

Special report from 11.02.2004
“The custody conditions in the isolation wards of temporary stay
in Kaliningrad police departments”

Due to a great number of complaints, received from isolation wards of temporary stay, the ombudsman of Kaliningrad region of the Russian Federation, in agreement with the Public Prosecutor of Kaliningrad region together with the district prosecutors, has initiated the inspection of custody conditions in the isolation wards of temporary stay (IVS) of Kaliningrad police departments.

Out of 17 isolation wards of temporary stay in Kaliningrad region 11 were inspected. They are the isolation ward of the regional police department, the isolation wards of Polesk, Gvardeisk, Baltiisk, Krasnoznamensk, Chernjakchovsk, Bagrationovsk, Neman, Sovetsk, Gusev and Pravdinsk regional police stations.

In the majority of cases (with exception to Chernjakchovsk) the isolators were situated in the adapted premises, which do not meet the requirements listed in “The Instructions for the designing of police premises” № SP-12-95 of the Ministry of Internal Affairs. The violations of the Federal Law “About the custody of the suspects and accused persons”, as well as violations of the Regulations of internal rules in IVS and the Order №475 from 31.12.1999 of the Ministry of Health, were found in all inspected places.

It was found that there are no sanitary inspection rooms, where all apprehended persons should undergo a compulsory sanitary check. There is no initial medical examination in order to detect the cases of infectious diseases, especially skin and venereal diseases. At best the policemen on duty only question the apprehended persons about their health state. The first aid kits are not complete. The feeding of suspects and accused persons is organized once a day.

People kept in the isolators of temporary stay are not provided with an individual sleeping berth – there is only one large wooden deck for all apprehended people, there is no bedding, the norms of sanitary space per person are not maintained. Due to these facts it is impossible for all apprehended to sleep at night at the same time (during the inspection of Sovetsk isolator there were 5 people kept in cell №3, although it can actually contain no more than 3 persons). The isolator premises are not equipped with storing places for personal belongings and meeting rooms.

Such things of common use as soap, washing powder, table games, newspapers, sewing needles, scissors are not given out. The rules of doing the dishes are not followed: there is no hot running water, cleansers and detergents.

The cells are not equipped with tables, lavatories, water taps, coat racks, shelves for clothes, containers for drinking water, radio, there are no facilities for weekly showers and daily walks (even if there are proper walk yards). Many of the isolators are not supplied with proper ventilation and illumination in cells.

The listed above conditions lead to a spread of skin diseases and other infections. Thus, due to different reasons the authorities of temporary stay isolators do not fulfill the sanitary requirements for the healthcare of the apprehended, involuntarily causing the spread of infectious diseases and jeopardizing health of the apprehended and of the society in general.

Legislators found out that some aspects of the Federal Law concerning material security and conditions of living for the suspects and accused persons come into force from the moment of arrangement of proper conditions, but no later than the 1st of January, 1998. However, the proper conditions corresponding to the sanitary requirements and fire safety are not provided in isolators of temporary stay up to date.

As it is obvious from the foregoing, there is a violation of principles concerning holding in custody, stated in article 4 of the Federal Law “About the custody of the suspects and accused persons”, and also articles 15, 17, 18, 21, 49 of the Constitution of the Russian Federation. All this makes the implementation of human rights of people in custody impossible.

It is noteworthy that people, who are pleaded guilty in the court of law and convicted to custody, are kept in much better conditions than in the temporary stay isolators. This is a clear violation of article 10 of the International pact concerning civil and political rights from 1966, which states that all people hold in custody have a right for a humane treatment and respect to human dignity: "The accused persons are treated separately as they are not yet pleaded guilty".

The Ombudsman has informed the Public Prosecutor of Kaliningrad region and the head doctor of the Centre for state sanitary-epidemiological control in Kaliningrad region about the investigated violations.

The head of the department of the police organization and convoy in Kaliningrad region reported that the calculations for necessary police needs are carried out annually and include funds for IVS equipment and reparation works. In 2002 and 2003 the necessary documents were sent to the Governor of Kaliningrad region, offering to finance reconstruction and building of the isolation wards in the regional police stations from the budget of investment program for the year 2003.

The police authorities made a suggestion to the Commander-in-Chief of the Baltic fleet to give the premises of the former guardhouse in Sovetsk to the Sovetsk police department in order to make an isolation ward of temporary stay there.

Up to the present moment the problems concerning reconstruction and reparation of the isolation wards in Kaliningrad region are not solved yet. The conditions of stay in isolation wards continue to negatively affect health of the apprehended and those, who work there.

The ombudsman of Kaliningrad region suggested to her colleagues in other regions of Russia and to the ombudsman of the Russian Federation to analyze the problems of IVS in other regions, to discuss the topic and to work out the possible solutions during the coming seminar of Russian ombudsmen.

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