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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Fifth periodic report submitted by Armenia under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2020*, **

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Specific information on the implementation of Articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

Reply to paragraph 2 (a) and (b) of the list of issues (CAT/C/ARM/QPR/5)

1. Under point 5 of part 10 [of Article 2] the Law "On declaring amnesty in criminal cases on the 2800th anniversary of the founding of Erebouni-Yerevan and the 100th anniversary of the Independence the 1st Republic of Armenia" adopted on 1 November 2018, amnesty shall not apply to persons accused of or convicted for having committed the crime under Article 309.1 of CC (Torture), where these do not constitute a criminal attempt or a preparation for a crime. Thus, the legislature has expressed its will in regard to the issue of torture.

2. Part 4 of Article 7 of the Law "On Pardon" adopted on 7 March 2018 enshrines that no pardon shall be granted to a person convicted for committing crimes against the peace and security of mankind or crime of torture envisaged by CC.

3. Article 85 of the new draft CC[1] envisages that no statute of limitations shall apply to persons committing crimes against the peace and security of mankind under Articles 137–153 of the Draft Code, and to persons committing offence envisaged under point 1 of part 2 of Article 419 or by Article 426 of the Draft Code (Torture). The same approach was adopted within the scope of the institution of "Exemption from penalty due to statute of limitations of the criminal judgement of conviction". Draft Code states that no statute of limitations shall apply to persons having committed crimes against the peace and security of humankind, and persons committing offence under Article 426 of the Draft Code (Torture).[2] Thus the envisaged provisions have been implemented in the New CC, which passed 1st reading in the National Assembly on 9 December 20.

Reply to paragraph 2 (c) to (e) of the list of issues

4. Taking into consideration the priorities set by the new Government formed in 2018, the 2018–2023 Strategy on Judicial and Legal Reforms and its Draft Action Plan were revised and the 2019–2023 Strategy on Judicial and Legal Reforms and its Action Plans were adopted by the Decree No. 1441-L on 10 October 2019[3] of the GoA; However, activities related to the sphere of combating torture were incorporated in the 2019–2023 List of Implementation Measures of the GoA,[4] point 54 whereof provides for enhancing of the legal basis for combating impunity for acts of torture, as well as in the sectoral strategic documents: in the 2019–2023 Strategy on the Penitentiary and Probation Sector of RA[5] and its 2019–2023 Action Plan and the National Human Rights Strategy and its 2020–2022 Action Plan (hereinafter referred to as "HRAP"). The latter provides for a number of measures aimed at prevention of torture within the separate Chapter[6] (Points 12 to 26 of the AP (14 out of 89 activities – 16%). Inter alia it provides for legislating, by the end of the second half of 2020, restrictions on application of statute of limitations for the crime of torture by amendments and supplements to CC. This has already been implemented with the adoption of the New CC.

Reply to paragraph 3 (a) and (b) of the list of issues

5. Persons deprived of liberty enjoy fundamental legal safeguards enshrined in the Constitution for prevention of torture and ill-treatment. In January 2018 the National Assembly adopted "Amendments to CPC", according to which, prior to announcing the arrest

[1] See https://www.e-gov.am/sessions/archive/2020/05/21/.

[2] It has to be underlined that some numbers of Articles of the Draft CC that were mentioned in responses may not match the final numbers of Articles of the Draft CC (that passed first reading on 9 December), since there have been some amendments(in numbers) during the period of elaboration of the report.

[3] https://www.moj.am/page/491.

[4] https://www.arlis.am/DocumentView.aspx?DocID=131287.

[5] http://www.irtek.am/views/act.aspx?aid=152278.

[6] https://www.moj.am/storage/uploads/02Appendix_2.pdf.

warrant to the person under custody, the person shall be entitled to: be informed on the grounds for depriving him or her of liberty; remain silent; receive a verbal explanation on his or her rights; receive a written notice and explanation on his/ her rights and obligations; notify the person of his/ her choice, his/ her whereabouts; invite a lawyer; undergo a medical examination upon his/ her request. The last four rights arise from the moment of bringing to the body of inquiry or investigator. Immediately after the arrest, the person arrested is registered in the register of the relevant police unit and the further record keeping is carried out by police officers. Under Order of the Chairperson of the Committee of 28 December 2016, agencies and units of the Committee submit, in a report, the results of their semestral and annual activities, which reflect the number of violations of the rights of arrested persons and gives the overview of the nature of violations. Irrespective of announcing the person the arrest warrant, the person shall, four hours after being placed under actual custody, acquire the rights and responsibilities applicable to a suspect.

6. The Article 15 of the Law "On holding the arrested and detained persons" also ensures the minimum safeguards: after the arrest, the suspect shall be entitled to receive without delay from the investigating authority, investigator or prosecutor, in a language which he/ she understands, a written notification and explanation about his /her rights under his/ her signature, as well as the reasons and grounds for his / her deprivation of liberty, has also been enacted, ability to inform selected persons about the whereabouts of the detained person and the invitation of the lawyer, to request to ensure his/her medical examination, a date with a lawyer. The meeting could be unhindered without limiting the number and duration of meetings, regardless of working days or hours under the conditions where other persons can see them, but cannot hear. The detained or arrested persons and their lawyer also have the right to request a forensic medical examination. The suspect shall be entitled to notify without delay by phone or other possible means the person of his/her choice, about the place and grounds for holding him/ her under custody, immediately after his/ her placement under custody. All abovementioned measures illustrate that persons deprived of their liberty enjoy all fundamental safeguards.

Reply to paragraph 3 (c) of the list of issues

7. In 2019 the Draft Decision "On making an amendment in the Internal Regulation on detention facilities operating within the Police System (from 2008)" was elaborated , envisaging amendment to the Form 1 Register, which enables to indicate the date and time of apprehending (actually placing under custody), arresting and entering detention facilities. The Draft is currently circulated.

8. The documents on transfer of detained persons, including convicted persons from one Penitentiary Institutions (hereinafter referred to as PI) to another, and documents on any person deprived of liberty in general, are attached to their personal files under Form 1 of Annex 5 of the Order N 311-N of 18 December 2009 "On approving the procedures for the activities of structural subdivisions of the penitentiary service of the MOJ of RA".

9. Conditioned by the need for developing full information on persons at PIs, ensuring the comprehensive analysis of work by the subdivisions, and introduction of effective control mechanisms, "Information Register of Remand Prisoners and Convicts" **"e-penitentiary" system** for electronic management was designed and developed, with unprecedented scale and technical capabilities. The system includes full information about functions performed under the legislation with respect to detained persons and convicts (for example: information on conditional early release from serving the further punishment, changing the regimes for serving the punishment, visits, education, work, as well as other data).

10. Sufficient funds for putting the system into operation were allocated by the GoA in 2019, technical refurbishment was carried out, and training courses (with timetable) on proper functioning of the system were launched for employees of PIs in August 2020. The launch of the system was postponed due to objective reasons (martial law and COVID-1) for a prolonged period: steps for ensuring its functioning will be taken in a possibly short period of time.

Reply to paragraph 3 (d) of the list of issues

11. According to part 3 of Article 134 of the CPC, detention is a measure of restraint which may exclusively apply to persons having a procedural status of an accused, who shall then receive an explanation of their rights and responsibilities and decide on their own whether or not they want to enjoy their right of access to legal assistance. According to part 5 of Article 10 of the same Code, the state shall guarantee the right to free legal assistance of indigent persons with procedural status of a suspect or an accused.

12. Under the GoA Decision "On approving the list of rights subject to notification arising from the restriction of human rights and freedoms and the procedure for notification thereof" are unconditionally complied by the Police: immediately after bringing a person to the Police station, the latter is properly informed of his/her right to legal assistance, the right to be interrogated in the presence of the lawyer and other rights.

13. The right of persons at detention facilities to meet their lawyers or advocates visiting them for the purpose of undertaking their defence is enshrined in the law "On holding the arrested and detained persons", and internal regulation, the requirements of which are also consistently met by the Police.

14. The law "On advocacy" prescribes legal regulations on providing free legal assistance, according to which free legal assistance is envisaged for persons of the specified category. There have not been any cases of complaint (registered or otherwise raised) regarding to discouraging detainees from requesting legal assistance.

Reply to paragraph 3 (e) of the list of issues

15. The "Penitentiary medical center" SNCO was founded independently from the Penitentiary Service on 1 March 2018. The GoA already allocated necessary funds and SNCO started its activities in September 2019. The scope of its activities covers protection and recovery of health, provision of proper medical assistance and services to detained persons and convicts at the PIs.

16. On 14 Jan 2020 the order of the Minister of Justice "On approving the sample forms of and guidelines for filling the inpatient medical card, the medical history (medical record), extract from the medical history of the detained person or the convict and the clinical examinations related to torture and other forms of ill-treatment" was approved, consistent with international standards. Under respective project of CoE and upon the proposal of CoE experts, this Draft Decree was revised. The draft amendments will shortly be approved by the Order of the Minister. Trainings for the employees of PIs are envisaged under the project.

17. Alongside the amendments to the Draft Decree No. 825-N of the GoA the following was recommended:

(a) Introduce a separate chapter to comprehensively regulate the requirements related to medical screening, recording and documenting in cases of torture and other forms of ill-treatment identified in PIs;

(b) Ensure that the medical screening and recording of every person deprived of liberty or admitted to PIs are carried out immediately, but not later than within 24 hours;

(c) Introduce in the Decree a uniform terminology regarding the concepts of "medical screening", "psychological testing" and "case recording related to torture and other forms of ill-treatment";

(d) Ensure that the record is mandatorily prepared upon admission of the detained person or the convict to the PI. And where the act containing features of crime (or) the act inherent to torture was committed during the detention period of the person deprived of liberty or when serving his or her sentence, the record will be prepared on the basis of the statement of the detained person or the convict. The Draft Decree suggests clarification whether the statements should be submitted in writing or verbally;

(e) Ensure that in case the circumstances about the bodily injury identified during medical screening or the complaint about the health state are unclear and it is necessary to

conduct additional examinations, the results of the additional medical examination shall be submitted to the competent authority as complementary information;

(f) According to legal regulations of the Decree, the Director of the SNCO shall immediately, but not later than within 24 hours after receipt of the record, send it in a sealed envelope to General Prosecutor's office (hereinafter referred to as "GPO") in writing. Grounded on the fact that the investigation under Article 309.1 of CC (on torture) is carried out by Special Investigative Service (hereinafter referred to as "SIS"), the Draft proposes to submit the record directly to the SIS, instead of submitting it to the GPO, which will contribute to avoiding excess paper flow.

18. Under Article 21 of the Law "On holding arrested and detained persons" and point 13 of Internal Regulation, in case of detection of bodily injuries or apparent signs of disease with persons admitted to PIs or in case they have health issues, a healthcare worker is invited. The invited healthcare worker shall immediately carry out medical examination in which the doctor chosen upon the choice of the arrested person may participate (independent in performing his or her functions). The medical examination is conducted out of hearing and, unless the doctor concerned requests otherwise - out of sight of the administrative worker of the PI. The results of the medical examination are recorded in the register according to Form 12, in the personal file, and the patient and the criminal investigating body are informed thereof. Importantly, the police officer who brings the arrested person to the penitentiary facility, is not allowed to participate in external examination of the body or medical examination performed when the arrested person is admitted to the detention facility, as these procedures are carried out in medical examination room inside detention facilities, and the detention facilities are not accessible for all police officers. In many cases the healthcare workers invited to detention facilities, to ensure their personal security, ask that the police officers of the detention facility be present during the medical examination.

19. Upon detection of bodily injuries with the invited healthcare worker shall make notes in the relevant register and shall communicate this to the investigative authority, as well as the Prosecutor in charge of exercising a control over the investigation under the CPC and, if necessary, send the materials to the SIS upon instructions of the Prosecutor to continue the investigation and to initiate a criminal case, if necessary. As a rule, a criminal case on prepared materials is initiated at the SIS to conduct a more comprehensive investigation. Decisions of the investigative bodies on persons suspected in alleged crime are communicated to them. These may include decisions on involving a person as an accused, on ordering an expert examination, etc. The accused and their lawyers get full access to the materials of the criminal case when the investigator considers that sufficient evidence is collected to draw up the indictment and informs them of their right to get familiarized with the materials of the criminal case.

Reply to paragraph 3 (f) of the list of issues

20. The arrested person is transferred to the detention facility within a 3-day time limit shortly after a decision is rendered on applying detention as a measure of restraint. The motion for applying detention to arrested persons as a measure of restraint is submitted to court within 72 hours (in accordance with CPC). There have not been any complaints regarding the non-fulfilment of this provision, as also the non-governmental reports state, including the ones of the Human Right Defender".

Reply to paragraph 4 (a) of the list of issues

21. CPC envisages mandatory audio-video recording. In particular: Audiovisual recording should be carried out from the moment of the beginning of the investigative action without interruption, except in cases of unforeseen technical malfunction or the presence of other objective reasons. Audio visual recording ensures integrity, visibility of the investigative action (coverage, lighting, etc.), and audibility and is not subject to any kind of editing. As a result of changes in the CPC, article 209 stipulates that the testimony of a witness is recorded on video, except in cases where the participant in the investigative action objects or there are no appropriate technical means. These recordings are kept in 2 examples on usb sticks. One of them is sealed and can be opened in court, and the other carrier can be used by an Investigator or Prosecutor. The copies of the usb sticks are being provided to the

participants of proceedings. It should be noted that cases of involvement of attesting witness have also decreased.

22. Under the amendments to CPC adopted on 3 June 2020, the interrogation of minor witnesses or minor victims is mandatorily audio and video recorded under cases involving crimes against sexual integrity and sexual freedom, cases of domestic violence, child trafficking and exploitation cases, in cases where minor witnesses and minor victims have mental retardation or mental disorder, and in case of interrogation of a witness or victim under the age of 14.

23. The legal grounds were enshrined in the law «On Police» by the new Article 5.1 supplemented in 2019, providing for equipping the entrances and exits of police buildings, and interrogation rooms with audio and video recording systems. Police units must be fully equipped with audio and video devices within 3 years following the entry into force of the Law (27 December 2019). Since 1 May 2020 works have been launched for ensuring the full functioning of the audio and video recording system of interrogations at 11 police units and during 2020 10 police were provided with video surveillance equipment guarding entry/exit access. The Guide "On audio and video recording of interrogations at police units" has been compiled by order of the Chief of Police for the purpose of protection of human rights, detection or prevention of alleged cases of torture, inhuman or degrading treatment [7] (reference at:). 2020–2022 HRAP envisages annual growth in potential of audio and video recording of interrogations by Police, as well as installation of 85 audio and video recording devices in the departments of the Investigative Committee by the end of 2022. The SIS must also be equipped with appropriate technical means.

Reply to paragraph 4 (b) of the list of issues

24. See information given in relation to paragraph 4 (a) of the list of issues. The procedure for drawing up the record on the investigative action in case of audio and video recording of interrogation was regulated by the amendments to CPC adopted on 15 April 2020. According to the new Article 5.1 of the Law «On Police» the audiovisual footage of interrogations conducted at police stations is kept for 2 years. During this period it may be provided to:

- The interrogated person, and his/ her representative;
- Investigative authority;
- Human Rights Defender – within the scope of the discussion on subjects within his /her areas of competence;
- Members of the public observer groups in Police detention facilities.

25. The technical characteristics of video and audio and video recording systems in police units, procedure for keeping and use of visual and audiovisual footage, procedure for online observation of video recording process, the scope of police officers having access to visual and audiovisual footage defined by the Law was established by Order No. 17-L of 31 March 2020 of the Chief of Police.

26. The available audiovisual footage on the circumstances of the case for each case initiated on the fact of alleged torture is examined to detect and investigate the circumstances of the case (including acts of torture and ill-treatment). After the completion of the investigation, the materials of the criminal case (including carriers with audiovisual footage) are made available to persons having relevant procedural status, including the defendant / accused and their lawyer.

Reply to paragraph 5 (a) and (b) of the list of issues

27. The unified statistics of the Judicial Department provides for the full digital information regarding the use of pre-trial detention, in accordance whereof:

[7] https://www.police.am/resources/police/uploads/files/protocols/c868e5b85255e48399c6a6527d97462f.pdf.

Year	*Number of motions on applying pre-trial detention*	*Number of satisfied motions*	*Number of rejected motions*	*Number of cases reversed in the Court of Appeal*
2018	2 043	1 935 (94.7%)	90 (4.5%)	375 (18%)
2019	1 981	1 802 (90%)	176 (9%)	638 (32%)
1st quarter of 2020	953	793 (83%)	150 (16%)	318 (33%)

28. The data indicate that in 2019, compared to previous reporting period, there was an increase in the use of pre-trial detention as a preventive measure. This increase is due to some objective circumstances, particularly changes in dynamics of the crime and, accordingly, the consideration of ensuring the proper investigation into criminal cases. Among the circumstances leading up to increase in the number of motions first of all is the growth in the number of persons impleaded as an accused. Thus, in 2019, 6014 persons were involved as accused, compared to 5065 of the previous year. Thus, the number of the accused increased by 949 or 18.7%. In addition, the increase in the number of motions is due to the increase in the proportion of grave and particularly grave crimes. 2020 data show the decrease in number of applying pre-trial detention. The situation was much improved during the 2nd quarter of 2020 (statistics will be available in February 2021). Conditioned by COVID-19 on April 2, 2020, the Minister of Justice addressed the heads of law enforcement agencies with a proposal to join efforts in the framework of the state of emergency declared in Armenia to fight against COVID 19 and proposed to refrain from submitting motions to choose detention as a measure of restraint as much as possible. From March 16, 2020 to May 11, 2020, 250 persons deprived of liberty were released from penitentiaries, of which 80 were convicts and 170 were detainees. This practice is being widely applied till now.

29. On 27 September 2020, martial law was declared in RA conditioned by Azerbaijani aggression against Artsakh (Nagorno-Karabakh). During this period a number of public figures and politicians, as well as representatives of opposition political parties organised rallies and demonstrations against the government, when the organisers were arrested. The motions on choosing detention as a measure of restraint against them submitted by the body conducting the proceedings were rejected by the decisions of the court of first instance.

30. During September–October, the court rendered a decision on replacing the detention with other measures of restraint in the criminal cases instituted against the former President of RA, the former Minister of Finance of RA, and a leader of the opposition political party.

31. On 15 November 2020, the National Security Service (Hereinafter-NSS) instituted a criminal case by the elements of crimes of usurpation of power and preparation for the murder of the Prime Minister, in which the former Director of the NSS, a member of the former ruling political party, and other public and political figures were involved as accused persons. The motions on choosing detention as a measure of restraint against them submitted by the body conducting the proceedings were rejected by the decisions of the court of first instance. The decisions were appealed by the Prosecutor's Office of RA, which were again rejected by the Court of Appeal.

32. In 2019, the structural subdivisions of the GPO were instructed by the General Prosecutor to first consider imposing a measure of restraint in the form of "taking under control" when discussing the issue of imposing a measure of restraint against the accused juveniles.

33. Statistics presented above regarding the reluctance of judges to grant preventive measures other than pre-trial detention for fear of having their decisions reversed on the basis of complaints lodged by the prosecution, prove the improvement of practice referred to in 5B, moreover the court recently has not granted pre-trial detention against a number of high-ranking officials of the former government, which testifies to the latter's impartiality and ease. The final statistics of 2020 will witness this improvement tendency.

Reply to paragraph 5 (c) of the list of issues

Year	*Number of motions on applying bail as an alternative preventive measure*	*Number of satisfied motions*	*Number of rejected motions*	*Number of cases reversed in the Court of Appeal*
2018	893	173 (20%)	713 (80%)	107 (12%)
2019	1146	198 (17%)	932 (82%)	214 (19%)
1st quarter of 2020	392	83 (21%)	304 (77%)	80 (20%)

34. As mentioned above the non-custodial measures were applied with regard to the cases of former President of RA, head of opposition party that were set free on bail.

Reply to paragraph 5 (c) and (d) of the list of issues

35. In accordance with CPC the length of pre-trial detention should not exceed 2 months. In cases when there is a necessity to extend the duration the prosecutor submits substantiated motion max. 10 days prior to the end of this time. For each case court could extend the pre-trial detention for no longer than 2 months. Such detention is subject to judicial review at all times.

Reply to paragraph 5 (e) of the list of issues

36. Regarding the cases of alleged poisoning and death of H. Gevorgyan criminal cases were subsequently initiated on the grounds of the crimes provided for by parts 1 and 2 of Article 130 of CC, which were joined in one proceeding. Then, a criminal case was initiated on alleged excess of official powers combined with the use of violence by officials against H. Gevorgyan – provided for by part 2 of Article 309 of CC, which was joined to Criminal Case No. 57200117. On 30 November 2017, decision on not carrying out criminal prosecution with regard to the cases of alleged poisoning and death of H. Gevorgyan, on the grounds of lack of elements of crime in the actions of officials being in public service and those providing medical assistance.

37. Taking into account that it was impossible to reveal by the investigation the identities of the person (persons) having allegedly used violence against H. Gevorgyan, decision on suspending Criminal Case No 57200117 was delivered. The cassation appeal of the legal successor of H. Gevorgyan against the Decision of the Court of Appeal in connection with the above-mentioned 2 decisions and the decision on suspending the criminal proceedings was satisfied by the Decision of the Court of Cassation of 25 May 2020.

Reply to paragraph 6 (a) of the list of issues

38. Pre-trial detention is deemed the most severe measure of restraint under the new draft CPC.[8] According to Article 118 of the Draft detention may be imposed only in case when the application of alternative measures of restraints is insufficient. Where no punishment connected with deprivation of liberty for the crime attributed to the accused is provided for, detention may be applied only in case of violation by the accused of the terms of the alternative measure of restraint imposed on him or her. Detention may be applied only in the case when the factual circumstances are sufficiently substantiated by the investigator or prosecutor, and the relevant conditions of legality provided for by Article 116 of the Draft were reasonably confirmed by the court. The reasoned substantiation by the court of the mentioned conditions is sufficient for the application of detention in the court proceedings.

39. Regarding the issue of early conditional release (release on parole) of persons sentenced to life imprisonment the new draft CPC provides for the following: a person serving punishment in the form of life imprisonment may be subjected to early conditional release if he/she actually served the imprisonment for not less than 20 years and if the court is satisfied that implementation of the purpose of the punishment is possible without serving

[8] See https://www.e-gov.am/sessions/archive/2020/05/21/.

the remainder of the punishment. In case of rendering a decision on early release of the person sentenced to life imprisonment, the court shall establish a probation period of 10 years.

40. Importantly, since 2018, 3 persons sentenced to life imprisonment have been early released conditionally.

Reply to paragraph 6 (b) and (c) of the list of issues

41. On 23 May 2018, a legislative amendments package was adopted, making model and procedural amendments in the process of early conditional release. The amendments provided for by the package stipulate the procedure for submitting an application by the convict, as follows: the commencement of the process is conditioned not only by serving the part of the punishment prescribed by law, but also by the submission of the application by the convict. The administration of the PI shall be obliged to notify the convict in advance about the procedure for submitting the application. The model Penitentiary Service – Probation Service – Court has been put into operation, according to which reports on the circumstances assessing the proper conduct of the convict and the likelihood of committing a new crime by him/her will be provided by specialised Penitentiary and Probation Services (the Minister of Justice established the procedure for preparing reports by the Order in July 2018 and the sample forms of documents). During the reports preparation, the convict maintains the rights vested in him/her for participating in the session of the independent commission. Pursuant to the results of these reports, the administration of the PI shall take a decision on submitting to the court the issue of early conditional release from serving the punishment or replacement of the unserved part of the punishment with a milder punishment, based on the written consent of the convict: an opportunity shall be provided for the convict to appeal the decision of the administration through judicial procedure. To ensure the legal possibility of early conditional release of the convict or to replace the unserved part of the punishment with a milder one and excluding possible abuses in practice, effective mechanisms were envisaged.

42. Under the RA legislation it is the Court that holds the exclusive power to render the final decision on the issue of early conditional release from punishment or replacement of the unserved part of the punishment by a milder punishment, therefore, the Court cannot be bound by the report drawn up by the Penitentiary Service or Probation Service or by the conclusions made therein.

43. Penitentiary legislation establishes clear legal safeguards: the convict shall have the right to appeal through the judicial procedure and challenge the decision of the Head of the PI on not submitting the Court the issue of early conditional release from punishment.

44. In 2019, under 2019–2023 Strategy of Penitentiary and Probation areas and its Action Plan, a monitoring of the institution of "early conditional release from punishment" were carried out to enhance the performance of the institution. Following the monitoring, numerous proposals were put forward, the implementation of which is underway.

45. The main document regulating the medical aid and service for detained persons and convicts – the Decree of the GoA N 825-N of 26 May 2006 – was revised and elaborated in a completely new edition, the main amendments thereof provides the list of serious diseases incompatible with serving the sentence has been brought in line with the International classification of diseases (ICD) standard; A Medical Board adjunct to the MOJ will be established, providing an opinion on the appropriateness of changing the preventive measure of the detained person due to his or her serious disease (disorder, condition), and on releasing from punishment the convicts kept in PIs due to serious disease (disorder, condition).

46. Regarding the clear procedures for release from further serving of punishment due to health problems the draft amendments to CPC related to the necessity of establishing terms for release from punishment or imprisonment of detained person (convict) on grounds of serious diseases was approved by the GoA and submitted to consideration of the NA of RA. The Draft proposes to provide the opportunity of release from imprisonment or detention on grounds of serious disease, establishes the opportunity for the supervising prosecutor to promptly consider the petition and deliver a decision on satisfying (dismissing) the petition, meanwhile providing for an opportunity of appealing through judicial procedure in case of

dismissal of the petition. The Draft prescribes a short term for examination of above mentioned petitions: immediately after submission, but not later than the next day.

Reply to paragraph 6 (d) of the list of issues

47. A number of persons detained in PIs were involved in various activities. Convicts are involved in paid and unpaid technical and economic activities in the PI they are detained in, work on a contractual basis in the "Support to the Convict" Foundation, are included in self-made associations, and inmates of an open correctional institution work outside the institution. About 360 convicts in 2018 and 260 convicts in 2019 were involved in paid work. To meet the spiritual needs of detainees and convicts, the Armenian Apostolic Church and other religious organizations regularly organized visits, baptisms, liturgies and celebrations on holidays.

48. Measures are taken to the reintegration of released convicts into society before the release, in particular:

- A request is sent to the regional police department;
- The data on a convict being released is sent, with the latter's consent, to the State Employment Service Agency to assist in finding a job after the release;
- Vocational courses are organized to teach convicts professional skills.

49. The Aesthetic Education and Mentoring Program for Offenders is being organised, continuous non-formal education programs of social rehabilitation of convicts are provided. Participation in these courses is taken into account when assessing the early release of convicts.

50. Under the Penitentiary and Probation Strategy and AP measures aimed at social rehabilitation of convicts, including juvenile convicts, are being implemented:

- Targeted measures and programs, as well as methodologies of resocialization and rehabilitation were developed to work with probation beneficiaries, including juveniles;
- A tool for the assessment of the needs of juvenile detainees and/or convicts, as well as juvenile probation beneficiaries and the risks related thereto were developed with a guideline for the implementation thereof;
- New vocational education programs for persons deprived of liberty were developed and planned to be implemented by 2023.

Reply to paragraph 7 (a), (c) and (e) of the list of issues

51. In the criminal case on the events of 1 and 2 March, 2008, under investigation by the SIS, 10 separate proceedings were initiated in 2014–2015 with the facts of death of 10 persons and receiving bodily injuries of 3 persons, and the preliminary investigation continued by 4 June 2018 in separate proceedings. Later on they were joined to the Criminal Case No 62202608, and currently the preliminary investigation continues in 1 proceeding. All the necessary investigative actions are being carried out in this criminal case.

52. The criminal case instituted under parts 1, 2, 3 of Article 373, of CC on breaching by the servicemen of the Police Troops the rules concerning the handling of special KS-23 type of weapons while preventing the events of 1 and 2 March, 2008, and as a result causing death by negligence to G. Kloyan, A. Farmanyan, T. Khachatryan bodily injuries of different degrees to 3 other persons was instituted on 13 July 2009 and joined to Criminal Case No 62202608.

53. On the basis of the evidence obtained during the preliminary investigation, on 28 August, 2009, a charge was brought under parts 1, 2 and 4 of Article 373 of CC against officers of the Police Internal Troops L. Hakobyan, A. Atabekyan, M. Gharibyan and V. Sahakyan, who had been specially trained in application of KS-23 special means and using KS-23 type of special means in the course of the mentioned events

54. On 21 November, 2014, the Prosecutor supervising the legality of the preliminary investigation in this criminal case instructed, under point 6 of part 2 of Article 53 of the CPC,

to separate individual proceedings in each case of death from the Criminal Case No 62202608 and to conduct a preliminary investigation to carry out an effective examination, find out the circumstances of each case of death of persons and conduct a comprehensive, complete and impartial examination, reveal the objective truth, determine the scope of guilty persons, give a legal assessment to the actions thereof.

55. Thus, from the Criminal Case No 62202608: case No. 62232514 of 13 December 2014 on causing death by negligence to G. Kloyan, A. Farmanyan, T. Khachatryan, life-threatening severe health damage to K. Davtyan and H. Asatryan, and a moderate damage to the health of Arthur Muradyan as a result of breaching the rules of handling of KS-23 type of special means, [was separated].

56. According to the instruction of the supervising prosecutor of 16 January, 2015, on 29 January, 2015, the following cases were separated from the Criminal Case No. 62232514:

- No. 62202015 on causing death by negligence to G. Kloyan, life-threatening severe health damage to H. Asatryan, and a moderate damage to the health of A. Muradyan as a result of breaching the rules of handling of KS-23 type of special means;
- No. 62202115 on causing death by negligence to A. Farmanyan, and a moderate damage to the health of Kh. Davtyan as a result of breaching the rules of handling of KS-23 type of special means.

57. It turned out that A. Farmanyan and T. Khachatryan got open craniocerebral injuries from the "Cheryomukha-7" gas grenade, which is considered a special means, and G. Kloyan got a shredded fragment wound in the groin area. Cheryomukha-7 gas grenade or its fragments were removed from the corpses of the mentioned victims and subjected to relevant examinations.

58. The forensic medical examination of A. Farmanyan's corpse revealed cerebral contusion wound of the lateral-temporal area of the left half of the head with bone-tissue defect, haemorrhages of the inner surface of the hairy part of the head, temporal muscles, hard and soft membranes of the brain, the brain, the lateral ventricles of the brain and the inner part of the upper and lower left eyelids, open fractures of the calvaria and basilar bones, brain smash, which caused death.

59. Forensic ballistic examination revealed that the plastic and metal items removed from A. Farmanyan's corpse are from a gas grenade of a fired "Cheremukha-7" type factory-made cartridge, separated by a single plug. The shot traces on the plug are typical to the special means "KS-23" carbine. The distortion and avulsions of the upper part of the plug could have been caused by colliding with any solid item or passing through any obstacle.

60. The forensic medical examination of T. Khachatryan's corpse revealed cerebral contusion wound of the nape area on the left side of the head with bone-tissue defect, haemorrhages of the upper eyelid of the right eye, the sclera of the eyeball of the right eye, the inner surface of soft tissues of the head, the left temporal muscles, hard and soft membranes of the brain, the brain material, the lateral ventricles of the brain, open fractures of the calvaria and basilar bones, brain smash, which caused his death. forensic ballistic examination revealed that the metal item removed from T. Khachatryan's corpse is from a gas grenade of a fired "Cheremukha-7" type factory-made cartridge. The plastic plugs of the gas grenade were probably separated due to colliding with any solid item or passing through any obstacle.

61. The forensic medical examination of G. Kloyan's corpse revealed a shredded fragment wound in the left groin area, which caused heavy bleeding and the death of the victim. The forensic ballistic examination revealed that the object removed from G. Kloyan's corpse is a "Cheremukha-7" type fired cartridge case, i.e. a gas grenade with its plastic plugs. The shot traces on the plugs are typical to the special means "KS-23" carbine. There are distortion and avulsions of the plug that could have been caused by colliding with any solid item or passing through any obstacle.

62. A number of witnesses, including police officers and the servicemen of the Police Troops of RA, who, on 1 March, 2008, took part in the measures aimed at preventing the mass disturbances, were interrogated within the scope of a thorough investigation carried out on the

death circumstances of A. Farmanyan, T. Khachatryan and G. Kloyan following the use of "Cheremukha-7" type of a special means. Special means attached to the police officers and servicemen who served on the scene of the mass disturbances were subjected to forensic ballistic examination.

63. The expert examination conducted in the state institution "Special Equipment and Communication" Scientific and Production Association of the Ministry of the Internal Affairs of the Russian Federation revealed that the application of "Cheremukha-7" type cartridges in open spaces was not prohibited; application of such cartridges against persons was prohibited. Fire may be opened against sites or objects around the offenders, taking into account the direction of the wind that provides the spread of the fume cloud over the offenders.

64. Examination revealed extraneous traces–distortions, avulsions, traces of contact and touch on the plastic gas plugs grenades of "Cheremukha-7" type cartridges, removed from the corpses and bodies of wounded citizens, caused by colliding with solid items or passing through obstacles.

65. The same examination recorded that in case of ricochet, having collided with a wall or any other obstacle, and after passing through any obstacle, gas grenades of "Cheremukha-7" type cartridges might, depending on the collision angle and characteristics of the material of the obstacle, cause injuries–including lethal–to a human being.

66. Large-scale criminal procedural measures were and are being taken to clarify the death circumstances of the persons mentioned. The difficulty of examining these episodes is also because pursuant to the conclusion of forensic ballistic examination, the shot traces on the fragments of "Cheremukha-7" type gas grenade removed from the corpses of G. Kloyan, T. Khachatryan and A. Farmanyan are not useful for identification of the specific weapon, therefore it has not been found out yet the type of the specific weapon due to the shot from which the mentioned persons were injured and died. For the purpose of receiving clarifications with regard to this and a series of other issues relevant for the case, expert examinations were also ordered in "Special Equipment and Communication" Scientific and Production Association of the Ministry of the Internal Affairs of the Russian Federation and in "Expert Criminological Centre".

67. The conclusions of the mentioned expert examinations also proved impossibility to identify the gas grenades removed from the corpse of the citizens deceased and injured with the weapons they had been fired. The investigation revealed that on 1 March, 2008, "KS-23" type carbines- special purpose firearms, used by 4 servicemen of the Police Troops in Mashtots Str., Gr. Lusavorich Str., Leo Str. and Paronyan Street.

68. The population was notified at a time that the above-mentioned police servicemen had been charged under parts 1, 2 and 4 of Article 373 of CC for breaching the rules concerning the handling of KS-23 type of special means while preventing the mass disturbances in Yerevan on 1 and 2 March, 2008, causing death by negligence to 3 persons and bodily injuries of different degrees to 3 other persons.

69. An investigation was carried out to clarify the circumstances of commission of the imputed acts to these persons. The movement of persons having used special means, the number of the shots fired thereby, the section of the scene of incident wherefrom the shots were fired, as well as the directions thereof were found out, as much as possible, through the investigation.

70. The efforts of European partners in resolving the issue of firearms identification that fired -were not effective too. Particularly, experts with knowledge and experience in the field were invited to Yerevan to support in expert examinations to identify the "Cheremukha-7" type gas grenades removed from the corpses with specific firearms used by the Police Troops servicemen, sending by email all the data and copies of the documents needed. Examining all the materials presented and the issues to be clarified such an identification was found impossible.

71. SIS is actively working to identify the shots fired from the firearms with grenade, causing death to A. Farmanyan, T. Khachatryan and G. Kloyan by using modern technical capabilities and advanced methods of other countries, as the former does not consider that

the efforts aimed at solving the issue of clarifying the circumstances and to be proved, are expired.

72. Steps were taken to identify the shots of bullets removed from the bodies of D. Petrosyan, H. Hovhannisyan and Z. Hovhannisyan with those fired from the firearms. They were compared to the thousands of cartridges found at the scene, as well as the bullets registered in the Republican Bulletproof Facility and the bullets fired from the firearms attached to the police officers, police troops and the army servicemen who took part in the mentioned events. No matches were confirmed, the firearms from which the shots were fired have not been found.

73. However, the investigation of these episodes is not over:, active measures are being taken to clarify the identities of the law enforcement servicemen and the army involved in the events, to identify the types of weapons attached thereto, to present them for forensic ballistic examination as a result, as well as to identify eyewitnesses. Relevant operative-investigative measures were ordered and are carried out, a number of video materials were examined, a number of persons interrogated by presenting the video materials mentioned. Measures are being taken to ensure the possibility of ordering video and audio expert examinations using appropriate techniques and methods, which may allow for the maximum clarification of the video materials and the identification of the depicted persons.

74. Large-scale investigation and operative-investigative measures are being taken to find out persons who eye-witnessed G. Gevorgyan receiving a firearm wound or the person who committed the criminal act by examining the video materials as well.

75. Some factual information was obtained about shooting in the direction of T. Abgaryan; targeted, planned investigation and operative-investigative measures are being carried out to find out the identity of the person who fired the shot.

76. To find out the circumstances of H. Tadosyan’s death, operative-investigative measures were ordered and are carried out, video materials were examined, and some persons were interrogated by presenting the video materials mentioned. Measures are being taken to ensure the possibility of ordering video and audio expert examinations using appropriate techniques and methods, which may allow for the maximum clarification of the video materials and the identification of the persons depicted therein.

77. The operative data revealed that many persons present at the scene deny the presence thereof at the scene as witnesses during the interrogation, in some cases, according to data obtained; the information expected from such persons may be significant. For example, persons who have been with the victims, so extensive investigative measures are being taken to check the alibi of such witnesses, the reasons and aims for concealing the circumstances of the incident thereby.

78. During the preliminary investigation of the case, the requirement of an effective investigation in cases of violation of the right to life guaranteed by Article 2 of the ECHR was ensured. In particular, since the institution of the case, a rapid and comprehensive investigation was carried out to find out all the circumstances of the death. To ensure the proper exercise of the procedural rights of the participants in the proceedings, all the documents to be handed over under the CPC were provided to the victims’ successors and their representatives, the procedures for exercising the rights thereof were clarified, they were provided with full opportunities to exercise the procedural rights thereof, including the right to file motions to perform the actions needed.

79. Taking into account the volume and the complexity of the case, investigative teams have been set up to ensure the effectiveness, comprehensiveness and complexity of the investigation. About 7,000 witnesses were interrogated during the investigation, including police servicemen, legal successors of victims, ambulance crews and many other witnesses. More than 1000 expert examinations were carried out, more than 1000 inspections, confiscations, searches and other investigative and judicial actions were performed.

80. The examination is about 600 volumes, the uniqueness of the cases, the participation of thousands of persons in the events under examination, sometimes the lack of application of special expert knowledge are objective reasons that are an obstacle to achieve the result still desired.

81. The preliminary investigation within the scope of the investigation of criminal case No. 62202608 has not yet revealed the identities of persons causing death to 10 persons: 9 of them died from firearms shots and 1 being hit with a blunt object. Thus, Criminal Cases No 62230614, 62230714, 62231214, 62231314, 62231614, 62231714 and 62232114, which were separated as a part from Criminal Case No 62202608 were deemed to be cases of "unlawful intentional deprivation of life by an unknown person".

Reply to paragraph 7 (b) and (f) of the list of issues

82. In the 1st year of the stationary free of charge education in the Faculty of Law of the Academy of the Police Educational Complex and in the 1st year of the College of the Educational Complex, the topic "Special means used by the officers of the Police" is taught in the course "Special Tactical Training", during which the theoretical principles concerning the handling of "KS-23" type of special means are addressed.

83. In 2015, the Police Educational Complex organized a 3-day special theoretical training on "Use of Special Means" for the officers of the State Protection Service Regiment, addressing the theoretical principles concerning the handling of "KS-23" type of special means.

84. There is a combat training program of the subdivisions in the police troops, where servicemen of the World Customs Organization company are undergoing relevant professional training. Notably, the Police Troops have stopped using "KS-23" type rifle.

Reply to paragraph 7 (g) of the list of issues

85. On 22 April 2018, Criminal Case No 62212818 was instituted in the SIS under part 3 of Article 164, part 1 of Article 308, part 2 of Article 309 of CC in connection with the use of disproportionate force by police officers during the mass disturbances in Yerevan since 13 April, 2018. Later on, 7 criminal cases were joined to Criminal Case No 62212818, also related to the abuse of official powers by the servicemen of the Police exercising state service, the overuse of those powers by demonstrating violence, as well as obstruction of the journalist's lawful professional activity. During the preliminary investigation, 5 officers of the Police were involved as accused persons. Large-scale investigative and other procedural actions were carried out, a number of persons were interrogated, a number of expert examinations were ordered, all the possible video recordings containing information about the cases were obtained, etc. Investigation, operative-investigative actions are underway to detect other persons having committed the alleged crime and to give criminal and legal assessments to the actions thereof.

86. A criminal judgment of conviction has already been rendered in 1 criminal case instituted under part 2 of Article 164 of CC (obstruction of a journalist's lawful professional activity). 13 official investigations and 26 examinations were conducted in the Internal Security Department of Police, and following the results of 2 official investigations 2 police officers were subjected to disciplinary liability.

Reply to paragraph 7 (h) of the list of issues

87. During the protests in April 2018, 107 persons were arrested, 29 of them were found to have bodily injuries.

Reply to paragraph 8 (a) of the list of issues

88. On 2 July 2015, Criminal Case No 62217915 was instituted in the SIS under part 2 of Article 309, part 2 of Article 164, and part 1 of Article 185 of CC, on exceeding deliberately by persons on special state service the powers thereof during special measures undertaken on 23 June 2015 to suspend the protest organized by the civil initiative "No to Plunder" in Baghramyan Ave., Yerevan, exercising violence against journalists, intentionally damaging or eliminating the video equipment thereof, obstructing the lawful professional activity of journalists.

89. During the preliminary investigation, more than 200 police officers were interrogated, including the Deputy Chiefs of Police, the Head of the Yerevan City Police Department, the heads of all Yerevan Police Divisions, and plainclothes officers on duty at Baghramyan Ave.

90. Active measures are being taken regarding the criminal case on the incidents of 1 and 2 March 2008 under investigation by the SIS to clarify the identities of the law enforcement body and army officers who had taken part in the incidents, to identify the types of weapons attached thereto, to present them, as a result, for forensic ballistic examination, and to detect persons who witnessed the incidents. Operative-investigative measures were ordered and are carried out, a number of video materials were examined, a number of persons were interrogated by presenting the video materials mentioned. Measures are being taken to ensure the possibility of ordering video and audio expert examinations using appropriate techniques and methods, which may allow for the maximum clarification of the video materials and the identification of the persons depicted therein. During the investigation, 38 persons who had taken part in the protests were recognized as victims in the criminal case, 15 of them received haemorrhages and contusions as a result of the use of water cannons, about 7,000 persons were interrogated as witnesses, including police officers, successors of victims, ambulance crews, and many other witnesses. More than 1000 expert examinations were ordered and carried out, more than 1000 inspections, confiscations, searches and other investigative and judicial actions were performed.

Reply to paragraph 8 (b) of the list of issues

91. In the criminal case under investigation by the SIS on the incidents of 1 and 2 March 2008, 10 individual proceedings were separated in 2014–2015 with the facts of death of 10 persons and 3 persons receiving bodily injuries, by 4 June 2018 the preliminary investigation continued in separate proceedings. Later on, they were joined to Criminal Case No 62202608 and the preliminary investigation is underway in 1 proceeding. All the necessary investigative actions are being carried out with regard to the criminal case mentioned.

92. The 10 individual proceedings on the cases of 1 and 2 March 2008 under investigation by the SIS separated in 2014–2015, were joined to Criminal Case No 62202608 on 4 June 4 2018 and currently the preliminary investigation is underway in 1 proceeding. Necessary investigative actions are carried out related to this criminal case.

93. Large-scale criminal and procedural measures are taken to clarify the circumstances of the death of persons. The complexity of the investigation in some episodes is due to the fact that according to the conclusion of the forensic ballistic examination, the traces of the shooting on the fragments of the gas grenade are not suitable for identification of a specific weapon, therefore it has not yet been determined which weapon fired shots. The criminal cases details are presented in Paragraph 7.

Reply to paragraph 8 (c) of the list of issues

94. The judgment of conviction in 2017, found 3 officers guilty for committing crime under part 2 of Article 164 of CC in connection with the part separated on 23 June 2015 from the criminal case instituted by the SIS on the illegal actions demonstrated by police officers during the protest organized. 1 officer was found guilty of committing crime under part 1 of Article 164 and part 1 of Article 185 of CC.

95. The criminal proceeding suspended in 2019 was resumed in the SIS, 1 police officer was charged under part 2 of Article 309 of CC, at the same time, the investigator made a decision to temporarily suspend the powers thereof. The part separated from the criminal case referring thereto was transferred to the Court of General Jurisdiction of Yerevan on 7 February 2020 :the trial is underway.

Reply to paragraph 8 (d) of the list of issues

96. On 2 July 2015, Criminal Case No 62217915 was instituted in the SIS under part 2 of Article 309, part 2 of Article 164 and part 1 of Article 185 of CC. The materials' copies of the official investigation carried out in the Internal Security Department of the Police to find out the legality of the actions of the police officers during the events that took place on 23 June 2015 at Baghramyan Ave, Yerevan were attached to the criminal case, the official

investigation found that 12 police officers were subjected to various disciplinary sanctions. Those police officers who did not commit crimes under the CC, but there were grounds for disciplinary liability, were subjected to disciplinary sanctions, for example, a police officer who had sworn at a citizen was severely reprimanded.

Reply to paragraph 9 (a) of the list of issues

97. Criminal Case No 62219216 instituted under part 1 of Article 308, part 2 of Article 309, part 2 of Article 164 and part 1 of Article 3323 of CC is under investigation in the SIS. Within these investigation processes 95 persons were recognised as victims 6 of them are journalists, 3 lawyers, and 86 participants of the demonstration and other persons. All those persons who reported bodily injuries were sent for forensic medical examination. According to the conclusions of forensic medical examinations, 1 person was seriously injured, 3 persons were moderately injured, 10 persons were slightly injured, the rest of the injured did not show any signs of minor damage.

98. To clarify the legality of the police actions, the grounds for apprehending persons, the special means used, an extensive inquiry was sent to the First Deputy Chief of Police, some video recordings on the incidents were attached to the criminal case, inquiries were made, about 60 police officers were interrogated, and confrontations took place.

99. It is still necessary to detect and interrogate 13 persons allegedly injured during the actions of the police officers, to interrogate many police officers, to make confrontations over the existing controversies, and then to decide the further course of the criminal case only on the basis of the evidence obtained.

Reply to paragraph 9 (b) of the list of issues

100. S. Karapetyan, V. Mkhitaryan, K. Grigoryan and D. Sargsyan were found guilty under part 1 of Article 164 and part 3 of Article 258 of the CC by the judgment of First Instance Court entered into force with regard to the events of 29 and 30 July 2016 in Sari Tagh, Tigran Aharonyan was found guilty under part 1 of Article 164 of CC, G. Khachatryan and G. Hovsepyan were found guilty under part 1 of Article 164, part 1 of Article 185 of CC, S. Sahakyan was found guilty under part 1 of Article 164 and point 2 of part 2 of Article 185.

101. The criminal case against A. Kostanyan, charged under part 2 of Article 309 of CC of RA, was separated and transferred to court, the trial is underway.

102. Investigative, operative-investigative actions are underway to detect other persons who committed crimes with regard to these events, to give criminal law assessments to the actions thereof.

Reply to paragraph 9 (c) of the list of issues

103. On 19 July 2016, on the instruction of the Chief of Police an official investigation was appointed to assess the legality of the police officers' actions in maintaining public order during the subsequent events related to the seizure of the State Protection Service Regiment of Yerevan of the Police by a group of armed persons on 17 June 2016. On 30 July 2016 another official investigation was instituted in the Police Internal Security Department by the instruction of the Chief of Police with regard to mass media reports on journalists, and other citizens who got bodily injuries as a result of the use of special means by police officers in Sari Tagh District of Yerevan on 29 and the midnight of 30 July 2016. The materials of the official investigations mentioned have been attached together. By the order of the Chief of Police, 13 officers were subjected to disciplinary penalties not for inflicting bodily injuries, but for improper performance of the official duties thereof.

104. Criminal cases, regarding the events mentioned, are under investigation in the SIS and the preliminary investigations are in progress.

Reply to paragraph 10 (a) and (b) of the list of issues

105. For hindering professional activities of journalists during the events in 2015, on 3 Police officers who were found guilty by the criminal judgment of conviction under part 2 of Article 164 of CC, a fine in the amount of AMD 500,000 was imposed as a punishment. 1 officer

was found guilty of the commission of the crime provided for by part 1 of Article 164 and part 1 of Article 185 of CC and a fine in the amount of AMD 600,000 was imposed on him as a punishment.

106. Criminal cases were instituted on 9 out of 10 materials prepared with regard to the events of hindering the professional lawful activities of journalists during the assemblies in April 2018. In 3 criminal cases criminal judgments of conviction against 4 persons were delivered, 2 criminal cases on 2 journalists were joined in 1 proceeding, the preliminary investigation is pending. Within the framework of this criminal case a charge was brought against person, 1 criminal case was joined to another criminal case being examined in proceedings of the Special Investigation Service,: the proceedings of only 1 criminal case was suspended on the ground that the person having committed the crime was unknown.

107. The first out of 2 criminal cases instituted with regard to events of use or threat of use of violence dangerous to life or health of a journalist has – together with the indictment – been forwarded to court; in the second case, a decision has been rendered on suspending the proceedings of the criminal case upon the ground that the person having committed the crime was unknown. With regard to 1 case, a charge was brought against 7 people within the framework of a criminal case being examined under the elements of organising mass disorders.

108. During 2019, 11 criminal cases were instituted. 1 of the mentioned criminal cases was joined with another case, during the preliminary investigation whereof a decision was rendered on not conducting criminal prosecution with regard to the event of hindering the professional activities of a journalist, proceedings of 5 criminal cases were dismissed. In 2020, proceedings of 2 of the criminal cases instituted in 2019 were dismissed on acquittal grounds, trial of 1 criminal case is being conducted, criminal judgment of conviction against 4 persons were delivered in 1 case tried by the court. Punishment in the form of fine was imposed on everybody.

Reply to paragraph 11 (a) of the list of issues

109. HRAP envisages numerous events on combating violence against women and domestic violence for upcoming 3 years, inter alia to criminalize the domestic violence and the violence against women in accordance with international standards. The MOJ requested the CoE expert opinion on the draft CC to identify the gaps of legislation to be addressed under the light of CoE Istambul Convention. The expert opinion was taken into consideration while drafting the CC, which passed the first reading on 9 December 2020. The package of amendments regarding the criminalisation of DV will be submitted to the Parliament during the 2nd reading of the Code.

Reply to paragraph 11 (b) and (c) of the list of issues

110. The GoA adopted a number of sub-legislative acts deriving from the Law on DV and is now elaborating the Strategy and Deriving AP on prevention of DV. Importantly, CC was amended with new article on “Deliberate non-compliance with the urgent intervention decision or defence decision”, the Code on Administrative Offenses with articles “Disclosing the whereabouts of a sheltered person who has been subjected to domestic violence” and “Deliberate non-compliance with the urgent intervention decision or defense decision”.

111. A unified system of keeping separate statistics on criminal cases of domestic violence under investigation is introduced, allowing for a comprehensive study of the prevalence of this type of violence, the age of victims and offenders, the relationship thereof, it also contains more comprehensive statistic data on the results of the investigation of criminal cases on domestic violence.

112. The GoA carries out extensive preventive activities, including many awareness raising events, a hotline was established on DV cases, a number of specialized trainings were organised for law enforcement officials, medical care institutions, social care institutions and etc. An extensive communication strategy is now being developed and implemented on domestic violence, including activities with innovative solutions. The slogan of the strategy is “Violence in silence”. The Strategy has 3 main stages targeting the following groups: witnesses, victims and perpetrators. The Strategy goal is to make the domestic violence a

trending topic in Armenian society , expose inherent stereotypes and deep rooted issues that lay at the basis for the planning of the campaign. A number of social videos[9] and posters, experiments were elaborated and disseminated. The special webpage[10] was created providing all relevant materials, including number of hotlines, addresses of special shelters and other information for victims.

113. As a result of amendments to the CPC, the prosecutor was given exclusive public authority, to initiate, without a complaint by the victim, criminal proceedings on domestic violence in cases when, according to the prosecutor, the victim is unable to defend his / her legitimate interests due to his / her helplessness or dependence on the alleged perpetrator. To ensure the proper application of this provision, a guideline was developed for prosecutors.

114. On 18 May 2018, the Prosecutor General instructed that in accordance with Article 2 of the ECHR, for guaranteeing the right to life and fulfilment of the positive duties of the state, in any case of real or immediate threat to the life or health of the person subjected to domestic violence the state of the latter should be assessed as helpless.

115. In 2018, in 34 cases of private accusation, regardless of the fact whether the victim filed a complaint or not, in cases of domestic violence, when a person was unable to defend his/ her legitimate interests due to his helplessness or dependence on the alleged perpetrator, 34 criminal cases were instituted by the prosecutor. It should be noted that before that, no criminal case had been instituted in accordance with part 4 of Article 183 of the CPC.

Reply to paragraph 11 (d) and (e) of the list of issues

116. HRAP's for 2017-19 and 2020-22 provided for regular trainings on dv and violence against women in line with international standards, including for police officers, investigators, prosecutors, judges and medical workers, representatives of educational institutions, the staff of the DV Support Centers. The trainings mentioned were conducted regularly, relevant reports were submitted thereon. The MLSA was conducting trainings of specialists in different fields for the employees of various institutions operating in Yerevan and the regions of RA, which included topics on changing gender stereotypes, raising awareness about violence against women and DV. In general, all officers of the Police Department for Juvenile Cases and Prevention of Domestic Violence, subdivisions / groups / have been trained /306 officers in total/.

Reply to paragraph 12 (a) of the list of issues

117. According to Article 54 of the Constitution everyone subjected to political persecution shall have the right to seek political asylum in RA. According to part 3 of Article 329 of the CC, the person shall be exempt from criminal liability for illegally crossing the state border in case when a foreign citizen or a stateless person enters the territory of RA without documents defined or appropriate authorisation to avail of the right to political asylum reserved by the Constitution and relevant legislation.

118. According to Article 28 of the Law "On refugees and asylum", asylum seekers and refugees shall not be subjected to criminal or administrative liability for illegal entry or stay in RA. Theseprovisions were applied for many times and are currently applied too.

119. The new draft CC provides for the exemption from liability of refugees for illegally crossing the state border. According to part 5 of Article 456 of the Draft, actions taken in case of illegal crossing of the state border shall not apply to a victim of trafficking, cooperating with law enforcement bodies, and to an asylum seekers or a refugees.

Reply to paragraph 12 (b) of the list of issues

120. In 2020, a draft Law "On foreigners and stateless persons" was put into circulation, containing provisions on persons who do not meet the definition of refugees prescribed by the Law "On refugees and asylum", against whom the principle of non-refoulement stipulated by the mentioned law was applied by the authorised body, according to which, a foreign

[9] https://www.youtube.com/watch?v=eDBLlfFTcyk.
[10] http://violence.booster.am/en.

national or a stateless person may not be expelled, returned or extradited to another country where due to substantial reasons there is risk that he / she will be subjected to cruel and inhuman or degrading treatment or punishment. To establish a legal basis for regulating the stay of such persons and protect them from refoulement Article 16 of the Draft proposes to provide them short-term residence status. The 2020–2022 HRAP envisages increasing the number of rooms for asylum seekers by 2022.

Reply to paragraph 12 (c) and (d) of the list of issues

121. Foreign nationals entering PIs are introduced to their rights and responsibilities, as well as to the internal regulations of the PI in a language which they understand depending on their availability. The rights and responsibilities of detainees and convicts were translated into Russian, Persian and English and posted in visible places, and provided to them.

122. A foreign national convict has the right to establish and maintain contacts with the diplomatic representation or consular office of his/her State. In PIs, the right to freedom of thought, conscience and religion of persons deprived of their liberty being foreign nationals is ensured as far as possible, cultural and sports programmes are organised, measures are constantly taken to replenish libraries with foreign language literature.

123. The foreign national convicts are provided with a legal opportunity to benefit from up to 20-minute video call twice a month instead of short-term visits as a result of legislative amendments, which entered into force on 1 November 2018; all PIs have already been provided with relevant technical equipment.

124. 3 months before release from fully serving the punishment and 1 month before conditional early release from serving the punishment State Migration Service shall be informed about the asylum seekers and persons having a status of a refugee. The relevant reference books in 5 languages were provided to the PIs.

125. PIs also run the record book of asylum seekers in accordance with the order of the Chief of Police from 2009. Under the order persons deprived of their liberty and who seek asylum are registered and referred to available procedures.

126. In 2019 2 Training Center staff members participated in the relevant ToT organised by the office of UNHCR. Afterwards “Identification of Asylum Seekers in Penitentiaries and their Referral to the Asylum Procedure” course was introduced within the curricula of trainings of the staff of PIs in 2020, which covers national and international legislation on the rights and responsibilities of the refugees and asylum seekers, the rights thereof, identification and referral mechanisms for them. The UNHCR representatives also pay visits to the educational centre to see how the trainings on this topic are going on.

Reply to paragraph 13 (a) of the list of issues

127. Police Educational Complex organises courses on the use of force, especially in the context of demonstrations, and the employment of non-violent means and crowd control. 2020–2022 HRAP envisages training courses for the officers of the Police on the subject of organisation of rallies. The principles of proportionate use of force by the police lay at the core of the training materials.

128. As for the observance of the principles of necessity and proportionality during the police control in the course of demonstrations, it should be noted that the most obvious examples are the cases of proportionate use of force by the police during the rallies held during the non-violent velvet revolution in 2018.

129. The Police reform Strategy and Deriving AP was adopted in 2020 envisaging major change in the police force with a review of the educational component. Given that the police troops also have functions with regard to demonstrations in accordance with the reforms planning will focus on improving crowd management, proportionality of force, the practice in relation to other participants in meetings (journalists etc.), on reforming initial basic training and continuous professional development training on formation and development of scenarios and tactics. The educational program and revision of relevant training module, as well as ToT will be provided in cooperation with UNDP and OSCE.

Reply to paragraph 13 (b) to (d) of the list of issues

130. Importantly, Academy of Justice organizes regular/mandatory in-service trainings for judges, prosecutors, investigators and their candidates on the right to life, prohibition of ill treatment, torture and inhuman degrading treatment, which covers all the mentioned topics, including the Istanbul Protocol. This particular trainings were also envisaged by the 2017–2019 and 2020–2020 HRAP. A number of educative materials[11] were developed on this topic in recent years.

131. Relevant trainings are regularly organised for the PIs staff. There were discussions on relevant judgments of the ECHR, the essence of the Istanbul Protocol, the minimum standards of investigation and documentation of torture and other forms of cruel treatment. In cooperation with CoE training courses on healthcare, human rights and medical ethics were organised with nearly 1,000 Penitentiary Service employees' participation. In 2021, trainings on the Istanbul Protocols are envisaged jointly with the CoE, developing – for that purpose – a separate reflection on the completion of the course (with a new methodology). The respective MOJ SNCO organized trainings for non-medical staff of prisons – on medical aid and psychological assistance to vulnerable persons in confinement. The training courses on these topics are also held for the police officers.

Reply to paragraph 14 (a) of the list of issues

132. Due to the Penitentiary Code amendments made on 12 July 2018, the number of visits to persons sentenced to life imprisonment in a correctional institution was increased: persons sentenced to life imprisonment are provided with at least six short-term and 2 long-term visits per year instead of previous at least 3 short-term and 1 long-term visit annually. According to the legislative amendments package adopted in June 2019 the legislative rule of holding persons sentenced to life imprisonment separate from persons sentenced to imprisonment for a certain term was removed. At the same time, it is envisaged that the convict may be confined in a solitary confinement cell at the request of the person sentenced to life imprisonment or in case his/her personal security or that of his/ her inmates is at risk, upon the decision of the head of the PI. Persons sentenced to life imprisonment are given an opportunity to serve their punishment at an open correctional institution. Detained persons will also be entitled to a long-term visit at least once in 2 months with duration of up to 3 days to guarantee the right to contact with outside world. The legislative rule of connecting the non-provision of a short-term leave only with the gravity of the crime committed by the persons was also removed.

Reply to paragraph 14 (b) of the list of issues

133. Confinement conditions for the persons in confinement are continuously improved: in "Nubarashen" the auxiliary building of the canteen was reconstructed, as a result whereof the external and internal water supply and wastewater disposal networks, the system of electric lighting and electric supply was totally reconstructed; a new ventilation system was installed. The toilet rooms, bathrooms and electric lighting were repaired. The toilet rooms of the second floor of the regime auxiliary building and the electric lighting were repaired. The 143-meter-long fence of "Vardashen" has undergone major repair, reconstruction of external sewerage was performed. The system of internal water supply, external and internal wastewater disposal (partially), toilet rooms and bathrooms of the PI were repaired. Special conditions were set for people with mobility problems and in the "Hospital of Convicts". The bathrooms were partially repaired in "Vanadzor", the system of hot water supply of the bathroom was repaired in "Abovyan". Major repair of the system of external wastewater disposal of the PI, capital renovation of the bathroom of the auxiliary building of the isolator were performed. The low-voltage cable of the area between the 2 substations of the institution, the roof of a storage house with an area of about 500 square meters were repaired. Within "Kosh" the external and internal wastewater disposal system of the canteen of the institution were totally renovated, the auxiliary building of the canteen underwent major repair, a ventilation system and a grease skimming tank was installed.

[11] http://www.justiceacademy.am/#791.

134. Within the framework of improving the conditions of confinement of the persons deprived of liberty in PIs and of optimizing PIs, the Strategy on Penitentiary and Probation Service envisages by 2023:

- To close "Nubarashen" and "Hospital for Convicts" PIs, as a result of which a new PI with capacity of approximately 1,200 places will be built in Yerevan (with 200 beds for persons in need of treatment);
- To move "Yerevan-Kentron" from the administrative building of the NSS to the former auxiliary building of "Erebuni";
- To liquidate "Hrazdan" and to build – in the administrative territory of "Sevan" – premises for PIs of closed, semi-closed regimes and detention facilities, with a capacity designated for "Hrazdan" PI, including an auxiliary building designated for detention as a type of punishment;
- To close "Goris" and to build a new PI with capacity of 350 places instead;
- To create confinement conditions etc. necessary for semi-open correctional institution with capacity of up to 200 places in "Armavir".

135. Extensive legal and organisational measures for elimination of overcrowding in PIs, and improvement of living conditions were implemented, as a result of which the number of persons held in confinement dynamically decreased, excluding the issues of overcrowding. Annual Penal Statistics of the Council of Europe of 2018 (SPACE I) show significant decrease in the number of imprisonment in Armenia (-8.7%).[12] About 2 times less convicts and detainees are held than the defined capacity (prison density in PIs is about 40,2% – from the total capacity of 5346). The Statistics on Prisons in European Countries from January 2018 to the end of January 2019 published by the CoE on 7 April 2020, show the largest decrease (with the number of prisoners per 100,000 inhabitants) in the level of imprisonment in Armenia compared to the previous period (until the end of January 2018) among all the countries studied. The population density of prisons significantly decreased.

Reply to paragraph 14 (c) of the list of issues

136. As of 1 June 2020, food supply process for persons in confinement in all PIs is organized by a private company, and the food is used by all persons held in confinement. This process started since October 2019. Now the number of beneficiaries of ready-made food is 100%.

137. It should be stated that starting from 2018, AMD 150 million, instead of the previous AMD 43 million, is allocated from the budget for the purchase of medicines and medical supplies for proper medical assistance for convicts and detainees in PIs, to ensure proper provision of relevant medical services.

Reply to paragraph 14 (d) of the list of issues

138. The relevant MOJ SNCO continuously implements a programme of aesthetic education and training for persons committing an offence, which has 2 directions: educational and rehabilitation and is aimed at developing mental abilities of those serving the sentence, deepening the erudition, developing analytical thinking by providing sufficient knowledge and tools to work with them, as well as the reintegration into society after serving the sentence, the re-socialisation, reducing recidivism, ensuring competitiveness in the labour market. The programme includes courses on decorative-applied arts, business literacy, teaching of Armenian and foreign languages. Annually about 110 persons complete these courses.

139. The State makes all efforts to ensure proper education: in 2018, 47 and in 2019 – 44 persons received secondary education; in 2018, 84 and in 2019 – 182 persons received vocational education and in 2018, 7 and in 2019 – 6 persons received higher and post-graduate education. The facilities for working out are provided as much as possible in the PIs.

[12] See at http://wp.unil.ch/space/files/2019/06/FinalReportSPACEI2018_190611-1.pdf (25 July 2019).

Reply to paragraph 15 (a) to (d) of the list of issues

140. Information on prisoners serving life sentence is presented within the scope of points 6 (a) and 14 (a). Arrested and detained persons and inmates enjoy the privileges of receiving medical aid and service free of charge and under privileged conditions, under Decision of the Government from 2004 "On state-guaranteed medical aid and services free of charge and under privileged conditions". According to the legislative requirements, in case of detection of bodily injuries or apparent signs of disease with the arrested person or in case they have health issues, the duty officer of the police body invites a healthcare worker who immediately conducts medical examination in which the doctor chosen upon the arrested person's wish may participate as well. Medical examination and aid shall be conducted by the healthcare worker exceptionally free of charge. As regards receiving the services and specialized health care provided by the doctor chosen by the arrested person at their own expense, it's his/her right, not impeded by the police.

141. Due to the 2017 Concept Paper on Modernisation of Medical Services in PIs, on 1 March 2018, the GoA adopted decree On establishing "Penitentiary Medical Center" SNCO**,** started its activities in September 2019. This specialized SNCO is established to ensure the professional independence, create an opportunity to be integrated into the public healthcare system and recruit qualified medical staff.

142. Licensing requirements for medical aid and services to detained persons and convicts, as well as the requirements for technical and professional qualification is regulated by the relevant decrees of the GoA. This provides for 4 additional licensed areas.

143. With a view to organising the inpatient medical aid and service of detained persons and inmates, in Yerevan – in multi-profile medical facilities having 500 and more beds, a unit having at least 10 beds, completely isolated with iron bars and iron doors, monitored by cameras, is to be separated by 1 September 2021.

144. The main document regulating the medical aid and services for detained persons and convicts – Decree of the GoA No 825-N of 26 May 2006, was completely amended, gaining the positive assessment by international experts. the amendments also envisage the following: the volume and content of outpatient supervision, including ongoing supervision, inpatient medical aid and service provided to detained persons and convicts were brought in compliance with the volume of state-guaranteed medical aid and service envisaged for citizens. Referring detained persons and convicts to civil medical facilities was facilitated, organising it exceptionally on the basis of referrals issued by doctors, by removing secondary platforms from the process for referral. The procedure for the detained person or convict for receiving medical aid and service at his or her expense was established**.** The serious diseases list incompatible with serving the sentence was brought in line with the ICD, extending it to diseases incompatible with the application of detention as a measure of restraint; the indicated list has become more like a guideline than an exhaustive list as it was before. A Medical Board adjunct to the MOJ will be established to provide an opinion on the appropriateness of changing the preventive measure of the detained person due to his/her serious disease (disorder, conditions), as well as on releasing from punishments the convicts kept at PIs due to serious disease (disorder, condition).

145. The recruitment report of the medical staff for PIs was drawn up, where existing personnel issues; measures necessary for the recruiting of qualified medical personnel are presented. Based on the results around 94% of 171 staff positions were replenished.

146. PIs were equipped with furniture and equipment for the medical aid and service personnel. Within the Project jointly implemented by the MOJ and CoE, visits by relevant experts to PI were organised to become familiar with the condition of medical equipment. Evaluation of available medical supplies and equipment was conducted by the experts, on the basis of which the list of medical supplies, types of equipment and quantity was prepared.

Reply to paragraph 16 of the list of issues

147. A civil observer group supervising in police detention facilities is functioning under the relevant legislation. Group members visit police detention facilities – with a view to conducting monitoring – on any day (including non-working) and at any time of the day, with

the visits made without announcing in advance. 20 such visits by the civil observer group occurred in 2020 (3 in 2019).

Reply to paragraph 17 (a) of the list of issues

148. In 2019, 604 cases of self-harm committed by 182 persons were recorded in PIs (612 cases in 2018). 223 cases of self-harm were prevented in 2019. As of November 2020, 480 cases of self-harm committed by 241 persons were recorded.

149. Self-harm and suicide in PIs is one of the measures of the Strategy on Penitentiary and Probation Service reform, envisaging to evaluate the circumstances, underlying the cases of death, self-harm and suicide; to draft and implement a complex programme for prevention of cases of death, self-harm and suicide in PIs; to provide for a legislative opportunity to limit – for a necessary time period – the access of persons deprived of liberty, classified among the group at risk of suicide, to means for deprivation of life (for example, rope, shoe laces, bed sheet, belt, etc.) (the draft is already elaborated); to conduct training for the PI administration on early signs of danger of self-harm and appropriate measures to take in that regard. The HRAP also envisages equipping special cells for inmates with suicidal tendencies in correctional facilities by 2022.

150. On 10 December 2020 a Strategy for prevention of cases of death, self-harm and suicide in PIs and 2012–2022 Action Plan was adopted by the Minister of Justice.[13] The Strategy envisages thorough evaluation/screening of the mental health condition of persons deprived of liberty and elaboration of a relevant tool-kit for undertaking necessary steps were also targeted by the programme. It also envisages conducting training for both medical and non-medical staff.

151. Pursuant to the results of the sitting of 27 February 2019, the Prosecutor General assigned to ensure the meeting of relevant prosecutors with persons in PIs, having g1on hunger strike, as well as committed self-harm, and mandatorily undertake a process for subjecting the above-indicated persons to enquiry through the prescribed procedure, to establish the reasons for resorting to such an extreme measure. If it is established that such behaviour is conditioned by the procedural actions conducted in criminal cases examined or being examined with regard to those persons, 1 enquiry record copy needs to be immediately forwarded to sub-divisions exercising immediate procedural control, and the 2nd copy – to sub-divisions exercising relevant supervision, with a view to making the issues raised by persons in PIs, having g1on hunger strike or committed self-harm subject of detailed discussion thereby and guaranteeing the proper ensuring of rights of those persons, prescribed by law.

152. Responsible officials were subjected to disciplinary liability by the GPO for the violations recorded in January–June 2017; as a result of the large-scale inspections and examinations conducted from January 2019 to May 2019 in all PIs. The summary report on violations, along with the request to eliminate the violations and to hold accountable the responsible officials, was forwarded to the Head of the Penitentiary Service which were taken into account while elaborating relevant strategic documents.

Reply to paragraph 17 (b) of the list of issues

153. As of 1 December 2020, 2043 inmates are held in penitentiaries and the staffs positions are 2183, during 2018–2019 579 persons were recruited and almost 2100 positions were occupied. This means that the ratio of staff to prisoners is almost 1:1.

154. As a result of the reforms, the budget of PIs increased by around AMD 187 million in 2018, and the salary of around 400 junior officers were increased by 40 000 AMD bonus on average and equalled to the salary of other officers holding the same position. Conditioned by the need to prevent the ongoing outflow of officers of the junior group of PIs, the official pay rates for junior officers have increased in the amount of 5% more since March 2018. The salary of 2062 penitentiary officers has increased by 30% in average as a result of legislative amendments.

[13] https://www.moj.am/legal/view/article/1366/.

Reply to paragraph 17 (c) of the list of issues

155. To overcome the criminal sub-culture and display zero tolerance for it the drafts on amending CC and CPC were elaborated and entered into force on 22 February 2020, whereby criminal liability for granting, receiving or maintaining a higher rank in informal hierarchy, founding or leading a criminal sub-culture group, participating in a criminal sub-culture group or engaging in such a group, resorting to a participant of a criminal sub-culture group or a person having a higher rank in informal hierarchy has been provided for. (Articles 223.1–223.4).

156. During 2020, 10 criminal cases have been investigated under these Articles, investigation into 8 of which is pending, and 2 criminal cases on 16 persons were forwarded to the court along with the indictment.

157. "Complex Action Plan for Increasing the Effectiveness of the Fight against the Criminal Sub-Culture in PIs" was elaborated. The Plan envisages complex measures aimed at the early prevention of the criminal sub-culture, improvement of activities of operational sub-divisions of the Penitentiary Service with a view to revealing forms of the criminal sub-culture, and operational-intelligence activities against countering forms of the criminal sub-culture. The Plan also pre-determines the preliminary action plan for the fight against the criminal sub-culture. Following the criminalisation of the act related to the criminal sub-culture, 2 prosecutors of the Department have specialised in such cases.

158. For the purpose of public awareness-raising, the criminal law characteristics of those acts have been covered on the website of the GPO, and for the purpose of ensuring their uniform application in the law enforcement practice, the scientific and practical commentary entitled "Criminal law characteristics of acts related to the criminal sub-culture" was published by the GPO and sent to all beneficiary agencies. A separate course was envisaged by the Academy of Justice, which is conducted by the Head of the competent sub-division of the GPO.

Reply to paragraph 17 (d) of the list of issues

159. As a result of large-scale studies and discussions the MOJ considered replacing the 20-year strategy for the penitentiary and probation sector(2018-2038) with a 4-year strategy to be a more appropriate and reasonable variant, increasing the probability of implementation of the measures envisaged by the Strategy, and the feasibility and the appropriateness thereof. As a result, the "2019–2023 Strategy of RA for the Penitentiary and Probation Sector" was adopted on 28 November 2019 by the GoA; the objective of the Strategy is the establishment of a penitentiary and probation system in line with the international standards, shifting from punitive policy to restorative justice, embedding of principles of restorative justice in the field of criminal punishments, effective realisation of objectives of the punishment, overcoming the criminal sub-culture, formation of corruption-free culture within the penitentiary and probation system, decrease of recidivism, and ensuring public safety.

Reply to paragraph 18 (a) of the list of issues

160. A position of psychiatrist is available in all PIs (95% of which is replenished), which pursues the aim to reveal as quickly as possible (during the primary medical examination) the mentally unwell persons among newly admitted inmates. The persons with any pathological symptoms, upon being under the supervision of the psychiatrist from the first day, receive relevant medical assistance at the PIs, and in case of need – at the "Hospital for Convicts" PI.

161. Please also see the answer to Paragraph 17 (a).

Reply to paragraph 18 (b) of the list of issues

162. During 2016 and 2017, the GPO carried out 26 inspections in total at the units for medical service of the Penitentiary Department and all PIs, as a result of which 39 violations were detected. Following the inspections, criminal cases were initiated in 2 cases, 7 reports and 10 motions for official examination were forwarded to the Penitentiary Service. Based

on the criminal cases initiated, 2 officials were subjected to criminal liability, and pursuant to official examination carried out, 17 officers were subjected to disciplinary penalty.

163. With a view to increasing the effectiveness of the mechanism for prosecutorial oversight for the purpose of guaranteeing the right of persons in PIs to receive medical care and aid, a questionnaire-guide was prepared by the GPO, which was forwarded to the relevant sub-divisions of the GPO for enforcement.

164. In 2018, the Investigative Committee (an independent state body) examined, in its proceedings, 5 criminal cases regarding deaths, including deaths due to health issues and suicides in custody, of which 3 concerned deaths due to health issues, 2 – suicides. Proceedings in the criminal cases instituted on the deaths due to health issues were dismissed on the ground of points 2 and 1 of part 1 of Article 35 of the CPC, and the proceedings in the criminal cases regarding suicides were suspended under point 1 of part 1 of Article 31 of the CPC.

165. In 2019, the Committee examined, in its proceedings, 12 criminal cases regarding deaths and suicides in custody, of which 4 concerned suicide, 1 – attempted suicide, of which the preliminary investigation into 2 cases is pending, the proceedings in 3 cases were dismissed.

166. As of 1 November 2020, the Committee examined, in its proceedings, 5 criminal cases regarding death in custody, the proceedings in 1 case were dismissed, the proceedings in 1 case were suspended under point 1 of part 1 of Article 31 of the CPC, 2 cases are at the stage of preliminary investigation.

167. The staffs of PI were not subjected to criminal prosecution in the above-mentioned criminal cases.

Reply to paragraph 18 (c) of the list of issues

168. The Strategy for preventing by the GPO the cases of deaths at PIs was elaborated and provides for the following: before May 2018 – in general, and starting from May 2018 – without distinction, criminal cases are instituted on all cases of deaths recorded in PIs, in case the duration of hunger strike launched by the convicts and detained persons exceeds 3 days, the meeting of the relevant prosecutor with the hunger striker is ensured, in case of hunger strike for reasons related to the examination of the criminal case, the record of inquiry is forwarded to the relevant subdivision of the GPO.

169. According to the work programme of the GPO for the 1st half of 2018, a study on the status of exercise of the right of detained persons and convicts in PIs to health protection was conducted. Thus 71 violations were detected, in relation to which reports were submitted, drawing attention of PIs and relevant officers to the recorded deficiencies to further exclude such deficiencies and omissions.

Reply to paragraph 18 (d) of the list of issues

170. Under Article 104 of CPC the expert opinion is a type of evidence. According to point 1 of Article 108 of the CPC, in criminal proceedings the cause of death and the nature and severity of the damage caused to health may be established only by the opinion of a forensic medical expert. The examination is assigned by the employees' decision of the investigation body, investigator and prosecutor. The CPC envisages all necessary safeguards to ensure the independence of examination, including the following rights for suspect, accused and the victim: the request that an expert be appointed from among the persons, to challenge an expert; in case of disagreement with the expert's conclusion, to request that an additional or re-examination be appointed; to participate in the interrogation of the expert through his/her mediation. If the person who appointed the examination does not agree with the conclusion on the grounds that the latter is not sufficiently clear or complete, the latter could assign additional examination by assigning it to the same or another expert.

171. According to Article 345 of the CPC, if an expert examination has not been appointed during the preliminary investigation, the parties have the right to mediate for conducting it during the trial.

172. In the Civil Procedure Code the expert opinion is one of the types of evidence. The court of first instance may call for an expert examination upon motion of a person participating in the case, and in cases provided for by law – upon own initiative. Persons participating in the case shall be entitled to indicate the specialized expert examination institution or the expert, which may be assigned by the court of first instance to conduct expert examination.

Reply to paragraph 18 (e) of the list of issues

173. According to the Order of the Chief of Police the training on the medical care and psychological assistance provided to vulnerable inmates are conducted for police officers. This is also considered within the Police Reform Strategy. The relevant trainings are conducted also for prison staff.

174. Please see the responses in paragraphs 15 and 17.

Reply to paragraph 19 (a) of the list of issues

175. RA ratified Lanzarote Convention on 30 May, 2020. A comprehensive analysis of existing gaps of CC and CPC in compatibility with the Convention was carried out. The relevant CoE expert opinion was also requested and received in September 2019, which have been taken into consideration while drafting CC and CPC. Action Plan on the application of the Convention was adopted by the decision of the PM.

176. In 2019 an Action plan on prohibiting all forms of violence against children was developed by the Inter-agency Council on Justice for children. Main provisions of the AP were included in the HRAP, envisaging to define the corporal punishment of children within our legislation, put in place mechanisms in childcare institutions for anonymous reporting of torture, inhuman or degrading treatment, to conduct trainings for relevant employees of social care institutions and representatives of educational institutions on domestic violence and to establish a unified statistics collection and running system on issues related to the rights of the children.

177. Amendments have already been envisaged by the CPC that prescribes, in juvenile affairs, additional guarantees for ensuring the effective protection of their rights and legitimate interests. Such guarantees include participation of a legal representative, a pedagogue or a qualified psychologist, a defence counsel in the examination of cases regarding juvenile crimes. The possibility of video-recording the interrogation of a minor witness or a minor victim to refrain from double victimization of the juveniles is envisaged, and the video-recording of the interrogation of a minor witness to or a minor victim of sexual crimes, cases of domestic violence, in cases regarding child trafficking, in case of the delay in mental development of a child or having mental problems, as well as of a minor witness or a minor victim under 14 is mandatory.

178. An example of "child-centred" practice is also holding confrontations in an intermediated manner, *i.e.* by use of technical means. For the purpose of ensuring the rights of a child during investigative activities, almost in all subdivisions of the Investigative Committee rooms for interrogation of juveniles have been separated and furnished. In 2020, a separated room for conducting interviews with juveniles was opened in the Central Division of Police equipped with technical means necessary for video-recording. In the Investigative Committee the statistics on cases of violence against children were also introduced.

Reply to paragraph 19 (b) of the list of issues

179. Training courses are regularly/mandatory in service/ being conducted by the Academy of Justice on these topics for judges, prosecutors and investigators (and their candidates). These have also been envisaged by 2017–2019 and 2020–2022 HRAP's. The relevant academic materials were also developed. As a result of special professional trainings 21 investigators specialised in juvenile affairs.

180. All officers of Police working with child-related offences have also undergone the specialised training.

181. In cooperation with UNICEF Armenia the Juvenile Justice Council was established in 2016, at the sittings of which the issues of punishment of juveniles, rehabilitation programmes, trainings of specialists have been considered with a view to introducing and developing progressive approaches in the work with juveniles having committed a crime. In this regard, the following activities were carried out by state and non-governmental organisations: the relevant SNCO of MOJ has initiated the process of provision of general education to persons serving their punishment in the form of imprisonment and/or detained. Since September 2019, general education is provided to persons under 19 serving their punishment in the form of imprisonment and/or detained. In 2017, probation officers underwent training on peculiarities of work with juveniles, as well as the practical guide was developed and published. Awareness-raising activities regarding restorative justice for juveniles were carried out at higher education institutions.

Reply to paragraph 19 (c) of the list of issues

182. Though under the regulations, transfer to a punishment cell as a penalty may be applied also to a juvenile deprived of liberty, in practice, the penalty concerned was not applied to the juveniles deprived of liberty within the past four years (2017–2020).

Reply to paragraph 20 (a) of the list of issues

183. As a result of structural changes in 2014, the Department for Investigation of Torture and Crimes against a Person specialised for investigation of cases of torture was established in the SIS. For the effective investigation it has been assigned to promptly institute a criminal case in the event reports on torture are made, attaching importance to the need to carry out urgent investigative activities within the shortest possible time.

184. In case of establishing an investigation team it was also assigned not include the investigators, who have allegedly committed torture, consider – within the shortest possible time – the issue of temporary termination of the term of office of the person having allegedly committed torture, and to undertake relevant protective measures for participants in the procedure, including the victim.

185. Allegations of torture are separately record-registered in the SIS on a regular basis. By summarising the results of investigation each semester, recommendations, and where necessary, petitions on taking measures for establishing the circumstances conductive to torture more frequently indicated in applications on torture and for eliminating them are submitted to the relevant subdivisions of the law-enforcement bodies of RA. The publicity of coverage of the results of investigations in criminal cases has been ensured within the limits permissible by law.

186. The state competent bodies were regularly provided with information, reports, mass media have regularly made publications regarding the progress of cases of wide publicity. Operative and proper response was given to the publications made, alarms raised by organisations and mass media. The SIS investigators regularly undergo professional trainings organised by the Academy of Justice and international organisations.

Reply to paragraph 20 (b) of the list of issues

187. In 2018–2019, *96 (44 as of 1 December 2020)* criminal cases were investigated in the proceedings of investigators of the SIS by the elements of Article 309.1 of CC, of which:

- 4 (1 in 2020)criminal cases, together with the indictment regarding 9 (1 in 2020) persons were forwarded to the court;
- The proceedings in 67 (21 in2020) criminal cases were dismissed;
- The proceedings in 10 (6 in 2020) criminal cases were suspended;
- 6 (3 in 2020)criminal cases were joined with other criminal case;
- 2 (5 in 2020) criminal cases were forwarded to another body after a decision on not conducting criminal prosecution against an entity subject to investigation by the SIS was rendered;

- The preliminary investigation into 7 (7 in 2020) criminal cases is pending.

188. Regarding the independent complaints mechanism for dealing with allegations of torture and ill-treatment, relevant international study was conducted and based on which 2020–2022 HRAP (point 18) envisages the establishment of an effective mechanism for reporting cases of torture and ill-treatment in armed forces, PIs, psychiatric institutions and child care institutions.

189. On 20 March 2020, the new procedure for the activities of the public monitoring group was approved by the decision of the Minister of Justice. The activities include exercising public control over the protection of the rights of detained persons and convicts, detecting violations, introducing the raised issues to the public and the MOJ, supporting the activities of the Penitentiary Service; submitting recommendations for detecting and preventing violations of human rights in PIs; submitting the analyses of the situation in PIs. 3 types of reports are submitted to the MOJ by the Group – urgent, current and annual, with respect to which the Ministry makes its own comments and, where necessary, undertakes relevant measures.

190. The members of the Group are entitled to visit PIs in an unimpeded manner, become familiar with the content of various documents on-site, including upon consent of detained persons or convicts – the personal file and correspondence (with exception of the personal data protected by law), conditions for serving the punishment, and meet with detained persons or convicts. Where necessary, it may be recorded, photographed, videotaped in observance of the provisions provided for by law.

Reply to paragraph 20 (c) of the list of issues

191. According to CPC where there are sufficient grounds to assume that by continuing to hold the position the suspect or the accused will obstruct the examination of the case in pre-trial proceedings or in the court, the compensation for the damage caused by the crime, or will engage in a criminal activity, the body conducting the proceedings shall be entitled to render a decision on temporarily suspending his or her term of office. Therefore, in case there are relevant grounds, the term of office of the person suspected or accused of commission of torture may be terminated for the entire duration of investigation. The SIS consistently apply this regulation.

192. During 2017–2020 the term of office of 6 out of 13 accused of a crime of torture is suspended. In 4 cases the following restraint measure were not applied, as detention was applied in which conditions the risk of obstructing the investigation or engaging in criminal activity was excluded and 3 persons were relieved of their positions before making a decision of involving them as accused.

Reply to paragraph 20 (d) of the list of issues

193. In RA criminal procedure, when resolving the issue of guilt, the evidentiary standard “beyond reasonable doubt” applies as a threshold for the sufficiency of evidence. The evidentiary standard “beyond reasonable doubt” should be understood as such combination of factual data (evidence), which excludes the reasonable possibility of the opposite. The foregoing does not mean that the guilt of a person in the commission of a criminal offence may not give rise to any doubt at all, but in case of possibility of such doubt, the degree of it must be insignificant In other words, each factual circumstance constituting the charge must be substantiated with such a volume of evidence that will exclude any reasonable doubt regarding its proof. This relates also to the cases of torture. Thus, the evidentiary standard “beyond reasonable doubt” is also mandatory to establish the guilt of a person in the commission of torture.

194. The majority of evidence in criminal cases regarding torture examined in the SIS is collected by its investigators, and the Police as an inquest body are given assignments on conducting operational intelligence activities.

Reply to paragraph 20 (e) of the list of issues

195. Once a report on torture or ill-treatment is received, victims of the given actions promptly undergo forensic examination. Notably, on 14 January 2020, the Order of the Minister of Justice "On approving the forms of outpatient medical record, medical record of disease, excerpt of the medical record of disease (medical record) of detained persons or convicts, forms of conducting medical examinations related to torture and other forms of ill-treatment and recording the allegations and the guidelines for completion thereof" was approved, which complies with international standards. Accordingly, medical examination and care are available for 24 hours to victims of torture and ill-treatment.

196. Torture or ill treatment victims have, under the RA legislation, opportunity to make a report on a crime. A report on a crime may be made by any person who is aware of the alleged crime, *i.e.* both by victims and the lawyer or a family member, etc.

Reply to paragraph 20 (f) of the list of issues

197. It has been specifically assigned by the Head of SIS to promptly institute a criminal case on reports on torture, attaching importance to the need of conducting – within the shortest possible time – urgent investigative activities in such crimes. Additionally once the report is made and before the initiation of a criminal case, the CPC provides an opportunity for the law-enforcement bodies to request additional documents, explanations, other materials, carry out inspection at the scene of incident, and in case there are sufficient grounds for suspicion of the commission of a crime, the persons may be apprehended and subjected to personal search, samples may be taken for examination, expert examination may be assigned.

198. In certain cases persons make reports on alleged torture directly to the SIS. In this case, once the SIS receives the allegation, it assigns forensic medical examination and prepares materials for instituting a criminal case, and in case there are grounds, it institutes a criminal case to conduct a comprehensive and objective examination of the case. Sometimes inquest bodies institute a criminal case on allegations of torture and immediately forward it to the SIS to continue the investigation.

199. In June 2020 the General Prosecutor has instructed all prosecutors to ensure that all claims and assertions (statements of alleged torture in court, the statements made by the complaints in the proceedings) immediately, but not later than within 24 hours will be sent to the GPO's office to discuss the possibility of rendering the case to SIS.

Reply to paragraph 21 of the list of issues

200. In line with the activities envisaged by the HRAP the GoA prepared a draft legislative act which is being finalised. It envisages the mechanisms of specialized rehabilitation services for torture and ill-treatment victims, including medical, psychological, social and legal services. The 2020-22 HRAP (Point 19) envisages ensuring in 2021 mechanisms for effective exercise of the right of victims of torture to use psychological, social and legal services.

Reply to paragraph 22 (a) and (b) of the list of issues

201. The Constitution prohibits the use of evidence obtained in violation of basic rights or undermining the right to fair trial. CPC prohibits taking materials obtained through violence, threat, deception, ridicule of a person, as well as through other unlawful actions as a basis for charges and using them as evidence. The CPC considers inadmissible also the use of evidence obtained in essential violation of investigative or other procedural actions and provided in violation of basic rights and freedoms of participants in the criminal proceedings or the principles of criminal procedure. Thus, any statement made under torture is inadmissible evidence. Where during court examination, confession is established to be made under coercion, investigation is carried out on the basis thereof, such information is verified in the manner prescribed by criminal procedure law and criminal-legal assessment is given to actions of the persons having allegedly forced the confession.

Reply to paragraph 22 (c) of the list of issues

202. Statement on being subjected to torture is verified in separate proceedings, and, according to the practice, the main proceedings are not settled unless the proceedings initiated with regard to the statement on torture are settled under the procedure prescribed.

Reply to paragraph 22 (d) and (e) of the list of issues

203. Based on torture allegations, as well as in cases when media publication containing information on torture is available, materials are promptly prepared and a criminal case is instituted immediately if there are grounds for instituting a criminal case, after which authorities conducting the proceedings start identifying officials who have allegedly committed torture and initiating criminal prosecution against them.

204. During 2018-2019, the SIS has investigated 47 criminal cases concerning forced confessions through torture, out of which:

- 34 criminal proceedings were dismissed;
- 3 criminal proceedings were suspended;
- 3 criminal cases were joined to other criminal cases;
- 1 criminal case was sent to another body after a decision was delivered on not initiating criminal prosecution against the entity subject to investigation by the Special Investigation Service;
- The investigation into 6 criminal cases is pending.

205. During 2018-2019 and as of November 2020, the SIS has initiated criminal prosecution against 2 persons on the grounds of forced confessions under torture, the criminal case whereon, together with the indictment, was sent to court.

Reply to paragraph 23 (a) of the list of issues

206. The Action Plan for Combating Violence against Children has also been developed numerous measures envisaged whereby were included in the HRAP. A separate section in the AP is dedicated to protection of the rights of the child, the main objective of the actions envisaged whereby is to prevent and eliminate violence against and trafficking in children, as well as other crimes involving children, and a goal has been set to reduce the number of crimes committed against children by at least 5%.

207. The HRAP envisages to prescribe by law the ensuring protection of the rights of the child in the criminal justice sector in accordance with international standards, establish a unified statistical system for recording and maintaining issues related to rights of the child, introduce appropriate mechanisms in child care institutions for reporting on allegations of torture, inhuman or degrading treatment, prohibit by law corporal punishments against children, organise trainings on torture, inhuman or degrading treatment in line with the international standards, including for employees of child care institutions.

208. In practice, facts of the incidents of violence taken place in child care and protection institutions are recorded in the violence register. The procedure for disclosure of alleged cases of violence against or between children under care and (or) learning in child care and protection institutions, as well as the form of the register for recording alleged and established cases of violence were defined by the orders of 2017 of the Minister of Labour and Social Affairs and the Minister of Education, Science, Culture and Sport of RA. In 2018, training was held for specialists of the SNCOs of the sector for the purpose of carrying out the processes according to the procedure envisaged by the mentioned joint order.

209. A 3-day training on topic “Working with children having suffered violence” was organised for 77 psychologists, social workers, principals and social (and special) pedagogues of the child and family support centres.

Reply to paragraph 23 (b) of the list of issues

210. In 2019, the criminal case instituted in 2017 with regard to the incident of large-scale embezzlement committed, by abuse of official position, by the Principal of "Yerevan Special Boarding School" and the Deputy Principal responsible for planning educational process, and on the charge against the Principal of the mentioned institution and the Deputy thereof responsible for planning educational process, together with the indictment, was sent to court.

211. In July 2017, a criminal case was instituted with regard to the incidents of committing lecherous actions by an employee of the "Ijevan" branch of ""SOS" Children's Villages" against 3 kids, as well as of showing pornographic video to 1of the kids. A charge was brought against the employee of the mentioned branch under part 1 of Article 142 of CC, detention was chosen to be applied as a measure of restraint, which was replaced by bail. The investigation is pending.

212. In 2019, a criminal case was instituted under part 1 of Article 119 and part 1 of Article 214 of CC with regard to the incident of using violence against the children residing in the "Trchunyan Home" institution located in the city of Gyumri and of carrying out a number of other illegal acts. In 2020, another criminal case was instituted under Article 118 and point 1 of part 2 of Article 179 of CC in relation to the relevant newspaper's article. On 22 January 2020, the 2 mentioned criminal cases were joined in a single proceeding. The investigation is pending; there is no person having a procedural status of an accused in the current stage of the investigation.

Reply to paragraph 23 (c) of the list of issues

213. Pupils learning in special schools of general education are children in families needing special conditions for education. Children have the right to free movement; the vast majority of them stays overnight in the family. Parents and representatives of non-governmental organizations are free to visit special schools of general education without additional permission. The specialized NGO's also have access to the places of detention.

Reply to paragraph 23 (d) and (e) of the list of issues

214. HRAP envisages prohibiting by law corporal punishment of children by the first half of 2021. The draft is now being elaborated by the MoJ.

Reply to paragraph 24 (a) of the list of issues

215. To prevent non-combat deaths, military discipline, violence, hazing and mistreatment in the military, planned and unplanned measures are carried out jointly with the command of military units and the military police. The causal relations of cases of non-statutory relations, use of violence and insulting recorded in the Armed Forces and the reasons and conditions contributing thereto revealed through official examination are analysed, after which, to exclude their repetition, specific assignments are given to officers.

216. During legal trainings, military servants are acquainted with the negative consequences of non-statutory relations, use of violence, insulting the honour and dignity, as well as with the means of bringing to justice. Unannounced visits are paid to military units and subdivisions by the Ministry of Defence (MoD) to raise awareness of human rights in the military, and ensure access to information on the effective mechanisms for human rights protection. Expert groups of sociologists, lawyers and psychologists held trainings in military units on social-psychological and legal adaptation of newly drafted military servants, coping with stressful factors of service and prevention of conflicts.

217. Before each military call-up, methodical and practical exercises of the command staff involved in the implementation of the Young Fighter Training programme are held in the military units, during which special attention is paid to the peculiarities of working with newly drafted military servants. Targeted preventive activities were carried out jointly with the direct and indirect heads of military servants with various social problems, departmental groups of the military units, as well as the employees of the servicing station (division) of the Military Police.

218. Due to activities, as of this year 2020, a decrease by more than 11% in cases of non-statutory relations has been recorded, compared to the same period of 2019. Before each call-up, methodical and practical trainings of the command staff are held upon orders of the commanders of military formations, formations and separate military units, when special attention is paid to the social-psychological and legal adaptation of newly drafted military servants, to the peculiarities of individual work to be carried out with them. As a means of preventing violation of human rights, information posters on the topics "Right to life" and "Prohibition of torture" were posted at the military units, military commissariats and military educational institutions.[14]

219. 2020–2022 HRAP also envisages to enhance the climate of tolerance and mutual respect in the armed forces.

Reply to paragraph 24 (b) of the list of issues

220. To neutralise the factors hindering exercise of the rights of military servants, promptly responding to and processing applications, complaints and proposals, being well-informed of the situation and making decisions, "Hotline" was put into operation within the MoD in 2017, and since July 2019 – the "Trust Line" services at the General Staff of the Armed Forces of RA. Alarms containing elements of a crime are forwarded to the Military Police of the MoD.

221. Pre-trial proceedings on crimes by military servants are conducted by the investigators of the [Investigative] Committee – an independent pre-trial body.

222. A special record-registration is carried out at the investigative Committee related to incidents of non-combat deaths, the dynamics of the investigations into cases is kept under control, and the management staffs of the Investigative Committee is regularly reported thereon.

223. To conduct effective investigation into incidents of non-combat deaths in the military, as well as those of torture and ill-treatment in those cases, *inter alia*, respective requirements are met: take necessary criminal procedural measures to promptly and in parallel check all the possible hypotheses on the cause of death; consider in each case the risk of possible pressure by fellow military servants on those appearing as witnesses to the incident, and in case there are data or danger attesting to the fact, apply a means of protection by changing the place of service of the military servant concerned; take measures to find out the time of sustaining and circumstances of all injuries, regardless of the causal link to death, revealed through the expert examination of dead military servants.

224. In relation to incidents of death, legal successors of victims are received at the Investigative Committee, who are provided with detailed explanations about the circumstances of the incident and the dynamics of the criminal case, as well as the questions asked.

225. During the investigation into criminal cases, revealing the circumstances that contributed to the commission of the crime becomes an obligatory subject for examination relevant petitions are submitted to the superior commander of commander of the unit of the Armed Forces having failed to take special measures to eliminate those circumstances. To prevent and exclude commission of crimes in military, investigators of the garrison investigative divisions organise lectures for the commissioned staff and rank and file in the military units.

226. In 2019 the Investigative Committee and a group of NGO's signed an agreement establishing a public monitoring working group with competences to discuss separate criminal cases on incidents of death, the comprehensive and objective investigation into which is questioned by different representatives of society; it also has the competence to draw conclusions and submit recommendations.

[14] The posters were published within the scope of the co-operation programme of the MoD and the CoE Office in Yerevan, which as well, as a commitment to be fulfilled by the MoD, is envisaged by the 2020–2022 HRAP.

Reply to paragraph 25 (a) of the list of issues

227. The GoA considers making declarations on these Articles.

Reply to paragraph 26 of the list of issues

228. Legislative, administrative, judicial and other measures *are taken by the competent bodies of RA* to fulfil the obligations under the Convention. Access to legal remedies and safeguards in compliance with the international standards is also ensured within the scope of the fight against terrorism implemented by the Police.

229. Special trainings were conducted for the NSS and Police. Respective Police officers study legal acts related to prohibition of torture and other educational materials, and are guided by the provisions of the international law in the activities in the fight against terrorism.

230. As of 1 December 2020, 4 convicts, convicted of committing a crime provided for by Article 217 of CC (Terrorism) are serving punishment in the PIs. In 2018 the criminal case (58207818) was initiated under this Article. In 2019 the investigation of the case was suspended to identify other persons involved in the crime.

231. As of 1 December 2020, no terrorist act was committed in RA. False alarms on terrorism were made, on the basis of which appropriate measures were taken to identify the persons having made those false alarms and to subject them to liability.

232. Fight against terrorism became relevant in RA after the Azerbaijani aggression (27 September-9 November 2020). Armenia initiated a criminal case, on Azerbaijani aggression against Artsakh and Armenia, accompanied with gross violations of international conventions. Investigative, operational search measures and other procedural actions during the preliminary investigation obtained irrefutable evidences on the use of mercenaries-members of terrorist groups. They aimed to destabilize internal situation of a foreign state, carry out explosions, executions of people, destruction and damaging of infrastructure.

233. Preliminary investigation obtained evidences that in July-August 2020 Azerbaijan planned aggression against Artsakh and Armenia, for which the responsible officials of Azerbaijan reached a preliminary agreement with Turkish officials to recruit mercenaries from international terrorist groups. To commit a terrorist act on the territory of the Artsakh and Armenia, officials of Turkey, acting in an organized group, provided appropriate financial/monetary funds, as well as weapons and ammunition to international terrorist groups “Sultan Sulaiman Shah /al-will AMSAT”, “Sukur”, “al-Hamzat”, “Sultan Murad”, recruited them and organized a smooth transition across the Syria-Turkey border and to the territory of Azerbaijan. More than 2000 terrorists of “Sultan Suleiman Shah /al Amshat” and “Sultan Murad” groups, with Azerbaijani armed forces actively participated in aggression against Artsakh and Armenia. Based on this, Armenia’s Central Military Prosecutor’s Office initiated a new criminal case on the fact of financing terrorism. At present, two Syrian mercenaries involved in aggression against Artsakh are arrested. They fully enjoy the rights and guarantees envisaged by international treaties, ratified by RA, RA Constitution and Criminal Procedure legislation.

Reply to paragraph 27 of the list of issues

234. It has to be underlined that the GoA shaped an ambitious reform agenda addressed within strategic documents for upcoming years: strategic papers and amendments envisaged thereof will have a huge impact in ensuring legal guarantees for the protection of human rights and their implementation, ensuring the independence and professionalism of judiciary and establishing a penitentiary and probation system compliant with international standards. These reforms will have direct or indirect impact on preventing torture, including awareness raising activities and professional trainings, as well as ensuring effective investigation of relevant cases.

235. 2020–2022 HRAP, envisages the implementation of following preventive measure by 2022: to procure affordable vehicles for transportation of arrested and detained persons, to develop guidelines for interpreting and applying the terms “severe physical pain” and “mental suffering”, to put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment, to improve the conditions of cells intended for imprisoned persons in

courts, to pass legislation regulating appropriate conditions for holding imprisoned persons in court cells by accurately defining the roles of bailiffs and accompanying police detachments in this respect, to raise awareness of the rights of persons with mental health problems. Other actions have been provided in the relevant provisions.