

**LAW OF THE REPUBLIC OF ARMENIA
ON TREATMENT OF ARRESTEES AND DETAINEES**

Passed on February 6, 2002

**Chapter 1.
General Provisions**

Article 1. Subject of the Law

This law defines the general principles, conditions and procedures for keeping of arrestees or detainees under arrest or detention in accordance with procedures set out in the Criminal Procedural Code of the Republic of Armenia (henceforth, the Criminal Procedural Code), as well as the rights of arrestees and detainees, guarantees for ensuring their rights, their responsibilities, and procedure for releasing from arrest and detention.

Article 2. General Principles for Keeping Arrestees Under Arrest
and Detainees Under Detention

Arrestees or detainees shall be kept under arrest or detention on the basis of principles of legality, equality of arrestees or detainees before the law, humanitarianism, respect for human rights, freedoms and dignity, and in compliance with the Constitution of the Republic of Armenia, the Criminal Code and the Criminal Procedural Code of the Republic of Armenia, and the well-known principles and norms of international law.

It shall be forbidden to use physical violence, as well as inhuman or degrading actions towards arrestees or detainees.

The procedure and conditions for keeping arrestees or detainees under arrest or detention, set out in this law, shall be applied to all arrestees or detainees regardless of their nationality, race, sex, language, religion, political or other views, social origin, property or other status.

Article 3. Grounds for Keeping a Person in Places of Arrest and Detention

An arrest warrant drawn up in compliance with the Criminal Procedural Code or a decision by a prosecuting body about arrest shall serve as grounds for keeping a person in places of arrest.

A court decision on choosing detention as a means of preventive punishment, passed in accordance with the Criminal Procedural Code, shall serve as a ground for keeping a person in places of detention.

It shall be forbidden to admit and keep a person in places of arrest or detention in the absence of the grounds described in the first or the second paragraphs of this article.

Article 4. Places of Arrest and Detention

Places of arrest and detention shall operate within the structure of authorized government bodies of the Republic of Armenia.

Places of arrest and detention shall be established, reorganized or liquidated by decision of the Government of the Republic of Armenia.

Article 5. Use of Correctional Facilities for Keeping Persons under Arrest or Detention

Convicts serving their sentences in correctional facilities, who are suspected in or charged with a new crime, may be kept in specially equipped sections of the same facility, in isolation from other convicts.

Persons mentioned in the first paragraph of this article may be transferred to medical facilities on the grounds specified in the legislation, on the basis of a doctor's conclusion, by a decision of the head of the facility, and in accordance with procedures set out in this law.

Article 6. Transfer of Persons Kept in Places of Detention to Places of Arrest

If it is impossible to move a detainee from the place of detention every day to conduct investigative activities and court examination outside the place of detention, the detainee may be transferred to a place of arrest for a period of up to 3 days by a decision of the investigator, prosecutor or the court.

In cases specified in the first part of this article, as well as in the case when it is impossible to move a detainee back to the place of detention on time because of a lack of transportation, the detainees shall be kept in the place of arrest in accordance with procedure and conditions required for keeping detainees.

Article 7. Moving of Detainees

Detainees shall be moved accompanied by a convoy in special means of transportation. During the moving, detainees must be protected from public interest as much as possible.

In the interests of investigation, detainees shall be moved separately from other detainees or arrestees by a decision of the body conducting the criminal proceedings.

Article 8. Timeframes for Keeping Persons under Arrest and Detention

The timeframes for keeping persons under arrest or detention shall be defined by the Criminal Procedural Code.

Article 9. Regulations of Places of Arrest and Detention

Regulations adopted in places of arrest and detention shall ensure the isolation of arrestees and detainees, protection of their rights and proper implementation of their obligations, as well as fulfillment of tasks set out by the Criminal Procedural Code.

The staff of places of arrest and detention shall be responsible for ensuring that the regulations are implemented; the staff shall be held accountable for not performing their duties or not performing them to the fullest.

Article 10. Internal Regulations of Places of Arrest and Detention

Internal regulations shall be created with the aim of ensuring the implementation of regulations in places for arrest and detention. These regulations shall regulate the admission procedure of arrestees and detainees, their rules of behavior, lists of objects and articles that arrestees and detainees may not possess, procedures for confiscating the forbidden articles, conducting inspections, procedure for visits, correspondence, handing over parcels to arrestees and detainees, deliveries and packages, daily routine and other relations deriving from this law.

The administration of places of arrest and detention shall be required to inform arrestees or detainees about the particular facility's internal regulations. Arrestees or detainees may request additional information regarding internal regulations.

Internal regulations shall be approved by the head of an authorized government body (henceforth, the authorized body).

Article 11. Regulations for State of Emergency for Places of Arrest and Detention

A state of emergency may be declared in cases of natural disasters, an emergency situation around the area where places of arrest and detention are located, martial law, mass riots, as well as in cases of mass disobedience on the part of arrestees and detainees, and real threat of attack on places of arrest and detention.

State of emergency shall be declared and ended by the head of the authorized body for a period of up to 30 days. In exceptional cases, the state of emergency may be extended for another 30 days; for anti-epidemic purposes, it may be extended until there is no longer any need for a state of emergency.

If a state of emergency is declared, some of the rights of arrestees and detainees set out in this law may be suspended: tighter security and control, termination of accepting parcels and deliveries, packages and money transfers, termination of visits, as well as other measures specified in the law that do not violate the right to protection.

In case of an immediate threat to the lives and health of arrestees or detainees, administration and other persons in places of arrest or detention, the head of the place of arrest or detention may take appropriate measures specified in the third paragraph of this article and immediately notify the head of the authorized governmental body.

Chapter 2.

Legal Status and Rights of Arrestees and Detainees, and Guarantees of Protection of these Rights

Article 12. Legal Status of Arrestees and Detainees

Arrestees or detainees shall have the rights, freedoms and responsibilities of citizens of the Republic of Armenia with restrictions defined by this and other laws of the Republic of Armenia.

The rights and personal safety of arrestees and detainees and the legality of applying coercive measures toward them during arrest or detention shall be ensured by law.

Guarantees of protection of the rights and freedoms of arrestees and detainees shall be defined by this law and internal regulations. While exercising their rights and freedoms, arrestees and detainees shall be required to observe the procedure and conditions for keeping arrestees under arrest or detainees under detention, as well as the rights and legal interests of other persons.

Foreign citizens and stateless persons arrested or detained on the territory of the Republic of Armenia shall possess the same rights, freedoms and obligations as all citizens of the Republic of Armenia, unless international treaties and laws of the Republic of Armenia have other provisions.

Article 13. Rights of Arrestees and Detainees

Arrestees or detainees shall have the right:

- 1) to receive information in his/her mother tongue or other language he/she is fluent in about his/her rights, freedoms and responsibilities;
- 2) to be treated in a polite manner;
- 3) to complain about violations of his/her rights and freedoms, both personally and through his/her attorney or legal representative to the administration of the places of arrest or detention, to their superiors, to the court, to the prosecutor's office, to state and local self-governance bodies, public organizations and parties, the mass media, as well as to international bodies or organizations involved in protection of human rights and freedoms;
- 4) to protect his/her health, including to receive sufficient food and urgent medical aid;

- 5) to social security;
- 6) to receive legal assistance;
- 7) to personal safety;
- 8) to freedom of thought, conscience and religion, political or other opinions;
- 9) to communicate with the outside world;
- 10) to rest, including the right to outdoor walks or physical exercise and to an 8-hour night sleep, during which it shall be forbidden to involve him/her in court or other activities, except in cases specified by the Criminal Procedural Code;
- 11) to be called by his/her first or last name;
- 12) to request a personal meeting with the head of the place of arrest or detention, with bodies monitoring and supervising the activities of these places;
- 13) to possess documents and records concerning the criminal case or the protection of his/her rights and legal interests, except documents and records that contain state or professional secrets or other confidential information protected by law;
- 14) to participate in civil law actions.

Detainees shall also have the right:

- 1) to receive education and to be engaged in creative work;
- 2) to work;
- 3) to purchase food and articles of prime necessity from the shop or kiosk of the place of detention or to obtain them with the help of the administration;
- 4) to receive and send money transfers.

Arrestees or detainees shall also have other rights defined in the law.

Arrested or detained foreign citizens shall have the right to establish and maintain contacts with diplomatic missions and consular services of their countries in the Republic of Armenia; in the absence of such, they have the right to establish and maintain contacts with diplomatic missions and consular services of those countries, which have undertaken the protection of these persons' interests.

Article 14. Responsibilities of Arrestees and Detainees

Arrestees or detainees shall be required:

- 1) to behave in a lawful manner, to observe the procedure and conditions of arrest or detention as set out by this law, internal regulations and other legal acts;
 - 2) to carry out all lawful demands of the administration of places of arrest or detention;
 - 3) to behave in a civilized manner towards employees and other persons in places of arrest or detention;
 - 4) not to hinder the performance of professional and public duties by employees of places of arrest or detention and by other persons ensuring law and order in these places;
 - 5) not to take any actions that endanger their own lives or health, as well as those of others.
- 1) Arrestees or detainees have other responsibilities defined by the law.

Chapter 3.
Peculiarities of the Rights of Arrestees and Detainees

Article 15. Meetings with Attorney, Close Relatives and Other Persons

From the moment the criminal prosecution body's decision about arrest, the arrest warrant or a decision on choosing detention as preventive punishment are announced, arrestees and detainees shall receive private and hindrance-free meetings with their attorney; the duration and the number of meetings shall not be limited; they shall also have meetings with their legal representative upon permission of the body conducting the criminal proceedings. Meetings with a lawyer acting as attorney in the case shall be permitted upon presentation of an ID and document issued by the Bar confirming that the bearer is in fact an attorney .

Meetings of arrestees and detainees with their attorneys shall be held in conditions where employees of the places of arrest or detention can see, but cannot hear them.

Meetings of arrestees and detainees with close relatives, and in case of detainees – also meetings with representatives of the mass media and other persons, shall be permitted by a decision of the head of the place of arrest or detention.

In the interests of investigation, meetings of arrestees or detainees with close relatives, representatives of the mass media or other persons may be forbidden by a decision of the body conducting the criminal proceedings; this body must notify in writing the administration of places of arrest or detention of this decision.

Meetings with close relatives, representatives of the mass media or other persons shall be held under the surveillance of employees of places of arrest or detention. Any attempt by these persons to hand over to arrestees or detainees any forbidden articles, any materials hindering the investigation of the criminal case or helping to commit a new crime, imparting or attempting to impart information may lead to premature termination of the meeting.

Arrestees shall receive at least one meeting of up to an hour with close relatives.

Detainees shall receive at least two meetings of up to three hours duration in a month with close relatives, representatives of the mass media or other persons.

Article 16. Walks for Arrestees and Detainees

Arrestees and detainees shall get walks during daytime in a specially designated area.

The duration of walks for arrestees and detainees may not be less than an hour per day.

Article 17. Contacts of Arrestees and Detainees with Family Members
and the Outside World

The administration of places of arrest and detention shall create appropriate conditions to ensure that arrestees and detainees get contacts with their family members and the outside world. For this purpose, meeting rooms, centers for using possible means of communication, possible conditions for using mass media shall be created.

Arrestees and detainees shall be permitted to conduct correspondence at their own expense without any limitations on the number of letters and telegrams.

Correspondence shall be conducted through the administration of places of detention; it is subject to external examination without reading the contents to exclude the transfer of forbidden articles or materials.

Correspondence may be censored only upon a court decision. Censorship shall be performed by the body conducting the criminal proceedings.

Letters received for detainees in their absence due to their transfer to another place shall be sent to the new place where the addressees currently are located.

The administration of places of detention shall create appropriate conditions for detainees to use newspapers, magazines and other literature. In places of detention, cells shall have radio receivers installed; TV sets may also be installed.

Detainees, except those who are charged with particularly grave offences, may be granted short-term home leaves in cases of death or serious life-threatening illness of a close relative, significant material losses incurred by the detainee or his family because of a natural disaster.

Juvenile detainees shall be granted short-term home leaves only when accompanied by relatives or other persons.

Short-term home leaves shall be of up to seven days in duration, excluding the time required for the journey back and forth.

Short-term home leaves shall be granted by a decision of the body conducting the criminal proceedings.

Applications for short-term home leaves shall be examined within one day. The time of a short-term home leave shall be counted as part of the total time under detention.

Expenses incurred during short-term home leaves shall be borne by detainees.

Article 18. Proposals, Applications, and Complaints from Arrestees and Detainees and Procedure for their Examination

Arrestees or Detainees may submit their proposals, applications and complaints every day, both in writing or orally.

The bodies and officials examining the proposals, applications and complaints from arrestees or detainees are required to examine them in accordance with the procedure and within timeframes set out by the legislation of the Republic of Armenia and to inform the arrestees and detainees about their decisions.

Proposals, applications and complaints about decisions and actions by the administration of places of arrest or detention shall not suspend the implementation of these decisions and actions.

Proposals, applications and complaints addressed to the prosecutor, the judge, the defense lawyer, and the bodies supervising the places of arrest and detention shall be sent to the addressee in a sealed package within one day.

Persecution of arrestees or detainees in any form for submission of proposals, applications and complaints about violations of their rights and legal interests shall be forbidden. Agents of such persecution shall bear responsibility defined by law.

Article 19. Meals for Arrestees and Detainees; Obtaining Food and Supplies

Arrestees or detainees shall get free meals that are sufficient for maintaining good health and strength; the minimum size of portions shall be defined by the Government of the Republic of Armenia.

It shall be forbidden to reduce the quality of food or the size of minimal portions, including as a way of punishment.

Arrested or detained pregnant women, nursing mothers, juveniles, as well as sick arrestees or detainees shall get special food free of charge; the selection and the minimum size of portions shall be defined by the Government of the Republic of Armenia.

Arrestees or detainees must get drinking water.

Arrestees or detainees shall have the right to obtain food and other necessary and not forbidden articles at their own expense. The rules for obtaining food and articles of prime necessity shall be defined in internal regulations.

In case if arrestees or detainees refuse to take food, the head of place of arrest or detention or his/her deputy must find out the reasons for refusing to eat and report to the body conducting the criminal proceedings, as well as to controlling and supervising bodies.

A refusal to take food shall not suspend the moving of arrestees or detainees to other places and their participation in court proceedings. If necessary, arrestees or detainees may be accompanied by medical personnel during the move.

Article 20. Living Conditions for Arrestees and Detainees

Appropriate living conditions in compliance with sanitary-hygienic norms and fire safety requirements shall be created for arrestees and detainees.

The living space allocated for arrestees and detainees shall comply with construction and sanitary-hygienic norms set for communal dwelling areas. The size of the living space allocated for arrestees and detainees shall not be less than two-and-a-half square meters per person.

Arrestees and detainees shall get individual sleeping space and bedding.

Arrestees and detainees shall wear their own clothes. If necessary, they shall be provided with uniforms relevant to climatic conditions and their gender.

Article 21. Medical-Sanitary Aid to Arrestees and Detainees and their Personal Hygiene

Medical-sanitary aid to arrestees and detainees shall be provided in accordance with the legislation of the Republic of Armenia and internal regulations.

The administration of places of arrest and detention shall ensure that sanitary-hygienic and anti-epidemic requirements aiming at maintaining the health of arrestees or detainees are met.

Places of detention must have at least one doctor of general specialization.

Arrestees or detainees needing specialized medical aid shall be transferred to a specialized or a civilian medical institution. The procedures for rendering medical, including psychological, aid to arrestees and detainees, their stay in medical institutions, as well as the involvement of employees of such institutions in medical services shall be set by the authorized body.

If any bodily injury is detected on arrestees or detainees, the medical personnel of place of arrest or detention shall examine the arrestee or detainee immediately. The results of this medical examination shall be recorded in the personal file in accordance with specific procedures and reported to the patient, as well as to the body conducting the criminal proceedings.

In case of serious illness or death of arrestees or detainees, the administrations of the places of arrest or detention shall immediately inform the arrestees' or detainees' close relatives, the body conducting the criminal proceedings and the supervising prosecutor.

In case of serious illness or death of an arrested or detained foreign citizen, the administration of the appropriate institution shall immediately inform its superior body, which in its turn shall

inform the interested departments, including the appropriate country's diplomatic mission or consulate.

Once all the actions provided for by the law are taken, the body of the deceased shall be handed over to the person who has claimed it, while preference shall be given to close relatives. If the body has not been claimed within three days, the deceased shall be buried at the government's expense.

In case a serious illness is discovered in arrestees or detainees, which may lead to that person's mental disorder or death, the head of the appropriate institution shall use a doctor's conclusion as a basis to petition the body conducting the criminal proceedings and the prosecutor overseeing the process, about reversing or changing the form of punishment.

Arrestees or detainees shall have the opportunity to satisfy his/her sanitary and hygienic needs in conditions that do not humiliate their human dignity. Conditions and rules for their personal hygiene shall be defined by the internal regulations.

It shall be forbidden to subject arrestees or detainees to any medical or scientific experiments regardless of whether or not they have given their consent.

Article 22. Receipt of Parcels, Deliveries and Money Transfers

While under arrest, arrestees may receive up to twenty kilograms of deliveries; detainees may receive up to seventy kilograms of deliveries per month. They may receive the above-mentioned amount of deliveries all at once or in parts.

Money received for detainees shall be transferred to their personal account. They may make money transfers from their personal account to the accounts of their relatives and other persons.

It shall be forbidden to transfer money to personal accounts of arrestees.

The amount of medicine received for arrestees or detainees, who are deemed by doctors to be in need of such medicine, shall not be limited. It shall be forbidden to transfer to arrestees or detainees any materials and articles that pose a threat to people's health or that may hinder the tasks of keeping those people under arrest or in detention.

The transfer of forbidden articles and materials to arrestees or detainees shall arise liabilities defined by law.

Article 23. Provision of Additional Paid Services to Detainees

If appropriate conditions are in place, the administration of places of detention shall provide additional medical, hygienic and other personal paid services to detainees.

The list of additional paid personal services and the procedure for their provision shall be defined by internal regulations.

Article 24. Detainees' Work

If possible, detainees shall be provided with voluntary work or be given the right to do some work independently, the procedure and conditions of which shall be defined by internal regulations. When involving detainees in work, the administration of places of detention shall take into consideration their sex, age, ability to work, health condition and profession, if possible. Detainees shall work in cell conditions.

Detainees' work relations shall be regulated by the Labor Code of the Republic of Armenia.

The income earned by detainees for their work shall be deposited to their personal accounts after all the deductions defined by the law are made.

It shall be forbidden to involve detainees in unpaid works, except in sanitary-hygienic works.

The list of jobs and positions forbidden for detainees shall be defined by a Governmental decision.

Article 25. Cultural, Religious, and Educational Activities in Places of Detention and Arrest

Conditions shall be created in places of detention so that detainees can spend their free time appropriately. Libraries shall also be established for this purpose.

Clergy may be invited to places of detention and religious ceremonies may be organized there. Detainees may also use articles of worship and religious literature.

The administration of places of detention shall create conditions for providing detainees with elementary education, as well as general secondary and higher education by distance learning, keeping the rules set by internal regulations.

There shall be no cultural, religious, or educational activities in places of arrest.

Article 26. Participation of Arrestees and Detainees in Civil Law Actions

Detainees shall have the right to participate through their representatives or personally in civil law actions in accordance with internal regulations, except in cases set out by Armenian legislation.

In the interests of investigation the body conducting criminal proceedings may prohibit the detainees' participation in civil law actions.

The administration of places of detention must notify the body conducting criminal proceedings in advance about detainees' participating in civil law actions.

It shall be forbidden for arrestees to participate in civil law actions.

Article 27. Specifics of Keeping Women and Juveniles under Arrest or Detention

Improved material and living conditions shall be created in places of arrest and detention for arrested or detained women and juveniles.

The arrested or detained women and juveniles shall have the right to daily walks of no less than two hours, during which they shall be given an opportunity to do some physical exercise.

The detained women shall have the right to keep their children under the age of 3 with them during their detention.

Appropriate material and living conditions shall be created for those arrested or detained women who are pregnant or have small children with them; also, they shall receive specialized medical service.

It shall be forbidden to place pregnant women or women with children to disciplinary cell as a way of punishment.

In cases of sickness, improper performance of parental duties, cruelty towards children, as well as violations of internal regulations, the administration of places of arrest or detention may ask the court to deprive the detainee from parental rights and transfer the children into the custody of other persons.

Article 28. Material Responsibility of Arrestees and Detainees

Arrestees and detainees shall bear material responsibility as specified in the law for any material damage they have caused to the state, physical or legal persons while under arrest or detention.

Arrestees and detainees shall compensate for the damage caused to places of arrest or detention, and reimburse all the expenses occurred as a result of escape or for medical treatment of damages caused to their own health intentionally.

If arrestees or detainees refuse to compensate the damage voluntarily, compensation shall be collected through a court decision.

If arrestees or detainees are moved to a correctional institution to serve the sentence based on the court decision, the uncompensated amount for any damage caused by them shall be collected by the administration of the correctional institution from amounts that are transferred to the particular convict's personal account.

If arrestees or detainees are released from under arrest or detention, the uncompensated amount for any damage caused by them shall be collected by court decision.

The damage caused to arrestees by the administration of places of arrest or the damage caused to detainees by the administration of places of detention shall be compensated in accordance with procedure set out by the law.

Chapter 4.

Admission, Isolation and Transfer of Arrestees and Detainees: Prevention of Violations of Law

Article 29. Admission of Arrestees to Places of Arrest and of Detainees to Places of Detention

Arrestees shall be admitted to places of arrest and detainees shall be admitted to places of detention by the administration of those institutions in accordance with the procedure set by internal regulations.

Persons transferred to places of detention shall be placed in a special quarantine section for a period of up to 7 days to undergo medical examination and to familiarize themselves with conditions in the place of detention; while in the quarantine section, these persons are kept under conditions set out for keeping persons under detention. Procedure for keeping detainees in the quarantine section shall be defined in internal regulations.

Immediately upon being placed in a quarantine section of the place of detention, detainees shall be informed about their rights and responsibilities and internal regulations. A document confirming that a particular detainee has been briefed about the above shall be attached to his/her personal file.

Immediately after being transferred to places of arrest or detention, arrestees and detainees shall be registered in special registers and individual cards. A personal file shall be maintained for each arrestee or detainee, which must include the full date of admission and discharge.

Article 30. Participation of Arrestees or Detainees in Investigative Actions and Court Hearings

Upon instructions by the investigator, person conducting the investigation, prosecutor, and court (judge), the administration of places of arrest or detention shall be responsible for the following:

- 1) admitting the arrestees or detainees and handing them over to a convoy for moving to other places;
- 2) providing appropriate space or buildings in the territory of places of arrest or detention for investigative actions, forensic-psychiatric and other examinations.

Arrestees or detainees shall be excused from investigative actions or court hearings in accordance with procedures defined by the legislation of the Republic of Armenia.

Article 31. Separation of Arrestees and Detainees in Places of Arrest and Detention

Arrestees shall be kept in places of arrest separately, in solitary confinement.

Detainees shall be kept in places of detention separately:

- 1) men from women;
- 2) juveniles from adults;
- 3) persons detained for the first time from persons who have served prison sentences before;
- 4) persons detained for dangerous and particularly dangerous recidivism from other persons;
- 5) detained employees or former employees of courts, law enforcement agencies, customs and tax authorities, as well as military servicemen or former military servicemen of interior forces from others;
- 6) persons suffering from contagious diseases from others;
- 7) convicts and arrestees from others, except in cases when they, by mutual consent, participate in events organized for them in the same institution;
- 8) detainees being investigated under the same criminal case are kept separately, if there are written instructions from the body conducting the criminal proceedings;
- 9) other detainees, whose life or health are in danger, provided there is a written decision by the administration of the place of detention or the body conducting the criminal proceedings;
- 10) persons accused of unintentionally committed crime from persons accused of premeditated crime;
- 11) foreign citizens and stateless persons from others.

The body conducting the criminal proceedings may present other substantiated grounds for keeping any particular detainees separately.

The main isolation requirements described in the second paragraph of this article shall also be observed during the transfer of arrestees and detainees.

Article 32. Notifying about the Place of Arrest and Detention

The administration of the place of arrest must provide immediate notification to close relatives or other persons specified by the arrestee about admitting the latter to the place of arrest or transferring him/her from one institution to another.

The administration of the place of detention must provide written notification to close relatives of the accused or other persons specified by the detainee about admitting the latter to the place of detention or transferring him/her from one institution to another within no more than three days.

The administrations of places of arrest or detention shall have no right to notify the persons mentioned in the first and second paragraphs of this article about the location of place of arrest or

detention if that particular arrestee or detainee has asked the administration in writing not to do that, except in the case of juveniles.

Article 33. Control Over Arrestees and Detainees

Arrestees and detainees shall be under constant control in places of detention and arrest. Technical and electronic means may be used for control purposes.

Arrestees and detainees shall be subject to individual search by persons of the same gender, fingerprinting and photographing. The search shall be conducted in accordance with the procedure defined by the legislation of the Republic of Armenia.

The money taken from arrestees or detainees shall be deposited in their personal accounts; their documents shall be checked in and kept in storage. Any articles, items and materials confiscated from arrestees or detainees shall be checked in for storage or, in cases specified by internal regulations, destroyed by a substantiated decision of the head of the place of arrest or detention; in the latter case, an appropriate protocol shall be drawn.

Article 34. Incentives for Detainees and Procedure for their Application

Following incentives may be used for detainees to reward law-abiding behavior:

- 1) expression of official appreciation;
- 2) increase of the duration of walks for up to three hours for up to a twenty-day period;
- 3) early termination of a penalty imposed in the past;
- 4) early termination of a penalty that is currently applied.

In addition to incentives defined in this article, other incentives may be provided for in internal regulations.

Incentives defined in this article shall be applied by a decision of the head of the place of detention.

Article 35. Penalties for Detainees and Procedure for their Application

Following penalties may be used for detainees for violating the internal regulations, not carrying out the responsibilities or carrying them out improperly:

- 1) expression of official reprimand;
- 2) transfer to disciplinary cell for up to ten days for adults and up to five days for juveniles.

Penalties defined in this article shall be applied by a decision of the head of the place of detention.

When applying the penalties, the circumstances of the violation, the detainee's personality and behavior before the violation shall be taken into consideration. The penalty applied must

correspond to the gravity and nature of the violation. The penalty shall be exclusively applied to the person who has committed the violation immediately after the violation has been detected or within no more than ten days. It shall be forbidden to apply more than one penalty for one violation. When penalty is applied, the deed that constituted a disciplinary violation, the penalty and its duration shall be noted, and the detainee must be informed about this.

Prior to choosing the penalty, the detainee shall be asked to provide written explanation; if he/she refuses to provide one, an appropriate protocol shall be drawn to this effect.

If a detainee is moved from disciplinary cell to a secure medical institution, then the time spent at the medical institution shall be counted as time serving the penalty.

Penalties applied to detainees may be appealed to bodies providing control and supervision over the places of detention. The appeal shall not suspend the application of the penalty.

Article 36. Specific Provisions of Keeping Detainees in Disciplinary Cells

Detainees shall be kept in disciplinary cells in solitary confinement.

When detainees are moved to disciplinary cells, the duration of their confinement in disciplinary cells shall be recorded in special registers kept for that purpose.

When in disciplinary cells, detainees shall be provided with bedding at bedtime.

During their time in disciplinary cells, detainees shall not be allowed to conduct correspondence, have visitors except for defense lawyers, purchase additional food and articles of prime necessity, receive parcels, deliveries, send or receive money transfers, watch TV, and play table games.

Detainees kept in disciplinary cells shall have the right to daily walks for at least one hour.

The submission of proposals, applications and complaints by detainees shall be done in accordance with procedure described in Article 18 of this law.

Detainees kept in disciplinary cells shall be under medical observation.

The head of the place of detention shall have the right to postpone the moving of the detainee to a disciplinary cell chosen as a penalty measure, to reduce the term of disciplinary cell confinement, or release the detainee from disciplinary cell confinement earlier on medical or other grounds. If the detainee commits no new violation during the time when the use of the penalty was postponed, then he/she may be excused from the penalty.

It shall be forbidden to impose any restrictions not specified in this article on detainees confined to disciplinary cells.

Chapter 5.
Use of Physical Force, Special Means and Firearms in Places of Arrest and Detention

Article 37. Conditions for Use of Physical Force, Special Means and Firearms in Places of Arrest and Detention

Use of physical force, special means or firearms on the part of employees of places of arrest and detention and on the part of persons involved in maintaining law and order in those places is authorized only on grounds and in cases defined by the law. Each case of the use of physical force, special means or firearms against arrestees or detainees shall be immediately reported to superior body and the prosecutor.

Article 38. Use of Physical Force in the Places of Arrest and Detention

In places of arrest and detention, physical force may be used to prevent any imminent or current crime on the part of arrestees or detainees, to counter any resistance on their part to lawful demands by employees of places of arrest or detention, if measures not involving force have been ineffective in preventing the crime or countering resistance to lawful demands.

Article 39. Use of Special Means in Places of Arrest and Detention

In places of arrest and detention, special means may be used in the following cases, when:

- 1) repulsing any attack by arrestees or detainees on employees of places of arrest and detention or on other persons;
- 2) during group violations of procedures and mass riots in places of arrest or detention;
- 3) preventing illegal actions by arrestees or detainees when they disobey the lawful demands by employees of places of arrest, detention, or by other persons involved in maintaining law and order;
- 4) liberating hostages, seized buildings, structures, constructions and means of transportation;
- 5) preventing attempts by arrestees or detainees to escape from places of arrest, detention or during transfer from one place to another;
- 6) preventing any attempt by arrestees or detainees to harm people around them.

As special means rubber batons may be used in cases described in clauses 1-6 of the first paragraph of this article, handcuffs and shackles – in cases described in clauses 3, 5, 6 of the first paragraph of this article (if no handcuffs or shackles are available, employees of places of arrest and detention may use other means of restraint), spark dischargers, electroshock devices and other light-acoustic means that diver the attention - in cases described in clauses 1-4 and 6 of the first paragraph of this article, means for dismantling barricades – in cases described in clause 4 of the first paragraph of this article, water-jets and armored troop-carriers in cases described in clauses 2 and 4 of the first paragraph of this article, gas weapons, specially trained dogs – in cases described in clauses 1-6 in the first paragraph of this article.

Article 40. Use of Firearms in Places of Arrest and Detention

In places of arrest and detention, firearms shall be used in the following cases, when:

- 1) repulsing any attacks that endanger the lives or health of employees of places of arrest and detention, of arrestees, detainees, as well as of other persons, and to thwart any plans for seizing weapons;
- 2) liberating hostages, seized buildings, structures, constructions and means of transportation;
- 3) repulsing group or armed attacks on buildings, constructions, and means of transportation in places of arrest and detention;
- 4) arresting those who put up armed resistance, as well as to apprehend on the scene persons committing a grave crime against the lives or health of employees of places of detention and arrest and against other arrestees or detainees;
- 5) arresting persons who refuse to give up their weapons at the demand by employees of places of arrest and detention;
- 6) preventing any attempts to free a detainee or an arrestee by force;
- 7) repulsing armed attacks or attacks with a use of a vehicle;
- 8) arrestees or detainees approach employees of places of arrest or detention with weapons or other objects that can be used to inflict bodily injuries, in case when arrestees or detainees cross the border specified by the employee of that particular institution;
- 9) warning about the intention to use firearms, sending an alarm signal and calling for help.

When using firearms, employees of places of arrest and detention shall be required to take all measures to ensure the safety of citizens and to provide the injured with medical assistance.

Prior to using firearms, employees of places of arrest and detention shall be required to warn about their intention to use firearms and provide sufficient time to carry out their lawful demands, except in those cases, when any delay in using firearms would directly endanger the lives and health of employees of places of arrest and detention, or of other citizens, or when such a delay could have serious consequences, or when a situation is created when it is impossible to give such warning.

Employees of places of arrest and detention have the right to take out and charge their weapons, if they find that the particular situation may give rise to grounds to use firearms, as set liberate by this article.

Chapter 6. Release from Arrest and Detention

Article 41. Grounds for Releasing Arrestees and Detainees from Arrest and Detention

Arrestees and detainees shall be subject to release from arrest and detention on grounds specified by the legislation of the Republic of Armenia.

Article 42. Procedure for Releasing Arrestees and Detainees from
Arrest and Detention

Arrestees shall be released immediately from arrest by the head of the place of arrest on the basis of decisions by the body conducting the criminal proceedings or the investigative body, or when the maximum period of arrest set out by the law has expired.

Detainees shall be released immediately from under detention by the head of the place of detention on the basis of a decision by the body conducting the criminal proceedings.

In cases specified by the law, the head of the place of detention may also take a decision to release detainees from detention.

When the administration of the place of arrest releases an arrestee or the administration of the place of detention releases a detainee, the administration shall record this in special registers and in individual cards.

When an arrestee is released from arrest or a detainee is released from detention, he/she gets back his personal documents, articles, the money on his/her personal account, as well as a statement that would indicate the time spent in a place of arrest or detention, the full dates and grounds for release.

Article 43. Assistance to Arrestees and Detainees Upon Their Release

Arrestees and detainees released from arrest and detention shall be provided with free travel to the place of their residence within the territory of the Republic of Armenia, free food during the trip, as well as with necessary clothing in accordance with the season, if they have no means. They may also receive a lump sum allowance.

The provision of food, clothes, the lump sum allowance, as well as the money for travel of arrestees or detainees upon their release shall be done by the administration of the place of arrest or detention.

When releasing persons in need of care because of their health condition, pregnant women or women with small children, as well as juveniles, the administration of places of arrest or detention shall notify the close relatives or other persons about their release in advance. If those detainees or arrestees have no close relatives, the administration of the particular institution shall provide all the necessary assistance.

Persons listed in the third paragraph of this article shall be sent to their place of residence, accompanied by close relatives or other persons or by an employee of that particular institution.

Chapter 7.
Control and Supervision Over Activities of Places of Arrest and Detention

Article 44. Court Supervision

The administration of the place of detention shall inform the court about keeping the particular detainee under detention, the time that he/she is supposed to spend in detention and the release from detention.

The court shall examine any complaints by arrestees and detainees against actions by the administrations of places of arrest and detention in cases and in accordance with procedure set out by law.

Article 45. Departmental Supervision

The superior bodies and their officials shall exercise departmental supervision over the activities of places of arrest and detention, in accordance with procedure defined by the head of the appropriate authorized body.

Article 46. Prosecutor's Supervision

Monitoring of observance of laws in places of arrest and detention shall be done by Prosecutor General and the subordinate prosecutors, in accordance with procedure set out in the Law on Prosecutor's Office of the Republic of Armenia.

Article 47. Public Supervision

Public supervision of activities of places of arrest and detention shall be carried out by a group of public observers established by the head of the appropriate authorized body.

The procedure for public supervision of activities of places of arrest and detention, as well as the composition and powers of the group of public observers shall be defined by the head of the appropriate authorized body.

Article 48. Free Access to Places of Arrest and Detention

The following persons shall have the right of free access to places of arrest and detention without special permission:

- 1) The President of the Republic of Armenia, the Speaker of the National Assembly, the Prime Minister, the Chairman of the Constitutional Court of the Republic of Armenia, the Chairman of the Cessation Court of the Republic of Armenia, the head of the appropriate authorized body or his/her appropriate deputy;

- 2) The Prosecutor General, his deputies, as well as those prosecutors who, in accordance with the law, supervise the implementation of sentences and other means of punishment;
- 3) officials from bodies superior to the places of arrest and detention, appointed by the head of the appropriate authorized body;
- 4) representatives of international organizations on the basis of the international treaties signed by the Republic of Armenia;
- 5) judges, who, under the law, examine issues of legality of choosing detention as a means of punishment, of the extension of detention period or of detaining a person, as well as complaints about any alleged violation of rights and freedoms of arrestees and detainees, as well as against any other actions on the part of administrations of places of arrest and detention;
- 6) public observers supervising detention and arrest in accordance with Article 47 of this law.

Procedure for entering or exiting places of arrest and detention are defined by the head of the appropriate authorized body.

Chapter 8. Final Provisions

Article 49. Entry into Force

The present law shall enter into force upon publication.

The Law of the Republic of Armenia on Establishing Regulations for Pretrial Detention shall be deemed invalid upon the entry into force of the present law.

President of the Republic of Armenia

R. Kocharian

Yerevan
March 7, 2002