

**PRISON CONDITIONS IN**

**CZECHOSLOVAKIA**

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**A Helsinki Watch Report**

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## Preface

In 1989, Helsinki Watch severely criticized conditions in the Czech prison system.<sup>1</sup> The criticism was in a report prepared by Professor Herman Schwartz, Chairman of the Human Rights Watch Prison Project Advisory Committee, and was based on numerous interviews in early 1988 with recently released prisoners.

After the November 1989 revolution and in response to the report, the Czech and Slovak governments invited Helsinki Watch to inspect prisons in the Czech and Slovak Republics. Professor Schwartz and Kenneth Schoen, Vice President of the Edna McConnell Clark Foundation, former Commissioner of Corrections in Minnesota, and an expert on prisons, visited Czechoslovakia on July 15-25, 1990 and inspected 14 prison facilities, of which 11 were in the Czech Republic and three in Slovakia. They were allowed to visit any prison of their choice and to speak privately with any prisoner they wished, out of the sight and hearing of prison officials. In addition, they gathered documents and had numerous meetings and conversations with the officials in charge of the prison systems in general, including the respective Ministers of Justice who have overall responsibility for the prison systems, the officials in charge of the specific prisons, and recently released ex-prisoners. In one case, the inspection was made together with a former prisoner.

The results of the inspection were very encouraging. In 1988, whatever could be wrong with a prison system, could be found in the Czech system. Severe overcrowding, brutality and exploitation of every variety, inhumane living and working conditions, miserable medical care - all were reportedly there, and more.

Things have dramatically changed. Although many problems remain, ranging from outmoded and inadequate physical facilities to continuing staff-inmate hostility and still unacceptable working conditions, most of the worst evils are gone. Perhaps even more encouraging is the attitude of the prison administrators who, like many prison authorities in other formerly Communist-dominated countries, seem genuinely committed to creating and maintaining a humane prison system.

At least one *caveat* is in order: because of a very broad amnesty at the end of December 1989,<sup>2</sup> the Czech and Slovak prison populations in July 1990, when Helsinki Watch visited, were probably half of what they will be when conditions stabilize. That projected total is still much lower than it was under the former regime, since many acts formerly made criminal have now been decriminalized.

Nevertheless, serious problems remain and will be explored in the course of this report. Because problems remain, and because the prison authorities are eager to create a modern system that will be both efficient and humane, Helsinki Watch and the Edna McConnell Clark

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<sup>1</sup>Helsinki Watch report, *Prison Conditions in Czechoslovakia* (1989), hereafter *Czechoslovak Prisons*. The report focused on prison conditions in the Czech areas and included only one Slovak prison. In this report, the two prison systems, which are run independently, are discussed separately, and "Czechoslovak" is used to refer only to matters common to both.

<sup>2</sup>The amnesty substantially reduced sentences for a very wide variety of prisoners, releasing many inmates at once.

**Foundation, together with the Czech and Slovak Ministries of Justice, are convening a conference and workshop in Czechoslovakia in 1991 that will bring prison experts from North America and Western Europe together with Czech and Slovak prison officials to discuss ways to modernize and humanize the Czechoslovak prison systems.<sup>3</sup>**

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<sup>3</sup>**Prisons visited in the Czech Republic were: Ruzyně, Ryčany (pretrial women), Pardubice (sentenced women), Plzeň-Bory (pretrial and sentenced), Horní Slavkov (sentenced), Pankrač (pretrial and sentenced), the Central Prague Police Administration Building (police lockup), Valdice (sentenced), Mírov (sentenced) and Opava (juveniles); and in Slovakia, the Bratislava pretrial detention facility and the men's minimum security prison at Zabymajer, Slovakia. For a recent journalistic account of and commentary on conditions in Mírov prison, see A. Maly, *The World Behind the Bars*, Signal, Nov. 28, 1990, July 10-16, 1990, reprinted as Appendix A.**

## Introduction

The Helsinki Watch report summarized Czechoslovak prison conditions in 1988 as follows:

**Inmates are often packed into overcrowded, stuffy, smelly, filthy, dark cells that are too hot or too cold; guards brutally abuse them, physically and verbally; medical care is almost always grossly inadequate; food is usually meager, tasteless, and poor in nutrition. In many prisons homosexuality - both consensual and by rape -- is rampant; prisoners are terrorized by fellow inmates, often with the encouragement of the authorities who give the most hardened criminals official responsibility for discipline, order and work; disciplinary punishments are unfair and harsh; exercise and recreation are usually negligible; religious practices of any kind are prohibited. Political prisoners are often isolated and discriminated against; contacts with family and lawyers are few and subject to arbitrary cut-off. Self-mutilation, hunger strikes, and suicides are common. Even after inmates leave the prison, they continue to be persecuted and discriminated against in employment, by surveillance and in other ways.**

Perhaps the most distinctive aspect of the Czechoslovak prison system is the economic exploitation of the prisoner. Czechoslovakia treats its prison work force like slave labor, often imposing dangerously unhealthy and unsafe working conditions at minimal wages in order to produce goods for hard currency export and domestic consumption.<sup>4</sup>

These conditions were not new. Ten years earlier, Charter 77, the Czechoslovak human rights organization, also studied the Czechoslovak prison systems and concluded that "modern penology seems to have passed Czechoslovakia by."

That can no longer be said. Although the Czech and Slovak prison systems still have many problems, the current prison administrations have made strenuous efforts to modernize and humanize the prisons. These efforts include trying to increase the food allotment, improving lighting and ventilation, and closing many prisons.<sup>5</sup> The philosophy is rehabilitational, and prison officials are eager to do much more. Within severe constraints such as ancient and physically inappropriate facilities, inadequate money, poorly trained and often hostile and sullen staff, and the overall social turmoil resulting from the replacement of the Communist-dominated society and government, prison administrators have made great strides. This progress offers persuasive evidence that prison conditions can be improved even without the expenditure of massive resources *if the prison administration is serious about it and makes a substantial good-faith effort*

This change in the prison administration's attitude is partly because so many of the leaders were themselves in prison. This is hardly a full explanation, however, because in Czechoslovakia, the former

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<sup>4</sup>See *Czechoslovak Prisons*, p.1. A report on the State of the Penitentiary System in the Czech Republic was submitted to the Czech National Council by the Czech Minister of Justice Dagmar Burčáková in the Spring of 1990 which confirmed these findings. A copy of the report is in the Helsinki Watch files.

<sup>5</sup>For a fuller discussion of proposed and adopted changes, see the measures adopted on the bases of the report to the Czech National Council, in Helsinki Watch files.

**Communist party boss Gustav Husak had also been in prison. Perhaps more important is that the cruelty of the prison systems, and indeed of the whole apparatus of law enforcement and the administration of justice, had become identified with the cruel policies of the former regimes. Reform of the prisons is thus part of an overall reform of the administration of justice.**

**Our visit took place at a moment when the prisons were abnormally underpopulated. Nevertheless, we think this snapshot of a system in transition is not an unreliable picture of what the efforts to reform the system have achieved, and the direction in which other changes are likely to go.**

## The System

The first step toward reforming prisons in Czechoslovakia was a drastic reduction of the prison population by an amnesty on December 28, 1990. In the Czech Republic, the prison population fell from approximately 22,278 on January 1, 1990, immediately before the amnesty (19,741 sentenced prisoners and 2,537 pretrial detainees) to 8,000-9,000 immediately thereafter. A month later, on February 1, 1990, there were only 6,462 people in prisons (5,003 sentenced prisoners and 1,359 pretrial). In July 1990, the Czech prison population was 6,320 (3,516 sentenced and 2,804 pretrial). In Slovakia, the drop was also dramatic, from a pre-amnesty figure of 13,500 to 5,700 immediately, and to 4,600 in July 1990 (2,300 sentenced and 1,300 pretrial).

During July 1990, there was an abnormally high proportion of pretrial inmates in both republics because of the combination of the amnesty, which released so many sentenced prisoners, and an increase in crime which brought many of them back.

Some Czech prisons for sentenced prisoners have been closed, and more closings are contemplated. In the long run, it is anticipated that there will be some 17 facilities for sentenced prisoners and seven for pretrial detainees.

Prison officials estimate that the normal Czech prison population will be about 13,000 sentenced inmates, based on average prison-population ratios in Western Europe which they expect to see replicated in Czechoslovakia. They hope to avoid the egregious overcrowding that formerly existed by raising the minimum required space per inmate from 2.5 square meters to 3.5 square meters (equivalent to a change from about 27 square feet to about 38 square feet). The prior 2.5 square meter minimum was often ignored, however, and if the population rises steeply, the 3.5 square meter minimum will probably also be ignored.<sup>6</sup>

Prisoners are still classified in three categories, with III being the most serious. There is dissatisfaction with this system as being much too rigid and, because it is set *by the court*, not relevant to penological needs and goals.

Nine new facilities are planned in the Czech Republic, each with a capacity of 400-500. In addition, reconstruction is under way in many institutions currently in use, such as the notorious Ruzyně prison in Prague.<sup>7</sup> Many of the buildings are quite old: Valdice, Pardubice (women) and Opava (male and female juvenile, 3rd level), date to the 17th and 19th centuries. Although old prisons can have the worst conditions, a nineteenth century castle with the highest security facility, albeit expensive to maintain, provided one of the best programs and living spaces throughout the system.

The reduced prison population has made it possible for prison administrators to try experimental programs, but it has also created problems for the prison system.<sup>8</sup> For example,

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<sup>6</sup>See Ministry of Justice, *Supplement to the Report on the State of the Penitentiary System in the Czech Republic* (June 1990), p.1 (in files of Helsinki Watch).

<sup>7</sup>See *Czechoslovak Prisons*, pp. 7-15.

<sup>8</sup>The population reduction was also perceived as having precipitated a crime wave, since some of the released prisoners went back to committing crimes.

**there are not enough prisoners now to do the maintenance work, and the prison administration is having trouble fulfilling its contracts with outside industry, with consequences to be discussed below.**

**The radical reforms have also created staff problems. Many prison officials (and others) are holdovers from the former regime. In some cases, relations between the prison staff and inmates were very bad. The attitudes underlying this hostility inevitably persist, especially since some of the inmates, particularly those in the penitentiaries, were also there under the old regime. Among the goals of the reform effort is to change staff behavior and in connection with that, to replace those who are hostile to or otherwise do not fit into the new system. Staff notorious for their brutality toward inmates have been discharged. An evaluation system has been set up for the prison leadership and ultimately for other staff, and this has already resulted in some discharges. Although perhaps a necessary measure, the evaluation system has produced a great deal of confusion and insecurity among the staff. Many of the prison staff are hostile to the reforms in general. "The old methods are gone, and the staff is trying to find new ways," said Dr. Zdenek Karabec, the Director General of the Ministry of Justice and Chief of the prison administration.**

**This transition period has thus produced inmate-staff friction, a lack of staff discipline, hostility and sullenness from some long-time guards toward newly-appointed senior officials, and charges that some staff are trying to sabotage the reforms. Some guards, fearful of what inmates may say to evaluators about the guards' past behavior, are said to have provided inmates with alcohol, drugs, and perhaps arms in connection with prison uprisings at Ruzyně in Prague.**

**These staff problems are compounded by other factors. The guard training is grossly inadequate. Status and pay are low, and there has been a great deal of "negative publicity" about prisons and guards, so the job has become even less attractive.**

**For all of these reasons, there is an acute shortage of specialized and skilled personnel.**

## **Police Lockups**

**In most countries, police station lockups, where arrestees are kept briefly under police supervision before being transferred to a pretrial detention facility, are the worst of all types of facilities.<sup>9</sup> Insofar as Prague is concerned, this is no longer true. A new facility in the Police Administration Building, used for all arrests in Prague, opened last year. It has only 28 two-person cells, surprisingly few for a city of 1.2 million residents and a million visitors daily. On July 20, 1990, the day we inspected it, only 10 cells were occupied, and we were allowed to speak to prisoners in four of the cells.<sup>10</sup>**

**Prisoners are normally kept in the police lockups for 24 hours, with a legal maximum of 48. As one would expect from a new institution with so small a population, the cells seemed in good livable condition. They are 16 feet x 9 feet 4 inches, and contain a wash basin and a toilet. The bed, however, is a metal box with a two-inch thick "mattress." The ventilation seems poor, and the light is dim. During the day, prisoners can sit on the bed, but may not lie down.**

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<sup>9</sup>See Helsinki Watch report, *Prison Conditions in Poland*, pp. 10-12 (1987).

<sup>10</sup>This was the only institution where any restrictions were imposed. It is not under the jurisdiction of the Ministry of Justice but of the Procurator General.



## **Pretrial Detention Centers**

**Pretrial detention centers were described as particularly terrible in the 1989 Helsinki Watch report, echoing the conclusions of the 1978 Charter 77 report.<sup>11</sup> Although conditions have improved, serious problems still remain. As Dr. Karabec put it, "complaints are justified; the presumption of innocence is not respected." He further observed that the only legitimate penological purpose of such pretrial detention is confinement of the accused before trial (ignoring for the moment the issue of whether and when such detention is warranted at all), and for this purpose, the many restrictions imposed on pretrial detainees are unnecessary and unjustified.**

**The most serious problem with the pretrial detention centers remains beyond the control of the prison system: the extremely lengthy stays which used to run as high as three or more years. By legislation, this has now been reduced to one year, but that is still much too long. A high percentage of the detainees - about 95% we were told - end up receiving and serving prison terms. This seems very high. Part of the reason may be that for those who are found not guilty, not only is the state not able to charge them for their stay in jail, which detainees who are found guilty must pay, but the state must also reimburse them for lost wages. This creates a strong incentive to produce guilty findings.**

**One of the basic problems, common to pretrial detention facilities everywhere, is idleness. There are almost no work, educational, recreational or other opportunities for pretrial detainees. Detainees usually stay locked in their cells nearly the entire day except for a walk which is supposed to last one hour, but is frequently as little as 15 minutes and sometimes is canceled altogether. The walk is usually in a small concrete wedge-shaped area within high walls. In Ruzyně the wedge was 11 feet 2 inches at one end and 2 feet at the other, with the short side 21 feet 8 inches, and the long side 30 feet 5 inches; the walls were 30 feet 5 inches high and covered by wire mesh. In that prison, however, some inmates are not permitted to go into that area but are confined to 30 to 45-minute walks in the corridor outside their cells.**

**Idleness itself contributes to misbehavior and disciplinary reports. For example, a high percentage of the misconduct reports is for the practice of "horsing," conveying contraband, primarily cigarettes, from cell window to cell window by a line to which the contraband is attached.**

**Also, some inmates are put into a category labelled "collusion" by the prosecutor, for having had a supportive and adjunct role in a crime with one or more of the other detainees. This classification significantly restricts the movement of the inmate and his or her program within the jail. "Collusion" inmates cannot receive visitors without the approval of the prosecutor; they must exercise alone or with carefully screened inmates; and their program within the jail is limited in order to limit their exposure to other inmates.**

**Efforts are made to separate accomplices who might be in "collusion." Detainees who engage in crimes involving possible accomplices are generally treated worse than others.**

**We learned of two exceptions to this enforced idleness. In Plzen-Bory, pretrial detainees were allowed to work (with the permission of the prison authorities),<sup>12</sup> and we came across one such inmate engaged in bookbinding. For most, however, "all we do is wait, wait." They read books from which pages have often been torn out.**

**The other exception is that in Ryčany, a newly renovated pretrial facility for women in Prague, the inmates have no work or other program, but they can be out of their cells and walking inside or outside for**

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<sup>11</sup>See *Czechoslovak Prisons*, pp. 7-15. The conditions included overcrowding, physical brutality and torture, terrible sanitation, excessive cold and heat, monotonous and meager food rations, grossly inadequate health care, inmate violence and virtually no outside contacts with family or lawyers.

<sup>12</sup>New rules governing the treatment of pretrial detainees were adopted in 1990 and these permit them to work if a job is available. A complete copy of these rules is in the files of Helsinki Watch; see Appendix B for excerpts.

most of the day, watching television or playing tennis or volley ball.

But these are exceptions. Most pretrial detainees sit in their cells all day, except for a relatively brief, monotonous and boring walk in a small space.

The idleness is aggravated by poor living conditions in most places. Unlike most American cells, these are closed rooms, with solid doors. Many cells are very small, and now usually house two to four people. One 12 feet x 13 feet 8 inches cell in Ruzyně was occupied by four Vietnamese; much of the cell was taken up by two double-decker beds and a leaking toilet. Another cell holding four men was even smaller, 11 feet 6 inches x 11 feet 9 inches.

Inmates smoke a lot and the air is therefore very acrid; in a small (7 feet 3 inches x 14 feet 6 inches) pretrial cell in Plzen-Bory that housed two soldiers charged with being away without leave, it was difficult to stay in the cell for more than a few minutes because the heavy smoke that hung in the air made the eyes sting and water. Some of the cells were cold, though it was summer when we visited; inmates told us that these cells become very cold at night, and that other cells got unbearably hot. Lights are kept on all night, making it difficult to sleep.

Food was a steady complaint -- too little in quantity and too poor in quality. Breakfast in some institutions is only cheese and a roll and meat paste, or bread and coffee; lunch is usually dumplings and sauce or rice, with minced meat and potatoes once a month; supper is the same.

In Bratislava, Slovakia, many pretrial detainees complained about rules against sitting or lying down on the bed, or doing exercises in the cell, or looking through the windows. It is no longer legal to set up such rules in the Czech prisons. The Slovak pretrial detainees also complained about the daily walk being only a half hour long and nonexistent on weekends, and about being forced to shave with cold water with a razor used by everyone else.

In the Bratislava pretrial detention facility, we were told about frequent verbal abuse by guards. We were also told of a beating incident that had occurred a month earlier, on June 8, 1990. An inmate named Petr Bednarik, since released, was caught lying on his bed after 8:45 a.m. According to his then-roommate, Bednarik was removed from the cell by seven guards, four of whom beat him up in the corridor. When Bednarik was returned to the cell, the roommate saw that his face and back were badly bruised.

In one cell (that smelled particularly bad), inmates complained that the guards were "worse than in '83 and '89," insulting and verbally abusive.

## **Intake Cells**

**One continuing problem in many of these facilities is the intake cell, where prisoners are housed temporarily before placement in a regular cell. They are supposed to be there for only a day or two and no more than a week. Intake cells are also used as punishment cells.**

**We examined one of these cells at Ruzyně. It was being used for punishment for one occupant, a juvenile offender whose 18th birthday was the next day. He had been there since the day before because he had gotten into an argument with a guard, who had made fun of him when he asked for cigarettes. The inmate had gotten angry, and the guard took him out of the corridor, slapped his face and sent him to the punishment cell.**

**The cell was filthy. The toilet leaked and there was no toilet paper, only some wet pieces of newspaper on the floor. The inmate told us that a light is on all night, and that the cell gets very cold. There was no glass in the window, which was broken, edged with jagged glass and had no screen, resulting in a cell full of flies.**

**We noticed many substantial cuts on the young man's forearm and he told us he had slashed himself with a broken piece of glass the day before. He said he sometimes has nervous fits and he cries. In one of these fits the day before, he had told a guard he was going to cut himself. The only reply he had gotten was "when you cut yourself, just pull the signal to call the guard."**



## **Facilities for Sentenced Prisoners**

**Many of the most serious penitentiary abuses described in the 1989 Helsinki Watch report have been eliminated. The atmosphere in these prisons and workshops is not charged with the sullen anger and bitterness one often finds in prisons. Many of the cells in places like Pankrač, Valdiče, Horni Slavkov, Opava, Ostrava and Pardubice, are cheerfully decorated, airy, neat rooms, with pictures and other decorations. There were too many signs of permanence for this to have been just for our visit, and private conversations with inmates, which produced complaints about food, medical care, guard attitudes, working conditions, pay and other matters did not include complaints about the physical conditions of the cells. The notorious Section 3 of Valdice, for example,<sup>13</sup> was now an area with rooms that, while still small, housed only one or two inmates, contained books, television sets, radios and other personal items, and had open doors all the time. While this area was still physically separated from the rest of the prison by a fence, inmates could go outside it to the rest of the prison with an escort. Inmates now confined in Section 3 had all asked to be there, separated from the rest.<sup>14</sup>**

**Nevertheless, serious problems remain. Among the lesser of these, though still a problem, was inadequate soap, a bar of which is distributed once a month and is of very poor quality. Showers in most places are permitted only once a week.**

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<sup>13</sup>See *Czechoslovak Prisons*, p.5.

<sup>14</sup>Women's facilities were particularly impressive, but that is not unusual, for women's facilities in many prison systems are neater and more pleasant than male facilities, partly because there are disproportionately fewer female inmates.



## **Food**

More serious were the wide-spread and persistent complaints about food: too little and too poor. The menu described earlier is quite common, with some variations: in Ruzyně, bread and coffee or cocoa for breakfast, soup and four to five dumplings and spinach for lunch, and boiled cabbage and tea for supper; in Plzeň-Bory, mostly dumplings, rice, potatoes or noodles and sometimes a little fat meat about which one inmate grumbled, "I wouldn't feed my dog on such meat." Pretrial detainees in Bratislava also complained angrily about the meager food rations. Again and again, inmates reported "We're always hungry," and that the food they do get is "monotonous." Some inmates at Pankrač also complained that the food was always cold by the time they got it.

An official at Valdice explained to us that although the prison allotment for food has risen, food prices have also gone up and have absorbed the increased allotment. Also, the inmates, who have little money to begin with, cannot keep up with the price rises and therefore cannot supplement the prison servings with canteen food.

A fairly frequent complaint from some inmates involved the absence of a special diet for those with ulcers and other stomach ailments, though other inmates told us they did have such a diet. The one exception to this chorus of criticism of the food was in the women's unit at underpopulated Pardubice prison. Inmates there praised the food that they received.

## **Health Care**

Health care was another source of general complaint, though there were mixed comments here. Male inmates at Ruzyně, Plzeň-Bory, Horní Slavkov, Valdice and in Bratislava called it "bad", and said that there was "no sense" in going to the prison doctor. Inmates at Horní Slavkov had filed a petition with the prison administration in Prague seeking removal of the doctor at that facility, but the petition got nowhere because of the scarcity of doctors. "She's better now," said a Horní Slavkov inmate, but added "she's still more of a policeman than a doctor." Dental care at Plzeň-Bory came in for particular criticism, with one inmate complaining about a "terribly-done" extraction. Other inmates at Valdice and two women at Plzeň-Bory thought their medical care was quite good, as did some women at the women's prison at Trnava, in Slovakia.

## **Physical and Other Abuses by Staff**

Physical and other abuses by staff against inmates were very serious problems before 1990.<sup>15</sup> We heard only a few complaints about abuse, and those seemed to be isolated incidents. Ota Vevorka, a political activist who spent some three years in prison under the former regime as a political prisoner, has been monitoring the prison system and reported to us a virtual disappearance of beatings, but continuing threats and other forms of verbal abuse by guards. Though some of the more notorious guards have been discharged or transferred, some remain at their former jobs, as in Plzeň-Bory. We were told of several beating incidents -the one described earlier in the Bratislava pretrial facility, and another in Pankrač in mid-June involving a woman who was caught looking out a window and calling to her boyfriend. According to the women we interviewed, who said they witnessed the incident, the guards usually allow women to look out the window and call out. This time, however, some six male guards pulled the woman from the window, held her hands behind her, and beat her. The woman's requests for medical care and water were denied, and she slashed herself to protest the beating. At Plzeň-Bory, we were told that a few weeks before our visit, guards had entered a cell block and "smashed everything."

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<sup>15</sup>See *Czechoslovak Prisons*, pp. 24-27.

By and large, however, most inmates we met thought most of the guards were behaving properly, though many believe this is only out of fear that the new government will transfer or discharge them, or worse, prosecute them for their acts; the Ministry of Justice has instituted criminal prosecutions of some guards for prior activities,<sup>16</sup> and administrative charges have been filed against others. There is an undercurrent of mutual hostility and resentment between guards and the inmates, according to several observers, probably due to the bitter legacy of the past 40 years.

Part of the legacy of the past is a set of unnecessarily onerous rules. Most such rules in the Czech prisons have been abolished, though some, like the ban on looking out the window, seem to be enforced on a haphazard basis. In Slovakia, many rules are still being enforced, such as a prohibition against pretrial detainees exercising in their cells, wearing watches, or sitting or lying in bed.

One particularly troublesome issue involves allegations of discrimination against Romany people, the Gypsies. Not only in prison but throughout the society, such discrimination seems very widespread. For a variety of reasons which cannot be explored here, the number of Romany people in the prisons is disproportionate to their representation in Czech and Slovak society. Slovakia, for example is 12% Romany, but the Romany account for 25% to 30% of the adult Slovak prison population and nearly 50% of the imprisoned juveniles. Romany inmates complained of discrimination within the prison, including verbal abuse by guards.

Among the worst sources of abuse in many prison systems are the punishment cells; the 1989 Helsinki Watch report describes them as "among the worst features of Czech prison life." Inmates reported terrible heat, stench from the toilet, "virtually no air" or light, water on the floor, rats, reduced food rations, no cigarettes and no mail.<sup>17</sup>

Remnants of past prison conditions mar the picture of the improved prison of today. Most of these conditions have disappeared, though not all. As noted earlier in the discussion of the Ryzny intake/punishment cell, filth, cold and poor sanitation can still be found in some punishment cells. The stay in such a place is five to 15 days for male adults, five for women, and 10 for young males. In Plzen-Bory, also a prison formerly notorious for harsh and brutal conditions, the punishment cell (described in detail in the 1989 Helsinki Watch report by someone who had been there for 20 days<sup>18</sup>) was still smelly. It was quite dark, the only light being from a dim bulb in an outer wall a few feet from the barred wall of the cell proper, and from one window, about 20 feet x 12 feet, high up the wall. A mattress was brought in only at night to cover the metal plates that formed the bed, and the inmate was not allowed to lie even on the bare frame during the day. There was no pillow. The inmate, a pretrial detainee who had been at Plzen-Bory for two and a half months, had been sentenced to five days in the cells for looking out the window. He was in the second day of his sentence and still had not received any toilet paper. To flush the toilet - a hole in the floor -- he had to call the guard. There was a spigot above the toilet for washing, but he had no soap. He was not allowed cigarettes, but did get the same food as everyone else. He did nothing but walk about his cell all day long.

In Horni Slavkov, an inmate was given eight days in a punishment cell for returning late from being outside the prison. Here, the toilet was enclosed, there were cushions on the bed serving as a mattress, and toilet paper. The inmate was permitted to go out for a walk and had been given reading matter. He was not allowed to have cigarettes.

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<sup>16</sup>Ministry of Justice, *Report of the State of the Penitentiary System in the Czech Republic*, p. 2.

<sup>17</sup>See *Czechoslovak Prisons*, pp. 29-31.

<sup>18</sup>See *Czechoslovak Prisons*, p. 30.

## **Relations Among Inmates**

**One of the worst features of many prison systems is the violence perpetrated on inmates by other inmates. The 1989 report stated,**

**Inmate-inmate violence pervades the entire Czech prison system, mostly in the male prisons, but to some extent also in the female institutions. This involves both sexual violence -- rape and coercive sex -- and physical injury.<sup>19</sup>**

**Though there has probably been an improvement here as well, the problem apparently remains.**

**One way to minimize such problems is to separate inmates who would be prone to participate in such exploitative relationships. This requires a sophisticated classification system. Unfortunately, as Dr. Karabec pointed out, such a classification system does not exist. The three-part system utilized by the courts is rigid and is not attuned to penological considerations. Moreover, even those distinctions are often blurred in practice, with a mixing not only of the different levels, but sometimes of pretrial and sentenced inmates, as in Plzen-Bory, because of the small numbers, and often of first offenders and recidivists, especially in pretrial facilities like Ruzyně. There is also often a mixing of adults and juveniles, although official policy prohibits such mixing; with a few exceptions, segregation is maintained in the jails in cell assignment but contact does occur at recreation. On the other hand, at Opava, the only facility now in the Czech Republic housing juveniles, adults and juveniles live together and mix freely.**

**This mixing probably contributes to inmate violence, although it is unclear how much inmate violence currently exists. The Plzen-Bory administration said that it existed but was not serious. One inmate at Plzen-Bory said there was a great deal of inmate violence there, while another inmate said there was none. At Horni Slavkov, the Deputy Director said there was "not really" much violence. At Valdice, the Deputy Director told us that inmate violence was "a serious problem." On his arrival a few months before, he had tried to isolate the "drunken terrorists," but he suspected some guards were sabotaging his efforts, receiving exorbitant bribes for bringing in alcohol, reportedly charging about 500 crowns (\$20.00) for a 40 crown (about \$1.60) bottle. The Deputy Director at Valdice was also particularly concerned about homosexuality, which, he said, was often coercive and aggressive.**

**Inmates at Valdice confirmed the director's comments about extensive inmate violence. One inmate commented that the guards generally pretend not to see it. Another confirmed the link between the violence and alcohol. The level of violence had declined, however, he told us, because of the smaller number of inmates; tensions were reduced when people could move around more easily. Jiří Wolf, an ex-inmate at Valdice, who has been monitoring prisons and visited Valdice the day we did, confirmed that inmate violence and homosexuality were serious problems at Valdice. He too traced the violence to alcohol, but also to the fact that after work, there was virtually nothing for the inmates to do.**

**One of the major sources of inmate abuse of other inmates had been the inmate "self-government," the *samosprava*.<sup>20</sup> As our 1988 investigation found, the prison administration used inmates, usually the most hardened criminals, to help run the prison. These inmates controlled working conditions and other matters, and used their power to abuse other inmates in every way they could.**

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<sup>19</sup>See *Czechoslovak Prisons*, pp. 31-33.

<sup>20</sup>See *Czechoslovak Prisons*, pp. 33-34.

The current status of such organizations is very uncertain. At Plzen-Bory, we were told that self-government still existed and that leaders were elected by secret ballot for one year. A meeting was arranged for us with this "self-government," but when the inmates arrived, they told us there were no such committees, and that they were merely "intermediaries" between the educators and the inmates, helping the educators with mail distribution, suggestions and complaints. They said that there was no formal self-government and certainly no secret ballot. These men were all older and seemed the kind who would be respected by other inmates, but they never explained how they had been selected as such "intermediaries," despite our questions.

In Horni Slavkov, we were also told about inmate self-governments, but they seemed to play no significant role in the prison. And at Valdice, the Director said he would not have one. He had set up a prisoners' forum, modeled on Civic Forum, the movement that led the revolution in November 1989; inmates selected the spokesman. These men can freely circulate-- as could the spokesmen at Plzen-Bory -- and deal with the administration on inmate needs and benefits. Our impression was that this system seemed to work well -- the spokesmen were trusted by the inmates, and apparently served as true representatives.

## **Activities**

### **Work**

Among the most serious problems remaining in the Czech prisons are working conditions and pay. In August 1988, the British newspaper *The Observer* called the Czech system "a scandal of slave labor"; the Helsinki Watch report described dreadful working conditions and shamefully low wages.<sup>21</sup> Prisoners told about grossly inadequate training for difficult, dangerous jobs, old and unsafe machinery, frequent injuries, very high production quotas at a very fast pace with severe and often brutal formal and informal penalties for an inmate's failure to fulfill the quota, terrible heat, noise, smells, filth, toxic fumes, dangerous work places, overcrowded work areas, cheating and favoritism in the work place, and miserably low pay. Apparently aware that these conditions raised serious human rights problems in violation of both their own laws and international norms, the authorities sought to keep these conditions hidden by exacting secrecy agreements from inmates who were released, and by classifying work injuries as "self-mutilation."<sup>22</sup> Work conditions have improved somewhat. Production norms seem to have been reduced in most places and it is apparently no longer very difficult to meet them, although a spokesman for railroad equipment workers at Horni Slavkov complained that the norm was still too high to meet. And staff at Plzen-Bory told us that if an inmate consistently fails to meet his target, confinement and loss of pay are still imposed; food rations, however, are no longer reduced.<sup>23</sup>

Wage scales are a continuing source of anger. As Valdice Prison Deputy Director Capt. Jan Matucha explained, a complex system of deductions for the prisoners' upkeep, family, debts, and other matters, and the higher food prices, result in an inmate's keeping less the more he earns. There is thus no

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<sup>21</sup> *The Observer*, Aug. 14, 1988, p.24 ¶19; *Czechoslovak Prisons* pp. 34-40, Appendix, pp. 50-122.

<sup>22</sup> See *Czechoslovak Prisons*, pp. 34-40, 50-65. See also the Czech National Council report, n. 5 above, pp. 16-20, to the same effect as the Helsinki Watch report.

<sup>23</sup> For a recent compilation of continuing complaints about working conditions at Valdice by the official inmate spokesmen, see Appendix C.

incentive to earn more. "Inmates used to be like slaves," he told us, "and now social conditions have changed, but the wages have not." Civilian workers still earn more for the same or less work. Moreover, the system of deductions is so complex that it is almost impossible for an inmate to understand it - all he really knows is that he winds up with very little. One inmate at Plzen-Bory complained "they want us to work more and more for less and less money."

Inmates throughout the prison system and Jiří Wolf, an ex-inmate, supported these concerns about inadequate pay, and one Horni Slavkov inmate reiterated pre-revolution complaints that the civilian managers cheated prisoners. "In economic matters," said Wolf, "little has changed, though the norms are in fact lower." One of the most anomalous features is that pretrial detainees still must pay for their keep, unless they are acquitted, even though they may not work, except in places like Plzen-Bory. The length of time for which they must pay, however, is now limited to three months.

Equally troublesome is the fact that many unsafe and unhealthy working conditions are still present. Apart from noise and smells, which may be comparable to those in civilian factories, there are at least two situations that are especially, and avoidably, dangerous -- welding and the glass works.

The Preziosa Company jewelry factories, where costume jewelry of various kinds was made under truly inhuman conditions, no longer exist at Plzen-Bory, or the now-closed Minkovice. Some of this work is still done at Valdice, and although most of the dreadful conditions have been eliminated, inmates at Valdice still complained that the glass bead-pressing operation continued to be dirty, hot and noisy, and emitted a great deal of carbon dioxide that is inhaled by the inmates.

Some metal jewelry is still made for the Jablonecke and Zeleznobrodske firms, and this is done through welding. In all the prisons we visited where welding was done -- Valdice, Horni-Slavkov and Pankrač -- it was clear that the welders endured serious health risks. Ventilation was poor in all these shops, which got very hot during the summer. In all the facilities, smoke poured up from the job, under the welder's mask and into his face. A Pankrač welder told us that there were suction machines to draw the smoke up and away from the workman, but that the machines did not work because they were so old.

All of the welders we spoke to complained about having to breathe smoke fumes and about the inadequate suction equipment.<sup>24</sup> At Valdice, smoke is mixed with dust in the metal jewelry workshop. Jewelry work is done on a small dust-filled tablet where the pieces to be welded are laid. The windows and door cannot be opened or the dust will blow away. The welding torch, which used to be fueled by natural gas, is now fueled with the cheaper and more readily available wood coal, which produces much more smoke. For lack of proper suction equipment, the smoke and the dust fly up into the workmen's faces. When the 78 foot x 14 foot room was filled with 40-50 welders, as it used to be, it was unbearable; now the work tables have a capacity of 24, and there are 15 people in the room. According to one inmate, however, if there are more than 10 welders, the place is filled with smoke and dust.

The same point was made about the welding shop in the Horni-Slavkov metal shops. The ventilation was bad and when there is a full complement of welders, as in 1988, "it's an inferno," according to one prisoner. We also heard complaints about the poor quality of the soap and about the absence of hot water when the inmates work overtime, beyond the 2:00-2:30 p.m. period when there is hot water.

The glass works at Horni Slavkov also present serious health and safety problems. Water is used to smooth the edges of large panes of glass. The floor of half of the shop at that prison is filled with large puddles. The men operating the glass-smoothing machines have rubber boots but the other inmates, who are constantly working with them, do not. The latter are constantly "wading" in the water and, as one put it, often get "wet through." The combination of water and an apparent lack of heat also make the shop very cold in the winter.

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<sup>24</sup>See *Czechoslovak Prisons*, pp. 34-35, 50-65.

**Another problem was raised by several inmates in the metal shop in Horni Slavkov: the metal is polished with a substance that emits noxious fumes.**

**The prison factories, and all their problems, may soon be obsolete. Prison officials are fearful that, as unemployment starts to rise and the number of prison laborers dwindles because of the reduced prison population, it will no longer be profitable for outside firms to contract with the prison system. If firms close their prison factories, the exploitation of inmates in these factories will come to an end -- but so will the opportunities for work.**

### **Other Activities**

**The Czech and Slovak prison systems are still woefully thin on activities for inmates other than work. Educational programs are virtually nonexistent in the Czech system, even in the juvenile facility at Opava, except for occasional literacy classes. Work is the primary activity for juveniles, and they work alongside the adults confined to that facility.**

**There are some sports activities: soccer at Horni Slavkov; soccer, tennis and reading at the women's facility at Rycany; soccer, weight lifting, and arts and crafts at Mirov. The detention facility at Ostrava has tennis courts, facilities for plays that are conducted by inmates, and an open and pleasant recreation area on the roof of the building. At Valdice, there is a prison newspaper, published by the inmates. In Plzen-Bory, however, some inmates get no sports or even television, according to one sentenced prisoner who had been there for two months; however, another said a form of soccer was available and the dayroom had a television set. Most of the exercise in the system still consists of walks, supposedly for an hour, but often less, usually in a small confined outdoor area described earlier but often just in the corridor. Convicted prisoners, especially women, are usually allowed out of their cells for most of the time after work, but pretrial detainees are not.**

### **Contacts with the Outside**

**Drastic relaxation of the rules on outside contacts is another major change in the prison system. Arrestees can see a lawyer immediately upon arrest. Amendments to the Criminal Procedure law, adopted in the spring of 1990, allow private communication with lawyers at every stage of the criminal process, from arrest to imprisonment, including during interrogation. Moreover, at Valdice, Deputy Director Capt. Matucha has established a center for legal and social assistance staffed by lawyers and social workers to help inmates with relevant problems.**

**Contacts with family also seem eased but not as much as they should be. Level I inmates, those considered the least serious offenders, may get at least biweekly visits; Level II may have monthly visits; but Level III, the most serious offenders, may receive visitors only once every six weeks. We had the impression that more frequent visits were possible but certainly only one visit every six weeks is hardly enough. Maintaining ties with family and community is universally recognized as vital to any possibility of rehabilitation. Also, the classification levels are themselves questionable, as the prison authorities are quick to say.**

**Visits are generally for one hour but can be longer, and can be with anyone, including former convicts, according to the Valdice Director Matucha. In general, ex-convicts do not seem to have difficulty visiting prisons. Family visits sometimes take place in a special part of the prison, as in Valdice and Pardubice, and may be overnight visits, and sometimes last for a few days.**

**In some places, like Valdice, a one-to-five-day furlough system exists; it is of recent vintage. Not surprisingly, there are complaints of favoritism and unfairness in the granting of furloughs; it was impossible for us to assess the validity of some of the complaints.**

**A major problem in Czech and Slovak prisons, as elsewhere, is the treatment of babies of female**

prisoners. Female prisoners are not allowed to keep their children with them. If a prisoner is pregnant, she will be allowed to give birth in a civilian maternity hospital and is allowed a six-month interruption in her sentence to take care of the child. She may then request a pardon which, we are told, is frequently granted. If it is not granted, she must turn the child over to relatives or to a public facility. One woman at Ryčany, the pretrial facility, complained that she had not seen her baby in two-and-a-half years.

## **Remedies**

Here, too, matters have improved. The Procurator General's office was always supposed to protect the rights and interests of prisoners, but like so many other superficially commendable aspects of the prior system, it was a farce. Now, according to Jiří Wolf, the prosecutor's office is beginning to function as it should, "fairly."

Nevertheless, inmate "self-help"<sup>25</sup> – that is, informal methods such as hunger strikes or self-mutilation – is still widespread. There were numerous uprisings in the winter and spring of 1990, for a variety of reasons. In some cases, inmates not released by the amnesty rioted. Many inmates, even those convicted of ordinary theft or other crimes, saw themselves as political victims of the old regime, and felt they were entitled to immediate release. In other cases, inmates were angry at what they considered too slow a pace of change. Considering the past abuses that occurred in prisons, the Czech Minister of Justice Dagmar Burešová reported in the late spring of 1990,

The complaints and the requirements of the prisoners were mostly justified. However, many of them tried to force their immediate solution, frequently by impermissible means. They used strikes, hunger strikes, ultimatums in some cases, violence and demonstrative destruction of equipment. Several prisoners also mutinied.

In recognition of the justice of many of the grievances, Minister Borešová announced that All regulations concerning the penitentiary system have been revised. The soulless military drill has been abandoned, the senseless constraints and unjustified repression have been eliminated. The prisoners may satisfy their basic study, sports, cultural and religious interests and needs. The possibilities of their contacts with their family and social background have been extended.

Suspicious were also expressed by some experts that guards eager to sabotage the new regime had assisted and perhaps even instigated some of these disturbances, providing alcohol and even arms.

Nevertheless, these disturbances, at facilities like Ryčane in Prague, and Leopoldov in Slovakia, as well as the wave of hunger strikes in the country's prisons, reflected grievances that, as noted, Minister Borešová considered justified. One expert described them to us as including complaints about the safety of working conditions and the egregiously low pay, about individual abusive guards, about overcrowding in pretrial facilities like Ruzyně, now under reconstruction, and similar all-too-familiar problems.

Finally, self-mutilation still continues, and it seems very hard to eliminate it. Slow or inadequate responsiveness to grievances is unavoidable in any large bureaucracy, especially one under great stress and in the midst of a major change. Czechoslovak prisoners are used to resorting to this bizarre and grim

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<sup>25</sup>See *Czechoslovak Prisons*, pp. 45-47.

tactic and it will probably be hard to end it.

There is no doubt that prison administrators at all levels are trying to grapple with these issues. The combination of scarce resources, a staff that is inadequate both qualitatively and quantitatively, and often hostile, as well as old facilities -- all these limit the reforms significantly. It is remarkable how much has been achieved in so brief a time.

### **A Note on Juveniles**

The circumstances of confinement for the juveniles in Czechoslovakia are little different from those for adults. The only significant difference is in the length of the sentences, which are half of what an adult would receive for the same offense. While in detention or under sentence, the length of punitive segregation for misbehavior is also halved. Juveniles in detention are scattered throughout the jails of the Czech Republic. While for the most part they are confined to separate cells, they live under conditions identical to those of the adults. Because of their more active and energetic nature, the 23-hour-a-day cell confinement may be more punishing to a juvenile than to a more sedate adult. Symptomatic of being cooped up and the lack of program for active juveniles is the fact that one-third of the 23 sentenced juveniles in the Czech system were in punishment cells for misbehavior on the day of our visit.

Before the 1989 amnesty there were 59 sentenced juveniles; afterward there were only 14, half of whom had been convicted of murder. The number had grown to 23, all male, by the time of our visit. In anticipation of further growth and to achieve good correctional practice, there were plans to establish a separate facility for juveniles. No female juveniles were under sentence. At Opava, juveniles mixed freely with adults. While juveniles were housed in only one area of the prison, adults lived in the same area. A deputy warden at Opava felt that there were advantages to mixing because it gave more flexibility in work assignment, the primary activity of that facility.



## **Conclusions and Recommendations**

**The Czech prison system faces daunting problems as it moves to improve conditions of confinement. While there were exceptions, the majority of the prison and jail facilities need extensive renovation. In the jails, where there is the swiftest growth and serious overcrowding, it will be difficult to expand activities because of the lack of space.**

**The mainstay of the Czech penal system has been work. Under the previous regime, exploitation of inmates was commonplace. While those conditions do not exist today, the terms of compensation for work, and the charges for room and board, support of family, and forced saving are vague. Inmates are left in the dark as to what they are being paid and charged. Another looming problem is the diminishing opportunity for work provided by outside industries. Under the communist regime there were incentives to use prisoners for the work forces. As the country moves to a capitalist economy, prison labor is coming to be viewed as a competitor for jobs and unless the prison can offer special benefits to employers, they may move their work sites out of prisons. The prison administration thus faces a considerable planning and development program to stave off the loss of industry and to compensate for their losses with substitute options.**

**Educational programs are largely absent from the prison system and so are vocational and hobby programs. While some institutions have active sports, many do not for lack of a facility to accommodate active sports, while others have not made use of facilities that are available.**

**A major problem that seriously complicates the management of the prison system is the extent of the authority that the judiciary and the prosecutor have over decisions that are properly and necessarily the responsibility of the prison administration. Judges decide the level of classification and prosecutors decide the detainees' level of involvement in the community by controlling correspondence and visitors. The grievance officer is the prosecutor, which creates a conflict of interest, especially since he must cooperate with the management of the system. Beyond that, we were told that prosecutors lack interest in pursuing grievances brought by inmates.**

**The plan to separate juveniles in a facility designated for youngsters is a good one. It is important, however, that juveniles not lose the opportunity for meaningful work that can develop trade skills and work habits and provide them with an opportunity to earn money.**

**Because crime is up, the sentenced population will undoubtedly grow, as the detained population already has. It is essential that the system move rapidly to train staff, repair facilities, and add to and enrich the inmate programs.**

**A number of changes that do not require substantial investments and which can improve the quality of prison life should be implemented immediately. These include: abolition system-wide (both in the Czech republic and in Slovakia) of the arbitrary rules prohibiting looking out of the window, lying on beds during the day, or exercising in the cell; compliance with the existing minimum of one hour a day of outdoor exercise; and increasing the time that inmates spend outside the cell, whenever possible. Also, the practice of forcing several inmates to use the same blade for shaving should stop immediately; it is extremely unsafe in the era of AIDS.**

**In Czechoslovakia the lack of alternatives to both detention and prison is glaring. Most offenders in prison and in jail are there for property crimes, cases that could lend themselves to offenders' being supervised in the community while awaiting trial.**

**At Ostrava, we found an experimental housing regime that is similar to a successful organizational arrangement employed in the U.S. which is referred to as "unit management." Two groups of ten inmates live in a section of the institution that provides housing, recreation, showers, TV and a lounge area. To a large extent, the inmates are responsible for their conduct and for upkeep of the unit, which helps develop a sense of ownership of the unit and the responsibility to maintain order. The staff supervising the area are permanent, and they, too, take on the proprietary outlook of their assignment. This housing regime is a**

**technique that has been proven in the United States to reduce violence and property damage. Over the several months that it has been operating at Ostrava, reports have been encouraging, in terms of control and good morale. It is a technique that should be explored for use throughout the Czech and Slovak systems, both for detainees and sentenced inmates.**

**The prison system in Czechoslovakia has come a long way since 1989. It still has a long way to go, however, to function with humane efficiency. The most encouraging element is the will of the current administration to help it attain that level.**

## **Appendices**



## **Appendix A:**

### ***The World Behind the Bars***

**Signal No. 28/1990, July 10-16, 1990.**

**The velvet revolution as a magic wand aroused creative excitement in society which affected also those who live literally on the outskirts of society, in the institutes of reformatory education, 00 as they were loftily called by the past regime. Not only the crowds in the streets, but also the people in the cells behind barred windows, many of whom were serving sentences for political offenses, suddenly had a feeling of freedom. However, all of them succumbed to the charm of velvet and the ideas and purity of the President, Václav Havel, and later on also the euphoria from the amnesty which was not long to come.**

**Somewhat different was the situation on the other pole. The warders, whose workplaces gradually depopulated (the amnesty released some 26,000 prisoners), suddenly were in an unenviable situation. Abolished and empty prisons meant the loss of a job and a very difficult quest for a new one. With regard to the past years of totalitarian system, the hallmark of "screw" (prison guard) was a very poor reference to the present. Few people will bother to differentiate between good and bad ones, especially when guilt or innocence are so difficult to prove. And in addition, those who were not touched by the amnesty and remained behind the bars submitted to their requirements. A number of them could be complied with by the new Ministers of Justice, but in spite of that, mutinies and riots appeared. Leopoldov was burnt to the ground and a special unit of the Federal Ministry of Interior had to intervene in the Ruzyně prison recently. Thus, half a year after the revolution, the situation has remained restless and explosive. Even Mírov, the well known "No. 3", where also e.g. Gustáv Husák, Vladimír Škutina and Petr Uhl "did time," is not an exception.**

#### ***A Castle in the Forest***

**Even that designation could be used for Mírov, which began serving as a civil prison as early as 1852. During the Second World War, it contained mostly Polish fugitives and after 1948, unfortunately, also those who had fought against fascism. Before the amnesty, the cells of this painstakingly-guarded monster, the walls of which exude despair, "hosted" some 560 prisoners. At present, fewer than three hundred convicts are serving their sentences there: murderers, bullies, swindlers, thieves and other criminals including those called "particularly dangerous recidivists" by the law. They have their self-administration, their requirements, their desires, faults and secret wishes, known best to themselves and then, naturally, by those who guard them. Each pole knows what it knows, each side has its own conviction.**

**It is not easy to get one's bearings in the world of bars, shifty eyes, canteen cups, truncheons on belts and tattooed bodies and faces. Human misery and suffering, which made their home within these walls as early as last century, seem to pervade everything.**

**The deputy chief of the penitentiary, Sr. Lt. Dr. Zdeněk Hýbl, is willing; I can look wherever I want to, speak to whomever I choose. Only he goes everywhere with me to protect me. What if . . . He offers me a uniform to service a few shifts . . .**

**"In the beginning, after the 17th of November, enormous enthusiasm reigned among the prisoners, euphoria . . ." he says. But suddenly the enthusiasm was stifled and only the conviction remained that times were different and everything was allowed. And complaints galore, mostly concerning the abolition of the section of the Penal Code concerning particularly dangerous recidivism, medical attention, members of the Corps of Reformatory Education (warders). The last mentioned, unfortunately, have not many concrete facts in them and after review by the office of public prosecutor and various initiative commissions usually appear unsubstantiated."**

**I can see that partly myself, when I ask some thirty prisoners on my way through the cells and workshops one and the same question: "Does anybody beat or torture you here?" The answer was always the same "no." However, in this connection the prisoners could not forget Valdice. But let us leave that for later . . .What has changed?**

Food is better and of higher quality and its costs were raised by about 150%; the possibility of purchase in the local shop in the penitentiary improved; so has the provision of the library, the state and decoration of the cells. The prisoners are visited by a Catholic priest, relatives can visit every three months, the cells are provided with radios. The military drill has disappeared and the standard greeting is "Good Day". Every section has its own self-administration which assists the educational officer. The appearance of the cells depends now more or less on the taste and diligence of their inmates. The cell doors are not locked and their inmates generally contentedly gossip in the corridors or are sitting over cards. There is no money, and so stakes are packets of tobacco. From time to time I meet a prisoner in a track suit and tennis shoes -- he is free and has gone to make a few rounds. A party of other "sportsmen" is training in the gymnasium, which is full of dumb-bells and various other apparatuses to torture individual muscles. I want to believe they will use their strength in the future for permitted actions only. In some newly appointed cells, the walls are decorated with smiling photos of sparsely clad beauties and the face of President Havel looks at me from many a badge worn on prison uniform. The voice of Hans Zagorová can be heard from the loudspeaker. Apparently an idyll of peace and order.

"Unfortunately it is not quite like that," interposes Dr. Zdeněk Hýbl. "They do not go to work. Some commissions or individuals who spoke with the prisoners promised them things which cannot be realized. What it was in concrete terms I do not know, we could not have been present at these interviews. I know only that they are all complaining about the promises of one Lt. Col. Jonáš. Otherwise, the prevailing part of the prisoners is asking for the revision of their sentences, because they were sentenced by the totalitarian regime and so they are all political prisoners. Under the present regime they would not commit any criminal offenses -- or so they say. Even a man sentenced for murder and rape says so . . . Sixty people have not been working for almost one month and the Public Prosecutor has not initiated any proceedings for the frustration of official decision."

Thus the means of persuasion are used and everybody is waiting. The warders and educators are afraid to use legal means to force the convicts to the fulfillment of their duties. Even the order of the Minister of Justice specifying the duties of convicts and of the members of the Corps did not help. Even solitary confinement no longer represents any threat. The former department of disciplinary punishments was abolished and the new one looks like an ordinary cell. That is probably the reason why this department is popularly called "the spa" here. The loudspeakers spout genuine American rock 'n roll and the gentlemen "from the spa" peacefully smoke their cigarettes. Lower food rations and a deal bunk are no deterrents any longer . . .

#### ***Particularly Dangerous Recidivists***

According to the response to my questions there are many here. "For 17,000 Crowns I got 10 years, and it is only my second sentence," Jiří Navrátil tells me, shaking his head with discontent. Another speaks about a conviction for robbery (without any proof, in his version) for nine years and presents me to another particularly dangerous colleague who got four and a half years for a theft of 85 crowns. Also a man in a bed in the prison hospital has something to say: "I got nine years for a criminal offense causing damage of 5,000 crowns. And only because the court treated me, in accordance with the Penal Code in force, as a particularly dangerous recidivist. But people who stole millions -- like Babinský, for instance -- got three years more . . .

Particularly dangerous recidivism seems to be the key to peace and restlessness in this prison, which a number of prisoners consider the most humane of all those they have known. The fact is that these problems cannot be solved either by prisoners' strikes or by the President of the Republic. The burden rests only on the legislative body and the revision or modification of the Penal Code in force.

#### ***About Valdice in Mirov***

The name of the ill-famed and allegedly hardest prison of the third reformatory-educational group in Bohemia is pronounced by the prisoners in Mirov with contemptuous respect and defiance. During my

short interviews in the cells and encounters in the corridors, I hear the name of Valdice much too often. A man with a moustache and a slender figure has much to tell. He held a hunger strike in Valdice in the former regime for 53 days, allegedly in protest against the local prison doctor. Moreover, he maintains he saw beatings and torture, as well as prisoners who had died under strange circumstances. He speaks and behind him there are posters of the people he respects: Václav Havel and Dagmar Burešová. Other prisoners also recall their fellow-prisoners from Valdice. They boast they could tell much. But allegedly they are still afraid.

\* \* \*

At the beginning of my reportage I said that the velvet revolution aroused creative excitement in society. After my one day's stay in the barred fort I should like to confirm that the 17th of November made a creative impact also on the institutions of reformatory education. I do not say that every one of its responses hit the target. Unfortunately, in these very institutions velvet changed much too quickly into steel and smoke, and violence broke out to be controlled with difficulty. Although nothing similar has occurred in Mírov so far, the situation cannot be taken lightly. A number of prisoners are submitting and want to submit to a more humane regime for execution of their sentences. A number of prisoners, however, as it follows from the reports of the warders, and by the opposition to the house rules, are not content even with the present way and liberalization of the life behind the bars. They want numerous rights and very few duties. I agree with the opinion of the deputy chief of the Mírov penitentiary, Sr. Lt. Dr. Zdeněk Hýbl, that both the prisoners and the members of the Corps must learn, and he who cannot overcome his old habits will have to leave the show. And here, too, the residues of the totalitarian communist regime still exist. People got out of the habit of working and the armed corps were put outside the boundaries of law. Confidence is easy to lose, but difficult to regain. I am taking my leave and saying: Goodbye.

P.S. Some unpublished communications of the prisoners were handed over by the Editor to the respective officials of the Ministry of Justice of the Czech Republic.

Alexandr Malý

## **Appendix B:**

### **The Rules for the Execution of Custody (excerpts), 1990 (For internal use of the Corps of Reformatory Education of the Czech Republic)**

#### **CHAPTER FOUR RIGHTS AND DUTIES OF INDICTED PERSONS Section 37 General Provisions**

**(1) During the execution of custody, only those civil rights of the indicted persons may be restricted, the exercise of which would be at variance with the purpose of custody or which cannot be exercised at all or fully due to the execution of custody or for the reasons of security of persons and property or the ensurement of order in the prison.**

**(2) During the execution of custody, the indicted persons have, apart from the duties arising from the laws and other legal regulations, also the duties imposed on them by these Rules.**

#### **Section 38 Catering of Indicted Persons**

**(1) Food is supplied to indicted persons three times a day in the quantity, quality and caloric values corresponding with the principles of correct nutrition. Diet food (curative diet) is accorded the indicted persons according to the decision of the appropriate doctor.**

**(2) Details concerning the catering of the indicted persons shall be provided by a specific regulation.**

#### **Section 39 Clothing of Indicted Persons**

**(1) During the execution of custody the indicted persons uses his own clothes, underwear and footwear, as a rule, the regular changing of which he ensures at his own cost.**

**(2) The indicted persons has the right to use institutional clothes, underwear and footwear if he requests so, with the proviso that he will cease using his own clothes, underwear and footwear.**

**(3) The Chief of the prison shall decide about the duty of the indicted persons to use institutional clothes, underwear and footwear, if**

**a) the clothes, underwear and footwear of the indicted persons are hygienically, medically or aesthetically faulty,**

**b) the indicted persons cease to have the possibility of a regular exchange of his own clothes, underwear or ceases to have adequate footwear.**

**(4) The exchange of institutional personal underwear allotted to the indicted persons is carried out once a week, that of institutional clothes or footwear as required, and that of institutional bedclothes once in a fortnight.**

#### **Care of the Health of Indicted Persons Section 40**

**(1) The indicted persons are ensured eight hours' uninterrupted sleep.**

**(2) During the day, the indicted persons have the right to rest on the bed, if it does not interfere with the daily order (Sec. 61), with the exception of the execution of the disciplinary measure of solitary confinement; even in the case of rest the bed must be in good order and the indicted persons must be clad**

**in his own or institutional clothes intended for day use and rest without his footwear on.**

#### **Section 41**

**(1) The prison administration shall allot the indicted persons (Sec. 39) institutional clothes, underwear and footwear, 2 blankets, 1 sheet, 1 blanket cover, one bolster cover, a drinking cup, a towel and handkerchiefs.**

**(2) The scope of amenities and the allotment of hygienic supplies shall be regulated by a specific regulation.**

#### **Section 42**

**(1) The indicted persons shall bathe in warm water, viz.**

**a) men at least once a week,**

**b) women and juvenile men and women at least twice a week,**

**c) pregnant women and menstruating women, incl. juvenile women, every day.**

**During bathing the indicted persons are guarded by persons of the same sex.**

**(2) Should it be impossible to ensure bathing in accordance with para. 1 for operational or energy reasons, the possibility of proper washing must be always ensured.**

#### **Section 43**

**(1) The indicted persons may take part in walks taking place every day in the walking areas of the prisons for a minimum of one hour and use this period also for physical exercises. The sick persons and pregnant women take part in walks with the consent of the treating doctor and in accordance with his recommendations.**

**(2) The organization of walks must observe the principles outlined in Sec. 20, para. 1, letters a), b), c) and e).**

**(3) When walking the indicted persons must be clad in accordance with the weather.**

**(4) The walk does not take place only if the Chief of the prison decides so because of inclement weather or because of other serious reasons.**

#### **Section 44**

**(1) The organization and performance of medical services afforded to the indicted persons in accordance with general regulations is regulated by specific regulations.**

**(2) Information about the serious illness of the indicted persons shall be communicated by the prison administration to the organ acting in penal proceedings and the family of the indicted persons.**

#### **Section 45**

**If the indicted persons refuse food consistently, he shall be placed alone in a special cell and the Chief of the prison shall immediately inform the Public Prosecutor supervising the execution of custody, the respective organ acting in penal proceedings and the doctor. Should the indicted persons not stop refusing food, the procedure consistent with Sec. 23 of the Law No. 20/1966 on the Care of the Health of the People shall be applied.**

### **Correspondence of Indicted Persons**

#### **Section 46**

**The indicted persons are allowed to write and receive letters without any restriction, unless the appropriate organ acting in penal proceedings has decided otherwise in the case of the indicted persons who are in custody because of fear of frustration of investigation (Sec. 67, letter b) of the Code of Penal Procedure); this possible restriction, however, does not apply to the correspondence of the indicted**

**persons with the organs specified in Sec. 58, para. 1, with his Counsel and Attorney (Sec. 58, para. 3). The costs connected with his personal correspondence are borne by the indicted persons.**

#### **Section 47**

**(1) It is the duty of the prison administration to forward the correspondence of the indicted persons taken into custody for fear of frustration of investigation (Sec. 67, letter b) of the Code of Penal Procedure) to the appropriate organ acting in penal proceedings for further measures, unless the correspondence takes place between the indicted persons and his counsel; the prison administration shall keep a record of the correspondence forwarded in the above mentioned manner.**

**(2) Any documents arrived at the address of the indicted persons from some organ specified in sec. 58, para. 1, letter a) shall be delivered immediately and directly to the indicted persons; the letters addressed by the indicted persons to such organ shall be dispatched directly with 24 hours.**

#### **Section 48**

**(1) To the indicted persons who cannot write or read or is illiterate, the written documents arrived to his address from organs and organizations must be read; he shall be accorded assistance in the writing of statements, requests, complaints, important information and letters to the members of his family or counsel.**

**(2) The prison administration shall ensure that the decision of the Public Prosecutor concerning the prolongation of custody be delivered to the indicted persons the same day it has received it.**

### **Visits to Indicted Persons**

#### **Section 49**

**(1) The indicted persons have the right to receive a visit in the prison once a month, lasting 15 to 30 minutes; the visit may be participated in maximally by five persons, including children, as a rule. If the custody has been due to the fear of frustration of investigation by the indicted persons (Sec. 67, letter b) of the Code of Penal Procedure), the reception of a visit necessitates always the preceding written consent of the organ acting in penal proceedings. In the course of the visit the indicted persons may receive a parcel (Sec. 53).**

**(2) The visit shall be made always in the presence of a member of the Corps; in case of indicted persons specified in para. 1, second clause, always in the presence of the organ which has permitted it or an organ requested by the latter.**

**(3) If the indicted persons in custody request the visit of a qualified and approved representative of a Church, the prison administration is obliged to mediate it.**

**(4) Collective religious rites of the persons in custody may be performed only under the conditions of the consistent observance of the principles outlined in Sec. 20 and sec. 52, second clause.**

#### **Section 50**

**The indicted persons have the right to speak with his Counsel without the presence of a third party.**

### **Section 51**

**The indicted persons may speak with a qualified and approved representative of the Church without the presence of a third party. However, if the reason for the custody is the fear of frustration of the investigation by the indicted persons (Sec. 67, letter b) of the Code of Penal Procedure) and the indicted persons have not yet been acquainted with the results of investigations, the interview without the presence of a third person necessitates written permission of the Investigator.**

### **Section 52**

**Visits to indicted persons are made in the visiting rooms of the prison. For security reasons it is the duty of the member of the Corps bringing the prisoner to make his personal search before the visit and after its termination.**

### **Satisfaction of Further Material and Cultural Needs of Indicted Persons**

#### **Section 53**

**(1) The indicted persons are entitled to receive parcels with permitted victuals and other objects of personal need once a month (this does not concern the exchange of personal underwear) up to the weight of 5 kg. The Chief of the prison may permit the receipt of a parcel in a shorter period.**

**(2) Only during the visit the indicted persons may receive harmless fruit or vegetables not subjected to speedy decay, up to the weight of 5 kg.; the receipt of fruit and vegetables is not limited by the title to a parcel in the meaning of para. 1.**

**(3) The parcels shall be inspected. The indicted persons shall not be handed over the objects which must not be kept in cells (Sec. 60). The shipments of medicaments to the indicted persons shall be permitted only in particularly justified cases.**

#### **Section 54**

**(1) The indicted persons shall be enabled once a week the purchase of victuals not subjected to speedy decay, fruit, tobacco wares, writing materials and other objects of personal need in adequate quantities.**

**(2) The minimum assortment of commodities in the prison retail shop shall be determined by the Chief of the prison.**

**(3) The indicted persons may use for the purchase of these objects also the money sent to him to the prison in the course of custody. If the amount of money in safekeeping of the prison for the indicted persons is lower than the assumed fare to his place of residence, the purchase of the objects of personal need shall not be enabled.**

#### **Section 55**

**(1) The indicted persons may purchase and read daily press and periodicals issued in Czechoslovakia and borrow from the prison library and read fiction and professional publications incl. the penal law regulations.**

**(2) The indicted persons may also borrow and play social games available in the prison.**

#### **Section 56**

**(1) In his cell the indicted persons may have writing materials, books, periodicals, newspapers, legal regulations, photographs of the members of his family and, with the exception of objects outlined in Sec. 60, also other objects of personal need, sent to him in a parcel or purchased (Sec. 54) or those he had had on himself at the time of admission to the prison, if the quantity or character of these objects do not**

disturb the order in the cell.

(2) The indicted persons shall be enabled to use his own adequate portable battery radio receiver.

### **Section 57**

#### **Deployment of the Indicted Persons to Work and Their Compensation**

If the indicted persons have expressly asked for it, and if the operation of the prison offers a job corresponding with his state of health and working ability and skill, the prison administration may negotiate with the indicted persons, with the consent of the appropriate organs acting in penal proceedings, his working deployment for the duration of the custody or for a shorter period or for the duration of performance of certain works. If there is a job available outside the prison, the indicted persons may be deployed, under the same conditions, to work in a state organization, on the basis of a contract between the prison administration and the state organization (Sec. 26, para. 3 of the law No. 65/1965 on the execution of the penalty of imprisonment as amended by regulations of a later date). The working status, compensation (remuneration), health insurance and social insurance of such indicted persons are subject appropriately to the regulations regulating these problems for those convicted to imprisonment.

### **Section 58**

#### **Protection of the Rights of Indicted Persons**

(1) To apply and ensure his civil rights and justified interests the indicted persons may address his complaints, requests, letters and suggestions

a) to the Federal assembly, the Office of the President of the Republic, the Czech National Council, the Slovak National Council, the Government of the Czech Republic, the Government of the Slovak Republic, the offices of the Public Prosecutor and the Courts as well as their organs and leading representatives. The correspondence addressed by the indicted persons to the organs specified in the preceding clause or addressed by these organs to the indicted persons is not subject to inspection even by the appropriate organ acting in penal proceedings;

b) the pertinent authorities and their superior authorities.

(2) If the indicted persons request so, he must be able to have an interview with the Chief of the prison, the Public Prosecutor supervising the execution of custody, the organ acting in penal proceedings or the organ in the act of performing an inspection of the prison (Sec. 74).

(3) The indicted persons may secure the performance of legal assistance by an attorney even in the matters not concerned with the criminal case because of which he is in custody. In the latter case the correspondence and the visits with such an attorney are subject appropriately to the provisions of Sec. 47 and Sec. 51.

(4) If the indicted persons have no money of his own, the prison administration shall furnish him with writing materials in required extent for the ensurement of his rights.

### **Special Duties of Indicted Persons**

#### **Section 59**

The indicted persons are obliged to observe the rules of internal order in the prison (Sec. 62), to execute the orders of the members of the Corps, maintain the cell and its equipment in order and clean, observe basic hygienic principles, suffer personal search in the conditions mentioned in Sec. 82, para. 3 of the Code of Penal Procedure and the conditions stipulated in special regulations for personal search<sup>26</sup>;

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<sup>26</sup> Rules of the Ministry of Justice No. 15/1976 on guard and escort service in the Corps or Reformatory Education of the ČSR (regulations Straž-1).

**further he is obliged to observe the property of the prison (incl. the equipment of the cells) and the property of other indicted persons, to behave decently to all persons with whom he comes into contact (incl. other indicted persons), to keep quiet in the cell, to rise, when the members of the Corps or the persons making the inspection of the prison (Sec. 74) enter the cell, to call the members of the Corps and other persons visiting the prison and address them as Mr. or Mrs. with the official or service title or rank (if he knows it).**

### **Section 60**

**The indicted persons must not establish illicit contacts with other indicted persons or with persons not in custody, keep in the cell such objects as could be used for the injury of his health or of the health of other persons or for escape or which could disturb the order in the cell by their quantity or character, and inflict injury upon his health.**

#### **Rules of Internal Order in the Prison**

**(1) In the prisons the following order of the day is provided: reveille at 06.00, cleaning of cells and personal hygiene and dressing, issue of breakfast at 07.00, issue of lunch at 12.30, issue of dinner at 18.00, lights-out at 21.00 or 22.00. The period between lights-out and reveille is intended for sleeping.**

**(2) Visits, bathing and walks are effected in daytime only.**

**(3) If the order of the day has been disturbed by some indicted persons (e.g. as a result of his participation in a procedural operation) it is necessary to ensure his substitute catering and/or provide him with the possibility of substitute sleep.**

## **Appendix C:**

### **Compilation of inmate complaints about working conditions at Valdice**

#### **Requirements of the Working Posts in Valdice**

##### **Post: "Bead Pressing Plant"**

- 1) Unsatisfactory machine seats, frequent backbone and ischiatic nerve ailments;**
- 2) Unsatisfactory dust exhaust in the workshop, excessive dust generation polluting the whole working area;**
- 3) Unsatisfactory workshop ventilation, frequent occurrence of parodontosis, loss of hair, eczema, stomach ulcers, etc.;**
- 4) Insufficient provision with work aids; accidents;**
- 5) Unsatisfactory hygiene or working clothes, dermatological diseases, risk of accidents -- burns;**
- 6) Insufficient supply of refreshing beverages, inhuman working conditions;**
- 7) Insufficient treatment of circulating water, odor, pollution, dermatological diseases;**
- 8) Absolutely unsatisfactory remuneration, output premiums, bonuses, extras;**
- 9) Necessary personnel changes, foremen without qualification;**

##### **Post: "Glass Cutting Plant"**

- 1) Insufficient exhaust from glass polishing**
- 2) No exhaust from sand blasting and mechanical mixing of blasting sands**
- 3) Insufficient water heating in winter**
- 4) Insufficient treatment of circulating water, no refreshing beverages**
- 5) Insufficient hygiene of working clothes**
- 6) Poor remuneration, high output norms, standards;**
- 7) Necessary personnel changes, head of the plant, foremen;**

##### **Post: "LIAZ" (Liberec Automotive Works)**

- 1) No refreshing beverages, no possibility of eating outside the working post;**
- 2) Insufficient hygienic means of hand and skin protection;**
- 3) Insufficient hygiene of working clothes;**
- 4) Poor remuneration, high output norms, standards;**
- 5) Necessary personnel changes, head of the plant, foremen;**

##### **Post: "Contours"**

- 1) Insufficient exhaust from polishing;**
- 2) Shortage of hygienic and protection means;**
- 3) Insufficient hygiene of working clothes;**
- 4) No separate room for eating;**
- 5) Poor remuneration, bonuses, class;**

##### **Post: "AGROZEI"**

- 1) No place for eating;**
- 2) Insufficient hygiene of working clothes;**
- 3) Shortage of hygienic means;**
- 4) Shortage of work aids;**
- 5) No refreshing... beverages;**
- 6) Poor remuneration, bonuses, output extras;**
- 7) Necessary personnel changes, head of the plant;**

**Post: "Costume Jewelry"**

- 1) High dust generation -- asbestos dust;
- 2) No hygienic and protective aids;
- 3) No room for eating;
- 4) No refreshing and protection beverages;
- 5) Insufficient hygiene of working clothes;
- 6) Poor remuneration, class, bonuses, output extras;
- 7) Necessary personnel changes, unqualified foremen and plant head;

**Post: "Carborundum"**

- 1) Insufficient hygiene or working clothes;
- 2) No room for eating;
- 3) High output norms, standards;
- 4) Insufficient hygienic and regeneration means, work with acids;
- 5) No exhaust of acid fumes;
- 6) Poor remuneration, class, bonuses;
- 7) Necessary personnel changes, head;

**We do not specify the requirements of other workplaces, which are too small and continuation or work on them is not certain. In the Elektro-Praga enterprise the problems are great, but we do not specify them, because we believe that it will be abolished.**

**On behalf of all convicts prepared by the Spokesman of the Penitentiary Forum  
Two signatures (illegible)**