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# Analytical report

## UnMode

### **ANALYTICAL REPORT**

### **UnMode on Monitoring Human Rights Violations January-June 2024**

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## Monitoring the Rights of Prisoners in 2024

In 2024, monitoring of prisoners' rights was conducted in Georgia, Ukraine, Belarus, Moldova, and Russia.

### Priority Areas for Work in 2024:

- Identifying and documenting cases of violations of the right to release from places of detention on medical grounds for prisoners who have used or are using drugs, living with HIV, and/or other diseases.
- Identifying and documenting cases of violations of the right to access civil medicine for prisoners who have used or are using drugs.
- Identifying and documenting cases of failure to provide adequate medical care to people who use drugs in a state of withdrawal syndrome from the moment of their actual detention.

Strategic human rights work was conducted on nineteen strategic cases.

### Strategic Cases:

- **Ukraine:** Three cases, including one on access to civil medicine, one on release due to serious illness, one on failure to provide adequate medical care, and one on failure to provide adequate medical care in a prison controlled by collaborators.
- **Russia:** Six cases, including two involving Ukrainian citizens held in places of detention and forcibly transferred to Russia. All six cases are related to the failure to provide adequate medical care, including treatment and diagnosis of HIV infection. Two cases went through special UN procedures, resulting in recommendations from a UN special rapporteur for immediate release and ensuring access to adequate medical care. For two cases, courts of general jurisdiction ruled in accordance with UN recommendations to release prisoners from serving their sentences. Two cases are currently being prepared for submission to the UN.
- **Georgia:** Ten cases involving Ukrainian citizens who ended up in Georgia after evacuation from Russian temporary detention centers, who, due to

gaps in Georgian legislation, did not have access to medical care for drug use, as a result of which they committed crimes and ended up in prison.

- **Belarus and Moldova:** No strategic case work was conducted in these countries.

## **Prison Situation Statistics by Country**

### **Ukraine:**

According to open source data, as of May 2024, there are 28,000 prisoners in Ukraine (source: [euointegration.com.ua](https://euointegration.com.ua)). The statistics are complicated by the fact that a large number of prisoners are in occupied territories, and about 2,500 people were forcibly taken to Russia. During martial law, medical care is provided in accordance with Chapter 13 of the Criminal Executive Code of Ukraine, with no changes in the order of medical care for convicts.

### **The most acute systemic problems identified by the monitoring survey:**

- Interrogations of suspects in a state of withdrawal syndrome with the use of blackmail to obtain confessions and self-incrimination.
- Cases of Russian propaganda among colony administrations were identified in territories liberated from occupation.
- The illusion of the end of the war in Ukraine in the international community negatively affected the welfare of citizens, causing another humanitarian crisis. People in places of detention experience this crisis more severely than the general population, with poor provision of food and medicines.
- There is no access to rehabilitation services, harm reduction programs, psychological assistance, hepatitis C treatment, as well as legal assistance and judicial protection in places of detention.
- Interruptions in the treatment and diagnosis of HIV infection and other chronic diseases are recorded.

- Stigmatizing attitudes from society and correctional facility staff towards prisoners who use/used drugs and/or have chronic socially significant diseases (HIV, tuberculosis, etc.).

### **Georgia:**

As of May 1, 2024, the number of prisoners in Georgia exceeded 10,000 (source: National Statistics Service of the Republic "Sakstat"). There are 10,285 people serving sentences in Georgian prisons, including 379 women, which is 0.28% of the total population of the country. For about 3,800 prisoners, this is at least the second term.

### **Systemic problems:**

- The legislation on release due to serious illness is not practically applied.
- There is no access to substitution therapy or drug addiction assistance for women in prisons.
- High prevalence of infectious diseases within the penitentiary system, such as tuberculosis, hepatitis, and staphylococcus.
- Lack of special conditions for persons with disabilities.
- Punitive criminal legislation against people who use drugs.
- High levels of stigma against people living with HIV and/or using drugs.
- Low level of services for foreign prisoners considering high stigma in court sentencing.
- Low level of services provided by free lawyers.

### **Russia:**

As of mid-2024, about 50,000 prisoners in Russia live with HIV. There are about 459,000 people in pre-trial detention centers, colonies, and prisons in the country. About 2,500 prisoners were forcibly transferred to prisons in the Krasnodar Krai, Volgograd Oblast, and Rostov Oblast. The main problems include lack of communication with relatives, discrimination, and coercion to change citizenship.

### **Systemic problems:**

- Obtaining statements from detainees in a state of withdrawal syndrome with the aim of blackmailing for confessions and self-incrimination.
- Ineffectiveness of judicial protection among convicted persons, especially Ukrainian citizens. All applications and claims were reviewed formally.
- Ineffective medical assistance in places of detention, lack of psychological support for people with serious illnesses.
- Prosecution with administrative fines and arrests for drug use (Article 6.9 of the Code of Administrative Offenses of the Russian Federation).

### **Moldova:**

As of early 2024, there were about 8,952 people in Moldovan penitentiaries, which is 166 prisoners per 100,000 inhabitants. About 6% of them are women. Every third male (32%) and every third female (29.3%) prisoner sentenced to imprisonment are in the 30-39 age group. In 2023, 1,400 people were convicted of drug crimes.

### **Systemic problems:**

- Lack of opportunity to represent the interests of defendants in court; only lawyers with a license can represent interests.
- Lack of quality qualified legal assistance, especially in the first 72 hours, provokes illegal interrogations, including in a state of withdrawal syndrome.
- Repressive drug policy in the country, as evidenced by legislation on minimum drug doses for initiating criminal cases.
- Corruption, discrimination, and stigmatization, and sometimes demonization of people who use drugs.
- Unfriendly drug addiction assistance with subsequent registration for drug addiction.
- Lack of adequate medical assistance in prisons, high mortality rate in prisons.

- Harsh sanitary and living conditions in prisons due to dilapidated buildings.

**Belarus:**

There are more than 30,000 people serving sentences in Belarus. 2,467 people were convicted on drug charges, and 245 people were convicted on drug charges in 2023. Belarus is recognized as one of the leading countries in terms of the number of prisoners per capita.

**Systemic problems:**

- High level of corruption, bribery, and blackmail in relation to fabricated criminal cases.
- Lack of alternative forms of punishment.
- High level of political prisoners on fabricated charges, including drug cases.
- High prevalence of HIV among prisoners and HIV-associated tuberculosis with a low level of medical care, high mortality rate.