



HELSINKI ASSOCIATION

**HELSINKI ASSOCIATION REPORT
ON MONITORING CONDUCTED WITHIN THE FRAME OF
“THE SITUATION OF HUMAN RIGHTS IN ARMENIA” PROJECT
IN RA PENITENTIARIES, PSYCHIATRIC INSTITUTIONS
AND COURTS IN 2009-2010**

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CONTENTS

1. The Republic of Armenia Ministry of Justice Penitentiary System in 2010.....	3
2. Republic of Armenia Ministry of Health Medical Psychiatric Centers and Hospitals in 2010.....	80
3. The right of Fair Trial and Efficient Protection Means	100

REPUBLIC OF ARMENIA
MINISTRY OF JUSTICE
PENITENTIARY SYSTEM IN 2010

Contents

Introduction

- 1. “Nubarashen” Penitentiary Institution**
- 2. “Convicts hospital” Penitentiary Institution**
- 3. “Vardashen” Penitentiary Institution**
- 4. “Erebuni” Penitentiary Institution**
- 5. “Kosh” Penitentiary Institution**
- 6. “Abovyan” Penitentiary Institution**
- 7. “Sevan” Penitentiary Institution**
- 8. “Gyumri” Penitentiary Institution**
- 9. “Artik” Penitentiary Institution**
- 10. “Vanadzor” Penitentiary Institution**
- 11. “Yerevan-Kentron” Penitentiary Institution**
- 12. “Goris” Penitentiary Institution**

Recommendations

INTRODUCTION

This Report is prepared in the result of monitoring exercise conducted in 2010, by “Helsinki Association” human right defender, non-governmental organization which carries out investigations in the Republic of Armenia penitentiary institutions. The report reflects the data of the monitoring conducted in accordance with the RA Minister of Justice Note N 01/620-10 from 20/04/2010, within the period of June 1, 2010 till the end of the year, as well as the problems existing in the Republic of Armenia penitentiary establishments, in particular, in “Nubarashen”, “Convicts’ Hospital”, “Vardashen”, “Erebuni”, “Kosh”, “Abovyan”, “Sevan”, “Artik”, “Vanadzor”, “Yerevan-Kentron”, “Goris” penitentiary institutions.

Members of the monitoring team: Miqayel Danielyan, Arsen Babayan, Nina Karapetyanc, Arman Veziryan,, Gurgen Petrosyan.

Data presented in this report has been provided by the heads of penitentiary institutions and their deputies in charge of management of their respective divisions. This report describes the current situation in penitentiary institutions, as well as their non-compliance with the European Prison Rules and several recommendations adopted by the European Council. Each establishment is presented separately, per divisions. In course of the monitoring exercise, areas reserved for the cells, lodgings, quarantine cells, punishment and isolation cells, medical care points, kitchen, bath stations, strolls and the rooms reserved for meetings, long-term appointments, were visited.

Meetings with members of the administration and staff of penitentiary institutions, as well as with the convicts and detainees have taken place. Interviews with the members of the administration and the staff of the establishments have been conducted.

In the result of the monitoring exercise, the monitoring group recorded that, in general, starting from January 25, 2001, when the Penitentiary Department, including detention facilities, were transferred from the jurisdiction of the Interior and National Security Ministries to the jurisdiction of the Ministry of Justice, insignificant reforms have taken place pertinent to the conditions of accommodation of the convicts and the way they are treated. However, it is worth noting that some humane attitude displayed towards the detainees and convicts, is not always depending on the well-awareness of human rights and fundamental freedoms among the penitentiary staff. As stated by the detainees and convicts, the good attitude of the penitentiary staff toward the prisoners is mainly conditioned by visits of international organizations and Armenian Human Rights Defender non-governmental organizations, and, as stated by them, they

would like these visits to become more frequent and continuous. Only in that case it could be possible to inform the public about all issues and challenges, which the detainees and convicts encounter every day.

As to the living conditions, except for Artik penitentiary institution, which is fundamentally renovated and furnished (although with some deficiencies, which will be pointed out below), the majority of penitentiary institutions are not renovated, and remain in dilapidated state, with threadbare furniture or without it. In spite of the fact that “Vanadzor” penitentiary institution was put for operation in 2007, that establishment needs current repairs, and in some sections, also reshaping. The fact that the establishment was put for operation in a splash dash, and the construction company failed to perform the committed construction works diligently, is evident to one’s eye. Since all penitentiary institutions are financed and provided with food stuffs and medications through a centralized procedure, the lack of those has its impact on the system-wide level. Particularly, when the Penitentiary Department fails to acquire and store meat and potatoes, all penitentiary institutions suffer lack of these types of food stuff. The same problem arises with regard to medicines, when the “Convicts’ hospital” penitentiary institution’s medicine warehouse runs out of or lacks any type of medicine, since “Convicts’ Hospital” penitentiary institution is in charge of allocating medicines and medical equipment among other penitentiary institutions,. In such cases all institutions are left with no medications. Our private interviews with heads of medical aid points and staff of the economic divisions (some of whom preferred staying anonymous) revealed that it would be preferable to acquire food stuffs and medicines through the following procedure: funds shall be allocated according to a previously approved budget: in the result of this process each institution shall receive its funds in line of the number of detainees, and there will be an opportunity to acquire food stuffs and medicines autonomously. We also listened to other opinions expressed by the heads and staff members, but those were mainly attributed to their wish to avoid excessive paper work and reporting.

Water supply continues to be still a serious problem in “Nubarashen”, “Erebuni” and “Vardashen” penitentiaries. Our talks with the management of these institutions did not clarify the reasons for termination of water supply and scheduled water supply. There are many issues pertaining to the refurbishing and reequipping of the canteens and the replacement of obsolete devices. Since the assortment of received food stuffs is very poor, the cooks have to cook one and the same dish for months, and, sometimes, even for years, which arises dissatisfaction among the detainees and convicts: frequently they refuse to take the served food with the argumentation that even if the dish were cooked ideally, it is impossible to eat one and the same

food for months. The meals are generally cooked per number of detainees and convicts, and in almost all institutions the major part of the meal is thrown away.

In order to properly organize the healthcare for the sick detainees and convicts, sometimes there is a need to transport them to the “Convicts’ Hospital” or other civic hospitals. In this regard, the doctors in charge of organizing the transportation of these patients face a number of challenges related to sending information to a number of authorities, and excessive paper work, which is too time consuming and conflicts with the norms of first aid. The sanitary and hygienic state of the institution also presents a rather serious problem. The sanitary accommodations, bathrooms, as well as prison cells and lodgings require capital repair. No proper disinsection is carried out. Bedding items are not properly disinfected, due to absence of detergents. We learnt from one of the employees of the Maintenance department that detergents (disinfection materials) are expensive, that’s why they do not purchase those, while the equipment; i.e. disinfection cabins are functioning and the only reason for not using them is the above mentioned circumstance. Other issues will be dealt with in more details below.

In general, in almost all penitentiary institutions, major complaints (besides the complaints relating to the issues of their living conditions) relate to the issue of premature release, which, if not settled and regulated in a quick manner, will result in a number of problems. The convicts complained (below we will present several written applications) that they can not enjoy their lawful right of premature release. Main obstacle in this process is the Independent commission, which, instead of the Management staff of penitentiary institutions, decides whether to satisfy or dismiss the application for premature release. In consequence of such an arrangement, a protest was initiated in “Sevan” penitentiary institution at 11.30 a.m. on October 29, 2010. Twenty-six convicts climbed onto the roof of the penitentiary building and claimed early release, since according to the existing legislation, in case of having served the major part of the sentence, they are entitled to file with the the Commission dealing with premature release , and in case of positive response, they can be released. In spite of the fact that following this incident the convicts had a meeting with the administration of the penitentiary institution, and a six days period was appointed for adopting a decision on early release for them, we learnt from our sources that they had been transposed to “Nubarashen” and “Hrazdan” penitentiary institutions. In course of the observation mission, staff replacements took place at the Penitentiary Department - the head of the department, A. Giziryan was dismissed from his post and the ex-head of RA Police, Hayk Harutyunyan, was appointed to this post. Consequently, the attitude towards the observation mission and its further activity drastically changed for unknown reasons.

Hence, when, according to the previously confirmed schedule, we arrived at “Vanadzor” penitentiary institution, the head of the institution submitted to us a note received from the Department, which prohibited the entry of several observers into the penitentiary institution with no argumentation. Our request to provide us with a copy of the Note was declined by the head of the institution. For our work not to suffer, the monitoring group was obliged to conduct the monitoring by two representatives.

Moreover, when the Penitentiary Department issued information that “Gyumri” penitentiary institution had been liquidated and a newly constructed penitentiary institution had been opened in Hrazdan city, regarding which Helsinki Association had no information, we sent a note to the Minister of Justice G. Danielyan, requesting to visit the newly-opened “Hrazdan” penitentiary institution instead of “Gyumry” penitentiary establishment, which had been on the list beforehand. After some time, we received a phone call from the Penitentiary Department and were informed that another organization - “Group of Public Observers Conducting Public Monitoring in RA Ministry of Justice Penitentiary Institutions and Penitentiary Bodies” - is already conducting monitoring activities, hence the Penitentiary Department does not deem it appropriate for our organization to visit the mentioned institution. We requested to receive this rejection in writing, to which they agreed, but the appropriate note has not been provided yet. After our second phone call we were invited to the Penitentiary Department, on the argumentation that the note had been sent by them, but for some unknown reasons had not been delivered yet. After we have told them that we are ready to visit them ourselves and get the note in hand delivery, the staff of the Penitentiary Department, Mr. Melqonyan, agreed to this. Nevertheless, after having arrived at the Department and having talked with him for 15 minutes and having searched for the document in different subdivisions, our staff was informed that there had been some staff replacements in the Department and that is why the document could not be found. Still, Mr, Meliqyan promised that in case the document were found he would call us back and deliver it to us. This issue still remains open.

According to Helsinki Association Note N 01-139, dated as 10.01.2010, following information has been received from the RA Ministry of Justice Penitentiary Department:

- As of January 1, 2011, 1437 detainees and 3705 convicts are kept in the RA Ministry of Justice penitentiary institutions;

- Within the period of January 2010 to February 9, 2011, 38 death cases have been recorded, among which 32 deaths were caused by illness, 1 death case was due to incident; and 5 cases were suicide cases;
- As of December 31, 2010, 47 convicts and detainees with tuberculosis; and 22 - with HIV/Aids are kept in the penitentiary institutions, which get medical care at “Convicts’ Hospital” and “Nubarashen” penitentiary institutions.
- Within the period of January 2010 to February 9, 2011, 1 case of escape was observed.

This information certifies that the head of the penitentiary institution conceals the correct information on cases of death and underlying reasons.

Below is information regarding the penitentiary institutions which were monitored by “Helsinki Association” NGO; their strengths and weaknesses.

1. “Nubarashen” Penitentiary Institution

- **General information**

“Nubarashen” penitentiary institution is the largest one in the Republic of Armenia. It is designed for keeping pretrial detainees. It was built in 1981 and was put for operation as a pretrial isolator. Within the period of 01.06.2010 to 11.06.2010, the Helsinki Association monitoring group visited “Nubarashen” penitentiary establishment within 11:00-18:00 hours.

Currently the penitentiary institution has a number of problems, which, in their turn, generate infringements of the provisions stipulated by the Republic of Armenia Penitentiary Code. Detained persons and convicts serving their sentence in closed correctional institutions, including almost all life term prisoners, are kept in this institution.

RA Minister of Justice Order N 41-N, from May 28, 2008, defines types, staff composition, as well as the detainees’ and convicts’ per person dwelling space.

The following composition of staff has been approved for “Nubarashen” Penitentiary Institution:

“Nubarashen” Penitentiary Institution – 840 persons, of which

a) Closed correctional institution - 158 persons;

b) Semi-closed correctional institution – 30 persons;

(Staff involved in technical and maintenance; and support works only for those transposed from closed correctional institutions)

c) Semi-open correctional institution – 62 persons;

(Staff involved in technical and maintenance; and support works for those transposed from semi-closed correctional institutions);

d) Open correctional institution – 40 persons;

e) Place for keeping the detainees – 550 persons¹.

As already stated, according to the staff composition, only 840 people can be kept at “Nubarashen” penitentiary institution. At the moment of our visit there were 1239 persons at the institution, but this number is variable, since there is constant dynamics of detainees in the institution. All prison cells are identical and have 30 square meters surface, which, in its turn, generates new problems of settlement. Hence, “Nubarashen” penitentiary institution is overpopulated, which, consequently results in other problems, particularly, when additional beds are put into cells, some convicts do not have place to sleep. For example, the conducted monitoring revealed that there were cells designed for 6-8 persons. In consequence of installation of additional beds in the cells, the number of beds amounted to 12, whereas actually, there were 18-20 people in one cell. There was a shift set by the detainees. It is worth noting that the monitors did not notice sufficient number of sleeping pads and bedding items.

Hence, Article 73 of the RA Penitentiary Code is violated in “Nubarashen” PI. This Article directly stipulates that the living space allocated for each convict can not be less than 4 square meters.

There is a serious problem of water supply here, as well. Interview with the head of the PI, Mr. T. Navasardyan, revealed that the institution has no debts for the water supply. The water is supplied hourly, the system is foreworn, but at the moment of the visit renovation works were in progress. Similar problems exist in the water drainage system; the basement of the first building is thoroughly in sediments. Plastic bottles with water (from 20-50) were detected in the cells. These bottles with water were used by the detainees for satisfying drinking and other needs. The bottle pile hindered the free movement inside the cells. There are problems with electrification: the wires are quite foreworn, which is often a reason for short circuit. Nevertheless, the PI disposes of a generator, which can be used to provide lighting in the institution in case of power cut.

As of 2010, the following cases have been registered at “Nubarashen” PI:

1. Two death cases;

¹ Republic of Armenia Ministry of Justice, May 27, 2008, Yerevan, Order N 41 On defining living areas per one person for the convicts and detainees, as well as types, compositions of penitentiary institutions of the Republic of Armenia Ministry of Justice, Paragraph 7

2. Two suicide commitment cases;
3. No case of escape.

At the moment of the visit there were:

1. 7 convicts in the cell;
2. 21 convicts in the quarantine cell;
3. 5 convicts at hunger strike;
4. 51 convicts in the medical aid post;
5. 92 convicts under the life term imprisonment.

Foreign citizens can be kept in this institution as well. Besides, due to overloading “Vardashen” penitentiary institution, ex-employees of the law enforcement authorities are often taken here and kept in a separate building.

- **Liaison with the outer world**

Short appointments

There are two rooms for short appointments. The area of the rooms is different: 48 square meters and 18 square meters. The first room is designed for 7 appointments at a time, and the convicts and their relatives do not have the chance for direct contacts: they are separated with a glass partition and talk to each other by phones. This fact gives rise to resentment and complaint among the detainees as well as their visitors. The floor of the room is cemented, in some places dilapidated, the glasses which serve as partition are dirty, and the visitors and the detainees communicate with each other standingly because of the absence of benches. The building is bitumen-lined and has small windows. And since there are no heating devices, it is terribly cold here in winter months, and if appointment hours are allotted to close relatives, including also women and children, in the duration of the appointment they are all found in inhuman conditions. If an one-hour appointment is scheduled, it takes quite a lot of time till the inspection staff accompanies the detainees into the appointment room, and this time is extracted from the appointment hour. Moreover, the visitors are kept waiting in the same dark and cold room before the detainee is brought downstairs for the meeting.

The other room for appointments is relatively small, and it is impossible to ensure direct contact here.

Short appointments as a rule take place in the presence of inspectors.

Long lasting appointments

There is one room for long appointments. It is comprised of a bedroom, a kitchen a lobby/corridor and a separate bathroom. There is a wash basin, a table and chairs in the kitchen. Only life term convicts, who are given preference here, can use the room for long appointments.

Telephone connection

In all buildings of this institution, there are coin-box telephones installed, which the convicts use once per week and according to a clearly defined schedule.

Delivery Items

- **Cells**

All cells are of similar size and furnishing, except for the life term convicts' cells, where according to the law there should be differences. Special attention should be paid to the fact that additional beds are installed in the cells due to overload, still, it is not enough for all the convicts kept in the cells to have own sleeping place. Due to the absence of artificial ventilation system, serious problems arise in line of provision of natural ventilation, particularly in summer months. This in its turn results in emergence of anti-hygienic condition. During our visit, wickets (volchok) on the doors of the cells meant for handing in the food were closed. Only after having talked to the head of the institution these doors were open during the second visit, which contributes to the improvement of natural ventilation.

There are separate toilet facilities, which are also in deplorable state. When opening the door of each cell, numerous insects climbing up the walls and the ceiling catch one's eye. There are potted blood drops on the beddings, which witness of the existence of bedbugs and other blood-consuming insects. It is evident from the above stated that no desinsection has been carried out since long ago. There are no shelves and closets in the cells; the detainees are obliged to keep their clothes in polyethylene bags, under their beds. The same also refers to the delivery items, which also are kept under the beds. The cells visited by us, which were in relatively good state, were renovated by means of the detainees or their relatives.

- **Sanitary Hygienic Situation**

There are five bath houses for prisoners. There are cloakrooms in all bath-houses, with benches and hangers. To supply hot water, tanks of different sizes are installed, in which the water is heated by electricity. There is no ventilation system in the bathrooms. Our talks with the prisoners revealed that the right to have a bath once a week is just on the paper and is a fiction. In the state of overload, detainees can use the bathroom no sooner than once in ten days and even more. That is why many detainees satisfy their needs in the toilet facility within the cell which drastically raises the dampness. In private talks in several cells, the detainees complained that the price for using the bathroom is one thousand drams. There are no detergents for disinfection cabins for the used bedding items and sleeping pads. According to the employee of the Maintenance Department, all disinfection cells are functioning, but the materials used are very expensive and hence these are not purchased. This gap, in its turn, is a ground for various types of parasite and skin diseases.

- **Medical care service**

The medical point of “Nubarashen” PI is a two-storey building, designed for 50 beds, which, according to the head of the medical point, can serve approximately 60 patients. At the moment of our visit, 53 detainees were being cured at the medical point, of which three patients had tuberculosis and two persons had HIV/AIDs. One of the patients with HIV/AIDs stays in the general cell; where ex-staff of the police are also kept. The administration of the PI has many times requested the transfer of the patient to “Vardashen” PI, but this request has been declined due to the overload of “Vardashen” PI. The other patient has also tuberculosis. Currently his health is in rather severe state, since he is at the 4th stage of the illness. The issue of organizing their treatment is a serious problem, since, according to the law, the medical staff employed at the medical care points, with also HIV/AIDs patients, should receive 100% bonus, while in this case, as stated by the head of the medical care point, since there are no funds for paying bonuses, he has no authority to force the employees to organize the treatment of the patients and even to continue over the weekends. MCF is informed about that, and has suggested to organize the treatment of the patients in a separate room by their own staff, which, in its turn, gives rise to additional problems, since sometimes there is a need to provide a separate security staff.

At present there are 22 positions on the staff list of “Nubarashen” PI, 21 are employed, 12 of which are doctors. One vacant post will be soon filled with a newly graduate doctor-topographer. The latter’s documents are at the institution for approval. The PI medical care point

is equipped with one roentgen unit, phlegm analysis laboratory, digital photoroentgenography, dental cabinet and 12 wards. Each building has its own medical room designed for ambulatory service. There are separated showers in the wards, which enables the patients, in case water is available, to take a shower whenever it is convenient for them, without a previously defined schedule.

According to the head of the institution and the head of the medical care point, there are no complaints regarding the medicines: they receive the whole stock of medicines from the warehouse of “Convicts’ Hospital” penitentiary institution. If the requested medicines are missing in the warehouse, substituting medicines are used. Very specialized medicines, which are not included in the list, but which is needed for the detainee, are purchased by the patient’s relatives. However, according to the head of the medical care point, the head of the penitentiary institution has prohibited to accept any medicines from the patient’s relatives even when, often, there is urgent need to acquire very specialized medicines not included in the list by the “Convicts’ Hospital”.

Special attention should be retained to the dental cabinet, which does lack behind other civic dental cabinets either by its equipment, or by its sanitary conditions. As to the state of renovation of the general hospital and the state of repair and refurbishment of the doctor’s rooms, they were very poor and lack capital repairs. In case of severe cases, the PI either uses the convicts’ hospital, or in case of emergencies, applies to “Erebuni” clinic, but the issues of transposition take too much time because of the need to inform different instances and to do a lot of paper work. Two death cases were registered in 2010, one of which was a sudden death and the second a suicide.

- **Occupation**

The only type of occupation of the convicts in the penitentiary institution is the one-hour stroll on weekdays on the fenced roof; using the books available at the library and watching TV brought upon their own initiative. Engagement in entrepreneurship is prohibited, as there are also pretrial detainees kept here. As regards the pretrial detainees, who do not have any other occupation beside listening to radios and watching TV, as well as playing DVD, they spend the whole day in the cells, they are provided with the opportunity of free movement only during strolls. It is worth noting, that the above mentioned technical means, as well as household appliances (refrigerator, air conditioner), are also acquired at the expense of the detainees and their relatives.

Strolls

There are 29 functioning walking grounds in this institution, 20 of which are located on the roof of the main building, six of them are in the yard, and two walking grounds are in the 6th building and one – in the medical care point. All walking grounds are of similar type, with approximately 30 square meters surface. The convicts have no opportunity to go in for sports, It is worth noting that in case of bad weather conditions, since there is no cover over the walking grounds, the detainees are forced to abstain from their due stroll, and often do not have strolls at the weekends, since these are non-working days and the number of employees is insufficient.

Within the scope of the monitoring exercise, in December of 2010, we learnt from the complaints by many detainees of “Nubarashen” PI and their relatives, that after the head of the Penitentiary Department was replaced, and Hayk Harutyunyan was appointed to this post, they started to conduct frequent inspections in the prison cells. The inspection staff, which is responsible for the strolls, is also involved in these activities; that’s why it has been more than a month now that the detainees have not had any strolls as prescribed.

Library

There is a functioning library at the institution, with a surface of 56 square meters. There are 6350 unit books in the library. The library has not received any new books since already long ago, whereas the books available are obsolete both physically and mentally, that’s why the convicts and the detainees do not use the library much.

The Food

The food in “Nubarashen” penitentiary institution has always been a most important issue and a constant subject of convicts’ complaints. The kitchen in Nubarashen is in a deplorable state, which is worsened by the unpleasant smell, as well as the dirt scattered on the floor, which constantly sticks to the feet. The food is cooked on electric ovens. The refrigerator, the storage facility and the potato peeling device is also here. As stated by the cook, who is not a professional one, but one of the convicts, due to the problems in water supply new problems arise in line of washing the food and the utensils. The kitchen, in general, does not comply with any hygienic requirements. Our interviews with the detainees revealed that the menu is never changed, and according to them, even if the quality of the meal were perfect, still, it is impossible to eat similar type of dish for a year and even more. It is worth noting that we were

witnesses of the situation, when 1/4th of the meal was thrown away. As stated by the canteen staff, this is also an insolvable issue, since the meal is prepared according to the number of the detainees, and not all of them wish to have the meal on that day.

- **Punishment cells and quarantine**

There are three punishment cells in “Nubarashen” penitentiary institution, where the following problems persist: basement setting, insufficient natural ventilation, weak natural lighting, high level of humidity, which cause deplorable and anti-sanitary situation in the punishment cells. The observers recorded that the convicts were lying on the floors of the punishment cells, while many insects were climbing over the floor and the walls. The total surface of the punishment cell was 30 square meters. All three cells are identical. The convicts who were in the punishment cells have been taken there mainly for having used cell phones. We consider it worth noting that in many cases convicts are taken here from Vardashen penitentiary institution when the latter institution is overloaded.

The quarantine cells are located in the first building. They are not renovated and are in terrible deplorable and anti-sanitary state, with no sufficient lighting. There are not any sources of information in the cells. The newly transposed detainees have no beds. They use dirty, damp bedding items which have been used manifoldedly by various persons. Although there are detainees who have their beds, and they are in relatively convenient state.

2. “Convicts’ Hospital” Penitentiary Institution

- **General Information**

“The Convicts’ Hospital” penitentiary institution is located in Yerevan. This is the only dispensary institution in the penitentiary system. All sick convicts with serious health problems are taken here. The patients can also be put into civic clinics under relevant control.

The Helsinki Association monitoring group, within the period of 14.06.2010 to 18.06.2010, within 11:00-18:00 hours, visited the “Convicts’ Hospital” penitentiary institution. According to the head of the institution, out of 240 positions, 80 are medical/doctors’ posts, 44 are free positions, 13 are monitoring posts, which is not sufficient for organizing smooth operation. As an

example of numerical inconsistency, the head pointed out that the institution has 13 observation posts, and at least 39 inspectors are needed, whereas currently only 13 inspectors are employed.

“The Convicts’ Hospital” penitentiary institution has three zones, with relevant sections - in the first zone there is the surgery, dental, diagnosis and physiotherapy departments, in the second zone- the infection, psychiatric, therapeutic sections, and in the third zone - the tubercular diagnosis, drug abuse, X-ray examination and clinical and biological sections. In the one-storey building in front of the surgery department there is a functioning dental cabinet and a barber’s shop. The buildings for tubercular diagnosis and drug abuse departments are new constructions, whereas the building of the surgery section was built in 1828 and has not undergone any capital repairs from time immemorial. Current repairs are done based on the need.

The PI is designed for 460 convicts, but in practice, it can serve only 298 patients. This issue is explained as follows: the building for the new department designed for 220 patents with tuberculosis was constructed in 2003. Currently the number of patients with tuberculosis has significantly decreased, but it is impossible to put patients with other diseases in that department. At the moment of our visit there were 279 patients at hospital. According to the head of the institution, another 90 patients can enjoy state funded medical aid. These are mainly patients who could not receive very specialized medical treatment at the convicts’ hospital.

In case of foreign patients, the medical treatment and the menu is not different from the ones provided to other sick convicts. Irrespective of the fact, under which regime the convicts were kept before being taken to the hospital, they will enjoy one free regime, which means that, apart from the treatment hour, the patients will enjoy free movement and strolls in the territory of the hospital before going to bed. In view of security, sexual minorities are kept in separate wards.

The medicines warehouse, from which the medicines are distributed to all penitentiary institutions of the country, is within the territory of the hospital.

The institution has no heating system; it is heated by electric stoves. The hospital is provided with permanent water supply, the water removal system is functioning properly. It is worth mentioning that the hygienic and sanitary state of “Vonvicts’ Hospital” penitentiary institution is sufficient.

- **Liaison with the outer world**

Short appointments

There are two rooms for short appointments in the institution, the surfaces of which are very small – up to 20 square meters. The rooms are furnished and there is a toilet. The heating is through electric stoves.

Long lasting appointments

There are four rooms for long lasting appointments in this institution. All rooms are furnished with modern furniture and TV sets; there is a toilet and kitchen. The rooms are heated with electric devices.

Telephone connection

One coin-box telephone is installed per each zone, which can be used without any limitations, according to defined schedule. Only four coin-box telephones are functioning.

Delivery items

The delivery items point of the PI is rather small, and if there are several families, some will have to wait outside. The examination of delivery items is done by modern equipment. There is no toilet in this area.

- **Sanitary Hygienic state**

The prisoners can take a shower according to a previously approved schedule. The bathroom is not heated. There is a laundry functioning at “Convicts’ Hospital” PI, which is equipped with a drying machine, washing machine, which, nevertheless, are worn out.

- **Wards**

In general, the wards in the “Convicts’ Hospital” PI are in good state. The interviews with the convicts revealed that current repairs of the wards are mainly done with the construction materials provided by their relatives. As to the internal furnishings, the TV sets and other electric appliances (refrigerator, tea-pot, and coffee machine) are all provided by the convicts’ relatives. At the Psychiatric department, we visited cells, which required capital repair. Natural lighting was sufficient. Since the doors of the wards are not closed, and the convicts have the chance to open the windows themselves, no issue regarding ventilation ensues.

- **Occupation**

Since this institution is designed for sick convicts, there is no work load here. Only a few convicts are engaged in different type of assistance works.

- **Food**

At the time of our visit, two types of meals were being cooked at the kitchen, which according to their organoleptical features complied with the standards of food meant for patients. The kitchen was in need of current repair. Ventilation devices need to be upgraded. As in other PIs which we visited, at the “Convicts’ Hospital” as well, after serving the meal, approximately 20-30% of the whole cooked meal was still left. This remnant, as reported by the kitchen staff, is thrown away.

3. “Vardashen” Penitentiary Institution

- **General Information**

“Vardashen” Penitentiary Institution is designed for the ex-staff of law enforcement units and foreign citizens. The building was constructed in 1996; it was reconstructed in 2003-2004. The latest capital repairs were done in 2005, as a result of which it became possible to keep the convicts under cell conditions.

The monitoring group of Helsinki Association visited “Vardashen” PI within the period of 21.06.2010- 25.06.2010, at 11:00-18:00 hours.

This penitentiary institution had the following staff composition:

- a) 5 persons at the closed correctional institution;
- b) 5 persons at the detention unit;
- c) 25 persons at the semi-closed correctional institution;
- d) 70 persons at the semi-open correctional institution;
- e) 15 persons at the open correctional institution;
- f) And 34 persons at the place of keeping the prisoners.

According to the staff set, “Vardashen” PI is designed for 135-140 detainees and convicts. As of June 2010, 55 detainees and 146 convicts were kept in this establishment. The Institution is comprised of an isolator, a place for keeping the convicts and a medical care point.

After PI renovation, metal plastic windows have been installed; the toilets have been separated and tiled. At the places of keeping the detainees and the convicts, the cells are for 2-4 persons, whereas the semi-open correctional units are designed for upholding up to 8 persons. The floors of the cells are mainly wooden. The institution suffers serious problems with the water supply; the water is supplied twice per day, for two hours each. It is worth noting that the water supply is a serious problem for the whole Nubarashen district where the penitentiary institution is located.

- **Liaison with the outer world**

Short appointments

There are three rooms for short appointments with surface of 8-21 square meters. One of the rooms is located in the territory of the semi-open correctional unit, whereas the other two are located in the building where the detainees and the convicts are kept. The short appointment rooms located at the place of keeping the convicts and the detainees are designed for one-by-one appointments. These rooms are also used as interrogation rooms.

The short appointments room at the semi-open correctional unit is designed for 4 appointments at a time. There are 4 tables and 8 benches here, as well as a toilet enclosed.

Long lasting appointments

This establishment has 2 rooms for long lasting appointments, each of which has a surface of 20 square meters. The rooms are furnished with chairs, a table and beds. The rooms have sufficient natural and artificial lighting. Enclosed is a toilet, a bathroom and a kitchen with necessary utensils, refrigerator and tea-pot.

Telephone connection

There is a functioning telephone line at “Vardashen” PI, which is used by the imprisoned of the semi-open correctional unit on a twenty-four- hour basis (except for the weekends). The prisoners of the place for keeping the detainees and the convicts can use the telephone line according to the defined schedule, twice a week.

Delivery items

The room for the receipt of the delivery items is small. The convicts' relatives enter this room directly from outside. In case of queues, the relatives are obliged to wait outside, where no proper accommodation exists. The delivery items are examined by a modern "Rapiskan" device.

- **Cells**

There are two types of prison cells in "Vardashen" PI: semi-open correctional institution's cells and cells for the place envisaged for keeping the detainees and the prisoners.

Cells of the semi-open correctional institutions

The cells of semi-open correctional units are of different surface - from 12 square meters up to 30 square meters, where correspondingly, 3-8 convicts are kept. In general, each of the convicts is provided with 4 sq m space. The doors of the cells are wooden, they have no locks and during the day the convicts can freely stroll in the area of the unit envisaged for them. There are wardrobes in the cells, the toilet is separated, the natural lighting is sufficient. This institution has problems regarding centralized heating, and the cells are heated by electric stoves, which are mainly brought by the prisoners' relatives. As in all other PIs in Nubarashen district, this unit as well faces problems of water supply, which is provided based on a schedule, and this is not sufficient to satisfy the needs of the detainees and the convicts. At the moment of our visit there were many bottles full of water placed on the floors of the cells.

Cells of the area for keeping the detainees and the convicts

This type of cells are designed for 2-4 detainees, although, due to overload, in some of them 6 prisoners are kept. The natural lighting of the cells is sufficient, whereas, as to the artificial lighting, there are 2 different types of lamps installed – the first one is for lighting the room until the sleeping time, and the second one for providing week lighting during the night.

28 foreign citizens (from Romania, Russian federation, Iran, Afghanistan, and France) are kept in this institution. In one of the rooms for foreigners we met with 6 citizens of Iran. There were 6 persons in the cell, provided with 6 beds; the room was approximately 12 square meters. There were Persian writings on the wall, one TV set, DVD player, one refrigerator, and a small ventilator. For four days there had been no water in the cell. There is not enough room for namaz. The Persians also do not eat the canteen food, since the food is very buttery. As reported by three Iranians, they had been inflicted violence, in the police department. A. Karapetyan, a

staff of the police department acted as an interpreter, a public defender was provided, to whom they paid 1200, 1500 and 2000 US dollar, correspondingly. It is worth noting that Ajbat Ahmadi Pur and Rahim Ali Bibak are accused of import of a huge amount of narcotics. They were arrested at the airport. The Iranian embassy does not take any interest in the latter's cases.

- **Sanitary Hygienic state**

Bathing

The institution has 3 bath-houses of different size. The place of keeping the detainees and the convicts has a bath with 3 showers. The prisoners take showers once a week.

In order to supply hot water, different capacity tanks are installed. The water in these tanks is heated electrically. Sometimes there is not enough hot water for all prisoners to take a shower. In order to supply the water to the bath-houses, additional pumps are used.

The bedding items of the convicts are cleaned and dried at a special place destined for it. Still, the convicts or the detainees often receive fresh bedding items together with the delivery items. The laundry is in a good state.

- **Medical Care service**

A part of "Vardashen" penitentiary institution is in the ground, and in rainy weather the level of humidity goes up. That's why there are cracks on the wall and the paint is falling off the walls. The medical care point is comprised of 3 wards, with only 5 beds and one bath-house with only one shower.

There is a dental cabinet here with relevant equipment. As reported by the head of the medical care point, there is no shortage of medicines. Photoroentgenography is done at "Nubarashen" PI. The institution has its own **ECG**, whereas for laboratory analysis it other uses "Nubarashen" PI or "Erebuni" clinical hospital. There are no items and a sterile wound dressing room for small-scale surgeries. Also, they'd like to have ultrasound device, as well as laboratory.

There are the following staff positions for the medical care point: 2 doctors, one doctor's assistant, hired doctors on part-time basis - neurologist, venereologist, dentist, and oculist.

- **Occupation**

No occupation was provided at “Vardashen” PI. With the assistance of the Department, opening of a small production of shoe plates was scheduled on July 15, 2010. This will involve:

- 15 persons on full time basis;
- 2 vacant posts’
- Salary of 30 000 dram.

There is a large sports hall in the institution with tennis tables at the central part of it, each of which is at a 3 meters distance from the other. On the right part of the hall there were 3-4 heavy blocks, one horizontal bar and a piano. The sports hall has two own bath-houses with two showers and one water containing tank of medium size, for 8-10 people.

Strolls

There are 3 walking grounds in this PI, which are located on the yard of the Institution, The walking grounds are of different size; the walking ground of the semi-open correctional unit is 200 square meters, and the walking ground of the unit for keeping the detainees and the convicts is 300 square meters. Only semi-open correctional unit is provides opportunity for going in for sports.

Library

There are 3025 units of books in the library. They are old and are not updated with new ones. The convicts do not use the library at all.

- **The Food**

There is a small refrigerator, a medium size oven, with 6-7 pans on it, partially fit, in the kitchen. The menu mainly comprises macaroni; soups with potato and meet; and lentil. At the moment of our visit they have just received food stuffs: condensed milk, canned fish.

As stated by the cook, about half of the cooked food is thrown away. They would like to reequip the kitchen with a bigger oven and refrigerators, since the size of present devices is not enough for heating the kitchen and storing all food stuffs.

4. “Erebuni” Penitentiary Institution

- **General Information**

“Erebuni” Penitentiary Institution is of open and semi-open type, where only convicts are kept.

The Monitoring group of Helsinki Association visited “Erebuni” PI within the period of 28.06.2010-02.07.2010, at 11:00-18:00 hours.

The convicts are accommodated in three buildings, which were constructed during the Soviet times. The institution is built in a landsliding zone with high level of humidity, that’s why the major part of the buildings are in emergency situation.

The PI is envisaged for 391 convicts: 20 persons at the open correctional unit; 371 persons at the semi-open correctional unit. Nevertheless, as of July 2010, there were 522 convicts serving their sentence in this institution. Only ten out of the twenty places in the open unit were occupied at the time of our visit. The convicts were allowed to freely move around the institution until 23:00, when “sleep” was announced.

There is 190 staff on the list of the institution. 186 of which are penitentiary servants, and 4 are freely hired employees. As of July 2010 183 posts were filled, 176 of which were penitentiary servants, 4 were freely hired employees; two were doctor’s assistants at the medical care point, and 1 was electrician in the maintenance division. As reported by the head of the PI, the staff posts are not sufficient especially in the domain of security.

There is a ground in the territory of the administration, where the prisoners are counted twice each day.

The security is of two types: internal and external. External security includes 7 observation points, where armed security agents are standing, and the internal security is ensured by the responsible staffs of the day of the respective place.

- **Liaison with the outer world**

Short appointments

There is one room for short appointments in “Erebuni” Penitentiary institution, which is designed for 6 appointments at a time. During the appointments, direct contacts are ensured, since there are no glass partitions. The room is furnished with 6 tables and 12 benches. 8 persons

can be seated at each table at a time. The appointment room has no separated toilet. The convicts can use their right of appointment once in a month. The appointments last for four hours.

Long lasting appointments

There are 12 rooms for long lasting appointments, all are renovated. The rooms have different surfaces: from 7 square meters up to 15 square meters. The furnishings of the rooms also differ from each other. There are chairs, a table, one big or two separate beds in all rooms. In some rooms there is also a sofa, a refrigerator, and a shelf. The rooms are heated by electricity. There are two common toilets attached to the rooms: for women and men. There is also a separate bathroom for one person. There is a common kitchen for all the rooms, with all necessary utensils.

The visitors of “Erebuni” penitentiary institution are not allowed to go outside of the rooms. This means that the visitors will have to stay inside for three days, since during long lasting appointments the door of the room is locked from outside by a lock. Only those convicts who have shown exemplary conduct can apply to the head of the penitentiary institution to have a long appointment with their family members. The applications are collected until 25th of each month, after which a schedule is compiled.

Telephone connection

There are coin-box telephones installed in the territory of the institution. The convicts can use those every day without any limits. There have been no records of complaints by the convicts regarding the telephone connection.

Delivery Items

The delivery items are received and examined in a room of approximately 30 square meters. This room is in the first floor of the administrative building. A modern “Rapiskan” examination device is installed in the room. There is a kiosk in the institution for the convicts’ use. It is worth noting that the prices of the shop are compatible with the prices of shops in Yerevan.

Since December, 2010 a barrier/block has been installed by the administration of the institution on the road to “Erebuni” PI administrative building, which prohibits the relatives of the convicts to approach the administrative building for transferring/handing in the delivery items. To the visitors’ question on the purpose of this change and the aim of this artificial obstacle for the

relatives of the detainees, who are now obliged to walk 100 meters carrying heavy bags before they get to the delivery items point, the staff gave evasive answers.

- **Dormitories**

“Erebuni” PI is a three-storey building and is divided into dormitories. There are three dormitories, which are overpopulated. That’s why 4 square meters anticipated for each prisoner is not ensured. One of the dormitories is separated and is designed for the Jehovah witnesses, which are a religious minority. The staff on duty point out that in line of non-compliance with the disciplinary rules there are no problems with the latter. The homosexuals are kept in separate dormitories. They are assigned with the responsibility to clean the territory of the institution. There are also foreign citizens who serve their sentence in this institution, of which 4 persons are from the Russian Federation and 2 persons are from Georgia, and 2 from Turkmenistan. The procedure for keeping the foreigners is the same as the one for the convicts who are Republic of Armenia citizens.

The institution was built in the 80s and has been operated as medicinal prophylactic establishment. The dormitory buildings are in an emergency state and need capital repairs. The dormitories have a common toilet and a washing basin, both in a squalid state. The heating is not centralized; the buildings are heated by electrical devices. Most of the windows are covered with polyethylene films. The deputy head informed that the window glasses have been taken away by the convicts, because it is rather hot in summer time. Within the period following the monitoring of the Helsinki Association observation group no significant change has taken place at “Erebuni” PI. The dormitories, which are in relatively good state, have been renovated at the expense of the convicts or their relatives.

- **Sanitary Hygienic State**

Bathing

The institution has serious problem related to water supply. While talking to the deputy head, we learnt that the reason for the hourly water supply is the stone processing factory and the restaurant complex, with a sauna, built on the way of the water pipeline. These establishments consume a lot of water, that’s why in many cases the water doesn’t reach the PI. In order to partially solve the issue of water shortage, the water is stored in the pool, when it is supplied, so that the convicts can wash and satisfy their needs.

There is one bath-house with own cloak-room at “Erebuni” PI. There are nine showers in the bath-house, but in order to strengthen the water stream, the convicts have taken these showers out. Thus they bathe directly from the water streamed from the pipe. In order to provide hot water there is a 5 t capacity tank. They take baths according to a previously compiled schedule, every day within 09:00-18:00.

Adjacent to the bath-house there is an equipped laundry, drying room and barber’s shop. There are three washing machines which have been in use for 6-7 years. The laundry, drying room and barber’s shop are operated by the convicts. There are not many users of the laundry; the convicts wash their clothes themselves. The services of the laundry are free of charge.

- **Medical care service**

There are three doctors at the medical care point: chief doctor, dentist and a therapist. The prisoners enjoy the right to use the services of hired doctors. There are 9 staff posts for hired doctors, four of which are occupied. These are the dermatologist and the cardiologist.

There are ten wards at the medical care point, with 19 beds. At the time of our visit, there were 16 convicts at the medical point.

No complaints regarding the medicines have been recorded. There is an appropriately furnished dental cabinet which functions. If there are bed cases, and the treatment of such patients is impossible to organize at the PI, the patients are transposed to either the central hospital or “Erebuni” clinics, with the permission of the Department. As reported by the head of the medical care point, generally no problems arise regarding the transposition of the patients

- **Occupation**

There are 22 convicts at “Erebuni” PI, who are employed. They have rooms designed for them, separated from other convicts. The number of the convicts, who benefit from the opportunity to prepare hand made products from wood or other materials provided by “Support to the Convict” Foundation, is very small.

At the time of our visit the movie hall was in renovation process. There are adjusted areas, where the convicts could engage in some types of activities of their preference. The administration provides corresponding instruments to these convicts, which are collected back in the end of the day. There is a football playing field and a sports ground within the territory of the institution.

There is a functioning library at the institution with 3755 unit books. Major part of the books is inherited from the Soviet period, that's why the part of literature of communist propaganda typical for that epoch comprises the main part of the library literature. This doesn't interest temporary readers. As stated by the head, before our visit T. Karapetyan, President of "National party", contributes a large number of books to the institution. The head reported that they are planning to acquire computers for the establishment as well.

There is a chapel in "Erebuni" PI, which was built by means of the convicts and their relatives.

- **Food**

As reported by the head of "Erebuni" PI, that depending on the menu they actually spend from 550 to 700 AMD daily on the food stuff per prisoner.

There are five big tea boilers, which are used to cook the meals. One small oven and four small kitchen chairs are installed. The kitchen is serviced by four cooks. There is a bath-house with one shower for the cooks. Every day 300-350 convicts use the canteen.

The leftovers, which may reach to 30%, are thrown away. There is one bug refrigerator, which is sufficient for keeping the necessary food stuffs. Every day a sample of the cooked meal is taken and kept in the refrigerator. As to the menu, there are no changes to it, whereas the cooked meal does not excel in either taste or quality.

- **Punishment cell and quarantine**

The punishment cell and the quarantine are in the same building and are one of the newest constructions of the institution. The quarantine block comprises three cells. At the moment of our visit there were three convicts just taken there.

There are ten cells for the punishment with 15-20 square meters surface. There are five two-room beds in each punishment cell. There were eight convicts in the punishment cell, two of which were employees of the maintenance department. Main reason for punishment is the use of cellular phones which is prohibited. The quarantine and the punishment cells are observed by three jailers.

5. “Kosh” Penitentiary Institution

- **General Information**

The premises of “Kosh” PI were built in 1959. This building has been used as an auto-mechanization park. Although the institution is of semi-closed type, the building conditions do not comply with the standards defined by the law: Its construction is thoroughly of semi-closed type, i.e. the convicts are kept not in the cells, but in Lodgings.

The Monitoring group of Helsinki Association visited “Kosh” PI within the period of 05.07.2010-09.07.2010, at 11:00-18:00 hours.

The institution is designed for 640 convicts, whereas at the time of our visit there were 795 prisoners serving their sentence. Besides the citizens of Armenia there were also citizens of the Russian Federation who were serving their sentence. Russian citizens were provided with the same accommodation, as the Armenian citizens. One of the Russian convicts was engaged in woodwork. There are no life prisoners in “Kosh” Penitentiary institution. We also met representatives of ethnic minorities, who were placed in separate lodging. We learnt that, compliant to the decision of the head of the institution, their spiritual leader visits them twice a month. Due to the overload of the institution it is not possible to ensure 4 square meters area for each prisoner, as defined by the law.

There are problems in line of heating. There is no central heating and the rooms are heated by means of electric ovens. There are also problems regarding water supply. We learnt that some action has been taken to solve this issue: a new pipeline was being installed to ensure proper water supply. Before the completion of the construction works, a pipeline was drawn from Avan village, which alleviated the existing problems. There is a serious problem regarding the water removal system. As a result of incorrect operation of the drainage pipes huge harm is caused to the orchards of nearby villages. There are no problems with electricity supply. There is also a power generator which ensures normal functioning of the institution in cases of power cuts.

The funding is provided by the PI Department in compliance with corresponding budget. There are also contributions to the budget from charitable sources: a part of this charitable support is organized by Mr. T. Karapetyan, Leader of “National Party”.

The list of the staff of the institution defines three posts for officer-doctors and four posts for doctor’s assistants, 3 of which are vacant. There are 120 posts for the junior officer staff, 115 of

which are filled. There are 56 posts for the officer staff, of which 55 is occupied. There are 6 posts for freely hired staff, and 4 of those are filled. At the time of our visit 174 posts were filled. The staff recruitment takes place through placing an advertisement in mass media, but no recruitment, as such takes place. The head of the PI thinks that the level of staff qualification is average. Trainings are conducted at the Ministry of Justice.

Average salary in Armenian drams is:

- Doctors: 100 000-200 000;
- Doctor's Assistants: 30 000-40 000;
- Jailer: 100 000-200 000.

There is a Commission at the institution, which, when necessary, applies to the Government, with a request to provide the employees of the PI with domiciles, within the scope of state funding.

In general, there are no cases of aggression; serious situations are resolved through peaceful measures. According to the data from July 2010, only one case of aggression was recorded: the newly picked up convicts attacked the jailers and beat them. Based on this a criminal proceeding has been initiated. No jumbling or fights take place among the prisoners, all issues are resolved internally.

2 death cases were recorded in 2009. As of July, 2010, 2 other death cases have also been recorded. There was one suicide commitment case in 2008 and one case of escape in 2010.

On the night of November 11 to November 12, 2010, a scandalous incident took place in "Kosh" PI: people in masks attacked the convict Nikol Pashinyan. After 4-5 minutes the jailers arrived and took Pashinyan to the duty station, where he stayed till early morning. After that, he had been taken to the punishment cell for 15 minutes. This decision was grounded on the argumentation that Pashinyan had moved in the banned area without being accompanied by the security jailers. Within that period, Nikol Pashinyan was partaking in proceedings which were conducted directly at the PI. At present he is in "Artik" PI.

Many mass media representatives, writers, academicians, scientists, both in Armenia and abroad, raised their voices of complaint against what had happened. Various committees and organizations engaged in protection of journalists' rights publicized statements in protection of Nikol Pashinyan. Among these organizations were "The Writers in Prison Committee (WiPC) of

PEN International; The Committee to Protect Journalists (CPI) independent non profit organization based in New York”; Europe and Control Asia Committee to Protect Journalists, etc.

Complaints of the convicts in “Kosh” PI mainly refer to the issues of preliminary release, as well as to the opportunity to use their right of appointments more frequently.

Many non-governmental organizations, public observation groups, representatives from the Ministry, TV broadcast companies visit the penitentiary institution. According to the deputy head, this fact is an important psychological factor for the convicts, since the latter are granted the opportunity to talk and share their feelings.

As stated by the head of the organization, they would like to get assistance of the Penitentiary Department in solving the following issues:

- Reinstating of the quarantine;
- Final settlement of the water supply issue;
- Filling the staff positions of the medical care centre;
- Renovation of the bath-house and the canteen;
- Taking up measures to provide occupation for the convicts;
- Install video-camera system;
- Re-equipment of the technical system. i.e. handcuffs; rubber truncheons; shields;
- Reconstruction of the dormitory into a semi-closed type;
- Staff recruitment to fill the vacant positions;
- Acquisition of new furniture.

There are 2 coin-box telephones in the territory of the institution, which are not under control, and the convicts can talk on the phone as much as they like.

A church was built in the territory of the penitentiary institution with the assistance of the convicts. There is a library of 200-250 unit spiritual books at church. The average number of library users is 120-150 people. A priest visits the institution once a fortnight to conduct church ceremonies. There is a section for livestock, where they keep rabbits and other pets.

- **Liaison with the outer world**

Short appointments

There is one large hall of about 40 sq m for short appointments in “Kosh” PI. It is furnished with new armchairs and tables. The natural lighting of the hall is sufficient. Adjacent to the room there is toilet facility which can be used by the convicts’ relatives. The room is heated by the electric ovens.

Long lasting appointments

There are 12 rooms for long lasting appointments in the institution. At the time of our visit 9 rooms were occupied. The rooms for appointments are located in a separate section of the building, in complete isolation. There is one kitchen of common use with 3 refrigerators; a toilet and a bath-house of common use, which are not in hygienic state.

Telephone connection

There is a telephone connection functioning at “Kosh” penitentiary institution, which is located in a separate building. Two automated telephones are installed here. The convicts can use these on daily basis.

Delivery items

The point for receiving the delivery items is a 18 sq. m. room. There are two tables and two benches here. The delivery items are examined by means of “Rapiskan” modern equipment. The convicts are informed about the receipt of the delivery items via radio connection.

- **Dormitories**

The convicts in “Kosh” PI are kept in three buildings. They are put in the dormitories: two big and one small room. The dormitories are three-storey buildings, each of which has a playroom with a TV set and DVD player. The convicts are kept in rooms of different areas, from 10-60 persons in each. The beds in the rooms are two-storey.

There is a separate building for the Jehovah witnesses, who are separated from the other convicts. At the time of our visit there were 15 Jehovah witnesses there.

- **Sanitary Hygienic situation**

There is one bath-house in “Kosh” penitentiary institution. The prisoners take baths once a week. The total surface of the bath-house is 85 sq. m., 25 square meters of which is the area of the

cloakroom and 60 sq. m. is the area of the bath-room. There are benches and hangers in the cloakroom. There are 16 shower cabins in the bath-room, which are separated by partitions. There are also six 420 liters tanks which, during summer months, are heated by the sunshine.

- **Medical care service**

There are 6 wards with 18 beds in the medical care point. At the time of our visit 11 convicts were there receiving their treatment.

The medical point employs a neurologist, a therapist and a surgeon. There is a drastic need for a dentist: currently the doctor's assistance provides dental services. He has a command of the subject to some extent, but does not have any certificate, hence, has no right to practice as a dentist in the institution. There are two vacant positions for doctors at the institution.

There is no laboratory in the medical point. Required laboratory analyses are performed at a polyclinic of a nearby village.

Water supply pipes were being installed in the wards. There is also a bath-house in the medical point, which is under renovation.

As stated by the head of the medical point, there is an urgent need for sterilizing devices. Adjacent to the medical care point, there is a small yard, where the sick convicts take rest.

- **Occupation**

There is one barber's shop with 4 barber's chairs and necessary devices at "Kosh" PI. The barber's shop is operated by the convicts. The shoe maker and the laundry man are also convicts. There are 2 medium and 1 large washing machines in the laundry,

In order to ensure the convict's active rest, there is a sports hall with old sports equipment. There are also tennis tables and a billiard hall.

There is a timber processing unit in the territory of the establishment, where "tezbehs" and other wooden items are made. In addition to this, there is also a separate workshop with a large number of shabby and non-functional machine tools. 11 convicts are employed in the workshop. "Support to the Convicts" Foundation sells these products at Vernisazhe and returns the whole proceeds to the convicts.

- **Library**

There are 4800 books in the PI library. There is a lack of Armenian language literature here. The library receives magazines from different publishing houses every week.

- **Food**

There is a large kitchen in “Kosh” PI, which is in anti-sanitary situation. As the door and the windows of the kitchen were left open at the time of cooking, the observers of the monitoring group noticed that there very many running insects on the floor and the walls of the kitchen. Convicts, who were not engaged in the works of the kitchen, were present there without any white robes. As there was no bucket, the cook immersed his hand into the meal together with the plate. There were 8 big boilers, which were in shabby and deplorable state. There was a separate are for cutting the bread, as well as for washing the plates: both were in anti-hygienic situation. As to the artificial ventilation, the air holes were not functioning properly. 9 convicts are employed at the kitchen.

- **Punishment cell and quarantine**

During the visit there were 13 convicts in the punishment cell. The punishment cell was under renovation: due to installation of a new pipeline the floor was completely demolished.

The punishment cells are identical, the natural lighting is not sufficient, hence, the artificial lighting was constantly on.

There is no building for quarantine in “Kosh” PI – it was in thorough renovation process. When being taken to the institution, the convicts do not undergo quarantine examination: all examinations are done at sites.

6. “Abovyan” Penitentiary Institution

- **General Information**

“Abovyan” Penitentiary institution was built in 1958 and was designed for minor convicts. Since 1991 female detainees and convicts have been kept here as well. Currently this institution is a

universal type of establishment, i.e. there are all types of units here - open, semi-open, semi-closed, closed. By the way, the closed procedure has not been applied here yet.

The monitoring group of Helsinki Association visited “Abovyan” Penitentiary institution within the period of 12.07.2010-23.07.2010, at 11:00-18:00 hours.

The institution underwent capital repairs 3 years ago. Consequently, a new isolator building was constructed in 2008. There is no problem related to the water supply here. As to the water drainage system there are problems here; the pipes are rather forborne and often cause failures. There are no serious problems regarding the heating and electricity supply. There is also a power generator here, which can be turned on in case of power cut-offs. The heating is not centralized.

There are no religious or sexual minorities in the PI. Two women who are foreign citizens serve their sentence here.

The administrative staff of “Abovyan” PI is comprised of 145 employees. At the time of our visits there were some redundancies here. In the period of the conduct of monitoring the institution employed 73 jailers; 2 doctors and 4 nurses, as well as 5 hired staff: a cleaning lady, a dentist, a locksmith; an electrical machinist and a plumber.

On holidays charitable events are regularly organized for the women and children.

One death case was recorded in “Abovyan” PI in 2009 and 2010 each. There have been no suicide cases. One escape case was accounted in 2009.

This PI is designed for 250 convicts and detainees. At the time of our visit there were 242 people serving their sentence here. 107 of these were under preliminary arrest in a separate isolator, which was built in 2008 and is located in the zone for minor convicts. 52 of 107 detainees are minors and 55 are women. There was also one minor detainee in the isolator. The reasons were not clarified. It should be mentioned that there are 26 cells in the isolator for 104 prisoners. The isolator has a separate walking ground.

- **Liaison with the outer world**

Short appointments

There are three newly built rooms for short appointments at “Abovyan” PI. The total surfaces are 12-24 square meters. Direct contacts are ensured in the short appointment rooms. They are

furnished with new tables and benches. There is also a toilet facility in this zone which can be used by the convicts' relatives.

Long lasting appointments

There are four rooms for long lasting appointments. Each of these rooms has one bed, a small sofa and four chairs. There rooms have a separate furnished kitchen and a bath room with separate showers, wash basin and toilet.

In general the sanitary situation is satisfactory.

Telephone Connection

The duration of a phone call in the isolator is 15 minutes as stipulated by the law. The phone call durations are registered in a special registration book. It should be added that the detainees are often deprived of the right to use the telephone connection upon the inspectors' instructions.

There are no limitations on the frequency and the duration of the convicts' phone calls. But there is only one telephone in the women's building which is not enough for more than 100 women. Consequently there are queues, which raise complaints among the convicts.

Delivery items

The items delivery point in "Abovyan" penitentiary institution is rather small, with 4 square meters surface. No technical means are used for examining the delivery items.

- **Dormitories**

"Abovyan" PI is divided into three buildings: an isolator, the women's building and the minor's building.

The cells of the isolator have different surfaces: from 10 sq. m to 16 sq. m. From 2 to 4 detainees are kept in the cells. In general, each detainee is provided with an area of 4 square meters. There is a medical point in the territory of the isolator with a nurse on duty 24 hours a day. There is one bath-house with three showers in the isolator. At the time of our visit the dispensing knobs of the showers were missing. The women complained that there are convicts with different psychological deviations which were serving their sentence with them. These convicts often behave rather aggressively or show inadequate conduct. This fact has serious consequences on

other convicts. It is worth noting dual-criminals and women who have committed grave crimes also serve their sentence in the same dormitory, where there are women, who are young, and sentenced for the first time, as well as those committed minor crimes.

There are 35 minor convicts who serve their sentence in the building designed for the minors. This dormitory is in deplorable state and needs complete reforming and reconstruction. The minors eat, bathe and sleep in completely anti-hygienic situation. The dormitory is supervised by three jailers, and it is very difficult for them to perform their duties under such conditions.

The defined 4 square meters per person is provided in this dormitory. There is a school in the building, which is governed by the RA Ministry of Education and Science. The school has a principal and teaching staff. At the time of our visit, classes were in process in two groups - the minors were being taught computer operation work and ethics. The school has a computer classroom and a sports hall.

The lodgment for women inhabits 109 female convicts. The dormitory is comprised of two floors. There is a hall of ceremonies on the first floor, where the women watch TV, sew, etc. There is also a warehouse on the first floor, where the convicts can keep their belongings: each convict is entitled to two boxes - one on the upper section and the other beneath. The bath-house and the medical care point are adjacent to the warehouse. The medical point is served by the nurse. The kitchen is on the first floor. Here the women can warm their dinner in the evening. A table for table tennis is put in the hall of this floor.

There is a resting room with 107 beds, six of which are double beds. It should be noted that the 4 square meter area envisaged by legislation is not ensured. There were rooms on this floor for elderly women and mothers with children. During their talks with the monitoring group, the women mainly complained that the number of women-convicts is increasing day by day, whereas the right of premature release by the independent commission is not realized. In consequence, they periodically add new beds. There are queues for using the toilet. The women asked the observers to come to the PI in the morning to witness that situation.

- **Sanitary and Hygienic Situation**

There are 7 bath-houses in the PI, five of which are in the isolator, and there is one bath-house per correctional unit. Bathing is organized once a week. There is a two-tones tank for water, which, during summer months, was heated by the sunshine. There are four showers per bath-

houses, which are separated by partitions. The whole territory of the PI is cleaned and improved by the female convicts.

- **Medical Care Service**

There is a separate premise in “Abovyan” PI for the medical service, which currently requires capital repairs. The medical care point employs two doctors – one as the head of the medical point (gynecologist) and the other as chief physician (gynecologist). There is also a dentist on part time basis and four nurses. The doctor complained that they lack essential equipment, medical instruments and means. As stated by the head of the medical care point there is urgent need for simply surgery instruments, ECG device and other means for conducting small- scale urgent surgeries. At the time of our visit 2 female convicts were in a civil hospital

There are two wards functioning in the women’s correctional institution. All bad cases the women are taken to Abovyan city clinical hospital.

- **Occupation**

Workshop

On the back yard of the dormitory there is a two-storey building for sewing and carpet weaving workshops. These workshops are supervised by “Support to Convicts” Foundation. There are eleven convicts employed in the sewing workshop and 10 convicts- in the carpet weaving workshop. There is one general director for two workshops, who complained that they lacked technical means, and new model equipment.

Library

The library is in the women’s dormitory building. It has 1100 unit books. As stated by the librarian, there are on average 80-90 users of the library per month. She maintains a register to control and entry and outlet of the books.

Hall

There is a large room for watching TV in the women’s dormitory. There is only one TV set here which can not satisfy the needs of people with different preferences. This fact may cause tensions among the convicts.

- **Food**

The kitchen and the canteen of the women's correctional institution of "Abovyan" PI are in rather neat and proper state. The kitchen items, utensils and food are kept very clean. There is one refrigerator. As stated by the cook, 10-15% of the food of the day is left over.

- **Punishment Cell and Quarantine**

The punishment cell and the quarantine cell are located in the isolator. There was one woman detainee in the quarantine cell at the time of the detainee. The quarantine cell and the punishment cell, actually, are not different from the rest of the cells.

7. "Sevan" Penitentiary Institution

- **General Information**

"Sevan" PI was built in 1962 and was, initially, designed as a penitentiary institution. This is a semi-closed type institution.

The monitoring group of Helsinki Association visited "Sevan" PI within the period of 26.07.2010-30.07.2010, within 11:00-18:00 hours.

The PI is designed for 548 convicts, whereas at the time of our visit there were 726 prisoners, three of which were foreign citizens. In such circumstances, four square meters area envisaged for each prisoner by the law was not provided. According to the management of the PI, it is envisaged to close "Sevan" PI in 2014.

The institution occupies rather large area, on the external diameter of which eight observation points were located. At the time of our visit there were demolition and dismantling works on the workshops to belittle the area to the extent possible and to extend the observation view area. There is a chapel at the institution where religious ceremonies are held.

The institution is heated by electric stoves. There are many problems relating to water removal. In order to solve these issues construction works had been commenced. There are also problems regarding water supply: water is supplied to the institution according to a schedule - 09:00-15:00.

No problems regarding power supply were recorded. Only the lamps outside and the lighting system were quite shabby and do not assist to observing the surrounding, which in its turn gives rise to new problems. There is a power generator, which is turned on in cases of power cuts. There is a laundry in the institution, with a big, shabby and a small washing machine. There is a disinfection cell, which, although, is not operational due to the absence of detergents.

There are 192 staff positions on the staff list of “Sevan” PI. At the time of our visit 5 positions were vacant. 52 positions out of 192 were envisaged for officers, 132 for junior officers and 3 for hired employees. Lack of staff was observed: few jailers, who often fail to allocate the work.

There are no records of death cases in “Sevan” PI in 2009. One death case was registered in 2010, as a consequence of a heart attack.

There are no records of suicide cases or escapes for 2009 and 2010.

According to the head of the isolator the following needs persist at the institution:

- Adding the staff posts;
- Equipping the employees with handcuffs; rubber truncheons; shields; installing video cameras in order to ensure the security of the establishment and avoid escapes;
- Establishing a structures security system;
- Reconstructing the quarantine cells;
- Renovating the lighting system;
- Creating job opportunities for the convicts;
- Doing capital repairs on the external wall of the institution.

- **Liaison with the outer world**

Short appointments

There is one 25 sq. m. room for short appointments in “Sevan” PI. There are two tables, five chairs and benches here. It is possible to have 2-3 appointments at a time. Direct contacts during the appointments are ensured. The natural lighting is not sufficient. There is no toilet facility in the appointments room.

Long lasting appointments

There are nine rooms for long lasting appointments with relatives. These rooms are in good state. There is a separate kitchen and a bath-house for the appointments hall, as well as separate toilets for men and women. The rooms are furnished with chairs, tables, TV sets, and beds. The natural lighting is sufficient. The kitchen of common use has one refrigerator, and an electric oven. The people inside the appointments room have no opportunity to go outside, meaning that they will have to stay inside the appointments room for three days in incarceration.

Telephone connection

There is a functioning telephone connection in “Sevan” PI. The convicts can use phones every day without limits. There are no complaints regarding the operation of the phones.

Delivery Items

The point for receiving the delivery items is on the first floor of the administrative building. The receipt and examination of the items is carried out in a 10 square meters room.

- **Dormitories**

The convicts in “Sevan” penitentiary institution are distributed in four dormitories, each of which is a two storey building. The convicts are kept in large rooms, where their average number can reach to ten. There is no general heating system. The heating of the rooms are provided by means of electric stoves. There are no separated toilet facilities and bath-houses which are of common use by the whole institution. All the dormitories, which we visited, were shabby and need capital repairs. There is a barber’s shop and a library in the dormitories, there is also a shoe maker and a tailor.

- **Sanitary Hygienic Situation**

There is a bath-house with 12 showers, cloakrooms and hangers in “Sevan” penitentiary. At the time of our visit the bath-house had been out of order for five days, since the water drainage pipes were stuck. In general, the bath-house is in terrible anti-sanitary condition. Because of improper functioning of the water removal system the whole area of the bath house terribly stinks. The water stored in the tank drops down from the ceiling, which causes nuisance and discomfort.

- **Medical care service**

The medical care point of “Sevan” PI is in renovation process. There are the head of the medical point, three doctors - one surgeon and one dentist, and two doctor’s assistants, employed at the medical care point. For analysis and examination the institution uses the services of civil hospital of Hrazdan city. In the medical point there is dental equipment, compressor, which is, although, shabbier, then the ones in other institutions. There is also no ECG device and other medical instruments.

Our interviews with the detainees revealed that many medicines are brought by their relatives, since these are not available at the medical care point.

At the time of our visit there were 22 patients at the medical care point. Twelve of them had different types of mental disorders. There are six wards in the medical care point, which do not, in any sense, including hygiene, comply with the requirements stipulated by the law.

- **Occupation**

Library

There are 2500 books in the library. There are on average 20-30 users of the library on monthly basis. A corresponding registry is maintained. There is no reading hall in the library. It has been recently replenished with new books, which were a contribution of the president of “National Party”, Mr. Tigran Karapetyan.

Workshop

There is a workshop governed by the “Support to the Convicts” Foundation. There are 20 convicts employed in the workshop, where wooden items are produced.

- **Food**

The kitchen and the canteen of “Sevan” PI are rather big. There is a large space designed for cooking the meal, but the ventilation system does not function properly, the windows carry no glasses, which causes anti-hygienic situation. The warehouse; the dishwashing area, where there are a number of problems due to the lack of water, are in the kitchen. Nine convicts are employed at the kitchen. Due to its size, one hundred prisoners can be located in the canteen. Nevertheless, since the penitentiary house is overloaded, the canteen operates in shifts.

- **Punishment Cell and Quarantine**

There are seven punishment cells, which are located in a separate place. At the time of our visit there were seven convicts there. As all other buildings of the institution, the punishment cells are in shabby, deplorable state as well: the walls of the punishment cells are partially demolished and, as stated by the jailer of the area, in case of a blow, they are likely to fall to ruins. The electric wires which are installed through the walls are open, which is impermissible, since it can cause electric blow. There were many insects in the cells. In general, there is anti-hygienic situation in the punishment cells. The punishment cells are watched by 3 jailers. There is no building for the quarantine.

8. “Gyumri” Penitentiary Institution

The monitoring group of Helsinki Association received permission to visit “Gyumri” Penitentiary Institution during the period of 23.08.2010 to 27.08.2010, within 11:00-18:00 hours. Later, we discovered that “Gyumri” penitentiary institution had ceased functioning. Instead, “Hrazdan” PI functions. The observation group did not receive the permission for the conduct of monitoring, with no explanations.

9. “Artik” Penitentiary Institution

- **General Information**

“Artik” PI was built in 1950s. This institution is a universal type of institution, i.e. it incorporates all types of institutions: open; semi-open; semi-closed; and closed. “Artik” PI was closed in 2004 and reopened in 2007.

The monitoring group of Helsinki Association visited “Artik” penitentiary institution during 30.08.2010-03.09.2010, within 11:00-18:00 hours. The institution has undergone and is still in the process of renovation. 800 meters water pipeline has been recently installed. The head of the PI has about 35 years of work experience, major part of which was within the system. He is occupying the post of the head of “Artik” PI since July, 2009.

The penitentiary institution has no problems with the water supply and removal systems. It is provided with twenty-four hour water supply. There is a boiler house which provides for the heating of all buildings. There are heating units in each room. There are no problems with the electricity supply, either. There is a power generator installed, which can be turned on in case of power cut offs.

The head of the institution states that there are broad opportunities to engage in economic activities in “Artik” PI, but he is not granted with such an authority. There are representatives of religious and sexual minorities in the establishment, who are kept separate from other prisoners. There are no foreign citizens or persons with no citizenship in the establishment. As stated by the head of PI, there have been no cases of murder or suicide in the institution. Some time before our visit an attempt to escape took place. There has not even been any case of serious fighting in the institution. Sometimes there are quarrels over minor household issues.

The institution is designed for 373 convicts and detainees. At the time of the monitoring visit the 379 detainees and convicts were kept there.

There is a psychologist working at “Artik” PI. His office is of about 30 square meters and is located on the second floor of the isolator. As stated by the psychologist, 80% of issues addressed to him mainly relate to their families and divorce. According to the psychologist, there is lack of psychological literature.

The administration of the of the institution is comprised of 250 employees. There are about 150 jailers. There are 2 doctors in the institution, as well as a dentist, a psychologist, a psychiatrist and a pulmonologist.

- **Liaison with the outer world**

Short appointments

Short appointments in “Artik” PI take place in a light, renovated room with about 60 square meters surface. There are 4 tables, chairs and 3 armchairs. The furniture of the room is new. There is a chance for direct contacts during the meetings.

Long lasting appointments

The institution has 5 rooms for long lasting appointments. Two of these are two-room units, and three of those are three-room units. The rooms are furnished with beds, tables, refrigerators and

TV sets. The two-room appointment halls have a separate bathroom. There is also a common bathroom and a kitchen. The general sanitary situation is good.

Telephone connection

There is one coin-box telephone in each of the buildings of “Artik” PI. The prisoners use those according to a defined schedule. With the permission of the administration, the convicts can also make calls out of the defined schedule. Nevertheless, there are convicts who are not taken account of in the schedule: e.g. Nikol Pashinyan, who had no opportunity to either use the telephone line or write letters. These limitations are not justified in any way either by the management of the Penitentiary Department, or the administration of “Artik” PI.

Delivery Items

The point for receipt of the delivery items is located on the first floor of one of the administrative buildings. The acceptance of the delivery item and its examination is carried out in a 20 square meters room, which is equipped with a modern “Rapiskan” scanner. There are balances next to the scanner. According to the law, the detainees can receive no more than 70 kilograms per month. There is also a box for applications and complaints.

- **Cells**

“Artik” PI is comprised of five buildings: an isolator, three semi-closed correctional institutions, one semi-open and one open correctional institution. The cells of the isolator, as well as of the semi-closed and semi-open correctional units are identical - 10 square meters (for two people) and 16 square meters (for four persons). The buildings of the isolator and three semi-closed correctional units are of similar type: they are two-storey buildings, with 50 convicts kept in each. On each floor there is a furnished rest-room of 30 square meters. A tennis table is put in each of the three rooms. On the second floor there is a room for the staff. Each building is watched by two jailers, who are armed with ribbon truncheons. In separate rooms for the jailers there are calling devices, by which there is a two-way contact with the jailer and the cell. This provides the opportunity to call the jailer without shouting.

There is a separate room of 16 square meters for the meetings with the inspectors and lawyers. The room is separated and is newly furnished.

There are 8 four-seat and 8 two-seat cells. The doors of the cells are made of iron, the floor is wooden and the windows are metallic-plastic. All cells are renovated; there is a toilet facility

inside the cells, with modern wash basins and toilet basins. There are two, three and four beds, TV set, DVD, shelf, and in some cells - also a refrigerator, electric stove. The lighting inside the cells is sufficient. The windows bare curtains, there are flowerpots with decorative flowers on the floors and window-sides of the cells. In one of the cells there is a singing bird kept in a cage, thanks to which there is quite a pleasant atmosphere in the cell.

- **Sanitary Hygienic Situation**

There is one common bath-house in each floor of all buildings of “Artik” PI. All bath-houses are renovated. There is one wash-basin and two showers in each bath-house, which are separated by partitions. In some bath-houses there is also individual heating system. The prisoners bathe according to the defined schedule, i.e. once a week.

There is also a laundry in the institution, with a “Samsung” washing machine. The laundry is operated by the convicts. Adjacent to the laundry there is also a drying room, with an iron, as well as a sewing machine.

- **Medical Care Service**

The Medical care point of “Artik” PI is under renovation. There are six rooms here, with 12 square meters of surface each. The medical point has a separate kitchen and sanitary accommodation.

The medical point employs two doctors - a dentist and a pulmonologist, and 4 doctor’s assistants. Twice a year, with assistance of mobile photoroentgenographic machines, photoroentgenography is conducted on the site. If necessary, the convicts are also transposed to the nearby civil hospital for relevant medical examination. Unlike “Nubarashen” PI, the isolator does not have the accommodations for conducting MRP and photoroentgenographic examination of the newly picked up detainees. As stated by the institution’s physician, they do not experience lack of medicines, although, sometimes, the relatives of sick detainees or convicts bring medicines themselves. After the renovation, the medical point will have laminate, easily cleaned floors, instead of the present wooden and linoleum-covered ones. In course of our visit, the medical care point received metallic-plastic doors and windows.

According to the head of the medical care point, some obstacles and delays arise in connection with transporting serious patients to the central or civil hospital. Issues related to paper work, notification of the Penitentiary Department and provision of guards, are time-consuming.

In the punishment cell the monitoring group met a convict who had tuberculosis, who immediately put on the medical mask upon our entry into the cell. The reason for isolating the patient was not for punishment, but for prophylactic purposes: in order to thoroughly examine the patient, some time is required. Such patients are isolated in order to avoid infecting other convicts.

- **Occupation**

Library

The library is located in the building of semi-open correctional institution. There are 3500 unit books here. 2-3 days before the visit of the monitoring group, as stated by the librarian, the library had been replenished with books provided from charitable sources. The entry and outlet of the books is regulated by a specific record book, by putting the signature of those who are taking a book. About 80 convicts from the closed correctional institution use the library. In general, approximately 25-30 percent of the detainees and convicts use the library. There is a need to replenish the library with new books.

School

The school is also located in the building of the semi-open correctional unit. There are 65 students at school, between the age range of 18-28. The classes start at 16:00. All subjects defined for secondary schools are taught here, except for preliminary military preparation and physical training. There are 6-8 new double desks. According to the school principal, the school needs new textbooks.

Strolls

There are four walking grounds for the detainees of the pretrial isolator of “Artik” PI. Each of them have approximately 10 square meters with one bench inside.

The yard of the semi-closed correctional unit serves as a resting zone. It is large, lined with trees, and has pavilions inside. There is a sorts ground in one of the buildings, there is also a football ground within the area of the institution. Regular football and other types of games are held here.

A chapel was being built in the area of the institution. Some convicts were also involved in the construction works. The funding of the chapel construction was provided by persons who previously served their sentence in this PI.

- **Food**

The kitchen of “Artik” PI is a room of approximately 80 square meters. It was renovated before, but due to the dampness the ceiling was already damaged and needs repair. There is no separate ventilation system, all windows are open. In general, the sanitary hygienic situation can be evaluated as satisfactory. There are five big boilers in the kitchen, where separate meals are cooked, and the water for tea is boiled. There is also one electric stove. The kitchen is operated by the convicts. The menu undergoes change once a week. As stated by the kitchen staff, the left-over is thrown away. A record book for the quality of meals is maintained, which is signed by the doctor and the man on duty. There are two big iron refrigerators in the kitchen, as well as a potato peeling device, a wash basin, etc. Adjacent to the kitchen there is the canteen of the same size. The canteen needs renovation; due to humidity the walls here are also damaged. There are 10 tables in the canteen, each for 10 persons.

- **Punishment cell and Quarantine**

At the moment of the visit of the monitoring group, there was one convict kept in the punishment cell. There are ten punishment cells - each of which has about five square meters surface. The floors of the punishment cells are wooden, there is a table and a bed installed in them. The bedding items are provided in the evening. There is one single sanitary accommodation for all ten punishment cells. It has an Asian type toilet basin, and a washing basin. The sanitary accommodation was not in very clean state.

There is a separate room for quarantine. The surface of the room is approximately 80 square meters. There are ten beds and two big tables installed in the quarantine room. The quarantine room is heated; there is a separate sanitary accommodation, which is renovated. It has a shower, a washbasin and a toilet basin. At the moment of the visit there were 4 newly picked-up detainees here.

10. “Vanadzor” Penitentiary Institution

- **General Information**

The building of “Vanadzor” penitentiary institution was put for operation in 2007. Previously it used to be a bus park.

The monitoring group of Helsinki Association visited “Vanadzor ” PI within the period of 06.09.2010-17.09.2010, within 11:00-18:00 hours.

Despite the fact, that the premises have been renovated and delivered for operation 3 years ago, it becomes apparent that the construction works had been done improperly, by non-professionals. An attempt had been made to spend the least amount of money possible. Also humidity is added to this, and in consequence the paint on the walls of the cells and the plaster cover had partially fallen off and deteriorated. Due to deficiencies of the sanitary accommodation pipes, the ceilings of the cells had deteriorated. The guard’s room for the inspection staff of the institution, which is located in the corridor, is a metallic-plastic construction, with a cement floor, not even wooden. In general, the artificial lighting in the corridors was very faint. The doors of the prison cells were not reliable; they were wooden, covered with tin plate. Without having taken any account of the number of convicts and detainees, small bath-houses had been constructed on the floors, which were not appropriate for exploitation. In the course of the visit of the monitoring group, the bath-houses on the third and fourth floors were under renovation. A new passport control point was being constructed as well.

“Vanadzor” penitentiary institution is a universal type of establishment; i.e. it incorporated open, semi-open, as well as closed and semi-closed correctional units. The following staff lists are confirmed for this establishment:

- a) Closed correctional unit- 130 persons;
- b) Semi-closed correctional unit – 10 persons;
- c) Semi-open correctional unit – 15 persons;
- d) Open correctional unit – 10 persons;
- e) Area for keeping the detainees – 80 persons.

According to the staff list, this institution is designed for 245 convicts and detainees. At the time of the visit of the monitoring group there were 243 people kept there. Head of the institution, Mr. A. Mkhoyan, had been occupying this post for four months, as of September 2009. He had been appointed to this post on April 7, 2009.

As he noted, before he took up this post, the security of the institution was not satisfactorily ensured. One of the observation points is not in a convenient place and did not have required view. Following his appointment he initiated the installation of video cameras all over the territory of the institution, from his private funds.

According to the head of the institution, in the initial period of his term in office, the institution had no problems with water supply. Nevertheless, currently, due to the facts that nearby buildings are being supplied with water, the water stream on the fourth floor of the building slows down from time to time. However, in general, the institution is supplied with water on a twenty-four hour scheme. There are no problems with electricity as well. In case of power cut offs, the power generator is automatically turned on. It provides electricity for the whole establishment. There are also no problems with the heating: the institution is provided with central heating system.

There are more than 200 employees at the PI. 100 of the employees are safeguards, and 50 are security staff. After the appointment of the new head, 15 employees have been dismissed: one of the jailers had been dismissed for selling cellular phones to the prisoners; an official investigation has been initiated against another staff for the same reason, and upon the motion of the institution, the case was forwarded to the special investigation unit. In order to avoid such instances later, the head has installed mufflers, which, although, as stated by the head, do not ensure high productivity, and they are going to be replaced.

There is a psychiatrist, working on contractual basis, in the institution. There are two vacant positions for doctors.

The staff of the prison informed us that the costs for traveling to other regions in connection with the prisoners' affairs are covered by themselves, since the Ministry does not allocate any funds for this purpose. We learnt from the employers of the social and psychological division, that sometimes there is a need to travel to different regions of Armenia in regard to the convicts' and detainees' cases. Almost of financial costs of the business trip are covered by themselves, wince neither the institution, nor the Department do not allocate any funds for this.

- **Liaison with the outer world**

Short appointments

The surface of the short appointments hall is about 50 square meters. There are 7 tables here, with 2 benches for each. These benches are attached to the floor. It is worth noting that in the room of the head of the isolator there is a TV which enables to observe the whole hall for the short appointments. Besides the camera, a member of the inspection staff is also present in the appointments hall. According to the head, the appointments hall has not been built correctly, it requires restructuring in the coming future, by separating the detainees from their relatives via

glass partitions, so as the visitors do not have the chance to pass narcotics and other types of prohibited items.

Long lasting appointments

There are two rooms for long lasting appointments in “Vanadzor” PI. Each of the rooms is from 16-10 square meters. There is shelf, a table, beds, a sofa and armchairs in the rooms. There is a kitchen of common use for the visitors. The rooms are heated from the central system and are accommodated with toilets. The natural lighting in the rooms is sufficient.

Telephone Connection

There is one coin-box telephone per each building of “Vanadzor” PI, except for the first one. The convicts and detainees use the coin-box telephone according to a previously decided schedule.

Sometimes, by a special decision of the pretrial body, a lien is put on the use of telephone connection. There is one Attached to the wall in one of the buildings, which doesn't allow the detainees and the convicts use their cellular phones, which have been acquired illegally.

Delivery Items

The point for receiving the delivery items in “Vanadzor” PI is a 10-12 square meters hall, divided into 2 sections: one is defined for handing in the delivery item, there is a table with two benches, the other section of the hall is designed for weighing, checking and accepting the item. The permissible hours and procedure, as well as the list of food stuffs and items is attached on the wall of the room. The delivery items are examined by a modern “Rapiskan” equipment. There was no washbasin and sanitary accommodation. The inspectors, who were dealing with the food, checked the food with their hands, which was anti-hygienic. There are unjustified liens defined by the administration of the penitentiary institution on different type of fruit and berries. E.g. the relatives were prohibited to bring grapes, apricot, water melon, melon, cornel, and the listed items are returned. The argumentations are mainly connected with the fact that it is possible to make spiritual drinks from these fruits and berries in the cells. Nevertheless, in one of the interviews with a prisoner, he clarified that it is easier to make an alcoholic drink from the dried fruit, which is accepted/allowed, than from the grapes or apricot, the importing of which is prohibited. This, according to many detainees and convicts, is another senseless form of a punishment. Another convict, when talking to us, informed in presence of the staff of the institution, that his wife had brought several kilograms of grapes for him, which was neither

accepted nor returned to his wife, as he clarified from the phone conversation with his wife. In the room for receiving the delivery items, there was a plate with grapes and the staff helped themselves with it.

- **Dormitories and cells**

The building for the PI convicts and detainees is comprised of four floors. There are ten cells on the first floor, four of which are punishment cells, four are quarantine cells and two cells are for hunger strikers. All cells are similar to each other and have about 17 square meters surface. 4 persons can be kept in each cell. This threshold has not been infringed. There were shelves, beds and joint chair and table, attached to the floor. The floor is wooden. The natural lighting is sufficient, whereas the artificial lighting is not sufficient, because the 17 sq. m. room is lit by only one 60w lamp. There were cells, the sanitary accommodations of which were rather dirty, the floor was muddy; a partially torn polyethylene sacks with garbage was thrown on the floor. The power supply source in one of the cells was completely open. There is also one room on the first floor, which is designed for the meetings with the inspectors or lawyers.

The economic division is located on the second floor. There are lodgings here, where the convicts working in the economic division stay. Each lodging is of about 36 square meters. Inside there are five double beds. The natural lighting in barracks is sufficient, whereas the artificial lighting is faint, because the rooms are lit by two 60 W lamps. As stated by the security staff of the penitentiary institution, in terms of the security of the isolator, both stockades, and the doors of the cells are not secure, since they can be broken down in case of even light blows. The windows are much bigger and installed lower, which enables the convicts and detainees to freely communicate with each other from floor to floor and pass to each other small items via a needle.

- **Sanitary Hygienic Situation**

There is one bath-room on each floor, with two showers and a cloakroom. But there are no seats. There are renovation works in process in almost all bath rooms. The bath room of the first floor is used also by the institution staff. There is no separate bath room for the medical care point.

There is a laundry in the PI with 4 automated washing machines. A lady works here on hire basis. The convicts and detainees use the bath-room according to a previously defined schedule.

- **Medical care service**

There are two wards in the medical care point, which are almost identical with the other cells. The wards' surface is about twelve square meters, furnished with three beds, one table and chairs. Because of the accident in one of the cells of the medical care point, the ceiling is completely destroyed. One convict who had had a heart attack was lying in the cell.

There are two rooms in the medical care point for the doctors and doctor's assistants. In one of the rooms there is a dental chair with its equipment. As stated by the head of the medical care point, it is strictly prohibited to take and accept the medicines brought by the patients' relatives. There are no problems with the medicines, with regards the transposition of bad cases or patients who need specialized medical care to the convicts' clinical hospital, there are no problems in this regard. According to the dentist, who is a free hired staff, beside the dental chair, he is not provided with materials and medicines essential for conducting dental treatment. He buys all this by his own means. There is a special room for more aggressive and dangerous mentally disordered patients. The room is of 6-8 square meters, the walls are covered with soft cloth.

- **Occupation**

Library

The library is replenished with 784 books, 70% of which are in Russian. The library has been replenished with new books one year ago, but these were also in Russian. The librarian told us that it had been more than 6 months that the library did not receive any newspapers, and the prisoners learn about the press coverage from the newspapers brought by their relatives. The librarian also pointed out that there is need for historical, scientific fiction and classical literature.

Strolls

There are 7 rooms for strolls in the institution. Each of them is from 20-25 square meters. The 8th walking room has been restructured into a chapel.

- **Food**

There is a refrigerator, 5 basins of rust-free steel, one hot water dispenser, and two big electric boilers for cooking meals in the kitchen. There is also an electric range with oven. Adjacent to the kitchen there is a hall, with tables, armchairs for the convicts.

The PI staff informed that in 2009 they bought potato at 240 drams per kilogram, whereas that year the market price of the potato was 80 drams per kilogram. At the time of the visit, there were no potatoes in the canteen, because its market price had gone up and the Department did not have funds to buy potatoes. A cereal-like meal made of wheat was substituting the potato.

- **Punishment Cell and Quarantine**

The punishment cells are on the first floor. There are 4 of them. These cells do not differ from the rest of the cells. The same refers to the quarantine cells.

11. “Yerevan-Kentron” Penitentiary Institution

- **General Information**

“Yerevan-Kentron” PI is located on the first and basement floor of RA NSS. The building was constructed in 1958.

The Helsinki Association monitoring group visited “Yerevan-Kentron” PI in the period of 20.09.2010-24.09.2010, within 11:00-18:00.

This is a two-storey building, only the first floor of which is used. The basement is in wrecks, because of high level of humidity, the plaster of the walls has fallen off. There are large cement lined pools made of stone in one of the rooms, which were initially designed for the laundry operations. At the time of our visit only one section for the bathroom in the entry side of the basement was operational.

The administration offices, kitchen, medical care point, the library and 13 cells are on the first floor, which is the used part of the building. The walking grounds are on the roof of the NSS building. The institution is a closed, semi-closed and semi-open type of PI. The institution is headed by N. Ghazaryan, who has been occupying this position for one year and six months as of September 2010. The head of the PI had two deputies: one was dealing with security issues, and the other one with technical-administrative issues.

The PI is designed for keeping 53 detainees and convicts. But, practically, there are 50 persons there. At the moment of our visit, there were 48 prisoners there, 3 of which were sentenced to life imprisonment. In general, the institution has 38 stations for the detainees and 5 stations for

persons, who are kept under semi-open regime. It is worth mentioning that in almost all of the cells the pretrial detainees were being kept with the convicts. Under such circumstances, the staff knew what type of incarcerated person is kept in each cell. There were also foreign citizens in the institution: two from Iran, one from Georgia and one from Syria. According to the Head of the isolator, the conditions under which they are kept do not differ from the ones for other prisoners. There were no sexual and religious minorities in the institution. We are sorry to note that, unlike “Nubarashen” PI; life prisoners in “Yerevan-Centre” serve their sentence in one-man cells and were not able to communicate with other people. That’s why one of them was already showing inadequate behavior: he might need serious psychiatric oversight. The observers witnessed the situation when he was lying on his bed and talking to the pipe of the central heating system.

In the beginning of the visit, when accessing the premises of the PI, the monitoring group noticed, that the inspection staff who were handing over their duty, were changing their clothes directly in the corridor, because they had no cloakroom. In spite of the fact that the rooms allocated for the administration are very small, there are many employees working here, and some of them are not provided with basic working conditions (table, computer, etc.). In general, there are 44 staff employed in the institution, 6 of them are working on hire basis, the rest are penitentiary employees. The medical care point is serviced by one doctor, who acts as the head of the medical care point, and a nurse.

In some distance from the PI head office there was the kitchen. The doors of the kitchen were open, and it lacked natural lighting and ventilation.

- **Liaison with the outer world**

Short appointments

There is one room of about 8-10 square meters for short-term appointments. The room is too small as compared to the purpose it serves. In course of appointments presence of one inspector in the room is mandatory. In some cases in order to avoid clamping, he PI administration gives permission to also arrange short-term appointments in one of the administration offices, which is envisaged for the visits of inspectors and lawyers.

Long lasting appointments

There is no room for long lasting appointments in “Yerevan-Kentron” PI, that’s why long lasting appointments are substituted by short appointments.

Telephone Connection

There is one coin-box telephone functioning in the area of PI. It is located in the library. The telephone conversations take place in the presence of inspection staff, according to a previously defined schedule.

Delivery Items

The delivery items are received on the first floor of one of the buildings of NSS, outside of the territory of PI. Delivery items are examined by a modern “Rapiskan” device, after which these are taken to the institution by the PI inspection staff. There are no limitations on the weight of the items. In summer times there are restrictions on types of food stuffs.

- **Cells**

There are 13 cells of three size types in “Yerevan-Kentron” PI. The double station room is of 10 square meters, the five-station room - 20 to 25 square meters, and the six-station room is from 25 to 30 square meters. The sanitary accommodation occupies approximately 3 square meters of each room. The sanitary accommodation is separated from the general cell by a 1.5 meter partition. There are cells, in which these two sections were separated by thin wood partitions. The sanitary accommodations were in deplorable state. In three double-station cells three life prisoners are kept. The floors of the cells are wooden. The windows are approximately two meters high above. The windows are of small size and are not enough to provide adequate natural lighting in the cells. Artificial lighting in each cell is provided by one lamp per each. As to the ventilation, it is not adequate in five-six station cells. The cells are furnished with iron beds, tables, armchairs. There are cells with TV sets and refrigerator, DVD, electric tea-pot. In the cells of the 3 life prisoners there were no electric appliances. In general, the PI and the cells, in particular, need capital repair.

- **Sanitary Hygienic Situation**

There is one bath-house functioning in the basement floor of the penitentiary institution. This includes a lobby, a cloakroom and a bathroom with three showers. Hot water in one of the showers is provided by electric hot water appliance, and in the other two showers - from a water container. The bath-house, as well as the whole isolator, needs capital repair. The detainees and convicts can use the bath-house once a week, according to a previously set schedule.

There is no laundry in the Penitentiary institution. There is one small up-to-date washing machine in the medical care point, where all the linen and clothes are washed. The technical-household activities are carried out by free hired staff. In general, the whole sanitary hygienic situation in the isolator can be assessed as unsatisfactory, mainly due to the shabbiness of items, small size, inadequate ventilation and natural lighting.

- **Medical Care service**

The medical care point as such is one room with the doctor's table, nurse's table, one sterile table with old dental equipment for small-scale surgeries and one bed. Due to limited area, the only washing machine of the institution is installed next to the bed. According to the head of the medical care point, the institution doesn't experience any shortage/need of medicines: main problem persistent here is related to the absence of the dentist and number of doctor's assistants. It would be preferable to increase their number by four, because now there is no night watch nursing at hospital. In case of any call, the nurse, who lives nearby, has to come back to the institution. Problems also arise in line of arranging laboratory analysis or instrument examination of patients, wince in such cases they have to transpose the patients to the "Convicts' hospital" or other clinical hospitals. The medical care point does not provide indoor treatment. The newly picked-up patients do not undergo any laboratory and photoroentgenographic examination. Photoroentgenographic examination is conducted by a mobile machine, twice a year.

- **Occupation**

Strolls

There are six walking grounds in the PI, which are located on the roof the main building of the National Security Service. The area of one walking ground is 20 square meters, the second is 60 square meters and the others are from 40-50 square meters. There are benches and sports equipment here. The convicts and detainees are taken to the walking ground in elevators. No more than five convicts and detainees can walk in each walking ground. The convicts and detainees can go out for strolls once a day, for one hour. The general stroll is conducted in two shifts.

Library

The librarian of the PI library is a jailer for the inspection staff. He doesn't seem to be well aware of the job; he doesn't run a register, doesn't know the exact number of books. Nevertheless, as

he stated, the detainees and convicts regularly use the library. Those convicts and detainees who do get subscription regularly receive newspapers, while the convicts and detainees who have not subscribed can read press reviews from time to time. The library is not rich in new literature, they have mainly Russian literature. The books were updated a year ago from charitable sources. The telephone coin-box is also installed in the library.

- **The Food**

The kitchen of the penitentiary institution is a 12-16 square meters room, with new windows and no natural ventilation. The kitchen is equipped with one electric stove, one refrigerator, one boiler, a washing basin and a shelf for the kitchen utensils. As stated by the head of the penitentiary institution, they cook as much food as is envisaged for the day, but the major part of the cooked meal is not used, since the convicts and detainees mainly eat the food brought by their relatives.

The door of the kitchen directly overlooked into the common corridor of the administration, and the moment of the visit it was left open.

- **Punishment cell and quarantine**

There are no punishment and quarantine cells in the institution. There is a provision according to which serious law-infringers are transported to other penitentiary institutions.

12. “Goris” Penitentiary Institution

- **General Information**

“Goris” penitentiary institution was built in 1812. Since 1878 it had been functioning as a prison. At present the establishment is a closed type of penitentiary institution, which includes also semi-closed, semi-open and open types. “Goris” penitentiary institution has its division in Nrnadzor village in Meghri. Thus division is deemed as open type of penitentiary. 11 convicts serve their sentence here. The establishment has pomegranate yards, which are shepherded by the convicts. Their activities are coordinated by “Suport to the Convict” Foundation.

The head of “Goris” Penitentiary institution, Artush Makuntc, has been working within the system since 1978. Previously, Makuntc worked in the same institution as an inspector, librarian, later he managed “Nrnadzor” division of the penitentiary institution. There are three observation points in the institution. There are different types of security systems installed on in different external diameters of the walls - barbed wires and power-shock wires. We learnt from the head of the establishment that a new PI is planned to be exploited in Khndzoresk village before 2012; that’s why they do not implement any costly renovation or refurbishment works in the PI. There are no foreign citizens or religious minorities in the PI. In general, the four square meter area per person is provided here, except for the convicts who work at the technical unit. There are 13 of them, who altogether live in 2 lodgings, about 30 square meters each; one of the lodgings is a little bit larger than the other. The ladder to the lodging is from the outside and is not linked to the general building.

“Goris” penitentiary institution has 170 staff members, including 50 for Meghri division:

- a) Closed correctional institution: 110 persons, actual 89;
- b) Semi-closed correctional institution: 10 persons, actual 1;
- c) Semi-open correctional institution – 10 persons, actual -13 convicts in the technical department;
- d) Open correctional institution - 5 persons, actual – 2 persons;
- e) A station for keeping the convicts – 35 persons; actual – 22.

There also 7 people kept in the PI, the sentences of which had not yet entered into force, 6 people, whose sentence had entered into force and 1 person who was in transit. This, the total number of convicts and detainees amounted to 152.

No cases of suicide commitment and escape were recorded for 2009 and 2010.

The institution occupies a two-storey building, which was built by a plastering of mud and bran. It is comprised of 37 cells, 2 of which are envisaged for the medical care point. There is also one quarantine cell. 101 people are employed at “Goris” PI, 5 of which work in Nrnadzor division. There is 5 freely hired staff: a cook, a cleaning person and a doctor. All other employees are penitentiary staff. According to the head, there were 4 positions for the doctor’s assistant, 2 of which were dismissed.

In general, the premise of the institution is quite shabby. The furniture inside is scrimpy. The outer walls are destructed in some parts, anchored by metallic constructions from outside on the

level of the second floor. Nevertheless, the institution has no problems with water supply, waste water removal and electricity.

- **Liaison with the outer world**

Short appointments

The room for short appointments is located in the entry section of the residential zone of the establishment. It is an about 20-25 square meters are, with a sofa, two armchairs and a table with chairs. As stated by the staff members, generally there is no clamping: in order to avoid such situations only two visitors are given simultaneous appointments. Adjacent to the short appointments room there is another small room (with a table and 3 chairs inside) for meetings with inspector and lawyers.

Long lasting appointments

The hall for long lasting appointments operates in the same zone. This hall includes 2 rooms of similar size - approximately 15 square meters, with a bed, TV set, small shelf with a lock and one closet. The two rooms have a kitchen of common use. The kitchen is equipped with kitchen utensils, gas oven, electric stove and a refrigerator. As soon as people for long lasting interviews arrive, the door leading to the common area is locked, restricting the visitors' exit and entry. The person who has come to visit the prisoner shall be able to come out of the room only by asking the institution staff.

Telephone connection

There is one telephone cabin for the coin-box telephone in the first building of the institution. One more is installed in the second floor. The telephone can be used only for 15 minutes before 18:00, in compliance with a previously set schedule.

Delivery Items

The point for receiving the items is in the first floor of the administrative building. It has a separate entrance and has about 15-20 square meters area with one table and 2 armchairs. The delivery items are handed through a window to the room for short appointment. The delivery items are thoroughly examined on a separate table without using any device, in non-sterile conditions. Afterwards, the items are taken to the residential zone by the convicts working for the technical department.

- **Cells**

According to the size there are three types of cells in “Goris” PI, with 2, 6 and 10 stations. Almost all of the cells which we visited, except for one, have wooden floor. Almost 2 square meters of the total area is occupied by the sanitary accommodation. There is a wash basin and an Asian type toilet facility there. There are cells, where the hole of the toilet facility is closed by a poly-ethylene sack filled with cloths. In almost all cells the sanitary accommodation is partitioned from the total area. In some cells the partitions were up to 1.5 meters high. According to the deputy head of the security unit, there are cells which have been renovated by the funding from “The Red Cross”, as well as from private funds of the convicts. We also visited some cells which were not renovated at all. The quarantine cell was such an example. Almost all cells - both renovated and not - were in need of capital repair, since even in the renovated cells there are non-operational faucets: old and partially dilapidated windows: with paint falling off the walls. The cells were lit from very small windows located at a height of 2 meters. The artificial lighting was also not adequate: there was one lamp installed per small cell, and three lamps installed for bigger cells. The bedding items were completely torn out and shabby, whereas relatively clean and new bedding items had been brought by the relatives of the convicts and detainees. The cells are heated through a central heating system. There is no artificial ventilation system in the cells; the natural ventilation is not adequate, since even in summer months the small wickets installed on the doors of the cells, which are opened for passing in the food, are left closed. Since the windows are too small, it is not possible to provide sufficient ventilation.

- **Sanitary Hygienic Situation**

In general, the sanitary hygienic situation of the isolator is on very low level, which is mainly connected with the shabby state of the premise, absence of disinfection equipment (we were informed that there is a similar type of equipment, which is not yet used). There are 4 bath-houses. Two of them are located on the yard of the technical division, and one bath-house per building. In each bath-house there are 4-5 showers, the bathing rooms have no partitions. The convicts are able to use the bath-rooms once per week. In order to avoid additional heating cost, only one day (Thursday of each week) in week is scheduled for bathing in the whole institution. According to the staff of the institution, it is possible to organize bathing for the whole establishment.

The convicts and detainees can wash their used linen and clothes in the laundry of the establishment, which is equipped by one big and one small washing machine. The clothes are

dried on the yard of the technical division. The laundry is operated by a convict from the technical division.

- **Medical Care Service**

The medical service in the penitentiary institution is provided by a doctor, who is also the head of the medical care point, and a nurse. At the time of our visit only the nurse was present in the medical point. She introduced to us the medical care point, which includes two rooms, for doctors and the nurse. Small-scale surgeries are also conducted there. There is no indoor treatment adjacent to the medical care point, but 2 of the cells in the second floor have been renovated and adjusted to function as wards. Any laboratory and instrumental examination is carried out at the city clinical hospital. Photoroentgenography is conducted once in two years with the help of a mobile machine provided by the medical department. A dental chair with additional equipment has been received recently. But it is not used, since there is no dentist. The medical point disposes of an old ECG, which, although, is not operational. Medicines are received once a week from the Convicts' Hospital: there are no complaints regarding either the quantity or quality.

- **Occupation**

There is a technical division in the institution which employs 13 convicts. Their responsibilities include cleaning the territory, distributing the meal, working in the laundry, as well as operating the bakery which is functioning in the territory of the establishment by "Support to the Convict" Foundation. This bakery is operated by two convicts. Besides, 3 convicts are engaged in preparation of small wooden and bone objects.

Library

The library is located on the first floor of the institution. It is a room of 12-13 square meters. The position of the librarian is occupied by the social- psychologist of the institution. The latter stated that there are 1138 unit books in the library, which are mainly Russian literature. The books in the library are mainly old. The entry and outing of the books is coordinated in a corresponding record book. As to the press reviews, there are prisoners, who take interest in press reviews, but receive newspapers with delay, twice a week, The books have not been updated since long ago.

Strolls

There are four walking grounds in the institution for strolls. These are of about 25 square meters. The walking grounds are located in the first floor. They are covered with barbed wires from above; inside there is a bench per each walking ground. The prisoners can have strolls for one hour every day (including Saturdays and Sundays).

- **Food**

The food is prepared by two cooks, one of them is an employee of the penitentiary institution, and the other cook is hired freely. In general, the kitchen was rather big. It was divided in two parts by a 1.5-2 meters high partition. The smaller part was used for keeping and washing the utensils, for storing raw and semi-finished products. The second part of the kitchen was used as kitchen, as such. There were two small gas stoves here, which are too small and are not compatible with the size of the boilers (4), and one electric stove. As to the food, although the materials used to prepare the meal were meager, it was evident that the meal has been prepared by a skillful cook. When examining the sample of the meal, we noticed that there was no potato in it, whereas the quantity of the canned beef in the meal was insignificant. The general situation in the kitchen in terms of hygiene can be assessed as satisfactory. However, both the renovation and the equipment were threadbare: the kitchen needs capital repair and restructuring, so that the two parts of the canteen are separated and the cooked food stuff is not mixed with the newly brought and technically non-processed products.

During our visit special diet meal was being prepared for the detainees of the 7th, 12th and 16th cells. This type of food, as stated by the assistant cook, is provided to those prisoners who have a stomach disease.

- **Punishment Cell and Quarantine**

There is one cell in the first floor of the establishment with approximately 10-15 square meters surface which is used for quarantine. There are two double beds here, a table and an armchair. A small, two-storey iron shelf is attached to the wall for the utensils and other items. As there were no newly picked-up convicts or detainees here, there were no bedding items in the cell. As to the cell in general and the sanitary accommodation, which is separated by a 1.5 meters partition, these are in terribly deteriorated, dirty and anti-sanitary state and are in no way convenient for keeping detainees and convicts.

There are three punishment cells with approximately 6-8 square meters surface. Each of them is envisaged for keeping one person. All cells have wooden floors, the sanitary accommodation is inside and is not separated. The cells are furnished with iron beds, small chairs and a table. The natural lighting is rather faint, whereas the artificial lighting is provided by means of a lamp, the switch of which is outside of the room. During our visit the bedding items in three cells were scattered on the floor of the corridor. The three convicts in the cells were serving their punishment for preparing and using alcohol in the cells.

Report

On Monitoring Conducted in RA “Erebuni”, “Nubarashen” and “Vardashen”

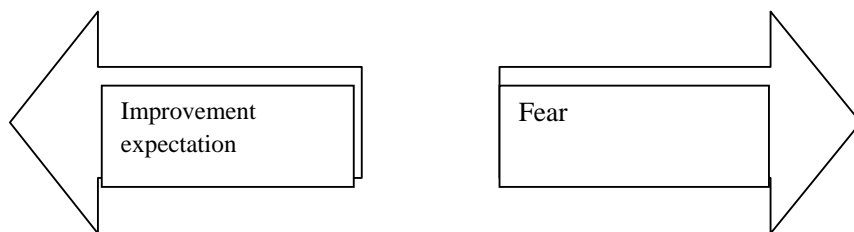
Penitentiary Institutions by “Socioscope” organization

Within the scope of Helsinki Association monitoring project, interviews have been conducted with the administration staff. Below is a description of the problems pertinent to the penitentiary institutions, including those related to the administration, based on interviews.

CONTEXT: STAFF OF PENITENTIARY INSTITUTIONS

- **Willingness of the respondents to provide information**

There are two contrary perceptions among the administration staff regarding monitoring:



A part of the administrative staff was willing to respond to our questions, expecting that Helsinki Association, by motion of European entities, shall address the problems of their

concern. Among the other part of the staff we noticed fear for providing any negative information.

- Specialized description of the social-psychological department

Only some of the specialists – psychologists, social workers - employed at the Social-psychological department are specialists in the field, e.g. in one of the institutions, an ex-policeman works as a social worker, implementing other functions in parallel, which do not relate to the profession of the social worker, for example, coordination and management of the prisoners' phone calls to their homes, registering and arranging the prisoners' bathing, etc. Only some penitentiary institutions employed psychologists with corresponding qualification. There was no graduate social worker in any of the above mentioned penitentiary institutions.

Problem – engaging non-specialists in the Social-Psychological Division

FACTORS CHALLENGING THE ACTIVITY OF THE ADMINISTRATION

- **Inadequate number of the administration staff**

The work of the administration staff is complicated due to huge number of prisoners and inadequacy of the number of administrative staff serving them. For example, there are 11 employees in the social psychological division, who work with 1200-1300 detainees. The work of the psychologists becomes more complicated since there is only one psychologist in each division, who should service all prisoners.

Problem –one employee of the Social-psychological division per 10-13 detainees or convicts

- **Bureaucratic paper work**

The activity of the Administration becomes more difficult due to the imposed paper work, which sometimes is assessed by the employees as unnecessary. It imposes additional work load on them and takes the time allocated for working with the prisoners. As a solution they suggest application of modern

computer software which will coordinate the work of the administration, as well as their work with other entities, for example, within the Ministry of Justice and the penitentiary institutions.

Problem –major part of the work time is spent on paper work

- **Problem regarding transport**

Since most of the penitentiary institutions are situated far from residential areas, the administration staff faces the problem of getting to the penitentiary institution.

- **Challenges faced by the staff of the Social-Psychological unit in the penitentiary institution - per detainee and convict division**

- X Detainee – working with them is much more vulnerable, since many psychological, social and other issues arise:
- X Convict – They know that they should serve their sentence, and working with them is much easier.

NEED FOR REFORMING THE STAFF WORKING CONDITIONS

The attempts made by the staff of the penitentiary institutions to improve their working conditions are generally concluded unsuccessfully, because when they orally request to improve working conditions they generally get “if it is not convenient, it’s up to you to work or not”. In such conditions the staff needs to have some motivation to continue work:

Financial motivation – in form of salary

Medical insurance

Assistance to logistics and assets (equipment, computers, printer, facsimile, transportation, chairs, table)

Trainings for the prisoners aimed at increasing their awareness/legal perception

“One is not reimbursed for one’s torture. We would like to have medical insurance. Medical assistance is not enough. We are employers under risky conditions”, state the employees of the Administration.

“Mr. T.’s salary amounts to one hundred thirty-six thousand dram, how can we request from him to do 100% job?”

ADMINISTRATION PERCEPTION OF BEING PROTECTED AND MAIN REASONS FOR REALIZATION OF THE PRISONERS RIGHTS BY THEM

- **The issue of being protected.**

Some members of the administration staff think that today the prisoner are much more protected by various entities, than the administration. Those citizens which take up extreme steps, e.g. hunger strike, in order to solve problems, particularly raise serious problems for the administration.

Nikol Pashinyan case (according to the interpretation of the administration staff)

Nikol Pashinyan has addressed an application to the management for transferring him to another penitentiary institution. But the response to the application is delayed due to objective reasons, e.g. the time spent on postal mail; also no decision has been taken on the sentence. The prison administration staff tried to explain, justify the reason, that “the delay is in your interests. We should know for how long the sentence is in order to know where to transfer you ” .

Application of sanctions against the administration staff is the main means of protection of the detainees and convicts’ rights. For example, one of the administration staff notes, that “in case of appointments we consider the quality of the convicts. But is it is envisaged by the law. I didn’t want to give one prisoner an appointment, but I was scared that he will raise complaint”.

Prisoners’ rights are realized thanks to the prisoners’ awareness: “They are very well informed. Their complaints reach the target. If the application didn’t arrive, a blowable situation is created, and we fall under the blow. We do everything to ensure that the convicts do not have complaints”.

THE PROBLEMS OF THE PEOPLE KEPT IN PENITENTIARY INSTITUTIONS FROM THE PERSPECTIVE OF THE PRISON ADMINISTRATION

- **Description of the conditions in prison**

The administration staff distinguish between the following problems persisting in the penitentiary institutions:

Humidity – “It very damp even cats and dogs do not cope up with it ”

Lack of lighting

The problem of occupation of the detainees and convicts

Restricted opportunities for the prisoners' medical service

- **The area problem**

The problem of limited area is serious in the penitentiary institutions, especially, when the detainees live in cells. On average, the cells are populated with 10-15-20 people.

The administration staffs think that the authorities should address this issue.

- **Barriers to the settlement of medical problems**

According to the prison administration, organizing medical assistance for the detainees and convicts is a serious problem.

Issues regarding provision of medical help to the detainees, which require immediate interference, are not always settled/addressed in a quick manner.

Case study (according to the story told by an administration staff)

“One of the detainees’ diaphragm was opened and his guts were filling up. He told me, take me, otherwise I will start strike hunger. I met with him, told him that the doctors will come and will give him medicines to anesthetize him and will take him to the Convicts’ hospital. But it is not possible to give him assistance there, whereas taking him to a civil hospital involves some complications, in particular, twenty-four hours supervision by a PI staff, which is impossible”.

Up to now this issue has not been solves, although paper work takes only a day, and the document is already on the table of the department management.

SOLUTION: According to the administration staff, the solution to this problem will be creating accommodations for conducting surgeries in penitentiary institutions. “Eighty percent of the prisoners are in bad health - what health could have someone who has been in prison for seven year. The staff think that the state authority should solve this problem - “The king of the country should solve this”.

The Problem of occupation of the prisoners and detainees

Unsuccessful case of ensuring occupation

- “We have a Foundation. We agreed to open a workshop for producing blocks, but gave this idea, since the production would not be realized”.

Successful case of ensuring occupation

- A prisoner who was an Armenian from Lebanon, upon the persuasion and petition of a sociologist, applied to the university for training, it was distance learning, upon his initiative. This guy has been in prison for sixteen years. He has again applied to us for continuing his education in post-graduate courses.
- *Challenges:* I (the administration staff) will have to go to the Ministry of Education to settle these issues.
- *In order to overcome the challenges:* We should be provided with transportation, proper communication means, so that such issues are solved easier.

SOLUTION: According to the respondents, high level of occupation will solve a number of problems persisting in prisons, including ensuring of rule and order in the institutions.

Violations per RA Constitution and Recommendations of the European Council

According to the Republic of Armenia Constitution article 17, “arrested, detained and incarcerated persons are entitled to humane treatment and respect for dignity”. Although deprived of a number of personal freedoms, arrested, detained and incarcerated persons cannot be deprived of their dignity, which, as a basis for their rights and freedoms, should be respected and protected by the state. These constitutional rights of persons are also defined in the Recommendation “On European Prison Rules” adopted by the European Council Ministers’ Committee for the European Council Member States. In the general part of the Recommendation it is stated that all persons deprived of freedom should be treated with respect to the human rights, since they maintain/keep all their rights, of which they have not been legally deprived of. Life course in incarceration places should be close to the positive sides of life within the society to the extent

possible. Moreover, the incarceration should process in such a way as to contribute to reintegration of the incarcerated in the free society.

Compliant to the results of the monitoring conducted by the Helsinki Association, The constitutional right of the arrested, detained and incarcerated for respect of their dignity is mainly violated in the RA Ministry of Justice penitentiary institutions. People of this category are viewed by the PI staff as not only deprived of their freedom, but also of other fundamental rights. Life in the places of incarceration can be only compared with the life of the most insecure layer of the society, which survive/ in severe conditions. This does not contribute to the reformation of the incarcerated and, later, to their ability to live in a free society.

Other violations of the Recommendation “On the European Prison Rules”, which occur frequently in the penitentiary institutions, are as follows:

- Violations of Points 18.1; 18.2 (c); 18.3; 18.4 of the Distribution and Accommodation Section, according to which all conditions and items for sleep should ensure respect for the human dignity and confidentiality of personal life, as well as comply with the requirements of health and hygiene. A signaling system should be installed to ensure immediate contact/communication with the staff.
- Violations of points 19.2; 19.4 and 21 of the Hygiene Section, which refer to the cleanliness and the conditions of the convicts’ personal hygiene, and according to which all sections/zones in the prisons should always be kept in clear state, each prisoner should be able to take a bath at least twice per week, under conditions of corresponding temperature, as well as the prisoners should be provided with separate beds and separate bedding items.
- Violations of point 22.3 of the Food Section, according to which the food should be prepared and served under hygienic conditions.
- Violations of points 26.2; 26.3; 26.6; 26.7 of the Employment section, which relate to the working conditions, and according to which the penitentiary institutions should take efforts to ensure that the prisoners are occupied with sufficient work of useful nature.
- Violations of points 27.1; 27.2; 27.3; 27.4; 27.6 of the Stroll Section, which state that each prisoner should be provided with at least one-hour stroll in the open air daily, whereas in bad weather, conditions should be created to ensure the prisoners’ stroll. In addition, there should be opportunities spending pastime, which include sports, games, cultural events.

- Violation of point 51.2, which provides that physical barrier and other technical means which ensure the security, should be accompanied by mobile jailers, who know the prisoners under their supervision.
- Violations of points 40.4 and 40.5 of the Health section, which refer to the existence of priority relevant means/instruments, which will enable the provision of patient treatment. In addition, each prisoner should have access to the services of qualified dentist and oculist.
- Violations of point 89.1 of the Specialized workers/staff section, which provides for existence of specialized staff.
- Violations of point 79.1, which provides for the salary of the prison staff members: the salary should be high enough to attract and keep corresponding employees.

Recommendations

The monitoring group of Helsinki Association finds that the detainees and convicts kept in the Republic of Armenia penitentiary institutions face numerous issues/problems regarding their keeping and, in the future, their release. These problems were identified in the introduction and later in the whole report. Nevertheless, the aim of the monitoring was not only identification of the gaps and violations in the system, but also proposing of options for solutions. Thus, below is the statement of our recommendations:

1. The primary issue for the PIs, which is faced by the whole system and the convicts, is the activity of the independent committee, which deals with issues regarding conditional early release from serving the sentence; and replacement of non-served part of the sentence with softer punishment. This committee was established in 2006 by the President of the Republic of Armenia, and has been more inefficient in its performance during past two years. By visiting all penitentiary institutions, except for “Hrazdan” and “Meghri” PIs (the reasons for failure to visit have been stated above), we recorded that most of them express their complaint, often very angrily, regarding the activity and performance of the independent committee dealing with issues of conditional early release. The convicts noted that article 76 of the Republic of Armenia Criminal Code stipulates conditional premature release for the crime which they had committed. Nevertheless, that mechanism is never applied upon different argumentations.

They were also convicts, who, in the presence of the PI administration staff, told us that they had already served more than half of their sentence, and had never incurred any disciplinary punishment; had been engaged in works of social utility by working in the different spheres of the technical department of the PI, and had even been granted encouragement on the part of the management; had been assessed as positive and compliant convicts, thanks to which the PI head had submitted their candidacy to the independent committee for early release, which, alas, due to unknown reasons, without any justified comment, had declined their request. Since the decree on the same committee clearly defines that the adopted decision shall not be subject to appeal, the convicts end up in a deadlock, and having no right of appeal, they continue serving their sentence. The monitoring group had many talks on this with both convicts and administration staff in different PIs. Due to groundless rejections by the Committee, penitentiary institutions face overload, which arises complaints among the convicts and the management of the PIs. Administration staff in some PIs pointed out that establishment of this independent committee is first of all an expression of mistrust towards them and the work they perform. In addition, if the state has assumed the responsibility of keeping the convicts and conducting correctional activity with them, then they (the administration staff), as immediate implementers of those functions, know better what kind of behavior each convict shows, is the latter on the way to correct or not, and, thus, they can give better evaluation regarding their conditional early release or continuation of the serving of the sentence. Moreover, members of the Committee, who meet the concerned convict only for several minutes, cannot take correct decision on the issue. If we assume that the existence of the commission is based on the consideration that local administration may be not competent or corrupted, then where is the proof that the same corruption cannot persist within the committee, which is comprised of stable and approved members. Otherwise, the Committee should take up the responsibility to provide written explanation about the taken decision, so that after being declined, the convicts do not address to the PI administration with complaints and indignation, by stating: "Give me a written declination, so that I shall be able to appeal it".

Thus, in the result of the monitoring, the observation group recorded that the independent committee is not able to fully implement its responsibilities: this fact

is proven by the complaints of hundreds of convicts and the state of the highest level of overload in the RA penitentiary institutions. In order to avoid further problems (such as agitations and mass protests in PIs) it is necessary to consider the issue of either dismissing the Committee or making its work more transparent, and replenish the Committee with members from non-governmental right-protection organizations which are well known in the RA, the journalists and people who enjoy the trust of the society (such as artists, public speakers, etc.). In addition, the decisions taken by the Committee should be formulated in written form and should be well-reasoned, so that they could be further appealed with courts, and to avoid such an impression that the Commission is immune and their decisions are not subject to consideration in other instances.

2. Since we recorded that in the PIs which we visited rather substantial part of the cooked meal (sometimes more than half) is left, and taking into consideration the limited funding of the PIs, the Helsinki Association, having studied the practice of other countries, suggest that every evening, before the sleep time, the man on duty of the cell or lodging, compiles a list of those who would like to have the meal in the canteen, by putting the signatures in front of the name of each person, who either would like to use the canteen on the next day and who would like not to do so. This will help to avoid further complaints by the convicts and detainees in regard to non-provision of the food allocated to them. Moreover, that list should be provided to the staff of the canteen, thus they will learn how many detainees and convicts shall use the canteen on that day. This will not arise any issues regarding time and technically. Moreover, it will enable to rationally use the received food stuff and why not, thanks to savings, enable the PI acquire assortments and quality food stuff as well as enhance the menu, which according to our observations, and number of complaints on the part of the convicts and detainees is of similar type and is not altered for months.

In order to ensure better and more efficient performance of the canteen, it would be better to employ qualified cooks here, since in those PIs, which we visited and which employed professional cooks, in case of availability of the same food products, the cooked food was actually different both in taste and quality from other PI food, where the responsibility for cooking the meal was assigned to self-taught non professionals.

3. There are quite serious problems and complications in the area of the existing medical care service system. The medical staff, who are reporting to two Ministries (Ministry of Health and Ministry of Justice), in many cases are obliged to abstain from their professional liabilities, since sometimes these obligations are not compatible with the orders issued by PI management. A vivid example of such case are the situations, when it is necessary to transport the patient to the “Convicts’ Hospital” or any other civil hospital: on the one hand everything should be done fast and within limited time frame, and, on the other hand, there is a huge bureaucratic apparatus in place related to paper work and addressing different instances in turn. Only after getting positive respond from these entities it will be possible to transpose the patient to a hospital. While performing his duties, doctors face other problems related to prescribing different types of soporifics and tranquilizers. Many doctors avoid subscribing such medicines in order to avoid excessive paper work and different types of talks in the future. There were heads and doctors of medical care points, who complained that apart from main treatment activity, they spend a lot of time on unnecessary paper work and completion of record books. The head of the medical care point in “Vanadzor” PI informed us that it is absolutely prohibited to accept any medicines from the relatives of the detainees and convicts. Hence, we didn’t find out what they do in the same institution when there is a need for expensive and very specialized medicines which are not included in the list of medicines provided by the “Convicts’ Hospital”. There are also sick convicts who have been using rather expensive specific medicines for years now, and prohibiting those does not ensue from ethic and professional norms. We think that the Penitentiary Department should enable the doctors to perform their professional duties without any obstacles, and if some doubts arise or some information is received on unfair and illegal activity of a doctor, we suggest, to do audit through a specialized commission. In addition, we think, that the medical care staff should be subordinates of only the Ministry of Health, and their professional activity should be supervised directly by that Ministry. It would be desirable if the Ministry of Health would pay more serious attention to the professionalism of the specialists, their training and provision with medicines and elementary medical equipment.
4. After liquidation and reformation of correctional working institutions, the issue of providing the convicts with occupation and jobs still remains a serious problem.

We learnt from our talks with the convicts, as well as with the staff of the administration that there is high need for jobs, as many convicts wish to work in course of their detention in order to alleviate the financial burden of their relatives, as well as to some extent redeem the civil claim, if there is such. “Support to the Convicts” Foundation which was founded years ago and does not function efficiently creates some jobs in the PIs, which do not exceed a dozen, which is too few. The issue of jobs was relatively well organized in “Abovyan” PI, where women were engaged in carpet making, and there was a small workshop, where female convicts were engaged in sewing. In all other PIs main job was related to preparing small decorative souvenirs (tzbeh, pipes, etc.) from wood, bone and other hard objects. Several head of penitentiary institutions informed us, that, provided there is corresponding permission and taking into consideration the existence of large unused areas, the convicts could be engaged in agricultural and cattle breeding activities. This will create new jobs on the one hand, and provide the institution with fresh and quality food stuff, on the other hand. Moreover, if there is a clear division of labor (vegetable growing, cattle breeding, viticulture) among the penitentiary institutions, the burden of the state for providing PIs with food stuffs will be rather alleviated.

5. From the Soviet era up to now there have been still kept some unexplainable and groundless barriers for receiving different types of fruits and vegetables from the convicts’ relatives. In this regard there are different comments in the PIs: in one of them the explanation was as follows – they don’t accept easily rotted and acetified fruit during summer months in order to avoid different gut diseases; in another PI the explanation is as follows – there are some types of fruit and vegetables which the prisoners use to produce alcoholic drinks. But we think that these argumentations are groundless, since in many cells and lodgings of PIs there are refrigerators, and the detainees and convicts are able to keep easily rotted and acetified fruits and berries in cool conditions. And last, but not least, they could not prohibit, but put some weight restrictions on some type of food. Regarding the second reasoning, one of the convicts in “Vanadzor” penitentiary institution, in presence of the administration staff, made a sophisticated comment, stating that due to some unknown reasons they are not allowed to receive grapes, apricot brought by their relatives, whereas it is not prohibited to accept dried grapes, and it is much easier to produce alcohol from dried grapes. The convicts stated that

the ban on the listed fruits is another form of punishment. And, actually, prohibiting watermelon, melon and apricot during summer times is not a barrier against producing alcoholic drinks, but rather one more senseless ban. In addition, those convicts who would try to make alcoholic drinks can use as raw material the bread and those fruits which are not banned. As to detecting the non-compliant convicts and the drinks prepared by them, there is a respective unit in place at PIs: in case of their watchful activity the latter will be detected. In addition, an elderly convict in “Vanadzor” penitentiary institution, told us in presence of the administration staff, that he had been delivered cornel and grapes, but these were not allowed. Moreover, when he talked to his wife, he learnt that the grapes had not been returned to her. To this remark, the administration staff responded: “Well, don’t make a fuss over 1 kilogram of grapes”.

6. During our visits, when talking with the management of the PIs, we learnt, that heads of some institutions will not object if the convicts keep cellular phones. If it were possible, in a legal manner, to account the phones, block all calls, except for the ones sent and received by very close relatives, and use such phones which do not have cameras and internet connection, this will positively reflect on the psychological state of the convicts, as well as their relatives and will contribute to the process of social adaptation. In addition, the right to use cellular phones should be used as a way of encouraging those convicts which have positive and law-abiding conduct will be able to use that service. Otherwise, unjustified bans on using phones will not serve their purpose, since any convict, however, has chance to use the coin-box phones installed in PIs and, if he had some secret information to deliver, he would do that through coin-box phones, as well as by using cellular phones taken in illegally by the staff. The process of allowing the use of cellular phones, also reduces corruption risks, since recently there have been reports also in the media and television on a number of confiscated cellular phones, which of course are carried into the PIs illegally, against bribes given by the convicts to the PI staff.
7. One more ban, which is in place in PIs, is the prohibition of the use of Internet service. We think that this issue can be regulated by putting restrictions on accessing some web pages: the detainees and convicts will be allowed to use their right of being informed by accessing various informative web pages. The solution

of this problem will alleviate the burden of the Penitentiary Department for providing the detainees and convicts with newspapers.

8. In order to ensure easy integration into the society after release, not to lose contacts with families, as well as based on simple humane considerations, it would be desirable if the Penitentiary Department mediated for some legal amendments for providing long lasting appointment. Thus, persons who have committed exceptionally severe crimes are entitled to long lasting appointments only once per year, which, as we think, and this is also the opinion of the administration staff is not enough. The number of appointments should be increased, at least doubled.
9. The issue of organizing bathing of detainees and convicts in the PIs is a rather serious problem. The rules of organizing bathing roots back to the Soviet times and, up to now, in order to avoid headaches/troubles and additional work, have not been amended. Maybe in faraway Magadan, it is a norm to have a bath once a week, but in the RA, where is especially hot in summer, the detainees and convicts should be provided with the opportunity to have baths at least once in two days.
10. Having addressed the problems and deficiencies of the conditions under which the detainees and convicts in PIs are kept, it will be unfair not to address those conditions under which operate the staff of the institutions. The most vulnerable group in this regard is the inspection staff, which, stand closest to the detainees and convicts due to the nature of their work. The issue of their security, as well as all other issues regarding proper organization of their working day, is settled unsatisfactorily. The inspectors change their shifts once in twenty four hours. Within that period they should be provided with the opportunity of not only performing their work, but also having lunch, some rest and satisfying their needs. No matter how prepared both physically and mentally are, anyway, it is not possible to watch the detainees and convicts with the same vigor. Thus, we suggest that the change of shifts takes place at least once every twelve hours. In addition, there should be small canteens within PI area, where the men on duty could have something to eat. We assume, that is the state has funds for providing food for so many convicts and detainees, and moreover, throwing away major part of the left over meals, it will, possible, create an opportunity for providing food for the PI staff. The fact that the inspectors are not provided with food,

ensues corruption and impermissible links with the convicts and detainees, when for getting elementary cigarette. Tea or coffee, the inspectors ask the convicts and detainees. We learnt from private talks of the inspection staff, that during night hours they simply rest on their office desks and chairs. As to the privileges, which are assigned to militaries (such as free healthcare, free transportation within the city, discounts for resting activities), these are not provided to the PI staff. Although their work from the perspective of complication and danger, is one of the hardest within the Penitentiary Department. Hence, there should be legal amendments to incorporate privileges, as well as improvement of working conditions.

REPUBLIC OF ARMENIA MINISTRY OF HEALTH
MEDICAL PSYCHIATRIC CENTERS AND HOSPITALS
IN 2010

Content

Introduction

- 1. “Norq” Psychiatric Clinic of RA MH “Medical Psychiatric Centre” CJSC**
- 2. “Nubarashen” Psychiatric Clinic of RA MH “Medical Psychiatric Centre” CJSC**
- 3. “Detoxication” Clinic of RA MH “Medical Psychiatric Centre” CJSC**
- 4. RA MH “Sevan Psychiatric Hospital” CJSC**

Violations and inconsistencies in the RA MH psychiatric centers and hospitals as per the Republic of Armenia Law on psychiatric care

Introduction

The observation group of “Helsinki Association” right-protection organization, conducted monitoring, within the period between September 3 - December 14, 2010, in the Republic of Armenia Ministry of Health medical psychiatric centers and hospitals, particularly, in “Norq”; “Nubarashen”; “Narcologiakan” clinics of the RA MH “Medical Psychiatric Centre” CJSC and RA MH “Sevan Psychiatric Hospital” CJSC. As the observation is not accomplished yet, the group will refrain from final remarks and recommendations. Below we will state the general situation in those psychiatric institutions, where monitoring has been conducted.

1. “Norq” Psychiatric Clinic of RA MH “Medical Psychiatric Centre” CJSC

• General Information

The monitoring group of Helsinki Association visited “Norq” Psychiatric clinic of RA MH “Medical Psychiatric Center” OJSC on 03.09.2010. Main building of the clinic was built in 60s.

The clinic is headed by Anaida Gevorgyan, who is, at the same time, deputy director of Medical Psychiatric Centre.

In the past, it was possible to accommodate 125 patients in the clinic. At the time of the visit there were 78 patients and 75 beds in the clinic.

Two of the patients were foreign citizens, who, according to the head of the institution, had been taken to the hospital by the police in quite bad state.

There are four departments in the clinic - women’s department, men’s department, department of military and medical expertise, as well as one paid division. In the territory of the clinic, “Van Linda” Children’s ambulatory rehabilitation centre is built by funds from charitable sources. The psychiatric department of Yerevan State Medical University is also here.

There is a library and a barber’s shop in the clinic. There are no workshops and support economies here.

As stated by the head of the clinic, no capital repairs of the main building have been performed, but, when possible, they do some renovation works.

The doors of the divisions are locked by keys, while the wards have no doors. This is arranged in such manner, as to ensure the security of the patients, so that in case of emergency the doctors should be able to provide quick help.

There is a central heating system in the institution.

There is regular electricity supply in the institution, but there are some problems connected with the shabbiness of the power network. There is also no generator to be turned on in cases of power cuts. Artificial lighting in the wards is regulated from outside, also accounting for the patients security.

There is regular water supply in the institution, cold water is supplied twenty four hours a day. The water removal system has not been repaired since its exploitation, which causes corking.

According to the head of the clinic, the institution is supplied with adequate quantity of medicines, including also, anti-depressants of new generation. The institution employs 15 doctors and 39 nurses and doctor's assistants. If necessary, specialists are also invited to provide professional assistance to the patients on sites. In cases when this is impossible, the patient, accompanied by the staff of the institution, is taken to another, very specialized civil hospital for additional examination and treatment, which is done within the scope of state funding.

The office of the psychologist is located in the basement. There is a laboratory in the clinic for conducting blood and urine analysis. It is worth noting that the equipment are rather old, although, as stated by the laboratory physician, no problem of reactive arises, since this is frequently upgraded.

Average salary for doctors is 75 000 AMD, the salary for middle medical personnel is 90 000 AMD, the salary for aid men is 90 000 AMD. Upgrade of qualification is not reflected on the salary scale. As stated by the head of the institution, there are no debts in line of salary.

There have been no cases of extraordinary aggression. In 2000 one death case and one escape took place.

Since 2010 up to the moment of our visit 12 enforced hospitalization cases have taken place, regarding which there is a court ruling in force. According to the head of the institution, in cases

of enforced hospitalization, according to compulsory procedure, the head of the institution files a claim with the court and provides the expert conclusion. The court conducts assizes in a special area of the clinic designed for that purpose and takes a decision on each person separately. The hospital is represented at the assizes of the curing physician, the patient's interests are presented by either the lawyer or the guardian. The patient is not always present at the session: the issue of attending the session is decided by the judge. Funding is provided from the state budget. The state budget allocates 3800 AMD for patients who need care, and 5000 AMD for serious patients: i.e. 120000 AMD is allocated for 24 days of treatment as defined by the law.

- **General Situation in the Departments**

The first department is on a paying basis. In comparison with other departments it is in relatively good and clean state. In the territory of the same department both men and women get treatment. At the time of our visit there were 18 patients in the division, there are 5 wards there with 20 beds.

The lighting in the wards is very faint, the barbed wires limit natural lighting. The same can be said about the artificial lighting: it is very insufficient for reading.

The patients are provided only with bed, there are no side tables for keeping personal items, objects. In the wards the patients are watched by nurses. According to the staff of the department, in cases of aggression by the patients, if the number of nurses in one ward is not sufficient, aid-men from other departments are asked to come. There is a kitchen in the department with six tables and 4 chairs per table. The lighting of the hall is faint. There are two sanitary accommodations and one bath-house in the department, designed for men and women. The men's sanitary accommodation had problems: the toilet basins were broken, the electric lamps were burnt out.

At the moment of the visit capital renovation works were in process in the sanitary accommodations of the paid department.

There was a separate ward, where a man and a woman were simultaneously treated.

The resting hall of the department was small and not separated from the corridor. There was a TV set, 3 sofas there and pictures on the walls.

2. The second department which was designed for women was in deplorable situation. 22 patients were receiving treatment here. Two doctors, five nurses, five aid-men and one

head nurse are employed here. The junior medical staff is composed of 12 persons. There are seven wards in the department with 25 beds. In general, the lighting was insufficient both in the corridor of the department and in the wards. Artificial lighting is provided by electric lamps of low capacity. The sanitary accommodation is in deplorable state; it stinks terribly, and, as witnessed by the staff, has not been repaired from the date of opening the institution. The bath-house also required capital repairs. It was designed for two people but without a partition. Due to insufficient funding the hospital cannot afford buying new bedding items and replacing shabby and broken furniture. The surface of the wards is 15-20 square meters. The beds in wards, and the mattresses are in deplorable state. There are six tables with four chairs each in the room adjacent to the kitchen. There is a TV set, which is kept in a shelf out of security considerations and is opened only during watching TV, in that part of the corridor, which is designed as a resting zone. There are two sofas there. The furniture is very squalid and shabby. The patients are watched mainly by nurses. There is also a piano in the corridor.

3. The 3rd department is designed for male patients. There are 11 wards in the department, three of which are in renovation process now. There were two beds in the corridor. The number of patients amounted to 38. There were three washing basins, 2 Asian type toilet basin in the sanitary accommodation - all in clean state. The bath-house was designed for two people, although there was no partition installed. There were eight tables, with a total of 9 chairs in the room adjacent to the kitchen, where the patients had food. The patients were mainly watched by nurses and one doctor's assistant. In one of the section of the corridor, which was designed as a resting zone, there was a small TV set, DVD player and, from table games - a backgammon.
4. The department for military and medical expert analysis functions during mobilization periods: at the time of our visit it was not operational.
5. "Van Linda" Children's department is a separate building which is located in the territory of "Norq" mental clinic. This is the only specialized department within RA MH "Medical Psychiatric Center" CJSC, where children with mental disorders receive ambulatory treatment. The premise was built through funding from foreign benefactors. It is a new building, but since the construction works have not been carried out in a conscientious manner, currently there are signs of dampness and mold at 10 s-m height from the floor of the building. In general, the building is in good state. The children receive psychotherapy and courses by skilful psychologists and psychiatrists. There is a separate room for the psychologist, a playroom, a resting room for the doctors and a kitchen with

corresponding equipment. The department is replenished with requires working items in order to ensure efficient performance.

The sanitary accommodation is located in the territory of the department. The sanitary is also clean, renovated and in good sanitary hygiene state.

- **Sanitary Hygiene Situation**

Bedding items in all departments are in shabby and dilapidated state. If there were any, to some extent, proper bedding items, those were brought by the patients' relatives. The aidmen of the department, who were responsible for cleaning the departments, stated that there are not enough bedding items to be able to frequently change them, whereas the existing ones are already not fit for use. The furniture and the patients' beds in the wards also were shabby; the floors were tiled, but, since "Norq" psychiatric clinic is a building from 60-s, and has not undergone any capital repairs. The tiles are fallen out here and there, the pipelines are rusty, the walls and the ceiling is deteriorated, the windows are broken, the taps are out of order, the common sanitary accommodation stinks, which is more vivid in the men's department, which is also a place for smoking. Inadequate sanitary and hygienic situation in the sanitary accommodations and bath-houses, is not a consequence of bad work on the part of the staff of the clinic in charge of maintaining cleanliness, but an issue of inadequate funding.

- **Food**

The food is cooked in the canteen, which is located in the semi-basement floor of the main building. The level of cleanliness should be assessed as adequate. There were two big electric ovens and four small shabby electric ovens, one of which was out of order. The windows are glass-covered, with anti-insect lattice. Ventilation system was in place in the canteen. There was a washing basin there. The walls are covered with paint, but, in general, there was need for capital repair in the canteen.

At the backyard of the canteen there is a warehouse for keeping easily rotted food stuff; per two big and small refrigerators, one of which was out of order.

The receive food once a month, whereas damageable food stuff is received with higher frequency. Bread is received every day. It is kept in special shelves.

The white robes of the kitchen staff were clean.

- **Appointments and Telephone Connection**

Appointments during working hours are free, if they do not interfere with the normal treatment process. Based on patients security considerations the food and items brought by their relatives, are subject to detailed examination. No record book is maintained, since it can raise some complications in the future in case the visitors do not have passports with them. In good weather, the appointments are arranged in the park.

There was no coin-box telephone in the clinic. The patients were not allowed to use cellular phones, but, in course of the monitoring, the observation group noticed two patients who were using cell phones. According to the doctors, the patients can use the phones in their offices as much as they like, if, of, course, the patient is adequate and knows where he/she is calling.

- **Strolls and Occupation**

The patients' strolls are organized in the garden in the territory of the clinic. There are pavilions there, and, as stated above, in case of nice weather the appointment are held not only inside the clinic, but also in the area designed for the stroll.

In spite of the fact that there are no workshops and subsidiary farms in the clinic, there are patients, who, having stayed in the clinic for a long time and having lost the contact with the outer world, have been engaged in works of social utility, clean the area, take care of the garden and grow flowers, etc. In the semi-basement of the clinic there was a room, where the patients were able to play the piano, paint and >>>>. That room was furnished with the work of ex and present patients of the clinic, this room is also used for conducting religious rituals. But it is worth noting that the room is in damp and bad state and without natural lighting.

2. “Nubarashen” Psychiatric Clinic of the RA MH

“Medical Psychiatric Center” CJSC

- **General Information**

Within the period of 12-15 November, 2010, the Helsinki Association observation group visited “Nubarashen” Psychiatric Clinic of the RA MH “Medical Psychiatric Center” CJSC. “Nubarashen” psychiatric clinic was exploited in 1979, and, initially, it was designed to function as such. A. Ananyan, who has been occupying this position for two years now,

heads the clinic. The clinic occupies approximately 7 hectare of land and includes the following buildings:

- Building for the department of judicial and psychiatric expert examination and special type of compulsory treatment
- Administrative building
- Canteen
- 4 two-storey buildings for general departments.

This is a republican clinic, patients from the territory of the whole Republic of Armenia are taken here. The clinic is designed for 350 beds, and at the time of the visit of the monitoring group, there were 269 patients. 10 of the beds are designed for the department of judicial and psychiatric expert examination, 60 of the beds are for the department of compulsory treatment, and the rest are departments with 40 beds each, two of which are designed for women. Only adults receive treatment in this clinic. During the visit of the monitoring group, an Armenian national, who was a citizen of the Republic of Armenia, received treatment in the clinic. Regarding this person the following issue persists: he has been taken to hospital in ambulance, in rather bad state, and, based on his state, he has been accepted to the clinic, but at the same time, they applied to the Ministry of Health for getting permission to treat the concerned patient within the scope of state funding.

The functions of the clinic include the following:

- Treatment of bad, non-postponable cases
- Treatment of chronic patients in case of exacerbation of the disease
- Taking care of chronic patients
- Indoor judicial and psychiatric expert analysis
- Military and physiological examination of the conscript servicemen
- Compulsory treatment of mental patients in general and special departments.

There are no paid departments in this clinic and the patients' treatment is funded from the state budget. Moreover, for serious patients 5350 AMD is allocated per day (including food, as well as medicines, gas, water and other fees), and for regular patients who need care, the state allocation is 3150 AMD daily.

According to the head of the clinic, in course of his term in office, no capital repairs have been implemented, only minor cosmetic renovation was carried out.

The clinic has no problems with heating, but in course of the visit of the monitoring group, during November 12-15, the central heating was not turned on, based on the reasoning that it is still warm and there is no need for heating. In addition, in order to turn on the heating there should be proper instruction and permission by the municipality.

Problem regarding water supply is the following: twenty-four hour water supply is provided in not all buildings. As stated by the staff of the clinic, there are no problems with twenty-four hour water supply only when the pool/basin serving the clinic is full of water.

There are serious problems in this institution with regard to the water removal system. Periodically, there are cramping in the sewage pipes due to the shabbiness thereof. Nevertheless, as stated by the head of the clinic, the clinic is located in landslide zone, and partial renovation of the sewage pipes cannot finally solve this issue, that's why there is need for capital repair, which, although required rather big funds. Based on this, the head of the clinic states that the clinic needs benefactor, since it is not possible to solve the problem of renovating the clinic, as well as address the issue of treating the patients by state funds only. The clinic has no problems with electricity supply: it is supplied in two lines, if one is turned off, the other one is turned on. As the head of the clinic informed us, there is no power generator in the psychiatric clinic.

As stated by the head of the clinic, in course of his term in the office, there have been no cases of fights, killing, suicide, and escape.

- **General situation in the departments**

General departments are designed for 40 beds and they are, as usual, not overloaded. Nevertheless, there are cases when the number of patients amounts to 45. All departments, which were visited by the monitoring group, have not been renovated since the day of the opening of the clinic. Cosmetic repairs, which are implemented in the departments, are not enough. The walls in the department are painted in yellow, although, since no repairs has been undertaken for many years now, the paints on the walls are fallen off and, as witnessed by the aid-men, no matter how much the walls are cleaned, the wards will not look clean. There were no signaling systems in the departments, which will enable the patients to get connected with the medical staff, or, if the patient is bed-ridden patient, with the nurse. Instead, the control in the department is implemented by two aid-men. It is worth noting that in terms of both hygiene and in general

terms, the women's departments were different from the rest of the departments - those departments were in better state.

The wards in the departments are of approximately 35 square meters. There are no doors separating the wards from the corridors, the patients freely stroll in the department. The floor in the wards is covered with linoleum, in some wards it is rather shabby and torn out and hinders the walking of the patients. There are three windows per ward, which are covered with barbed wires. There were many flowers in the departments as well as rooms. These flowers were taken care of by the patients, as well as the staff. Natural lighting in the rooms was sufficient, although, as recorded by the staff, artificial lighting in some rooms was not provided adequately, since there were only two lamps per room, the switches of which were outside of the wards. One of the wards was designed for isolating patients with infections or other skin diseases. There were 5-10 wooden or iron beds in the wards, all of which had sideboards. There were rooms the patients kept their personal items in pasteboard boxes.

Department of judicial and psychiatric expert examination

Persons who, according to the court ruling, should be subject to judicial and psychiatric expert examination, are kept in this department for up to 24 days. This department and the department of special compulsory treatment is separated from other departments, and entry in these departments is restricted. This department is controlled by policemen of the interior protection regiment. It is worth mentioning that the policemen pointed to the attention of the observation group the fact that they do not have any shelter, both in summer and in winter, except for a small passport control point. They even prepare their meals and eat in the yard of the building. The department is designed for 10 people. In course of the visit of the observation group there were exactly ten people in the department. The department is comprised of three cells, with iron barbed doors, which are locked with prison key. There were 4 persons in the first cell, 5 persons in the second cell and 1 person in the third cell who were under expert examination. The cells have not been renovated since long ago, artificial lighting was not sufficient, the bedding items are shabby and torn out. In the last cell there was one examinee, who according to the medical staff, is a homosexual, and, hence, had been isolated from others, There were no living accommodations in that cell; the floor was cement lined and there was no furnishing at all.

Special type of compulsory treatment department

This department is designed to incorporate 60 beds. In course of the visit of the observation group, there were 54 patients under treatment there. This department serves the whole territory of the Republic of Armenia, as well as Republic of Mountainous Karabagh. In this department there are also iron barbed doors with prison locks. The lighting in the rooms is sufficient, the number of separate beds is between 5-11. The sanitary accommodation was clean, comprised of two Asian type toilet basins, which are separated by partition, and a washing basin. There were two electric water heaters, two showers, which were not separated by partitions. Besides the medical staff, the patients were watched by the policemen from the same protection regiment.

- **Sanitary Hygienic Situation**

“Nubarashen” Psychiatric clinic is in rather bad sanitary and hygienic state. There were two sanitary accommodations in each of the general type of departments: one for the staff, and the other for the patients. The sanitary accommodation for the latter was in a sad state - the ceiling and the walls were decayed, the pipes –rusty and the taps were out of order. There were three washing basins and three Asian type toilet basins, with no partitions, per sanitary accommodation. The sanitary accommodation in the women’s department was in relatively good state, but the observation group witnessed the fact, that one of the taps of the washing basin was out of order in one of those departments, and due to this accident, the water was streaming all over the sanitary accommodation. There were two electric water heating boilers and two showers, which were not partitioned, per bathroom. There was also one semi-automated washing machine installed there.

In general, it was rather cold in the departments. There were wards, which were stinking due to insufficient care towards serious and chronic patents. The patients of the same ward had to open the windows due to stinking, and were lying in beds in winter coats and other warm clothes. It should be noted that the patients’ hygiene conditions were not ensures, as the observation group witnessed that the patients were wearing rather dirty and shabby clothes, the bedding items also were shabby and torn out. According to the aid-men, there are few bedding items and they do suffice for changing them frequently.

- **The Food**

The food in the clinic is cooked in the canteen which is located in a separate building. The canteen is in rather clean state: the floor and the walls are tiled. There were five big electric boilers, four gas stoves, eight wash basins and other kitchen utensils. There is also ventilation

system in place in the canteen. After cooking the meal, it is taken and distributed to the departments. Initially the meal is put in the small kitchens of the departments. If necessary, the meal is warmed and afterwards provided to the patients. The kitchens in the departments are not in good state. There were electric stoves, refrigerator (in some departments the refrigerator was in the appointments' room) in the kitchens. The kitchens were furnished with shelves, where the utensils were kept, two tables and three wash basins. Walls of some kitchens were damp, the paint and the plaster were fallen off, which was due to improper functioning of the sewerage pipes. The food was handed to the hall in the corridor through a small window. The patients have their meals in this hall, which is not separated from the corridor by a door.

The observation group noticed that there were inconsistencies between the number of tables and chairs in the canteens of the department. There were not enough chairs in the canteen to serve all the patients at a time. The existing items were shabby, broken, and the staff of the kitchen had to distribute the meals by several turns, in order to be able to provide food for all patients of the department.

- **Appointments and Telephone Connection**

There is a separate room for appointments in each department. There are a lot of shelves in these rooms to keep the patients' personal items and those brought at the appointments. There were 2-3 tables in the room with chairs. One of the aid-men should be present during appointments. There are no restrictions for the appointments. The staff note that the patients' relatives visit the patients rarely.

There are no coin-box telephones in the territory of the clinic, and the patients are not able to use the phones installed in the doctor's rooms.

- **Strolls and Occupation**

Patients take strolls one hour per day, in the 10 square meters banistered area of the department yard. There are no workshops and subsidiary farm. Some of the patients are engaged in works of social utility, they clean the area, take care of the flowers, etc.

3. “Detoxication” Clinic of the RA MH “Medical Psychiatric Center” CJSC

“Helsinki Association” human rights’ defender organization, visited “Detoxication” Clinic of the RA MH “Medical Psychiatric Center” CJSC on 14.12.2010. The missions of Avan detoxication clinic include primary visit to the patients sick with alcoholism and drug addiction, consultancy and out-patient treatment, for which three departments in the same clinic are designed and out-hospital treatment, if appropriate, which lasts from 7 to 10 days. While the observation group was waiting for the head of the clinic, the observers were provided with opportunity to have informal talk with a department head of one of the departments. The latter informed us, that those patients who wish to get cured, shall be treated within either state funding or anonymously; i.e. no passport is provided by the patient. In this case, the institutions cannot accept such patients as RA citizens, and the patient should pay as much as the state provides for 10 days of ambulatory treatment of its citizen, that is 30 000 AMD.

“Detoxication” clinic implements ambulatory treatment of 150-200 patients per year, whereas indoor treatment is provided to 1000 people. Explaining the mechanisms of ambulatory treatment, the doctor mentioned, that tranquilizers cause weakness, dizziness, pressure fluctuations; such medicines are provided only in cases, when the nurses or relatives, who take care of them, accompany them to the clinic, otherwise, medicines are not provided to patients. When a patient comes to the clinic and gives his/her agreement to get out-patient treatment, the doctors insist that any of the patients’ relatives, who will later nurse and watch him/her, accompany the patient. Persons with alcoholism and drug addiction, often have change of personality, they don’t behave adequately, often avoid of giving correct answers, for example, how they have spent the day, whether they have had a sleep or not? Main requests and claims raised by the patients relate to the fact that they feel very anxious, do not have good night’s sleep. In general, they don’t feel well. In such a manner, they try to achieve higher tranquilizer dosages trough requesting, asking and all other possible means. These types of issues are possible to coordinate only through their relatives and care takers, thanks to whom it is possible to get exact information about the patient’s state. A so called “Methadone” project is implemented in the clinic, according to which, the drug addicts, who have been accounted and given their agreement to be treated, come to the clinic every day and receive methadone, which is a synthetic narcotic medicine. At present, this project is designed for 300 patients, although as of the time of our visit, approximately 110 people had been involved in the project. We got no clear answer to our question on why the number of patients involved in the project is less than envisaged, taking account of the fact that

the number of drug users is rather big in the RA PIs, and a big increase of drug addicts is observed.

After the arrival of the head of the clinic, Mr. Petros Semerjyan, the situation changed drastically. First of all he inquired about the purpose of our visit, clarifying, whether we have got corresponding note and permission. He informed us in rather aggressive tone, that “Detoxication” clinic is vitally different from psychiatric hospitals, it is a regular civil hospital, where the patients come and go, and in terms of human rights, our organization has nothing to do there, they are governed by the law on psychiatry and do not have any connection with the psychiatry. Mr. Semerjan noted that, he is very well aware of the activities implemented by our organization, and, although human rights defender organization has nothing to do here, he was willing to respond to our questions. The observation group introduced to him the problems of our project and tried to get information regarding the quantity of the patients, who get treatment through methadone project, as well as the terms for inclusion in the project and treatment within its scope. The question sounded quite rough: “any sick person can use this project, if there is corresponding instruction, and this quantity is unlimited”. Understanding the fact that the head of the clinic is avoiding from giving any information and, moreover, is trying to create a conflict through his rather coarse and aggressive behavior, the observation group left the clinic.

4. RA MH “Sevan Psychiatric Hospital” CJSC

- **General Information**

Sevan clinic was delivered for operation during 1947-1948. Initially it served as camp of German prisoners-of-war. This clinic serves the whole territory of the republic. Since 1996 the clinic is headed by Gagik Karapetyan. The clinic incorporates nine departments, four of which are for women and five for men. The clinic occupies approximately four hectare area. Judicial enforced treatment is also implemented in the psychiatric institution, on common grounds.

The clinic is designed to incorporate 420 beds. At the time of the visit of the observation group, on 25.11.2010. There were 413 patients there. There are 40-55 beds in each department. There is no paid department in the clinic.

The number of medical staff in the clinic is small, there are only five doctors, eight head nurses, eight assistant nurses. A Psychologist, a therapist, a dentist, , who come to the clinic according to a corresponding schedule or if needed. The latter have their consulting rooms, which are located in a separate building. In addition to the RA citizens, also 4-5 patients from NKR get their treatment here.

As stated by the doctors of this clinic, there have been no cases of suicide or murder.

The hospital is financed by the state, but, as stated by the staff, from time to time some sponsors take care of specific needs of the hospital. Nevertheless, in course of the visit of the observation group, there were only two completely renovated departments, whereas all other departments, as well as some buildings are very old and require capital repair.

The staff point out that there are no problems in the clinic with regard to water supply, there is twenty-four hour water supply in the clinic. Uninterrupted water supply is due to the fact that all buildings are one-storey constructions, and the water is gravity fed. The heating in the institution is twenty-hour a day. During the visit of the monitoring group, which was carried out on 25.11.2010, the heating was on. Nevertheless, as we noticed, there was no heating in the workshop and it was rather cold there, which, according to the deputy head of the clinic, was due to some disrepairs, which they try to eliminate.

Doctors point out, that there are no problems with electricity supply. The clinic had two electricity provision lines and one generator, but the latter, has never been used, since there had been no power cuts. There are also no problems with the water supply in the clinic.

The staff of the clinic has problems regarding their salary, and as they state, their salary is rather low as compared to the work they conduct.

The clinic is located at some distance from Sevan city. Majority of the staff resides in that city and to our question on how they reach their workplace, they answered, that there is a hospital bus, which takes them to work every day.

As mentioned by the staff of the clinic, no drug addicts are treated at hospital.

The issue of receiving the disability pension assigned by the Ministry of Social affairs for the so called “care patients”. On the one hand, the relatives of the patients put them into psychiatric hospitals, and the whole burden of nursing and watching these patients rests with the staff of the hospital. On the other hand, the same relatives take the pension allocated for the patient, and in many cases, the patients themselves do not get any money: troubles for buying elementary

cigarettes and other essential items rests with the staff of the clinic. The monitoring group witnessed the situation when the deputy senior physician was giving out cigarettes to the patients out of his personal cigarette box. According to the staff of the clinic, the government should pay serious attention to this financial issue and regulate this in laws.

Ambulant therapy and out-hospital care of the patients constitute a more serious problem. Patients with serious mental disorders, who have been accepted to the hospital for in-treatment, get complete treatment. They get better, after which the patient is discharged from hospital and need to be under ambulatory medical care. Nevertheless, since the ambulatory departments are far away, and maybe also due to other reasons, the patients don't have an opportunity to visit ambulatories, receive corresponding medicines, that's why their state gets worse and they are again taken back to indoor treatment. Vivid examples of the above stated are the murders committed in Sevan, on November 8, 2010, when Arman Torosyan, who had received indoor treatment at "Sevan Psychiatric Hospital" CJSC before, and according to the doctors, had quite positive results in course of the treatment and had been discharged of hospital in proper state, being left out of out-patient control, afterwards, and not having taken his medicines in due course, as a result of subsequent exacerbation, killed his parents.

- **General State of the Departments**

As already mentioned above, the departments are designed for 40-55 beds. During the visit of the monitoring group, there was no overload in the clinic departments. Each department was comprised of about ten wards, each of which was 25-35 square meters. There were 3-5 beds in each. The first and second departments were completely renovated. The state of other departments was satisfactory: the renovation was very old; the walls in some parts were shabby. The wards in the first and second departments had no doors. These wards were rather light. The floor in the wards was wooden, whereas in the corridor the floor was tiled. There were carpets on the floors in almost all rooms. The walls were painted in light grey. The windows in these departments were metal-plastic, with no barbed wires. As to other departments, the floors of the corridors here is cement lined, the floor is covered with wood, and the walls are shabby and damaged here and there.

There was one room in the department to serve as a workshop for the patients. The monitoring group witnessed the fact that the patients carry their washed clothes from the laundries themselves.

There were no signal systems in the departments, which could be used by the patients for calling the aid-men. The doctors' comment on this fact was the following: there is no need for signaling system, since on aid-men is constantly on duty in each department. The aid-men on duty strolls over the department and, if needed, approached the patients.

- **Sanitary Hygiene Situation**

In this regard, the first and second buildings of Sevan clinic are distinguished with their good sanitary hygiene state. Since capital renovation has been implemented here, these departments are very clean.

The sanitary accommodation was in good state. It included three Asian type toilet basins, which were separated from each other with partitions, and three washing basins. In other departments, the toilets were not so clean and in good sanitary and hygienic state. There was only one bathroom for the whole clinic. One separate building was allocated for the bathroom. The bathroom included two sections: the patients used the first section for changing their clothes. By the way there were no separate rooms there, only two benches, and the patients left their clothes on the. In the second section of the bathroom, the patients took bath. This part was also of common use, there were six showers there, which were either not separated from each other by partitions or have an individual management system, meaning that the level of warmness of the water was controlled from outside. The bathroom was tiled; the ceiling was quite shabby and was in need of repair. The patients take bath once every eight days.

It is worth noting that the monitoring group was not able to visit the laundry, which, according to the deputy head of the clinic, is not needed, since “it is completely in water, and it’s not worth going there”.

It should be noted that there are many patients wearing quite shabby clothes. The monitoring group even noticed that one of the patients had completely torn out shoes and was moving with difficulty.

The patients’ linen was changed once a week.

There was a barber and a hairdresser employed by the clinic.

- **The Food**

The food in the clinic is cooked in the canteen which is located in a separate building. After being prepared, the food is distributed to the departments. The canteen is comprised of two parts: in one part the meals are cooked, and in the other part the food stuffs were being kept. Both parts of the canteen were in very bad state: there were no signs of renovation, the walls and the ceiling was completely destroyed, the floor was bitumen lined. During the visit of the monitoring group, in that part of the canteen, where the meals were cooked, the windows were left open and several sparrows had flew inside. The meals were cooked in eight electric boilers. The cooked meal is later taken to the departments, where, at first they are kept in the kitchens, and later served at the department canteens, which are furnished with 10 tables with four chairs each. As to the kitchens as such, they were in good state.

- **Appointments and Telephone Communication**

There is one single room for appointments for the whole clinic. The appointments room is in a separate building. The main part for the appointments is comprised of two rooms, each with three chairs and tables. The rooms were rather neat, well furnished and light. The other room was designed for the staff. A record book, with information on appointments and telephone calls, is also kept there. The telephone is also installed in this room. When the patients are taken to the clinic they are entitled to making one free telephone call, whereas later, they will have to pay for

all calls, or, in case of very urgent need, the staff may allow them to make phone calls without charge.

- **Strolls and Occupation**

As stated above, there is a separate workshop for the patients where they can engage in painting and needlework, get training on shoe-making, learn music, etc. However, during the visit the monitoring group witnessed the fact that the workshop was not heated and it was very cold there. This was explained by the fact that the heating system was being renovated. The strolls in all departments were organized without any specific schedule, directly in the yard of the department. Some patients were freely strolling over the administrative part of the clinic.

VIOLATIONS AND INCONSISTENCIES IN THE RA MOH PSYCHIATRIC CENTERS AND HOSPITALS PER THE REPUBLIC OF ARMENIA LAW ON PSYCHIATRIC ASSISTANCE

The monitoring group of “Helsinki Association” Human Rights Defender organization conducted visits to psychiatric medical centers and hospitals under the Republic of Armenia Ministry of Health during months of September and December. The monitoring group noticed that the following provisions of the Republic of Armenia Law on Psychiatric Assistance are the most violated ones:

Paragraphs 2 and 3 of article 5, which, in particular, relate to the provision of comprehensive and accessible medical assistance, care and other forms of assistance to the persons with mental disorders; development of corresponding public attitude towards them, first of all tolerance and benevolence.

Subparagraphs 1,2,4, and 5 of paragraph 2 of article 6, which, particularly, relate to establishing correspondence, use of telephone connection, disposing of necessities of life, using personal clothes, communication through newspapers and magazines.

Subparagraphs 1, 2, 4, 5, and 7 of paragraph 2, article 7, which, particularly, relate to urgent psychiatric help; assistance related to consultancy, diagnosis, treatment and social rehabilitation in hospitals and out-doors; support and custody of the social and living conditions of people with mental disorders; their training and care.

Paragraphs 1, 2, 3, and 4 of article 8, according to which, the Republic of Armenia Government shall found organizations implementing psychiatric in-patient and out-patient care for the elderly, adults, minors and children in order to ensure psychiatric assistance and social protection of persons with mental disorders, shall organize secondary and vocational special training for minors with mental disorders, shall establish medical-production oriented organizations of people with persons with mental disorders, including for the disabled; treatment through work;

disposition of new specialties and provision of occupation; shall take measures for creating jobs with simplified working conditions or for establishing special workshops; shall create lodging houses for those persons with mental disorders who have lost social ties.

Article 12, according to which, while carrying out psychiatric care, the psychiatrist shall be independent in his/her decisions and shall be governed by the sense of doctoral duty and this law.

Article 25, according to which, violation of the provisions of this law shall ensue responsibility stipulated by the Republic of Armenia law.

Violation of subparagraphs 1, 2, 3, 4 of paragraph 1 of article 80 take place, according to which psychiatric organizations shall install at least one coin-box telephone in the territory of the organization, in places accessible to the people with mental derangements. Payments for telephone conversations are paid by concerned people, in compliance with enacted tariffs. The administration of the psychiatric institution shall attach the list of tariffs for the phone calls in place accessible for the people with mental disorders. The psychiatric organizations shall install at least one mail box in their territory. The mail box should be accessible for the mentally disordered who are placed in the psychiatric organization. The administration of the psychiatric organization should post the list of tariffs of postal services in place accessible to the mentally disordered. Persons, put in psychiatric organization, have the right to contact any person through mail, at their expense. Psychiatric organization shall ensure correspondence through mail by the mentally disordered persons. The administration of the psychiatric organization shall ensure delivery of the letters written by the mentally disordered person to the postal service and shall ensure provision of postal delivery receipt to the person who is staying at the psychiatric organization, as well as delivery of unopened letters received by mail to the persons with mental derangements.

Paragraph 3 of article 80, according to which, there should be a subscription list of organizations carrying out subscription of newspapers and magazines, which should be available to the persons with mental derangements, who are staying at the psychiatric organization. The administration of the psychiatric organization shall have to ensure newspaper subscription of the patients and handing of subscribed newspapers and magazines to the patients.

RIGHT TO A FAIR TRIAL AND EFFECTIVE REMEDY

This Report has been prepared by “Helsinki Association” for Human Rights public organization as a result of the monitoring conducted in the RA courts. The mentioned monitoring was conducted in the period from September 2009 to December 2010.

Observations were carried out by “Helsinki Association” for Human Rights public organization in RA Courts, particularly in courts of General Jurisdictions of Kentron and Nork Marash, Malatia-Sebastia, Ajapnyak and Davitashen, Shengavit, Erebuni and Nubarashen, Arabkir and Kanaker-Zeytun Administrative Districts, in the Court of General Jurisdiction of Kotayk Marz, the Court of General Jurisdiction of Gegharkunik Marz, the Court of General Jurisdiction of Armavir Marz, the Court of General Jurisdiction of Ararat and Vayots Dzor Marzes, the Court of General Jurisdiction of Lori Marz, as well as the RA Court of Appeal and the RA Court of Cassation. All in all, the monitoring team of “Helsinki Association” for Human Rights public organization observed more than 130 sessions. As a result of the monitoring on the right to a fair trial and effective remedies, one can explicitly note that in the course of the observed court hearings, the RA courts continue to flagrantly and openly violate a number of national and international norms; particularly

1. Article 3 of the RA Constitution:

“The human being, his/her dignity and the fundamental human rights and freedoms are an ultimate value. The state shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of the international law. The state shall be limited by fundamental human and civil rights as a directly applicable right”.

Article 17.

“No one shall be subjected to torture, as well as to inhuman or degrading treatment or punishment. Arrested, detained or incarcerated persons shall be entitled to human treatment and respect of dignity. No one shall be subjected to scientific, medical and other experiments without his/her consent”.

Article 18.

“Everyone shall be entitled to effective legal remedies to protect his/her rights and freedoms before judicial as well as other public bodies. Everyone shall have a right to protect his/her rights and freedoms by any means not prohibited by the law.

Everyone shall be entitled to have the support of the Human Rights’ Defender for the protection of his/her rights and freedoms on the grounds and in conformity with the procedure prescribed by law. Everyone shall in conformity with the international treaties of the Republic of Armenia be entitled to apply to the international institutions protecting human rights and freedoms with a request to protect his/her rights and freedoms”.

Article 21.

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty by the court judgment lawfully entered into force as prescribed by law. The defendant shall not be obliged to prove his/her innocence. The remaining suspicions shall be interpreted in favor of the defendant”.

2. The principles defined by the RA Criminal Procedure Code, i.e.:

The principle of lawfulness defined by Article 7:

“1. The agency for inquest, the investigator, the prosecutor, the court, the judge, and any other person participating in criminal proceedings shall be obligated to observe the Constitution, this Code, and other laws.

2. In connection with a criminal case, no person may be detained, arrested, searched, taken into custody, or subjected to any other measure of procedural compulsion or conviction or other restriction of his rights and freedoms otherwise than on the grounds and by the procedure prescribed by law.”

Article 9 defines the respect for rights, freedoms and dignity of person:

“1. Respect for the rights, freedoms, and dignity of person is mandatory for all bodies and persons participating in criminal proceedings.

2. The court shall warrant temporary limitation of the rights and freedoms of individuals. Imposition of measures of procedural compulsion shall be applied only in cases, where the necessity of such decision is supported with appropriate legal procedure.

3. In the course of criminal proceedings, no one shall be subjected to a treatment degrading his/her dignity, kept in humiliating conditions...”

Article 17 defines fair trial of case:

“1. Everyone shall have the right to a trial of a criminal case related to his/her interests by an independent and impartial court with observance of all requirements of fairness within reasonable time period.

2. The judge, the prosecutor, the investigator, the officers of the agency for inquest can not participate in the proceedings of a criminal case, if they are directly or indirectly interested in the outcome of the case.

3. The body engaged in criminal prosecution shall be obligated to take all measures prescribed by this Code for a comprehensive, full and objective investigation of the case circumstances, to reveal all the circumstances supporting and acquitting the guilt of the suspect or the accused, and the circumstances mitigating and aggravating their responsibility.

4. All the statements by the suspect, the accused, and their defense attorney about the availability of an evidence of their innocence, about the evidence acquitting the suspect or the accused or mitigating their responsibility, as well as all appeals on violations of legality in the course of criminal proceedings shall be thoroughly examined by the body engaged in criminal proceedings.”

Article 18 defines the presumption of innocence

1. Every person suspected in or charged with a criminal offense shall be presumed innocent unless proven guilty in accordance with the procedure prescribed under this Code by an entered into force court verdict.

2. The suspect or the accused shall not be obligated to prove his innocence. The obligation to prove their innocence can not be born by the defense party. The obligation to prove the charges and to disprove the arguments brought in favor of the suspect and the accused lies upon the prosecution.

3. *No conclusion that a person is guilty of a crime can be based on suppositions; such conclusion has to be proven by satisfactory integrity of interconnected reliable evidence that is relevant to the case.*

4. *All doubts concerning the charge to be proven, which cannot be dispersed within the frame of a proper legal procedure in conformity with the provisions of this Code, shall be interpreted to the advantage of the accused and the suspect.*

Article 23 defines the adversary in course of criminal proceedings:

1. *Criminal proceedings shall be conducted on the basis of the principle of adversary.*

3. *The court shall not side with prosecution or defense, and shall express only the interests of the law.*

4. *The court trying a criminal case shall, by upholding the principles of objectivity and impartiality, create necessary conditions for both prosecution and defense parties to comprehensively and fully examine all the circumstances of the case. The court shall not be bound by the opinions of the parties and shall be entitled to undertake, upon its own initiative, all the necessary measures for revealing the truth in the criminal case.*

5. *The parties to criminal proceedings shall be endowed, as per the criminal procedure legislation, with equal chances to defend their own positions. The court shall support the verdict only by such evidence, examination of which has been made equally accessible for both parties.*

6. *In the course of criminal proceedings, the parties shall independently choose their standpoints and methods and measures to be used to defend those standpoints within the framework of law, irrespective of the court or any other bodies and persons...*

7. *The court shall ensure the right of the parties to participate in the trial of the case within the court of first instance and the court of appeal. ...*

8. *Participation of the parties in the examination of criminal case at the court is obligatory. In the course of the trial of criminal case, prosecution shall be represented by the prosecutor.*

3. Article 3 and 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms

Access to the court room

According to Article 16 the RA Criminal Procedure Code:

“1. Court trial of criminal cases in all courts shall be public, except for cases provided for in paragraph two of this article.

1. By court decision, trial in camera can be held on cases with regard to offenses related to state and official secrets....”

The legislator has also envisaged all cases enabling the conduct of court hearing in camera. It can be held on the court initiative or by motion of the participants of litigation in exceptional cases, provided those will not be adverse to the exercise of justice or will not result in unjustified restriction of the principle of publicity of the litigation.

The court verdicts and other final decisions shall be pronounced publicly. In case when in camera court hearings are held, only introductory or concluding parts of the verdict or other final decisions can be pronounced on the basis of the court verdict; those parts representing the basis for holding in camera court hearing shall not be publicized.

The same is also envisaged by the RA Judicial Code:

“1. In the Republic of Armenia, the examination of cases in courts shall be public.

2. The court hearing or a part thereof may be held in camera only by a court decision...”

Notwithstanding that the law states directly or verbatim that hearing shall be public (with the exception of cases defined by the law), there are still cases recorded in the RA courts, where the court administrators impede the access of both ordinary citizens and observers to the court room.

On 16.04.2010 in the Court of General Jurisdiction of Malatia-Sebastia Administrative District (presided by Judge Tigran Petrosyan), after the end of the court session held with regard to the accused Kajik Daftyan charged by Article 268 (2) of the RA Criminal Code, advocate Aram Hovhannisyan, prosecutor Seda Sargsyan), the administrators approaching the observer of Helsinki Association had expressed their indignation with regard to the fact in relation to their entry into the court session without warning the court administrators. To the question of the observer, why should he warn someone for being present in the public court session, the administrators have replied that “there will be a sort of negatives talks over this with them” with regard to such incidents.

Learning that an observer from “Helsinki Association” Human Rights public organization is going to observe the court session presided by Judge Petrosyan, administrators of the Court of General Jurisdiction of Malatia-Sebastia Administrative District prohibited him to have access to the court room, reasoning that they would not allow him in unless they have the judge’s permission. To the request of the observer to provide him an internal phone to talk to the judge or his assistant so that the problem was settled, they had told that the phone is in the room allocated to them and had not allowed him to make the phone call. A bit later one of the administrators returned and said that the permission by the judge had been received and that the observer could participate in the session.

Announcements are posted near the entry of all courts, according to which access to court is prohibited in sports clothes. By this initiative, they are addressing a very important phenomenon, since one can say for sure that the culture of attending such places in appropriate clothes is missing in Armenia; however deciding whether the clothe is sports or not is the administrators’ prerogative, thus, creating an unnecessary tension and such a situation, where administrator may prohibit the access of one in jeans and sports shoes, while allowing the other just in sports clothes and slippers without any problem.

On 31.08.2010, in the course of inspection at the entrance of the Court of General Jurisdiction of Kotayk Marz, persons in sports clothes and slippers had a free access to the court building.

There are cases, where the actions of administrations are a complete absurd. In such cases the problem is not that an average administrator performs actions prohibited by law and not justified by any ground; the problem is that the supervisors of those administrators do not prevent such actions, but, on the contrary, try to justify their illegal actions.

On 31.08.2010, a few minutes after the case described above, the same court administrators in the Court of General Jurisdiction of Kotayk Marz, finding out that observers (Helsinki Association) had attended the court to participate in the court session “on criminal case No. 66100510 with regard to Khachik,

Hovsepyan, Avetik Gevorgyan, et al.), checked their names and recorded them in the list of the summoned.

Without any explanation, administrators of the Court of Appeal have seized the keys of the Chairman of Helsinki Association Mikayel Danielyan's house. Any attempt made to understand the reason behind this seizure encountered uncertain and vague answers.

In the Court of General Jurisdiction of Armavir Marz (residence in Echmiadzin), in one of court sessions (Judge Khalatyan, the accused A. Mshetsyan and S. Vardanyan, Prosecutor A. Karapetyan, Defense V. Arakelyan and A. Papikyan), the secretary of the session announced the names of the participants attended the court hearing and in the same list communicated that the Chairman of Helsinki Association M. Danielyan and monitor A. Veziryan are also present in the session. Perhaps, according to the Court, the Chairman of Helsinki Association M. Danielyan and monitor A. Veziryan also were the participants of the court hearing.

Of other notorious violations related to the access to court hall, one should also mention that without any explanation, the identity cards of advocates are being almost always checked, whereas the same practice is not applicable with regard to the investigators and prosecutors.

A very inexplicable discriminatory attitude is established particularly by the administrators of the RA Court of Appeal and the RA Court of Cassation. In the Court of Appeal as well the prosecutors pass without any obstacle (without presenting identity card or inspection of personal belongings) to court room. It should be noted that in most of cases prosecutors enter the court through the door envisaged for exit and none of the administrators makes an attempt to stop them. Mostly unacceptable is the fact that, even after showing the identity card, there have been cases when the lawyers have been compelled to open their bags for inspection. Without any explanation, they temporarily seize their personal belongings, medicines with appropriate original package, bottled water taken by them during hot summer days, etc.

Perhaps, the above mentioned measures might have been welcomed in view of considerations with regard to security, provided that the same attitudes were applicable to prosecutors and investigators as well.

On 29.10.2010, administrators of the RA Court of Cassation told advocates Aramazd Kivinyan and Diana Grigoryan, that they should search them and their belongings. The advocates declined, as the administrators had not got appropriate decision for the conduct of such search. However, the administrators had insisted on their illegal request, though stating this time, that they were going to conduct inspection. Aramazd Kivinyan noted that grounded suspicions on a person having prohibited items with him/her were needed for the conduct of inspection. Leaving his bag at the entry part, he tried to go up to the court room; however this time as well he had been prohibited to enter the hall, and even threatened to be subjected to force, if he declines the inspection. The administrators had also lied that their actions had been agreed with the judge, and the latter would wait until they are done with the inspection. But the judge had already concluded the hearing and left.

As Aramazd Kivinyan mentioned during his interview with the reporter of NEWS.am, he could not exclude that there had been a concrete intent in administrators' actions to impede their participation in the court session².

² /<http://news.am/arm/news/36321.html/>

We cannot but address another fact related to common violations: in all courts, before the commencement of court session, the prosecutors attend the judges' offices, which, by the way, are in the restricted zone, where **"unauthorized persons are not permitted"**. On the contrary, any attempt of an advocate to meet with a judge is being prevented by administrators. Thus, the principle of equality of parties is generally violated already before the very beginning of the court session.

On 31.08.2010, in the Court of General Jurisdiction of Kotayk Marz, the advocate attending the court session "on criminal case No. 66100510, Khachik Hovsepyan, Avetik Gevorgyan et al.) was requested to present an identity card, whereas prosecutor Yu. Baghyan entered the court building without any impediment, without submitting identity card. It should be noted that before the commencement of the court session, the prosecutor Yu. Baghyan also entered without any obstacle in the office of Judge Makyanyan and stayed there until the beginning of the court session. The same scenario was repeated before the other following sessions.

In the Court of General Jurisdiction of Kotayk Marz, before the regular session "on criminal case No. 66100510, Khachik Hovsepyan, Avetik Gevorgyan et al., after conducting personal inspection, the administrators, without any explanation, made the relatives attend the session to leave their handbags on the table on the first floor of the court and only then to go upstairs to the court room. Only after the intervention by the staff of Helsinki Association, it became possible to settle the problem and these people went up to the court hall with their bags.

Beginning of court session

Almost all the sessions being monitored by us started with delay of 15-40 minutes on the average. Only in exclusive cases, the court had provided explanations on the reason of such delay. The court focuses on the reason of the delay of court session, when it is because of the defense party.

However, the courts generally do not address at all the reasons of the delay.

On 20.01.2010, the court session presided by Judge Surik Kostanyan (the accused - Arman Besaryan, being sentenced on Article 316 of the RA Criminal Code, advocate – Givi Hovhannisyanyan) of the court of General Jurisdiction of Shengavit Administrative District started with delay of 45 minutes, without presence of the session secretary and without presenting the parties. In addition to the mentioned violation, S. Kostanyan ran the session without toga, but rather in suit, and the session in question was not being recorded.

The next session of the same criminal case on 19.03.2010, began with delay of 20 minutes without the presence of the session secretary, without communicating about the presence of the parties; the judge ran the session without toga, which was photographed by the observer.

The session of the Judge of the Court of General Jurisdiction of Shengavit Administrative District, as of 20.01.2010, started with delay of 30 minutes after the appointed time (prosecutor – Lilit Grigoryan, the accused – Garegin Stepanyan, charged under Article 242(3) and 244 of the RA Criminal Code). The session was not recorded for technical reasons, as communicated by Judge K. Ghazaryan.

It should be noted that, the same Judge – Karine Ghazaryan, had interrupted and postponed the session on another criminal case, dated 26.01.2010 (the accused – Artak Hovsepyan, Grigor Khachatryan, being charged under Article 225 of the RA Criminal Code, Prosecutor – Shakhgaldyan), since power was cut off in the premises and it was impossible to take the protocol of the session, which had not been done in this case for unknown reason.

On 20.01.2010, in course of the court session by the Judge of the Court of General Jurisdiction of Shengavit Administrative District Karine Ghazaryan, one would evidence an unhindered dialogue: in the court session one man addressing the judge said, that he was the brother of the accused and asked not to pronounce conviction, postpone the session for 3 days, so that he could “bring” the assignee of the injured to “court”. Prosecutor Lilit Grigoryan also had her say and communicated that “since the session is not being recorded, let me say that if you don’t want me to read the conviction, then file a petition, so that the court would make a ruling on a speedy trial”; the judge joined her and asked: “are you petitioning or not?”. The brother, who was not a participant of the court, said “yes”; the petition was satisfied and the session postponed. After the end of the session, the brother of the accused approached the judge and they began to have a warm talk, during which the judge was telling “I know the assignees of the injured”; the brother told that he also knows them; then the judge demanded to “free the court room”. Those present in the court room were asked out; however the brother of the accused stayed in the room with Judge Ghazaryan.

Order in court room

In course of court session, the order in court room shall be controlled by judge by giving appropriate directions to administrators. Only judge shall have an exclusive right to prohibit or allow photographing or audio-video-recording only in course of court session. Before the beginning of court session photographing or audio-video-recording is not prohibited by law.

In all cases of monitoring, before the beginning of court session, administrators assume the rights reserved to judges and prohibit (especially with regard to criminal cases) to occupy the first rows of the benches and video recording in court rooms.

It should be noted that in some cases there was a need of putting the judges in order, rather than doing so with regard to those present in the court room or the participants of court hearing.

In course of court hearing presided by Judge Artur Ohanyan in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts, the Judge failed to react in any way to those insults of personal nature that were voiced with regard to the accused Nagaytsev both by the injured and the prosecutor, even when the accused directly requested the court to put the participants of court hearing in order. Moreover, by his ironical and contemptuous attitude towards the accused, Judge Ohanyan would encourage the conduct of the prosecutor and the injured. It should be noted that in course of several sessions, the assistant of Judge Ohanyan was sitting just next to the prosecutor and to the question asked by the observer of Helsinki Association – why is the assistant to judge sitting next to the prosecutor, he had answered that it was his right to sit wherever he wished; on the contrary to this, both the visitors and observers were prohibited, without any explanation, to occupy the first two rows or to enter the court room 10 minutes later the appointed time of the hearing, notwithstanding that the session had not yet begun.

It should be noted that in course of the entire session, Judge Ohanyan was on his chair in a half-lying position; if this is an attitude to those present in court session, then this issue should be tackled by the RA Council of Court Chairmen; if Judge Ohanyan has got health problems, then he should not be engaged in an activity requiring lengthier sedentary work or at least should warn people in the court session that his conduct is not a contemptuous attitude, but rather a health problem.

In course of public court hearing presided by Judge Artur Ohanyan in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts, the assistant to judge requested the observer to put on the badge; otherwise he stated that “we won’t have a right to take notes”.

In the Court of General Jurisdiction of Malatia-Sebastia Administrative Districts, during the session of Judge Tigran Petrosyan, the prosecutor Seda Sagsyan asked the observer: “If you are an observer, why aren’t you presenting yourself to judge”; but the judge had not recorded that statement.

When going out of the court, the administrators had told the observer, that each time he needs to present himself to them and then go upstairs, otherwise “there will be a sort of negative talks over this with them”.

In court room policemen and court administrators decide where should sit this or another person, notwithstanding that it is the function of court, rather than administrators, whether to allow them to sit in the first row or not. To limit the entry of citizens in court room with regard to cases of great publicity, administrators and police officials in civilian clothes occupy the benches of the court room and the citizens are told that they are not allowed in since there is no free room in the court room.

In the Court of General Jurisdiction of Ajapnyak and Davitashen Administrative Districts, cases with regard to Articles 34-177 (2) and 327 (1) of the RA Criminal Code, presided by judges Davit Balayan and Vazgen Rshtuni were observed. In course of observing these two court hearings underway, the administrators had not allowed people to sit in the first row.

There are many such examples.

Keeping records of court session

In accordance with Article 29 of the RA Criminal Procedure Code:

“1. The course and the results of procedural actions should be reflected in the protocol prepared in course of the procedural action or immediately thereafter.

2. Protocol shall be produced in hand writing or by using technical means. When exercising procedural actions, stenography, photographing, filming, audio and video recording can be carried out.”

In the Republic of Armenia, reforms have been implemented periodically, the courts have been financed; as a result of it all court buildings of Yerevan were reconstructed and refurnished with new systems.

It should be noted that even after the refurnishment, when all courts of Yerevan can protocol the court session through recording, there are many cases when those are not recorded by intent.

In addition to other violations, the court sessions presided by Judges of the Court of General Jurisdiction of Shengavit Administrative District Karine Ghazaryan and Surik Kostanyan were not recorded.

It should be noted that frequently the quality of the recording of court protocols provided to parties is not applicable for listening, to say the least of it. Notwithstanding that there are microphones installed in front of each of the participants of court hearing, later it is almost impossible, for reasons undefined, to listen to the records on laser carriers provided by court. Especially the voices of judges are not well conceived. Taking into consideration the fact that the aforementioned is of common nature, we can assume that the low quality of records is being done by intent, so that a party would not have later an opportunity to appeal illegal court actions or improper conduct of judge by using the record of the protocol of court session.

Certainly, another common problem is also connected with the fact that prosecutor is provided with the record of protocols of court sessions without any state duty fee, whereas the defense has to pay state duty defined by law for the record of each session. To the question raised by the observation team with this

regard, the judges of the RA Court of Appeal communicated that the prosecutors' office transfers money to the Court Department for being provided with court session records on carriers.

This is not a financial issue, but rather violation of the principle of equality, which is also prescribed both by national and international legislation.

Refurnishment of courts in Marzes was done in part. In most of cases, the courts in marzes are in a sad state. At best, the offices of judges are repaired; there are no minimal conditions for normal activity.

In marzes the sessions are mainly recorded in handwriting, as a result of which undesirable things are simply not introduced in protocol and later on it is impossible to address, in any way, the flagrant violations conducted by judges and prosecutors in course of court session. Any motion regarding video- or audio-recording of the session is being dismissed, even if the defense proposes to provide all necessary technical means at its expense.

Line of Conduct of Judge

In course of the monitoring carried out by Helsinki Association, they have recorded that many judges are not enough professional and do not comply with the code of conduct for judges, and this is accountable for also by the fact that the Council of Justice does not show an objective approach to the complaints filed by citizens with regard to preventing inappropriate attitude and illegal actions by judges.

Cases have been recorded, where judge just uses insults of personal nature addressed to the accused and tries to humiliate the latter's dignity.

In course of court hearing presided by Judge Artur Ohanyan in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts, the Judge failed to react in any way to those insults of personal nature that were addressed to the accused Nagaytsev both by the injured and the prosecutor, even when the accused directly requested the court to put the participants of court hearing in order. Moreover, by his ironical and contemptuous attitude towards the accused, Judge Ohanyan would encourage the conduct of the prosecutor and the injured. On 14.12.2010, Nagaytsev's lawyer Inessa Petrosyan petitioned for questioning the Head of Police Avetik Mkrtchyan and another high ranked policeman of the same police unit. Without any justification, the Court dismissed the motion, following which the accused A. Nagaytsev announced of hunger strike from 15.12.2010, since both preliminary investigation and the court hearing had been too biased.

On 24.12.2010 A. Nagaytsev was taken to court with his mouth sewed and very pale and announced that for about 10 days he had been hunger striking. It should be mentioned that during that period neither the administrators, nor doctors had reacted to this, no assessment had been conducted with regard to his health state, and according to the words of the accused, when he had applied to doctors asking for a medicine to regulate his pressure, Askophen had been provided by the doctor's assistant on duty, which he presented to court.

With regard to sewing the mouth, the court stated with irony that it was the right of the accused.

In course of court hearings presided by Judge Volodya Grigoryan in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts, the Judge had violated for many times the presumption of innocence, which is expressed as follows: once the court session commenced, judge V. Grigoryan was already condemning the accused, saying the following: "Why are you doing things like this? You are an adult, it is a shame, because of you we all had to come and get together here".

There have been cases recorded, where the court would openly violate the presumption of innocence.

In the entire course of the court hearing, on 02.07.2010, presided by Judge Khalaphyan of the Court of General Jurisdiction of Armavir Marz (residence in Echmiadzin) (the accused – Ashot Mshetsyan and Serob Vardanyan, charged by Article 268 (1(3) of the RA Criminal Code, defense – Valentin Arakelyan and Arayik Papyan, Prosecutor – Armen Karapetyan), the presiding Judge was repeating uninterruptedly that the accused Vardanyan should confess the incident happened, rather than present the desirable version as a reality. With regard to the testimony given in the course of the preliminary investigation of the accused Vardanyan and Mshetsyan, the latter had stated for many times that those had been forced out in a result of violence; however, the judge Khalaphyan not only failed to properly react in compliance with the procedure defined by law, but continued to ascribe this to the attempts of the accused to avoid punishment.

Reportedly there have been cases, where the court would treat the defense with disregard.

In course of the criminal case on Tigran and Levon Balkhachyanner pending in proceeding of the judge of the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts Gagik Petrosyan, where public defense Raphayel Safaryan was presenting his defense speech, mentioning that the Court had shown an impermissible conduct towards the accused being detained for one year and two months and himself by interrupting him for many times and when the defense applied to the court requesting not to disturb him and let to him exercise his duties, the judge G. Poghosyan and prosecutors Buniatyan and Harutyunayn had smirked and tried to make fun of the defense. When Safaryan turned to the observers of Helsinki Association in the Court room, the judge interrupted him for another time and stated with contemptuousness that “you are reading the speech for me and not for “them”.

Notwithstanding that the court leaves the settlement of this or other issue related to the case at the discretion of court, judges very often abuse this right and show a very biased attitude with regard to similar matters.

At one of court sessions presided by Judge Makyan of the Court of General Jurisdiction of Kotayk Marz, the accused Artyemik Sayadyan, towards whom a precautionary measure of being released in his own custody had been applied, failed to appear before the court without presenting any document. In view of the practice, in such cases both the prosecutor and the court react immediately and replace the precautionary measure by detainment. However, in this case the motions by the defense on interrupting the court session for one hour to take the accused into custody caused an inexplicable aggressive behavior of the court and the prosecutor, creating an impression that a change had taken place in the composition of the participants of court hearing and the judge and the prosecutor had assumed the role of A. Sayadyan’s defense. The Judge began to inquire those present in the court hall about any information they might have about the accused, after which the accused G. Buniatyan communicated that a day before the court session and the day of the session he had seen ambulance in the yard of Sayadyan’s house. After this information, the Judge announced that Sayadyan had allegedly “notified that he is unhealthy and cannot be present in the session”. In spite of many objections made by the defense, the judge did not even make an attempt to find out whether A. Sayadyan was sick, whether the ambulance had arrived for him or another person, and with active involvement of the prosecutor took all the measures to postpone the session. At the end of the session, fellow-villagers of A Sayadyan approached the defense party and communicated that in the morning of the same day they had seen the guy buying something in the village store and that the fact of being sick is an obvious lie.

On August 31, 2010, the accused Buniatyan, towards whom, instead of detainment, precautionary measure of being released in his own custody had been applied for unknown reason, when being summoned on case at the session presided by the Judge of the Court of General Jurisdiction of Kotayk Marz Makyan, showed up in the state of drunkenness. Administrator did not react in any manner to such a state.

In such situations, administrators are obliged to report to the court about the impermissible line of conduct by the accused, and the court is obliged to respond. Later, it became known that Buniatyan has some in-law relations with Yu. Baghyan, Deputy Prosecutor of Kotayk Marz and one of the prosecutors on this criminal case; this does not provide a ground to declare a challenge to him by the procedure defined by law; however, it gave all the answers to the questions which had remained unanswered by the defense party.

In 2010, fight against illegal circulation of narcotics was intensified in Armenia. The number of the criminal cases envisaging punishment by Articles 266 and 268 of the RA Criminal Code, that are being sent to court, have significantly increased. Observation team of Helsinki Association has observed more than 40 criminal cases commenced as per Articles 266 and 268 of the Criminal Code only in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts. Of the observed cases, only with regard to five of them the court had made a ruling to refer the accused to forced medical treatment. The aforementioned can be viewed both as a negligence and insufficient professionalism of judges, as well as - intend. In any event, the aforementioned should have caused the interest and appropriate attitude of at least the chairman of appropriate court.

Prosecutor's line of conduct

As a result of the monitoring, cases have been recorded, where the conduct revealed by prosecutors not only were inappropriate for a representative of the authority holding such a post, but were impermissible and unacceptable.

In all court sessions presided by the judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts Volodya Grigoryan, where the prosecution had been represented Alik Mouradyan, inspecting prosecutor of Nubarashen penitentiary institution, there had been recorded violations of elementary conduct rules; particularly, the prosecution would apply to the accused by the street slang, like "hey you" or "hey guy", making his voice louder.

In course of court session on case of the accused Ashot Mikayelyan, as well as during the breaks of the court sessions, judge Volodya Grigoryan and prosecutor Alik Mouradyan would apply to the accused and his parents using inappropriate words; in particular the prosecutor said the accused with irony "your are the son of handkerchief Gago, aren't you?", he had named the accused as a junkie (narcotic dealer), and had attributed this to his family as well.

On 26.12.2010, in course of court session presided by the judge of the Court of General Jurisdiction of Shengavit Administrative District Azaryan (the accused Harutyun Petrosyan being charged by Article 132 (1) of the RA Criminal Code, public defense – Sergey Mkrtchyan, the injured – Paytsar Danatyan, the prosecution –Margaryan), the injured waived the testimony given in the course of the preliminary investigation and requested to accept the testimonies given at court as a ground. The made statement caused the prosecutor Margaryan's indignation and he started to impose psychological pressure and to utter threats towards the injured, telling that for such an action and statement she will be held liable.

After the break was announced, the injured applied to the prosecutor, asking whether she might go out of the court room, to which the prosecutor answered “I don’t give a f...do whatever you want”.

Violation of the procedure of consideration of motions

In most of cases, in the course of court hearings the principle of adversary has been violated; the motions of advocates are in most of cases being dismissed without grounded justifications, as a result of which, in course of court hearing and when making ruling, the judges are confined to the evidence provided by the prosecution.

When considering the cases (by Articles 266-268) pending within the proceedings of the judges Artur Ohanyan and Volodya Grigoryan at the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts, without any grounded argumentation, the judges dismissed almost all the motions, to which the prosecutor had objected.

Reasonable timeframes for administration of court hearing with regard to both criminal and civil cases are also violated by courts. There are various cases, hearing of which has been lasted for the period of more than one year. This is connected with a set of circumstances – overload of courts, ungrounded deferral of court hearings by parities; there are also cases, where court hearings have been interrupted because of the judge being on leave.

Along with other various violations, the criminal case pending within the proceeding of Chairman of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts Artur Ohanyan (the accused Nagaytsev), has been continued from 2009 till now.

Violation of the procedure of questioning witnesses

There are numerous cases of violation of the procedure of questioning witnesses in courts.

According to the RA Government Decree No. 767, dated 22.12.1999, “*In the Republic of Armenia, identity cards are Passports of the RA citizens, the military service book, identity card issued temporarily by the RA Police at the RA Government, as well as birth certificate for children under 16... ”*

During the court sessions observed, for reasons incomprehensible to us, the court would decline the acceptance of other identity cards, save for the passport, in one case, and considers, as an “Identity Card”, the fact of the witness to be questioned being personally familiar with prosecutor as a satisfactory condition, in other cases.

In course of the court session presided by the judge of the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts Gagik Avetisyan, an injured being summoned as a witness, the brother of Cristopor Elazyan, attended the court session without the identity card, on occasion of which the judge strictly reprimanded the prosecutor on the case Hakobyan, stating that from the preliminary investigation body the prosecutor's office would receive incomplete cases, with some abbreviations (Cr. Cs., Cr.Cd), and that the injured would be told that they could allegedly abstain from participation in court session, could abstain from giving testimony at court and in that case the testimony given at the preliminary investigation body would be accepted, they were not warned about the procedure of appearing before the court, etc. And overlooking such shortcomings and omissions, we would get incomplete cases because of the blame of prosecutor's office.

In course of the court session presided by the judge of the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts Volodya Grigoryan, witnesses were questioned without identity card

(on 05.05.2010, Inspector of 2nd class of Nubarashen penitentiary institution, witness Makich Ghazaryan and the official of Nubarashen penitentiary institution, witness Arsen Avagyan).

Alik Mouradyn, inspecting prosecutor of Nubarashen penitentiary institution, established their identity verbally, stating that “Who is that doesn't know Makich and Arsen in this court?” Judge Grigoryan had accepted this statement as a ground, considering the identity established and had switched to questioning of the witnesses.

In course of the court session presided by the judge of the Court of General Jurisdiction of Shengavit Administrative Districts A. Azaryan (the accused – Harutyun Petrosyan, charged with Article 132 (1) of the RA Criminal Code; Public defense – Sergey Mkrтчan; the injured – Paytsar Danatyan; Prosecutor – Margaryan), the judge failed to request presentation of identity cards from those being questioned.

Statements made by the accused in the course of court hearing on conducted violence

This is also a phenomenon of a common nature, which has been voiced for many times; nevertheless, with regard to this no progress is noticeable so far.

Article 176 of the RA Criminal Procedure Code defines the reasons for commencement of a criminal case.

In particular, Article 176 (3) directly points to the reason of commencement of a criminal case: “*detection of the information about crime, material traces of crime and consequences of crime by the investigation body, the investigator, the prosecutor, the court and the judge while exercising their authorities*”.

However, only during one of the courts hearings monitored, the judge found it expedient to make a ruling and to send the materials on the statements voiced during the court session to the Special Investigation Service for examination. In all other cases, similar statements would be unanswered.

In the course of the court hearing in the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts, besides other violations, the accused Gevorg Margaryan (charged under Article 171 (2) of the RA Criminal Code) announced that the testimonies given in the course of the preliminary investigation would not conform to the reality, since he had given those testimonies as a result of the pressure imposed by the policemen. However, the court did not react, in any way, the statements made by the accused Gevorg Margaryan.

In the course of the court hearing in the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts presided by Judge Mkhitar Papoyan (the accused Anna Albert Ghazaryan being charged under Article 177(3(1)) of the RA Criminal Code; Public Defense – Henrik Maghakyan, Prosecutor – Vardges Gevorgyan), the accused announced that the testimonies given in the course of the preliminary investigation would not conform to the reality, since he had given those testimonies under pressure being dictated by Karen Hovhannisyan, Investigator of the Arabkir Police Unit. According to the wording of the accused, the investigator Hovhannisyan had cursed and yelled at him and forced him to undersign the testimonies. The court did not react, in any way, the statements made by the accused.

In the course of the court hearing in the Court of General Jurisdiction of Erebuni and Nubarashen Administrative Districts presided by Judge Artur Ohanyan, the accused Nagaytsev, Armen Choloyan and Garnik Choloyan stated for many times that in the course of the preliminary investigation they had been subjected to cruel beating and torture. In response to this statement the judge and the prosecutor would mock and scoff.

The injured on the same case Hrayr Danielyan stated in his testimonies that in the course of the preliminary investigation he had applied to the Head of the Erebuni Police Unit Mkrtchya with a request to return the stolen goods goldenware belonging to him. Head of the Police, showing his bandaged hand, had stated: “I have beaten them so much that they could not get up of the floor; see how I have injured my hand; what can we do? Even though we are beating them, they would not tell the place”. At this time too the judge and the prosecutor looked at each other and mocked and continued the questioning.

In the course of a regular session, Inessa Petrosyan, the lawyer of the accused Garnik Choloyan, requested to conduct a session in camera, since her defendant wished to make a statement. However, the court failed to address the petition.

During the same session, the accused Garnik Choloyan stated that in course of the preliminary investigation, along with beating and tortures, the police officials had said: - “we’ll put an artificial genitals in your dad’s mouth, will take his picture and send to “good guys” of Oshakan; let everyone knows who is he”.

Petition for Detainment

According to Article 285 of the RA Criminal Procedure Code:

“1. Where necessary to chose detainment as a precautionary measure or to extend the term for keeping in custody, the prosecutor or the investigator shall file a motion with the court for choosing this precautionary measure or to extend the term for keeping in custody. The decision on instituting the motion shall state the motives and grounds based on which the necessity to detain the accused has been caused. The materials supporting the justification of the motion shall be attached to the decision.

2. The decision on instituting a motion on choosing detainment as a precautionary measure shall be subject to immediate consideration solely by the judge in the court of the location of preliminary investigation, with participation of the person filed the motion, the accused and his/her legal representative and the lawyer, if the latter participates in the case. Failure by the accused at liberty or the advocate that has been notified on a timely basis to appear shall not impede the consideration of the motion. The court shall be obliged to properly notify of the place and time of the court session to the person that has filed the motion, the accused and his/her legal representative and the lawyer, if the latter participates in the case....”

According to Article 135 of the RA Criminal Procedure Code:

“The court, the prosecutor, the investigator and the investigation authority can apply precautionary measure only, when the materials obtained on the criminal case provides a sufficient ground to presume that the suspect or the accused may hide from the body holding the criminal proceeding; inhibit case trial in the pre-trial proceeding or at court; commit an action prohibited by Criminal Law; avoid the responsibility and serving the imposed punishment; impede the execution of the verdict.

Detainment and an alternative precautionary measure can be applied with respect to the accused only for commitment of such crime, for which the envisaged maximum term of punishment in form of incarceration is more than one year, or there are sufficient grounds to presume that the suspect or the accused can commit actions provided for in paragraph one of this Article.

When considering the issue of the necessity to apply a precautionary measure and the choice of the type thereof with regard to the suspect or the accused, the following shall be taken into account: the nature and the degree of danger of the incriminated action; the personality, age and health status, sex,

occupation, the marital status and availability of dependents, availability of a permanent residence of the suspect or the accused and other essential circumstances.”

We learnt from the lawyers cooperating with Helsinki Association that only in exceptional cases courts decline the motions filed by investigators on choosing detainment as a precautionary measure or extending the term for keeping in custody.

In most of cases, when assigning detainment, marital status, availability of dependents, health status and other essential circumstances provided by the law are not being taken into account.

On 15.03.2010, Anatoly Teryan and Artak Zeytunyan were taken into custody to Hrazdan Police Unit on the suspicion of selling narcotics. By violation of the requirements of Article 131.1 of the RA Criminal Procedure Code, from the moment of being taken into custody, they had been kept illegally for four days in Hrazdan Police Unit. On 19.03.2010 A. Teryan had been incriminated under Article 266 (3(2) of the RA Criminal Code; with respect to him a precautionary measure of detainment had been chosen.

In the pre-trial proceeding on this case, essential procedural mistakes were made; particularly when considering the motions on extending the term of detainment, the courts had not notified the lawyers, notwithstanding that according to Article 285 of the RA Criminal Procedure Code, courts are obliged to properly notify the lawyers. Whereas only five minutes prior to the session, they notified by a phone call, on the basis of which a telephone-message was prepared on notification of the lawyer. It should be noted that Anatoly Teryan has one kidney congenitally and while being detained suffered a sharp deterioration of his medical state.

On 25.02.2010, Khachik Aramayis Hovsepyan was taken into custody to Charentsavan Police Unit on suspicion of selling narcotic to Avetik Gevorgyan. On 01.03.2010 they had been incriminated.

On 01.03.2010, by the decision of the Court of General Jurisdiction of the RA Kotayk Marz, detainment for two months had been chosen as a precautionary measure with regard to Khachik Hovsepyan and Avetik Gevorgyan.

On 21.04.2010, based on the motion filed by the senior investigator of the Investigation Unit of the RA Kotayk Marz, the Court of General Jurisdiction of Kotayk Marz made a decision on extending the term by two more months. Later on, in 2 months, the Court of General Jurisdiction of Kotayk Marz presided by Judge N. Poghosyan, considering, on 25.06.2010, the motion filed by the investigator on extending the term of precautionary measure by two more months and finding out that the defendants of the accused had declared a challenge against the investigator, postponed the hearing of the motion till 28.06.2010 to clarify the response to the challenge, both by announcing about this at the court session and by providing a notice. However, on 26.06.2010, in the RA MoJ “Nubarashen” penitentiary institution, violating the requirements of the RA Criminal Procedure Code, they had held, without notifying the defendants and depriving the accused of the right to having a defendant, an assizes and satisfied the motion by the investigator and extended the penitentiary measure by two more months.

Article 18 of the RA Constitution defines that everyone shall be entitled to effective legal remedies to protect his/her rights and freedoms before judicial as well as other public bodies.

Currently the draft law on making amendments to the Law “On Advocacy” has been submitted to the National Assembly for consideration; an attempt is being made to introduce essential changes in the that field.

Particularly, while previously participation of exclusively licensed advocates was required with regard to criminal cases, and with regard to civil cases any capable person authorized by a citizen also could participate (whether a lawyer or an average citizen), now with regard to civil cases, an attempt is being made to allow the participation of only licensed advocates.

On the one hand, the mentioned amendment can be viewed as an increase of the quality in the protection of human rights when settling problems by judicial procedure; however, not only this directly contravenes the RA Constitution (Article 18), but such changes for the population being in hard social condition will result in a situation, where an average citizen will not be able to afford court accessibility for the very reason of being unable to pay. Thus, the principle of court accessibility will be violated.

According to the RA Law “On Advocacy”, to exercise an advocacy activity in the RA, one is required to be a member of the RA Chamber of Advocates, for which one needs to pass appropriate qualification tests and be issued a license.

The license shall be issued irrespective of political, religious and other beliefs. There is only one chamber of advocates functioning in Armenia, which makes it impossible to develop the field.

Being a monopolist in this field, when issuing a license to advocate, the Chamber is not seeking a more strict selection. Hence, there are many licensed advocates whose knowledge, skills and personalities are not satisfactory for the exercise of professional activity.

As a result of the aforementioned, both pretrial investigation authorities and courts take the opportunity to conduct their illegalities with impunity.

Anahit Avetisyan, Defendant of the “case of the 10” pending with the proceedings of the judge M. Martirosyan of Kentron and Nork-Marash Administrative Districts, could not even put together her say and present the motion, when the another advocate on this case Vaghinak Gevorgayn helped her and stated: “Since my colleague cannot do this, let me formulate my say”. In course of the same court hearing, Judge M. Martirosyan had interrupted the session for many times, explaining the defendant the rules and phases defined by the criminal procedure.

In the course of the court hearing in the Court of General Jurisdiction of Arabkir and Kanaker-Zeytun Administrative Districts presided by Judge Papoyan (the accused G. Gevorgyan and S. Sargsyan), the Deputy Chairman of the Chamber of Advocates Nikolay Baghdasayan, because of not knowing the name of the expert examination, requested to postpone the session and during the break, sat next to the senior prosecutor Lilit Manukyan and with her dictation drafted the motion, which after the recommencement of the session he could present by putting together his say, and the required motion was thus made.

Both the accused on case of “March 1” Armen Khurshudyan and Felix Gevorgyan, and the accused on other criminal cases, in one or two sessions would waive the services of defense Aram Hovhannisyan, explaining that the latter does not fulfill properly and diligently his duties of defense.

The advocates’ activity is being impeded in the Police, in the Prosecutor’s Office and in courts. To realize their illegal activities, the mentioned bodies try to convince the citizens that there is no need to apply for advocate’s service.

There are cases, where preliminary investigation bodies offer advocates, and in most of cases those are unconscientious advocates cooperating with the preliminary investigation bodies, with help of whom the investigators could get desirable for them testimonies.

Vivid evidence of the aforementioned is some decisions of the Council of the Chamber of Advocates.

From the Decision No. 3/4-A of the Chamber of Advocates of the Republic of Armenia as of February 9, 2010 (On considering the issue of subjecting the advocate Armen Martirosyan to disciplinary sanction):

Detainee of Nubarashen Penitentiary Institution Marat Volodya Levonyan (hereinafter, Applicant) filed an application, on 17.12.2009, to the Chamber, according to which when familiarizing with the materials on him of the criminal case No. 12132509 under consideration, he had found out the license of advocate Armen Martirosyan (hereinafter, Defendant). According to Applicant, neither he, nor his relatives had signed a contract with the Defendant, he had not participated in investigation activities; Applicant had not seen him and had not made use of his services. Officials of the pretrial investigation body had announced that they would not allow another advocate to participate in the case; that was the reason that the Applicant had waived the services of advocates invited by the investigator, since he had not trusted him and had been compelled to defend himself on his own, by which his right to defense had been violated.

As per Decision No. 32/10-A, dated December 21, 2009, the Board of the Chamber instituted a disciplinary proceeding with regard to the member of Chamber, advocate Armen Martirosyan (license No. 310).

On the basis of the facts proven by the Board of the Chamber, the evidence supporting these facts and legal grounds regulating the legal relations in question, the Board found out that in the actions of Armen Martirosyan there are disciplinary violations defined by Articles 5, 8(2) and 13(4) of the Code of Conduct.

In view of the aforementioned and being guided by the requirements of Articles 10, 39 and 40 of the Law “On Advocacy” of the Republic of Armenia, as well as subparagraph 19 of paragraph 10.4 of the Chamber’s Charter and Articles 23 and 28-30 of the Code of Conduct, the Board of the Chamber decided to “subject Armen Martirosyan to disciplinary liability; impose with regard to Armen Martirosyan a disciplinary fine in the form of a severe reprimand for a period of six months”.

Decision No. 1/3-A of session No. 1 of the Board of the Chamber of Advocates of the Republic of Armenia as of January 20, 2010 (On commencing a disciplinary proceeding towards the advocate Edik Maysuryan):

As per decision No. 30/7-A of the Board of the Chamber, dated 26.11.2009, a disciplinary proceeding on the basis of violation of the requirements of Articles 8(2) and 13(4) of the Code of Conduct was commenced with regard to Edik Maysuryan (License 176) on the basis of the application filed by the public defense Anna Juvanova.

The Disciplinary Commission found out that advocate Edik Maysuryan had violated the requirements of Articles 8(2) and 13(4) of the Code of Conduct, i.e. he had done actions discrediting the title and the reputation of the advocate – without reaching any preliminary agreement with his/her trustee or his relative and without a properly signed contract, he had participated, being invited by the investigator, in the conduct of an investigatory action pending within the proceedings of the investigator of Nor Nork investigation unit A. Avetisyan and had voluntarily being involved as a defense of the accused underage Ruben Panosyan on the criminal case in his proceeding.

However, because the term of limitation for being subjected to a sanction for the disciplinary violation had been expired, he could not be subjected to a disciplinary sanction and, given the following reasoning,

the disciplinary proceeding should have been abated with regard to him on this ground – because of expiration of the period of limitation for being subjected to the sanction for disciplinary violation.

As per the decision of the Board of Chamber, “the disciplinary sanction instituted on the basis of violation of the requirements of Articles 8(2) and 13(4) of the advocate’s Code of Conduct has been abated”.

Decision No. 1/2-A of session No. 1 of the Board of the Chamber of Advocates of the Republic of Armenia as of January 20, 2010 (On commencing a disciplinary proceeding towards the advocate Edik Maysuryan):

As per decision No. 30/6-A of the Board of the Chamber, dated 26.11.2009, disciplinary proceeding on the basis of violation of the requirements of Articles 8(2) and 13(4) of the Code of Conduct has been commenced with regard to Edik Maysuryan (License 176) on the basis of the application-complaint filed by the accused Mariam Gharibyan.

The Disciplinary Commission found out that advocate Edik Maysuryan had violated the requirements of Articles 8(2) and 13(4) of the Code of Conduct, i.e. he had done actions discrediting the title and the reputation of the advocate – without reaching any preliminary agreement with trustee or her relative and without a properly signed contract, he had participated, being invited by the investigator, in the course of the conduct of investigatory action in the proceedings of the investigator of Kanaker-Zeytun investigation unit A. Vanyan. He had signed the protocol prepared by the investigator on involving Mariam Gharibyan as the accused and the protocol explaining own rights to the accused, as well the protocol on the notice of the rights and duties of the accused.

“As per the requirements of Articles 10, 39 and 40 of the RA Law “On Advocacy”, subparagraph 19 of paragraph 10.4 and paragraph 12.12 of the Charter of the Chamber:

The Board of the Chamber decided “to recognize advocate Edik Maysuryan as guilty for violation of Articles 8(2) and 13(4) of the Code of Conduct and impose penalty - reprimand for a period of three months and to notify about the decision to advocate Edik Maysuryan and the applicant.”

Decision No. 3/3-A of the Session 3 of the Board of the Chamber of Advocates of the Republic of Armenia, dated February 09, 2010 (on considering the issue of subjecting Vaghinak Atoyán to disciplinary sanction).

Detainee of Nubarashen Penitentiary Institution Marat Volodya Levonyan (hereinafter, Applicant) filed and application, on 17.12.2009, with the RA Chamber of Advocates, according to which when familiarizing with the materials on him of the criminal case No. 12132509 under consideration, he had found the license of advocate Armen Martirosyan (hereinafter, Defendant). According to Applicant, neither he, nor his relatives had signed a contract with the defendant; V. Levonyan had not participated in investigation activities, and Applicant had not made use of his services. Officials of the pretrial investigation body had stated that they would not allow another advocate to participate in the case; that was the reason that the Applicant had waived the services of advocates invited by the investigator, since he had not trusted him and had been compelled to defend himself on his own, by which his right to defense had been violated.

As per Decision No. 32/11-A, dated December 21, 2009, the Board of the Chamber instituted a disciplinary proceeding with regard to member of Chamber, advocate Vaghinak Atoyán (license No. 492).

According to Conclusion KG-09030 of the Disciplinary Commission of the Chamber, as of 27.01.2010, it had been proposed to subject the advocate Vaghinak Atoyán to disciplinary sanction.

On the basis of the facts proven by the Board of the Chamber, the evidence supporting these facts and legal grounds regulating the legal relations in question, the Board finds that there are disciplinary violations defined by Articles 5, 8(2) and 13(4) of the Code of Conduct in the actions of Armen Martirosyan.

In view of the aforementioned and being guided by the requirements of Articles 10, 39 and 40 of the Law “On Advocacy” of the Republic of Armenia, as well as subparagraph 19 of paragraph 10.4 of the Chamber’s Charter and Articles 23 and 28-30 of the Code of Conduct, the Board of the Chamber decided to “subject Armen Martirosyan to disciplinary sanction by imposing disciplinary penalty in the form of a reprimand for a period of three months”.

Decision No. 4/1-A of the Session 4 of the Board of the Chamber of Advocates of the Republic of Armenia, dated February 18, 2010 (on commencing a disciplinary proceeding towards the advocate Susanna Margaryan).

On 08.02.2010, the Chamber received an application by a resident of Garni Village of Kotayk Marz Boris Stepanyan - in the document named “Response-Petition” that had been prepared and filed by advocate S. Margaryan (license No. 447) with the court, there had been insulting expressions addressed to him, his wife and his son.

According to the assessment made by the Council, the factual circumstances pointed in the application evidence outwardly that there had been violations by the advocate S. Margaryan of the requirements of Article 5, Article 8(2), Article 29 (2(2.2)) and (3(3.1)) of the Code of Conduct. In the document prepared and submitted by S. Margaryan to court, she had used expressions insulting the honor and dignity of another participant of the litigation, by which the reputation and good faith of advocates also had been discredited.

The Board of the Chamber found out that a disciplinary proceeding shall be commenced to check the availability of the mentioned violations in accordance with the statements made by the applicant.

Being guided by the requirements of Articles 10 and 39 of the Law and paragraph 7.2 and subparagraph 29 of paragraph 10.4 of Charter, the Council of Chamber decided to commence a disciplinary sanction with regard to Susanna Margaryan on the basis of violation of the requirements of Article 5, Article 8 (2), Article 29 (2(2.2) and 3(3.1)) of the Code of Conduct.

According to the RA Constitution, the Council of Justice is functioning in Armenia. It is within the scope of authorities of the Council of Justice to subject the judges to disciplinary sanction.

In 2010, 15 decisions on subjecting judges to disciplinary sanction were made by the Council of Justice.

The decisions of the Council of Justice shall enter into force from the moment of their promulgation and shall not be subject to appeal.

The Decision made by the Council of Justice on subjecting the Judge of the Court of General Jurisdiction of Kentron and Nork Marash Districts of Yerevan G. Khandanyan to disciplinary sanction, is more noteworthy.

On 19.02.2010, considering the note No. Y-1400 of the Chairman of the RA Court of Cassation, as of 18.02.2010, the Disciplinary Commission of the Council administered a reprimand with regard to the Judge G. Khandanyan accompanied by withdrawal of 25% of salary for the period of six months.

Judge G. Khandanyan, considering the petition by the ԲԳՎ ՀԿԳ investigator of the RA Police on applying detainment as a precautionary measure with regard to the accused H. Davtyan on criminal case No. 69100910, had dismissed it by decision as of 11.02.2010, since, according to the judge no grounded doubts were available, according to which the accused H. Davtyan had committed the incriminated to him offense.

The Criminal Court of Appeal, overturning the decision of the court of general jurisdiction, had enrooted its decision on the circumstances, according to which H. Davtyan was going through the registrations of the Interpol ԱԲԿ; as a result of the search of the car the respective narcotics had been found, though H. Davtyan had not admitted the incriminated to him crime.

It was supported by the preliminary investigation that the corpus delicti is missing in the action of H. Davtyan, and the guilt incriminated to him with such reasoning had been revoked by the decision made on 21.05.2010.

Judge G. Khandanyan had filed a petition with the Council for revocation of the decision of the Council No. CJ-5-D-04, as of 26.03.2010, making a new decision and overturning the proceeding.

In view of the aforementioned, the Council of Justice decided to revoke decision No. CJ-5-D-04, as of 26.03.2010 and abate the case on subjecting G. Khandanyan to disciplinary sanction.

Unlike the case mentioned above, the Report presents also the criminal case of “Khachik Hovsepyan, Avetik Gevorgyan et al.), with regard to which flagrant violations of a number of articles of the Criminal Procedure Code were committed, when considering the motion on extending the term of the detainment by the Judge of the Court of General Jurisdictions of Kotayk Marz N. Poghosyan in the course of preliminary investigation. An appeal had been filed with the Council of Justice on the violations, though without any response.

The fear of judges to find themselves in the “blacklist” of the Prosecutor’s Office and to become a victim of such ungrounded decisions made by the Council of Justice results in a situation, where the majority of the filed motions on ungrounded detainments are being immediately satisfied.

Thus, analyzing the outcomes of the conducted monitoring, one could infer that the judicial system is not independent in Armenia. The principle of equality is lacking between the prosecution and defense parties; investigators and the prosecutors prevail in courts. In most of cases the courts reiterate the decisions made by prosecutors and investigators in the form of a ruling or a verdict. The outcome of the lack of independence of courts, as well as the fear and uncertainty available therein is that neither the reforms and investments, nor the active fight against corruption lead to the desirable results, at least the minimum of it.