

Prisons in Eastern Europe

Roy King examines the prospects for reform.

In the period since the fall of the Berlin wall the history of imprisonment in Eastern Europe and the countries of the former Soviet Union falls into two distinct parts. In the first, the euphoria following independence and the winning of new freedoms focused attention on prisons largely because they symbolised past oppression. It was not enough that high profile political prisoners should be released; there was also a need to expunge at least the worst excesses of the past. In some cases the responsibility for

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prisons was transferred from Interior to Justice departments. New prison directors were appointed, existing staff in greater or lesser numbers were dismissed or chose to leave, and with at least one eye to membership of the Council of Europe, new legislation and penal executive codes were introduced or planned. Prison populations fell, in some cases dramatically.

In the second phase, prison systems have been required to respond to the anomic problems of fledgling market economies: in the inevitable time-lag between the establishment of new systems of production and distribution, criminal activity is perceived to be filling the vacuum created by the collapse of the old communist systems. Prison populations have grown almost as dramatically as they fell, sometimes more so, and the fragile basis for reform has been caught between the twin pressures of limited resources on the one hand and law and order

retorics on the other.

It is difficult in a paper as brief as this to justify such a sweeping generalisation. Nonetheless, Table 1 provides data for some very different states and shows a remarkably similar pattern: from recent high levels in the use of custody during the period 1985-7 (though these were not as high as the estimates during Stalinist purges), there was a fall to unprecedentedly low points in the period 1989-91 (in some cases bringing them well within the range of western European states), only for prison populations to rise again to new highs in 1994. The pattern is probably typical of most jurisdictions, even if it does not hold for all.

Progress in Poland

Of the countries listed in Table 1 Poland has most successfully transformed its prison system and, at its best, it is possible to see there the kinds of conditions and activities that are now achieved for example at a prison such as Brixton, against similar kinds of odds. Although the Polish prison population has increased by more than 50% in four years the system is not yet overcrowded, at least according to data supplied to the Council of Europe. Much of Poland's initial achievement was attributable to Pawel Moczydlowski, an academic and long-standing critic of the system brought in as director of prisons, but the real measure of success is that the reforms have survived his period of tenure and appear to have become routinised. Elsewhere the path of reform has been altogether more tortuous, though it is fair to say it has probably had further to go.

The Romanian experience

In Romania there have been

some real changes. Prisoners are no longer required to face the wall when staff come into a room, for example, and hospital staff no longer carry truncheons; there have also been welcome improvements to visiting entitlements (King 1996). However, the proposed new Bucharest prison, scheduled for October 1995 is not now expected to open until the end of 1997, and progress on re-writing the penal executive code has been slow. The upturn in the prison population has been most dramatic - a two and a half fold increase between 1990 and 1994 - and it continues apace, though it is still some way short of the levels before Ceaucescu's 70th birthday amnesties. Nevertheless, in November 1996, it was possible to see over 200 remand prisoners crammed into bunk beds, four tiers high and two rows deep on either side of a converted day room, and life sentence prisoners confined four or five to a tiny cell for twenty-three hours a day. The Director General had secured a prisons allocation for the coming year which exceeded the entire education budget: it could certainly be well spent, but one wonders about the long term future of a country if such spending priorities are maintained. Following the November elections it is planned to civilianise the Romanian prison service. This is probably good news. The principal argument in favour of retaining the military connection had been that it maintained reasonable salary levels, the principal argument against that one needs to shift the inflexible mind-sets that have been induced over generations. But the virtues of military discipline should not be discounted. An ability to obey orders, providing the right orders are given, can be a powerful and speedy instrument for change. Perhaps the half-civilian, half-

Table 1
Numbers Held in Penal Institutions and Rates per 100,000 General Population for Selected Countries

	1985-87 Peak		1989-91 Trough		Mid-late 1994	
	Total	Rate	Total	Rate	Total	Rate
USSR	1,525,600					
Russia			698,000	470	885,000	590
Ukraine			120,000	230	180,000	345
Belarus *	31,204	310	14,235	140	35,720	345
Lithuania	14,888	415	8,586	230	12,782	340
Poland	110,182	295	40,321	105	62,719	165
Romania	60,269	265	16,429	70	43,990	195

*Data for Belarus relates to sentenced adults only.



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A dormitory cell in Krakow prison, 1990

military model of the Poles strikes the right balance.

The problems in Russia

The Russian Federation has no plans to change the military organisation of its prisons or to move them from the Ministry of the Interior. A new penal executive code has received the approval of the Duma and a presidential signature and should come into force in July 1997. Providing it is implemented on the ground this should solidify the procedural improvements first introduced in June 1992. Notwithstanding these welcome developments, the problems of the Russian system are immense, and by no means limited to its government reneging on its Council of Europe commitment to suspend the death penalty. Increases in the size of the Russian prison population have on average over the last five years been equivalent to adding the 1995 prison population of England and Wales every year to a system that is already vast; and the Russian incarceration rate now exceeds that of the United States.

The conditions I described in Moscow's Butyrka prison (King, 1994) had worsened still further by the time of Nigel Rodley's report as Special Rapporteur for the United Nations (1995). But the death of several prisoners from lack of oxygen in the overcrowded remand prison at Ekaterinburg in 1995 has turned

the metaphorical phrase that the prison system needs a breathing space into a nightmarish reality.

It has just been announced that General Kalinin who has generally received the credit for the reforms so far achieved has taken 'early retirement'. His departure may not be unrelated to his reported admission that deaths of the kind seen at Ekaterinburg are not uncommon. If it is related, the question whether it was the fact of the deaths, or his admission of the fact, that was crucial remains. Russia, of course, is not the only system to lose its Director General prematurely - as Derek Lewis can testify. East or West these are not easy jobs to fill.

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Sociologists of the police organisation have long understood policing to be a central expression of the sovereignty of nation states. To use the somewhat inflated jargon of police studies, police are the repositories of legitimate coercive power that the state uses to ensure its claim to binding rule making over a specified territory. Certainly, policing is not just about coercion. In liberal democracies this institution provides a wide range of services; but all these services, including policing in

Folkdevils & Eurocops

James Sheptycki argues that we must keep an eye on the debate around trans-national policing.

its coercive mode, have one end: the maintenance of the 'health' of the social body. In short, the police organisation is one of the important building blocks of governance. As governance becomes increasingly transnational, so too does policing.

Of course, this process is politically fraught, not least because states are often loath to give up any dimension of their sovereign power. Then too, policing itself is highly politicised, which is why one of the abiding problems for liberal democracies is to ensure both that police institutions conform to the rule of law and that adequate mechanisms of accountability to the social body as a whole are in place and working well.

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Thus the process of transnationalising policing in Europe is made difficult on two counts. On the one hand, political representatives who have the national state as their basis of political power vie with those who work for transnational (European) institutions for control over policing. On the other, people who are worried about local police matters (a rash of burglaries in their neighbourhood, or young people 'hanging out' and causing trouble, for example) wonder about the need for policing to take off into the stratosphere of European or, worse still, global politics.

A sense of mission

However, police are not themselves neutral in this process. As every student of this institution knows, police officers are instilled with a strong sense of mission. The notion of the 'thin blue line' is not peculiar to the British. Sociologically speaking, we can say that police view themselves as guarding against society's folkdevils. Indeed, police consciously evoke the fear of various folkdevils in order to show the public that there is a need for police services.

The evocation of folkdevilry is not, in itself, a bad thing. It may be used to create a fog which obscures systematic corruption, inefficiency or incompetence, to be sure. On the other hand, as sociologists of a Durkheimian bent never tire of

pointing out, social solidarity is partly produced by social groups setting themselves up against 'outsiders' and things perceived as inimical to social order. In this functional sense, the evocation of folkdevils by professional police is inevitable; it is only natural that the formal agents of social control draw attention to the role they play.

Enter the folkdevils

Having made this qualification, there is a sense that the issue of the Europeanisation of policing, and perhaps policing more generally, has lost all sense of proportion. The need for international police co-operation is routinely justified by reference to "the usual suspects": drugs and arms traffickers, terrorists, paedophiles, pornographers and organised criminals. But a recent study carried out by the Association of Chief Police Officers shows that a very small proportion of central squad activity (that is the work of Regional Crime Squads and the like) actually involves this kind of international crime. The figure of about ten per cent is the generally accepted figure. But we must keep in mind that this is ten per cent of an already specialised kind of police work. As a proportion of all police work put together truly international crime is minuscule. And yet our newspapers are full of stories about 'The Russian Mafia' and other organised gangs of

criminals. The underlying theme is always the need to boost the powers of NCIS or MIS to mount undercover operations, tap telephones, bug homes and offices and troll banking records and other sources of personal data in order to combat this scourge against our civilisation. And these national police agencies are said to need to link up with Interpol or Europol and, through these organisations, other national police agencies abroad in order that all of this criminal intelligence can be pooled internationally. Public debate about the issue of clandestine police methods and transnational policing is largely obscured by folkdevils, real and imagined.

A trans-national tale

My own research in the English Channel region over the past three years has convinced me that transnationalised policing is already well developed in Europe. Let me give you one example. Some time ago an elderly gentleman, aged 82, decided that he wanted to go on a

holiday to Paris. His problem was that he suffered from a condition popularly known as 'short term memory disorder'. He had often got notions about travel abroad and his family had made arrangements with the local travel agents in Loughborough to ensure that their father would not book fabulously expensive holidays in exotic locations. On this occasion, he gave his family the slip and was off on his adventure. He was discovered several days later, sleeping rough under a pedestrian underpass by French police in the town of Lille. He was lost in a foreign country where he did not speak the language. Fortunately, this old fellow had a credit card in his possession and, using the network of European liaison officers that has been built up over the past few years, it was possible to locate his family home. Indeed, police were able to trace this man's movements over much of his journey from Loughborough. A patrol officer visited the family home, but nobody was there. A neighbour knew the name of the company for which the eldest son worked and that information was passed back through the police communications network. It eventually proved possible for police at Dover to call the son on his mobile phone. As it happened, he was stuck in traffic on the M25. A detour was possible, arrangements were made with the French police and the old gent was picked up off the ferry at Dover. Police returned this man to his family in less than one working day.

A mobile population

Without the transnational network of police this man would have eventually got home. After all there is a British consulate in Lille which would have taken responsibility. However, given the highly mobile nature of people and

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David Kidd-Hewitt

A threat to Europe?

Patricia Rawlinson assesses the dangers of Russian organised crime, and Western complacency.

things in Europe today, it is hardly surprising that a police system has evolved that can handle the very large amount of 'social ordering' that a population on the move requires. People go missing, stolen property is transported across great distances, road traffic accidents happen while people are on holiday, holiday-makers are occasionally robbed or attacked, their homes are burgled by travelling criminals while they are away - there are many such real-life examples from our fast paced transnational world that require police to be interconnected.

There are also the folkdevils, to be sure. Terrorism is something of a problem and policing transnational clandestine markets in everything from weapons, to hazardous chemicals, indeed even in people, remains an abiding task. But the bulk of transnational police work, as with police work in general, is far less glamorous than the Sunday papers make out.

The current debate on policing in Europe suffers from a distorted sense of proportion. Too much is made of the dangers posed by organised crime, as if it is the sale of cannabis that will bring about the ruination of our society. Criminologists need continually to remind the public that, in terms of hard cash, fraud and other forms of white collar crime (not least against the European Union itself) cost European society far more than the sale of illegal drugs.

Justice and logic

Evidence is now beginning to emerge that helps to give the debate on policing in Europe a

sense of proportion, but criminologists must strive to ground the debate about policing in Europe in other ways too. Of central concern must be to ensure that the police system that evolves for the transnational Europe of the 21st century operates within the rule of the law and in keeping with the spirit of natural justice and the highest notions of civil liberties. The very real danger is that the rhetoric of folkdevilry, together with the enhanced scientific and technical capacities that are now available to police, will overdetermine that emerging infrastructure.

The ideological superstitions purveyed in the news media about the awesome folkdevils that confront us are harmless only as long as they are not taken too seriously. Once their claim to total validity is taken literally they become the nuclei of a police system in which, as with the systems of paranoiacs generally, everything follows comprehensibly and even compulsorily from that first premise. The curious logicity with which our folkdevils are constructed, which places a simple-minded trust in the salvation value of our police, already harbours the first germs of totalitarian contempt for reality and factuality. In considering the future of European policing we are well advised to remember the words of William Pitt the Younger: 'Necessity is the argument of tyrants; it is the creed of slaves'.

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President Yeltsin's state of the nation address on March 6th of this year once again focused attention on the growing problem of organised crime in Russia. However, as many European states are aware, almost all of whom have experienced to some degree or other the activities of Russian gangs on their soil, this is not a situation confined to Russia. What kind of threat does the proliferation of Russian organised crime offer to Europe?

The Baltic states are among the most vulnerable and not just because of geographical proximity. (In 1995 Finland saw a 13.1% increase in cargo transported from Russia through its borders yet has managed to avoid the systemic influence of Russian organised crime'). Easy access to the Baltics from Russia has facilitated links between criminal groups which have taken advantage of the economic difficulties facing the countries after declaring independence from Moscow. Estonia remains a favourite conduit for illegal industrial metals while Latvia and Lithuania have become popular transit points for illegal narcotics from Afghanistan and Central Asian states into Europe. The murder in 1993 of Vitas Lingys, the deputy editor of one of Lithuania's leading newspapers and a vociferous campaigner

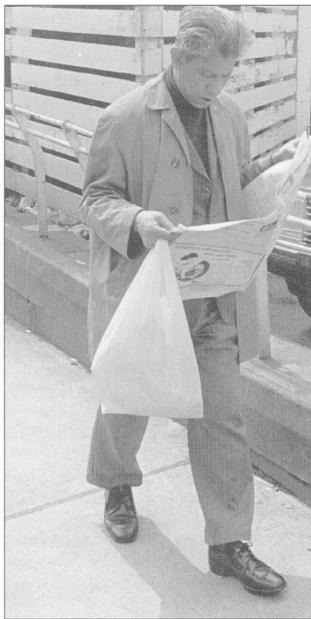
"In a country which can no longer afford to pay many of its public sector employees, where the previously unknown spectre of unemployment has devastated family life with insufficient state funds to alleviate the misery, crime inevitably is on the increase."

against organised crime, revealed the extent to which gangs would and could go to protect their interests. The emergence of indigenous criminal groups has further exacerbated the spread of violence.

Hungary plays host to scores of successful Russian bosses who are able to launder money through the banking system or by investing in clubs and restaurants. The recent arrest in Budapest of Sergei Mikhailov, boss of one of Moscow's most powerful groups, the Solntsevo gang, for money laundering highlighted the proliferation of Russian illicit business activity in the country, giving further credence to reports that it had become a favourite meeting ground for Russian and international criminal organisations. Poland, the Czech Republic, Bulgaria and the Balkans have also experienced a significant growth in organised crime from Russian and indigenous gangs. Activities include the sale of nuclear materials, drugs, metals, weapons, protection, pornography and prostitution rings.

Effects in the West

Western Europe, to a lesser degree and in more restricted areas, has experienced the effects of organised crime proliferation



in Russia and Eastern Europe. The trade in illegal immigrants forced Sweden to tighten its former lax legislation on refugee entry after an increase of human smuggling which included growing numbers of Kurds, as well as refugees from Iran, India and Pakistan. Kidnapping has also created cause for concern after the failed attempt on a member of the Swedish millionaire Wallenburg family. Germany, France and Belgium have all recorded murder incidents linked to Russian organised crime as has the UK, when in March 1993, the bodies of two Chechen businessmen were discovered and linked to 'mafiya' activities. These however are isolated incidents and hardly constitute a real threat. Most prolific and arguably the biggest threat to Western Europe from Russian organised crime comes from the less 'sensational' economic crimes such as money-laundering.

Cui bono?

In one year alone it was estimated that capital flight from Russia to the West stood at \$50 billion², thereby draining the country of much needed budgetary resources. The money instead works for the richer states which have been, in many cases, suspiciously lax in implementing banking and fraud legislation. The purchase of real estate is one of the more popular methods of cleaning dirty capital. Britain is particularly conducive to this as there exist no residency laws upon which the sale of property to non-nationals is contingent. It is simply a question of handing over the cash (many Russians have bought high priced houses with banknotes) and signing the lease or freehold. During slumps in the housing market foreign buyers are a welcome relief, with few questions asked, and purchases justified on the basis that 'we can't prove at source that the money



Red Square and the Kremlin

Martin Farrell

is dirty.' Spain and Cyprus have also benefited from rich Russian 'businessmen' anxious to buy a second home.

Banks too have shown a reluctance to police their creditors. In 1990 the Council of Europe set up directives on increasing mutual assistance between agencies in an attempt to curb money-laundering. In 1994 new regulations in the UK came into force obliging financial institutions to report suspicious transactions. Implementing regulations is not only difficult but requires the will to follow through what is often only a hunch and would anyway result in a profit loss for the organisations involved. Swiss banks have found themselves under attack from lawyers representing suspect criminals when investigations have begun into their accounts. Loopholes in Swiss legislation have often rendered the too few attempts to control laundering ineffective. Businesses can also be reluctant to jeopardise a lucrative deal by reporting their suspicions regarding partners from Russia and Eastern Europe. There is sufficient anecdotal evidence of British businesses acting as complicit partners in money-laundering operations to justify this claim.

Conflicts of interest?

Curbing organised criminal activity in the legitimate financial structures requires trust between intelligence and law enforcement agencies. Liaison police officers from inter alia, Finland, Sweden, Germany, the US (Britain has dragged its feet over this issue) have been established in Russia and work with reliable networks from the

Tax Police and Regional Departments to Combat Organised Crime (RUOP) but are often limited by funds and conflicting interests with business. Political instability in Russia has aggravated the fragile base of trust as has the increasing number of corrupt Ministry of the Interior (MVD) personnel. The latter scenario reflects the dangerous position Russia now finds itself in as most MVD officers accept bribes not because they are genuinely corrupt but as a means of supplementing an inadequate income. In a country which can no longer afford to pay many of its public sector employees, where the previously unknown spectre of unemployment has devastated family life with insufficient state funds to alleviate the misery, crime inevitably is on the increase. Capital flight on the scale we are now witnessing becomes even more invidious, taking from the poor to give to the rich.

The real threat to Europe from Russian organised crime lies as much in the expedient complacency to economic crime as in the dangers of smuggling, protection rackets and illegal drugs and arms dealing. How far we have the will to combat it is a crucial factor in the fight against its proliferation.

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