

HEUNI *Papers*

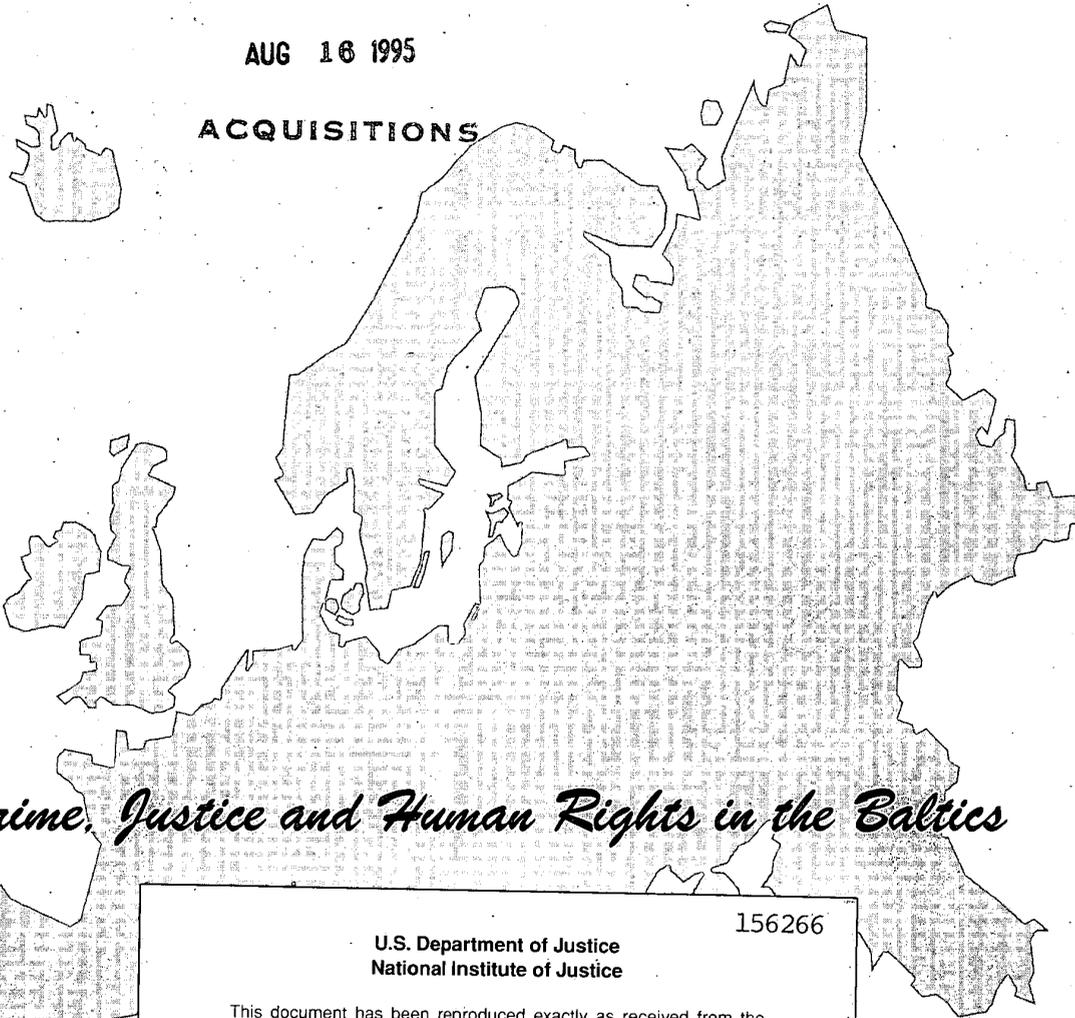


The European Institute for Crime Prevention and Control, affiliated with the United Nations

NCJRS

AUG 16 1995

ACQUISITIONS



Crime, Justice and Human Rights in the Baltics

156266

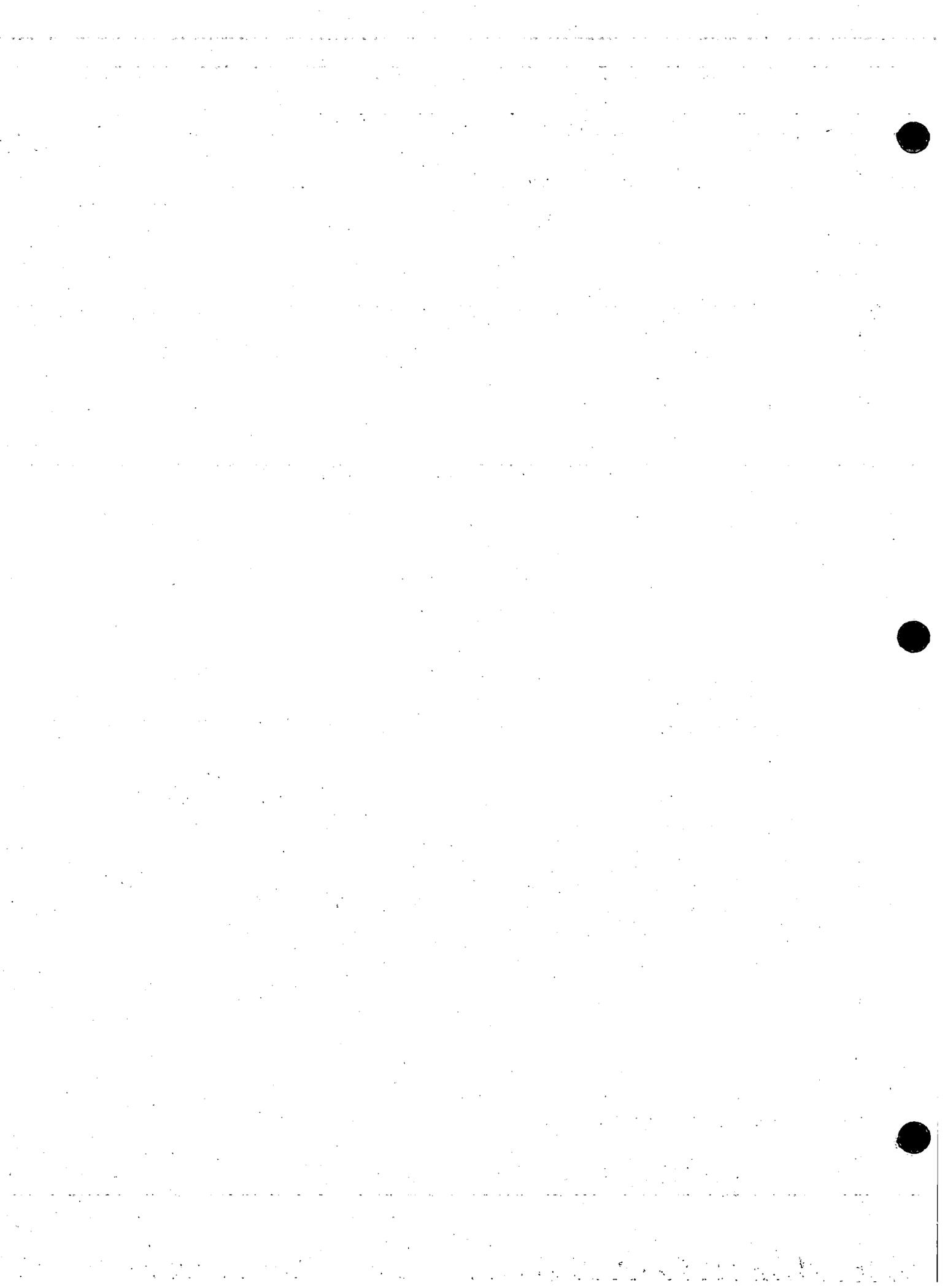
U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
HEUNI

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



HEUNI PAPERS No.5

CRIME, JUSTICE AND HUMAN RIGHTS IN THE BALTICS

Maeve McMahon

**Department of Law,
Carleton University, Ottawa, Canada**

**The European Institute for Crime Prevention and Control,
affiliated with the United Nations
Helsinki, 1995**

CRIME, JUSTICE AND HUMAN RIGHTS IN THE BALTICS

	Page
Acknowledgements	4
Introduction	4
The Socio-Economic Context of Crime and Crime Control	5
<i>Organized Crime</i>	5
<i>Pressures Toward Illegality and Crime</i>	6
<i>Problems in Responding to Crime</i>	8
Baltic Research on Crime	10
<i>Estonia</i>	11
<i>Lithuania and Latvia</i>	13
<i>A Note on Official Statistics and Victimization Surveys</i>	14
Crime Control and Human Rights	18
Problems in Legal Systems	18
The Use of Repressive Legislation	19
Difficulties in Challenging Repressive Tendencies	21
A Note on Questionable Assumptions about Democracy and the Market	22
Research Issues and Challenges	24
<i>The Lack of Non-Governmental Research Resources</i>	24
<i>The Need for Historical Research</i>	26
<i>The Need for Contemporary Research</i>	27
ENDNOTES	30
REFERENCES	36

Acknowledgements

For comments on a previous draft of this report, I warmly thank Nils Christie, Antanas Dapsys, Aleksandras Dobryninas, Hedda Giertsen, Yakov Gilinski, Matti Joutsen, Viktoras Justickis, Michael Kinghorn, Joanna Shapland, Angelika Schafft, Peter Solomon, Linas Turauskas, Virgis Valentinavicius, and several anonymous reviewers.

Gathering material for this report was facilitated by a leave in the 1993-1994 academic year as visiting lecturer, Department of Sociology, Vilnius University. This position was organised through the Civic Education Project, which is sponsored by the Central European University in the Czech Republic and Hungary, and Yale University in the USA. CEP responds to requests from Central and East European universities for visiting lecturers in the social sciences. Further information on CEP can be had from The European Director, Civic Education Project, Central European University, Taboritska 23, 130 87 Prague 3, Czech Republic.

Introduction

It seems that Lithuania, Latvia and Estonia are a forgotten corner on the European map.

(Stromberg 1994: 3)

... the Baltic states are so little known in the West.

(Lieven 1994: xxxv)

This report examines crime, justice, and related human rights issues in the Baltics. It also aims to provide some insights into the experiences of criminal justice reformers during the initial period of independence from Soviet rule,¹ and during the transition from command to market economies in Lithuania, Latvia and Estonia. While the immediate focus of this report is on criminal justice, it also seeks to contribute to recently growing knowledge about the Baltic states.

The first section of the report provides an account of the socio-economic context of crime and crime control in the Baltics. The second section examines studies of crime and justice which have been carried out, and discusses problems in measuring the extent of crime. The third section of the report focuses on legal and other difficulties in responding to crime. This section also illuminates the continuing use of repressive legislation, and the dilemmas faced by Baltic reformers who are committed to protecting human rights. The fourth, and concluding, section, outlines research issues and challenges with respect to crime, justice and human rights in the Baltics.

The Socio-Economic Context of Crime and Crime Control

Organized Crime

Businesses in Riga [Latvia] are paying 10 percent of their profits to the local mafia, and everybody, including the police, knows it.

(Arklina 1994: 13)

In the Baltics - as in other Central and East European countries - this period of transition is also one of a public preoccupation with crime. In particular, the widespread existence of what is described as organized crime - popularly known as the 'mafia' - is seen as posing a threat to social stability and security. Yet, despite frequent reference to the 'mafia', including by politicians, journalists, criminal justice officials and the public, details of what it actually consists of are frustratingly sparse. As Anatol Lieven (1994: 345) has observed: "[t]his is one of those Western terms which, enthusiastically adopted by post-Soviet vernacular, and played back to Western journalists, causes general confusion."²

Most generally, one can state that organized crime in the Baltics involves a series of criminal methods and activities rather than a coherent organisation. In this, organized crime in the Baltics is similar to that elsewhere (Beirne and Messerschmidt: 205). Lieven (ibid: 345-346) illustrates the ways in which the term 'mafia' has been used in this connection:

Balts use the term 'Mafia' to describe several different things. It is used most commonly as a general description of the underworld and the Black Market. Every little cigarette

smuggler or filcher of copper wire that you meet in a cheap restaurant today likes to drop heavy hints that he is in the 'Mafia'. The second, and more accurate, description, is of organized crime rings involved in large-scale smuggling, the massive theft of state property, and the administration of protection, extortion and prostitution networks

The third use of 'Mafia' is as a negative representation of the old Soviet establishment in the Baltic, using their networks to dominate the administration, and most especially, to allocate themselves state property as part of 'spontaneous privatization'. The word is also used simply as a nationalist catch-all for the unattractive side of the free market.

Given the variety of activities falling under the umbrella of organized crime, the threats it may pose also take various forms. Consumers are vulnerable to receiving low-quality food and other products. This occurs, for example, when cheap goods are misleadingly labelled as being of higher quality. Entrepreneurs experience threats to their safety, security, and profits. For example, if owners of new private businesses refuse to pay 'protection fees,' they may find themselves and their premises attacked. In all three Baltic countries, businesses have been burned or bombed. Even the integrity of political and government institutions is at risk: police, judges and parliamentarians are allegedly targets for bribery and other kinds of pressure from organized crime. Some leaders of organized crime are allegedly themselves located within these institutions.

Overall, the terms 'organized crime' or 'mafia' are somewhat ideological ones which

often conceal as much as they reveal. The fact that informal and illicit activities have a long history in Central and Eastern Europe further complicates the picture (Joutsen 1993; Los 1990). Nonetheless, there is little doubt that developments in recent years have expanded opportunities for organized criminal activities in the Baltics, as in Central and Eastern Europe more generally. Organized crime, therefore, is a complicated phenomenon which is simultaneously obscure and omnipresent.

Pressures Toward Illegality and Crime

With the rapid drop in the standard of living, the spread of unemployment and the rising rate of inflation, more and more persons are turning to the black market and crime as a means of supplementing their income.

(Joutsen 1992: 11)

In addition to nurturing a growth in organized crime, the transition to a market economy is also yielding new financial and social pressures. Some of these pressures are characteristic of Western societies, and may be conducive to crime. With the privatization of many state enterprises (e.g. hotels, shops, businesses and banks), with associated rises in prices, and with the advent of unemployment, the gap between the poor and rich is rapidly increasing. By contrast, while under the previous regime Soviet occupation may have been resented, most people were also assured of a home, work, food and other social supports.

Now, the everyday life of people has been turned upside down. Although the economic situation in the Baltics is comparatively far

better than that in Russia and other countries of the CIS (Lieven 1994), it is still dire. At the end of 1994, average monthly salaries ranged from the equivalent of a little over US\$100 in Lithuania, to a little under \$200 in Estonia and Latvia (**The Baltic Independent**, January 27-February 2, 1995, p. B3). With price rises vastly outstripping those in people's incomes, standards of living have substantially declined.

The economic situation is particularly difficult for those dependent on the state. As of November 1994, pensioners in the Baltics were receiving less than \$60 monthly - a sum inadequate to maintain a nutritious diet.³ Nollendorfs' (1993: 2) observations in the Latvian context resonate in Lithuania and Estonia: "The pensioners are receiving starvation monthly pensions ... There is no doubt that a pensioner cannot survive on a pension alone." Other people who lose their jobs, or who lack the means to obtain employment are similarly, if not more, impoverished. For example, at the end of 1994, unemployment benefits in Estonia stood at about \$14 monthly (**The Baltic Observer**, November 3-9, 1994, p. 2). It is little wonder that the phenomenon of begging has emerged in the Baltics: women, men, and sometimes children, sit or kneel on the ground outside shops, often with their hands deferentially outstretched.

The elderly, the disabled, the unemployed, and others dependent on the state are undoubtedly the worst off. But even people with work are faced with difficult situations. For those on average incomes, it is hard to sustain families, and is certainly not possible to sustain the standard of living which would have been customary less than a decade ago.

Those who continue to work for the state are particularly hard-hit, as their salaries are lagging far behind those in the private sector. It is not unusual for state-employed professionals - such as teachers, professors, doctors, and engineers - to be paid much less than those who have taken a position with one of the newly emerging private companies and institutions. As a result, many professionals whose skills are in demand move to the private sector: for example, teachers of English and German appear to have moved *en masse* from the world of education to that of businesses, banks and translation services (Nollendorfs 1993). Other people who retain their state-paid occupations often take on additional, and more remunerative, part-time work. When a professional worker's second job is of a menial nature (for example, labouring or cleaning for new elites and businesses), securing additional income can involve the social cost of a decline in prestige and self-esteem.

Those who quit their jobs in order to immerse themselves in capitalistic activities of buying and selling goods in the market can also experience a conflict between economic gain and the maintenance of social status. Although, and as the long history of the 'shadow economy' testifies, "attempts to instill a socialist mentality never succeeded in erasing the capitalist urge for personal profit" (Joutsen 1993: 13-14), it is also true that capitalistic activities have often been viewed with suspicion. New entrepreneurs who enthusiastically embrace the market can expect to encounter social disapprobation and disapproval.

In turn, the difficulties experienced by new entrepreneurs in maintaining their social status are intensified when their market

activities fall into a grey, or quasi-legal, area. This occurs, for example, when some of the goods they are dealing with may have been smuggled or stolen. In short, the boundary between legal and illicit activity is often blurred, and entrepreneurs may find it difficult to avoid entering the realm of the criminal. As Joutsen (1992: 11) expresses it: "The borderline between the semi-legal grey market and the illegal black market is often impossible to draw, and many people received their indoctrination into crime in this way."

Overall, norms are confused. Meanwhile, foreign goods are flooding the market. Many Western-style shops have opened.⁴ But, especially for the less well-off, everyday life consists of constantly being reminded (including by the media) of the increased availability of consumer goods, along with a severely diminished ability to acquire even the necessities of life. For many people in the Baltics, a shopping spree consists of wistfully looking at unaffordable goods. At the same time, most people personally know individuals who - legally or otherwise - have become members of the *nouveau riche*. Expressed sociologically, Baltic societies reflect an acute case of anomie, and many people are experiencing a growing sense of relative deprivation.

In sum, the transition to a market economy has a variety of serious consequences with respect to crime. New social classes are emerging and polarizing. Norms are breaking down. Traditional routes to occupational and social prestige can only be followed at an economic cost. Newly-emerging routes to economic gain often involve sacrificing social status. As people see some of their neighbours rapidly advancing economically, a strong sense of relative deprivation

prevails. Moreover, given that rapid economic advancement often has an illicit taint, feelings of relative deprivation are accompanied by suspicion and sensitivity to injustice and corruption. Under such circumstances, it will hardly be surprising if previously-existing disrespect for the state, its functionaries, and its property, become more generalised. Indeed, according to Lieven (1994: 371):

While public fear has focused on the mafia and crimes of violence, more dangerous for the future fabric and morale of the Baltic States may be the almost universal habit of pilfering, fostered under Communism and entrenched by poverty. The practice is encouraged by the fact that even many educated people, let alone the masses, simply cannot understand why former criminals and criminal activities are now respectable, or the difference between making money from semi-legal commercial activities and stealing outright from the office, shop or factory where you work.

As opportunities for illegal activities grow, and as socio-economic changes further erode respect for property and people, the likelihood of increasing crime in the Baltics - as elsewhere in the former Soviet Union - must be considered real. As Joutsen (1992: 11) has observed: "[t]he reality (and perception) of increased crime has contributed to the readiness to commit crime; the prevailing attitude in Central and Eastern Europe is said to be one of *naglost*, brazen insolence."

Problems in Responding to Crime

There are deep problems within the police force itself. These problems generally boil down to finances. The police are strapped for cash, lack the most basic pieces of equipment and are insufficiently prepared for the difficult task of fighting an increasingly sophisticated and powerful criminal class.

(Duncumb 1994: 7)

While the Baltics are encountering pressures conducive to crime, their governments lack resources which might be considered basic in countering crime. Although police forces everywhere may bemoan their lack of resources, and although it is debatable as to whether increasing police resources can dramatically increase their effectiveness in responding to crime (Rubinstein 1973), the paucity of resources in the Baltics is striking (at least to the Western eye). Specifically, Baltic police forces often encounter difficulty in providing officers with items such as radio transmitters. Even uniforms and shoes can be in short supply. David Fogel's comments (1994: 7) - based on study visits to seven cities in Russia, and Central and Eastern Europe - also hold true in the Baltics: "In city after city one is struck with the impoverishment of the various police establishments ... the police agencies - at least on the street level - seem to be pauperized."

This lack of resources has obvious impacts on the everyday work and lives of police officers. For example, in Vilnius, it has not been an unusual sight to see police officers physically pushing their elderly vehicles along the street in an (often unsuccessful) attempt to get them moving again. Even

once started, they would have little hope of keeping up with suspects in possession of Western model cars. Vilnius police have also lacked breathalysers. According to the local city guide for foreigners (Lufkens 1994: 12), should one be apprehended for drinking and driving, "don't worry - from experience the only available breathalizer lacks a mouthpiece and the Soviet made machinery is somewhat faulty." Everyday police work in Estonia and Latvia is similarly hindered by the lack of basic technical aids (Arklina 1994; Duncumb 1994).

Given such conditions, it is not difficult to understand that Baltic police - along with other criminal justice officials - might feel demoralized in their efforts to deal with crime. As Joutsen (1992: 13-14) has observed, when justice personnel in Central and Eastern Europe meet with West European colleagues, it is "difficult" for them "to understand how Western European criminal justice practitioners can debate the finer points of the development of crime prevention and control when, for those coming from the East, even the basic tools of the trade are hard or impossible to come by."⁵

Aid from the West - notably from Germany and Scandinavian countries - is helping to improve the situation of police vehicles and other resources.⁶ But fundamental problems - including low salaries - appear likely to persist. In Estonia, for example, by the end of 1994, police salaries were said to be at "less than half the average monthly salary," and were aptly described as "meagre" (Duncumb 1994: 7).

In addition to the lack of resources, the period of transition is also one of myriad other problems for Baltic police. They have

been troubled by a lack of professionalism, by difficulties in recruitment and training, by problematic relations with other security forces, and by allegations of corruption at every level of the organisation from officers on patrol⁷ to senior police officials.⁸ All of this has been made more difficult given that the independence period has been one, not only of changing conditions and perceptions of crime, but also of changing public culture expectations of police responses to crime.

The problems being experienced by police are occurring both despite, and because of, rapid and major attempts at reform. For example, substantial changes have taken place in the ethnic composition of Baltic police forces, especially in Estonia and Latvia: where ethnic Russians had predominated during the Soviet period, their proportionate representation has substantially declined in favour of ethnic Balts. In Latvia and Estonia before police reforms in 1991, ethnic Russians constituted approximately two-thirds of the police forces, and up to 90% of police in the cities of Riga and Tallinn (Lieven 1994: 322). By the end of 1993, about three-quarters of police in Estonia were ethnic Estonians, and about two-thirds of police in Latvia were ethnic Latvians (Leps 1992: 19; **Baltic News**, November 24-30, 1993, p. 7).⁹

The departure of many long-term employees which this reconstitution of police forces has involved, and efforts to replace them, has yielded difficult scenarios for the police. In the first place, given that the outflow included many more experienced officers, police forces have experienced a loss of professional expertise. Meanwhile, vacancies in the police have been difficult to fill. In part this is due to the negative image of police as a profession.¹⁰ In the words of one

young member of the Latvian Security service (quoted in Lieven 1994: 327):

'We have great difficulty in finding Latvian recruits, and the old police even more so. Most Latvians do not want to be policemen. It is not a prestigious profession, and the pay is low. This is really one of the biggest problems for Latvia, but it seems no-one in the government has realised it.'

As a result of such reticence, many positions in policing (and in justice systems more generally) remain unfilled. For example, in Estonia in 1992, about 20% of police positions were vacant (Leps 1992: 19). By the end of 1994, the situation did not appear to have improved: the Interior Minister responsible for policing expressed concern about 1,200 vacant positions in his Ministry (*The Baltic Independent*, December 23, 1994 - January 5, 1995, p. 5). To add to the problem, concerns have been expressed about the quality of some of the candidates who have been recruited. As Lieven (1994: 323) sums up the situation:

The new Baltic police have ... inspired little confidence, being generally extremely young, often violent and sometimes wholly ill-trained. Meanwhile the old force, demoralised by poor pay, by the collapse of the Soviet Union, by the mistrust shown by the new governments, by ethnic prejudice and by insecurity over their future, has virtually collapsed

The troubles of Baltic police forces are signalled not only by internal personnel problems, but also by the occupational

options of many of the officers who have quit. Most ominously, it is alleged that some experienced officers quit in order to participate in organized crime; "with which," it has been observed, "many of course always had close links" (Lieven *ibid*). Other ex-officers now work in the private security industry which is burgeoning in the Baltics, as elsewhere in Central and Eastern Europe. This growing private sector constitutes not only a constant reminder of the limited capacity of police forces to deal with crime, but also an ongoing drain of recently trained recruits. As one police reformer in Estonia has observed (quoted in Duncumb 1994): "The average salary that they do get is so low that we're losing great numbers of them to the security firms. [The police] were training people and losing them as soon as they were trained."¹¹ Once again, many of the troubles being experienced by Baltic police seem to come to rest at the door of resources.

Beyond the realm of policing, the more general lack of government resources may also affect crime and its control. For example, due to economic difficulties, about one third of street lighting in Vilnius has been cut. As a result, some streets are only dimly lit, while others have no lighting at all. With the ensuing decline of people outside after dark the conditions are ripe, both for a growing fear of crime and an increase in street crime itself. Overall in the Baltics, the poverty of the people and of the state combine in an unhappy prognosis for crime.

Baltic Research on Crime

What data exist on crime in the Baltics? In these countries, as in many others of the former USSR, the transition period has seen a substantial growth in the availability of information. In addition to providing an overview of recent criminological accounts of crime,¹² this section also discusses some of their potentially problematic aspects. It is considered important to discuss the limitations, as well as the insights, of research accounts of crime because these accounts can play a significant part in shaping public conceptions of crime.

Estonia

Crime has been growing from year to year.

(Leps 1992: 4)

Where Estonia is concerned, Ando Leps has provided much useful information and commentary. Leps paints a bleak picture of Estonian society during the restoration of its statehood and the accompanying transition from a command economy to a market-based one. As explained by Leps (1993a: 1), Estonia has been experiencing a "deepening economic and political crisis and social instability [which] have caused a sharp drop in the living standards, dividing the people into a poor majority and a handful of the rich." This division between the few rich and many poor is further sharpened in that "wealth often bears the stamp of dishonesty." In the midst of this crisis, according to Leps, crime is rising and civic security is disappearing. "The people," he states, "are becoming convinced that the state is not in a position to protect them from poverty, crime and increasing violence and

lawlessness." Most worrying, observes Leps, is the "seeming disinterest" of the state in fighting crime, as this "often results in the inefficient work of the Ministry of Justice as a whole" (ibid).

Leps has documented not only people's concerns about crime, but also their more general sense of insecurity following from the rapid transition. Drawing from public opinion surveys, he reveals that, from 1988, "the people's fear of the tomorrow has increased." One of the reasons for this is that fully 84% of the population feel that they have been inadequately prepared, or not prepared at all, for the market economy. This creates difficulties in coping with everyday life. In specifying their grievances, as well as pointing to economic problems, many people also point to the poor quality of laws, and to government incompetence (ibid: 1-2).

In elaborating on the difficulties being faced by the Estonian economy, Leps has explained that while there has been a substantial reduction in economic contacts with Russia and other countries of the CIS, those with Western countries continue to be inadequate. At the same time, the transition to world market prices, involving huge rises in prices for imported raw materials, fuel¹³ and other items, coupled with high prices and low quality of Estonian products, has had some devastating effects. Difficulties in completing the transition to a market economy have exacerbated the dismal economic situation: land and property reform has been slow, as has the privatization of large state enterprises. In some cases, where enterprises have been privatized, bankruptcies have occurred. Where unemployment was previously relatively rare, public opinion surveys show that 16%

of the population were already unemployed by the end of 1993,¹⁴ and many more feared losing their jobs in the not-too-distant future.

Economic difficulties are paralleled by, and interwoven with, legal, ethical and social ones. As Leps explains (ibid: 2-3):

Legal nihilism is spreading in society, promising to become a problem. State-run control mechanisms have been destroyed, and their replacement with new ones has only started. Anarchy in the economy is accompanied by the moral and ethical deformation of [the] state. Some officials use their position in the interests of personal gain, corruption is spreading.

Analyzing just how fundamental economic, social, political and other transformations relate to those in criminal activity opens up a vast and complex research agenda which Baltic criminologists are exploring. In doing this, Leps, and many of his Baltic colleagues, are devoting much attention to charting rises and changes in crime which have been reflected in official statistics. The ensuing picture can be a somewhat dizzying one. It can also be a questionable one, particularly when official crimes statistics are juxtaposed with other kinds of trends, and without specification of what relationship - if any - exists between them. Consider, for example, the picture which emerges when trends in crime are depicted against the background of political developments (ibid: 3-4):

..in 1987 when the people protested against the opening up of new phosphate mines in the Kabala-Toolse area, [the] crime rate was

'relatively' low; in 1988 which was the year of the singing revolution and the adoption of the declaration of sovereignty by the Estonian Supreme Council crime mounted relatively little in comparison with the previous year - just 6.1 per cent; in 1989 when Estonian was made the official language of the country and the blue-black-and-white national flag was hoisted at the top of the Tall Hermann tower, when the 50th anniversary of the Hitler-Stalin pact was marked by the Baltic human chain, provoking violent protests among the non-vernacular population (the Slavic-speaking community), crime mounted a total of 57 per cent; in 1990, when the Supreme Council adopted its resolution on Estonia's Statehood, stating that Soviet state power was illegal from the moment of its imposition in all Estonian territory, and declaring that the restoration of the Republic of Estonia would start, the period ending with the formation of the Republic of Estonia constitutional bodies of state power, crime mounted another 23.4 per cent in comparison with 1989; in 1991 when the Supreme Soviet adopted its decision on Estonian national independence, crime went up by 33.4 per cent, and in 1992, when the new Constitution of the Republic was adopted, the country's own currency was introduced, and elections of the country's Constitutional parliament, the Riigkogu, as well as of the President were carried out, the developments were again crowned by a rise in crime by 29.9 per cent.

Taken at face value, this juxtaposition of recent political events with official data documenting dramatic increases in crime seems to point to the conclusion that independence *per se* has generated crime. But such a conclusion must be considered problematic, as correlation between trends does not necessarily involve a causal relationship. In addition, reliance on official data in describing crime must also be considered highly problematic. As will be elaborated later, trends in criminal activity cannot be adequately described solely through the use of official statistics: such official data only provide partial, and skewed, perspectives on crime. Statements such as - "there are incomparably more persons with a crime on their conscience roaming about free than it was possible ever before [in Estonia]" (Leps and Rimmel 1994: 19) - must be treated with extreme caution.

At the same time, it would be naive to deny that transformations in crime and deviance are occurring in Estonia, and that these may involve an increase in at least some kinds of violence. In 1993, over 50 bombings were recorded in Estonia, including one directed at a police station (Lieven 1994: xvi). As for murders (excluding attempts), 119 were recorded in 1991, and 217 in 1992 (Leps 1993a: 4; see also Leps 1993b). Murders, including attempts, stood at 136 in 1991, rose to 239 in 1992, and rose again to 328 in 1993 (Leps and Rimmel 1994: Table 3). Many, if not most of these killings, resulted from "rivalry between groups involved in organised prostitution, protection rackets, and the vast smuggling trade with Russia" (Lieven 1994: xv). In 1993, about 40 of the murders were associated with the metals trade alone (ibid).

Lithuania and Latvia

From the very outset of Lithuanian state revival criminologists forecasted the approaching 'wave' of criminality. (Dapsys 1993b: 1)

How does the situation of crime and justice in Lithuania and Latvia compare with Estonia? Where official statistics are concerned, the historical tendency has been for Estonia to have the highest crime rates, followed by Latvia, and then Lithuania. This tendency appears to be continuing. In the words of Ando Leps (1993a: 4-5): the "[c]rime rate per 100,000 people ... is the highest in Estonia -2,641, followed by 2,317 for Latvia and 1,505 for Lithuania. One cannot help noticing that [the] crime rate in Latvia and Estonia has always been higher in comparison with Lithuania."¹⁵

Where perceptions of crime and current issues are concerned, there are many similarities across the three countries. Although the pace of reforms and the circumstances in which they are taking place vary, the dominant perception of Baltic researchers is that crime is on the rise, and that control systems are experiencing crisis, confusion, and - more than occasionally - corruption.

Accordingly, the Lithuanian researchers Antanas Dapsys and Karolis Jovaisas state that, between 1987 and 1993, crime rates in their country more than doubled. Moreover, changes in criminality are taking place not only in the amount of crime, but also in the kinds of crime which are occurring. In addition to "traditional" crimes such as theft and murder, new forms of crime are appearing (Dapsys and Jovaisas 1993: 1). In particular, the economic sphere is

characterised by multifarious forms of illicit activities. These include: illegal ownership, management and disposition of property; bribery; fraudulent business practices; forgery of currency and documents; blackmail; and tax evasion. Many of these criminal activities take professional and organized forms (Dapsys and Jovaisas 1993b: 1). Some "international" influences are also seen by Dapsys and Jovaisas as helping to open up new areas of criminality - including prostitution, gambling, trading in narcotics and various forms of smuggling.

In elaborating on these new forms of criminality, Dapsys and Jovaisas (1993: 2) reiterate now familiar themes.

In the economic sphere - hyperinflation, economic disorders and other difficulties expand, because our country is passing from [a] socialist into [a] market economy system. Certain groups of people are making use of [the] unstable economic situation because economic laws are new and varying all the time ...

In the political sphere - external and internal contradictions are caused by the passing into democratic/multiparty/political system, the influence of former metropolity, the presence of occupation army, obstacles to radical reforms in economic, social, judicial and other fields of social life made by hostile political forces. Direct criminal actions of special political groups make their influence too.

In the social sphere - the main problems are sudden unemployment, decrease of livelihood levels, social differentiation among the population.

People grow very unequal in their property/very few of them become very rich, the livelihood level of the main part is decreasing; the most stable middle class is diminishing ...

In the sphere of culture and morals - we have disproportions and contradictions which are caused by our returning [to] the national system of culture and morals. During the last decades the value orientations of people were deformed greatly, our cultural spiritual life was deprived of individuality (double-faced morals, the cult of political force, slavish world outlook and psychology, drunkenness, etc.). Now the conditions of the liberation of personality and sudden decrease of social control make the favourable climate to the formation of criminal motivation and putting it into life.

Together, says Dapsys (1993b), both objective and subjective conditions facilitate the flourishing of criminal activity while efforts to contain it are severely impeded.

In turn, accounts of crime and control in Latvia reveal similar trends and preoccupations. And in both countries, as in Estonia, substantial increases in violent crime and murders are said to have taken place. In Lithuania, there were 143 murders in 1988. In 1993, the number had risen to 416 (Dapsys 1993a). In Latvia, although some decrease took place in the total number of crimes recorded between 1992 and 1993, the number of serious offences grew: where there had been 255 murders and attempted murders in 1992, in 1993 the recorded number had risen to 392 (*The Baltic Observer*; December 24-31, 1993).

*A Note on Official Statistics and
Victimization Surveys*

Recorded crime is exactly that: it is only a small fraction of all reported and unreported crime.

(Roberts and Gabor 1990a: 300)

Given the earlier lack of information about crime, the growing availability of Baltic research knowledge is welcome. At the same time, it is notable that in many recent publications there is a heavy reliance on official statistics in describing crime.

As mentioned earlier, this heavy reliance on official statistics is problematic. Even in the best of circumstances the vagaries of official data are manifold. Indeed, in the absence of other sources of information, official statistics - despite all of the time, energy and money expended in gathering them - can be extremely misleading.

As is well known, one of the problems with official statistics is that not all crimes get reported to the police. For example, in Canada it has been estimated that over 50% of all crimes are not reported to the police. Further, the rate at which crimes tend to get reported varies greatly across different categories of crime. Car thefts have a relatively high rate of reporting (which is probably connected to the fact that the victim needs to report the loss to the police in order to make an insurance claim). By contrast, the reporting rate of sexual offences tends to be low. Similar findings with respect to the partial nature of crime statistics, and the existence of a 'dark figure' of unreported crime have been made internationally (Griffiths and Verdun-Jones 1994). Overall, official statistics can reveal more about extraneous factors (for example,

police priorities) than about the actual level of crime.

In the absence of other data, official statistics can misleadingly reinforce negative stereotypes about certain groups of people believed to be disproportionately involved in crime. In the Baltics, ethnic Russians are particularly vulnerable in this regard. For example, at the 1993 Symposium of Baltic Criminologists official data were used in arguing that there is a far higher rate of criminality among ethnic Russians than among ethnic Estonians. Detailed figures were provided arguing that this holds true whether one examines the overall crime rate, or specific crimes such as rape, 'hooliganism,' and premeditated and attempted murder. Especially in light of tensions between Russia and Estonia, one can see that these data could easily be used by the media, political and other sources in very damaging ways. A similar danger exists in Latvia, which also has a high proportion of ethnic Russians, and ongoing tensions with respect to their citizenship and other rights.

Estonian researchers, in presenting the data at the Symposium, did point out that they were not claiming that the Russian character is "more criminal" than Estonian. Brief qualifying statements were made to remind participants that the police clearance rate is low, and that some criminals do not show up in the data at all. It was also noted that the data might be as much a reflection of the differing social situations of ethnic groups as anything else.¹⁶ But these brief asides did not go nearly as far as they might have in highlighting the socially constructed nature of official statistics. Rather, taken together with off-the-cuff remarks by some participants (for example, that "Estonians are

more patient than Russians"), the danger exists that this emphasis on official statistics could easily contribute to a reinforcement, rather than a challenging, of popular stereotypes about crime. In turn, such data might also be used in reinforcing calls for repressive measures.

Of course, allegations as to the greater participation in crime by certain minorities are by no means unique to Estonia and the Baltics. In some other East European countries, such allegations have been far more pointed and prominent. In the Czech and Slovak Republics, for example, many - if not most - people appear to take it for granted that to be Roma (gypsy) is synonymous with being criminal. Disturbingly, such a view is also common among researchers (for an analysis, see Powell 1994). Meanwhile, in many advanced capitalist societies with sizeable ethnic minorities, questions of race and crime - and the related issue of ethnically-based crime data - remain highly sensitive. Debates about whether such data should be collected, about how they should be interpreted, and about the relationships (and the lack thereof) between race and crime have recently raged (see, for example, in the Canadian context, Roberts and Gabor 1990a, 1990b; Doob 1991; Rushton 1990).

In the Estonian context, rather than repeatedly emphasizing the disproportionate representation of ethnic Russians in the official data on crime, it may be more fruitful to ask: Why have ethnic Russians been overrepresented in the crime statistics? What does a more complete picture of crime in Estonia reveal?

With respect to the first question, discussions with participants at, and after, the 1993

Baltic Criminology Symposium yielded an interesting hypothesis. Several researchers suggested that the ethnic background of criminal justice officials during the Soviet period may have been one of the reasons for the overrepresentation of ethnic Russians. Specifically, given that police and other officials have disproportionately been ethnic Russians, and given that many of them did not speak Estonian, they may have been impeded in their efforts to apprehend criminals from the ethnic Estonian population.

If this is indeed the case, recent efforts to change the composition of police so that they more closely reflect the total population, may offer an interesting opportunity to study any resulting changes in the social construction of official data.

In trying to achieve a more complete picture of crime, a major strategy toward this internationally has been the conducting of victimization surveys. By interviewing people about their experiences of victimization, some of the distortions and omissions of official statistics can be compensated for. In the early 1990s, a preliminary survey was carried out comparing victimization in Estonia with that in Finland. The data gathered were also compared with European countries generally (Aromaa and Ahven 1993). This survey has yielded some important insights. Firstly, with respect to the issue of ethnicity and crime, Aromaa and Ahven (ibid: 6,7) report that:

In Estonia, there is a lot of nationalistically colored public opinion according to which young male Russians are involved in violence more than other parts of the population The overall pattern [of

victimization] may, however, be described as not supporting the popular belief.

The data gathered by the researchers - which examine victimization in 1992, and in the period 1988-1992 - reveal that the rates of ethnic Russian and ethnic Estonian victimization by violent events are remarkably similar. Given that victimization research elsewhere reveals that the perpetrator and victim involved in an incident often fall into the same population group, no support is found for the contention that ethnic Russians are more criminally engaged than ethnic Estonians, at least with respect to violence.

In addition to providing data which challenge popular stereotypes about ethnicity and crime in Estonia, the survey also provides other important information. For example, where sexual assaults are concerned, Aromaa and Ahven (ibid: 4) report that in Estonia there is "quite an extraordinary rate of [violent] sexual assaults (at least twice as high as the European average)." This finding is all the more remarkable as official statistics indicate that, in contrast to the increase in crime rates more generally, the categories of rape, attempted rape, and "so-called domestic crime" remained stable, or even decreased, between the early 1980s and the early 1990s (Leps 1993a: 4; Leps 1992: Table 4).

In general, the preliminary victimization survey reveals that Estonian preoccupations with crime are not without foundation. For example, where violent incidents are concerned, the overall rate in Estonia is similar to that in Finland, and is thereby higher than the European average. Property crimes are also common. As Aromaa and

Ahven (ibid: 4-5) observe, apart from thefts from cars (which are similarly high): "[t]he rates of other property crimes are systematically higher in Estonia as compared with the Finnish or European averages. It appears that this is a question of stealing in general: Estonia seems to score highly on all theft-related crimes, including robberies."

At the same time, continue Aromaa and Ahven, while a problem of theft exists in Estonia, caution must be exercised so that public culture fears and concerns about crime do not escalate beyond the level warranted. In their view (ibid: 5): "it seems safe to conclude that the Estonian average theft rates are not on a level that would suggest an 'intolerable' or chaotic state of affairs as it is sometimes described in the Estonian mass media; they are just high."

In sum, victimization surveys provide a useful counterbalance to official statistics on crime, as they yield a more complete, and comparative, picture. As such, they assist in putting public fears in perspective. Victimization surveys also help to draw attention to offences such as sexual violence which have too rarely been given priority in public culture discussions of crime. In making such contributions, victimization surveys not only advance knowledge about crime, they also facilitate the exposure and confrontation of local misperceptions and prejudices which impede efforts in responding to crime.

Valuable as they are however, victimization surveys should not be considered a panacea in addressing the limitations of official statistics. As is the case with official statistics, victimization surveys are limited in their ability to document many economic forms of crime - including corporate crime,

white-collar crime, and organized crime. Steps are now being taken to conduct new victimization surveys - for example, in Latvia. But one of the challenges which will continue to confront Baltic researchers is that of how to document criminal forms of economic activity - including crimes of the powerful - in a more systematic and substantive way than has been possible to date. (This challenge, of course, faces researchers in other countries as well.)

Crime Control and Human Rights

What are the characteristics of legal reform in the Baltics during the period of transition? How do issues of human rights intersect with those of crime control? What is the experience of Baltic researchers and reformers who argue in favour of the adherence of the justice system to due process principles and procedures in an era when public culture is preoccupied with crime? In this section, these questions are addressed, firstly, by examining some general problems in law reform; and secondly, by examining debates about the Lithuanian government's law of 'preventive detention.' As the preventive detention law represents a repressive approach to crime, debates about it provide a useful barometer in demonstrating the extent, and limits, of tolerance with respect to the rights of accused persons.

Problems in Legal Systems

The legal framework is confused and deficient.

(Lieven 1994: 339)

Each of the Baltic states has officially repudiated arbitrary and repressive

legislation and procedures. But many elements of such approaches continue to exist. To some degree this is inevitable. Estonia, Latvia and Lithuania have each developed numerous new laws and institutions applying to many areas of life. Much of this has taken place at a speed which would make the pace of socio-legal reform in most Western democracies appear slower than a tortoise. But, due to this haste, along with the often uncoordinated nature of reforms, much confusion exists: many laws contradict one another, some spheres of life are overregulated, and some spheres of life appear not to be regulated at all. As Leps (ibid) observes in the Estonian context:

the Estonian Supreme Council ... caused a tremendous confusion in the law-creation sphere. The Supreme Council proceeded to adopt laws regulating very different spheres of society, like on a conveyor belt. However, no one knows or observes those laws. Lawlessness reigns supreme. In this confusion of laws the courts have no clear idea of what is taking place ...

While legal confusion prevails in the regulation of health, education, social welfare and so on, it is perhaps most evident in relation to the economy. Media reports on economic developments frequently comment on the ensuing frustrations. For example, in Lithuania, it has been observed that (Mockaitis 1994):

Lithuanian legislation is currently in bad shape. Many Lithuanian laws either have no basis or are based on principles not part of any policy. Lawmakers tend to create laws as incomprehensible as possible for the

investor or businessperson, and statutory changes are so numerous that lawmakers themselves become confused.

Not only does this confusion impede those who wish to conduct business legally, it also has serious consequences with respect to crime: those who wish to profit illicitly find the conditions favourable. As Leps (*ibid*) observes, the situation is "to the advantage of the criminals, and increases non-observation of laws among a part of the population. The ones who gain most by such a situation of a legal vacuum [are] white-collar criminals who are interested in lawlessness themselves."

In this context, one area where many questionable transactions have taken place is that of the massive privatization of state property. Reminiscent of Orwellian doublespeak, the term 'privatization' is sometimes used to describe activities which might better be described as 'theft' (Lieven *ibid*). This occurs, for example, when former Communist managerial officials overseeing the privatization process themselves end up in possession of a substantial portion of the assets and property being transferred.

Faced with the void which often exists between pre-existing and emergent legislation, justice officials are frequently not only confused, but are also stymied. As a senior police official in Lithuania complained in the early days of the transition (quoted in Lieven: *ibid*):

It is very difficult to tell when something is an economic crime and when it isn't. What is illegal speculation? What is legal trade? Even when something is still illegal,

we sometimes know that we're not supposed to enforce the law because it's out of date, and often we don't know what to do. The old law on speculation is still in force, but now the whole of government policy is to encourage people to break it!

How are Baltic politicians, policy-makers, and justice personnel coping with change? What are their preoccupations? Attendance at the 1993 Symposium of Baltic Criminology - "Crime and Criminal Justice Policy on the Road to the Free Market" - provided a good opportunity to observe developments. At the Symposium, numerous issues were raised, and ensuing discussions were broad-ranging. It was striking, however, that much of the participants' attention was devoted to questions of human rights and criminal justice in responding to crime. Other problems - such as slowness and occasional incompetence in legal reform, a lack of professionalism and sometimes of integrity among police officers, elements of corruption throughout the system, and high prison populations and abysmal conditions of incarceration - seemed to be viewed by many participants as unavoidable (or at least as understandable) during the period of transition. But the Lithuanian law on "preventive detention" for suspects in organized crime was seen to carry a threat to the survival of democracy itself.

The Use of Repressive Legislation

[There is a] natural tendency in all three Baltic states to revert to authoritarian thinking when things deteriorate seriously.

(Lieven 1994: 372)

As explained to the Baltic Criminology Symposium by a senior political official with responsibilities for justice, in the summer of 1993 the Lithuanian government considered itself to be faced with a society rife with organized crime. It was believed that about 100 organized crime groups were already operating, that new ones were constantly emerging, and that many of them were armed. Meanwhile, the police were demoralized. According to the official, "we know the people," but, due to the lack of police resources, the government could not be effective in dealing with these criminals through regular legal channels. Having carefully considered the question - "How much can we violate democracy for the sake of maintaining democracy itself?" - the government introduced the law of preventive detention.

On the basis of this law, the police commissioner could, with the approval of the prosecutor, order the detention of organized crime suspects for up to two months without charge. During the first six months of the law's operation - between July and December 1993 - over 250 people had been imprisoned under the preventive detention law. Cases were subsequently initiated in the courts against about 100 of them. Overall, claimed the official, the law was very successful: thousands of weapons had been found, and 58 criminal groups had been abolished or destroyed through this measure. Police morale, he said, had also been improved through seeing that something could be done.

The justice official's presentation was followed by a barrage of questions addressed to him and his colleagues. Some people focused on the fact that judges had not been involved in the decision to put someone in

preventive detention. Given the lack of judicial involvement, it was felt that the entire procedure might violate Lithuania's new Constitution. At the time of the Symposium the law was actually being reviewed by the Constitutional Court,¹⁷ but no judgement had been delivered. Participants asked whether the government had plans to include this law permanently in the Penal Code, and received an affirmative reply. Indeed, less than two weeks after the Symposium, the Lithuanian Parliament adopted a new law on preventive detention. In essence, the law remained the same, but with the provision that the detained individual now had to be brought "before a district judge, a Supreme Court judge, or a vice chairman of the Supreme Court within 48 hours, who must decide whether a person has been detained lawfully" (*The Baltic Observer*, December 24, 1993 - January 6, 1994, p. 1).

In expressing their concerns about preventive detention to the justice officials, participants at the Symposium argued that Lithuania's government had introduced a law which clearly violates democratic legal principles. Indeed, some argued, the procedure is reminiscent of the arbitrary imposition of repressive measures which had been a characteristic of the Soviet domination from which Lithuania had sought to free itself. In responding, the justice officials contended that as the law had only been used for "criminals" and not for political opponents, and as there had been a 50% success rate in initiating cases against imprisoned suspects, the government's violation of democratic principles would appear to be justified in this instance. The officials also appeared to be quite satisfied with this "success rate" of 50% of detainees subsequently being charged, as the aim of the law; it was said,

was not to incriminate people but to break links among groups, and that had been accomplished.¹⁸

Some lawyers at the Symposium criticized the government for "robbing people of their right to a defence" through the use of preventive detention. In response, a justice official emphasized that the questions which he and the government had to deal with were not simple. He also commented numerous times that he is a "practitioner," not a "theoretician." And he added that, as a practitioner, he was not in favour of criminals having a defence. From a civil libertarian point of view, this comment is disturbing. Nor is it reassuring to learn that - according to opinion polls - public support for preventive detention, and for political commitment to it, is very strong. Such support for the preventive detention law, along with the hardening of public opinion which has taken place on issues such as capital punishment, appear to reflect popular acceptance of authoritarian measures during a period of socio-economic difficulty. As the Lithuanian political commentator Professor Virgis Valentinavicius (personal communication) has observed: "a great majority of the population is cheering tough administrative measures against crime, and a sort of wicked circle is emerging."

In this context, a research project which Professor Aleksandras Dobryninas is embarking on - entitled "Democratic Changes and Crime Control in Lithuania" - is certainly timely and important. The points of departure of this research by Dobryninas (1994: 1) include the observations that: "People, educated in the previous Soviet totalitarian system, have difficulty accepting new institutional forms of open society," and "[i]t is worth remembering that totalitarian

and authoritarian tendencies begin, as a rule, with accusations that democratic institutions are unable to control crime, or keep order strong." Dobryninas aims to explore changing discourses concerning crime and control, including the contradictions involved in retaining repressive forms of justice in the midst of efforts to embrace democracy and human rights.

Difficulties in Challenging Repressive Tendencies

Freedom exists only as a social relation ... it makes sense only as an opposition to some other condition, past or present.

(Bauman 1988: 7)

By the time the presentation on preventive detention was over at the Baltic Criminology Symposium, and the justice spokespersons on the issue had left, the focus and tempo of the symposium had shifted. Where earlier sessions had focused on the 'criminogenic situation' in the polite language of academia, later sessions now focused on the twin issues of humanism and human rights. The atmosphere became more charged. Indeed, the speaker following the justice officials discarded his prepared presentation and launched into a vehement discussion of his topic (about property rights), by posing as his opening question: "Is our [Lithuanian] criminal policy democratic or totalitarian?" In this presenter's view, the preventive detention law represents an authoritarian route back to totalitarianism. Accordingly, he declared that he was less afraid of criminals than of the state.

The tensions, and awareness of contradictions, generated by the preventive

detention issue were also evident in the question period following this session, when another participant levelled an emotional accusation at the presenter: how can you say these things - she charged - when you yourself were among those most active in doing criminological work that supported the totalitarian state during the Soviet period?

Such an accusation at an academic discussion can be seen as just the tip of an iceberg of distrust, scepticism, and suspicion which continues to pervade the everyday life of many people, and professions, in the Baltics. When a society regards itself as having been dominated for decades, and when no alternative seemed to exist, it is not surprising that people pursued such avenues as were available to advance their interests within the existing structure. Now that Soviet economics and politics have been transmuted into the market society and democracy, sometimes all that seems to have happened is that the focus of people's suspicions of one another shift, and that - as in this case - they are more likely to be articulated in public than previously. Not surprisingly, many people - and especially those active in politics and other aspects of public life - now feel compelled to claim that they were not 'real' communists in former times.

In turn, this accusation made at the symposium may point to some difficulties likely to be encountered by Baltic researchers who might want to develop more systematic and challenging analyses of evolving responses to crime. It may be safe enough to rhetorically call for Baltic adherence to international democratic standards of due process. It is likely that governments will voluntarily adhere to the rhetoric of due process and human rights, or

they will be pressured to adopt such rhetoric when seeking membership of (and benefits from) various intergovernmental and international bodies such as the Council of Europe.¹⁹ But to provide a more empirical and critical analysis of issues (for example, to examine impediments within the legal profession and judiciary to progressive legal reform,²⁰ to question the extent to which the current embracing of a market economy is desirable, or to undertake a critical analysis of the current transition and its implications for crime and social control) may only invite attention to oneself and raise the possibility of being discredited and excluded - as some of one's own previous engagements are brought into the limelight.

How this problem might be dealt with it is impossible to say. But at least it would be helpful if the problem was identified and discussed. And perhaps this is one discussion where the involvement of foreign researchers, analysts, and agencies might be useful. Put bluntly, foreigners may be in a position to make some critical observations which local commentators may agree with, but may not always feel sufficiently secure to make themselves.

More generally, it seems that there is an important analysis to be done on how socio-legal researchers (as well as social scientists, government officials and policy-makers more generally) are perceiving and adapting to the massive paradigm shift with which they are confronted. How does one cope with being educated and suffused in one paradigm, and in mid-career, being expected to discard it? What alternative paradigms do people adopt? What are the processes through which perspectives are shifting? And what are the consequences experienced by those who are critical of current developments?

*A Note on Questionable Assumptions about
Democracy and the Market*

Non-communist totalitarianism is neither logically incongruent as a notion nor technically inoperative as a practice Even if every former communist state makes the parliamentary democratic procedure and the observance of individual human rights stick (not by itself a forgone conclusion), this would not mean that 'the world has become safe for democracy' and that the struggle between liberal and totalitarian principles heretofore co-existing inside contemporary body politics has been settled.

(Bauman 1992: 177, 178)

As a Westerner in the Baltics, I was struck by some researchers' and reformers' apparent assumption that repressive legislation such as the preventive detention law would not exist in truly democratic states. In practice, many governments generally considered to be democratic do invoke such legislation and policies in the short or long term when a perceived need arises. One has only to think, for example, of the internment of Japanese-Americans and Canadians during the Second World War, of Canada's use of the War Measures Act during the early 1970s, or of the use made by the United Kingdom of internment in Northern Ireland during the mid-1970s as well as its geographically broader and longer term use of Emergency Powers legislation. The existence of democratic systems and structures by no means guarantees that democratic legal principles will always be followed. Indeed many Constitutions in Western democracies themselves provide for the suspension of due

process norms in certain circumstances (for a discussion of this in the Canadian case, as well as the 'fictitious' nature of legal equality, see Ericson 1984).

More generally, even the usual (as opposed to exceptional) application of the law in some Western democracies yields results which, to put it mildly, appear highly inequitable. The Canadian Charter of Rights, for example, has been severely criticized by some analysts for failing to advance the rights of vulnerable people, while extending those of powerful groups and organizations (e.g. Fudge 1990; Mandel 1994). Where the use of imprisonment is concerned, that in the USA can only be described as astounding: in recent years it has stood at over 500 per 100,000 population (a rate about 5 times higher than that of most West European countries, about 4 times higher than that of Canada, and substantially higher than that of many other countries of the former Soviet Union for which data are available). Also disturbing is the composition of the prison population in the USA: about half of the prisoners are African-Americans, and their rate of incarceration per head of population has far exceeded that of Blacks in South Africa under apartheid (Mauer 1991, 1992).

The idea that the market economy and capitalist principles somehow go hand-in-hand with democratization and the advancement of justice also seemed to be assumed by some researchers in the Baltics. This assumption, its context and its consequences, also requires more critical examination. The proposed research by Aleksandras Dobryninas (1994) is again pertinent here. Unfortunately, it is beyond the scope of the present article to give this issue the attention it deserves. Let it suffice to say that Christie's (1994) analysis of how

market-oriented thinking and policies are impacting upon crime control and punishment in the West deserves wide attention. As Christie ominously elucidates, many crime control systems contain the potential for developing into Western-style gulags, and no state can be considered invulnerable to totalitarian developments.

Those critical perspectives which have been articulated on the preventive detention law in the Baltics highlight what may be a significant difference in contemporary critical discourses in the West compared with those in Central and Eastern Europe. It seems that in the West, criticisms of repressive legislation and policies are frequently couched in discourses which argue *in favour of* the maintenance of due process and civil liberties (although some researchers have cogently argued that due process itself facilitates control in the criminal justice context, e.g. McBarnet 1981; Ericson and Baranek 1982). By contrast, criticisms of repressive tendencies in Central and Eastern Europe seem to be adopting discourses which argue *against* the renaissance of authoritarianism and totalitarianism. As Baltic debates about preventive detention reveal, this strategy can yield distinctive personal and biographical quandaries for East and Central European critics.

Research Issues and Challenges

Much information has become available concerning crime, crime control, and human rights in the Baltics. But much research still needs to be done in documenting what is, and has been, going on. Arguably, research is important not only because of its contribution to social scientific knowledge,

but also because of the contribution it can make to democratic processes themselves: by providing information on trends in crime and crime control, and by providing analyses of the possibilities and pitfalls of reform, research can provide policy-makers, politicians, and the public with a useful knowledge-base in forming opinions and in making decisions about crime and justice. In addition, by documenting both historical and current developments in policing, the prisons, and other aspects of justice, research can facilitate informed discussion about, and the maintenance of, human rights in the crime control sphere.

This historical moment of political and socio-economic transition in the Baltics necessarily involves a major transition for those engaged in doing research on criminal justice. As Lithuanian Antanas Dapsys has expressed it, researchers are faced with creating a new approach to studying crime and justice, an approach which is not Soviet.²¹ Within this project, attention is being given not only to social, economic, and political factors affecting trends in crime, but also to the importance of humanism, due process and human rights in shaping responses. In this concluding section, some comments are offered on problems and challenges which Baltic analysts are faced with in advancing research on crime, crime control and human rights.

The Lack of Non-Governmental Research Resources

The best and most capable teachers and researchers will leave ... If there is no reasonable reward system for those who are productive and outstanding in their chosen

professions, who are keeping up with new knowledge and with new research and teaching methodologies, there will be little incentive to do so. (Nollendorfs 1993: 7)

The undertaking of research - and especially that which is concerned with potentially contentious issues such as human rights - is greatly affected by resources. Unfortunately, the availability of research resources in the Baltics, particularly for non-governmental research, is not good. For example, in the universities, faculty have few opportunities to conduct substantial research. In the first place, there are severe shortages of books, journals and other sources of current research knowledge which many Western academics would take for granted.²² In some places, even such basic items as file folders and staplers have been unavailable, or, if available, have been too expensive to buy.

Low salaries in the universities are also a problem. In all of the Baltic countries, many academics - similarly to other professionals - have little option but to take second and even third jobs in order to have a liveable income. This obviously reduces their time for reflection, research and writing. When social science faculty do get assistance for research, it tends to be market-driven. For example, some social scientists have become heavily engaged in conducting opinion surveys for Gallup and other polling companies, and receive remuneration for this. While there is a need for public opinion and survey research, and while it can sometimes be put to good use in a research context, when such research becomes the dominant mode of inquiry the prospects for more in-depth research are endangered. Another problem is that professors who speak Western languages - especially

English and German - come under pressure to leave the university altogether and pursue more lucrative careers in the private sector.

These conditions have an impact on students too: Faced with a lack of resources, support and career prospects within the universities, many of them quit before they have completed their undergraduate studies. The 'brain drain' taking place thus affects not only the current, but also the future, generation of researchers. While foreign aid to faculty, students and educational institutions is invaluable in mitigating some of the immediate resource problems being faced, it is doubtful if this can ever fully compensate for the universities' underfunding. In short, the prospects of Baltic universities constituting a long-term locus for non-governmental and non-profit research appear to be in jeopardy.²³

At the moment, it appears that most of the research on crime and crime control which is being carried out in the Baltics is being undertaken by researchers who are either employed by, or closely affiliated with, government and state institutions (including Ministries of Justice and the Interior, and Police Academies). This work is valuable in gathering statistical information, and in pointing to socio-economic developments which are pertinent to crime and crime control. But it needs to be complemented by that of non-governmental researchers who - given their greater remove from the state - are more able to undertake qualitative, nuanced, and even controversial, inquiries into the dynamics of crime, justice and human rights.

To give but one example, an analysis of the assassination of the Lithuanian journalist Vytas Lingys in 1993; and of ensuing

reactions in the public culture - including in the justice system, the media, and Parliament - could provide substantive insights into wider issues of crime and justice during the period of transition.²⁴ Unfortunately - given the lack of resources for qualitatively-oriented research - such a case study seems to have little chance of being done. More generally, in the face of the many financial and other difficulties currently existing, it is sometimes hard to imagine how social scientific research (other than that which is pragmatically oriented or profit-oriented) will be able to exist in future decades.

The Need for Historical Research

The paucity of primary sources hindered the writing of Baltic history in the West. Within the three Baltic republics themselves, primary sources are more readily available, but synthesis was frequently restricted by a whole host of impediments typical of Soviet academic life: restricted access to archives, self-censorship and formal censorship.

(Misiunas and Taagepera 1993: xiv)

Historically in the Baltics, there are many important topics which need to be addressed. Although some informative publications are already available (e.g. in English see Celima 1985; Lieven 1994; Misiunas and Taagepera 1993; Pajaujis-Javis 1980; Strimaityte-Meliene 1987), much of the story of repression and resistance in the Baltics since the 1940s remains to be told. The growing accessibility of KGB materials and archival sources offers a potentially rich source of historical information for researchers.²⁵ In addition, as many people who witnessed and experienced significant historical events

(including deportation, imprisonment, and genocide) are still alive, there are many opportunities to conduct oral histories and analyses which could not only acknowledge and document the past, but which might also contribute to literatures seeking a deeper understanding of such events (e.g. Bauman 1989). Research contacts with organisations of former deportees and political prisoners could surely prove fruitful in this regard. Similarly, contact with organizations such as the Mothers of Soldiers (i.e. of young men forcibly drafted into the Soviet Army and who experienced torture, and sometimes were murdered, while serving in the military),²⁵ could also provide important insights into the recent history of both oppression and resistance.

Historically, it is particularly important that research be undertaken on the treatment of Jewish people in the Baltics. This is a priority in all three countries. But it is especially important in the Lithuanian context where Jews were both most numerous, and, in the early 1940s, most victimised: between 1941 and 1944, the SS and Gestapo - along with Lithuanian auxiliaries - killed over 220,000 people. It is estimated that 94% of the Lithuania's Jewish population was exterminated. Today, many Lithuanians seem to have limited knowledge of this dark side of their history, in part due to "Soviet manipulation of the memory of the Holocaust" (Lieven 1994: 154). Discussion has been further hindered by tendencies to either rapidly engage in clichés, or to simply treat the topic as taboo. Research could not only contribute to an understanding of how such horrific events can take place, but could also assist Lithuania in the painful process it has begun in confronting what is, for many foreigners, a negative distinguishing feature of the

country's past. As Lieven (ibid: 139) observes:

... Lithuanian behaviour toward the Jews had always been less violent than that of most peoples in the region. In June 1941, however, Lithuanians turned on the Jews and massacred thousands in a campaign which, though inspired by the Germans, proceeded largely independently of direct German involvement. The massacre has of course cast a deep shadow over Jewish-Lithuanian relations, and also over Western perceptions of Lithuanian nationalism in general. It would be wrong to speak of an indelible stain on the Lithuanian nation, because collective responsibility cannot be attributed to Lithuanians, as to Jews or anyone else. What is true however is that Lithuania's refusal to acknowledge and discuss the full import of the tragedy continues to cast a stain over, or rather to blur, large parts of Lithuanian historiography and culture. It contributes to the survival of primitive chauvinist ideas, and to Lithuania's cultural isolation from the West.

The Need for Contemporary Research

It is ... important to define areas and topics that social sciences in the aspiring democracies should focus upon.

(Pusic 1993: 9)

In terms of current issues, there is a need for research on the activities and impact of

human rights organisations (both local and international) in the Baltics. What are the dilemmas and challenges being experienced by those who undertake human rights work? What have they been able to accomplish? What barriers do they encounter? In particular, what are the experiences of those who address issues of crime control and human rights?²⁷

The rights and general situation of women also requires broad-based attention. International support - notably from the Scandinavian countries - has provided welcome assistance in this regard: numerous conferences and symposia have taken place involving Baltic academic institutions and women's organisations. In the course of this much information has been gathered, and stimulating debates have been ongoing. Such discussion is vital, for in the Baltics - as is the case elsewhere in Central and Eastern Europe - it appears that many of the changes taking place during the transition period have been detrimental, rather than beneficial, for women.²⁸

Within this general concern with women's issues, there is a need for more attention to be given to the topic of women and criminal justice. An initial inquiry which has been undertaken on women in prison reveals that conditions are dismal and difficult (Tomasevski 1993). Meanwhile, where women as victims - and especially as victims of sexual violence - are concerned, the Estonian victimization survey discussed earlier (Aromaa and Ahven 1993) underscores the need to examine how this problem is perceived and addressed, both by criminal justice officials and in the public culture generally. In particular, research is required to examine the basis for widespread rumours that victims of rape come under

pressure by perpetrators, and by officials, to withdraw their complaints.

Other important topics requiring attention include the evolution of the Baltics as a strategic buffer zone in the emergence of the Western 'Fortress Europe.' Although significant developments are taking place in restricting the movement of refugees, in establishing institutions for detaining refugees in the Baltics, and in formulating a new security-driven web of policies with massive implications for social control and human rights, analyses of these trends have been lacking. There is a need to systematically examine what has been happening in the military, with border and customs guards, and in the police in the Baltics, and especially with respect to the influence and effects of foreign aid and cooperation in these spheres.²⁹

Where punishment is concerned, one issue requiring attention is that of the death penalty which continues to be used in the Baltics.³⁰ Human rights organisations have been urging a cessation of the use of the death penalty, but it is not clear if they are having any effect. Given that public opinion is in the direction of support for tougher responses to crime, increased attention to the death penalty, and to severity in punishment more generally, is warranted.

Research could also provide more detailed information about punishment and prison conditions than that which is presently available. The information which is available suggests that prison populations in the Baltics are comparatively high: at the beginning of 1994, the prison population in Estonia stood at 290, in Latvia at 350 and in Lithuania at 275 (Walmsley 1995).

In light of these comparatively high prison populations, it is not surprising that prison overcrowding is often a problem. For example, Lukiskiu prison in Vilnius was designed for about 1,500 people, and has recently held 2,500. In a cell there which I was allowed to visit, six men were serving their sentences. It appeared that the men spent all of their time in the cell on their bunk beds. There was not sufficient floor space for more than one or two of them to be on their feet and moving at once. Conditions at the prison for remand prisoners are apparently far more overcrowded (as is often the case internationally). According to journalist Daiva Vilkelyte (*The Baltic Independent*, March 11-17, 1994, p. 8):

Today a Lukiskiu captive from the special interrogation section is granted 70 square centimetres of space in which to live while waiting for trial (and thereby a conviction as well) in a place reminiscent of Dante's Inferno ... According to former prisoner Rimas Grainys, 31, the strict hierarchy between the prison brahmins (those who have a right to sleep on the bed) and the lower class (those who sleep under the bed or simply on the floor near the entrance door) is re-established between the felons every time a newcomer enters the cell; the 24-hour queue of exhausted human bodies eager to get some sleep knows no mercy. The power of the fist decides who is to sleep on the cot and who beneath it.

In addition to high prison populations and overcrowding, numerous other problems are also being encountered by prisons. For

example Estonia has had problems in filling prison staff positions: in 1992, only 84% of the positions were filled (Leps 1992: 10).³¹ Meanwhile, where conditions are concerned, the situation according to Leps "is far from rosy" (ibid). According to one of the few accounts available, in 1993 an estimated 47 people were killed in Estonian prisons (Kiviloo 1994). In Latvian prisons, one of the most obvious problems in 1994 was that of mass escapes. In July, 89 prisoners escaped from the Parlielupe prison in Jelgava, and, in October, 16 prisoners escaped from the Griva prison near Daugavpils (Arklina 1994a; Stoddard 1994).

Despite these indicators of significant problems in Baltic prison systems, governments - in the face of numerous other difficulties - do not appear to be too concerned. Tomasevski (1993: 7) observes in the Lithuanian context that, "[a]s in other countries, prisons are not accorded a high priority in resource allocation." In Estonia, Ando Leps has also remarked on, and accorded with, the low priority given to conditions in prisons. Citing the opinion of the Danish branch³² of the Helsinki Human Rights Committee which criticized the Viljandi home for juvenile delinquents and called for closure in 1992, and although he agrees that there was a general problem with penal institutions, Leps (ibid) also raises questions concerning "another aspect" of it:

Should the government's priority be improvement of the living conditions of prisoners (who are, after all, criminals), while most of the people living in freedom (overwhelmingly non-criminals) can hardly make both ends meet? What should be done with the youngsters detained at the Viljandi juveniles detention home?

Should they be released in the hope they might become law-abiding members of the community overnight? I dare doubt it.

Given that the problematic prison conditions in the Baltics are at least in part related to the high rates of imprisonment, one might think that consideration would be given to reducing the use of imprisonment in some circumstances. However, as reported by Tomasevski (ibid: 6): "[d]ecreasing the size of the prison population does not seem to be debated." Rather, reminiscent of debates in many countries internationally, while finances are often seen as an insurmountable barrier to improving prison conditions, they appear to constitute far less of an impediment when an increase in the number of prisons and prisoners is at issue. Based on their efforts at forecasting trends in crime in Estonia, Leps and his colleague Rimmel (1994: 19) reach the gloomy conclusion: "[o]ne way or another, we cannot get away from having to build new prisons."

In light of the dearth of systematic information about imprisonment in the Baltics, of indications of abysmal conditions, and of the lack of public and political concern about the issue, the topic of imprisonment appears in dire need of analysis. In conjunction with this, research on severity in crime control and sentencing can also assist in elaborating on why Baltic prison populations are high, and in offering options for reform. In this context, one issue requiring attention is that of the length of prison sentences. As Tomasevski (ibid: 5) observes:

The application of the inherited Soviet-styled criminal code results in the widespread use of long prison

sentences for a petty crime. Thus, a recidivist (a person who twice committed theft) is likely to be serving the prison sentence of maybe five years in a prison colony.

Similar concern about the length of prison sentences was expressed by some Baltic researchers at the Baltic Criminology Symposium in 1993. It was felt that these sentences are a repressive hangover from Soviet times, and are in need of moderation. In particular, concern was expressed about sentences for stealing state property, as the minimum sentence currently stood at eight years.³³

Research providing a more comprehensive picture of sentencing, punishment and the use of imprisonment could assist the Baltic states in furthering their comparative knowledge of penal systems. It could also provide an information base for reform of conditions within prisons. Moreover, if the impression that about half of all prisoners are incarcerated for petty offences involving theft is affirmed, research could also facilitate discussion about the use of alternative sanctions. Finally, research can provide much-needed information which is relevant to debates which have been initiated on thorny issues such as judicial versus parliamentary powers in criminal justice, and the implications of a commitment to due process throughout the justice system.

In conclusion, issues of crime, crime control and human rights pose a variety of problems during this period of transition in the Baltics. While much information has been gathered, details about what has been going on often remain elusive. How then, might the dominant tendencies in criminal justice be summed up? In the words of Lithuanian

Valentinavicius, a Professor and political observer (1994):

The archaic Interior Ministry is being fed with extra money to fight crime, and the forces of law and order are backed up with a draconian preventive detention law. Yet ... tough administration seems to substitute for the full-blooded reform of the legal system.

ENDNOTES

1. By the end of the 1980s, Soviet rule had been undermined in Estonia, Latvia, and Lithuania. Declarations of independence were issued in 1990. By the end of 1991, Soviet rule had collapsed, and independence had been achieved (for a discussion of the histories of the Baltic countries, and of events preceding independence, see Lieven (1994), and Misiunas and Taagepera (1993)).

With 3.7 million inhabitants, Lithuania has the largest population of the Baltic countries. Latvia has a population of 2.7 million, and Estonia has a population of 1.6 million (Lieven 1994: 432-434; population counts are for 1989).

2. For one journalistic account which uses the icon of 'mafia' in relating organised crime in the west to that in post-communist and other countries, see Michael Elliott et al (1993).

3. Specifically, average pensions were estimated at \$50 in Estonia, \$55 in Latvia, and \$30 in Lithuania (**The Baltic Independent**, November 25-December 1, 1994, p. 2).

4. Most shops in the Baltics now carry a wide range of foreign goods and brands. Numerous speciality shops have also opened. For example, there are shops dedicated to individual luxury items, such as Barbie dolls and Lego. In December 1994, the first McDonald's opened in Riga, and openings are also planned in Estonia and Lithuania by the end of 1996 (Birzulis 1994-1995).

5. Joutsen (1992: 14, 15) prefaces this observation by recounting that "[a] recent European seminar elicited the pained reaction from one East European participant,

that, to them, everything being said by Western European participants were 'fairy tales' with nothing to do with reality. And he succeeds it by elaborating:

For example, discussions in Western Europe on the use of radio telephones in police cars, the use of personal computers by individual prosecutors and judges to prepare their work, the use of larger computer systems to coordinate the work of the different agencies and the flow of people through the system, the use of electronic monitoring as an alternative to imprisonment, or the use of closed circuit television, various alarm systems and other technologies in crime prevention and control would all strike many criminal justice practitioners from Central and Eastern Europe as 'fairy tales.'

For western researchers who take a critical perspective on some of these technological aids to control - for example, electronic monitoring - it might also be difficult to explain to Central and Eastern European officials that these 'fairy tales' sometimes might be better described as 'nightmares.'

6. For example, in early January 1994, Germany donated 115 police cars to Lithuania, and promised an additional 500,000 Deutsch marks worth of technical equipment (**The Baltic Independent**, January 21-27, 1994, p. 2). During the same month, Germany provided the Estonian police with 66 new cars, and an additional 2 million Deutsch marks for "buying equipment for the Estonian police academy and communications equipment for the police department" (**The Baltic**

Independent, January 14-20, p. 2). These donations were part of the German government's aid plan for East European and Baltic police forces.

7. For example, the Vilnius tourist guide (Lufkens 1994: 2) offers the information that, if one is apprehended because of drinking and driving, "the trip to the police station can sometimes be negotiated."

8. For example, in early 1995 in Estonia, it was alleged that senior police officials having accepted a trip to Japan from Suzuki, subsequently purchased 100 vehicles from the company without considering any other companies. In addition to the process of the purchase being questionable, the cars purchased are said to be "unfit for patrol duties, as well as for prisoner transport since they have no bars or mesh over their windows, which open from the inside ..." (Editorial, "Criminal Cars," **The Baltic Independent**, January 13-19, 1995, p. 6).

9. In Lithuania, ethnic Russians were less predominant in policing during the Soviet period. It has been reported that "[i]n Vilnius itself, a majority of the police were Russian or Polish, but elsewhere the force was overwhelmingly Lithuanian" (Lieven 1994: 322). This lower representation of ethnic Russians partly reflects their lower representation in the population overall, compared to Latvia and Estonia: in Lithuania, ethnic Russians have accounted for no more than 10% of the total population, whereas in Latvia and Estonia they have accounted for over 30% of the populations.

10. The negative image of the police as a profession is revealed in Baltic opinion polls. For example, a survey of over 1,000

Lithuanians towards the end of 1994 found that "the Lithuanian police have a severe public image problem - two thirds of those questioned registered distrust of the police" (Tuskenis 1995: 5). Distrust of the police is stronger than that of other institutions: half of those surveyed registered distrust of government institutions (e.g. the courts, the President's office, and the Bank of Lithuania), and a quarter of those surveyed expressed distrust of the media (ibid).

11. Some full-time officers also work on a part-time basis for private individuals and companies (a practice which preceded independence).

12. Much of the information reported on here was gathered at the Seventh Symposium of Baltic Criminologists - "Crime Prevention and Criminal Policy on the Way to the Free Market Economy." The Symposium was held in Vilnius, Lithuania, in December 1993. Some of the participants also provided me with additional information and publications during the following year. During the first half of 1994, I also met with several participants to discuss and debate related issues. I thank the Baltic criminologists who generously shared their information, publications, and opinions, with me. I also thank Rima Kupryte for translating some conference and other materials which were only available in Lithuanian.

13. Leps (1993a: 2) reports that "the price for crude oil and metal went up nearly 100 times in just one year."

14. This figure of 16% unemployed is far higher than the official rate: between December 1993 and December 1994 the official rate hovered at about 2% (**The Baltic Independent**, January 6-12, 1995, p.

B5). It appears that - as is often the case internationally - official statistics of unemployment do not include many people who consider themselves unemployed.

15. It is interesting to note that this hierarchy - Estonia, Latvia, Lithuania - with respect to official crime rates is paralleled by that with respect to the adoption of western economics. It is generally accepted that the transition to a market economy has advanced the most in Estonia, followed by Latvia, and then Lithuania. Indeed, "every western study has put Estonia at the head of former Soviet Republics in terms of economic reform" (Lieven 1994: 359). Even in 1990, a public opinion poll indicated Estonia's greater receptivity to capitalism: 30.1% of Estonians "viewed capitalist activity favourably" (ibid: 337). By contrast, only 21% of Latvians had favourable opinions of capitalist activity. In Lithuania, support was even lower at 14.8%, the percentage evident in the Soviet Union as a whole (ibid).

Explaining why Estonia has adopted market economics more rapidly and successfully than Latvia and Lithuania is beyond the scope of this report. For a discussion of factors considered relevant, including differences in the ethnic composition of each of the countries, and in their relations with Russia, see Lieven (1994). For a travel writer's account of how the geographical location of each of the Baltic countries - and especially Estonia's proximity to Finland - is important, see Ian Watson (1993: 50).

16. Similar statements, and occasional qualifiers, are found in Estonian publications. For example, Leps (1992) reports that, for the period 1979-1990, an annual average of 395 persons were suspected of an offence for every 100,000 in

the ethnic Estonian community, while for the ethnic Russian community, the corresponding number was 627 (Table 11).

17. One had the impression that the Constitutional Court was delaying judgement on preventive detention until some steps had been taken by the government to rectify constitutional anomalies in the legislation.

18. While one aim of the preventive detention law may have been to break links among criminal groups, the irony exists - as one researcher suggested to me after the Baltic Criminology Symposium - that the law may in practice have reinforced a grey area of overlap between some organised criminals and corrupt - or at least compliant - members of the criminal justice system. Specifically, rumour has it that some of the more powerful groups in organised crime help (e.g. by sharing information) the police in apprehending members of other, less established, groups who may be treading on their turf. In short, organised criminals and police sometimes manipulate the preventive detention law in a way that strengthens those organised crime groups which are already most powerful.

In addition to identifying this ironic consequence of the preventive detention law, the researcher also raised the poignant question: "If at least elements of the police are corrupt, why give them more power?"

19. In Estonia and Latvia, for example, efforts to satisfactorily resolve citizenship and other human rights issues with respect to sizeable Russian ethnic minorities have been interwoven with, and facilitated by, the desire of these countries to increase their involvement with bodies such as the Council of Europe.

20. Possible impediments to legal reform include adherence to Soviet-style legal education which endorses repressive rather than libertarian approaches, or the actions of key individuals and organizations who continue to occupy influential positions and block reform.

21. Remarks made at the Baltic Criminology Symposium, Vilnius, December 1993.

22. Even five years ago, many libraries would have been better off than they are now. The changing value of currencies along with inflation have made it impossible, for example, to continue with many journal subscriptions. At one leading Baltic university where I interviewed the head librarian (for a survey by the Civic Education Project and the Mellon Foundation), she informed me that in the last few years the library has had to cancel 249 journal subscriptions.

23. For an informative - and depressing - review of problems in the educational system in the Baltics during the recent period (with special attention to Latvia), see Nollendorfs 1993.

24. Vytas Lingys was an investigative reporter, and sub-editor of the newspaper **Respublika**. The newspaper had published numerous articles on organised crime, and sometimes named individuals who were alleged to be involved. Lingys was assassinated on 11 October 1993. He had previously been subject to threats and harassment. Following his death, many rumours circulated. Some people claimed that Lingys had been about to publish information about links between organised crime and the higher levels of government. Others claimed that Lingys himself was

blackmailing influential people in organised crime and/or government.

Suspects in the case were apprehended, and a trial took place in the fall of 1994. In early November, four people were convicted. The actual murderer and two accomplices (all of whom confessed) received prison sentences of life, thirteen and fourteen years. The alleged 'ringleader' (who claimed to be innocent), received the death penalty. The execution date was set for a week later. At the time, none of the sentences could be appealed.

Around the time of sentencing, numerous rumours circulated that the Lithuanian nuclear power plant - Ignalina - would be bombed if the alleged ringleader was given the death penalty. The media also reported that Lingys' father had received a visit earlier in the year from people warning of reprisals if the defendants were convicted. It was further reported that the Lithuanian Prosecutor General had received a call which included the statement: 'This is your hangman speaking.'

Also about the time of sentencing, 50 members of the Lithuanian parliament voted for a temporary halt to executions of the death penalty. In addition, political steps were taken to review and extend possibilities for appealing death penalties and other sentences. [For some media reports of the Lingys case and related developments, see generally **The Baltic Independent** and **The Baltic Observer**].

The Lingys case is significant as it is the first major case involving organised crime to be held in Lithuania. Research on the case could illuminate, firstly, the nature of organised crime during the period of transition; secondly, the nature of the media's influence in shaping public perceptions of crime; thirdly, issues of the government's relationship with organised crime; fourthly,

the difficulties faced by government and its agencies in responding to organised crime; and fifthly, the political and other dynamics of legal reform (for example, with respect to the right to appeal a case).

One indicator of the significance of the Lingys case in Lithuanian public culture is the finding of a survey conducted in late 1994: "almost 40% of Lithuanians considered the trial of journalist Vytas Lingys' murderers to have been the most important event in Lithuania [in 1994]" (Tuskenis 1995: 5).

25. The politics of the content of, and of the recent control over, archival sources themselves constitute an important topic for analysis. For example, early 1994 in Lithuania saw a heated political dispute over the appointment of a Director of the Centre for Investigation of Genocide and Resistance in Lithuania - which manages the KGB archives. The appointee was formerly a political prisoner and dissident. Many members of organisations of deportees and former political prisoners complained that they had not been allowed sufficient participation in the appointment process. Some of them also raised questions about whether the new Director had himself collaborated with the KGB.

26. For information about some current efforts to address some of the needs of Lithuanian men forcibly recruited into the Soviet Army (and especially those sent to Afghanistan), as well as the needs of surviving deportees, political prisoners, and others who experienced torture, see McMahon (1994).

27. One of the reasons for raising these questions here is because, while in the Baltics, I was myself dissuaded from making

contact with a prisoners rights organisation on the grounds that their humanitarian projects (e.g. in providing assistance to prisoners on release) were allegedly a 'front' for organised crime activities. These deterring allegations were made by a senior official of an international human rights organisation with offices in the Baltics. The political and ethical quandaries which ensue from such allegations must surely constitute an impediment to some Baltic people who might otherwise engage in human rights oriented activities. It would be useful to know more about how human rights activities are viewed and presented, as well as about how they cope with both pressures and resistance from various sources.

28. For a discussion of some of the recent problems being experienced by women, and on the rise of masculinism, in Eastern Europe, see Peggy Watson (1993, 1993a).

29. For an overview of international cooperation with respect to crime prevention and criminal justice in Central and Eastern Europe, see Joutsen (1994).

30. In Lithuania at least five people have been executed since independence.

31. The difficulty Estonia has met in restructuring police forces to make them more reflective of the population at large was also being experienced, and more acutely, in staffing prisons. In 1992, only 6% of prison staff were ethnic Estonian (Leps 1992: 10).

32. As well as criticising prison conditions in Estonia, the Danes have also provided some funding to assist in improving conditions (see, for example, the article "Danish Donation For Human Rights" in

The Baltic Independent, March 11-17, 1994, p. 2). Technical and financial assistance is also provided by the other Nordic countries as well as, for example, Germany.

33. It was noted that judges - when they feel that minimum sentences are too long - sometimes apply less than the mandatory minimum.

REFERENCES

Arklina, Ilze (1994) "No Defense May Lead to Self-Defense," **The Baltic Observer**, October 27-November 2, p. 13.

- (1994a) "'Captain Shark' Appointed Interior Minister," **The Baltic Observer**, November 17-23, p. 3.

Aromaa, Kauko and Andri Ahven (1993) **Victims of Crime in Two Baltic Countries. Finnish and Estonian Data from the 1992/1993 International Crime Victimization Survey**. Helsinki: National Research Institute of Legal Policy.

Bauman, Zygmunt (1992) **Intimations of Postmodernity**. London: Routledge.

- (1989) **Modernity and the Holocaust**. Cambridge: Polity.

- (1988) **Freedom**. Milton Keynes: Open University Press.

Beirne, Piers and James Messerschmidt (1993) **Criminology**. New York: Harcourt Brace Jovanovich.

Birzulis, Philip (1994-95) "McDonald's Moving Eastward," **The Baltic Independent**, December 23-January 5, p. B1.

Celima, Helena (1985) **Women in Soviet Prisons**. New York: Pergamon.

Christie, Nils (1994) **Crime Control as Industry. Towards GULAGS, Western Style?** Routledge: London (second edition).

Dapsys, Antanas (1993a) "Nusikalstamumo Lietuvoje Kriminologinis Aspektas"

[Criminological Aspects of Crime in Lithuania]. Unpublished manuscript. Vilnius: Lithuanian Law Institute, Ministry of Justice.

- (1993b) "Juvenile Delinquency in Lithuania: Legal and Criminological Aspects." Unpublished manuscript. Vilnius: Lithuanian Law Institute, Ministry of Justice.

Dapsys, Karolis and K. Jovaisas (1993) "Criminality and Problems of It's Control in Lithuania." Unpublished manuscript. Vilnius: Lithuanian Law Institute, Ministry of Justice.

- (1993b) "The Problems of Prevention of Economic Crimes in Lithuania." Unpublished manuscript. Vilnius: Lithuanian Law Institute, Ministry of Justice.

Dobryninas, Aleksandras (1994) "Democratic Changes and Crime Control in Lithuania: Compiling New Criminological Discourses." Research proposal, unpublished.

Doob, Anthony N. (1991) **Workshop on Collecting Race and Ethnicity Statistics in the Criminal Justice System**. Toronto: Centre of Criminology, University of Toronto.

Duncumb, Christian (1994) "Walking an Unsympathising Beat," **The Baltic Independent**, December 2-8, p. 7.

Elliott, Michael et al (1993) "Global Mafia: A New and Dangerous Criminal Threat," **Newsweek**, December 13, p. 12 et seq.

Ericson, Richard V. (1984) **The Constitution of Legal Inequality**. Ottawa, Faculty of Social Science, Carleton University, Ottawa. 1983 John Porter Memorial Lecture.

Ericson, Richard V. and Patricia M. Baranek (1982) **The Ordering of Justice: A Study of Accused Persons as Dependants in the Criminal Process**. Toronto: University of Toronto Press.

Fogel, David (1994) **Policing in Central and Eastern Europe: Report on a Study Tour**. Helsinki: European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

Fudge, Judy (1990) "What do We Mean by Law and Social Transformation?" **Canadian Journal of Law and Society**, 5:47-69.

Griffiths, Curt T. and Simon N. Verdun-Jones (1994) **Canadian Criminal Justice**. Toronto: Harcourt Brace

Joutsen, Matti (1994) **International Cooperation: The Development of Crime Prevention and Criminal Justice in Central and Eastern Europe**. Helsinki: HEUNI Papers, # 2.

- (1993) "Organized Crime in Eastern Europe," **Criminal Justice International**, 9:2:11-18.

- (1992) "Crime and Crime Control in Central and Eastern Europe." Paper presented at the Annual Meeting of the American Society of Criminology, New Orleans.

Kiviloo, Peeter (1994). "Estonia's Prisons do not Correct," **The Baltic Independent**, January 14-20, p. 7.

Leps, Ando (1993a) "The Estonian Freedom Struggle and the Crime Situation." Unpublished manuscript, Baltic Criminology Symposium, Vilnius, Lithuania.

- (1993b) "On Problems Deriving from Murder, the Gravest Crime Against the Individual." Unpublished manuscript, Baltic Criminology Symposium, Vilnius, Lithuania.

- (1993c) **Criminology in Estonia: Research and Teaching in a Historical Perspective**. Tallinn: The Estonian State Police.

- (1992) **A Brief Survey of the Criminogenic Situation in the Republic of Estonia, 1945-1992**. Research monograph. Tallinn: The Estonian State Police.

Leps, Ando and Mart Rimmel (1994) "A Crime Forecast for Estonia." English version of a study first published in **Rahva Haal**, 12-20 July.

Lieven, Anatol (1994) **The Baltic Revolution: Estonia, Latvia, Lithuania and the Path to Independence**. New Haven: Yale University Press, second edition.

Los, Maria (ed) (1990) **The Second Economy in Marxist States**. New York: St. Martin's Press.

Lufkens, Matthias (editor in chief) (February - April 1994) **Vilnius in Your Pocket**, Issue # 10. Vilnius: UAB "VIYP", P.O. Box 52, 2000 Vilnius - C, Lithuania.

Mandel, Michael (1994) **The Charter of Rights and the Legalization of Politics in Canada**. Toronto: Thompson Educational Publishing.

Mauer, Marc (1992) **Americans Behind Bars: One Year Later**. Washington: The Sentencing Project.

- (1991) **Americans Behind Bars: A**

Comparison of International Rates of Incarceration. Washington: The Sentencing Project.

Misiunas, Romuald J. and Rein Taagepera (1993) **The Baltic States: Years of Dependence.** London: Hurst.

Mockaitis, Audra (1994) "Seminar Says Lithuanian Economy Improving," **The Baltic Independent**, October 28-November 3, p. B2.

McBarnet, Doreen (1981) **Conviction: Law, the State and the Construction of Justice.** London: Macmillan.

McMahon, Maeve (1994) "The Lithuanian Centre for Victims of Torture: Interview with Founding Members, Drs. Vita Danilevicute and Kazys Remeikis," **Journal of Human Justice**, 6:1:48-63.

Nollendorfs, Valters (1993) "Overhaul Through Shortfall: One Summer's Observations and Ruminations about the Future of Educational Reform in Latvia," **Baltic Studies Newsletter**, 17:4:2-6.

Pajaujis-Javis, Joseph (1980) **Soviet Genocide in Lithuania.** New York: Manyland.

Powell, Chris (1994) "Time for Another Immoral Panic? The Case of the Czechoslovak Gypsies," **International Journal of the Sociology of Law**, 22:1:5-121.

Pusic, Vesna (1993) "Intellectual Trends, Institutional Changes and Scholarly Needs in Eastern Europe: A New Agenda for the Social Sciences," **East European Politics and Societies**, 7:1:1-13)

Roberts and Gabor (1990a) "Lombrosian Wine in a New Bottle: Research on Crime and Race," **Canadian Journal of Criminology**, 32:2:291-313.

- (1990b) "Rushton on Race and Crime: The Evidence Remains Unconvincing," **Canadian Journal of Criminology**, 32:2:335-343.

Rubinstein, Jonathan (1973) **City Police.** New York: Farrar, Straus and Giroux.

Rushton, J. Philippe (1990) "Race and Crime: A Reply to Roberts and Gabor," **Canadian Journal of Criminology**, 32:2:315-334.

Stoddard, Ed (1994) "Sixteen Prisoners Escape from Griva Prison in Latvia," **The Baltic Observer**, November 3-9, p. 1,4.

Strimaityte-Meliene, Matilda (1987) **Crosses in the Arctic: A Lithuanian Woman Survives the Gulag.** Chicago: Morkunas Printing Press.

Stromberg, Kerry (1994) "Educational Reform in Lithuania: Great Plans, Small Strides, Little Help," **Baltic Studies Newsletter**, 18:4:1-3.

Tomasevski, Katarina (1993) **Report on a Visit to Lithuania on Behalf of HEUNI. 8-12 February 1993.** Helsinki: HEUNI Papers, # 1.

Tuskenis, Edward (1995) "Brazauskas Picked Man of the Year," **The Baltic Independent**, January 6-12, p.5

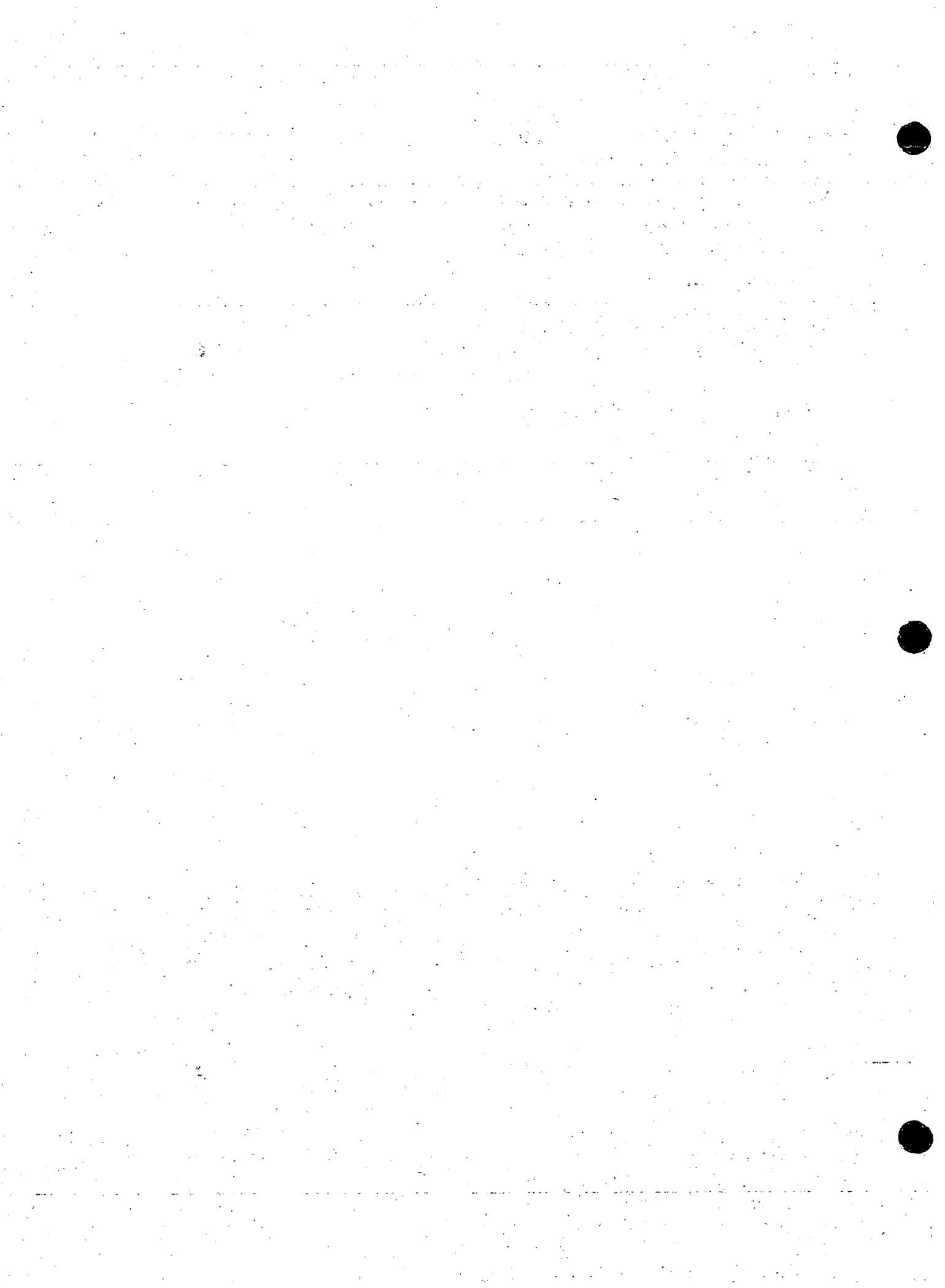
Valentinavicius, Virgis (1994) "President Concentrates Power," **The Baltic Independent**, January 7-13, 1994, p. 7.

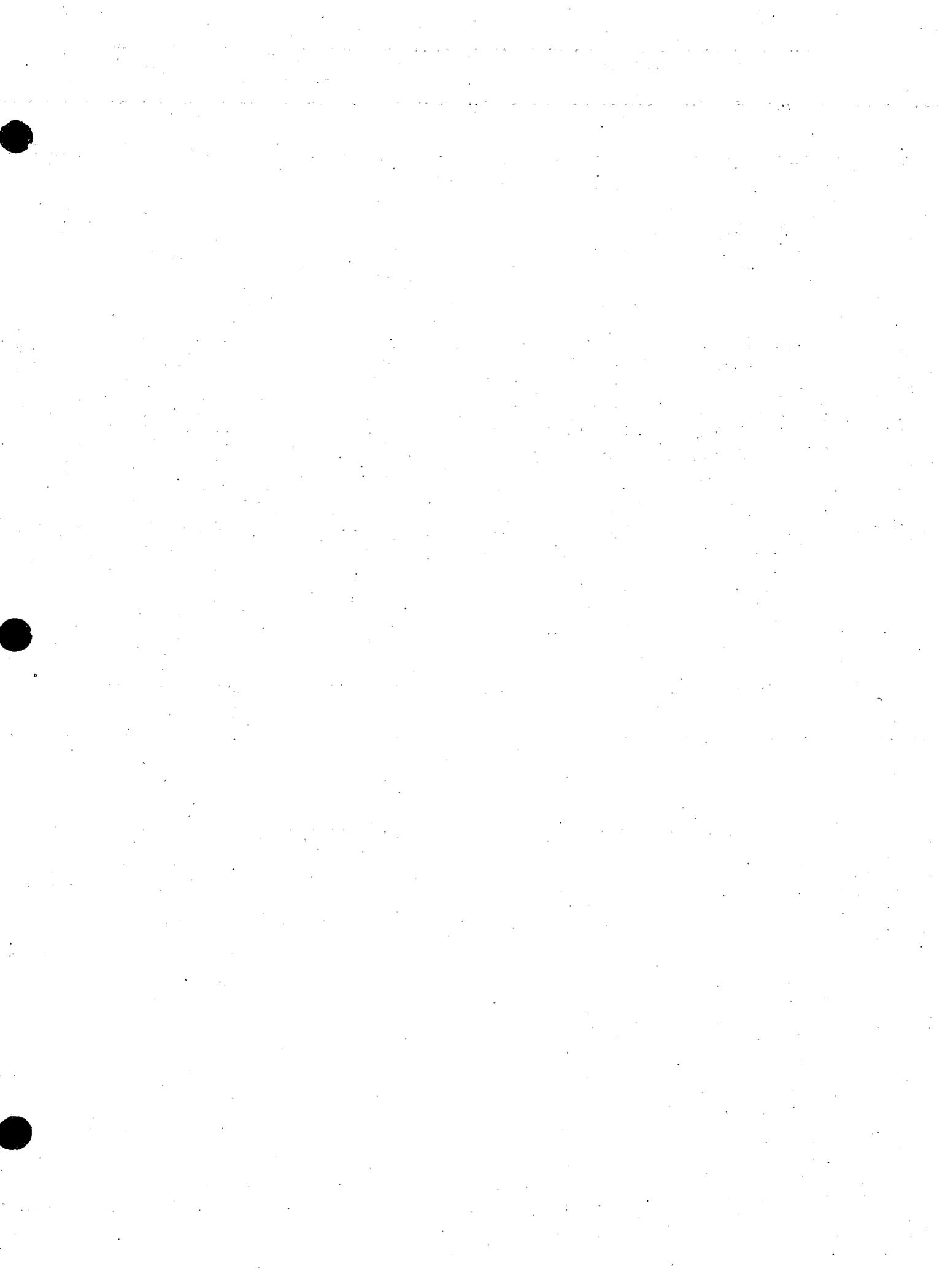
Walmsley, Roy (1995) **Developments in the Prison Systems of Central and Eastern Europe.** Helsinki: HEUNI Papers, # 4.

Watson, Ian (1993) **The Baltics and Russia Through the Back Door.** Tallinn: Communicate With the Baltics, Akadeemia tee 21-G, EE-0026, Tallinn, Estonia.

Watson, Peggy (1993) "Eastern Europe's Silent Revolution: Gender," **Sociology**, 27:3:471-487.

- (1993a) "The Rise of Masculinism in Eastern Europe," **New Left Review**, (March/April), 198.





HEUNI

**The European Institute for
Crime Prevention and Control,
affiliated with the United Nations**

P.O.Box 34

FIN-00931 Helsinki

Finland

Tel: +358-0-3432077

Fax: +358-0-334821

E-mail (Internet): heuni@joutsen.pp.fi

ISSN 1236-8245

Helsinki 1995

Yliopistopaino