

PRISON CONDITIONS IN THE SOVIET UNION

A Report of Facilities in Russia and Azerbaidzhan

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December 1991

Helsinki Watch

A Division of Human Rights Watch

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CONTENTS

Preface	1
Summary and Recommendations	3
Introduction	9
Pretrial Detention Facilities	13
Pretrial Detention Centers	13
Intake	14
Living Conditions	14
Work Conditions	18
Privileges	18
Punishment	19
Food	20
Medical Care	21
Prisoner Violence and Uprisings	21
Staff Abuse	22
Police Detention Facilities	24
Police Stations	24
Police Lock-ups	25
Right to Counsel	27
Death Row	29
Administrative Imprisonment	31
Labor Colonies	33
Living Conditions	34
Work Conditions	35
Privileges	38
Punishment	40
Food	43
Medical Care	44
Prisoner Violence and Uprisings	44
Staff Abuse	46
Colony-Settlements	49
Post-Conviction Prisons	51
Living Conditions	51
Work Conditions	52
Privileges	52
Punishment	53
Food	53
Medical Care	53
Prisoner Violence and Uprisings	54
Staff Abuse	54
Medical-Labor Prophylactic Colonies	55
Remedies	57
Appendix A	59
Appendix B	61

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This report was written mainly by Robert Kushen with parts written by Herman Schwartz and comments by Judge Abner Mikva.

PREFACE

Field research for this report was conducted on Helsinki Watch missions to the USSR in June, July and September 1991. Participants were: Judge Abner J. Mikva, Chief Judge of the United States Court of Appeals, District of Columbia Circuit, a former congressman and a longtime monitor of prison conditions in the United States; Herman Schwartz, Professor of law at American University Law School and Chairman of the Prison Project Advisory Committee at Human Rights Watch; and Robert Kushen, a lawyer and USSR expert who is an Orville Schell Fellow at Human Rights Watch. The mission was arranged with the full cooperation of officials at the USSR Ministry of Internal Affairs ("MVD")¹ and Ministry of Foreign Affairs.

This report does not necessarily provide a comprehensive picture of prison conditions in the USSR, but rather, through a series of snapshots, calls attention to some of the problems in the penal system. The report is based on visits to 21 facilities in the Republics of Russia and Azerbaidzhan; there are 1091 prison facilities in the entire country.

While the name "USSR" and the term "Soviet" appear to have become obsolete in light of the recent political developments in the country, they are used in this report for lack of a convenient alternative. Except where noted, information about the "USSR" pertains to all 15 of its former republics.

For consistency, "arrestee" is used to refer to those arrested and held in police stations and lock-ups; "detainee" is used to refer to those charged with a crime and being held in a pretrial investigation prison, and "prisoner" and "inmate" refer to all incarcerated people, regardless of the status of their cases.

Wages and prices cited in this report are of limited accuracy because of the rampant inflation currently afflicting the USSR, and because the ruble is not convertible and hence is difficult to value. The official tourist rate in June 1991 was about 28 rubles to the dollar, and the black market rate was 35. By December 1991, fixed tourist rates had been abolished, and the floating rate was about 100 rubles to the dollar.

¹ *Ministerstvo vnutrennix del*

SUMMARY AND RECOMMENDATIONS

SUMMARY

A serious effort at prison reform is underway in the Soviet Union, and it has already begun to show results. Serious problems persist nevertheless, many of which stem from flaws in the criminal justice system that cannot be remedied by changes in prison policy alone. The breakup of the USSR may accelerate the pace of reform in some parts of the country, but hinder it in others. Regardless of the pace, the impetus for reform must now come from each of the individual republics, and so too must the money for necessary capital improvements.

Pretrial Detention Facilities

By far the most serious problem in the penal system is the massive overcrowding that exists in the pretrial detention centers, which are exclusively of the closed prison type. The total prison population of the USSR has decreased sharply, from 1.6 million in 1985 to around one million today. However, the number has started to increase again, as rising crime rates and a popular call to get tough on crime serve to fill Soviet prisons. This increase has been felt first in the pretrial centers, and can be expected to adversely affect the entire prison system as the number of convicted prisoners grows.

Because of the lack of an effective bail system and a plodding criminal justice system, detainees languish without justification in the pretrial centers for an average of 4-6 months and many for one-and-a-half years or longer.

All the pretrial centers we saw are decrepit, filled far beyond capacity, without ventilation, hot in summer, cold in winter and usually smelly. Detainees are stacked in double or triple bunk beds, in cells whose windows admit almost no light or air, with full clotheslines strung across the cell adding to the unbearable closeness. Even though the women's centers are not so overcrowded (there are relatively few female detainees) in fact the women are also packed together, perhaps because staff shortages compel authorities to concentrate the detainees in a smaller area, where they can be more easily supervised.

Amenities in the pretrial centers are almost non-existent. Showers are old, smelly and too few. There are no exercise facilities available, except for a small enclosed walking area where prisoners can go for one hour per day. Aside from the walk and one shower per week, detainees sit idly all day, for months at a time, in their intolerably overcrowded cells. They eat and go to the toilet in their cells. Detainees who have not been convicted and sentenced do not work.

The investigator and the procurator wield tremendous power over a detainee's daily life. In addition to determining whether a person is detained pending trial in the first place, they decide whether a detainee can send mail or receive visits. In practice, these privileges are rarely allowed.

Food and medical care are inadequate, although comparable in many cases to that available in freedom. Tuberculosis is rampant; 11 percent of the total population in the penal system is infected. Staff shortages, present throughout the prison system, are felt in medical care as well.

Infractions of even minor detention center rules can result in a 10 day term in a "punishment cell." These cells are generally dark, damp and cold, with no air circulation, and with only the most rudimentary beds and toilets. The beds are made of wooden slats with no mattress, and are folded against the wall during the day. The toilets are smelly. Detainees are not allowed to smoke, to take their one hour walk or to enjoy any of the rudimentary "privileges" allowed to the general detention center population. Those punished seemed to be usually held in isolation.

There is violence among detainees, and uprisings against detention center authorities are becoming more common, frequently as a result of poor living conditions. In both cases, serious injuries and deaths have resulted.

Individual cases of physical abuse of prisoners by staff are still reported; we were told of several instances at the Kresty pretrial center in Petersburg. Long term inmates uniformly reported that physical abuse, once common, is now rare, suggesting that it is no longer the systemic problem it once was. In some republics, such as Azerbaidzhan and Georgia, detainees whose cases have political overtones are subject to physical and psychological abuse. In Azerbaidzhan, there have been recent reports of deaths of Armenians in custody due to torture.

Police lock-ups, where arrestees spend their first 3-5 days in custody, are even more rudimentary than the pretrial detention centers, with grossly inadequate food and beds that are frequently little more than wooden benches.

The right to counsel at this level in the criminal process, provided for in theory, is ineffective in practice because police do not inform arrestees of the right, and interrogation in the lock-ups frequently proceeds regardless of whether an attorney is present. In addition, there is a shortage of competent defense counsel, due to inadequate education and pay.

Administrative Detention Facilities

Conditions in administrative detention, where prisoners serve up to fifteen days for minor offenses, are similar to those noted above, with the added burden of compulsory unpaid work.

Labor Colonies

Confinement in labor colonies is the most common form of incarceration of convicted prisoners in the Soviet correctional system. A colony is a large compound bounded by a perimeter fence of barbed wire manned by armed guards. Inside the colony compound, there are living barracks (unlocked except in the highest security colonies), medical facilities, a dining hall, one or more factories, and other facilities. Prisoners are obliged to work.

Mixing of prisoners convicted of non-violent and violent crimes is a problem, particularly in the highest security facilities. Soviet criminal law treats repeat offenders of even petty crimes very severely, and prison officials do not make any real effort to separate different types of prisoners, regarding them all, as does the law, as "dangerous" offenders.

The overcrowding present in the pretrial prisons is so far absent in the colonies. The open barracks found in all but the highest security colonies are much more comfortable than the locked cells of the pretrial prisons. Ventilation is very good. Because many of the colonies are located in very cold areas, with winter temperatures dropping to -40° F, adequate heating is a concern. In the highest security colonies, where prisoners live in locked cells, conditions are much worse, similar to those in the pretrial prisons described above.

Work conditions in the colony factories are primitive, with some serious safety problems evident. However, these conditions are similar to those that exist in freedom. Although prisoners receive wages, they must pay for their upkeep, as well as pay restitution and other obligations. As a result, "take-home" pay is minimal, and many prisoners complain that colony work is a form of slavery. The work week is 48 hours, 8 hours longer than in freedom. Prisoner rights activists complain that many categories of sick or handicapped prisoners are still compelled to work onerous jobs for longer hours than are appropriate. Refusal to work can be punished by a 15-day term in a punishment cell.

Privileges in the colonies are greater than those in the pretrial prisons, but are still minimal. The number of letters a prisoner can send, the number of packages he can receive and the number of visits from family members are usually sharply limited. The colonies usually have rudimentary exercise equipment, one or more televisions, a library, and other forms of activity such as films and concerts. Pregnant women and young mothers receive additional privileges.

Food and medical care is similar to that in the pretrial prisons and comparable to that in freedom. Tuberculosis is also rampant in the colonies.

Punishment for rules violations is similar to that in pretrial prison. Inhumane punishment cells, with no ventilation, heating or bedding are used for up to fifteen-day terms, during which prisoners are denied most of their privileges. Those punished are usually held in isolation.

Inmate violence varies widely from colony to colony, with hundreds of prisoner deaths each year in the system as a whole. Uprisings against staff, motivated partly by poor living conditions, are becoming more common. Staff violence against prisoners is on the decrease, although cases still exist, and in some individual facilities it still appears to be systemic. Prison officials are succeeding in solving some of these cases of systemic abuse by changing personnel.

Colony-Settlements

Although conceived of as less restrictive than labor colonies, conditions in colony-settlements are frequently even harsher because of the climate and work conditions. Many of the colony-settlements employ prisoners in logging and timber production, some of the most physically taxing work in the penal system. Privileges are greater than in the labor colonies. We did not visit any colony-settlements.

Prisons for Convicted Offenders

Prisons for convicted offenders supposedly house the most serious criminals. But like the special regime colonies, the inmates are not only violent offenders, but also repeat offenders of non-violent crimes, who, after misbehaving in medium or high security colonies, are sent to a prison as additional punishment.

Living conditions are similar to those in the pretrial prisons, though overcrowding was not a problem at the one prison in Vladimir that we visited. Work conditions are similar to those in the colonies, except that because of space limitations the factories are smaller.

Because incarceration in prison is the most severe form of punishment, privileges in prison are even more restricted than in the colonies. Prisoners in the most severe regime can send only six letters per year and receive two visits per year. The punishment regime is the same as in the colonies, with punishment cells used to discipline serious or repeat violators. Food and medical care are comparable to that elsewhere in the penal system.

Inmate violence at Vladimir prison was greater than in the colonies we visited, because of the violent nature of many of the prisoners and the tensions produced by living in a restricted lock-up. According to prisoners, staff abuse has declined markedly since 1989.

Medical-Labor Prophylactic Colonies

Medical-labor prophylactic colonies house alcoholics and drug addicts who are involuntarily confined because of their status, not because they have committed any crime. Due process protection in the commitment proceeding is non-existent; in the one facility we visited, in four years, none of the inmates had ever been represented by an attorney. Conditions in these colonies are similar to those in a low security labor colony. The perimeter is manned by armed guards. There is a compulsory addiction treatment program, and work is compulsory if a doctor deems that the inmate is fit to work. Inmates are allowed one shower per week. Visits and packages are restricted.

RECOMMENDATIONS

- An effective bail system should be introduced to allow greater numbers to remain in freedom pending disposition of their cases. A pretrial release system would free all except those who are not likely to appear for trial or whose alleged offenses are so grave that the community would not tolerate their release pending trial.**
- A speedy trial rule should be implemented that would set a rigid time limit by which a trial must commence or the accused go free.**
- The right to counsel should be strengthened to require that law enforcement authorities inform arrestees of this right at the moment of arrest, as well as of the right to refuse to answer questions. To ensure compliance, some form of exclusionary rule should be considered: a law**

that would forbid consideration at trial of any evidence obtained as a result of violating these rights.

- **Family and friends should be able to visit freely pretrial detainees, and there should be no limit on correspondence or packages, including those containing printed matter and food. After conviction, these privileges should not vary according to severity of sentence. The no-contact requirement for short visits should be abolished, except as an extraordinary disciplinary measure when the infraction being punished has to do with visiting. Visits should be conducted in the language of the prisoner's choice.**
- **The investigator and procurator should be stripped of all decision-making authority in regard to prisoners' conditions of confinement. These decisions are for the legislature, the court or some other independent entity, and in some cases, for prison authorities.**
- **Responsibility for addressing prisoner complaints should be shifted from the procuracy to an independent body, either the court or a special ombudsman established for that purpose. Confirmed instances of staff abuse should be promptly dealt with by punitive action against those responsible, including where necessary dismissal or the institution of criminal proceedings.**
- **The classification of prisoners according to their offenses and prior records should be modified to ensure that violent and non-violent offenders are separated. The criminal code provisions need to be amended to reflect this distinction: repeat offenders of petty crimes should not be categorized together with violent criminals. Much of this classification process should be administered by the correctional system, rather than by the court, although the court or some other independent body should provide safeguards that the prison authority is not abused.**
- **All staff should wear identifying badges as a way to discourage abuse.**
- **Physical deprivation should not be used as a form of punishment. All cells, including punishment cells, should be maintained at a comfortable temperature, with sufficient ventilation, light and appropriate bedding.**
- **Prisoners should be provided with clothing appropriate for the weather conditions. If suitable clothing cannot be provided, friends, family or social organizations should be allowed to provide it.**
- **Prisoners should not be required to perform clean-up duties in labor colonies as a form of punishment.**
- **The practice of shaving male prisoners' heads should be ended.**
- **Prisoners should be allowed to receive suitable medicine and medical care through family, friends or social organizations, in appropriate cases.**
- **In prisons that are filled under their capacity, inmates should be distributed evenly in available cells.**

- **The work system should shift its focus from production to rehabilitation of prisoners. Prisoners should be allowed to retain more of their wages, and should be allowed to send this money to family members. Compulsory work without pay, as we found in administrative detention, should be forbidden.**
- **Incarceration in forest colonies should be voluntary, and prisoners who choose to serve their sentences and work there should be remunerated accordingly.**
- **The mere status of chronic alcoholism or drug abuse should not subject one to involuntary confinement. If the present system of involuntary confinement is maintained, the right to counsel or guardianship for the "accused" must be guaranteed, at government expense.**
- **Sufficient funds must be made available to attract and properly train competent staff, to maintain prison facilities and build new ones if necessary.**

INTRODUCTION

Dostoyevsky observed that a society may be judged by how it treats its prisoners.¹ By that measure, both the Imperial Russian and the Soviet Empires were truly inhuman.

Democratization, begun under the rubric of *glasnost* and *perestroika*, may be changing that. Prison reforms are being seriously attempted, and changes are evident. These reforms are part of a larger reform of the entire criminal justice system, as indeed they must be, for as everywhere else, many of the Soviet penal system's most serious problems stem from flaws in the criminal justice system, and cannot be remedied by changes in prison policy alone.

The Soviet penal system is currently run by the USSR MVD, which also runs the police and other internal security forces.² The Department of Corrections³ is a distinct branch of the USSR MVD, and is currently headed by General Vladimir Guliaev, who assumed the job in 1990 under the reform MVD Minister Vadim Bakatin. Guliaev has remained through two changes of administration, surviving the downfall of Bakatin in December, 1990 and the suicide of Boris Pugo after the abortive coup attempt in August, 1991. He continues prison reform under the new MVD Minister, Viktor Barannikov.

Until recently, the USSR had one of the highest prisoner population ratios in the world—1.6 million convicted prisoners in a population of approximately 284 million in 1985. Recently, however, the USSR has made a deliberate effort to reform the prison population, and as a first step, moved to reduce it by amnestying non-violent and political⁴ prisoners in 1987 and 1988. There are now between 680,000 and 760,000 prisoners in the Soviet penal facilities, with an additional 200,000 in pretrial detention, 10,000

¹ In regard to corporal punishment in prison, Dostoyevsky wrote, "The right of corporal punishment given to one man over another is one of the sores of social life, one of the strongest forces destructive of every germ, every effort in society towards civic feeling, and a sufficient cause for its inevitable dissolution." Fyodor Dostoevsky, *The House of the Dead*, trans. C. Garnett (New York: Macmillan, 1950), 182.

² The prison system run by the MVD is the largest, but not the only system of incarceration in the Soviet Union. The KGB runs its own pretrial investigation prisons, and the military has its own system of pretrial and post conviction facilities. In addition, there are special psychiatric hospitals that house those who have been criminally and civilly committed. In the past, these were also controlled by the MVD, but were in 1988 transferred to the jurisdiction of the Ministry of Health. Our investigation and this report do not concern these facilities. Over the years there have been numerous reliable reports of human rights abuses in KGB prisons and in psychiatric hospitals that continue to this day.

³ *Glavnoe upravlenie ispravitel'nykh del.*

⁴ The number of political prisoners in the Soviet Union has decreased dramatically since 1985. The number has recently begun to creep up again, however, with many new detentions due to the actions of republic and local officials. The current figure stands at around 91, which includes conscientious objectors to military service. Fifty-four of these are in Georgia. An additional 80 may also be considered political prisoners, but there is a shortage of information about their cases. *Vesti iz SSSR* (USSR News Brief), ed. C. Lubarsky, (Oct 30, 1991).

sentenced prisoners awaiting disposition of appeals and 160,000 involuntarily confined in alcoholic and drug treatment colonies. The number of pretrial detainees and sentenced criminals incarcerated in the USSR amounts to a rate of 350 per 100,000 population.⁵

The reform effort is intended to transform the prisons from being a crucial part of the USSR industrial structure that produces hundreds of millions of rubles annually, to an institution for resocialization that complies with international standards for treatment. Such a change will not come easily as the Soviet economy slides further into decay and functioning industries like those in the prison system assume even greater importance.

The legal structure of the penal system is complex, and will undoubtedly be profoundly changed by the ongoing political turmoil in the USSR. The decentralization of the prison system that just began before the August 1991 coup attempt can be expected to accelerate as the USSR breaks apart, with new centers of authority and new penal laws governing prison facilities in the newly independent or sovereign republics. The USSR MVD Department of Corrections has set as its future task the development and implementation of minimum standards for incarceration, which the republics can augment if they wish.⁶ However, it seems increasingly unlikely that the republics will acquiesce to any central control. While some republics can be expected independently to adopt more humane standards, the lack of democratic institutions and of respect for prisoners' rights in many republics suggests that conditions could actually worsen as a result of increased autonomy or outright independence.

Currently, the main bodies of law governing incarceration are: the Fundamentals of Correctional Labor Legislation, an All-Union document that sets general standards for the entire country; Correctional Labor Codes of the various union republics, which codify many of the details of the penal system, and which must be consistent with the Fundamentals; and hundreds of rules and normative acts passed by the USSR MVD, covering such vital details as the amount and kind of food prisoners receive. In addition, the All-Union Fundamentals of Criminal Law and of Criminal Procedure, and the republic substantive and procedural Criminal Codes contain many provisions affecting prisoners.

⁵ Interview with Major General Vladimir Nikolaevich Kremenetsky, Deputy Chief of Corrections, June, 1991, and with Leonid Sizov, Deputy Minister of Internal Affairs, June, 1991. Figures for alcoholics are taken from "Inside Soviet Prisons," *Federal Prisons Journal* (Winter 1991): 11. The total number of incarcerated people is still a good deal higher than in most West European countries, but is lower than in the United States, with a prisoner population of 426 per 100,000. The Sentencing Project, *Americans Behind Bars: A Comparison of International Rates of Incarceration* (Jan. 1991).

⁶ Interview with Guliaev, September, 1991.

Criminal confinement in the USSR is primarily of three types, in different institutions: closed prisons⁷ for pretrial detainees, post-conviction appellants and convicted prisoners; labor "colonies"⁸ for prisoners serving their sentences; and colony-settlements,⁹ similar to colonies but less restrictive. Some of the closed prisons house pretrial detainees, post-conviction appellants and sentenced prisoners in segregated cells of the same facility; other prisons are exclusively for one type of prisoner. There are now some 1,091 facilities in the system, of which 27 are closed prisons exclusively for convicted prisoners serving their sentences. According to Deputy Interior Minister Leonid Sizov, some 150 facilities have been closed, mostly old post-conviction labor camps made superfluous by the amnesties noted above.

The facilities for prisoners serving their sentences are further distinguished by levels of severity, and confinement in a particular "regime" depends on a convict's prior record and the type of crime committed. The substantive criminal code of each republic determines the regime to which a convict is sentenced. The code also provides the court with the discretion to sentence to higher or lower regime facilities based on the character of the crime and the convict.¹⁰ The severity level determines the prisoner's right to visits, packages, mail, commissary purchases and other privileges.¹¹

In addition to these three types of facilities, there are also closed transit prisons where sentenced prisoners are held pending their transfer to colonies and prisons;¹² police lock-ups,¹³ where arrestees are held for up to three days, though sometimes more; facilities for administrative prisoners, where the maximum stay is supposed to be fifteen days; 88 colonies and other facilities for juveniles, called "educative labor colonies,"¹⁴ housing approximately 28,000 juveniles aged 14 to 18,¹⁵ including four colonies for serious offenders; and facilities for the involuntary confinement and treatment of alcoholics,

⁷ Pretrial investigation prisons are called *sledstvennij izoliator*, or "*sizd*" for short. Prisons for convicted prisoners are called *tiurma*.

⁸ *Ispravitel'no-trudovaia koloniia*. In the past, the labor colonies were referred to as "camps" (*lager*). It seems that the term colony was adopted to put some semantic distance between Stalin's prison system and the present-day system.

⁹ *Koloniia-poseleniia*.

¹⁰ *Ugolovnyj Kodeks RSFSR* (Criminal Code of the Russian Federated Socialist Republic) hereinafter *RSFSR Criminal Code* art. 23 (upward departure); art. 43 (downward departure).

¹¹ Proposed reforms would make uniform and increase the number of visits regardless of regime. The plan, as presented by General Guliaev, would vary only the degree of confinement: fully closed facilities for the most severe crimes, medium security for lesser offenses, and open institutions for the least serious.

¹² We visited one of these, Krasnopresnenskaia in Moscow. Because of its similarity to the pretrial prisons, this report discusses Krasnopresnenskaia in the section on pretrial prisons.

¹³ *Izoliator vremennogo sodержaniia* ("*ivs*"). The police lock-ups are not administered by the USSR MVD GUID, but rather at the local level by the militia.

¹⁴ *Vospitatel'no-trudovaia koloniia*.

¹⁵ "Inside Soviet Prisons," *Federal Prisons Journal* (Winter 1991): 19.

"medical-labor prophylactic" colonies.¹⁶ We visited 21 facilities, including one or more facilities of each of the above types, with the exception of the colony-settlements. We chose ten of the 21 specifically; for the others, we requested a particular location and type of facility (e.g., a police lock-up in Leningrad) and the MVD officials chose the specific facility.

The maximum prison sentence in the Soviet system is 15 years. There is also capital punishment, and a death sentence can be commuted to up to 20 years. Thirty five percent of the inmates have 5-10 year sentences, 31 percent have 2-5 year sentences 9 percent have 10-15 year sentences, and 23 percent have 1-2 year sentences.¹⁷ Because of the amnesties and changes in both the criminal law and sentencing practice—36 percent of those convicted now go to prison in contrast with 64 percent in the past¹⁸—there is a higher concentration of serious offenders in the prison system. The prison population is also getting younger and hence more violent, resulting in more difficult management problems.

The Soviet prison system has serious structural problems as well. Many of the facilities are very old, and, as the MVD admits, should be closed. One government study concluded that 40 percent of the pretrial prisons are in need of immediate serious repair.¹⁹ But because there is no money for new facilities, they stay in operation. According to MVD officials, at least 15-20 new facilities (mostly pretrial prisons) are necessary but these cost money—one estimate is 3.5 billion rubles²⁰—and the USSR's grave economic crisis is an obvious impediment.

In addition, there is a serious shortage of guards and medical staff, particularly psychologists and other correctional specialists. Although the pay is above average for some positions (particularly the medical positions), for many the salary is meager. In addition, the status is low, and the jobs frequently attract people who lack other career opportunities. Also, many of the facilities are far from population centers from which to draw staff. Since the MVD is a military organization, those who serve go where they are told, but the prospect of service in a forest colony in the far north must discourage people from joining the penal system in the first place.

¹⁶ *Lechebno-trudovaia profilaktoriia*.

¹⁷ Interview with Kremenetsky, June, 1991.

¹⁸ Interview with Sizov, June, 1991.

¹⁹ *Komitet po pravam cheloveka verkhovnogo soveta RSFSR* (RSFSR Supreme Soviet Committee on Human Rights), *Prava cheloveka v mestakh lisheniia svobody. Predlozheniia po reforme*. (Human Rights in Places of Deprivation of Freedom: Proposals for Reform) [hereinafter Supreme Soviet Report] (1991): 5.

²⁰ Interview with Kremenetsky, June, 1991.

RECOMMENDATIONS

Conditions of pretrial detention present the most serious problems to the Soviet penal system. As the foregoing indicates, in the USSR as, unhappily, in so many other places, presumptively innocent people are treated far worse than the most serious convicted offenders.

Many improvements are possible and would cost little. Perhaps the most important is simply to reduce the number of pretrial detainees by adopting an effective pretrial release system that would free all except those who are not likely to appear for trial or whose alleged offenses are so grave that the community would not tolerate their release pending trial. Investigators and prosecutors are likely to oppose this change, for the system depends heavily on confessions and interrogation. It is a fact of life everywhere that people sitting in jail – especially in the conditions of the Soviet pretrial prisons – are less likely to resist interrogation. This is particularly so since the interrogator controls visits and other privileges. Nevertheless, overcrowding is one of the major reasons for the abominable conditions in which pretrial detainees are forced to live.

A second needed reform is the adoption of a speedy trial system whereby detainees may not be held for more than a certain period of time without being tried. In the American federal system the period is 70 days after the charge is filed, and unless there is a statutory, specified excuse for delay, the detainee must be released and cannot be tried. If conditions in the prisons are not improved, at least the period of confinement should be shortened.

There seems to be no good reason why mail, visitation and other benefits should be withheld from these presumptively innocent people. The purpose of pretrial detention should be limited to ensuring that the defendant appears for trial and to protect the community. Making these benefits subject to prosecutorial control is irrelevant to these purposes and reflects a police state mentality inconsistent with the presumption of innocence. Realistically, such control is in fact a device to allow the investigator to coerce the detainee and has no place in a just system of pretrial detention.

For the same reason families should not be denied the right to send books and other reading matter as well as any food they like to detainees. None of the rationales put forth by prison officials for these restrictions are convincing.

The right to counsel must be given real meaning. Some of the changes necessary require time and money: the development of a competent and independent defense bar, which requires investment in education and in the system of remuneration. Other changes can be made more easily: police officials must be obligated to advise arrestees of their right to counsel and their right to remain silent. To deter violations, a law should be passed that would exclude from consideration in a trial any evidence obtained as a result of the violations.

For both pretrial detainees and sentenced prisoners, there should be administrative and judicial remedies for complaints about the prison administration. The procurator's office is not reliable for this purpose. An ombudsman for prisoner complaints has proven very useful in Poland and could serve a similarly valuable function in Soviet prisons.

As for convicted prisoners, we strongly agree with the MVD's proposed equalization of privileges. Visits, mail and other forms of contact with relatives and friends should not be differentiated by degrees of offense or offender. These contacts are a useful and sometimes vital form of resocialization. They should be increased in number to the highest level administratively feasible and made a matter of right. It is far more appropriate and sufficient to make the level of confinement vary with the offense/offender. Visits throughout the penal system should be conducted in the language of the prisoner's choice.

The classification of prisoners according to his offense and prior record should be modified to ensure that violent and non-violent offenders are separated. In the first instance, the criminal code provisions need to be amended to reflect this distinction: repeat offenders of petty crimes should not be categorized together with violent criminals. Particular care should be taken in mixing such prisoners in prison or special regime labor colonies, where lock-up conditions make violence more likely. Secondly, much of this classification process can be administered by the correctional system, rather than by the court. Correctional officials are often in a far better position to determine an appropriate placement for a prison inmate, certainly after the initial placement and after the inmate has spent some time in a facility. Leaving such decisions to a distant judge who has not lived with the inmate seems a poor method of handling prisoners. The court or some other independent body should provide safeguards that the prison authority is not abused.

A further reform that is simple but valuable is to require all correctional staff to wear identifying name plates. The best shield for abuse is anonymity, and there is no legitimate reason not to require staff to identify themselves.

The system of punishment should be reformed in a humane manner. Punishment cells (and all living accommodations) should be maintained at a comfortable temperature with proper ventilation. Prisoners should not be deprived of warm clothing in a cold cell. Proper bedding should also be provided.¹

With inadequate medical care a constant criticism, it is inhumane to forbid privately obtained medicine or, in necessary cases, private medical consultation within the prison facility to prisoners who can obtain it.

The de facto criminalization of the status of alcoholic or drug addict is unjust, particularly when those subject to involuntary commitment have no effective guarantees of protection. Moreover, the practice seems to be ineffective. For either and both reasons, involuntary commitment should end. If the practice is to be continued, impartial counsel must be provided, at government expense if necessary. Such counsel may also be called upon to act as a guardian if the situation warrants.

The system of prisoner labor should be reformed with an emphasis on the welfare of the prisoner. The amount of wages actually received by a prisoner should be increased to a meaningful level. The colony workplace should be made safe. Incarceration in forest colonies should be voluntary, and prisoners who choose to serve their sentences and work there should be remunerated accordingly.

In the end, money will have to be spent to bring penal facilities up to habitable standards, and to attract competent staff. Any societal commitment to "get tough on crime" must be accompanied by a similar commitment to spend the funds necessary to maintain a humane system of incarceration. The treatment of those society considers its pariahs is one of the true measures of democracy.

¹ *Supreme Soviet Report, recommendation 3.*

APPENDIX A

**To: The Human Rights Commission of Leningrad City Council
From: Osipov, Andrey Vladimirovich, "IZ" 45/1 ("Kresty")**

A Statement

I have been in a punishment cell for more than eight months. I consider it an illegal and vengeful act by law enforcement authorities directed towards me because of my continued just struggle for my rights, honor and self-respect, because of my efforts to protect my health and my property from the unlawful and criminal actions of militia officers.

I have lodged complaints many times to the regional and city procurator offices, and the only result was my being "moved to the new address," that is, to the punishment cell. The authorities mentioned above, striving to protect their reputation, turned everything against me. They falsified the evidence against me and got me arrested. The very first day I went on a hunger strike; I consider hunger strike the only form of protest possible in such circumstances. I have not received a competent answer to any of my complaints. The prison administration resorted to forced-feeding (through a hose). I continue the hunger strike though I found out long ago that those responsible do not care at all about this way of protest. The force-feeding takes very brutal forms here. By the way, prisoners who go on hunger strikes are transferred to the block for the mentally disturbed, in the basement, block 4/0. Now and then the wardens use so-called "pressing" – various, very harsh methods that are meant to make the conditions really unbearable – to force people to stop hunger strikes. Most often they put several prisoners in a solitary confinement cell with no windows or a ventilation system and keep them there – sleeping on the floor – 24 hours a day. I was in such a cell for almost six months, four of them without the 60-minutes daily walk provided by law.

And now try to imagine that four other people in the cell smoke constantly, and I'm a non-smoker. I have had heart troubles several times.

But I appeal to your commission not because of that. The fact that I'm unwilling to bear brutal treatment became the cause of the cruel

beating of one of my fellow prisoners and myself by wardens of the punishment block.

It happened on May 16. For two months before that I had been in "decent" conditions, by local standards: in a cell with an air vent, with a metal cot to sleep on and a daily walk in the prison yard (the walking space was about the size of a cell but without a ceiling). Several days before the beating we were suddenly deprived of those daily walks. Then the medical officer ordered all the prisoners to be transferred to the small cell without windows and cots I had already mentioned. There were already two people there, so this time there would be seven of us altogether, although it is already difficult to breathe when there are only two persons in the cell.

I told the warden who was about to transfer us that I wanted to see a medical officer or a deputy chief on duty. He passed my request to his superior. Then two officers and two sergeants appeared. One of the officers, when approached, called himself a deputy chief (later it turned out that he was not). One of my colleagues and I went out of the cell. I do not name him at the moment because of the prison moral code: everybody speaks only for himself. I explained to the officer first, that previously I had a serious clash, almost a fight, with two prisoners in the cell I was to be transferred to; second, that I have a bad heart, and that there is not enough air there even for two people to breathe; third, that there are no cots for us there and that I wouldn't sleep on the floor; fourth, that we have just two spare cots in our present cell, and that it is more logical to transfer the two prisoners from the small cell to us, as there is more air here. I said all this in a calm manner and finally asked to postpone the transfer until the appearance of the medical officer who had given the order.

But the officer who called himself a deputy chief decided otherwise. He started by striking on my kidneys with his fists. Then he gave orders to force me into the small cell. The others knocked me down and began beating me with batons and boots. Before that they took all the possible witnesses (there were medical orderlies) out of the block. And the same officer threatened to move us to a punishment cell (strict punishment cell) if we did not follow orders. I agreed to a punishment cell at once, as I saw what was coming. But it didn't help. They beat us one by one insisting that we comply.

Being unable to force us to that cell the officer gave orders to bring in the dogs, "the most ferocious," as he specified. We thought he was bluffing. But as soon as the dogs were brought in, they unleashed them on my colleague, knocking him down first. The bites are still visible. Then they seized him by his arms and feet and threw him into the cell. After that they threatened to put the dogs on me if I did not follow. But evidently there was enough blood already and I had my "bit of luck:" they didn't unleash the dogs this time but went on beating me with batons and boots, and tried to twist my hands back to handcuff me. I was beaten black and blue but still refused to enter that cell. So they put me to the worst punishment cell. By the evening my slippers were already wet. My shirt and trousers were torn. I had 15 heavy bruises on my body. I stayed for 10 days in the punishment cell, still on a hunger strike and without even forced-feeding. All my requests to see the doctor and my complaints about the pain in my spinal column (it still bothers me) were ignored.

Only after eight days, thanks to the persistence of my mother, was I allowed to see the doctor and then the procurator. The doctor reluctantly examined me and registered only eight bruises. And the procurator informed me that I would go on trial for resisting the authorities.

Now they keep me in a solitary confinement cell. The conditions are better but I am here 24 hours a day, without fresh air. Only mental balance and a sober mind have prevented me from cutting my veins; but bits of broken glass have been left surreptitiously here, evidently for that purpose. The lad in the cell opposite me did just that protesting the confinement to the punishment cell. After having been attended to, he was cruelly beaten. As I understand, it's the second time he has cut himself.

This is all I wanted to relay to you. I'm not a criminal, but in any case I'm of the opinion that there is no place for such atrocities in a country that is trying to become civilized.

Sincerely yours,

Andrey Osipov
06.05.1991

APPENDIX B

On October 30, 1988, I was detained at the square by the Kazan Cathedral in St. Petersburg for participating in "a minute of silence" commemorating the victims of political repressions. The administrative trial sessions at police station 5 are usually held in the basement. In a poorly lit, windowless corridor there is a desk for the policeman on duty. Every morning the judge sits by the desk, and a decrepit stool becomes his high chair. The administrative code of the RSFSR says that those administratively detained may "make use of the services of lawyers." In real life the detained do not have any lawyers; if some persistent and human-rights-conscious prisoner manages to have one, the judge will actually ignore him. I have witnessed this several times.

My trial took place not in the basement but in a tiny (about 5 square meters) room. I had a lawyer but nevertheless was sentenced on completely falsified evidence to five days of administrative detention; the chief of the police station Vorontsov and a deputy chief Goloborod'ko were perjured witnesses against me. They still retain their offices.

To the right of the judge's desk are women's cells, to the left -- those for men. After the trial I was led to the cell in the basement -- dark, dirty and cold. There was no furniture in the cell, nothing but the wooden platform on which you could sit or lie. They let you have your clothes you had on at the moment of your arrest, but that is all; you do not get a mattress, not to mention a blanket. You may be kept in this cell up to three days. In my case there was a young woman in the cell who had been there for two days already and hadn't had a single meal all that time. The policeman on duty, a man, escorts you to the toilet, and you can't close the door from the inside. You are supposed to drink tap water but there are no glasses -- everybody manages as he can.

In the afternoon (6 - 7 p.m.) the administratively sentenced are transferred to the detention center on Kalyaeva street. The car has no window; there are wooden benches along the length of the trunk and men and woman are transferred in one group. It's the usual car for transporting prisoners.

At the detention center men and woman are placed in separate cells. Then everybody goes through "medical examination." The doctor asks: What are the complaints? (I'm not sure that it's routine but I wasn't examined, just asked). After that, women go to the gynecologist. Others thought that there might be a forced examination there but I was waved through. Personally I can't claim any especially hard treatment. The conditions there are awful, the inhabitants are mostly those on drunk and disorderly charges and people without permanent living quarters.

After the examination all the detainees were lined up, and the warden nicknamed "Levitan" for his vibrating bass voice² told us the rules we were to obey there. In the end he, said, among other things, that if you refuse to go to work, the first time you'd be reprimanded, the second - you'd go to a punishment cell, and the third - you'd get cold water shower treatment (it was November, by the way).

Together with another woman (accused of not having permanent residence) I was brought to the cell where there were already two other inhabitants. All five days the wardens didn't approach me, nobody ever offered me out to go to work. The other woman left for work in the daytime. They were cleaning up the territory of the prison and that of the "Meson" plant nearby.

In that special detention center they give you two meals a day. The food is awful, I've tried it. It's a rare disgust, and I preferred to live on bread and tap water.

The woman complained that if you don't obediently obey the administration's requirements you may land in a punishment cell where there are rats much feared by them. The wardens threaten: "I'll give you to little Larissa."³

Though the rules of treating the prisoners say that a forced haircut is possible only at the demand of the doctor, all men had their hair cut off at that time. As far as I know, now they do it only as a punishment.

W.Dobasevich

² Translator's note -- Levitan was the most famous official Moscow Radio announcer of Stalin's era.

³ Translator's note -- Larissa is the name of a nasty rat from a popular cartoon movie.

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PRETRIAL DETENTION FACILITIES

It is a bitter paradox that in many prison systems, the farther a person is from being proven a criminal, the worse one is treated. Thus, police lockups and pretrial prisons, where presumptively innocent people are held immediately upon arrest, often before being charged, are usually the worst, and long-term prisons where convicted murderers, rapists and thieves serve their sentences, are the best.

So it is in the USSR. Among the worst facilities are the pretrial detention centers, where detainees can be held for years awaiting trial in ancient, overcrowded dungeons, packed into small, hot or cold airless cells, for 23 hours a day, with almost nothing to do but wait. Things are little better in the overnight lockups, where arrestees stay from 24 hours to three or more days before being released or transferred to a detention center. Ironically, things improve a bit after the inmate is sentenced, while awaiting either the outcome of an appeal or transfer to a labor camp or prison, because once sentenced, the prisoner can work in prison.

PRETRIAL DETENTION CENTERS¹

Pretrial detention centers in the USSR are exclusively of the closed prison type. In these facilities, detainees are held through trial, and even after conviction and sentencing until their appeals have been exhausted. In some cases, a detainee may be held in one prison during the investigation of his case, and transferred to a prison in a different city where his trial will take place. Prisoners who have exhausted their appeals and are sentenced to serve a term in a closed prison are usually housed in a different prison. In some places, such as in Giandzha, Azerbaidzhan, the pretrial detainees and sentenced prisoners share the same facility, although they are held in segregated cells. Finally, at least one prison, Krasnopresnenskaia in Moscow, houses prisoners appealing their sentences as well as prisoners in transit between various other facilities.

Soviet law does not have an effective pretrial release procedure. In some cases, detainees are released pending trial if they sign an agreement not to leave the area.² Bail, while provided for in theory,³ is never used in practice. Since the investigator effectively determines if a detainee can be released pending trial, he has a powerful coercive tool at his disposal. Soviet defense attorneys told us that detainees are usually only released if the investigator is satisfied that he has gotten all the information he can out of the suspect. Confessions are still a very important part of the evidence in most criminal cases. Some MVD officials added that release is permitted if the offense is minor and the case is weak. The only other cases in which detainees are sometimes released pending trial are cases with strong political overtones, in which public pressure usually plays a large role in securing their release. Thus in Azerbaidzhan, several leading opposition figures, after languishing in KGB prison in Moscow for 9 months

¹ We visited the following pretrial centers: Butyr'skaia in Moscow, Kresty and Lebedeva in Leningrad, and Bailovskaia in Baku. We also visited Krasnopresnenskaia transit prison in Moscow, which is discussed in this section.

² *Ugolovno-protsessual'nyi kodeks RSFSR* (Criminal Procedural Code of the Russian Federated Socialist Republic) [hereinafter *RSFSR Procedural Code*] art. 89 (1990).

³ *RSFSR Procedural Code*, art. 89 (1990). See also *Osnovy ugolovnogo-protsessual'nogo zakonadatel'stva soiuz sssr i respublik (Proekt)* (Fundamentals of Criminal Procedural Legislation of the Union of SSR and the Republics (Draft)) [hereinafter *Draft Fundamentals of Criminal Procedure*], art. 33 (June 11, 1991).

in 1990, were released pending trial upon return to Baku. In the Ukraine, Stepan Khamara, a prominent opposition politician, was in and out of prison during his investigation and trial in 1991. His releases were motivated largely by popular protest.

Nor is there an enforceable requirement that defendants be tried within certain time limits. Although Soviet law sets time limits for various phases of the criminal process, these are uniformly ignored, and the law always provides for extensions. Thus, the preliminary investigation of a criminal case is not supposed to take more than two months, but this period can be extended indefinitely at the request of a procurator (the longer the extension, the higher the level of the procurator who must make the request).⁴ Similarly, an appeal is supposed to be decided within ten days,⁵ but some prisoners wait over a year, and the average, we were told by officials at Krasnopresnenskaia prison, is 3-4 months. In total, pretrial detainees wait in these prisons an average of six to seven months, according to the head of the Butyrskaiia prison, though some may spend two or three years there. As of 1990 the USSR had some 200,000 people in such facilities awaiting either a trial or determination of their appeals.

Intake

Pretrial detainees are exposed to the claustrophobic conditions of the pretrial detention centers as soon as they walk in the door. While awaiting assignment to a cell in Kresty, a detainee may be kept for what we were told is one to two hours in a closed narrow room about the size of a telephone booth. In one of these booths, the light did not work; officials told us this booth was not used often but there were many cigarette butts on the floor suggesting otherwise. In Butyrskaiia, the holding cell is 10' x 6' with a bench and no natural or artificial light.

Living Conditions

Conditions in the pretrial detention centers are appalling. Those we saw were all overcrowded, airless, hot in summer, cold in winter and usually smelly. Butyrskaiia in Moscow, originally built hundreds of years ago as a fortress,⁶ has a capacity of 3,500.⁷ On June 11, 1991, when we visited, it had 4,100 inmates, of which some 250-300 were convicted criminals with pending appeals. Krasnopresnenskaia, with a capacity of 2,000, always has 2,200-2,300; when we visited it had 2,264. "Two hundred sixty-four have no place to sleep," the prison chief told us, "and must sleep either sideways or on the floor." The notorious Kresty detention center,⁸ the larger of two serving the 5 million people in the Petersburg area, has a

⁴ *RSFSR Procedural Code*, art. 133 (1990). In the latest draft of USSR Fundamentals of Criminal Procedure, prisoners are not supposed to be incarcerated during the investigation for more than two months, but this limit may be extended to 1 1/2 years by action of the USSR Procurator General, or to lesser periods by lower level procurators. *Draft Fundamentals of Criminal Procedure*, art. 34 (June 11, 1991).

⁵ *RSFSR Procedural Code*, art. 333 (1990).

⁶ It has been used as a prison since 1787. "Inside Soviet Prisons," *Federal Prisons Journal* (Winter 1991): 16.

⁷ Since 10-15 percent of a prison's cells are usually under repair or used for other than regular housing, the actual capacity is closer to 3,000.

⁸ It is prominently featured in Anna Akhmatova's famous poem of the Stalinist terror period, "Requiem." *A. Akhmatova*,

capacity of 3,300 but a population of 6,000-6,500! "The further one gets from Moscow," one official told us, "the worse things get. Moscow has three such facilities for 9 million people, but Leningrad has only one for 5 million."⁹ In Baku, the capital of the Azerbaidzhan Republic,¹⁰ Bailovskaia pretrial detention center is rated for 600 prisoners. In June, 1991 the population was 861. Built in 1880, it was home to many famous prisoners, including, in pre-revolutionary days, Josef Stalin. However, it is unlikely that Stalin had to share his cell with 20 other inmates, as do detainees at Bailovskaia today.

What follows from these grim numbers is that pretrial detainees and criminal appellants are packed into cells built for far fewer, in which double- and triple-decker bunks and a toilet take up almost all the space, leaving almost no room to move around.¹¹ Inmates sit or lie on their beds, often bent over if on the bottom bunk. The windows are shut, or if they are open, they are so blocked by metal bars or blinds that no light or air gets in. The doors are solid, with only a peephole or sometimes a slot through which food can be passed. Ventilation is virtually nonexistent; the cells are hot in the summer and cold in winter, and are often only dimly lit.

In Butyraskaia, for example, five women were in a cell 8 feet x 8½ feet, which contained three double-decker bunks; there were usually six in the cell. One woman, charged with black marketeering, had been in pretrial detention two years, seven months; two others had been there over a year and a half. They and other women told us that no heat was provided in winter and the cells got very cold and damp; we saw water dripping into one of the cells. In Krasnopresnenskaia, seven detainees were in a room that was 19 feet 8 inches x 8 feet 10 inches. It was hot and smelled odious. The air was filled with cigarette smoke -- almost all prisoners

Polnoe Sobranie Stixotvorenij (The Complete Poems of Anna Akhmatova), trans. J. Hemschemeyer (Somerville: Zephyr Press) (1990), 2: 94.

⁹ The Moscow figure includes all prisoners; the number of women and juvenile inmates is negligible. The Petersburg figure reflects only the male prisoners. The other pretrial facility in the Petersburg area is for women and juveniles.

¹⁰ Prisons in Azerbaidzhan and in all the republics are technically still under the jurisdiction of the USSR MVD, although with the Soviet Union facing imminent dissolution, the future of the central control system is very much in doubt.

¹¹ According to MVD officials, Soviet law requires that each prisoner in a pretrial center must be provided with 2.5 square meters (27 sq. ft.) of living space, but this paltry norm seems to be universally violated.

smoke -- and there seemed to be no ventilation. It was hard to breathe, and when asked what their major complaint was, all burst out with "The air is terrible!"

Elsewhere in Krasnopresnenskaia, eight men were in a similarly small cell, stripped to their shorts and sweating heavily; there had been as many as 11 there in February. Loaded clotheslines were hanging from the ceiling, blocking the already dim lights in the cell, a common phenomenon. Here too, the air was full of cigarette smoke, there was no ventilation, and it was hard to breathe. Not surprisingly, this room also smelled. "We live in a toilet," said one man angrily. The walls were stucco, porous and damp, and the cell got very cold, especially at night.

Again and again in Krasnopresnenskaia, the cells we visited were packed with half-naked sweating bodies. One 19 feet 3 inches x 21 feet room that we were told was intended for 25 actually housed 32; it had held as many as 35. Even had the cell contained only 25, it would have violated the minimum norm under Soviet law. The cigarette smoke was so strong, it burned our eyes. There are 70 such large cells in Krasnopresnenskaia, we were told, and all are overcrowded, airless and hot, and overstuffed with bunks and clotheslines.

Petersburg's Kresty prison was equally bad. All cells are approximately 6½ feet x 13 feet; in one such cell, there were 10 male first offender pretrial detainees; there had been as many as 12. All but two smoked, and most were stripped to the waist because of the heat. Eight first offenders were in another dark, dirty, 6½ feet x 13 feet cell. Here the inmates complained that the cell was insect-ridden. Insects are not the only form of non-human life here. We also saw rats scurrying across the floor in both the cells and in the hallways. In both cells the small space was occupied by double-decker bunks, clotheslines and a toilet, so that the inmates were virtually piled on top of each other. One inmate declined his daily walk because after being outside for an hour, he could not bear the stale air in the cell.

The all-female facilities should have reflected improvements, for the number of female inmates has dropped. The Lebedeva St. prison in Petersburg, which houses both pretrial detainees and sentenced prisoners, has a capacity of 1,500, but only 1,100 inmates, of which 650 are juveniles. Nevertheless, the female pretrial detainees are also packed into undersized cells, even though some cells are empty. In one cell, 13 first offenders were crowded into a 16 feet x 12 feet cell; one slept on the stone floor. There had been no glass in the window in that cell since January, and at times, we were told, it got very cold.

In another cell, this one 13 feet x 7 feet housing five, with two triple-decker beds and several loaded clotheslines, there was the opposite temperature problem -- it was very hot in the summer. There was also no air circulation, even though all but a few women smoke.

When the authorities were asked why the empty cells were not used since so many others were overcrowded, they first replied that "the women prefer to stay together" and then added "we expect more inmates tomorrow."

Pregnant women or those with infants are treated better at Lebedeva St. They are housed in a separate area and may live with their children for the first two years of the children's lives.¹² After that the child is sent to the detainee's family or to a state home. The quarters we saw for these pretrial detainees at the Lebedeva St. facility in Petersburg were in the process of renovation and appeared pleasant.

The conditions in Bailovskaia prison in Baku are similar to those described above. The cells we visited were all approximately 15 feet x 13 feet, and the number of detainees in them ranged from 4 to 25, with 10 (we were told) being the average. In one typical cell, there were 13 inmates. The air was stifling, and after 15 minutes in the cell our clothes were drenched with sweat. It is apparently against regulations for the detainees to open the windows here; this was cited as one of the most common violations that results in a detainee being confined to a punishment cell. According to the detainees, the cells are not heated in winter. While Baku is in the south and fairly temperate, winter temperatures frequently drop below freezing, and the detainees complained of the cold. The one improvement in Bailovskaia compared to the prisons we saw in the Russian Republic is that the toilets in the cells are surrounded by a cement wall approximately 3 feet high that offers a modest degree of privacy. In the other prisons we saw, the toilets were not screened in any way from the rest of the cell.

Despite the fact that the prison as a whole is overcrowded, many of the cells we saw were not full, suggesting that others we did not see were horrendously overcrowded. The reason for this is not clear. Perhaps a lack of staff caused the detainees to be concentrated so that they could be more easily controlled; perhaps the authorities had moved detainees out of some cells in order to show us ones that were not overcrowded; perhaps the prison space is chronically mismanaged; or perhaps the difference served as an intentional system of punishment and reward.

A major complaint in all the pretrial prisons is a shortage of shower facilities. Inmates are entitled to one shower a week, but several detainees complained that there are few showers and many don't work. Women in the Lebedeva St. prison told us there are usually three or four women under one shower because there are always a good many showers out of order. In Bailovskaia prison, the bath house contained five shower heads. Since the detainees take showers by cell, this means that as many as 25 detainees use five showers at a time. The shower room in Bailovskaia prison was foul smelling.

Other basic necessities are also lacking in the pretrial prisons. The inmates sleep on wooden bunks covered with thin two-inch mattresses, but again and again, we heard complaints that inmates had no bedding at all or very little. In one Butyraskaia cell, for example, one man had had no bedding for one month, and only two of the five had a complete set. Blankets in Krasnopresnenskaia were very dirty and "should have been burned long ago," according to one of the inmates.

¹² *Polozhenie o predvaritel'nom zakliuchenii pod strazhu* (Regulation on Preliminary Confinement in Custody) [hereinafter *Regulation on Preliminary Confinement*] art. 4 (1969).

Work Conditions

Only sentenced prisoners work in the Soviet penal system, although, in theory, pretrial detainees could work with the permission of the procurator.¹³ Thus, in the pretrial centers, convicted prisoners who remain there pending appeal work, but pretrial detainees do not. In addition, sentenced prisoners from other facilities may voluntarily transfer to pretrial centers to work there. There are, in general, no production facilities in the pretrial centers, only maintenance jobs.

Privileges

Pretrial detainees are kept 23 hours per day in their dank packed cells, with nothing to do. They are allowed a daily hour-long walk with their cell-mates in a small, closed outdoor area, into which they are locked.¹⁴ The walk area in Kresty is 7 feet x 26 feet; in Bailovskaia - 21 feet x 17 feet. The detainees take their walks by cell, so such a space might be used by as many as 25 or 30 people at one time. Many, as we noticed at Kresty, just sit around during the hour.

The pretrial prisons contain commissaries that stock candy, bread, cheese, jam, cigarettes, paper, pencils and some other basic items. Pretrial detainees are allowed to spend 25 rubles per month here; the money can be deposited by relatives into the detainee's account.

The only permitted activity is reading, but that is strictly limited, though the authorities deny this. Prison officials told us pretrial detainees could order any periodical they wanted within limits of security, but many inmates said they were restricted to *Pravda* or *Izvestiia*. The books in the prisons are frequently propaganda or else they are completely dilapidated. When asked about books, two women in Lebedeva St. prison burst out laughing and showed us the book they had obtained from the library. It was ancient, had fallen apart completely, and many pages were missing. "Except for two volumes of Dickens," they told us, "everything else is propaganda." The authorities do not permit families to include any books in the packages that inmates may receive.¹⁵

Pre-trial and pre-sentence detainees generally see no one but guards, cell-mates and lawyers. Pretrial detainees may not receive visitors or send letters, unless the investigator in charge of their case allows it.¹⁶ They may receive mail, including one food package per month.¹⁷ Criminal appellants "belong to the courts," and they cannot have visits or send mail unless the judge approves. They, too may receive mail, including food packages.

One exception to this ban on visitors is a direct result of *glasnost*. According to the chief of Krasnopresnenskaia, inmates may now see a religious adviser, and may have Bibles and other religious

¹³ *Regulation on Preliminary Confinement*, art. 7 (1969).

¹⁴ *Regulation on Preliminary Confinement*, art. 9 (1969).

¹⁵ *Regulation on Preliminary Confinement*, art. 9 (1969).

¹⁶ *Regulation on Preliminary Confinement*, arts. 12 & 13 (1969).

¹⁷ *Regulation on Preliminary Confinement*, art. 9 (1969).

material. In all the prisons, there was abundant evidence of the religious revival in the USSR: Bibles, icons, crosses, even tattoos of churches. At Butyr'skaia, however, it appears that priests and ministers do not visit, and no services are held. We did not learn whether the inmates wanted such services, though it seems unlikely that Soviet prison inmates in this particular facility would be unaffected by the renewed interest in religion.

Pregnant women and mothers with children under the age of three receive special treatment in the Soviet penal system. Pregnant women receive special food norms, and increased commissary privileges. The law forbids pregnant women or those with nursing infants to be placed in punishment cells.¹⁸ In the Petersburg Lebedeva Street facility, pregnant women and mothers with their children are housed in a segregated area as described above.

Punishment

Infractions of prison regulations are punished by a series of sanctions, including informal warnings, formal reprimands (which go in the prisoner's file), and restrictions on the right to receive packages or buy commissary items.¹⁹ More serious or repeat violations are punished by a term in a "punishment cell,"²⁰ and violations punishable by criminal penalty result in the opening of a new criminal case against the prisoner. The detainees with whom we spoke reported that most of the time the preliminary punishments are used before resort is made to the punishment cells.

Pretrial detainees can be incarcerated in punishment cells for up to ten days for such offenses as arguing with the staff, opening the windows, yelling to detainees in adjacent cells, as well as more serious violations. Hunger strikes are almost always punished by incarceration in punishment cells. One detainee with whom we spoke in Bailov'skaia had been on a hunger strike for one-and-a-half months, and was being held in a punishment cell and force-fed by prison guards.

The conditions in the Butyr'skaia punishment cells are typical. In a foul-smelling basement corridor, the punishment cells are 13 feet x 4 feet 13 inches, and only 6 feet 6 inches high. In Krasnopresnenskaia, they are 8 feet 13 inches x 5 feet 6 inches. In Bailov'skaia, the punishment cells are 5 feet x 6 feet. The walls are stucco, which makes them painful to lean against, and usually damp. The "bed" - a narrow wooden plank - is locked against the wall except from 10:00 pm until 6:00 am. According to MVD regulations, mattresses and bedding are not provided.²¹ The regulations also provide that detainees cannot be given any outerwear. During the day, the cells contain only a small stool and "table," a small square metal shelf. The light is usually very dim. Reading and smoking are prohibited. The inmate does

¹⁸ Interview with Guliaev, Sep. 1991. See also *Ispravitel'no-trudovoi kodeks RSFSR* (Correctional Labor Code of the Russian Federated Socialist Republic) [hereinafter *RSFSR Correctional Labor Code*], art. 53 (1986) [same provision applying to post-conviction facilities].

¹⁹ *Regulation on Preliminary Confinement*, art. 15 (1969).

²⁰ *Kartser. Regulation on Preliminary Confinement*, art. 15 (1969).

²¹ *Pravila vnutrennogo rasporiadka ispravitel'no-trudovykh uchrezhdenij* (Rules of Internal Management of Executive-Labor Facilities) [hereinafter *Rules*], sec. 75 (1986).

not get his hourly walk.²²

Soviet officials emphasized to a United States government delegation in March 1990 that prisoners are rarely placed alone in punishment cells because isolation is considered too grave a punishment,²³ but this did not seem to affect the practices and policies in the facilities we visited, where prison officials told us that their punishment cells were usually filled with single detainees, and where the sentences seemed to average about eight days. The one exception was Krasnopresnenskaia, where two people often shared a punishment cell.

One of the major reforms of recent years is that reduction of food rations is no longer permitted to be used as punishment anywhere in the prison system. Poor as the food is, rations for detainees in the punishment cells are the same as those for the rest of the detention center population. All the detainees we spoke with in the pretrial detention centers reported receiving their normal food rations in the punishment cells.

Food

The USSR's food problems are notorious, and the prisons fare accordingly. In December, 1990, food norms were increased to try to conform to minimum medical standards. Prison officials bragged that the detainees ate better than those in freedom. While this is clearly false, many detainees volunteered that while the prison food was bad, so was the food on the outside. The average menu, we were told, is meager, monotonous and tasteless. There is enough bread, but that is all. A typical day's fare is as follows:

Breakfast: Kasha, brown bread, tea and some sugar;
Lunch: Cabbage soup, mashed potatoes and bread;
Supper: Fish soup and bread.

Inmates may buy food in the commissary, and families can also send food in monthly packages; some inmates complained about the restrictions on what families could send – for example, chocolate and nuts are forbidden. In one labor colony it was explained that this restriction was designed to prevent the hoarding of these high calorie, non-perishable foods for escape attempts.

Some detainees claimed that they are being fed less than the detailed norm required by law. Unfortunately, this claim is almost impossible to verify, since the food norms are in terms of grams of a certain foodstuff per day; even with a scale, it would be difficult to determine if the specks of meat in the porridge or soup added up to the 100 grams of meat required by the regulations.

Medical Care

²² *Rules*, sec. 73 (1986). According to General Guliaev, all prisoners are supposed to get a walk, even in punishment cells, suggesting that this rule has been changed. However, the prisoners with whom we spoke in punishment cells did not receive a walk, and the chief of Kresty pretrial detention center stated that prisoners in punishment do not get their walk.

²³ "Inside Soviet Prisons," *Federal Prisons Journal* (Winter 1991): 22.

Medical care is always a problem in impoverished countries, both inside and outside the penal system, and the USSR is no exception. Although prison officials uniformly told us of the large medical staffs in their facilities, inmates usually complained about neglect and indifference.

Tuberculosis is a huge problem in the Soviet penal system, exacerbated by the poor diet, hygiene and close quarters in which prisoners live, particularly those in pretrial detention. According to statistics released by the MVD in 1990, there are 100,000 cases, of which 60,000 are active; that is, 11 percent of the prison population is infected.²⁴ There was special and frequently expressed concern about mixing infected inmates with non-infected ones; while active cases are treated in special medical wings, non-active cases are returned to the general detention center population.

Dental care came in for particular criticism. Much of the time, dentists are apparently unavailable, and when dentists do treat the inmates, "all they do is pull teeth," according to one woman in Petersburg. One Krasnopresnenskaia inmate said he had been unsuccessfully trying to see a dentist for a month, and another said there had been no dentist there for three months because the regular dentist was said to be ill.

Despite relatively good salaries for prison doctors, who receive a standard medical salary plus an additional sum for being a member of the armed forces (the MVD), there appears to be some problem filling medical vacancies.

With all the problems of medical care in the penal system, prisoners throughout the system are forbidden to arrange for their own medical care or even to receive medicine from relatives.²⁵

Prisoner Violence and Uprisings

Officials in Butyrkaia expressed concern about inmate-inmate violence there. The Butyrkaia warden also spoke of inmate attacks on staff as recently as a year ago, but stated that there had been no such incidents under his brief tenure of one-and-a-half months. As for self-inflicted harm by the detainees, at Butyrkaia there were four such incidents in one-and-a-half months in 1991. At Kresty, there were three deaths due to inmate-inmate violence, two suicides, 20-30 attempted suicides, and two cases of inmates attacking guards in the past year. The

²⁴"Obiavili golodovku," (They Declared a Hunger Strike) *Sovetskaia molodezh* (June 16, 1990).

²⁵ *Supreme Soviet Report*, at 6.

Bailovskaia warden reported no serious injuries or deaths due to inmate violence in recent years.

In other pretrial detention centers throughout the USSR, riots and hostage-taking have become more and more common. In 1990-91 there were several serious incidents, including the following:

- **October 1991 -- Grozny pretrial detention center -- 600 prisoners riot. Two dead after uprising put down by force. Detainee complaints: unknown.**

- **July 1991 -- Novokuznetskii pretrial detention center -- 400 detainees on hunger strike. Detainee complaints: poor ventilation, inadequate medical care, limited food in commissary, harsh treatment by guards.**

- **August 1990 -- Krasnodarskii krai, Armavirskii pretrial detention center no.2 -- 200 participate in hunger strike. Detainee complaints: poor food, lack of cigarettes, poor health care, overcrowded cells.**

- **June 1990 -- Dnepropetrovskaya pretrial detention center -- Uprising of more than 2,000 detainees -- rioting, arson. Riot put down by special forces storming the facility. Five detainees died; accounts differ as to responsibility of troops for deaths. Detainee complaints: overcrowding, poor medical and other living conditions.²⁶**

Sexual abuse is also a problem in the Soviet penal system. Prisoner rights activists indicate that most sexual contact in the penal system is coercive. Homosexuals are frequently separated from other inmates and confined together. At Krasnopresnenskaia, this practice was explained as being motivated by concern for their safety. In this detention center, it appeared that various prisoners, heterosexual and homosexual, were segregated in certain cells because they were afraid of violence in the cells in which they had been held previously. Homosexual prisoners, whether active or passive, are clearly ostracized by the prison population, and, to some extent, by prison staff.

Staff Abuse

Many inmates in the pretrial detention centers complained about staff abuse. However, a clear mark of reform in the Soviet penal system is the reduction in systemic violence by staff against detainees. Many long-time inmates in the system reported that violence against prisoners was endemic five years ago, but is rare today. Nevertheless, individual cases still exist.

Kresty inmate Andrey Osipov went on a hunger strike from the moment of his arrest in October 1990, protesting conditions of confinement. He was punished in various ways for this. On May 16, 1990, when he complained about being put in isolation, he was badly beaten by prison guards.

²⁶ Rozhnov, "Temnitsy ruxnut?" (The dungeons are collapsing?), *Ogonek* (July 14-21, 1990): 24 (blaming troops). In response, a Sovetskaya Militsionir correspondent wrote that there was one suicide, two drug overdoses and two prisoners shot trying to escape.

Four days later, Osipov's defense lawyer Yurii Shmidt came to see him on a regular visit. "I was shocked at what I saw," Shmidt told us. "Black and blue bruises on his back that I know are from clubs; bruises and kicks from boots. In some places, the skin was broken. It took me five days, quarrels with the prison head and two visits to the Chief Procurator to get Osipov some medical care."²⁷

Osipov described his mistreatment in a letter, but was afraid to talk to us in the presence of staff when we saw him. "Everything I have to say is in the letter, however," he murmured to us.²⁸

In Azerbaidzhan, detainees whose cases have political overtones can still be harshly mistreated in pretrial confinement. Isfandiar Choshgun is a poet, an Iranian emigre with a history of political activism and harassment by the government. He described his most recent arrest to us in an interview. He was arrested in July, 1989 for organizing an illegal meeting. He was held first in Bailovskaia, then transferred to Shuvilian pretrial detention center, to a special wing of the prison staffed by Russian soldiers. He and five others were held for seven days in a cell without any beds. They were given food that was infested with maggots. For three or four days, an irritant gas was introduced into their cell that resulted in tearing eyes and headaches. He was eventually released in August, 1989, and no charges were brought against him.

More recently, the mistreatment of Armenians in Azerbaidzhani pretrial detention centers has come under scrutiny and criticism.²⁹ Armenian detainees we spoke with in Bailovskaia alluded to mistreatment when they were held at another detention center, in Shusha. However, they would not discuss the details, and it appeared that they were reluctant to speak in the presence of their cell-mates (our interview was conducted without the presence of prison staff).

In videotaped interviews taken in a hospital in Armenia, two Armenian doctors describe being beaten unconscious by MVD workers and black berets in Giandzha pretrial detention center in Azerbaidzhan. Dr. Sergis Hakobkaofian stated that after being beaten, he was thrown naked in a cell by himself where he was given nothing to eat for four days. The cell floor was covered with water and excrement. Later, he was transferred to a different cell where other Armenians were being held. He was beaten every day for 17 days, and states that the others in his cell were subjected to similar mistreatment. Dr. Hakobkaofian suffered a broken hand, internal bleeding and cerebral damage. He and his cell-mates

²⁷ Interview with Yurii Shmidt.

²⁸ A translation of that letter can be found in Appendix A of this report.

²⁹ In March, 1991, before the beginning of Soviet-Azerbaidzhani military action against Armenian villages in Azerbaidzhan, the Azerbaidzhani MVD gave us permission to visit a number of detention centers in Azerbaidzhan, including those in Giandzha and Shusha. Armenians captured in April-June were subsequently detained in both of these detention centers. When we arrived in Baku at the end of June, the visits to Shusha and Giandzha were thrown into question. In the end, these visits were canceled, ostensibly because Viktor Polianichko, the second secretary of the Azerbaidzhani Communist Party (but by all accounts someone who answers to the central government in Moscow) would not give us permission to travel to those areas because they were under emergency rule. The visits to Giandzha and Shusha were also hindered by some typical Soviet red tape in making travel arrangements. We do not know the precise reason for the cancellation of these visits. However, judging by the accounts of atrocities committed there against Armenians, it is obvious that both the Azerbaidzhani MVD and the central authorities as represented by Polianichko were not anxious to have us see these detention centers.

were forced to sign statements indicating that they were well treated in confinement, and eventually they were released.

In addition to the above cases, Amnesty International reported recently on allegations that two Armenians died after physical abuse in Azerbaidzhani pretrial detention centers, and urged a full investigation.³⁰

Similar allegations of beatings in detention continue to emerge from Georgia, also in cases with political overtones.

Lesser forms of intentional abuse continue. A former prisoner held in Bailovskaia detention center in Baku stated that prisoners were forced to bribe the guards five rubles in order to open the windows in the cells. Each time a shift changed (there were three shifts per day) they had to pay again.

Despite claims of respect for the privacy of female prisoners at the Lebedeva St. detention center in Petersburg, we saw that male guards entered the cells of female prisoners without knocking. After we pointed this out, a female guard opened the next cell, apparently called out "Attention" and the male officer walked in immediately, without waiting. In still another case, a male guard opened the cell, apparently told the women to get dressed, came out and after a brief wait, we went in.

POLICE DETENTION FACILITIES

In the USSR, a person arrested is usually booked at a local police station,³¹ where he or she may stay overnight, and then taken to a central police lockup,³² both of which are under the jurisdiction of the local militia. The arrestee meets with an investigator, and the procurator decides whether to formally charge or release him or her. If arrestees are charged, they are either released or go to a pretrial detention center like Butyraskaia, where they are then under the jurisdiction of the MVD Department of Corrections.

³⁰ Amnesty International, *USSR: Recent Allegations of Ill-treatment by Law Enforcement Officials in the Republic of Azerbaydzhan* (August 1991), 3-4.

³¹ *Otdelenie militsii or raionnyj otдел'.*

³² *IVS (izolator vremennogo sodержaniia).*

Police Stations

Most of the police stations are not designed to house arrestees overnight, but in practice they frequently do. The result is that arrestees may begin their acquaintance with the Soviet criminal justice system by staying 24-48 hours in a cell without a bed, and without any food. We saw two police stations in our visit, one in Petersburg designed to hold arrestees overnight, and one in Baku designed as merely a processing center.

Petersburg police station No. 5³³ has a capacity of 30 people in five to six cells. Although arrestees are supposed to be there only 24 hours before going to the Kresty pretrial detention center or to the procurator's offices for further questioning, there were indications that some people stayed longer.

Even 24 hours at police station No. 5 is an ordeal, however. Arrestees, many of whom will never even be charged, are kept in small, windowless closed 8' x 8' cells. There are no beds in this room but only a raised wooden platform on which to sleep, without any bedding. If someone wants to go to the toilet, he or she knocks on the door and hopes to get the officer's attention.

Most distressingly, these cells are kept in total darkness, even though lighting exists and can be turned on with the flick of a switch by the staff. The officer in charge could give no reason for keeping the inmates in pitch-black darkness, nor could the senior MVD officials in Petersburg.

The Baku regional police station³⁴ handles eight to ten new arrestees per day. Processing usually takes one-and-a-half to three hours. According to the chief of the station, the commandant can in theory order a prisoner held overnight, but it never happens because there are no facilities here to handle overnight detention. None of the prisoners we spoke with mentioned being held overnight in a police station. In practice, there seems little sense since the Baku lockup is very close by.

Police Lockups

In theory, if the police station is not equipped for overnight incarceration, arrestees are supposed to be taken to the police lockup. We saw three such police lockups in Moscow, Petersburg and Baku. The Kuntsevsky St. facility in Moscow, built four years ago, has seven cells for thirty-seven people. The bed is a wooden platform, about 10" above the floor, for which the inmates get some bedding. The window in the cells is small but there is central ventilation; the lighting in the cell, however, is dim.

While we were at the lockup, a prisoner was brought in. He had just been in two local police stations for a total of 36 hours, where he received no food, and slept on wooden planks without bedding. A second inmate, who arrived a few minutes later from another local police station, had been arrested the day before at 7:00 p.m. (it was about 4:00 p.m. the next day when we saw him), also had nothing to eat, and also had slept on a wooden plank without a mattress. Both had been in small cells that were very crowded. The Kuntsevsky St. facility was obviously an improvement.

³³ *Otdelenie militsiino. 5.*

³⁴ *ROVD imeni 26-ogo Bakinskix Kommisarov.*

The Frunzenskoe lockup in Petersburg revealed still other problems. One of the prisoners here first spent one-and-a-half days in a police station with nothing to eat and nothing but a wooden bench on which to sleep. In total, he did not receive any food for more than 48 hours after his arrest. The food he eventually received in the police lockup was meager at best: two meals of bread and water per day, with one hot meal at midday. The cell which he shared with one other inmate was dimly lit and stuffy. Because the walkway at this new lockup had not yet been constructed, arrestees did not receive the one hour walk mandated by law and they spent 24 hours in these cells. And while the law states that after three days they must be transferred or released,³⁵ weekends are not counted,³⁶ so that some arrestees with whom we spoke were being held 5 days.

While conditions at this lockup were far from impressive, one of the arrestees told us that they were far better than at the Smolenskoe regional lockup where he had been held five months before. In that facility, he stated, arrestees receive no bedding at all, and the cells are cold and very damp with only a very weak light. And as at Frunzenskoe, at Smolenskoe they receive no walk.

The police lockup in Baku was similar. The cells were stuffy, despite a ventilation system that the arrestees confirmed was frequently turned on. Some of the wooden beds lacked mattresses. According to the arrestees, the authorities provided the same meager rations as at Frunzenskoe; the chief of the lockup claimed that they provided three hot meals per day. The arrestees said that their relatives were allowed to bring food to them every day.

A young man was being held indefinitely in the Baku lockup on murder charges. The chief explained to us that this was at the request of the investigator and the prisoner, in order to keep him out of the harsher conditions at Bailovskaia.

In Baku we also had the opportunity to see the vehicles in which prisoners are transported between the lockup and the prisons. The convoy truck was all metal and extremely hot inside; there were two cabins that held a maximum of eight people, with no windows and one very hot bright light. In addition, there was one isolation seat, an enclosed box 2 1/2 x 2/1/2 feet with a steel door that had five small holes punched in it and a bench on which to sit. There was no light. We were told that this seat was used only for very dangerous criminals, based on the crime of which they were accused or their behavior in detention. In addition, handcuffs were used on them.

The lockups are not immune from prisoner violence. The Soviet press reported that in August, 1990 in Suxumi, prisoners took MVD personnel hostage.

³⁵ *RSFSR Procedural Code*, art. 96-1 (1990).

³⁶ *RSFSR Procedural Code*, art. 103 (1990).

Right to Counsel

The right to counsel from the moment charges are brought or within 24 hours after arrest is enshrined in a 1990 amendment to the USSR Fundamentals of Criminal Procedure.³⁷ In practice, the right is still undeveloped; low prestige and pay contributes to a shortage of defense attorneys, and many are of poor quality. The procuracy enjoys more power and procedural advantages to the detriment of the defense.

Soviet law, unlike American law, does not require that a criminal suspect be informed of his right to counsel before interrogation; the failure to inform in many cases vitiates the right. MVD personnel in the police stations and lockups must bear part of the blame. All the personnel we questioned in the stations and lockups claimed that they inform arrestees of their right to counsel. The arrestees all said that they had not been informed. One arrestee stated that when he was arrested, he asked the police for a lawyer, "like in America." He was told, "You don't live in America," and was advised that if his family hired a lawyer, only then would he get one. He tried unsuccessfully to refuse to answer questions without a lawyer present. All of the arrestees with whom we spoke answered questions of investigators before retaining counsel, although defense attorneys told us that those who have been arrested before usually know that they can keep silent.³⁸

³⁷ *Zakon o vnesenii izmenenij i dopolnenij v osnovy ugovnogo sudoproizvodstva SSSR i Soiuznyx Respublik* (Law on the Introduction of Changes and Additions to the Fundamentals of Criminal Legal Procedure of the USSR and the Union Republics), arts. 22 & 23 (April 10, 1990).

³⁸ There is no explicit right against self-incrimination under Soviet law; the right implicitly arises from the fact that suspects or defendants are not compelled by law to speak or tell the truth. A provision in the draft Constitution of the Russian Federation makes explicit the right against self-incrimination. *Konstitutsiia Rossiskoj Federatsii (Proekt)* art. 48 (Sep. 15, 1991).

DEATH ROW

The new *Fundamentals of Criminal Legislation of the USSR and Republics*, passed in July, 1991, reduces the number of crimes carrying the death penalty to five: treason; intentional murder under aggravating circumstances; kidnapping a child, resulting in especially grave consequences; rape of a minor under aggravating circumstances; and "especially grave crimes against peace and human safety."¹ Minors and women cannot be put to death. With the breakdown in central authority, it is unclear if the republics will conform their legislation to these new reforms.

Before this change, USSR criminal law provided the death penalty for serious crimes of violence, such as intentional murder with aggravating circumstances or some types of rape, as well as for some non-violent crimes such as treason (which includes fleeing across the Soviet border), espionage, or large-scale embezzlement of state property. In practice the death penalty has recently only been carried out against those convicted of violent crimes. A resolution accompanying the new Fundamentals provides that those already sentenced to death for crimes not enumerated in the Fundamentals will have their sentences commuted to 15 years of incarceration. This commutation does not apply to anyone convicted of "state crimes" under article 1 of the USSR law of December 25, 1958.²

Until recently, the number of executions in the USSR was considered a state secret. In January, 1991, death penalty statistics for the previous six years were revealed for the first time, showing that in 1990, 445 death sentences were passed, with 29 commutations. One hundred ninety-five executions were actually carried out. These figures represent a marked decline from 1985, but a big increase over 1989, suggesting that the use of the death penalty may again be on the rise.³ The method of execution is shooting in the back of the head.

We visited two facilities where death row inmates are held, Butyr'skaia in Moscow and Bailov'skaia in Baku. The cells in Butyr'skaia where they are kept are in a silent, darkened part of the facility – we were asked not to talk above a whisper. The inmate is kept in isolation in a cell lit only by what appears to be a thirty-watt bulb, and sees no one but his lawyer. His "bed" is a stone bunk with a thin two-inch mattress and he is not allowed out of the cell, though he can read and smoke, and gets the same food as everyone else. We did not see the death row cells in Baku, but were told they were similar to the other cells in the prison.

¹ *Osnovy ugovnogo zakonodatel'stva Soiuza SSR i respublik* (Fundamentals of Criminal Legislation of the Union of SSR and Republics), art. 40 (July 2, 1991).

Although the other provisions of the Fundamentals do not take effect until July, 1992, the death penalty provisions are supposed to take effect immediately.

The use of the vague word "child" instead of "minor" in the kidnapping provision may be a drafting error.

It is unclear what is meant by the last provision ("crimes against peace and human safety.") A recent report by Amnesty International speculates it means war crimes and genocide. Amnesty International, *USSR: Prospects for Abolition of the Death Penalty* (July 1991), 3.

² *Postanovlenie Verkhovnogo Soveta SSSR, O Vvedenii v dejstvie Osnov ugovnogo zakonodatel'stva Soiuza SSR i respublik* (Resolution of the Supreme Soviet of the USSR, on the Implementation of the Fundamentals of Criminal Legislation of the Union of SSR and Republics) (July 2, 1991).

³ Amnesty International, *USSR: Prospects for Abolition of the Death Penalty* (July 1991), 2.

There were 12 prisoners on death row in Baku.

ADMINISTRATIVE IMPRISONMENT

The USSR also has a system of administrative sanctions for relatively minor offenses such as participating in unauthorized demonstrations, housing violations, and quarrelling with neighbors. These sanctions include fines and confinement in an administrative prison for up to 15 days.

We visited the Petersburg facility on Kalaeva Street for administrative confinement; a member of a Petersburg human rights group had been confined in this institution in November 1988 for participating in a demonstration and she has described her experience in a memorandum that appears in Appendix B to this report.

When we visited, we found an ancient building with peeling paint and a stench everywhere. We were told there are 100 cells. The facility currently confines 100-150 people including 10-15 women; last year, it had as many as 400 inmates at one time. Most people are confined in groups of four.

A typical cell is 18' x 7'. It has a toilet, a shelf, and wooden boards for beds. Prisoners wear the clothes they come in; they get no bedding, and must sleep on the bare wooden boards.

All the prisoners work a seven-day week doing cleaning, loading and other unskilled work. They get no pay.

There are punishment cells in the basement, with the usual stucco walls. There were five people in these cells when we were there. The cell we saw was about 6½' x 7', with a toilet and two stools, and had two people in it. It had no window and was quite dark. The smell was foul. At night, the inmates in the punishment cell are taken to a regular cell with "beds."

LABOR COLONIES¹

Confinement in labor colonies² is the most common form of incarceration in the Soviet correctional system. The colonies are segregated by sex and regime (from lightest to most severe: general, strengthened, strict and special)³. A colony is bounded by a perimeter fence of barbed wire manned by armed guards. Inside the colony compound, the guards carry truncheons. There are usually living barracks, medical facilities, a dining hall, a commissary, a recreation room, punishment cells, one or more factories, and other buildings (barbershop, library, etc.). In all but the special regime colonies, the living barracks are not locked; special regime colonies have cells similar to those in closed prisons. Prisoners are obliged to work.

The type of regime determines what kind of conditions and privileges prisoners receive. These conditions and privileges consist of living quarters (barracks for all but special regime); the right to buy food at the commissary; the right to receive packages of written material (newspapers and books) and to send letters (the right to receive letters is in theory unrestricted); the right to receive food packages; and the right to have visits (short meetings as well as conjugal visits). The amount of money allowed to be spent in the commissary, and the permissible number of packages, letters sent, and visits all decrease as the regime becomes more severe. The correctional labor law of each republic prescribes the normal level of privileges a prisoner is allowed for a given regime; for good or bad behavior, this norm may be altered accordingly.

In addition to this distinction of privileges, the law specifies that prisoners in special regime colonies are, as a rule, supposed to perform "heavy labor."⁴

The major criticism of the regime categories is the classification of non-violent repeat offenders as "especially dangerous recidivists," who are subject to the most extreme form of punishment. Thus, those convicted several times for theft can find themselves in a special regime colony, in lock-up with convicted murderers.⁵ In addition, no allowance is made for age, the fact that even violent criminals are less likely to be a danger to society as they get older.

While some effort is made to house prisoners in colonies close to their homes, in practice this is

¹ We visited eight colonies: a strict regime men's colony, no. 3, in Vladimir; UZ 20/7, a strict regime men's colony in Petersburg; UZ 20/5, a strengthened regime men's colony in Metalostroi near Leningrad; the general regime women's colony in Baku; no. 11, a strengthened regime men's colony in Baku; and three colonies in the lavas, Mordovia complex ZhX 385 - a special regime men's colony; a strengthened regime men's colony; and a general regime women's colony.

² *Ispravitel'no-trudovaia koloniia*.

³ There are no special regime women's colonies.

⁴ *RSFSR Correctional Labor Code*, art. 37 (1986).

⁵ *RSFSR Criminal Code*, art. 24-1 (defining as an "especially dangerous recidivist" anyone convicted several times of the crime of theft [art. 144]); art. 24 (mandating a term in special regime labor colony or prison for especially dangerous recidivists).

not possible, and many prisoners find themselves incarcerated hundreds and even thousands of miles from their homes. This makes visits by friends or relatives difficult or impossible. Facilities in the Moscow and Petersburg areas are in particularly short supply, as are facilities for women and for the chronically ill.⁶

Living Conditions

One of the chief advantages of the colonies over the pretrial facilities is that they are not now overcrowded, although in the near future many of them will be. The amnesties of 1987 and 1988 eased the pressure on the colonies, and despite the fact that many of them have been closed, the functioning ones are frequently below capacity. The prison population in the camp complex of Iavas, Mordovia, for example, has decreased by 50 percent since 1985. At the strengthened regime colony of Metalostroi, the population was 1,855, with a capacity of 2,020. The women's colony in Baku had 88 prisoners with a capacity for 350. The strengthened regime colony no. 11 in Baku has 585 prisoners with a capacity of 1,300. The danger of overcrowding still exists, however, judging by the increasing crime rate, a popular mood to get tough on crime, and a failure to build new facilities. The chief at Metalostroi expected his colony to be full by the end of the summer; the special regime colony that we visited at Iavas was already full.

Living quarters compare favorably with those in the pretrial detention centers. With the exception of the special regime colonies, prisoners live in barracks containing single or double bunk beds, and small cabinets for personal belongings. In the women's colony in Baku, there are refrigerators in all the barracks where the prisoners can store food. No doubt this is due in part to the fact that Azerbaidzhan is the monopoly producer of refrigerators in the USSR, although the men's colonies do not have the same amenity. Artificial lighting is generally poor, although allowance must be made for the fact that light bulbs are very hard to come by even in freedom. There is usually a good deal of natural light in the daytime -- the barracks have many windows, and these can be opened by the prisoners. For this reason, ventilation is also very good. When we visited, the barracks were quite clean.

During the summer, the temperature in the barracks is reasonably comfortable. In Baku it was a bit hot without the benefit of any fans, but it was tolerable. Winter temperatures are a potential cause for concern, however, since many of the colonies are located in areas with very severe winters. In Mordovia, for example, we were told that a warm winter is one when temperatures are around -8° F, and temperatures frequently drop to -40° F. Despite this, few of the prisoners in the men's colonies complained about winter temperatures. On the other hand, several women in a colony in Mordovia spoke of sleeping in their coats during the winter, and estimated that temperatures in the barracks dipped to 47-50° F. One prisoner said that the temperature sometimes reached 32° F.

In the special regime lockup colony in Mordovia, living conditions are similar to the prisons: hot and stuffy. Prisoners who have completed one-third of their term on good behavior can move to a privileged area in which they live in unlocked cells with good ventilation.

Insects are another hazard in colonies located in undeveloped areas. In Mordovia in summer, mosquitoes and black flies are present in abundance, and prisoners complained about the mosquitoes in particular.

⁶ *Supreme Soviet Report*, 14.

Plumbing is primitive in most colonies, although comparable in many cases to conditions in freedom. Most of the toilets are flush type, although we did encounter pit latrines as well. Toilets are generally dirty and smelly, with newspaper used as toilet paper. The women's colony in Baku was a notable exception. The toilets were clean and relatively odor-free. The women's colony in Mordovia had some new buildings with flush toilets, but they did not work during the time of our visit; we were told there was some problem with the water that day. According to the prisoners, most of them do not have access to these flush toilets but have to use pit latrines located in two buildings that are separate from the living quarters. We were not permitted to see these latrines. Inexplicably, pregnant women and young mothers are housed in one of the older barracks without toilets, and must therefore trudge outside in sub-zero temperatures to use a pit latrine even though there is a more comfortable alternative available.

Shower facilities in the colonies are generally also primitive, smelly and in separate unheated buildings. Hot water is readily available. In many colonies some of the showers did not work at the time of our visit. Prisoners are permitted to shower once a week, although in some colonies, like the women's colony in Baku, prisoners are allowed more frequent showers (twice a week seemed to be the norm here, although at one point the chief claimed that they could shower as often as they wished). Like the toilets, the showers in the women's colony in Baku were at the time of our visit exceptionally clean. In addition, in the Baku colony there is a separate room where menstruating women can bathe as often as they wish.

Prisoners must wear prison garb. Some of the women prisoners complained of insufficient warm clothing for the winter, and it seems likely that such a problem is endemic to the majority of colonies, located as they are in cold climates.

Male prisoners must shave their heads, a practice ostensibly for hygiene, but one that is strongly criticized as degrading by prisoners' rights advocates in the USSR. The hygiene rationale seems dubious since women prisoners are not forced to shave their heads, and there seems to be no great health problem as a result. This practice was reportedly abolished by MVD decree in the Fall of the 1991.

Work Conditions

Prisoners serving a court-imposed sentence are obligated to work.⁷ While the Soviet labor code mandates that workers in freedom work a 40 hour week, those in prison work 48, with Sundays and official holidays off.⁸ Invalids are permitted a lighter work schedule, but

⁷ *RSFSR Correctional Labor Code*, art. 37 (1986).

⁸ *RSFSR Correctional Labor Code*, art. 38 (1986).

many of them are still compelled to work: 1st and 2nd group invalids work a 42-hour week; and tuberculosis patients work at least 4 hours per day.⁹

Prisoners receive a wage from which is deducted money to pay for their upkeep. They can perform services for the colony, such as cleaning, cooking, maintenance or providing medical care (if they are properly qualified) or else they can work in the production facility of the camp. Timber, furniture-making, metalworking, and simple electronics are some of the industries found in the colonies. Prison production is sold to the general public and was until recently exported to "fraternal socialist countries." It is unclear how the export of prison products has been affected by the downfall of most communist governments in Eastern Europe and by a reorientation of Soviet trading relations toward hard currency transactions, but one press report noted an effort by prisons to enter into joint ventures with Western European firms. Prison production is a vital part of the Soviet economy, accounting for 8.5 billion rubles of revenue per year. In 1989, profits from prison production amounted to 1.14 billion. In some areas, prisons are monopoly producers, particularly in agricultural machinery.¹⁰

With colony labor so valuable to the Soviet economy, the pressure against meaningful reform of the penal system is great. Decreasing the number of prisoners sentenced to labor colonies, decreasing their sentences, increasing their pay or emphasizing rehabilitation in the labor system all run counter to the goals of production and profit. Upsetting the economics of the labor colonies means upsetting the economy as a whole, adding more severe stress to an economy that is contracting and on the brink of hyperinflation. Reform of the work system thus requires serious political commitment at the highest level.

We saw only factory production in the colonies we visited. In the men's colonies, we saw furniture-making, metalworking and electrical work; in the women's colonies, sewing and craft work. The factory conditions vary widely, but all the factories seem a victim of the economic decay currently afflicting the entire country. Some are well ventilated; others, particularly where painting or furniture finishing took place, are very poorly ventilated. At one factory in a Mordovia colony, we were drawn to an inmate spray-painting a cabinet. The factory manager told us not to worry, that the inmate was working under a ventilation hood. He was, but without a mask, and the paint was hitting the back of the cabinet and spraying directly back at him. In the Vladimir strict regime colony, the suction equipment used to draw smoke away from the welders is quite ineffective, so that much of it goes under the welders' masks and into their nostrils.

Most of the factories we saw are heated in winter, although their large size and the number of broken windows suggest that the heating is rudimentary. In one Vladimir colony, the factory floor is not heated and according to one inmate who drills tractor frames, in winter his fingers sometimes freeze to the frame.

⁹ *Supreme Soviet Report*, 10.

¹⁰ Interview with Kremenetsky, June, 1991. Other information taken from "Ispravitel'no-trudovye uchrezhdeniia: vklad v narodnoe khoziajstvo," *Infonovosti* (Nov. 5, 1990).

Machine tools have few if any safety devices, but this is comparable to conditions in factories in freedom. In Petersburg UZ 20/7 we were told of metal stamping machines that sometimes start by themselves and mangle or cut off the operators' fingers. One inmate said he personally saw five such instances in 2 1/2 years and knew of many more; two other inmates also cited specific instances, one just two months before our visit. The tractor factory at the Vladimir strict regime colony was said to contain some very unsafe machinery.

In the aftermath of a prison uprising in May 1990 at a colony in Vinnitsa, Ukraine, a reporter described the deplorable working conditions as follows:

[The prisoners were] carrying] scoops of melted aluminum eight hours a day in a shop with nine furnaces going full blast at a temperature of 700° C. If the molten liquid splashes onto your skimpy overalls, the prison doctor often classifies the severe burns as self-mutilation. Convicts are not entitled to either canvas overalls or protective glasses. There's no drinking water in the workshops, nor hot running water in the showers. In recent months there's been no soap either - and all these deficiencies are considered by the camp authorities as "minor" ...¹¹

The prisoners' major complaint about the work is the inadequacy of the pay. About half the pay goes to the colony for room and board, and most of the rest goes for support, restitution and other obligations. Under new rules, prisoners are supposed to keep at least 10 percent,¹² which is placed in their accounts for commissary purchases and the like. According to statistics of the USSR Procuracy from 1989, the average monthly wage was 156 rubles, of which 25 remained with the prisoner.¹³ But 25 percent of the prisoners in 1989 did not make enough to cover the expenses of their incarceration; applying that statistic to the present day, these prisoners would receive the minimum 10 percent of their wages. When they are released, few prisoners have saved even enough for fare home; until recently they left the colonies with little more than the 25 rubles they were given by the MVD. According to Deputy Minister Sizov, the MVD now gives freed inmates an amount based on their monthly salary, but not in excess of 150 rubles.

The USSR's economic crisis has had an adverse impact on the system of colony labor. Colony factory managers complained of a shortage of raw materials, caused by the disruption of supply lines that were in the past guaranteed by central planning. As a result, work shifts stand idle. It was unclear if prisoner salaries are affected by this idleness.

Prisoners receive salary bonuses for exceeding their production quotas, and are penalized for failing to meet them, usually by curtailing privileges, but sometimes by reducing pay.¹⁴ According to some prisoners, failure to meet production norms can result in a term in the punishment cells, although this was denied by the colony authorities. It is clear, however, that an absolute refusal to work is frequently met by a

¹¹ Radyshesky, "Give Us a Journalist and a Priest!", *Moscow News* (English ed.), No. 27 (1989): 15.

¹² *Rules*, sec. 58 (1986). Invalids are guaranteed 25 percent.

¹³ "Spasite nashi dushi" (Save Our Souls), *Argumenty i fakty*, no. 25 (1990).

¹⁴ Cuts in visits, package privileges and commissary purchases are used, and the inmate may be transferred to a less desirable job.

term in a punishment cell. Most prisoners who were being punished for refusing to work explained that they regarded the work as slavery.

Privileges

Prisoners in the labor colonies are entitled to a number of privileges. In the general regime colony (the least severe), these privileges are as follows: the right to spend 50 rubles per month in the commissary;¹⁵ the right to three short visits and two long visits per year; the right to receive two packages of printed matter per year and to send an unlimited number of letters; the right to receive three packages (that could contain food or other goods), but only after half of one's term has been served.¹⁶ In the special regime colony (the most severe), the privileges are as follows: 14 rubles per month in the commissary; one short and one long visit per year; the right to receive two packages of printed matter per year, and send one letter per month; the right to receive one package (that may contain food or other goods) after half a term is served.¹⁷ The other regimes fall between these two extremes.

For good behavior, these privileges may be supplemented: the amount one can spend in the commissary may be increased, extra visits or packages allowed. In addition, prisoners may have the opportunity to transfer to facilities of less severe regime, but only after 1/3 to 1/2 of their term has been served. At the special regime colony in Mordovia, well-behaved prisoners can move after 1/3 of their term to a privileged area in the same colony where they no longer live in lockup, and have a large open yard where they can walk or read newspapers posted in glass cases. There is also a television room. For the best behaved in the colony system, conditional release is a possibility.¹⁸

Visits inside the colony can be with family members or others. If the visitor is not a family member, the prison administration can forbid the visit if it feels that it would "have a negative influence on the convict."¹⁹ The short visits can be for a minimum of two hours; the long ones for a minimum of 24 hours, and a maximum of three days. The exact time is at the discretion of the prison administration.²⁰

Short visits are supervised by prison staff. The visiting rooms we saw had booths with glass partitions and telephones through which the prisoner and the visitor could converse. These conversations are supposed to occur in whatever language the people choose; the supervisor can bring in a translator in order to monitor a conversation in a language he cannot understand. In practice, it seems that frequently Russian or the language of the titular nationality are the only languages permitted.

The provision for family visits is a positive feature of the Soviet penal system that deserves

¹⁵ This amount varies from republic to republic. Amounts quoted are for the Russian Republic.

¹⁶ *RSFSR Correctional Labor Code*, art. 62 (1986).

¹⁷ *RSFSR Correctional Labor Code*, art. 65 (1986).

¹⁸ *RSFSR Correctional Labor Code*, art. 51 (1986).

¹⁹ *Rules*, sec. 34 (II) (1986).

²⁰ *Rules*, sec. 35 (IV) (1986).

emulation. These visits can last up to three days and can involve a maximum of two adults and an apparently unlimited number of children. Family members live in special quarters with the prisoner; cooking facilities are also provided. The one serious drawback to the visitation privileges is that prisoners are frequently incarcerated far away from home; the long distances can discourage family visits, and several prisoners told us they never had visits from anyone for that reason.

The commissary stocks some basic provisions, the most important of which from the prisoners' point of view is cigarettes. It is also possible to buy writing paper and pencils, some food (bread, preserved fish, tea, cheese, butter, candy), toothpaste and some other toiletries. In theory other products are allowed to be sold, such as fresh fruit and vegetables, milk, and clothing, but these are seldom available (again comparable to the shortages that exist in the state stores in freedom). In addition to money earned in the colony, invalids who cannot work, juveniles, pregnant women and mothers with nursing infants may also have relatives deposit money into their account for use in the commissary.²¹

Mail is read in both directions and may be censored, with the exception of mail to lawyers or to the procurator.

As in the pretrial prisons, pregnant women and those with young children receive additional privileges: special food norms, increased commissary privileges, exemption from some forms of especially difficult work and freedom from punishment cells. In addition, women with children under the age of three can be housed in facilities that have a special children's home, where the children can live and maintain some close contact with their mothers. Unfortunately, there are currently only 10 such colonies in the country, which means that women who want to take advantage of them must frequently live far from home. For example, the lavas, Mordovia women's colony that we visited houses women from Moscow (a 10 hour trip) and even further.

The Mordovia colony is general regime, but women from other regime colonies are also transferred there to take advantage of the children's home. Infant children of prisoners live there, and their mothers are allowed to come and visit them whenever they have free time (although the regulations allow only one hour visits).

These more favorable conditions for mothers are criticized as still too harsh by prison reform advocates. For example, although mothers may be freed from the most onerous work, they are still required to return to work two months after their children are born, and thus can only be with them during feeding time.²²

The MVD draft law on the penal system contains other reforms favoring pregnant women and young mothers. Under the proposed law, these women may be able to delay the serving of their sentence until their children reach age three.²³

²¹ *Rules*, sec. 25 (I) (1986). See also list 8 for goods permitted to be sold.

²² *Supreme Soviet Report*, 16.

²³ *Osnovy ugolovno-ispolnitel'nogo zakonodatel'stva soiuza ssr i soiuznykh respublik (Proekt)* (Fundamentals of Criminal Executive Legislation of the Union of SSR and Union Republics (Draft) art. 77 (1990).

In some experimental colonies (thus far only women's general regime colonies), additional privileges have been implemented. These include: additional packages; permission to make monthly telephone calls to relatives, and for the best behaved, five-day visits with family members at a local hotel, and 12 day unescorted furloughs to a prisoner's hometown. The furlough program, in place in the women's colony in Mordovia and six others, has been very successful, and there are plans to extend its use. In the Mordovia colony, roughly one half of the 741 prisoners were behaving well enough to take advantage of some or all of the added privileges.

Religion has entered the labor colonies just as it has the pretrial prisons. Religious books and icons are evident everywhere. In the Metalostroi men's colony, prisoners are building a church on the colony grounds for their own use.

Many of the colonies have a recreation room with a television, and simple sports equipment: volleyball, soccer and ping-pong. Films are also sometimes shown. There is also usually some kind of library, stocking a good deal of propaganda, but also some worthwhile material.

Punishment

Punishment takes many forms in the labor colonies and is similar to punishment exacted in the pretrial and post-conviction prisons. In its mildest form, punishment takes the form of an informal warning to the prisoner. This is followed by: a formal reprimand that becomes part of the prisoner's file; requiring the prisoner to perform clean-up detail in the colony; the restriction of privileges, such as reducing the amount of money that can be spent in the commissary (or eliminating this right altogether); reducing or eliminating the right to receive food or printed matter packages; reducing or eliminating the right to visits; placement in punishment cells; transfer to a closed prison or facility of more severe regime; and finally, institution of a new criminal case if the violation is one that carries a criminal punishment.²⁴ There is a distinct article of the criminal code that criminalizes the malicious and intentional disobedience of the colony administrators, and provides for an additional sentence of up to three years or five years for especially dangerous recidivists.²⁵

²⁴ *RSFSR Correctional Labor Code*, art. 53 (1986).

²⁵ *RSFSR Criminal Code*, art. 188-3 (1990). This provision may only be used if the prisoner has been punished by incarceration in a *pkt* punishment cell or transfer to prison within the year preceding the most recent violation; in other words, if the colony has exhausted the disciplinary means at its disposal.

Prisoners reported that, for minor violations, the authorities usually issue warnings and reprimands before resorting to the punishment cells. In some cases, however, prisoners in punishment cells claimed that they were not forewarned.

Almost any violation of prison regulations can result in a term in a punishment cell, particularly if the violation is repeated. These range from cursing at or showing disrespect for the guards (regulations specify that prisoners are to address the guards as "Citizen" or by their rank and speak to them in the formal "Vy" form);²⁶ refusing to work; arguing or fighting with other prisoners; making, possessing or consuming alcohol or drugs; as well as more serious violations involving violence. Prisoners alleged that failing to meet production quotas or otherwise not working up to expectations can also result in a punishment cell term. Prisoners who go on hunger strike frequently also are confined to punishment cells.

Punishment cells are of three types -- the *shizo*²⁷, the *diza*,²⁸ and the *pkt*.²⁹ The *shizo* cells are the harshest of the three, and are similar to the punishment cells in closed prisons. They are used for maximum 15 day sentences, but a violation committed while in *shizo* can result in a consecutive sentence.³⁰ They are very small: in the strengthened regime colony in Baku, the cells were approximately 6' x 7', for two people, with the toilet surrounded by a stone partition taking up about 1/4 of the floor space. In the special regime colony in Mordovia, a three person cell was 11' x 10', a one person cell, 6' x 7'. Most have very small windows that let in very little light or air, and some have no windows at all, although this is against regulations. Sometimes the windows can be opened by the prisoners themselves, sometimes not. Toilets in the cell are usually squat type, very dirty and frequently clogged or broken. Beds are wooden or metal pallets, without any kind of mattress or bedding.³¹ Floors are cement covered with wooden boards, and are frequently damp and vermin-ridden. The walls are stucco and also retain moisture. Prisoners do not receive any coats or warm outer clothing, even in winter (unless they have been allowed to go outside to work or study, in which case they receive outerwear for this purpose only).³² Sometimes the cells are designed to hold one person, sometimes more than one. Isolation is considered a more severe form of punishment.³³

²⁶ *Rules*, sec. 16 (IV) (1986).

²⁷ *shtrafnoj izoliator*.

²⁸ *ditsiplinarnyj izoliator*.

²⁹ *pomeshchenie kamernogo tipa*.

³⁰ *Rules*, sec. 72 (1986).

³¹ *Rules*, sec. 73 (1986).

³² *Rules*, sec. 73 (1986).

³³ *RSFSR Correctional Labor Code*, art. 54 (1986); *Rules*, sec. 12 (1986).

Prisoners are by law forbidden to smoke or read in the *shiza*. They can take no personal possessions in with them. They are denied most other privileges as well: they cannot use their exercise time,³⁴ they usually cannot shower,³⁵ are unable to send or receive mail, and are usually unable to work (the prison authorities have the discretion to allow the prisoner to work, but none of the prisoners in punishment with whom we spoke were working). In addition, if a visit is scheduled during that time, he loses the visit.³⁶ One unnecessary consequence of losing visiting privileges is that family members in many cases do not find out in advance that their visits have been canceled; they travel to the colony, sometimes thousands of miles, only to discover upon arrival that their relative is being punished and cannot see them.

One encounter we had in a punishment cell at the Baku women's colony was particularly harrowing. A thin, frail-looking woman was in her fifth day of a 10-day term for quarreling with another prisoner. The punishment cell was 7' x 9', with stucco walls and a stone toilet completely filled with refuse, including what looked like a cloth bloody from menstruation. The wood plank floor was extremely damp -- small pools of water were visible. Despite this, the woman said she slept on the floor because it was more comfortable than the metal straps that served as a bed. She had previously contracted TB and although she said she no longer had an active case, she had a hacking cough that was obviously not helped by sleeping on a cold damp floor.

She was illegally being fed reduced rations, as under the old law, an anomaly we did not encounter elsewhere. One day she would get one meal of soup and bread at three o'clock; the next day one meal of bread and water. The colony chief at first denied that she was receiving reduced rations, and then claimed the law required it.

Pkt cells are used for longer-term punishment or to hold prisoners whose violations are being investigated as possible criminal code violations. The maximum term is six months, or for people in a special regime colony, one year. Because of these longer terms, the conditions in *pkt* are supposed to be easier than in *shiza*. prisoners in *pkt* work (usually in a special room in the lock-up), are allowed to smoke, read, take exercise (although the exercise and perhaps these other privileges are at the discretion of the prison administration).³⁷ Prisoners in *pkt* are sometimes held in isolation, sometimes with others; as in *shiza*, isolation is considered an additional punishment.

Pkt cells tend to be more comfortable than the *shiza* cells, with smooth walls instead of stucco, better lighting, and sometimes a better toilet. The beds are locked against the wall during the daytime; at night, they are folded down and mattresses are provided.

³⁴ *Rules*, sec. 73 (1986). According to General Guliaev, all prisoners are supposed to get a walk, even in punishment cells, suggesting that this rule has been changed. However, the prisoners with whom we spoke in punishment cells did not receive a walk.

³⁵ There is apparently no express rule to this effect, but most prisoners with whom we spoke said they did not get a shower while in punishment.

³⁶ *RSFSR Correctional Labor Code*, art. 54 (1986).

³⁷ *Rules*, sec. 76 (1986).

Despite these improvements, the *pkt* cells are far from acceptable. In US 20/7 in Petersburg, they are located in a basement on marshy ground, and are very cold in the fall and winter and very hot and humid in the summer; water often seeps in. Because many of the cells were under repair when we visited, those in use were overcrowded. In one 10' x 17' cell, there were eight people; there had been nine and there are rarely less than six. Most were there for refusing to work. Some inmates had to sleep on the floor, and several slept on top of a bare metal frame. The inmates said the bedding had not been changed in six months. There is no window in the cell, no air circulation and the prisoners did not get out for a walk. Loaded clotheslines hung in the cell. Roaches, we were told, were numerous, as well as rats. The toilet is a hole in the floor and there is a cold water tap above it. A one-station radio, centrally controlled, played all the time.

The *dizo* seems to combine aspects of the *shizo* and the *pkt*. Like the *shizo*, the *dizo* is for short term punishment, maximum 15 days (again with the possibility of a consecutive sentence); like the *pkt*, prisoners in *dizo* are allowed to work, exercise and keep personal items in the cell. The *dizo* cells are by law and in practice the same kind as the *shizo*, with stucco walls. Mattresses are provided. One interesting regulation provides that prisoners can only be placed in the *dizo* upon a medical determination that such incarceration would not be injurious to the prisoner's health.³⁸

The *dizo* cells seem to be a recent alternative to the *shizo*; we only saw them used in one colony: the experimental women's colony in Mordovia, where we were told that they had replaced the *shizo*. Here, the *dizo* consisted of the former *shizo* cells, each about 8' x 12' for four people, with windows that could only be opened by the staff. The *dizo* building was very stuffy and had a very bad smell. There were no prisoners in *dizo* at the time of our visit, and we were told that there had been none for the past five days.

Food

The food problems described above for pretrial facilities are endemic to the whole penal system. The inadequacy of the food perhaps is felt more keenly in the labor colonies, particularly the forest colonies, where the prisoners are engaged in strenuous activity and the caloric and nutritive value of the food is considered by the prisoners to be insufficient. While in theory the rations in colonies are more substantial than in the pretrial prisons, in practice there was no discernable difference in the food we saw. Food commonly served was bread, porridge, soup, stew and pureed potatoes and root vegetables. As in the pretrial prisons, there are unverifiable prisoner reports that they are not given what the regulations require.

Food does not change according to regime, although those in colonies in harsh climates, those performing heavy labor or dangerous work, pregnant women, juveniles and invalids are entitled to an additional food allowance, mostly extra dairy products.

³⁸ *Rules*, sec. 74 (1986).

Medical Care

Colonies contain medical units staffed by one or more doctors, nurses and paramedics. At night, there are no doctors on duty in the colony, but a doctor is kept on call at home. Medical staffing varies widely from colony to colony. In Mordovia, for example, there is a gynecologist on duty every day in the women's colony. In Baku, however, a gynecologist makes only periodic visits (admittedly, the Baku facility is much smaller). Dental facilities are sometimes present; the special regime colony in Mordovia had a dentist on staff. Psychiatrists are sometimes on staff; in theory, the Baku women's colony had a psychiatrist on staff, but the position had been vacant for three to four months when we visited. Seriously ill patients are sent to a prison hospital located near the colony that is shared by a number of prison facilities in the area. Those classified as invalids are exempted from certain kinds of work or in some cases all work, although they are free to work if they wish. However, prisoners rights activists have criticized the work requirements for invalids as still too burdensome. In some colonies, like Metalostroi, these prisoners are segregated from the rest of the colony population, for unknown reasons.

Tuberculosis appears to be a serious problem in the colonies as well as in the prisons. As in the prisons, active cases are segregated but inactive cases are returned to general colony housing. In Mordovia, we were told by administrators that all prisoners were x-rayed twice a year for tuberculosis.

According to MVD statistics, 30 percent of prisoners in the colonies suffer from some form of mental illness.³⁹ Administrators in the women's facilities we visited reported more mental illness than those in the men's, although from our interviews in the men's colonies it was clear that mental illness exists there as well.

Medical care in the colonies, as in the prisons was criticized by the prisoners as inadequate, and prisoners are not permitted to obtain their own care or medicine.

Prisoner Violence and Uprisings

Extortion and violence, including sexual violence, afflict Soviet colonies as they do penal systems around the world. A 1989 Soviet press report claimed that some prisons were run by corrupt prison staff in conjunction with gang leaders among inmates, who together extort money and favors from other prisoners.⁴⁰

Another Soviet press report put the number of murders in the colonies in 1989 at 312, and the number of serious injuries at 528.⁴¹

According to our own interviews, inmate violence varied widely from colony to colony. At the special regime colony in Mordovia, there were five deaths last year due to inmate-inmate violence (the

³⁹ *Supreme Soviet Report* 12.

⁴⁰ Karlins, "Chem khuzhe, tem lushche?" (The Worse, the Better?), *Nedel'ia*, No. 31 (1989), cited in Peterson, "The Zone, 1989: The Soviet Penal System under Perestroika," *Radio Liberty Report on the USSR* (Sep. 15, 1989): 4.

⁴¹ "Spasite nashi dushi" (Save Our Souls), *Argumenty i fakty*, no. 25 (1990).

prisoner population in June, 1991 was 947). One prisoner stated that there is great tension between prisoners who cooperate with the authorities by reporting on others and the rest of the prison population. He stated that one of the deaths last year was a prisoner who was killed because he was cooperating.

In the strengthened regime colony in Mordovia, the chief reported one death due to inmate-inmate violence last year, and no cases of death or serious injury this year. The population in June 1991 was 665. One prisoner volunteered that anyone killed was either "homosexual or else stirring up trouble." In the other colonies we visited, there were no reports of serious violence between inmates.

Inmate violence is directed not only at other inmates, but at staff. There has been an increasing number of killings, assaults and hostage-takings in Soviet labor colonies. According to a *Pravda* report in May, 1991, personnel employed at places of detention are killed and wounded every week.⁴² One Soviet press account put the number of hostage-taking incidents at 77 in 1989.⁴³ Another report found that "violence has reached epidemic proportions in Soviet prisons," partly because of "the concentration of hardened criminals" in the system but partly also because of unbearable conditions.⁴⁴ General Guliaev stated that the number of hostage-takings in the first six months of 1991 was six, a significant decrease.

In contrast to these reports, none of the colonies we visited reported any violence against staff in recent years. If this is accurate, it may be an indication that the colonies we visited had far better than average conditions.

The following accounts from the Soviet press of violent and non-violent uprisings in the colonies are illustrative of prisoner unrest:

- July, 1989, Ukraine, Vinnitsa Region, Peschanka District colony -- Uprising. Prisoner complaints: terrible working conditions, staff brutality, and arbitrary punishments in cold, damp cells.
- September, 1990 -- Russia, Kalinin oblast, Rzhevskoi colony -- Colony-wide hunger and work strike. Prisoner complaints: living conditions, particularly food.
- October, 1990 -- Estonia colony. Work strike. Prisoner complaints: living and working conditions.

⁴² "Polozhenie -- slozhnoe" (The Situation is Complex), *Pravda*, May 30, 1991, p. 2, col. 8.

⁴³ "Spasite nashi dushi" (Save Our Souls), *Argumenty i fakty*, no. 25 (1990).

⁴⁴ Peterson, "The Zone, 1989: The Soviet Penal System Under Perestrojka," *Radio Liberty Report on the USSR* (Sep. 15, 1991): 5.

• October, 1990 -- Ukraine, Kirovograd strengthened regime colony -- two-day work strike. Prisoner complaints: shortage of cigarettes.

• September 1991 -- Tselinograd special regime colony -- 280-prisoner hunger strike. Prisoner complaints: staff abuse, poor medical care.

• October 1991 -- Krasnoiarsk strict regime colony no. 6 -- Uprising. Prisoner complaints: staff abuse, inhumane conditions in punishment cells.

Cases of self-mutilation or injury can also be found, and seemed to be more prevalent in the women's colonies than in the men's. In Baku, the small (88 prisoners) women's colony reported on average four cases per year. In the Mordovia women's colony, there were six cases of serious self-inflicted injury in the past year.

Staff Abuse

Alexandr Solzhenitsyn, Natan Sharansky, Lev Timofeyev and many others have written of the gratuitous cruelty of Soviet labor colonies. Of the eight labor colonies we visited in Moscow, Petersburg, Vladimir, Mordovia and Baku, all but the Petersburg facility impressed us quite favorably. And long-term prisoners who have spent time not only in the facilities we visited but in many others all stated that the use of force by staff against prisoners had declined markedly, and was now rare.

Unfortunately, while violence against prisoners may be rarer, it is not non-existent, and in one colony we visited it appeared to be systemic. UZ 20/7 in Petersburg is a strict regime facility noted for brutality and staff corruption. We spoke privately to many inmates and ex-inmates, as well as to staff members, including the new commander, Major Yuri Ziliev, who was appointed in May 1991 "to clean up the place."

All the inmates and ex-inmates complained about the staff. The most serious and frequently-voiced complaint was of guard brutality. One particularly notorious incident involved an inmate named Igor Spaskov.

On November 4, 1990, Spaskov's mother came to visit him. She brought him some warm underwear, which he changed into immediately; this is apparently against the rules. A Sgt. Major Panish discovered this and according to one inmate who claimed he was present, grabbed Spaskov by the underwear and kicked him. Spaskov apparently responded by pushing Panish and running away. He was apprehended by several officers -- Major Alexander Chekanov, Major Boris Gordieev and a Major Petrov -- and taken to a guard room.

Majors Chekanov and Gordieev denied to us that Spaskov was mistreated thereafter in any way, but in separate interviews, one inmate told us he heard Spaskov being beaten severely, and another, who was in a cell with him after the incident, said Spaskov was in terrible condition. "He had been beaten with clubs and was bleeding from his ears. There were traces of blood on his nose," said the cell-mate. "He couldn't raise his arms or move his fingers for a week, and I had to feed him." No doctor came for two weeks. Several weeks later, Spaskov went to the hospital for an ear problem that, according to prison authorities, was not related to the incident.

Spaskov has since been charged criminally in connection with the incident, and we were not allowed to talk with him about it, nor to see his hospital records.

In individual interviews, other inmates corroborated the prevalence of staff violence, as did two ex-inmates. "It happens constantly," said one. In one April 1989 incident described by ex-inmate Sergei Silivanov (released in August 1990), supper was late. A Lt. Colonel Pelevin rushed into the canteen where Silivanov worked and started to punch him because of the delay. We were also told that the week before we visited, some convicts had illegally tried to enter their living quarters, and guards had clubbed them.

Major Petrov, together with an officer named Sobetsky, was frequently charged by inmates with physical abuse. One we spoke to, who was about to be released, had been accused by Petrov of trying to smuggle in some money from his wife. When the inmate denied it, Petrov got angry and hit him repeatedly with his club. Another prisoner told us of an instance where he and some other prisoners in a punishment cell had illegally obtained some food from the commissary. Petrov, Sobetsky and a Sgt. Major Bobrov lined the inmates up outside the cell and beat them with clubs and boots. The punishment cell was damp, with water dripping into it, and very cold--there was no heat in the cell--and the prisoners had been wearing several layers of uniforms to keep warm. After the beating, the officers took away the extra uniforms leaving the inmates with only the one layer.

In another instance, in March 1991, Petrov, Sobetsky and a Captain Tatianin came into a cell, told an inmate his hair was too long, took him to the barber, and on the way hit him repeatedly with their clubs.

Major Ziliev, the colony chief, did not deny the existence of this violence, and said he was trying to do something about it. And in fact, a Petersburg human rights activist reported in September, 1991 that Petrov and Gordieev had been fired, and that Sobetsky had retired. In contrast to this effective response to staff violence, a former chief at this colony, Colonel Shepelov, responded to allegations of physical abuse by saying that the use of force by prison authorities (what he referred to euphemistically as "reliance on technical facilities") was justified and lawful. He blamed the necessity of force on the erosion of staff "authority" in the penal system as a whole.

Staff extortion and corruption was another reiterated complaint at this facility. Oleg Anushkin, who was released from UZ 20/7 two days before we met him, was forced to pay 25 rubles to a captain at the facility, who threatened that otherwise "your belongings might get lost." Staff members were willing to ignore rule infractions like food smuggling--which was constant--if the inmate gave the guard some of the food. Ex-inmate Silivanov told us that he knew of many instances where officers offered to reduce the severity of the prisoner's regime; the rate for this had been 1,500 rubles but now it was 3,000. In fact, officers cannot by themselves change the level of severity--this can be done only by the courts--but in some cases, the inmate's situation in the colony could be improved. In most instances, however, the inmate got nothing. Silivanov, a prison cook, reported that he had had a chance to work outside the colony, but could not afford to pay the bribe demanded by the captain in charge. Present inmates complained of officers who forced inmates to make things for the officer in the shops.

The new colony commander, Major Ziliev, conceded that there were "signs" of staff corruption, and was trying to do something about that as well. He had fired some staff and disciplined others.

The corruption and smuggling problems are, of course, not unique to the Petersburg facility. Vladimir labor colony #2 also has a serious liquor-smuggling problem, particularly with respect to inmate leaders. In 1989, the USSR Supreme Court was told of cases in which labor colony staff were bribed into giving prisoners alcohol, drugs, knives, guns, ammunition and even explosives.⁴⁵

In neither of the women's colonies visited were there any reports of sexual abuse or harassment. The personnel in the Mordovia women's colony was largely female, and in Baku there were more men, but in both places male staff seemed careful to respect the privacy of the female inmates.

In sum, living conditions in the colonies we saw seem relatively tolerable, particularly when one considers the deprivations that exist in freedom in the USSR. Despite all of the shortcomings detailed above, the labor colony system has positive elements that should not be overlooked. Living in open barracks with the opportunity to move about the colony grounds is a significant improvement over the claustrophobia of a lockup, and can only help a prisoner's physical and mental health. The work regime seems preferable to endless days of idleness. Nevertheless, the potential for exploitation is also great, particularly as the prison production system is of such great importance to the economy. The challenge lies in de-emphasizing work for the sake of production, and emphasizing instead work for the sake of the prisoners' well-being.

This relatively favorable overall picture may not reflect conditions elsewhere, which may be closer to the Petersburg UZ 20/7 facility. The increasing number of uprisings and hunger strikes noted above provide further evidence of deep discontent among prisoners, as prison authorities concede. A senior procurator told the press during a wave of prison uprisings recently that: "I'm familiar with penitentiary systems in many countries. And I've come to the conclusion that ours is the hardest. Up to this day GULAG traditions are still well alive in prison camps in certain regions of the country, where prisoners are totally dependent on the administration."⁴⁶

⁴⁵ "Polozhenie -- Slozhnoe" (The Situation Is Complex), *Pravda*, May 30, 1991, p.2, col. 8.

⁴⁶ Tabakova, "V zone osobogo ravnodushii" (In a Zone of Special Indifference), *Moskovskaia Pravda*, June 8, 1990, p. 4.

COLONY SETTLEMENTS

Colony-settlements are considered less onerous than labor colonies, but in practice there seems little difference in conditions; privileges are greater, and prisoners move about with more freedom (unlike the labor colony, there is no armed guard), but the work regime and living conditions are still difficult. Many of the forest colonies, which are notorious for their harsh living and working conditions, are actually colony-settlements.

Because the colony-settlements are the least restrictive form of incarceration, the privileges are the greatest. Prisoners may wear their own clothing, carry money and use it freely. There is no limit on correspondence or visits. With the permission of the colony administration, prisoners can live with their families in their own quarters on the colony site.¹

Prisoners in a colony-settlement work either on the site of the colony, or else outside the colony during the day and return to the colony each night. Working conditions in the "forest" colony-settlements are supposed to be among the worst in the penal system. A former MVD official who worked in a colony-settlement in the northern Urals near Solikamsk wrote that prisoners routinely worked in the forests in temperatures of -40° F. The authorities ignored the prohibition on working when the temperature dropped below -40° F because they were concerned with fulfilling their output quota. The prisoners would drive 60 miles from the colony to the work site in unheated trucks, about a two hour drive. One morning, the official arrived at the site to find a fire raging in the tent where the prisoners changed clothes; several prisoners suffered burns. The prisoners had set the tent on fire in their haste to get the stove working after their frozen journey from the colony.²

¹ *RSFSR Correctional Labor Code* art. 66 (1986).

² Letter from Andrei Gol'tsblat, August 9, 1991.

POST-CONVICTION PRISONS

Convicted criminals who are judged to be especially dangerous or who misbehave in the labor colonies can be sent to closed prisons, where they live in locked cells and are required to work, but not under the relatively open circumstances of the labor colonies. There are 27 such prisons under MVD jurisdiction. Two of these prisons are in the ancient town of Vladimir, about a three hour drive from Moscow. We visited prison no. 6/12, the larger and more famous of the two, notable in the past for the many political prisoners it housed. It has a capacity of 1,200 and in June 1991, had a population of 1,000.

Although the prisons are supposed to house those considered especially dangerous, they, like the special regime colonies, are not limited to those convicted of violent crimes. In Vladimir prison, all the inmates are regarded as either very serious offenders such as murderers, or serious recidivists. But despite the prison chief's claim that all the prisoners there were convicted of violent crimes, we spoke with several who were repeat offenders of non-violent crimes, who, after misbehaving in strict or special regime labor camps, ended up in Vladimir. Thus, Vladimir housed prisoners convicted of theft and black-marketeering. According to the prison chief, forty-nine percent of inmates have been convicted of murder with aggravating circumstances. All are serving eleven-to-fifteen-year sentences, although they usually serve no more than five years of their entire term in the prison. For the remainder, they are transferred to colonies. Prisoners from other colonies may, with their consent, be placed in prison to perform work there.

There are two types of regime within the prisons: general and strict. Prisoners of one regime are supposed to be segregated from those of the other. Despite their names, both regimes are more severe than special regime labor camp. Terms in strict regime are limited to from two to six months, and pregnant or breast-feeding women cannot be placed on strict regime.¹ In Vladimir, there were 470 prisoners in strict regime when we visited.

Living Conditions

The physical layout of these prisons is identical to that of the pretrial detention centers; hence living conditions are comparable, although overcrowding, at least at Vladimir, is not a serious problem at the moment.

Prisoners live in locked cells, which may be isolation cells if the procurator approves such incarceration. Those prisoners who are in prison only to work live in segregated, unlocked cells.

Plumbing here is primitive; the shower room had a very bad smell.

¹ *RSFSR Correctional Labor Code* art. 70 (1986).

Work Conditions

As in the labor colonies, inmates in the closed prisons are obligated to work. In Vladimir, 44 percent do not work, either by choice or because they are considered too dangerous. The Vladimir factory produces electronics products, with 12 million rubles per year in revenue. One work area we saw was well ventilated, although many of the windows were empty frames, so it was not clear how they could be closed in winter. As in the colonies, prisoners are responsible for fulfilling production quotas, and failure to do so can result in punishment; according to the prison authorities, this punishment takes the form of not receiving full salary.

Privileges

Privileges in prison are minimal. In general regime, prisoners are entitled to two short visits per year, to spend five rubles in the commissary (this amount is supposed to be doubled);² to receive two printed matter packages per year; to send one letter per month; and to walk for one hour per day.³ For well-behaved prisoners, the amount of money spent in the commissary may be increased. In strict regime, prisoners can: spend three rubles in the commissary (this amount is also supposed to be doubled)⁴; receive one printed-matter package in six months; send one letter every two months; and walk for 30 minutes each day.⁵ There is no provision for increasing the privileges in strict regime. Food packages are prohibited. Prisoners who have been placed in prison solely to work receive the privileges of a general regime labor camp.

The visits in Vladimir take place in a special meeting room, in a booth separated by glass; prisoners speak with their visitors through a telephone. The telephones, which were installed three years ago, are in good working order. The conversations are monitored by prison staff. While prisoners are supposed to be able to have meetings in any language, the prison chief claimed that only Russian could be used, and at least one prisoner told of a meeting that was stopped by prison authorities when they began conversing in Kalmyk. Only relatives may visit unless special permission is obtained for friends.

The walk area in Vladimir is surrounded by cement walls and open to the air with a metal mesh cover stretching across the top. It is approximately 16' x 10'.

According to the prison chief, prisoners at Vladimir were entitled to three hours of exercise per day. He also stated that they could have one four-hour meeting per month with a relative. However, we spoke with no one who was receiving such special privileges.

According to one human rights activist, the library at Vladimir prison is one of the best in the penal

² The prison chief claimed that prisoners could spend 25 rubles, which seems quite high; the figure for special regime labor colonies is only 14 rubles, and prison is a more severe level of punishment.

³ *RSFSR Correctional Labor Code*, art. 69 (1986).

⁴ This is the amount quoted by prisoners.

⁵ *RSFSR Correctional Labor Code*, art. 70 (1986). One strict regime prisoner said he had been given a one-hour walk, so it is possible that the law has changed.

system.

Punishment

The punishment system in prison is similar to that in the colonies, except that isolation, discretionary in the punishment cells in the colonies, is mandatory in prison.⁶ Warnings, reprimands, denial of privileges, and incarceration in punishment cells are the punishments used. Punishment cells are similar to those in the colonies and the pretrial prisons: small, uncomfortable, damp, stucco walls, wooden pallet for a bed, squat toilets that are frequently clogged.

Punishment cells in Vladimir were 8 1/2' x 7' with a wooden pallet for a bed. Toilets were squat type, and several of the ones we saw were clogged. Prisoners in punishment at Vladimir did continue to receive their weekly shower. According to the chief of Vladimir, common violations resulting in a term in a punishment cell include manufacturing weapons and "hooliganism." One prisoner with whom we spoke was spending his second time in punishment for being rude to the guards. He claimed that he had been given no lesser punishment first, but had been sent directly to a punishment cell.

Food

The food in prison is approximately the same as that throughout the penal system. The norm provides for less meat, fat and bread, and more potatoes and vegetables. As we walked through the cell blocks in Vladimir, we saw a large bucket filled with boiled chicken; but the prisoners all stated that they had never before seen such a meal.⁷ One prisoner complained that the food norms were not being observed. He claimed that the bread ration is supposed to be 650 grams, but in fact they receive only 400 grams.

Medical Care

The medical problems in Vladimir were similar to those throughout the system, as were the complaints by prisoners of inadequate treatment. We cannot judge the treatment received, but we were surprised by the fact that in one TB cell in Vladimir, the prisoners were smoking cigarettes! The doctor explained that they tried unsuccessfully to prohibit smoking in the past; now they simply try to limit it.

Prisoner Violence and Uprisings

Inmate-inmate violence is apparently quite common in Vladimir prison, particularly among the younger inmates, and there is a good deal of forcible sexual abuse.

According to prison authorities, there were three deaths last year in Vladimir prison due to

⁶ *RSFSR Correctional Labor Code*, art. 54 (1986).

⁷ There were several instances during our visits where it appeared that cosmetic improvements to facilities had been made for our benefit. The three colonies we visited in Mordovia were notable for their fresh paint, which to judge by the smell had been applied a day or two before. In the Mordovia women's colony, we were told by one inmate that the day of our visit she had been given an overcoat that she had sought to obtain in vain for some time before.

inmate-inmate violence, and two guards also were attacked. We heard of numerous fights among young prisoners, an informal inmate "self-government" and exploitation of the weak by the strong. "Inmates run their own lives and the administration really doesn't govern this place," one inmate told us. "There is a jungle law here."

The administration exploits this by threatening to put trouble-making inmates in with the tough ones. "If you don't dance to my tune," one guard said to an inmate, "you'll dance to the bandits' music." Newcomers are frequently exploited, especially if they come with personal belongings. "They will be stripped naked," is how one inmate put it. Homosexuals suffer the most. One homosexual inmate told us of having been beaten and raped, and said most homosexual activity was forcible.

Staff Abuse

Prisoners who had been in Vladimir several times spoke of a recent decrease in physical abuse by the guards; one prisoner dated this change from 1989, the last time he claims to have been beaten by a guard. He also stated that guards sometimes provoked clashes between prisoners.

MEDICAL-LABOR PROPHYLACTIC COLONIES

The medical-labor prophylactic colony is a relatively recent creation of the Soviet penal system. Here, supposedly chronic alcoholics and drug addicts, convicted of no crime, but judged "a danger to society" are involuntarily incarcerated for up to two years (and even six months longer upon special application), where they are forced to undergo treatment and work in conditions that differ little from the labor colonies described above.

Perhaps the most serious problem with these institutions is not the conditions themselves but how the inmates get there. The procedure is coercive, offers little due process protection, and is wide open to abuse. Commitment proceedings typically begin with a complaint or series of complaints to the police from relatives or neighbors of the accused about his intoxication. The police file a report, and an inspector connected with the police decides whether or not the case should be sent to a court. In order for the case to be sent on, a doctor must prepare a medical report on the person, recommending incarceration. The procuracy also submits supporting documentation. Once the case is referred to a court, the accused has the right to a lawyer. The court then renders a decision; this decision can be appealed to the same court. After the accused is incarcerated, appeals for early release are made to a medical commission, with a court making the final decision.¹

In practice, this procedure offers little protection to the accused, particularly if he does in fact suffer from an alcohol or drug problem and cannot adequately protect himself. Since relatives frequently instigate these cases, it is unlikely that anyone is looking after the accused's interests. In practice, he will rarely have an attorney. None of the inmates with whom we spoke at the Baku LTP had attorneys, and the chief of the facility admitted that he had never seen a case where an inmate had been represented by an attorney.

The appeals process seems weighted against the accused as well. The procurator responsible for supervising the Baku LTP said that there were three or four complaints this year from inmates who claimed that they were unjustly incarcerated; none had lawyers, and none were freed. One did have his commitment order overturned by the Supreme Court, with instructions to review the case again, but he apparently remains incarcerated pending this review.

Conditions in the colonies are on a par with those of the labor colonies; the fact that those incarcerated are not criminals makes these conditions especially cruel. The facilities are supposed to be guarded by armed guards. Visits are restricted to three per month. Inmates are entitled to one shower per week. Packages are also restricted, work is compulsory for those determined by a doctor to be fit to work, and punishments include restriction of privileges, being held in lock-up, and extension of the term served for those who continually refuse to work.

Conditions in the one facility visited in Baku seemed somewhat better than the law requires. The facility is no longer guarded by armed guards; visits and showers are unlimited. Punishment cells are

¹ Interview with Mohammed Fattah ogly Agaev, Chief of Baku LTP, and an unidentified procurator in charge of supervising the facility.

lock-ups in the medical sector that house two inmates. The rooms are 14 1/2' x 8', with smooth walls, and a big window that can be opened and closed by the inmates. The factory at the LTP was for metal working. Much of the production seemed devoted to making metal cable. Ventilation in the factory was good.

Treatment in the Baku facility seemed of dubious efficacy; more than 48 percent of the inmates are repeat "offenders."² Initially, inmates are subject to an aversion therapy reminiscent of "A Clockwork Orange," that consists of seating them around a large trough, pouring them some of their favorite drink laced with a chemical to induce vomiting, and letting them drink and vomit into the trough. Other therapy includes acupuncture and acupressure, psychotherapy, music therapy and hypnosis.

Conditions in other LTP's throughout the USSR are worse, to judge by the degree of inmate unrest. In August, 1990, in the Ukraine, Ternopol'skii oblast, an uprising at an LTP involved 250 prisoners, who staged a hunger and work strike over living and working conditions. In September, 1990, a strike at a Bashkiriia LTP demanded the elimination of punishment cells, armed guards, and the restrictions on meetings and packages. A similar uprising was reported in Tadjikistan.

² The 48% figure includes only those who return to the facility within three years after their previous incarceration. If they stay out longer, they are not considered repeaters.

REMEDIES

Soviet prisoners have few legitimate ways to redress their grievances. Theoretically, the procurator's office is supposed to ensure that prisoners are treated properly, but this is largely ineffective. Until recently, the procurator was one of the most important institutions promoting the regime's goals, and his office paid little attention to prisoner's complaints. That may be changing, but so far there is little sign of any real interest in the procurator's office.¹

This lack of any legitimate vehicle for grievances has produced many hunger strikes, uprisings, hostage-takings, assaults on prison personnel, as well as incidents of self-mutilation, a not uncommon form of protest in many East European systems.²

Although more effective remedies would probably not end this violence, it might well reduce it. Regardless of the violence, prisoners should have appropriate and effective ways to make their voices heard, and so far there appear to be virtually none. Prisoners who file complaints with the authorities or try to contact outsiders like the press or prison rights groups often face reprisals or suppression. For example, prisoners in labor camp Perm 35 who spoke to *New York Times* columnist A. M. Rosenthal in December 1988 were subjected to severe reprisals.³ In Petersburg, UZ 20/7 inmate Sergei Shorokhov, who contacted the Memorial human rights group was pressured into retracting his complaint, but managed to smuggle out a repudiation of his retraction.

¹ A sensitive statement by Yury Khitrin, the Chief of the Division of Oversight of Correctional Labor Facilities, USSR Procuracy, is an exception to this rule. Tabakova, "V zone osobogo ravnodushii" (In a Zone of Special Indifference), *Moskovskaya Pravda*, June 8, 1990, p.4.

² See Helsinki Watch, *Prison Conditions in Poland* (June 1988), 31; *Prison Conditions in Czechoslovakia* (Jan. 1989), 13.

³ Keller, "Graduate of the Gulag Voices Doubts About the New Era," *New York Times*, July 3, 1989.

APPENDIX A

**To: The Human Rights Commission of Leningrad City Council
From: Osipov, Andrey Vladimirovich, "IZ" 45/1 ("Kresty")**

A Statement

I have been in a punishment cell for more than eight months. I consider it an illegal and vengeful act by law enforcement authorities directed towards me because of my continued just struggle for my rights, honor and self-respect, because of my efforts to protect my health and my property from the unlawful and criminal actions of militia officers.

I have lodged complaints many times to the regional and city procurator offices, and the only result was my being "moved to the new address," that is, to the punishment cell. The authorities mentioned above, striving to protect their reputation, turned everything against me. They falsified the evidence against me and got me arrested. The very first day I went on a hunger strike; I consider hunger strike the only form of protest possible in such circumstances. I have not received a competent answer to any of my complaints. The prison administration resorted to forced-feeding (through a hose). I continue the hunger strike though I found out long ago that those responsible do not care at all about this way of protest. The force-feeding takes very brutal forms here. By the way, prisoners who go on hunger strikes are transferred to the block for the mentally disturbed, in the basement, block 4/0. Now and then the wardens use so-called "pressing" -- various, very harsh methods that are meant to make the conditions really unbearable -- to force people to stop hunger strikes. Most often they put several prisoners in a solitary confinement cell with no windows or a ventilation system and keep them there -- sleeping on the floor -- 24 hours a day. I was in such a cell for almost six months, four of them without the 60-minutes daily walk provided by law.

And now try to imagine that four other people in the cell smoke constantly, and I'm a non-smoker. I have had heart troubles several times.

But I appeal to your commission not because of that. The fact that I'm unwilling to bear brutal treatment became the cause of the cruel beating of one of my fellow prisoners and myself by wardens of the punishment block.

It happened on May 16. For two months before that I had been in "decent" conditions, by local standards: in a cell with an air vent, with a metal cot to sleep on and a daily walk in the prison yard (the walking space was about the size of a cell but without a ceiling). Several days before the beating we were suddenly deprived of those daily walks. Then the medical officer ordered all the prisoners to be transferred to the small cell without windows and cots I had already mentioned. There were already two people there, so this time there would be seven of us altogether, although it is already difficult to breathe when there are only two persons in the cell.

I told the warden who was about to transfer us that I wanted to see a medical officer or a deputy chief on duty. He passed my request to his superior. Then two officers and two sergeants appeared. One of the officers, when approached, called himself a deputy chief (later it turned out that he was not). One of my colleagues and I went out of the cell. I do not name him at the moment because of the prison moral code: everybody speaks only for himself. I explained to the officer first, that previously I had a serious clash,

almost a fight, with two prisoners in the cell I was to be transferred to; second, that I have a bad heart, and that there is not enough air there even for two people to breathe; third, that there are no cots for us there and that I wouldn't sleep on the floor; fourth, that we have just two spare cots in our present cell, and that it is more logical to transfer the two prisoners from the small cell to us, as there is more air here. I said all this in a calm manner and finally asked to postpone the transfer until the appearance of the medical officer who had given the order.

But the officer who called himself a deputy chief decided otherwise. He started by striking on my kidneys with his fists. Then he gave orders to force me into the small cell. The others knocked me down and began beating me with batons and boots. Before that they took all the possible witnesses (there were medical orderlies) out of the block. And the same officer threatened to move us to a punishment cell (strict punishment cell) if we did not follow orders. I agreed to a punishment cell at once, as I saw what was coming. But it didn't help. They beat us one by one insisting that we comply.

Being unable to force us to that cell the officer gave orders to bring in the dogs, "the most ferocious," as he specified. We thought he was bluffing. But as soon as the dogs were brought in, they unleashed them on my colleague, knocking him down first. The bites are still visible. Then they seized him by his arms and feet and threw him into the cell. After that they threatened to put the dogs on me if I did not follow. But evidently there was enough blood already and I had my "bit of luck:" they didn't unleash the dogs this time but went on beating me with batons and boots, and tried to twist my hands back to handcuff me. I was beaten black and blue but still refused to enter that cell. So they put me to the worst punishment cell. By the evening my slippers were already wet. My shirt and trousers were torn. I had 15 heavy bruises on my body. I stayed for 10 days in the punishment cell, still on a hunger strike and without even forced-feeding. All my requests to see the doctor and my complaints about the pain in my spinal column (it still bothers me) were ignored.

Only after eight days, thanks to the persistence of my mother, was I allowed to see the doctor and then the procurator. The doctor reluctantly examined me and registered only eight bruises. And the procurator informed me that I would go on trial for resisting the authorities.

Now they keep me in a solitary confinement cell. The conditions are better but I am here 24 hours a day, without fresh air. Only mental balance and a sober mind have prevented me from cutting my veins; but bits of broken glass have been left surreptitiously here, evidently for that purpose. The lad in the cell opposite me did just that protesting the confinement to the punishment cell. After having been attended to, he was cruelly beaten. As I understand, it's the second time he has cut himself.

This is all I wanted to relay to you. I'm not a criminal, but in any case I'm of the opinion that there is no place for such atrocities in a country that is trying to become civilized.

Sincerely yours,

Andrey Osipov, 6.5.91

APPENDIX B

On October 30, 1988, I was detained at the square by the Kazan Cathedral in St. Petersburg for participating in "a minute of silence" commemorating the victims of political repressions. The administrative trial sessions at police station 5 are usually held in the basement. In a poorly lit, windowless corridor there is a desk for the policeman on duty. Every morning the judge sits by the desk, and a decrepit stool becomes his high chair. The administrative code of the RSFSR says that those administratively detained may "make use of the services of lawyers." In real life the detained do not have any lawyers; if some persistent and human-rights-conscious prisoner manages to have one, the judge will actually ignore him. I have witnessed this several times.

My trial took place not in the basement but in a tiny (about five square meters) room. I had a lawyer but nevertheless was sentenced on completely falsified evidence to five days of administrative detention; the chief of the police station Vorontsov and a deputy chief Goloborod'ko were perjured witnesses against me. They still retain their offices.

To the right of the judge's desk are women's cells, to the left -- those for men. After the trial I was led to the cell in the basement -- dark, dirty and cold. There was no furniture in the cell, nothing but the wooden platform on which you could sit or lie. They let you have your clothes you had on at the moment of your arrest, but that is all; you do not get a mattress, not to mention a blanket. You may be kept in this cell up to three days. In my case there was a young woman in the cell who had been there for two days already and hadn't had a single meal all that time. The policeman on duty, a man, escorts you to the toilet, and you can't close the door from the inside. You are supposed to drink tap water but there are no glasses -- everybody manages as he can.

In the afternoon (6 - 7 p.m.) the administratively sentenced are transferred to the detention center on Kalyaeva street. The car has no window; there are wooden benches along the length of the trunk and men and woman are transferred in one group. It's the usual car for transporting prisoners.

At the detention center men and woman are placed in separate cells. Then everybody goes through "medical examination." The doctor asks: What are the complaints? (I'm not sure that it's routine but I wasn't examined, just asked). After that, women go to the gynecologist. Others thought that there might be a forced examination there but I was waved through. Personally I can't claim any especially hard treatment. The conditions there are awful, the inhabitants are mostly those on drunk and disorderly charges and people without permanent living quarters.

After the examination all the detainees were lined up, and the warden nicknamed "Levitan" for his vibrating bass voice¹ told us the rules we were to obey there. In the end he, said, among other things, that if you refuse to go to work, the first time you'd be reprimanded,

¹ Translator's note -- Levitan was the most famous official Moscow Radio announcer of Stalin's era.

the second--you'd go to a punishment cell, and the third--you'd get cold water shower treatment (it was November, by the way).

Together with another woman (accused of not having permanent residence) I was brought to the cell where there were already two other inhabitants. All five days the wardens didn't approach me, nobody ever offered me out to go to work. The other woman left for work in the daytime. They were cleaning up the territory of the prison and that of the "Meson" plant nearby.

In that special detention center they give you two meals a day. The food is awful, I've tried it. It's a rare disgust, and I preferred to live on bread and tap water.

The woman complained that if you don't obediently obey the administration's requirements you may land in a punishment cell where there are rats much feared by them. The wardens threaten: "I'll give you to little Larissa."²

Though the rules of treating the prisoners say that a forced haircut is possible only at the demand of the doctor, all men had their hair cut off at that time. As far as I know, now they do it only as a punishment.

W.Dobasevich

² Translator's note -- Larissa is the name of a nasty rat from a popular cartoon movie.