

## **Recommendations from TAIEX Peer Review on Reforms in Judiciary, Penitentiary and Prevention of Torture and Ill-Treatment in Armenia (6-10 March 2017)**

The aim of the Peer Review was to analyse the current situation in the area of judiciary, penitentiary and prevention of torture and ill-treatment in Armenia in relation to the Programme on Legal and Judicial Reforms 2012-2017 and give advice on further development and the new Programme. In line with the goals of the Programme and the accompanying Measures, the Experts have mainly analysed the following:

### Judiciary (p. 2 – 9)

- Effectiveness of the judicial system; fair trials; execution of decisions; access to justice and free legal aid – Mr Marinho;
- Update on main legislative changes and gap analysis – Mr Marinho;
- Case management system: reliability, efficiency, transparency – Mr Quintavalle;
- Rules and practices on independence of the judiciary; recruitment and ethics - Mr Haußner;
- Functioning and effectiveness of the Council of Justice, Prosecution Offices and Academy of Justice – Mr Haußner;
- Collection of judicial statistics: sources and reliability; and the right to access to public documents (publication of verdicts etc.) – Mr Quintavalle;

### Penitentiary (p. 9 – 11)

- Current legal provisions, in particular on probation – Mr Von der Beck;
- Implementation of CPT recommendations (detention conditions etc.) – Mr Isaksson;
- Alternative sanctions (development, implementation, plans) – Mr Von der Beck;
- Assessment of IT tools and plans for further development – Mr Isaksson;

### Prevention of torture and ill-treatment in prisons and police stations (p. 11 – 15)

- Fight against impunity and review of legal safeguards – Mr Hede;
- Implementation of CPT recommendations on ill-treatment in penitentiary institutions and functioning of the National Preventive Mechanism – Mr Hede;
- Pre-trial detention: conditions and safeguards, and CPT recommendations on police establishments – Mr Torres;
- Review of administrative and criminal investigations into allegations - Mr Hede (NPM), Mr Torres (Police); Mr Von der Beck and Mr Isaksson (Prisons), Mr Marinho (judiciary);
- Rules, practices and training on proportionate use of force by law enforcement, especially during demonstrations – Mr Torres;

### Cross-cutting themes (throughout)

- Adoption of the Programme and the Measures, and CPT recommendations;
- Separation of powers (executive, legislative and judicial);
- Cooperation with civil society organisations;
- Zero-tolerance against corruption; effectiveness, transparency and accountability.



## **Judiciary**

- Effectiveness of the judicial system; fair trials; execution of decisions; access to justice and free legal aid and update on main legislative changes and gap analysis; and review of administrative and criminal investigations into allegations of torture and ill-treatment in police and penitentiary establishments (judiciary)

*Mr Carlos M. G. de Melo Marinho, Court of Appeal Judge, Senior Expert in European and International Judicial Cooperation and e-Justice, Lisbon, Portugal*

## **RECOMMENDATIONS**

### ***Summary***

40. There are no remaining doubts or reserves about the good intentions and adequate technical preparation of the young generation of professionals that received us in Yerevan and showed, with enthusiasm, the reforms envisaged. If some limitations can be found associated with the intervention of such young generation, it could only arise from the lack of deep knowledge of the reality to transform (namely of the ‘world’ of the courts, especially its limitations, methods, real meaning of the numeric workloads, habits and results), absence of access to reliable real time statistics and diagnostic means and lack of bilateral communication with the citizens and addressees of the reforms.

41. However, from the association of several disturbing references caught – some also included in this report – with the optimistic description of the institutions and its performance, got on site, it is not sure if the old powers and mechanisms for its exercise, external strengths, prejudices, dis-rupture with the civil society, low levels of education and poor readiness for the exercise of the citizens rights can assure that the good intentions have effective conditions to be converted in new synergies that may contribute to the real building of a society functioning under the Rule of Law, to a true Democracy marked by the existence of true checks and balances coming from the separation of the three powers and to a society where the access to independent, fair and effective Justice, free from corruption phenomenons and breaks in face of internal and external pressures will be a reality.

42. The clash between these two conflicting forces seem to impose a permanent follow-up of the reforms, the implementation of technological mechanisms oriented to assure transparency, awareness and internal and external accountability and the division of any financial support in slices and phases, being each new one preceded by the evaluation and attainment of the objectives of the previous.

### *Short-term recommendations*

43. On the short term, there are punctual measures that seem to be justifiable and have conditions to produce positive effects on the Armenian Justice system. Some of them could also be included in the ongoing legislative reforms. Such recommendations are:

(a) **Suppression of all the ways of control** from the President of the Republic and the executive power over the careers of the judges, here including appointment, promotion, evaluation, disciplinary decisions and dismissal;

(b) Introduction of an **odd number** on the members structure of the new Supreme Judicial Council in order to annul predictable deliberation difficulties coming from its presently proposed composition;

(c) Recognition of **legal aid as a right** granted to all citizens who are partly or totally unable to meet the costs of proceedings or have no conditions to accede to legal advice. This would generate the need for added financial resources and the use of rigorous mathematics' formulae, evidence means and criteria<sup>1</sup>;

(d) **Reduction of the cases of simple annulment** of the judgements under appeal and creation of a system standing on a general rule of replacement of the previous instance decisions by the decisions of the courts of appeal.

(e) **Suppression** of the time consuming and shortly useful **hearing for a public reading of civil and commercial judgements** that can, with advantage, be merely served to barristers and parties.

(f) Institutionalisation of a rule always allowing the **appeal from the decisions of the Supreme Council**.

(g) **Suppression** of the possibility of a **disciplinary proceeding against a judge** being started by the **Justice Ministry or any other body external to the judicial power**.

(h) Attribution to the **public prosecutors** of permanent, specialised and non casuist duties on the domain of the **protection of the minors** and of the presentation of its cases before courts.

(i) Since the granting of complete independence to the **Prosecutors** seems excessive for the objectives envisaged and susceptible of creating additional difficulties on the

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<sup>1</sup> As to the possible standing criteria, see the *Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes – Official Journal of the European Communities L 26/41, 31.1.2003.*

process of transforming good intentions into reality, it should be aimed and programmed the attribution to such magistrates of a strict and rigorously defended **autonomy**.

(j) It seems mandatory, for reasons connected with fundamental rights, namely the right to a defence and to a substantiated criminal imputation, the **suppression of the administrative detention of citizens** for the period of three hours without defined guilt, possibilities of defence, legal representation and judicial intervention.

(k) Where the proceedings refer to **suspects under detention**, it should be qualified and treated as **urgent and have priority** over the other investigative and judicial work.

### *Medium and long-term recommendations*

44. It appears fundamental, on a medium and long term:

(a). To intensively invest in **technology** in the area of Justice and judicial activities, in order to produce effectiveness, transparency and accountability and to build a culture of independence and exemption;

(b). To promote the change to a full **e-justice system** with paperless courts and the associated real time statistics, online payment of judicial costs, digital offices, direct access from the citizens and their barristers to their cases and relevant documents, associated with an effective **online public administration** and the creation of a wide and comprehensive **justice portal** with permanent, universal and free access to public data bases, legal information, draft laws and legislative programs. It should be **avoided to close the digital information inside managing groups and bodies**. The information belongs to the addressees of the system – the citizens;

(c). To prepare **changes standing on strong diagnostic means**, without insufficient knowledge of the real needs, existing situations, structures that deserve to be kept and tensions for the change.

(d). To invest on the **education of the citizens for the exercise of rights and citizenship**, awareness, public control and comprehension of the importance of the separation of powers and the existence and independent non corrupt judiciary;

(e). To generate transparency and awareness through **bilateral communication with the citizens** (including the Armenian diaspora<sup>2</sup>) assuring permanent evaluation of the impacts and results of the reforms and contact with the changing needs;

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2      *That even has a Ministry – see <http://www.mindiaspora.am/en/index>.*

(f). To create **swift, effective and dissuasive investigative methods** that can **fight against the judicial corruption** without touching the values of the independence and non responsibility that should preside the exercise of the judicial functions. **Adequate judicial wages**, adapted to the importance and special demands of such functions can also have a positive effect on the fight against corruption.

## **Judiciary**

- Case management system: reliability, efficiency, transparency; and collection of judicial statistics: sources and reliability; and the right to access to public documents (publication of verdicts etc.)

*Mr Dario Quintavalle, Head of Unit, Ministry of Justice, Italy*

## **KEY FINDINGS AND RECOMMENDATIONS**

The continuous commitment of the Armenian leadership to the establishment of ever closer ties with the European Union, by setting legislation and practices in accordance to the best European standards, is only worth of the strongest and unconditioned praise.

In the field of “Efficiency of the Judiciary” a tremendous effort was done, with the passing of organizational measures and fundamental pieces of legislation. What is now needed is a new managerial, result-oriented approach.

Our concise assessment is that there is still **much room for improvement**. Steps forward need to be encouraged, while underlining the many gaps still existing should not be felt as discouraging.

We find two particularly interesting trends:

- 1) First, we are particularly impressed by the many young people - mostly females, highly-skilled, western-educated, with excellent command of English language - already in managing positions, we have met. The Ministry of Justice itself is led by a young and dynamic female Minister. The empowerment of so many young persons is clearly not a coincidence but the result of a policy which is particularly important - in a country that always suffered of mass migration – to prevent further brain drain. The main wealth of a Ministry lies in its employees – qualified specialists, experts and managing officials with a vast future vision ensuring high quality ministerial work. In perspective, they offer an opportunity to the Ministry of Justice to become a trustworthy partner in European and international judicial matters.

- 2) We also appreciate the emphasis on innovation and e-government as a mean to improve citizens' confidence, tackle corruption, foster private and foreign direct investments. The experience from former SSR and Caucasus shows this is the right path. The fact that the justice system (in most countries a place for formalistic and traditional thinking) is at the forefront of such innovation process is also note- and praise-worthy.

It must be acknowledged that the trust in courts is so low that the practical experience of users may then offer positive surprises: hence the somehow incongruous positive mark in court satisfaction users, resulting from the CoE poll.

We therefore recommend the EU should side and encourage those two change agents. Technological innovation and generational turnover can do much more than legal reforms to improve living conditions.

However, as we are required to assess the justice system as it is, we must note that it (despite the effort done), that must nonetheless be acknowledged, needs further work and funding.

To cut a long story short, the Armenian judiciary is too small to be fully functional. It has very few judges, an architecture that is too elementary, and it is clogged by an excessive backlog mainly generated by small claims, evictions and other disputes between landlords and tenants. The old and new strategy put little attention to Non-Judge Staff, which are poorly trained.

We therefore recommend that the new strategy:

- 1) Should provide for the hiring of more Judges
- 2) Should put more emphasis on alternative dispute resolution as a mean to deflate litigation.
- 3) Should address the issue of inflated small claims, providing for court-enforced dunning procedure.
- 4) Should revise the Codes in order to create differentiated procedures according to the importance of the issue to be decided. Summary judgements should be provided.
- 5) Should provide for a Serious Crime Division in criminal affairs and a Small Claims Division in civil ones (or separate courts as well). Serious Crimes and High Value Litigations should be tried by a Collegiate Judge in panel, or by Jury.
- 6) Should provide for specialized Judges in Juvenile affairs, bankruptcy, surveillance on probation.
- 7) Should provide the revision of the Judicial Geography in order to obtain economies of scale. While the intent to have a proximity justice is laudable, maybe the many Erevan Community Courts could be merged in a metropolitan one. We also see little reason in having 3 different nationwide Appeal Courts for separate jurisdictions (Admin, Civil, Criminal), while there could be 3 territorial ones with different chambers.

- 8) Should provide for more attention to non-judicial human resources, their recruitment and training. A strategy of human resource management for non-judicial staff is missing. The way NJS is recruited and trained is not well defined, as if it were a non-issue. We feel the NJS should be given more consideration as it is a determinant component of any well-functioning Justice mechanism. The notion and profile of “Judge Staff” (those that in good English are referred as Law Clerks, and commonly as ‘Judge assistants’) and of “Court Staff” (the Registrars in charge of the correct maintenance of the records) should be better clarified.
- 9) Should separate the Judicial Department from the Court of Cassation, making it an autonomous agency either under the Ministry of Justice, either under the Judicial Power as a whole.
- 10) Should provide that courts should be able, in the person of the HoC and Court Administrator, to plan and negotiate their own budget autonomously. Budget should not be a sum of requests, but an exercise in planning and forecasting. Therefore, visioning court leaders should have an incentive in making projects on user-friendly courts, in order not to limit their scope on the sole adjudication process, but on the court experience as a whole.
- 11) Should provide that Courts be able to withhold court fees as a mean for self-financing.
- 12) Should provide that part of the rewarding scheme of Judges and other court personnel be on a PPP (pay-per-performance) basis, by considering either individual performance, either the performance of the Court, or of the Court system as a whole: this is to encourage teamwork and team spirit in an environment where too often the work of the single judge is segregated from the others, and indifferent to systemic issues.
- 13) Should in any case provide for more funding.
- 14) Should provide for an awareness-raising communication and educational strategy of the Judiciary, so to educate the public about its functioning.
- 15) Should provide for more attention to Legal Aid provision
- 16) Should provide for better data protection in court decision’s publishing.
- 17) Should provide for lower court and execution fees, always proportionate to the value of the litigation.

→ *While strongly commending the Armenian authorities for their commitment to Rule of Law and efficient Justice, we invite DG NEAR to sustain and support the reform process, by calling for a workshop with all relevant stakeholders and by encouraging, with grants and study visits, young professionals engaged in the reform.*

## **Judiciary**

- Rules and practices on independence of the judiciary; recruitment and ethics; and functioning and effectiveness of the Council of Justice, Prosecution Offices and Academy of Justice

*Mr Michael Haußner, Former Senior Public Prosecutor and Senior Judge, Germany*

### **SUMMARY**

The legal norms come into force during the reform process seem to be suitable for ensuring judicial independence. The recruitment of judges is quality-based and political influence is reduced widely.

The recruitment of prosecutors is similar to that of judges, but could be done in an even more objective way doing written tests (as applicants for posts of a judge have to do). The organisation of prosecution service and the line of supervision is in its basic principles quite similar to the German prosecutorial system.

For judges and prosecutors as well Codes of Ethics are established and even “in use”, not just written on paper. Securing the legality of disciplinary proceeding the power to initiate the proceeding is clearly separated from the power to decide about the allegation and to impose sanctions.

The Academy of Justice is well established and obviously well-functioning. Its academic personnel as well as the staff are dedicated to their tasks. No undue political influence could be noticed and remarkably even representatives of NGOs agreed to that finding.

In the field of judiciary and prosecution service I didn't find hints to violations of the principle of separation of powers having in mind that this principle is realized in various countries differently.

### **RECOMMENDATIONS**

- a) The Council of Judiciary/High Judicial Council shouldn't be chaired by the President/Chairman of the Court of Cassation. The Council should elect its President/Chairman from among its judicial members by itself.
- b) Concerning establishing reliable figures about judicial workload I recommend to contact vice minister Maja Grubisin, Ministry of Justice of the Republic of Croatia. She has worked out a successful method of initialising the finding of reliable workload-figures by the judges/courts themselves.
- c) Separate carefully deliberations about measuring/fixing judicial workload and deliberations about reducing the workload itself.

- d) Before starting IT-programs and software-production establish a detailed and complete system of data you will collect in future, covering all areas of judiciary.
- e) Even the candidates for prosecutors should do two written tests during the selection process.
- f) Even the top candidate on the ranking list of prosecutors should have the first choice from the list of vacancies, the second the second etc., in the same way it is prescribed for the judges.
- g) Abolish the early specialisation of judges respectively of the candidates for judges. Each single judge should be qualified to work on civil as well on criminal cases to keep up the flexibility of human resources management and to strengthen his/her professional standing.
- h) Think about a deep-going change in the function of second instance. It should work even on the merit of the case and continue the first-instance-proceeding. Strictest limitation to squashing and referral to first instance will be a powerful tool against rising backlogs and will enhance efficiency of judiciary significantly.

## Penitentiary

- Current legal provisions, in particular on probation; alternative sanctions (development, implementation, plans); and review of administrative and criminal investigations into allegations of torture and ill-treatment in prisons

*Mr Stefan von der Beck, Chief Judge at the Court of Appeal of Oldenburg, Germany*

## RECOMMENDATIONS

- that the intended **vocational training system** should initially be started as soon as possible but not later than July 2017 (one year after launching the probation service). All 44 probation officers should receive at least basic training till the end of 2017.
- to make the **training on the risk and needs assessment tool** part of the “ongoing professional training system”,
- to **start a continuous work on probation work standards** and add this to Nr. 10 in the now drafted “List of Measures to be encompassed in the Strategic Plan of Legal and Judicial Reforms of the Republic of Armenia for 2018 - 2021): “Start a continuous work on probation work standards” The activity implementation deadline should be December 2017 with the need of finish a first version by December 2018. The probation work standards could be in this way a continuously developing natural curriculum of the vocational training system.

- to draft a **human resources and staff hiring concept** and add this aspect to Nr. 10 in the now drafted “List of Measures to be encompassed in the Strategic Plan of Legal and Judicial Reforms of the Republic of Armenia for 2018 - 2021): “To draft a human resources and staff hiring concept in cooperation with universities”. The activity implementation deadline should be December 2018.
- to ask the Government of the Republic of Armenia to consider, that it is important to **carefully develop and maintain the character of probation work** within the State Probation Service which is to a significant extend an execution authority,
- to review the intended regulations in the draft of the Penitentiary Law in order to **create an effective and simple procedure of early conditional release** which is urgently needed to reduce the number of inmates and to raise the number of early released convicts under the supervision of the State Probation Service,
- to ask the Government of the Republic of Armenia if a **suspended prison sentence** will be part of the reforms of the penal system. If not the intended regulations should be reviewed and the option of a suspended sentence should be considered,
- to review the intended regulations in the draft of the Penitentiary Law in order to **avoid any discrimination** of lifers, HIV-infected and homosexual inmates and to stipulate the need of individualized planning of the prison sentence.

## Penitentiary

- Implementation of CPT recommendations (detention conditions etc.); and assessment of IT tools and plans for further development; and review of administrative and criminal investigations into allegations of torture and ill-treatment in prisons

*Mr Christer Isaksson, Former Head of the Office for International Relations, Swedish Prison and Probation Service*

## RECOMMENDATIONS – SHORT AND LONG TERM

### Prisons

- The staffing situation must be solved in order to make a real difference. Most other changes are dependent on this. It is probably necessary to raise the salary to a higher level but other things can be done to make the profession more attractive. It has been done in other countries. One part in this is to offer better staff training prior to employment. More technical staff is also needed.
- Staff should be used to a greater extent where the inmates are.
- The ambition must be to let the prisoners out of their cells more than is the case today.

- Activities and occupation for the inmates seem to be more frequent. More of this is desirable.
- The system called watchers must be abolished, in effect.
- The existing way of making individual risk assessments can be updated in order to place inmates in prisons, wings, cells more efficiently. This can be a basis for rehabilitation plans and also for good security, not use the same level of restrictions blindly.
- The new legal framework needs to be activated
- Rehabilitative measures should be given more space, in the short and long term.
- Nubarashen needs to be replaced

### **Probation**

- Study visits are good and gives information as well as inspiration but more important than this would be to send experienced probation officers from other countries to be in place, helping to go from words to action
- Help with further training and guidance as the work goes on
- Pairing up with one or two countries with much experience from probation and either with similarities in the judiciary system or with much experience in helping out in this fashion
- Since it was mentioned from the leadership that it was important to change the mentality of the staff, meaning thinking away from the Soviet punitive tradition, seminars can be arranged to stress new values and new way of thinking. International outlooks can certainly be of importance in doing this

### **Prevention of torture and ill-treatment in prisons and police stations**

- Fight against impunity and review of legal safeguards; implementation of CPT recommendations on ill-treatment in penitentiary institutions and functioning of the National Preventive Mechanism; and review of administrative and criminal investigations into allegations of torture and ill-treatment (NPM)

*Mr Klavs Hede, Director of International Relations, Ombudsman, Denmark*

### **RECOMMENDATIONS**

#### **Recommendations on fight against impunity:**

To continue the support to the legislative process in connection with the drafting of the new CC and CCP in order to ensure that the statute of limitations in respect of the crime of torture and the possibility of granting pardon and amnesty to perpetrators of torture are repealed. The new laws are to be in line with the international standards and the recommendations of the UN Committee against Torture.

#### Recommendations on the **legal safeguards**:

To continue the support to the legislative process in connection with the drafting of the new CCP in order to ensure that the alternative statuses of persons deprived of liberty, such as “brought” persons, is to be eliminated.

The new Armenian code of criminal procedure should clearly state that legal safeguards must be in place whenever, and from the very outset of their deprivation of liberty, persons are obliged to remain with the police. More precisely, from the very first moment a person is deprived of his/her freedom by the police, he or she should be informed about his/her rights and that the protocol should be initiated already in any police station. The 72 hours’ maximum period of police custody should be initiated as soon as the person is deprived of liberty.

In addition to the amendments of the CCP, it could be considered to support further initiatives in order to raise the awareness of the legal safeguards among both the police officers and the public.

As proposed by the UN Committee against Torture the Armenian Government should consider in this respect introducing electronic detention reports.

#### Recommendations on the **procedure for recording injuries observed on detainees**:

The access to an independent medical check is a right of the person deprived of liberty from the very first moment of the deprivation, and as such, everyone who is detained by the police should receive an offer to be examined by a medical doctor. The current approach by the police should BE revised to secure that anyone in police custody is offered to be examined by a medical doctor. In this connection, it could be considered to support activities that improve the cooperation between the police and the public local medical clinics.

#### Recommendations on the **activities of the Expert Council**:

In order to ensure a strong and constructive working relationship between the Expert Council and the NPM Department of the Human Rights Defender, it is recommended that, when the Expert Council has been appointed, to support joint activities for the Expert Council and the staff of the NPM Department.

### Recommendations on **publicizing and translation of the reports of the NPM:**

In order to increase the impact and outreach of the NPM's activities, the Human Rights Defender could consider developing a public relations strategy in the field of the NPM-work.

The NPM Department of the Human Rights Defender could also consider arranging public meetings on NPM issues with stakeholders. Hereby, the NPM can engage in a constructive dialogue with stakeholders from both civil society and government institutions.

### Recommendations on **competing and overlapping monitoring systems:**

In order to strengthen the cooperation amongst the three institutions, one could consider supporting the interaction between them by creating a network, where they can meet on a regular basis and exchange and share experiences and knowledge relevant for conducting preventive monitoring.

Furthermore, it could be considered that at least the scheduled visits to police or prison centres could be organized based on coordinated priorities or topics to be checked.

### Recommendations on the **initial procedure of the Police when receiving allegations on torture or ill-treatment:**

The Internal Security Department of the Police may be involved in preliminary checks concerning allegations of torture or ill-treatment by Police officers, but the Police should not have discretionary power to decide how to proceed with such allegations. A more transparent practice is that any allegation of torture or ill-treatment received by the Police shall promptly be transferred to SIS for further investigation.

### Recommendations on the **SIS investigation of allegations on torture or ill-treatment:**

In order to increase the effectiveness of the investigations conducted by the SIS, it should be considered to continue the support to SIS and its investigators dealing with torture and ill-treatment cases.

In addition, it should be considered whether SIS should have more investigators working on torture and ill-treatment cases.

## Prevention of torture and ill-treatment in prisons and police stations

- Pre-trial detention: conditions and safeguards, and CPT recommendations on police establishments; review of administrative and criminal investigations into allegations of torture and ill-treatment (Police); and rules, practices and training on proportionate use of force by law enforcement, especially during demonstrations

*Mr Anselmo Del Moral Torres, Head of Department, Guardia Civil, Ministry of Interior, Spain*

### RECOMMENDATIONS

#### Recommendation 1:

The Armenian Code of criminal procedure (and not only a jurisprudential reference) should indicate that there is **no grey zones in deprivation of liberty**. From the very first moment that a person is deprived of his/her freedom by the police, he or she should be informed about his/her rights and the protocol should be initiated already in any police station. The 72 hours maximum period of police custody in any way should be initiated as soon as the person is deprived of liberty.

#### Recommendation 2:

The decision to provide with a medical check for a person deprived of liberty should not be taken by the police on the basis of "if bodily injuries, evident signs of illness are discovered or the person complains of his/her health condition". The **access to an independent medical check should be considered a right** or the person deprived of liberty from the very first moment of the deprivation at any police division, or station where the so-called 4 hours "administrative detentions" are applied.

The medical checks records should not be archived in any police establishment as this information should be considered confidential and it could be filed in the public clinic or hospital where the person deprived of liberty has received the medical check. The doctor who assists a person deprived of liberty should report directly the prosecution office in case of indications of physical or neurologic violence.

Recommendation 3:

The **Internal Security Department of the Police** can be involved in preliminary checks concerning allegations of torture or ill-treatment by Police officers, but they should not decide on the closure or not of the case on the basis of detecting physical violence, as it is considered a more transparent practice that any allegation of torture or ill-treatment received by the Police should be considered as a crime allegation, and be dealt directly by the criminal investigation body (SIS) or the prosecution office.

Recommendation 4:

Only 9 investigators are national wide dedicated in the **SIS** to torture and ill-treatment criminal cases. It is recommended to increase this staff in order to be involved in any allegation concerning human right violation in the whole country due to the fact that the Public Prosecution office is reporting near 100 criminal cases per year related to torture and ill-treatment.

Recommendation 5:

The **monitoring activities of the NPM and the Monitoring groups** are not coordinated. It is considered that at least the scheduled visits to monitor police or prison centres could be organized on a certain type of coordinated priorities or topics to be checked

Recommendation 6:

To implement a **Law on video surveillance** in public spaces for public safety prevention in order to provide police with a technical instrument to show evidence of police officers behaviour in mass control activities.

Recommendation 7:

In a short term to **organise a TAIEX workshop in Yerevan for all head of police divisions in order to focus the importance of CPT and EU recommendations on torture and ill-treatment** prevention and in a long term to support the Police of Armenia to improve in-service training in Human Rights topics by developing a e-learning platform in its intranet network available for police officers in all police stations.