

# **OBSERVER MISSION TO ARMENIA**

**16-21 May, 1997**

The British Helsinki Human Rights Group has an ongoing programme visiting prisons and psychiatric hospitals in the former Soviet Union. Before 1991, such institutions were frequently criticised in the West, though access to them for first-hand inspection was very rare even in the *glasnost* period. Recently, it has become possible for Western experts and other human rights observers to visit such institutions in many of the republics. Dr. Richard Latcham, FRCPs, is a distinguished consultant psychiatrist with wide experience of British prisons and pre-trial investigations, who has also visited prisons and psychiatric institutions in Georgia, Azerbaijan, Moldova and Uzbekistan. Dr. Richard Latcham and Mark Almond welcomed the willingness of the Armenian government to let them visit penal institutions and psychiatric hospitals and met officials, relatives, lawyers, healthcare specialists and other interested parties during their monitoring mission in the Republic of Armenia between 16<sup>th</sup> and 21<sup>st</sup> May, 1997.

## **Programme**

On their arrival, due to a confusion about the arrangements with the Foreign Ministry, Dr. Latcham and Mr. Almond went directly to the first engagement on their programme \_ or so they thought. In fact, their taxi-driver took them to the prison which he presumed they must wish to visit. This was Sovatashen 1, the main remand prison. In fact, their programme had not scheduled a visit there, but to the neighbouring corrective labour colony, Sovetashen 2.

Although the International Red Cross has visited Azeri prisoners-of-war still held in Sovetashen 1, and such a visit was under way, when Dr. Latcham and Mr. Almond arrived, the governor was unwilling to let them inspect his facilities since their arrival took him by surprise and was not scheduled. In fact, he seemed at first to regard it as some sort of "provocation". Telephone calls with the Interior Ministry and Foreign Ministry eventually resolved the confusion and it was decided to carry on with the scheduled visit to nearby Sovatashen 2. However, Dr. Latcham and Mr. Almond emphasised their desire to add a visit to Sovatashen 1 to their itinerary \_ a request repeated later on and apparently agreed for the last day of their visit. [See below.]

## **Sovetashen 2**

Sovetashen 2 is a strict regime colony holding repeat offenders above the age of 18.

Prisoners are allowed two visits each month. One is a brief visit on one day, the other is a three day family or marital visit lasting 3 days. This family visit is a reward for good behaviour. Denying such a visit is part of the internal disciplinary procedure in the colony. The threat of cancellation of family visits seems an effective deterrent to breaches of camp discipline.

Other disciplinary measures range from an interview with the prison authorities to isolation for up to 15 days in the *Isolator*.

In the colony the prisoners live in dormitories rather than cells. Only in the *Isolator* are there cells. The dormitories seemed to hold 26-30 bunk beds, i.e. circa 50-60 prisoners.

Due to the economic problems of Armenia there is a shortage of work for the prisoners. This is a common complaint of prison authorities across the former Soviet Union. It is also a grievance of prisoners. Work in the colony provides some minimal income and distracts prisoners from the tedium of incarceration. The prisoners do not receive direct payment for their work but build up an account which can be released to them at the end of their sentence or may be used to purchase items from the colony's shop.

Each prisoner is entitled to 50kg of foodstuffs from relatives. The package may include cigarettes but not alcohol.

The prisoners receive three meals a day. Both the kitchen and the refectory seemed clean and hygienic. The food provided during our visit was warm and wholesome.

The prison authorities insisted that there was no drugs problem in the prison. They admitted that in exceptional cases visitors had passed drugs to prisoners but did not disclose statistics while insisting that such events were extremely rare.

## **Health of Prisoners**

The prison doctor said that there were instances of HIV/AIDS or syphilis. However, a programme of testing all prisoners for various diseases was underway. All prisoners are routinely tested on arrival for e.g. hepatitis.

Tuberculosis, however, is a big problem. There are plans to build a separate prison for TB sufferers. About 2% of the inmates were said to suffer from TB. Shortages of drugs due to budgetary problems meant that providing full courses of treatment was a problem. Supplies came from abroad but were expensive, or not adequate when provided by charity alone.

The governor refused to give the number of prisoners on the grounds that it was a state secret which he was not authorised to disclose. This was the common response of prison officials. Attempts to find out the number of prisoners in the various penal institutions proved unsuccessful even when the question was posed at higher levels.

At Sovatashen 2, the authorities were planning to provide a chapel for the prisoners as well as a zoo and football pitch. There is a small agricultural facility attached to the prison.

### **Abovyan Juvenile and Women's Prison 17<sup>th</sup> May**

Abovyan Prison was established in 1958. It holds three categories of prisoners: women, juveniles and women and juveniles on remand.

#### **Women**

As elsewhere it was impossible to obtain statistics on the prison population. The governor remarked that in the Soviet period, there were usually between 30-40 women prisoners held in Abovyan, but that economic hardship since the end of the Soviet Union had led to more crime. He suggested that without the severe economic crisis since the late 1980s, the prison would only have 10% of its current complement of inmates. Whether he meant that there were in fact around 300 women prisoners was not clear since he would not state the number of inmates. Our visual impression was that the total was significantly lower, but although we visited one set of dormitories we did not see them all and so cannot judge the real occupancy rate to within a narrow band.

The oldest woman prisoners was 75 years of age. She was convicted of murdering her husband.

Children can live with their mothers up to the age of two. During the visit eight women had children with them. It was thought to be the case that sometimes women had got pregnant in the hope of getting a lighter

sentence or better conditions. However, children cannot be brought into the camp and those born outside are sent to special homes.

Women have the right to three day marital or family visits on the same terms as men at other prisons. As with male prisoners elsewhere, the inmates at Abovyan could receive a monthly food parcel up to 50kg.

Relatives may use the special telephone facility attached to the Ministry of Interior in Yerevan to make calls to prisoners in Abovyan. Whereas mail was censored, it was claimed that such telephone calls were not bugged.

### **Juveniles, female**

In the Soviet period, girls who committed imprisonable offences were sent to a special colony outside Armenia. After 1991, provision for them had to be improvised at Abovyan. The authorities would prefer to keep girls separate from adult women prisoners but lack the resources to establish a separate facility.

### **Juveniles, male**

Juveniles may be incarcerated from the age of 14 in Armenia, but it was reportedly rare for youths below the age of 16 years to be imprisoned. The juvenile prisoners seemed to number about 50.

Juveniles do not have the right to family three-day meetings, but are allowed additional short visits.

Juveniles serve sentences of 6 months to 10 years. Young prisoners whose sentences extend beyond their eighteenth birthdays remain in Abovyan because the authorities prefer not to mix them with adult prisoners. Such juvenile prisoners can remain up to the age of twenty. 14 is the minimum age for incarceration and the average age of prisoners was 16.

Juvenile prisoners tend to be ill-educated. They are offered general education in the prison rather than specific work-training.

### **Discipline for Women and Juveniles**

Disciplinary measures include deprivation of visits, incarceration in a punishment cell (the *Isolator*) for up to 6 months, and in the case of repeated insubordination, an application for the offender to be

transferred to a stricter regime prison, in effect an adult labour colony. However, the prison governor insisted that most problems whether with women or juvenile prisoners were resolved by warnings and that actual punishments were rare though he did not give statistics.

Certain contrasts between British and Armenian women prisoners became clear during the discussion between Dr. Latcham and the governor. Whereas the relatively few women imprisoned in Britain tend to display quite severe anti-social symptoms, including violence, insubordination and self-mutilation, Armenian women prisoners seem to pose many fewer disciplinary problems. Armenian lady murderers are less likely to be problematic prisoners than petty criminals in Abovyan, according to the governor. During our visit there were no women in the *Isolator* at Abovyan.

### **Remand prisoners**

Juveniles on remand may not be interrogated in the absence of a lawyer (in contrast with adults). However, it was admitted that the interview rooms may be bugged.

Juvenile remand prisoners are brought to Abovyan if held by the police for more than 72 hours. The prison governor insisted that it was rare for a juvenile to be remanded for more than one month.

### **General Conditions**

Abovyan is now heated by a system relying on wood, which is not in short supply at the colony. Before the break-up of the Soviet system, the colony's central heating used gas. Even today in winter it may be warmer inside the dormitories than in free accommodation outside the prison.

The sanitary conditions of the women's prison were good. Their dormitories and washing/lavatory facilities were clean. However, the male juveniles' washroom left much to be desired. They were in need of renovation and hygienic improvement. (It may also be that youths are less likely to promote a sanitary environment than women, but the state of the building was certainly inadequate.)

With regard to prisoners' health, the doctor in charge of the prison's medical service said that Abovyan was the only prison *without* TB.

Women's specific medical needs could generally be met in Abovyan. Penicillin was available. There was, however, a shortage of sedatives "from time to time."

The prison currently housed 3 epileptics: 1 juvenile and 2 women who required special attention.

The prison's farm and glasshouses provide its foodstuff and the physique of the prisoners suggested that their diet was adequate. The chief cook is a civilian but most of the work in the kitchen is done by prisoners.

Prisoners are allowed to keep pigeons but not other pets like cats. The prison zoo had fallen into disuse because of the economic hardship in the early 1990s.

### **Kosh Prison 19<sup>th</sup> May, 1997**

Kosh prison was built in the 1940s and now is a general regime prison primarily for first offenders. It is the largest prison in Armenia (but again exact statistics were not available). The longest sentence is 15 years for murder. All categories of prisoners are housed together.

The dormitories appeared to house up to 120 prisoners in bunk beds in two parallel wards of 30x2 beds. The bed-clothes were changed weekly. The residential blocks seemed clean.

Sex offenders are kept here together with other prisoners. This can cause tension.

The prisoners had the opportunity to engage in stone-polishing and metalwork in the prison. The metal prison bunk beds are manufactured at Kosh. Because of the general economic situation in Armenia, there is a lack of demand for prison products so not every prisoner has work. There is no compulsory labour but as elsewhere in the prison system inmates welcome the opportunity to earn money during their incarceration and enforced idleness due to the lack of resources for work and low demand for prison products is a problem.

Idleness can provoke disciplinary problems, but our guide from the Ministry of Interior regarded Kosh's record for discipline as among the best if not the best in Armenia. When asked which prison was the worst, he replied, "All [prison] colonies are good, but some are considered better." Similarly though it was revealed that Kosh is the biggest prison in Armenia, our hosts

were unwilling to say whether the prison's population was larger or smaller than in the past, or to give figures. When asked if there was overcrowding, the governor assured his visitors that there were a lot of "vacancies".

The refectory had places for 320 at a sitting. The dormitory blocks appeared capable of housing up to 500 inmates.

Prisoners are permitted the use of private radios. The prison also has communal radios and a communal television. An aquarium was also available. Some newspapers were available in a reading room, including the Ministry of Interior's own journal. Chess is encouraged but playing cards are forbidden to discourage gambling, which is not allowed.

Gambling occurs despite the absence of money in prison. Problems have arisen in the past when efforts have been made to force relatives outside prison to honour debts incurred inside through illegal gambling.

One prisoner in the punishment cell \_ *Isolator* \_ had been caught playing cards for money. He was confined for 5 months. The *Isolator* was a special block confined behind its own walled enclosure. Two men were currently held there in May, 1997. Apparently four men had been confined there a month earlier. The two prisoners' cell had a heavily-grilled window and one bare light bulb. It was spartanly furnished. The two inmates were serving respectively 9 years for murder and 8 years for robbery. They had broken prison rules twice. Persistent disobedience may lead the prison authorities to apply to the courts to transfer an inmate to a stricter regime prison.

The former "Lenin Corner" had been adapted as a religious reading room. Four inmates were reading religious tracts during the inspection. They claimed great spiritual benefits from the introduction of religious materials during their time in prison. Apart from some home-produced icons and rosary beads, the prisoners had also made an open air model of the cathedral at Echmiadzin, the seat of the Catholicos of the Armenian Gregorian Church.

In the opinion of the governor and staff, alcohol played a smaller part in the commission of violent offences in Armenia than elsewhere in the former Soviet Union. The Armenian approach to alcohol discourages public drunkenness, much more than in Russia for instance.

Prisoners are permitted 2 visits each month. One is a short visit of up to 4 hours, but the second permits relatives to stay for 3 days. One wife of a prisoner on a 3-day visit welcomed the opportunity to see her husband

but regretted that she could bring only one of their three children at a time. Also the short-term visit followed a long and arduous journey. (Although Armenia is not large, public transport has been sharply cut back as a result of the economic crisis.) Prisoners' relatives have to fund all the costs of their visits from their own resources.

In the short-meeting room, there is no glass partition to separate prisoners from their visitors.

**Kosh Medpunkt:** The doctor in charge of the medical services at Kosh complained of a shortage of anti-biotics and bandages. Although a special room had been set aside to administer HIV/AIDS tests to incoming prisoners, the Medpunkt lacked the supplies to carry out such tests properly. Blood samples were taken away to an outside centre for testing. So far no positive results had been registered. If an HIV positive prisoner was detected, he would be removed to a special centre.

No cases of hepatitis or TB were reported.

On average 5 prisoners reported to the Medpunkt each week. One in-patient had been in bed there over the previous three days with an unspecified liver complaint.

The dental surgery was being refurbished. Fillings were in adequate supply, but only local anaesthetic was available for extractions.

The eye test was still in Cyrillic rather than Armenian script.

### **Sovetashen 1**

This prison houses two types of inmate: remand prisoners and those under sentence of death. No death sentence has been carried out since 1990. President Ter-Petrosian had stated that he would not sign death sentences and the Armenian Parliament has been working on a new legal code which would abolish the death penalty. (The abolition of capital punishment is a requirement for membership of the Council of Europe – though both Russia and Ukraine continued executions after admission to the Council of Europe.)

No cases of suicide were reported in the last thirteen years at Sovetashen 1.

Prisoners on remand may not be treated outside the prison. There is a special directive forbidding outside treatment for remand prisoners. Two cases of prisoners were mentioned who had been taken to the Ministry of the Interior's special hospital, but it was left unclear whether they were remand prisoners or death penalty prisoners.

9 of the 32 prisoners in the prison hospital suffered from TB. 3 prisoners suffered from syphilis. Haemorrhoids and hernias were also a problem.

Our main concern with regard to human rights focussed on the allegations about conditions in Sovetashen 1 for remand prisoners and those under sentence of death. (Azeri prisoners of war are also held there and received a visit from the Red Cross during our visit to the prison.) Relatives and local human rights NGOs alleged that in particular political opponents of former President Levon Ter-Petrossian were kept in overcrowded and unsanitary conditions. Although we were officially informed that 7 remand prisoners were kept in each cell, a brief conversation with an official suggested the figure might be as high as 26 people in one 40<sup>2</sup> metres-sized cell.

Allegations of mistreatment, even torture of remand prisoners by investigators at Sovetashen 1 were made by opposition activists and human rights groups in Armenia. The medical director of the prison insisted that he had treated no fracture cases, for instance, during his service there.

The resignation of Mr Ter-Petrossian in February, 1998, has been followed by the release of some of the Dashnak detainees. If the charges against them were political it is to be hoped that the remaining remand prisoners in this category will be released as soon as possible.

While Dr. Latcham and Mr. Almond were in the governor's office at Sovetashen 1, other prison and Ministry of the Interior officials sat at an adjacent table designating which prisoners would benefit from an amnesty announced by President Ter-Petrossian. It was emphasised that this amnesty was at the President's "personal initiative." Since his inauguration in 1990, Mr. Ter-Petrossian had initiated six amnesties in which an average of 400 prisoners were either released or had their sentences halved. The May, 1997 amnesty was said to involve 70 teenagers and 100 women prisoners.

## **Procuracy**

On 20 May, the observers met General Yevorkian of the Procurator's department. He provided confirmation of the figures on amnesties but was unable to provide statistics for the numbers of prisoners in custody.

The old Soviet legal system still largely applies. This means that prisoners may be held on remand for long periods. An investigating procurator may hold prisoners for up to 2 months. This period can be extended to 4 months by the District Procurator. Even this remand period can be lengthened by 9 months by order of the State Procurator. Once brought before the Courts, a remand prisoner may be held for another 9 months.

Despite the possibility of such lengthy pre-trial detention \_ and local human rights groups had provided examples of people held for months \_ the courts in Armenia are not as over-burdened as in some CIS states. Defence counsel have been given *freer* access to their clients during pre-trial detention compared with the pre-1991 situation.

Defendants acquitted by the courts are entitled to compensation for the period of pre-trial detention. Procurators may be themselves prosecuted for unlawful imprisonment if defendants are acquitted. However, the conviction rate in Armenia is 95%.

### **Non-Custodial Sentences**

A system of internal exile still operates for less serious offenders, who may be obliged to reside in special colonies usually a long way from the main population centre, Yerevan, on the Azeri border. First offenders may be obliged to reside in such a place for up to 5 years. Their families can accompany them and their freedom is restricted only by the requirement to remain within 5km of their designated place of residence which they may only leave with special permission. The offender pursues normal work.

The punishment of other minor offences may allow the perpetrator to remain at home but impose a curfew and regular supervision by the local police.

### **Conclusions**

With the exception of our highly limited access to Sovatashen 1, Dr. Latcham and Mr. Almond were impressed by the willingness of the prison authorities in the specific institutions which they visited to let them see whatever they asked to see. With exception of providing statistics (which

seemed to be either an order from above or a hang-over from Soviet times, or both), the prison governors, officers and medical staff were all helpful and hospitable.

Their relations with the inmates did not seem strained. Governors and other officers moved around each prison visited without obvious weapons and their relations with inmates seemed unforced. Generally the atmosphere in the prisons seemed good without the brooding sense of potential aggression or heavy-handed repression in evidence (as in some other former Soviet republics).

Prisoners were generally uncommunicative. They did not make complaints. It was not possible to talk to them without prison officers being present. However, conversations with relatives in greater privacy (either in the visiting rooms or outside prisons altogether) did not lead to charges of maltreatment of inmates in the institutions visited, *except* for Sovetashen 1 where our own access was strictly limited to the governor's office and the visitors' room for delivering food parcels.

The observers were concerned about their inability to visit the remand prison Sovetashen 1 properly (as well as the Ministry of Security, the former KGB's remand centre in Yerevan itself). Local human rights groups and the relatives of inmates agreed that the conditions for convicted prisoners did not arouse criticism, but they had voiced serious concerns about conditions for remand prisoners, particularly those under investigation for "political" offences like alleged participation in plots against President Ter-Petrossian. Although since February, 1998, a number of remand prisoners in this category have been released and charges apparently dropped, it would be encouraging to see evidence of a thorough review of both remand conditions and interrogation procedures.

**[A fully updated human rights report for Armenia will appear shortly after the 16<sup>th</sup> March, 1998 presidential elections.]**