the facilities who willingly answered all questions.

Poor physical conditions. The number of inmates in Armenian prisons has dropped considerably the last few years, putting largely an end to the overcrowding that previously was a serious problem in all facilities. However, poor physical conditions remain a major concern. The large majority of the prison buildings visited is characterized by poor maintenance. The Vanadzor Criminal Executive Institution is in a particularly poor condition, as the buildings here are very humid and fit neither for habitation nor as a workplace for the prison staff.

According to the head of Vanadzor Criminal Executive Institution, a decision has been taken to re-establish the prison in new premises. But a conflict over localisation of the new premises delays the process.

Armenian authorities consistently points to lack of funding as an obstacle in upgrading the prisons. According to The Ministry of Justice, a central plan for restoration of prison facilities has been adopted. However the Norwegian Helsinki Committee could observe little improvements compared to the visits made to some of the same facilities the previous year.

Space. Prisoners in colonies are lodged in large dormitories with up to approximately 50 prisoners.⁴³ Average size of the dormitories is too small to provide for the minimum of 4 m² per prisoner. These facilities also leave little space for privacy. The prisoners are only allowed

^x This Chapter is based on a 28 August-5 September 2004 fact-finding mission, conducted in cooperation with The Armenian Helsinki Association.

⁴² See SMR, part II, article 57 and 59; and EPR Part IV, article 64.

⁴³ Among the institutions visited by The Norwegian Helsinki Committee, Sevan and Erebuni are colonies.

privacy during visits. At daytime the prisoners can freely use the outdoor yards giving an opportunity both for exercise and varied social contact. However, there are some restrictions on free movement imposed on juvenile prisoners in Abovyan Criminal Execution Institution.

For inmates in prisons, the situation is different. Except for one-hour exercise per day, the prisoners are confined to the cells day and night. Cells in the Nubarashen prison were around 20m², holding up to four prisoners at the time. This satisfies international standard of minimum 4 m² per prisoner, but have to be seen in the context of a very strict regime allowing very little social contact with persons other than those being located in the same cell.

Prisoners of both colonies and prisons may, in the case of violation of the internal prison regulations receive a term of up to 15 days of solitary confinement. They may also receive a term from 1 to 6 months in the Cell-type Premise (CTP). In these cases the prisoners are kept in cells with no access to open air.

Light conditions. In some of the facilities visited, the windows were barred with limited light coming through to the inmates inside. In many cases the bars were supplemented by an additional layer of net or plastic, possibly with a purpose of protecting the inside room as there often were no glasses in the frames.

In many of the prison cells access to natural light was not satisfying the standards of the prison rules, as the windows were too small. The cells have electric light, but the prisoners do not have the opportunity to have individual light, except were the prisoner himself provided the light and connection to an electric source were provided by the prison staff.

In some cells in the Nubarashen Criminal Executive Institution, the electric light was on during the night.

Nutrition. Officially, the prison, either in a prison canteen or in the cell, feeds the prisoners depending on the regime. The institutions receive the food by a central delivery system, and the local administration of each institution has little influence as to which products they are provided with. In practice, the prison does not or to a very limited degree provide fresh vegetables, fruits, meat and fish. None of the institutions visited had received meat the last two – three weeks before the visit, and none had ever access to fruit. Fresh vegetables are very limited.

Dietary records showed a staple menu of soups and porridge with rice, potatoes and buckwheat as main ingredients, a menu that over time likely could lead to malnutrition. As a result, all prisoners who have this opportunity rely on food from relatives.

Contrary to previous practice according to which the amount of food prisoners were permitted to receive from relatives was limited, the prisoners can now receive as much as they want.

Visits. Although national legislation guarantees prisoners the right to receive long-term visits,⁴⁴ there were few facilities available for such visits. In The Criminal-Executive Institution of Gyumri, The Norwegian Helsinki Committee was shown a part of the institution, which was prepared for long-term visits, though it was not taken into use yet.

⁴⁴ That is visits lasting one to three days.

In other institutions, we were told that there were no funds available for preparing rooms for long-term visits.

Telephone calls. In principle, prisoners have the possibility to make phone calls during daytime by the use of telephone cards. However, this option is available only to those of the prisoners who have the necessary resources to buy the cards at their own expense. Moreover, relatives of the prisoners have no access to reach the prisoners by phone at all. The prisoners have the right to send and receive mail, but some of the prisoners complained of cases where their letters did not reach their addressees.

Sanitary conditions. Both in colonies and prisons, the sanitary equipments were in deplorable conditions. In the colonies there is a general need to upgrade both toilet and shower facilities, both in terms of material conditions but also to ensure privacy.

Inmates in prisons are obliged to use toilet and washing facilities only partially secluded from the other prisoners in the cell. The sanitary conditions in the kitchen areas are also a source of concern. All dishes are washed by hand and food is not kept in sufficiently cool storages. In the medical cabinet of the Vanadzor Criminal Executive Institution, the medical doctor and other staff cannot even wash their hands, as there is no working sink in the cabinet.

Medical care. All institutions visited have a medical unit consisting of a medical office and a doctor. The medical units are understaffed and lack specialists that could deal with the particular needs of prisoners. The medical units also lack equipment and pharmacy. For example, in the Sevan Criminal Executive Institution the limited range of medicines was too old by several years.

The Hospital for Prisoners in Yerevan is under reconstruction, and existing buildings are being upgraded. In addition, facilities for visits are under construction. The International Committee of the Red Cross (ICRC) has recently erected a new and modern building for tuberculosis patients, where these receive adequate treatment. However, women and juvenile prisoners are not included, because of absence of adequate premises.

Only few cases of HIV have been detected in Armenian prisons and detention centres, whereof one in Nubarashen.⁴⁵ However, inmates are not systematically tested.

Activities. In general, the institutions lack sports fields or halls. Nor is there any equipment for sport. Prisoners in the colonies are allowed to move around the colony compound at daytime. Prisoners in prison-cells have only one hour of exercise per day, confined to a limited ground. Strict regime prisoners are not permitted to leave the prison cells at all on Saturdays and Sundays, a practice that runs counter to international standards. The Sevan Criminal Executive Institution has a sports hall under construction, but no progress whatsoever has been made between 2003 and 2004.

Access to work and/or education. Only a limited number of the prisoners have access to work, and only in prison service related tasks like washing, clothes maintenance and material repairs. Some prisoners in the Sevan colony were previously offered work in an in-house factory, but the buildings have now been completely destroyed, and there are no funds for

⁴⁵ See previous Chapter for more details.

repair. No adult prisoners, neither in colonies nor in prisons have access to any sort of education, although previously there has been such access.

Access to periodicals and news. As is the case for telephone services, access to newspapers and magazines is in practice restricted to what the prisoners can receive from the visitors. There is no general access to news whatsoever, as also television and radios are only down to private procurement. As a result, in colonies there is probably access for all to news from the outside world since the prisoners live together in large groups. In prisons, the situation may be somewhat different. Prisoners with scarce resource may risk being left without access to newspapers and television news.

Instruments of restraint. Prisoners sentenced to life imprisonment, including those who were previously sentenced to death under the previous criminal code, are subject to strict regime during visits. They have short-term visits only, and they are obliged to carry handcuffs. Taking into account that the visits take place inside prison premises and through a glass window, this practice appears contradictory to the minimum rules.

The use of handcuffs should not be applied on a general basis, but solely after individual considerations. Handcuffs should only be applied to avoid escape or in cases where the prisoner could be an immediate danger to others or himself.

Treatment objectives and regimes. Once convicted, a national commission decides where the convict will serve his or her sentence. The decision on the type of regime the convict will be placed under is based on the nature of the crime. There is no individual plan for treatment and training forming part of the regime or any other preparation for the prisoners' life after release, contrary to the EPR articles 65 to 69. The lack of activities for prisoners is a serious deficiency of Armenian penal institutions. Improvements could probably be facilitated without large financial investments.

Staff and staff training. The prison staffs get some training provided by the Ministry of Justice. All staff members are offered a two or three weeks course annually. The training is to a large extent supported and or provided by organisations like the OSCE. Prison staff receives very low salary and has difficult working conditions, which makes it difficult to recruit and maintain qualified staff. Especially the medical sections complain about insufficient recruitment of staff.

Recommendations

- A way to vitalise reforms of the penitentiary system would be for Armenian authorities to enter into long term cooperation with prison authorities in countries which already have subjected their penitentiary systems to reforms in order to comply with international standards and have developed effective methods of re-socialising and developing personal skills of the inmates. And they should co-operate with relevant international organisations and national and international non-governmental organisations with expertise in this field.
- This kind of cooperation should focus on establishing a plan of reforms containing realistic target goals given the available resources in the Armenian penitentiary system.
- The plan should also establish a strategy to professionalise prison staff. Establishment of national education for prison staff is necessary to improve administration and functioning of the prisons.
- To reduce costs related to projects of repair and upgrading prison facilities, prisoners should be involved in planning and implementing the projects.
- The plan of reforms should be based on human rights principles, developing a human rights approach to the penitentiary system and its dealing with suspected and convicted criminals. Central in such an approach is the principle of equal rights and prohibition of undue discrimination. Systems of bribing to get access to certain benefits – which the Norwegian Helsinki Committee believes is pervasive in the Armenian penitentiary system – runs counter to such an approach and has to be fought effectively.
- Continued monitoring by both governmental and non-governmental actors is essential in ensuring further improvements.
- The Council of Europe and the OSCE could play crucial roles in addressing violations, providing expertise and coordinating international support of prison reforms.
- The need for improving prison conditions cannot be seen in separation from the need for reforms of other parts of the judicial system. Police abuse during investigations, administrative arrests and other methods of suppressing legitimate political activities must be addressed as high priority areas.