

LEVEL

INSTITUTE ON SOCIALIST LAW

19 FAR 3013

C

AD A 093577

VALERY CHALIDZE

THE OBSERVANCE OF THE COVENANT
ON CIVIL AND POLITICAL RIGHTS BY THE SOVIET UNION,

Chief Consultant - Leon Lipson

Consultants: Alexander Volpin
Konstantin Simis
George Ginsburgs

Translation of the
basic text: George Ginsburgs

Collection of
examples: Ludmilla Alexeyeva
Pavel Litvinov

DTIC
SELECTED
DEC 16 1980
D
C

This paper is written to order of the U.S. State Department

New York, 1980

This paper was prepared for the Department of State as part of its external research program. Views or conclusions contained herein should not be interpreted as representing the official opinion or policy of the Department of State.

DISTRIBUTION STATEMENT A

Approved for public release;
Distribution Unlimited

80 10 1 005

DDC FILE COPY

THE OBSERVANCE OF THE COVENANT ON CIVIL AND
POLITICAL RIGHTS BY THE SOVIET UNION

Table of Contents

	<u>Page</u>
<u>Introduction</u>	1
Article 1. The Right of Self-Determination	9
Article 2. The Duty of States Party to the Covenant to Respect and Ensure Human Rights	25
Article 3. The Right of Men and Women to Equal Enjoyment of all Civil and Political Rights Set Forth in the Covenant	39
Article 4. The Right of States Party to the Present Covenant to Take Measures Derogating from their Obligations under the Present Covenant	41
Article 5. Protection from Curtailment of any of the Rights and Freedoms Recognized in the Present Covenant	43
Article 6. Protection of the Right to Life	44
Article 7. Freedom from Torture and Cruel, Inhuman and Degrading Treatment or Punishment	49
Article 8. Freedom from Slavery	58
Article 9. Freedom from Arbitrary Arrest or Detention	64
Article 10. The Right to Humane Treatment and Respect for the Dignity of Persons Deprived of Liberty	67
Article 11. Freedom from Imprisonment on Grounds of Non-fulfillment of Contractual Obligations	69
Article 12. Freedom of Movement	70
Article 13. Expulsion of Aliens Lawfully in the Territory of a State Party to the Present Covenant	85
Article 14. The Right of All Persons to Equal Treatment before the Courts and Tribunals	86
Article 15. Punishability of Criminal Offenses	98
Article 16. The Right to Recognition Everywhere as a Person before the Law	100

Contents cont.

	<u>Page</u>
Article 17. The Right of Persons to Freedom from Arbitrary or Unlawful Interference with their Privacy, Family, Home or Correspondence	101
Article 18. The Right to Freedom of Thought, Conscience and Religion	109
Article 19. The Right to Hold Opinions without Interference	124
Article 20. Prohibition of Propaganda for War and Advocacy of National, Racial or Religious Hatred	145
Article 21. The Right of Peaceful Assembly	146
Article 22. The Right to Freedom of Association with Others, Including the Right to Form and Join Trade Unions	148
Article 23. The Equality of Rights and Responsibilities of Spouses as to Marriage, During Marriage and its Dissolution	153
Article 24. Protection of the Rights of Children	155
Article 25. The Right of Persons to Participate in Civic Affairs	156
Article 26. The Right of Persons to Equal Protection of the Law	158
Article 27. The Rights of Ethnic, Religious or Linguistic Minorities	159

Accession For	
PTIS GR&I	<input checked="" type="checkbox"/>
ERIC T'S	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification <i>for</i>	<input type="checkbox"/>
<i>50 a file</i>	
PV	
Distribution/	
Availability Codes	
Avail and/or	
Dist Special	
A	

LIST OF ABBREVIATIONS

CC - Central Committee
CC - Criminal Code
CCE - A Chronicle of Current Events¹
CCP - Code of Criminal Procedure
CEC - Central Executive Committee
CHR - A Chronicle of Human Rights in the USSR²
CLCC - A Chronicle of the Lithuanian Catholic Church³
CPC - Council of People's Commissars
CPSU - Communist Party of the Soviet Union
DKhG - Dokumeny Khelsinskoi Gruppy (Documents of the Helsinki Group)⁴
FCL - Fundamentals of Civil Legislation
FCLL - Fundamentals of Corrective Labor Legislation
FCP - Fundamentals of Civil Procedure
MGU - Moskovskij gosudarstvennyj universitet (Moscow State University)
MVD - Ministerstvo vnutrennikh del (Ministry of Internal Affairs)
SP - Sbornik postanovlenij
SZ - Sbornik zakonov
VVS - Vedomosti Verkhovnogo Soveta SSSR

¹ A Samizdat information magazine published in Russian by Khronika Press and in English by Amnesty International.

² A quarterly compiled by the Khronika Press editorial Board and published by Khronika Press in both English and Russian.

³ A Lithuanian Samizdat magazine. Published in English by the Lithuanian R.C. Priests' League of America. Selected issues were published in Russian by Khronika Press in 1979.

⁴ Issues 1-6, Khronika Press. Published in English by the Commission on Security and Cooperation in Europe.

INTRODUCTION

Nature of Research

In discussing the question of how human rights are observed in some country, it is important to agree first on the level at which the discussion is being conducted. In any country, no matter how strong the government's inclination in favor of defense of human rights, individuals' rights are violated and, apparently, will be violated both by private persons and state employees, and that is why conclusions concerning observance of human rights will vary depending on the level at which the problem is discussed. Without claiming to draw a complete picture, let me note four possible levels of such discussion:

1. Violation of human rights by private persons through criminal infringement of the rights of individuals or as a consequence of conflict situations not connected with criminal infringement, including conflict situations arising from the fact that a sizable portion of the population subscribes to views on the rights of the person contrary to those guarantees of subjective rights that are recognized by modern civilization.

2. Violation of human rights or impossibility of defense of human rights resulting from a low state of legal consciousness or a low state of competence among the state employees responsible for the defense of rights.

3. Violation of human rights resulting from the striving of some group fighting to attain power, or to retain the power it already has. An example of this can be the case where the ruling group resorts to systematic violation of human rights as part of state policy in order to reduce the prospects of this group's losing power in the future.

4. Violation of human rights resulting from the fact that the majority of the population, or particular social groups, or the ruling group follows a specific ideological system, if this ideological system dictates its principles in the sphere of social, economic or legal relations.

With respect to the question of effectuating the Covenant on civil and political rights,* all four listed levels are important for the discussion. However, in the present research I shall limit myself to examining the question on the third and fourth of the designated levels on grounds that discussion on the first and second would require very elaborate sociological research and such discussion would not always be related to the responsibility of the government for the violation of rights. By contrast, my tasks comprise in the main the discussion of legal problems connected with the place of the Covenant in Soviet law, the confirmation of the norms of the Covenant in Soviet legislation and the correspondence of Soviet legal practice in general to the norms of the Covenant.

* Hereafter referred to as Covenant

In my discussion, I will proceed from the principle of goodwill, in the sense that an assertion that some norm of the Covenant is on the whole effectuated in the Soviet Union will not be required to produce iron-clad evidence on the point and will be accepted on faith insofar as there are no substantive reasons to doubt the claim. On the other hand, assertions concerning violations of the Covenant or inadequate effectuation of the norms of the Covenant will rely on citation of:

- a. laws (zakony) and official acts of state institutions;*
- b. court decisions and other documents from legal practice, and official publications;
- c. concrete eye-witness accounts by third parties or existence of systematic testimony by interested parties;
- d. the fact of existence of such testimony without its concrete analysis.

In that connection, citations of type 1 or 2 will count as evidence of violations of the Covenant or inadequate effectuation of the norms of the Covenant; citations of type 3 or 4 will count as serious grounds for recommending further investigation of the question.

An important source of information concerning observance of the Covenant is official Soviet statements, including statements in

* Following the precedent of Soviet legal literature, I frequently treat as laws (zakonodatel'stvo) also the edicts of the Presidiums of the Supreme Soviets confirmed by law. This is traditional, though formally inaccurate.

the United Nations and the report of the USSR representative in the Committee on human rights, along with the replies of the Soviet representative to the questions by members of the Committee (108th, 109th and 112th session of the Committee on Human Rights).*

The principle of goodwill, mentioned above, does not, however, preclude remembering that official Soviet statements can be used one-sidedly -- only as evidence of the brilliant implementation of the covenants by the Soviet Union, provided, of course, that one does not resort to careful analysis of the omissions in these statements.** In general, one should remember that, in contrast with many areas of social life regarding which Soviet official figures are sometimes compelled to recognize the existence of phenomena which for decades had been known as temporary shortcomings, Soviet official statements concerning the effectuation of fundamental civil and political human rights in the USSR unreservedly dwell, as a rule, only on the successes.

* UN Documents CCPR/C/1/ADD. 22 (January 31, 1978; CCPR/C/SR. 108, 109, 112) (October 26-28, 1978). Here the discussion concerns the Soviet Union as a whole, and the statements and reports of the union republics are not discussed. Hereafter, I refer to these documents as Committee Sessions.

** Here is an example of such an analysis of omissions. At the 109th session of the Committee, the representative of the FRG posed a question concerning whether there existed Jewish or German schools in the Soviet Union. The answer of the Soviet representative (session 112) contained a general statement: "...each republic, region or district has its own schools, in which the national language is taught." And further: "There exists a Jewish autonomous region, German schools function." Thus, the Soviet representative gave a direct answer concerning the existence of German schools, but concerning Jewish schools gave an answer that was intended to create the impression that Jewish schools also exist inasmuch as there exists a Jewish autonomous region and inasmuch as it was said earlier that each (national) region has its own schools with instruction in the national language. However, it is known that there

In this paper I devote most attention to the analysis of Soviet legislation, references to which have the greatest strength of evidence. Frequently, also, I use examples from juridical practice (selected examples at the end of the paper have been prepared by L. Alexeyeva and Pavel Litvinov).^{*} But I want to point out that the use of example is episodic: first, because of the known difficulties in obtaining many-sided information on Soviet juridical practice, and second, because in certain instances there is a large number of examples and the systematic usage of them would have overloaded the text.

Whenever the author mentions the availability of the evidence in a mentioned case, he is prepared to furnish additional materials from the Khronika Press Archives.

Frequently in this research references occur to documents and facts dating from the time preceding the entry of the Covenant into force on the territory of the USSR. This occurs in those cases where there is evidence concerning the persistence of practice reflected in these documents or references to facts. The problem is that infor-

are no schools with instruction in the Jewish language or courses of the Jewish language in the Soviet Union, as is confirmed by a letter from the representative of the Birobidzhan department of public education to an inquiry by Mogilever ("Social Problems," Issue 3; Samizdat). As far as one can judge, the Committee on Human Rights, established in accordance with the Covenant, has no special procedure for analyzing such omissions in the replies of representatives of states parties to the Covenant.

* In the text, references to examples are marked by numbers in brackets. The first number designates the number of the Article of the Covenant; the second, the number of an example or group of examples. Article 18 is an exception: examples for this article are arranged by subject.

mation about facts and legal practice sometimes antedates by several years the receipt in the west of documents confirming these facts and practice: the desire to give the research a more documented character impelled me to use such references to documents and facts. The methodological validity of this approach is also confirmed by official Soviet statements that the ratification of the Covenants did not require the introduction of amendments to legislation and practice since, in the opinion of Soviet official figures, the guarantees of the Covenant had been effectuated earlier as well.

Concerning the Leading Position of the Communist
Party of the Soviet Union

The fact that the Soviet state is under the total control of the Communist party of the Soviet Union is widely known, and I will not in this text return each time to proofs of this fact.

Party control over the Soviet state has not received legal elaboration full enough to be considered a match to what is effectuated in practice. Throughout the entire history of the Soviet state, starting at any rate with the disbanding of the Constituent assembly in 1918, the party of the Bolsheviks, subsequently renamed the Communist party of the Soviet Union, has exercised total control over the activity of the state in Russia and then in the USSR. This fact has never been reflected in Soviet legislation fully: the maximum degree of its attestation was achieved in the USSR Constitution

of 1977, which states (Art.6):

"The leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations, is the Communist Party of the Soviet Union..."

Even without mentioning the numerous, commonly known facts concerning party control over the state, those words of the Soviet Constitution indicate that, in analyzing practice relating to the effectuation of human rights in the Soviet Union, one must pay attention not only to the prescriptions of the law and accounts of legal practice, but also to party documents, including the Statute of the CPSU and the Program of the CPSU. These party documents are not laws, in no way obligate those who do not belong to the Communist Party,* yet analysis of their contents is often imperative for accurate description of the working of specific social-juridical institutions.

Hereafter I shall take as established without further proof the fact of party control over the state, like the well-known facts that the overwhelming majority of important government posts, including posts connected with the exercise of executive and judicial power, is occupied by members of the Communist Party who are obliged to fulfill the dictates of party documents.

Neither will I seek to prove each time the generally known fact that in the Soviet Union there exists a state ideology, preached by

* This explains why, as a rule, the documents of the movement for defense of the law analyze the correspondence of legal practice only to the laws while wholly ignoring party documents, since only the laws are mandatory for citizens and for regulating the conduct of the authorities towards citizens.

the Communist Party, and that the development of social thought and culture and education is subordinated to this state ideology. This, too, is a generally known fact; it has found no reflection in the law, except perhaps for an allusion in the preamble to the Soviet Constitution, where it is stated that the Soviet people consecrate the bases of the social structure in the Constitution, "guided by the ideas of scientific communism..." Like the party documents, the state ideology is not mandatory for every resident of the USSR; no law obliges people to follow this ideology. However, its existence acts as an essential factor in determining to what extent people may enjoy rights connected with the exchange of information, religion, the development of culture and education.

* Important Note: At all times when I write in this text about the Communist Party and Communist ideology in the contemporary Soviet Union, I use Soviet terminology without analyzing whether such usage corresponds to the Marxist-Leninist ideology.

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of non-Self-Governing and Trust Territories shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

1. The difficulties of interpretation of the term people in this article are quite obvious, these difficulties applying equally to all federal states whose national minorities, customarily called peoples in the demogeographic sense, might aspire to self-determination and the free establishment of their political status.*

* Without engaging in a detailed analysis of the term people, let me note that in the documents of the United Nations the term people is used both where is meant a people in the demogeographic sense and a people possessing its statehood, as distinct from the term nation which is customarily used to denote a people possessing statehood.

The latter proposition is confirmed by the very designation of the United Nations Organization, whose members can only be states, i.e., representatives of peoples possessing statehood. As can be seen from numerous documents, the term "people" is used in a wider sense. Resolution 1803 (XXVII) of the General Assembly of December 14, 1962, on inalienable sovereignty over natural resources provides an example of the use of the terms "people" and "nation" simultaneously, when referring to the right of peoples and nations to inalienable sovereignty over their natural wealth. In the UN documents is also used the concept of "national minorities" and "ethnic groups" -- it is far from always possible to draw a rigid line between these concepts and the concept of "people".

The Soviet Union consists of fifteen union republics and a large number of autonomous republics, autonomous regions and autonomous areas. Some national minorities that are quite entitled to claim to be called separate peoples are not taken into account in this administrative allocation. According to the Soviet Constitution, the right of self-determination, more precisely -- the right of secession from the Soviet Union, is recognized only for union republics: nowhere is anything said about the right of self-determination of an autonomous republic -- neither its right of secession from the Union, nor its right of transfer to another union republic, nor its right to change its status of autonomous republic. The same is true of autonomous regions and autonomous areas. Having said this, I will confine myself to a discussion of the right of peoples of union republics to self-determination, leaving aside the question of such a right of peoples not possessing a union-republic statehood. However, in discussing the second point of this article, it is natural to depart from such an artificial interpretation of the term people and treat as people a sufficiently numerous ethnic group that in the historical and geographic sense is usually considered a people.

The Right of a People Freely to Determine Its
Political Status

2. In Soviet legal literature, it has long been the accepted view that this right of a people of a union republic is fully realized by virtue of the fact that the Treaty on the formation of

the USSR of 1922 and the Constitution of 1977, and the preceding Constitutions featured an article on the right of a union republic to secede from the Soviet Union. The representative of the USSR in the Committee on human rights confirmed that this right can be resorted to, mentioning that the union republics have a common frontier with states that are not part of the Soviet Union. Although the designated fact constitutes a not insignificant element in discussing the possibility of factual secession of a union republic, nevertheless the correctness of this fact by itself does not yet guarantee the actual possibility of a union republic's secession from the USSR.

3. Not a single legislative act exists defining the procedure for the separation of a union republic from the Union state, the procedure for initiating discussion on that subject or the procedure for adopting a decision. Mention of such procedures is absent even in the original treaty on the formation of the Union of Soviet Socialist Republics of 1922, where it is merely said that "every union republic is guaranteed the right of free secession from the Union" (Art.26).

4. The law likewise contains no description of the procedure for depriving a union republic of its status. In 1956, the Karelo-Finnish SSR was transformed into the Karelian autonomous republic by a law adopted by the USSR Supreme Soviet on July 16, 1956, which referred to "the desires of the workers" of this republic; yet, desires were not ascertained through any legal procedure such as a

referendum, which gives reason to state that in the legal sense these desires simply did not exist. In principle, the union authorities retain the possibility of depriving any republic of union republic status in the event it is inclined to secede from the Union.

5. Inasmuch as there are no indications in the laws concerning the procedure for deciding the question of secession of a union republic, it is natural to figure that the responsibility for adopting such a decision lies with the supreme organ of power of the union republic -- the Supreme Soviet of the union republic. However, from what follows it is clear that the Supreme Soviet of a union republic is not that organ through which the people of a union republic can freely determine its political status. As was stated above, all the activity of state organs, including activity connected with the organization of elections to the supreme soviets of union republics, is controlled by the Communist Party of the Soviet Union, while in designing the structure of the Communist Party no use is made of the principle of national autonomy that is formally used in designing the structure of state organs. Although the name of republican party organizations indicates in what national republic the given party organization* functions (for example, in the Ukrainian SSR -- it is the Communist Party of the Ukraine, in the Georgian SSR -- it is the Communist Party of Georgia, etc.), nonetheless these republican party organizations, according to the Statute

* With the exception, however, of the Russian Federation. Russia does not have a separate republican organization that could be called the Communist Party of Russia.

of the CPSU, are only part of the CPSU, and their task, together with the territorial, regional, area, city and district party organizations, boils down to carrying out within the territory under their jurisdiction "all the work for effectuating the policy of the party" and organizing "the execution of the directives of the Central Committee of the CPSU" (Statute of the CPSU, Art.41). In the structure of the Communist Party of the Soviet Union the republican communist organization has no autonomy whatever, and in the Statute of the CPSU there is nothing like the right of a republican communist organization to secede.

Thus, in practice, the secession of a republic could occur only with the consent of the Communist Party of the Soviet Union, which means that not a single people possessing union republic statehood within the framework of the USSR, including the Russian people, can freely determine its political status.

6. There can be no recognition of the right of a people to establish its political status without sanction of the right to discuss the question of its political status. Although the law contains no direct prohibition against discussing this question and although the criminal law does not prescribe any punishment for discussing this question, practice shows that persons who have attempted to discuss the question of secession of a union republic are subjected to criminal punishment on charge of engaging in anti-Soviet propaganda, with the further possibility on such occasions of accusations being leveled of incitement to national hatred or even treason to the Motherland (Arts. 1,7,11b and c of the Law on State Crimes). (1-1,2,3)

7. In the main, all guarantees of rights contained in the Covenant concern respect for and effectuation of the rights of all those residing on the territory of the state and falling under its jurisdiction. However, Art.1 is set apart in a separate section and treats of all peoples, irrespective of whether these peoples fall under the jurisdiction of the state party to the Covenant. By dint of Article 1, para.3, the Soviet Union undertook to "promote the realization of the right of self-determination and...respect that right" toward all peoples; that is why the question of observance of the Covenant by the Soviet Union includes, in particular, the question whether it does not impede the self-determination of peoples not falling under its jurisdiction and participate in international organizations which factually impede the self-determination of peoples.

8. The territory of the Baltic states -- Lithuania, Latvia and Estonia -- was occupied by Soviet troops in 1940 in accordance with the Soviet-German boundary and friendship treaty of 1939. Although the treaty was subsequently denounced, the territory was not freed. The Baltic states were joined to the Soviet Union as union republics based on the request of the seims of Lithuania and Latvia and the State дума of Estonia.* No matter what the procedure whereby was formalized the entry of these states into the Soviet Union, including the use of dubious results of plebiscites, it must be considered inadequate from the point of view of what must be regarded as the free expression of the will of the people, for at the time Soviet troops already occupied the territory of these states. Since the

* Laws of the USSR of Aug.3,5, and 6,1940, SZ SSSR, 1975, Vol.1.

time the Covenant went into effect, the Soviet Union has initiated no steps that might be attributed to an intent to ascertain the real wishes of the peoples of the Baltic states and show respect for their right of self-determination.

9. In the postwar period, the Soviet Union made positive efforts on the territory of Eastern Europe to establish political regimes acceptable to itself in the countries within its sphere of influence. Formally, the peoples of these countries retain their own statehood; however, they find themselves in strong political dependency on the Soviet Union, not only as regards their international behavior, but also as regards their internal structure and internal policies. It can be argued that this state of affairs deprives them of meaningful self-determination. Mass actions in East Germany, in Hungary (1956), in Czechoslovakia (1968), and in Poland quite convincingly demonstrate that the peoples of these countries would prefer to invoke their right of self-determination if they had such an opportunity. From the time when the Covenant went into effect the Soviet Union has instituted no steps that would attest to its intent to respect in the future the right of these peoples to self-determination.

In 1968, after the entry of the troops of the Warsaw Pact into Czechoslovakia, some Soviet publications and Soviet official statements articulated the doctrine which in western literature came to be called a "Doctrine of limited sovereignty." According to this point of view, which is evidently shared by the Soviet Union, the

socialist states of Eastern Europe may be considered sovereign states only as long as, in the opinion of their partners in the Warsaw Pact, nothing threatens the bases of the existing political order in these states. As soon as there is a real threat of substantial change of the political order or, in the words of the champions of that doctrine, a threat to socialism, the states members of the Warsaw Pact may decide that they have the right to violate the sovereignty of that state, as was shown in 1968.

The intervention of the Soviet Union in Afghanistan represents a direct and flagrant violation of the article of the Covenant concerning the right of self-determination.*

* Discussion. Professor L. Lipson has drawn my attention to the fact that in most writing on contemporary international law the status of a satellite (referring, for example, to the countries of Eastern Europe) does not amount to a violation of the right of self-determination. Even if we agree to consider that the existence of overly tight mutual bonds between states whereby the political order and policy of one state are determined by the wishes of the other state does not constitute a violation of the right of self-determination, even in that case direct foreign military intervention entailing the change of government of a state must be considered a violation of the right of the people to self-determination. I think that if in international law it is the practice to consider that the right of self-determination of the peoples of Eastern Europe is not being violated, then this is either a convenient formal presumption, or a consequence of the fact that Soviet legal doctrine has exerted a strong influence on contemporary international law. Evidence of that phenomenon may also be discovered in other situations.

The term self-determination means, according to Webster's dictionary (Avenel books, N.Y., 1978), "the right of the people to decide upon its own political status or form of government." The term is used in the same sense in UN documents. The UN declaration on the granting of independence to colonial countries and peoples declares:

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The Right of a People Freely to Realize
Its Economic, Social and Cultural Development

10. Not a single people in the Soviet Union, including the Russian people, can in practice exercise its right freely to realize its economic, social and cultural development due to the total control of state, social and cultural life maintained by the Communist Party of the Soviet Union. If the preferences of a people and the policies of the Party happened always to coincide, the fact of control would not matter to the outcome, except for the very absence of the power to make the decisions; but the character of Soviet public life indicates that the Party, at least, does not act on a belief in that coincidence. As a result of this control, in practice only those means and goals of economic, social and cultural development can be realized that turn out to correspond to the ideology and policy of the Communist Party.

11. According to the Constitution of the USSR (Art.73), to the competence of the USSR is assigned "the pursuance of a uniform social and economic policy, direction of the country's economy," which by itself limits the right of peoples, even those possessing union republic statehood in the USSR, freely to determine their economic and social development.

12. The prohibition against private entrepreneurship in the economic sphere is incompatible with the right of peoples freely to determine their economic development, inasmuch as free development presupposes the free choice of form of that development. This prohibition is expressed in Article 10 of the Constitution, in which it is stated that the foundation of the economic system

of the USSR is socialist ownership of the means of production in the form of state property (belonging to all the people) and collective-farm and cooperative property, as well as in the administrative and criminal prosecution of private entrepreneurial activity, with the exception of a small number of authorized handicraft industries on the condition that they not involve the use of hired labor (see CC RSFSR, arts. 153, 154, 162).

13. The existence of prior state censorship in the area of the press and other media of dissemination of information is incompatible with the right of a people freely to determine its cultural development. The activity of prior censorship is regulated by unpublished government acts. Party and state control of the flow of information is also ensured by the fact that all media of information belong to the state and party or social organizations controlled by the state and party. There exist special prohibitions against typographical business, there exist controls over duplicating equipment; by virtue of a Resolution of the Supreme Court (though not by virtue of a law), criminal punishment is mandated for the use of radio-transmitters without state permission. (For more details, see the Commentary to Art.19).

The Right of Peoples Freely to Dispose of
Their Natural Wealth and Resources

14. According to Art.11 of the USSR Constitution, the executive property of the state (i.e., the USSR) comprises: the land, its

minerals, waters, forests, despite the fact that in the treaty of 1922 on the formation of the Union nothing is said about the republics transferring to the possession of the union state all their natural wealth and resources. In some measure, the peoples of these republics can as heretofore dispose of these resources, even if they cannot dispose of them as their own property.

The Right of a People Not to Be Deprived
of the Means of Subsistence Belonging to It

15. During the forties, a number of Soviet peoples were expelled from their historic territories as a repressive measure. Subsequently, many of these peoples were returned to their territories. However, the Crimean Tartars, Georgian Meskhi, Volga Germans, remain as before deprived of the means of subsistence belonging to them -- historic territories and natural resources that belonged to them from way back. Prolonged efforts of numerous activists from among the Crimean Tartars to open a dialogue with the government concerning the return to this people of its territory have prompted repression by the authorities.

16. The Crimean Tartars were expelled from the Crimea in 1944 by decree of the Presidium of the RSFSR Supreme Soviet. On June 25, 1946, the Crimean autonomous republic was renamed the Crimean region. In 1956, a decree of the Presidium of the USSR Supreme Soviet was issued lifting the restrictions on special settlement with regard

to the Crimean Tartars in particular, whereby the resettlers were taken off the registry of special settlement and freed from administrative surveillance by the organs of the MVD. However, the same decree established that "the cancellation of restrictions with respect to said persons and members of their families does not entail the return of their property confiscated during the expulsion."

In 1967, a resolution of the Presidium of the USSR Supreme Soviet was issued which explained that the Crimean Tartars exercised, like all the citizens of the Soviet Union, the right to reside on the entire territory of the Soviet Union in conformity with the existing legislation on employment and the passport system. However, the prohibition against return by the Crimean Tartars to the locales from which they were expelled, i.e., to the territory historically belonging to them, has remained in force, although it is not based on any published government act. The Crimean Tartars are as hitherto officially considered special resettlers, as can be seen from the document reproduced below. This was a reply to an inquiry addressed to the administration of the place of confinement where a Crimean Tartar activist, Mustafa Dzhemilev, was being held; that inquiry concerned the possibility of sending Dzhemilev after his release to the Crimea to his parents (emphasis added -- V.Ch.)

Reg. No.22
of 28/10-1977

692710 Primorsk territory
Khasan district
Institution VII 267-26
To the director of the institution

in re C/1 30/26-5210-A of 3/X-77

The parents of the prisoner Dzhemilev Mustafa live on the territory of the Belogorsk district in flagrant violation of the passport system and without registration. As special resettlers their registration in the Crimea is restricted. In connection with the above, sending Dzhemilev M. to the Crimea is not feasible, since he will be refused registration.

Chairman of the supervisory commission
attached to the executive committee of
the Belogorsk district soviet of people's
deputies

Lieutenant-Colonel Tsapenko (signature)*

17. Attempts by the Crimean Tartars to settle in the Crimea meet with repression and confiscation of the buildings purchased by them, despite the freedom guaranteed by law of choice of place of residence. The situation is rendered more complicated by the fact that, upon purchase of a house, the authorities do not record the contract of purchase-sale until the new owner has obtained a permit to reside in the given locale. On the other hand, the permit is impossible to obtain without having a place of residence, i.e., in this case before the house is purchased.

* The document is cited from a copy deposited in the archives of "Khronika Press". (Hereafter, absence of source citation indicates citation of a document from these archives.)

On August 15, 1978, the Council of Ministers of the USSR issued a special resolution "On supplementary measures for strengthening the passport system in the Crimean region," which is a response to attempts by the Crimean Tartars to obtain buildings in the Crimea and settle there. In particular, the resolution is directed at persons arriving in the Crimean region in an unorganized manner* and living without permit and registration; such persons are removed from the region by the organs of internal affairs. There is also provision for the expulsion of citizens residing in the Crimea who allow others to live with them without permit or registration, if in the course of a year they have twice been subjected to administrative penalty. Expulsion occurs for a period of up to two years by decision of the executive committees. This extraordinary resolution applicable specially to the Crimean region represents a bid to legitimize a practice that has been enforced by the police of the Crimean region for many years in an effort to block attempts by the Crimean Tartars to resettle in the Crimea.

The repressive measures aimed at certain residents of the Crimean region -- eviction from the Crimean region for a term of up to two years -- are unlawful because by definition of the Fundamentals of Criminal Legislation of the USSR and union republics removal of a person from the place of his residence with prohibition to reside in

*Reference here is to the fact that at the same time persons who do not belong to the Crimean Tartar people are moving into the Crimea in a process of organized settlement.

particular locales constitutes exile -- one of the criminal punishments (Art.24) and, according to the same Fundamentals (Art.3), "criminal punishment is applied only by verdict of a court."*

18. One must consider cases of inter-republican resettlement prompted by the government as a partial deprivation of a people of the means of subsistence belonging to it.** One such resolution was the Resolution of the USSR Council of Ministers (see Izvestiya, August 21, 1973) establishing special privileges for persons moving to the agricultural regions of the republics of Transcaucasia, Central Asia, the Ukraine and Byelorussian SSRs, the autonomous republics of Dagestan, Bashkiria, Tuva and the Volga republics, as well as the regions of the Urals, Siberia, the Primorsk and Khabarovsk territories, the Kamchatka region, and the Vologodsk region. Judging from the list of areas of preferential resettlement, the union government encourages the resettlement of the population of European Russia, including its movement into the territories of the national republics. From earlier practice, we know of the active settlement by Russian resettlers of areas of the Baltic republics and the Kolkhida valley in Georgia. As far as is known, no procedure

* In the history of Soviet administrative law, there have been cases where measures falling under the heading of criminal punishment were applied by administrative process. Such precedents, however, do not make administrative punishment legal if no law on the subject has been published. One could envisage, but need not consider as cogent, a Soviet argument to the effect that the action against the Crimean Tartars is not an extra-judicial criminal punishment, because physical presence without permission of the authorities is not residence.

** What has been said does not apply to natural migration of the population.

exists whereby the government of a national republic would be able to obstruct the resettlement on its territory of persons of another nationality.

Article 2

1. Each state Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms are herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

The Duty to Respect and Ensure Human Rights

1. The Covenant contains no explanation as to what is meant by the terms to respect and to ensure rights. In this text, I understand by ensurance of a right the effective efforts of the state in order to guarantee exercise of some right by means of law and to make certain that the citizens receive proper legal protection in the exercise of this right in practice. By respect for some

right, I understand at a minimum refusal by the state to prosecute a person for exercising it.

Duty to Ensure Rights Recognized
by the Covenant

2. This is the question to which this whole research project is dedicated. In this section, I will look at the formal position of the Covenant in Soviet law.

The Covenant was ratified by the Soviet Union in 1973, entered into force in 1976 and thereby should have acquired the force of law on the territory of the Soviet Union.* However, being an international agreement, it does not enter the system of domestic federal legislation, which is important because in Soviet legal practice there is no usage of being guided by international agreements as concerns internal legal relations if the law contains no special reference to the international agreement.

Some Soviet laws contain a conflicts norm on the primacy of international agreements in specific areas of legal relations, in particular -- these norms feature in the Fundamentals of civil legislation, the Fundamentals of civil procedure, the Fundamentals

* Discussion: Dr.K.Simis:

"In the USSR, a ratified international treaty does not automatically acquire force of law. For that is required the adoption of a special transforming internal state act (if a corresponding proviso was not included in the act of ratification).

of legislation on marriage and the family. So, for example, the Fundamentals of civil legislation of the USSR and union republics (Art.129) state:

"If the international treaty or international agreement to which the USSR is a party established rules other than those which figure in Soviet civil legislation, then the rules of the international treaty or international agreement are applied."

Formally, these conflicts norms mean that the norms of the Covenant (if they can be called rules) must be applied even in those cases where they do not figure in the civil, civil procedural and marriage-family legislation or where the norms of internal legislation in these areas contradict the norms of the Covenant. The presence of such conflicts norms formally frees Soviet legislation from the need to bring the legislation in the designated areas into conformity with the formulations of the Covenant in those instances where no difficulties are encountered with assigning a particular norm of the Covenant to a specific area of legal regulations.

3. However, in many areas of Soviet law such conflicts norms are absent, including legislation on criminal law, criminal procedural law, labor law, legislation on education, and corrective-labor law. Meanwhile, many norms of the Covenant concern legal relations regulated by these areas of legislation. To the extent that such conflicts laws do not exist, the duty of the state to ensure the rights recognized by the Covenant means, in particular, bringing these areas of legislation into conformity with the norms of the Covenant, and further inquiry will show to what degree this work has been done by Soviet legislation.

4. Since in Soviet legislation there is no general norm on the primacy of norms of international agreements, including the norms of the Covenant, the question arises concerning which area of legislation a particular norm of the Covenant should be assigned to. In regard to some of them, the answer is quite obvious, for example, in regard to the norms of the Covenant pertaining to criminal procedure, or in regard to the norms of the Covenant concerning the upkeep of prisoners. In other cases, the assignment of a law to a particular area of legal relations may pose difficulties because in Soviet legislation such division into areas of legal relations differs from what is more or less accepted in international documents. Thus, in the Fundamentals of Soviet civil legislation there is no direct mention of right to life, right to association or right to leave the country, which is why it is not clear if the conflicts norm of the Fundamentals of civil legislation applies to these rights; i.e., it is not clear if the guarantees of these rights contained in the Covenant and other international agreements can be considered to be incorporated into internal Soviet legislation by resort to some such rights, the question can be decided on the basis that in the conventions ratified by the Soviet Union, a particular right may be directly designated a civil right which gives grounds for assigning the guarantee of that right to the area of civil legislation. For example, in the convention on the liquidation of all forms of racial discrimination, the right to citizenship, the right to association, the right to leave the country are assigned to the category of

civil rights; inasmuch as this convention has been ratified by the Soviet Union, one can consider that the aforementioned conflicts norm incorporates these rights into the system of Soviet civil legislation.

5. If one proceeds from the premise that the Covenant contains only norms of civil and political rights, as follows from its title, and if a means is found of separating the political rights from the civil ones, then formally one could conclude that all the norms of the Covenant on nonpolitical rights are incorporated into internal Soviet legislation through the conflicts norm in the Fundamentals of civil legislation. Such a method may, however, lead to conclusions unacceptable to Soviet jurists and difficult to square with Soviet legal usages in terms of the assignment of specific rights to specific areas of legal relations. That is why each right must here be analyzed separately.

This question would not otherwise attract great interest; however, it is interesting precisely because it is only in the legislation concerning certain areas of legal relations that Soviet laws contain a conflicts norm on the primacy of international agreements.*

* Discussion. Dr. K. Simis:

"To those rights which in the Covenant are termed civil (such as the right to association, the right to leave the country) the author thinks it possible to extend the application of Soviet civil legislation.

However, coincidence of terminology (adjectives) in the present case does not attest to the fact that the rights enumerated above are incorporated into the system of civil legal relations. They are not regulated by civil law and have no connection with the Fundamentals of Civil Legislation. Those rights which the Covenant terms civil fall into the system of constitutional or administrative legal relations, and by no means civil legal relations that are regulated by the Fundamentals of Civil Legislation and civil law in general.

(See page 29)

Duty to Respect Rights Recognized by the Covenant

6. Seemingly, no separate question concerning respect of a right arises in those cases where a particular right is guaranteed by internal legislation and is guaranteed in practice. Seemingly, one must treat the norm on respect of a right as a minimum that must be observed by the state in those cases where some right is absent in the system of internal legislation or is not observed in practice. As I already said, the minimum expectation with regard to respect of a right must be the requirement that the state refuse to prosecute a person for the exercise of this right. In relation, it seems, to a majority of the norms of the Covenant, one can talk of respect by the Soviet Union of the rights enumerated in the Covenant. In some cases, respect by the Soviet Union of rights enumerated in the Covenant raises doubts. This applies, for instance, to the right to leave the country: in Soviet legislation there is no norm guaranteeing this right, and at the same time punishments are provided for exercise by a person of this right in contravention of the prescribed procedure for obtaining permission to leave the country, which is protracted and does not guarantee success.

(cont. from page 28)

Moreover, such division into areas of the law is followed not only in the USSR, and not only by Soviet jurists, but in all countries of the Continental European tradition.

There is nothing unclear here. And the circumstance that the Soviet Union ratified the convention on the liquidation of all forms of racial discrimination in which the right to nationality, to association and the right to leave the country are termed civil rights changes nothing in the system of Soviet law. Both from the point of view of the Soviet system of law, and the point of view of the French or Italian system of law, all the designated subjective rights are regulated not by civil law, but by administrative or constitutional law."

Concrete examples of inadequacy of respect of particular rights are examined below.

Duty to Respect and Ensure Rights
Without Discrimination

7. The Soviet Constitution features an article concerning the equality of citizens before the law, "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status" (Art.34). This listing does not include all the attributes that cannot justify discrimination which are contained in Art.2 of the Covenant: political and other opinions, although the reference in the article of the Constitution to other circumstances may be considered as a duty not to allow discrimination on grounds of opinions. In other Soviet laws where attributes that cannot justify discrimination are enumerated, there is likewise no mention of political and other opinions.

One can accept as valid many of the statements by Soviet official figures to the effect that much has been done in the Soviet Union to overcome discrimination in respect to race, color, sex, language, national or social origin, property status or birth. Even if in practice incidents of discrimination do occur in this area, there are no grounds for believing that they are based on the law: the law bars such discrimination, and in certain cases discrimination is criminally punishable (for example, sanction of direct or indirect privileges for citizens depending on their racial or national affiliation is punishable pursuant to Art.11 of the Law on criminal liability

for state crimes; violation of the equal status of women in certain cases is punishable under Art.134 of the CC RSFSR*).

8. At the same time, there is evidence that discrimination on the basis of certain attributes in particular areas of legal relations forms part of state policy. There are many private testimonies concerning privileges established for the children of workers and collective farms in gaining admission to institutions of higher learning.

9. There are many private testimonies on restrictions against access to responsible government jobs and restrictions on admission to institutions of higher learning of persons of Jewish nationality.

One can draw indirect conclusions from the statistics regarding those who have quit the country since 1970 (and this conclusion is confirmed by many private testimonies) that in accepting and selectively approving applications for emigration from the Soviet Union preference is given to persons of Jewish and German nationality -- such a privilege may be viewed as national discrimination in the effectuation of the right to leave the country.

10. The Constitution of the USSR contains a norm on discrimination on grounds of attitude to religion: citizens are guaranteed the right to conduct religious services or wage atheistic propaganda (Art.52); this means that the right to wage propaganda, i.e., to use the language of international legal documents, the right of public

* Where reference is made to republican legislation, the articles of the RSFSR codes are usually cited here.

expression of one's opinions, is guaranteed to those who express atheistic opinions, and is not guaranteed to those who would like to express religious opinions.*

Soviet legislation on religion requires registration of religious associations, which in practice leads to discrimination on grounds of affiliation with a particular religion: some religious teachings by virtue of their principles do not permit such registration and the state interference which is connected with such registration; the state refuses registration to other religious trends. As a result, the followers of those trends are subjected to greater restriction of rights than the followers of religions registered by the state. Concrete examples will be examined below...

Practicing believers meet with discrimination in any case when their vocational activity is connected with instruction, teaching in educational institutions -- even in those cases where their religious beliefs do not influence the character of their tutorial activity. Such discrimination is not based on Soviet law. (For further details, see commentary to Art.18).

11. There are numerous testimonies to the effect that discrimination because of political opinions forms part of state policy. Such discrimination is not directly based on norms of Soviet legislation, but even in the laws one can find manifestations of such discriminatory

* Obviously, those wishing to engage in religious propaganda may appeal to the article of the Constitution concerning freedom of speech. The legislator apparently did not consider such reference sufficient for the atheist and confirmed additionally the freedom to wage atheistic propaganda.

policy.

In the Soviet Constitution is recognized the leading role of the Communist Party and the fact that the Communist Party represents the nucleus of state and public organizations. At the same time, according to the Statute, the Communist Party professes exclusively one particular ideology and shows no tolerance for all views incompatible with this ideology. According to the Statute of the CPSU, Communists who, as indicated above, form the nucleus of state and public organizations, are obliged "to wage a decisive struggle against all manifestations of bourgeois ideology, vestiges of private ownership psychology, religious prejudices and other vestiges of the past..." as well as "undeviatingly maintain the line of the party in the selection of cadres pursuant to their political... qualities" (Art.2 of the Statute of the CPSU). These words confirm the numerous private testimonies on discrimination due to political convictions as regards the right to occupy any more or less responsible post in a state institution and as regards getting a teaching job.

The Fundamentals of legislation on marriage and the family of the USSR and union republics legalize discrimination against parents because of political convictions. Art.18 of the Fundamentals affirms that the parents must educate their children in the spirit of the moral code of the builders of communism. Art.19 of the same Fundamentals envisages deprivation of parental rights of those parents who shirk their obligations toward the education of their children.

Propaganda of political views contrary to the official Soviet ideology is criminally punishable if the authorities deem it anti-Soviet and conducted with the aim of undermining or sapping Soviet power (Art.7 of the Law on state crimes).

Bringing Legislation Into Conformity

With the Covenant

12. Although since the time of ratification of the Covenant in 1973 Soviet legislation has been enriched by a series of important laws, nothing indicates that this activity is especially connected with an attempt to bring Soviet legislation into conformity with the requirements of the Covenant. The Soviet representative in the Committee on human rights declared that the ratification of the Covenants and their entry into force in 1973 necessitated no steps to amend or supplement Soviet laws. The new Soviet Constitution, adopted in 1977, nonetheless contains certain propositions which may be seen as bringing Soviet legislation closer to the requirements of both Covenants. As regards the Covenant on civil and political rights, one should note the norms of Art.49 of the Constitution on prohibition of persecution for criticism, on the duty of official persons to examine recommendations and statements from citizens, Art.56 of the Constitution on the protection of the private life of citizens, including the privacy of telephone conversations and telegraph communications; Art.57 on the right of citizens to protection by the courts against encroachments on their honor and reputation, life and health, personal freedom and property; Art.58 on the right

of citizens to complain against the actions of officials and the right to compensation for damage resulting from the unlawful actions of state and public organizations and officials.

Defense of a Right

13. In the Soviet Union, there exist ample opportunities for the defense of personal rights that have been violated through resort to civil court, and in certain cases through resort to the procuracy and other state institutions. In many instances, such appeal for protection can prove quite effective, in any case as long as the violation of the rights does not form part of state policy.

According to the law, "every interested person has a right in the manner established by law to seek in court the protection of any infringed or disputed right or an interest protected by law. Denial of the right to go to court is invalid" (Art.5 of the Fundamentals of Civil Procedure).

The category of cases in which the person may seek protection of his rights by resort to civil court is indicated in Art.4 of the FCP. These are cases "relating to disputes arising out of civil, family, labor and collective farm legal relations, if at least one of the parties to the dispute is a citizen or a collective farm, with the exception of cases where the resolution of these disputes is consigned by law to the jurisdiction of administrative or other organs". From the formulation of this article one can see how important for the procedure of defense of rights in the Soviet Union

is the question discussed earlier of which area of legal relations a particular right should be assigned to. From practice, many instances are known when courts refused to hear cases connected with the violation of civil rights on grounds that the particular right did not qualify as a civil one in the sense of Soviet civil legislation, despite the fact that the designated right is mentioned among civil rights in international legal documents.

There is no evidence that since the entry of the Covenant into force the Soviet Union has expanded the possibilities of judicial protection.

14. In order to protect their rights, interested persons can submit to the court and the procuracy a request that criminal charges be filed against the persons who violated their rights. The court, procuracy, investigator and organ of inquiry are obliged to institute criminal proceedings in each instance where elements of a crime have been discovered.

15. In order to protect their rights, citizens have the right to address complaints, written or oral, to state organs. There exist specific guarantees of deadlines for the examination of such complaints, a guarantee of an answer (not necessarily in writing) and a guarantee against prosecution for filing a complaint (with the exception of cases of complaints filed "with slanderous intentions" (Decree of the Presidium of the USSR Supreme Soviet of April 12, 1968). The Decree of the Presidium of the USSR Supreme Soviet of April 12, 1968, recognizes the right of citizens to submit statements to state organs

which means that the right of petition is recognized in the Soviet Union, including the right of petition in defense of the rights of third parties.

16. For the protection of their rights, citizens frequently address themselves to the organs of the Soviet press, and the Decree of the Presidium of the USSR Supreme Soviet of April 12, 1968, instructs state organs to examine such complaints and statements received from the editorial offices of newspapers and magazines, as well as the published materials related to their resolution.

The same Decree prescribes the organization of receptions of citizens by officials of state institutions, and such receptions are staged by institutions more or less accurately, as high up as the Presidium of the USSR Supreme Soviet.

17. In those cases where the authorities are irritated by the persistence of plaintiffs, they often resort to compulsory hospitalization in psychiatric clinics; according to the records of the Moscow Helsinki group (document No. 8, DKhG 2, 23), "approximately 12 people a day are sent by the police to the psychiatrists on duty from the reception room of the USSR Supreme Soviet alone." (2-1)

Responsibility of State Institutions and
Officials

18. According to the Constitution (Art.58), actions of officials committed in violation of the law, in excess of their powers, infringing on the rights of citizens, can in the manner established

by law be challenged in court. The Fundamentals of civil legislation sanction the responsibility of state institutions for damage inflicted on persons in the sphere of administrative management unless a special law provides otherwise. According to the same law, "for damage caused by improper service-connected actions of officials of the organs of inquiry, preliminary investigation, procuracy and judiciary, the corresponding state organs shall be materially liable in the cases and within the limits expressly provided by law." As far as is known, such a law has thus far not been adopted, even though the Fundamentals of civil legislation were approved in 1961.

Limits of Protection of Rights

19. According to Art.5 of the Fundamentals of Civil legislation, "civil rights shall be protected by law, except as they are exercised in contradiction to their purpose in socialist society in the period of communist construction." No special explanations concerning what is the purpose of rights in a socialist society in the period of communist construction are supplied by the legislator. This norm may be viewed as a broad basis for justifying refusal by the state to protect rights in those cases where their exercise, formally lawful, could from the point of view of the state run counter to state ideology and policy. There is no information to show that this article is often formally used in order to deny protection of civil rights. However, examination of practice reveals that in fact the principle expressed by this norm represents one of the basic features of legal usage in the USSR. (Also see comment. to Art.12 #24, 25).

Article 3

The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

1. The equality of rights of women and men in the USSR is confirmed by Art.35 of the USSR Constitution where, in particular, are enumerated the measures by means of which such equality is guaranteed.

The equality of women and men is likewise confirmed by several other laws.*

2. Impeding realization of the equality of women in state, social or cultural activity, if coupled with violence or the threat of use of violence, is criminally punishable (CC RSFSR, Art.134).

3. In certain republics where curtailment of the rights of women represents an aspect of national custom, there operate laws providing for criminal punishment for practicing such customs. In particular, criminal punishment for polygamy and the payment of a purchase price for a bride in the national republics is tied by Soviet legal doctrine to the principle of equality of women.**

In those cases where in certain areas of social life in the Soviet- Union some aspects of social inequality of women persist, state policy evidently cannot be held responsible for that. The

* On the prohibition of women's religious congregations, see the commentary to Art.18.

** On the territory of the Soviet Union, there exists in some areas the custom of paying a purchase price for the bride, and in other areas -- the custom of bridal dowry. The purchase price must be paid by the bridegroom to the family of the bride. Bridal dowry

(See page 40)

large demographic deficit in males in certain age-cohorts has certainly affected females adversely, and that deficit is attributable in part to state policy, but it was not a policy aimed at infringing women's rights.

(Cont. from page 39)

is turned over to the newlyweds by the family of the bride. No legal sanctions exist in the Soviet Union restricting the custom of dowry. Although the custom of purchase price in practice really did lead and in the future may lead to curtailment of the rights of the bride, yet, strictly speaking, the custom of paying a purchase price in greater measure violated the rights of the man, putting in a disadvantageous position those men who are not able to pay the purchase price required by custom. This is not a purely formal deviation. It is known that in the Central Asian republics many men remained unmarried precisely because they cannot pay the purchase price for a bride. To a certain degree, the custom of dowry fulfilled a similar function in reenforcing the inequality of women.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.

2. No derogation from articles 6,7,8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary or the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

1. Since the time of the entry of the Covenant into force, there has never been an announcement in the Soviet Union on the imposition of emergency status. It would not be fair to judge the conduct of the Soviet Union during emergency or martial status on the basis of the practice recorded in the course of the late world war in that Soviet law has in the meantime undergone fundamental changes and Soviet law and doctrine have experienced substantial liberalization.

2. As far as is known, in the Soviet Union there exist government acts regarding how the authorities must proceed in cases of natural disasters, epidemics and mass disorders, but such acts are not published. From what is known about these acts, as well as

from accounts of the behavior of the authorities during the cholera epidemic in 1970, there is no evidence that the authorities are instructed to engage during the period of emergency status in discrimination on the basis of race, color, sex, religion, language or social position. Nor are any instances known of special derogations from those Articles of the Covenant relating to emergency status that are listed in paragraph 2 of the present article.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

No cases are known where any human rights have been curtailed in the Soviet Union on the basis of an appeal to the Covenant.

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Protection of the Right to Life

1. According to the Constitution of the USSR (Art.57), the citizens of the USSR have a right to judicial protection against attempts on their life. Criminal legislation features a number of norms providing criminal punishment for murder, including manslaughter. In individual cases, the death sentence is applied as a punishment for murder.

In a case where deprivation of life is the result of a death sentence carried out in execution of an unjust verdict, the law prescribes punishment of up to ten years of loss of freedom (Art.177 CC RSFSR). According to the commentary to this article, judges also incur the same punishment in case where an unjust verdict caused the suicide of the prisoner.*

Death Sentence

2. According to Soviet law (Fundamentals of Criminal Legislation, Art.22), "as an extraordinary measure of punishment until its final repeal there is permitted the application of the death sentence -- by firing squad"... for crimes which in the law are usually designated as especially grave. However, together with these crimes which in other countries too sometimes incur the death sentence, in the Soviet Union the death sentence figures as a punishment for acts which are not considered especially grave in other countries, and sometimes are not considered crimes at all. These include, for example, flight abroad or refusal to return from abroad to the USSR, when the authorities qualify these acts as treason to the Motherland (Art.64 CC RSFSR), theft (Art.93-1 CC RSFSR) of public or state property in especially large quantities, voluntary surrender into captivity (Art.264 CC RSFSR) because of cowardice or faint-heartedness, which in any case cannot be considered especially grave crimes.

* Commentary to the Criminal Code of the RSFSR (In Russ.), Moscow, 1971

These articles of the code are not just a threat by the legislator. From time to time, instances of their application come to light, but there are no published reports on how often capital punishment is used in the Soviet Union and there are no data which would enable us more or less accurately to estimate the frequency.

3. According to Soviet law (Art.6 of the Fundamentals of Criminal Legislation), the criminality and punishability of an act are determined by the law in force at the time the act was committed. The law establishing the punishability of an act or increasing the punishment does not have retroactive effect.

Pursuant thereto, under the terms of the law a death sentence cannot be pronounced if the death sentence was not prescribed as the punishment for a crime at the time of its commission. No cases are known of violation of this law since the entry of the Covenant into force (the case of Rokotov's execution before the firing squad on a charge of speculation in currency in large amounts with retroactive application of the law occurred in 1961.)

4. The right of the person sentenced to death to petition for pardon or commutation of the sentence is not expressly enunciated in Soviet legislation, but the institution of pardon exists in the Soviet Union (according to Art.121 of the USSR Constitution, pardon is granted by the Presidium of the USSR Supreme Soviet) and according to the law of April 12, 1968, every citizen has the right to submit petitions to state organs. The law sets no limitations that would prevent a person sentenced to death from submitting a petition to

the Presidium of the Supreme Soviet, nor are there any limitations on the duty of the Presidium to respond to such a petition. It is hard to judge in what measure this particular legal rationale for the right to apply for pardon operates in practice, but we have no information to show that a person sentenced to death, at least during the last three decades, has been denied the right to submit a petition for pardon. (The restrictions on acceptance of requests for pardon from certain groups of prisoners expressly noted in the law date from the previous era and are now repealed.)

5. Individuals sentenced to death have under the term of the law the same rights with respect to submission of petitions for review of the case or commutation of sentence as all other categories of prisoners. In practice, however, it can happen that in some cases which the authorities consider especially important or especially complex, the trial is held in the Supreme Court of the republic as the court of first instance: in such a case, the verdict is not open to cassational appeal and the persons sentenced, including those sentenced to death, have less opportunity to request review of the case (see commentary 18 to Art.14).

6. According to the law (Art.22 of the Fundamentals of Criminal Legislation), the death sentence cannot be pronounced on individuals who had not reached the age of 18 at the time of the commission of the crime and women who are pregnant at the time of the commission of the crime or at the time sentence is rendered. The death sentence cannot be applied to a woman who is pregnant at the time sentence is scheduled for execution. There are indications that in some cases the Presidium of the USSR Supreme Soviet adopted special edicts

sanctioning the application of the death sentence to individuals who had not reached the age of 18 at the time of the commission of the crime, but no official published information on that is available. There are no reports of this law being violated as regards pregnant women.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

1. Tortures in the strict sense, i.e., physical abuse and degradation with the aim of forcing someone to furnish evidence in the course of inquiry or preliminary investigation, is punishable by criminal law with deprivation of freedom for up to ten years, if they are employed by persons conducting the inquiry or preliminary investigation. (Art.179 CC RSFSR). Pursuant to the same article of the law, forcing someone to furnish evidence by means of resort to threats or other unlawful acts is punishable by deprivation of freedom for up to three years. According to the Commentary to the Criminal Code, by other unlawful acts can be understood the application of hypnosis during interrogation, maintaining the person under arrest without food, creating a special climate of interrogation affecting the person being questioned by virtue of his particular personality traits -- superstition, etc.

2. Long before the entry of the Covenant into force, in the middle fifties, in the Soviet Union there were taken quite effective measures to end the systematic practice of resort to tortures, especially in cases involving political charges. Despite the fact that these measures were effective, there is much testimony that physical pressure and other types of pressure which can be considered unlawful are being used in many cases during investigation of criminal and political cases. It is far from always possible to discern in

the use of these methods elements of compliance with a centralized state policy. Seemingly, in all countries the personnel of police and investigative organs can on its own initiative apply methods of inquiry that do not always conform to the law. However, the virtually total absence of public control over the activity of organs of the police and investigation creates a situation where even if the employees of these organs contrary to state policy resort to cruel and unlawful means of conducting an inquiry, the struggle against such phenomena is rendered difficult. Even if information about such incidents spreads, the authorities face a dilemma: to punish the law-breakers or to adopt measures to conceal these violations of the law in order to shield the authority of the police and investigative personnel. The record shows that concern for the authority of the police and the investigative personnel itself figures as part of a state policy that precludes public discussion of such questions, and this concern sometimes turns out to be stronger where the authorities are concerned than the duty to punish those who disobey the law.

Instances are known where individuals under investigation who proved especially stubborn were kept in prison facilities not suitable for occupancy.

Eduard Kuleshov, arrested in December 1978 on charges stemming from Art.190-1 CC RSFSR, was put on January 5 into an unheated cell, and from January 9 was thrown into a punishment cell. (CCE 52)

According to many reports, beating of individuals detained or arrested by the police represents a common phenomenon both in Russia and in the peripheral areas, such beating also being administered for

the purpose of eliciting from the people in custody evidence desired by the authorities. (7-1, 2)

Few examples are known where the use of tortures became the object of court proceedings. A recent example is the case of the personnel of the investigation prison in the city of Tbilisi.

According to materials available on the case of Tserekidze,* the personnel of the Ministry of internal affairs of Georgia systematically over the span of several years ordered that individuals under investigation be "worked over," in order to extract evidence from them. This "working over" included threats, beating and homosexual rape. The case came to court as a consequence of the fact that Tserekidze and one of his assistants Usupyan beat one prisoner to death. During the trial, the defendants and witnesses from among the prison guard confirmed that Tserekidze systematically received orders to "work" the prisoners "over." Subsequently, members of the staff of the investigation prison were brought to trial.

3. The aforementioned article of the criminal law envisages the punishment for tortures of persons conducting the inquiry or investigation. In practice, as a rule, physical pressure is applied not by that person himself, but by other individuals. For example, the "job" can be performed by the personnel of the prison guard or, as in the case of the tortures in the Tbilisi prison and the other examples cited, by criminals especially lodged in the cell. Physical pressure is also used on the pretext of maintaining security or overcoming the resistance of the arrested person, even though he offered no resistance. V. Bukovskii and A. Marchenko have described quite typical incidents of deliberate tightening of self-tightening handcuffs by the prison guard -- causing sharp pain. (7-3,4)

* "On Tortures in Georgia," Khronika Press, New York, 1976; CCF 36.

4. The use of truth serum injections during court psychiatric examination of the person under investigation is not forbidden by Soviet law; in some cases it can be equated with the use of unlawful methods of conducting an inquiry, in that the recording of what the person under investigation said during the examination is not kept secret from the investigator.

5. Criminal-procedural legislation itself creates conditions for resort to unlawful methods of psychic pressure to obtain evidence. The arrested suspect may be held incommunicado in prison for up to nine months, and sometimes, in violation of the law, even more. He is allowed visits even by members of his family only with the consent of the investigator. As a rule, the arrested suspect cannot communicate with his defense counsel until the investigation has been completed. This means that the investigator has the opportunity to present the suspect with a picture of his fate drawn in the darkest colors, which in itself amounts to psychic pressure, inasmuch as the person under investigation has no chance to consult a lawyer: this method of pressure is the most common tactic. The investigator may predict that the person under investigation will certainly receive the maximum term of punishment or that the act of the person under investigation will be reclassified and he will be punished under a more severe article of the law. Thus, during the investigation on charges of anti-Soviet agitation, the persons under investigations were threatened that their acts would be classed under the article dealing with treason to the Motherland which provided for execution by firing squad (Case of V. Chernovol in 1972; case of

Yakir-Krasin in 1972-1973; cases of Yu.Orlov, A. Ginzburg, A. Shcharanskii in 1977-1978).

Quite common, esp-cially in conducting investigation of political cases, is resort to threats of repression against members of the family. (7-5,6,7)

Cruel and Inhuman Punishments

6. According to Soviet penitentiary legislation (Art.1 of the Fundamentals of Corrective Labor Legislation), "the execution of the penalty is not aimed at causing physical suffering or degradation of human dignity." Such a formulation of the law is not a sufficient guarantee ensuring the right of the individual not to be subjected to cruel, inhuman or degrading punishments.

7. One must consider as inhuman treatment of the inmates the differentiation prescribed by law between norms of nourishment depending on the inmates' attitude toward labor (Art.36 FCLL). Despite the fact that, according to this same article, inmates must receive food ensuring a normal vitality of the organism, one of the most common complaints by Soviet inmates is the complaint about insufficient nourishment, especially in those cases where the inmates do not meet the quite demanding norms of output on the job at which they are obliged to work by institutional rules. This fact is even conceded by the Soviet press, although it rarely publishes information on conditions in places of detention. The "Kazakhstan Pravda" of March 14, 1973, featured an article by P. Litvitskii, "Everything Is Taken Into Account," where in particular, it is stated that:

"_he work performed by the inmates is. in the main, heavy, and the norms of production are maximal." There are many testimonies by former political prisoners to the effect that, in many instances, fulfillment of the established norms of production is practically impossible, especially since many prisoners perform whatever work is assigned to them for the first time in their life and do not have the necessary skill.

8. One must also consider as inhuman punishment the issuance of reduced food rations to those prisoners who are lodged in punitive or disciplinary solitary confinement, in the punishment cell, in a cell-type facility, as well as in a single-occupant cell in a special regime colony -- reduced food rations are prescribed in this case by law (Art.36 FCLL).

In the order of the Ministry of Internal Affairs of the USSR No.020, in particular, it is stated:

Prisoners maliciously refusing to work or deliberately not fulfilling the norms of production, transferred to cell-type facilities, are to be supplied in accordance with norms 9-b. Prisoners lodged in punitive solitary confinement with or without release for work, but maliciously refusing to work or deliberately not fulfilling the norms, are to be supplied with hot food every other day. On the day when they are not entitled to hot food, they are issued 450 grams of bread, salt and hot water." (D.Kh.G. I, 25. Italics mine--V.Ch.)

The same dietary regime is provided by the Resolution of the Presidium of the USSR Supreme Soviet of July 26, 1966, for persons undergoing administrative arrest for hooliganism.

9. Besides the punishment cell and punitive solitary confinement, glaringly inadequate nourishment is also received by prisoners temporarily transferred to a regime of reduced rations. Here is a

description of this regime according to document No.3 of the Helsinki group (DKhG 1, 28), drawn up on the basis of interviews with former political prisoners:

The "reduced nutrition ration" (Vladimir prison): 450 grams of black bread, improperly baked, damp, sour, heavy and, in addition:

for breakfast: 60 grams of sprats or sardelle, often completely rotten, inedible;

for lunch: about half a liter of fatless watery cabbage soup or fatless watery soup (in the cabbage soup, besides rotten stinking cabbage swim a few pieces of potato, often black; in the soup there is as much potato and a bit of barley or oatmeal);

for dinner: about a glassful of watery gruel (oatmeal, barley or millet, boiled in water).

The total amount of fat (or vegetable oil?) according to some reports is 3-4 grams per day; according to other reports 5-6 grams per day (the fat is mixed into the food).

Many political prisoners claim that the hunger accompanying the "reduced nutrition regime," taking into account its duration -- one month -- is no less agonizing than in the punishment cell or the punitive solitary confinement if one spends there 10-15 days.

According to the Corrective-labor legislation, the duration of confinement in a cell-type facility -- PKT, in a single-occupant cell in a special regime camp, as well as on a "strict regime" in prison, can last from 2 to 6 months.

The "reduced nutrition regime" is not sanctioned by the Corrective-labor legislation. However, this regime is invariably assigned for the first month of "strict regime" in the Vladimir prison. Obviously, this is provided by the internal orders of the Ministry of Internal Affairs of the USSR.

10. There are many reports of beating of prisoners in prisons and camps. There are no grounds for considering such beatings the result of a centralized state policy, but the impossibility of public monitoring of the places of detention, approved by the authorities, represents an important factor impeding the struggle against such occurrences.

11. Prisoners who go on hunger strike are subjected to inhuman and cruel treatment. According to instructions, on the 12th day following the beginning of the hunger strike, forced feeding is resorted to, whereupon, according to numerous testimonies, the prison guard and medical staff administering the forced feeding in many instances manifest extreme cruelty, causing suffering. (7-8,9)

12. During the last years there has been an increased number of reports of assaults and beatings of persons objectionable to the regime organized by KGB and militia under the guise of "hooligan attacks" in their pursuit of political dissenters. Often enough these "hooligan attacks" are launched quite openly and the offenders do not try to conceal the fact that they act on behalf of the authorities. Sometimes the true nature of a "hooligan" attack becomes clearer from the fact that the authorities take every measure to prevent the investigation of such an attack. (7-10)

Although it is impossible to document these facts, the abundance of testimonies about them must be taken into account. 70-year old Dmitrii Sergeevich Likhachev, a leading Soviet specialist on literature, was badly beaten (a rib was broken) on his apartment landing in Leningrad by an unknown person. This happened in the fall of 1975. In May 1976, some unknown persons tried to set fire to his apartment. No investigation of either incident was instituted "because of the absence of clues." Concerning D.S. Likhachev, it is known that he had refused to sign the letter of members of the Academy against A.D. Sakharov and had repeatedly come out with statements in defense of monuments of Russian culture that were being destroyed (CCE 41).

From the appeal by A.D. Sakharov to the world community,
January 18, 1977:

"... during the past year under conditions that give rise to suspicion at least five persons have perished. There is Biblenko, who belonged to the branch of the baptist community that was being persecuted by the authorities; the unemployed lawyer Evgenii Brunov, who lost his life a few hours after visiting me; the Lithuanian engineer Tamonis, who was being pursued by the KGB; the teacher of a kindergarten, the active Lithuanian Catholic Lukshaite; the well-known poet and translator Konstantin Bogatyrev, once an inmate of Stalinist camps, who had irritated the authorities by his free consorting and friendship with foreigners. It is significant that in all these cases we know nothing about any investigation and search for the culprits. To explain these incidents as the acts of common criminals is, in my opinion, impossible.*

13. There exist numerous testimonies both by former patients and doctors-psychiatrists concerning the cruel and degrading treatment of patients in psychiatric hospitals. Very often, in psychiatric hospitals as low-level medical personnel are employed prisoners from the criminal element, which, as the record shows, increases the risk of patients' being subjected to cruel treatment. The compulsory medical treatment of patients in the psychiatric hospitals can often be categorized as the carrying out of medical experiments on the patients without their consent. The patient does not even have the right to complain against the acts of the doctors and the hospital personnel, since any complaint can be pronounced a symptom of the patient's state of delirium.

* Anxiety and Hope, Khronika Press, 1978, pp.62-63

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labor.
(b) Paragraph 3(a) shall not be held to preclude, in countries where imprisonment with hard labor may be imposed as a punishment for a crime, the performance of hard labor in pursuance of a sentence to such punishment by a competent court;
(c) For the purpose of this paragraph the term "forced or compulsory labor" shall not include:
 - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community.
 - (iv) Any work or service which forms part of normal civil obligations.

Freedom from Slavery

1. In the Slavery Convention (signed in Geneva on September 25, 1926), by slavery is understood "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." If by this is understood the powers inherent in the right of ownership of a private person, then, it would seem, slavery in this sense is not encountered in the Soviet Union. If by these powers in the given definition one can understand the powers of the

state or cooperative organization, then one ought to note at least two institutions that exist in the Soviet Union, analogous to slavery in the sense that in relation to persons there are exercised certain powers attaching to the right of ownership.

2. Members of agricultural associations in the Soviet Union (collective farms) do not have the right of free exit from the collective farm. They may leave the collective farm only with the consent of the management of the collective farm, while nothing compels the management of the collective farm to grant its consent. The collective farmer has access to no procedure for vindicating his right to leave the collective farm; on the contrary, the existing system of passport control and registration restricts the right of the collective farmer to change his place of residence and get a job at another place.

According to the Statute of collective farms of the USSR,* the exit of a collective farmer from the collective farm may be sanctioned at his request:

Art.7. The request of a collective farmer to leave the collective farm must be examined by the management and the general meeting of members of the collective farm no later than within the 3-month period following the date of submission of the request.

A case is known of denial of exit from the collective farm to five families of the collective farm "Rossiya" (hamlet Il'inka of the Kazanks village soviet of the Talovsk district of Voronezh region) connected with the fact that these families wanted to emigrate to Israel.

*SP SSSR 1969. No.26, Art.150

The meeting of representatives of the collective farm adopted a decision to reject the request of these families to leave the collective farm. The procuracy, in response to a complaint by the interested person, informed them that the organs of the procuracy saw no grounds for intervening. Thereby, the collective farmers whose request to leave the collective farm met with refusal received no state protection in order that their request be complied with.

3. To take even a temporary job at some enterprise, the collective farmer requires a document confirming the consent of the management of the collective farm that he do so (resolution of the USSR Council of Ministers "On the Regularization of Leaves of Absence to Collective Farmers for Seasonal Occupations," Izvestiya, August 21, 1973.

Compulsory or Forced Labor

4. Art.60 of the Soviet Constitution establishes that for each ablebodied citizen of the USSR conscientious work in his chosen, socially useful occupation is a duty. Criminal punishment is prescribed for avoidance of socially useful work. It is not clear whether this constitutional obligation to work falls within the concept of compulsory or forced labor in the sense of Art.8 of the Covenant. As is indicated in para.3 (para.IV) of that article, this concept does not comprise "any work or service which forms part of normal civil obligations." It is not clear whether "normal civil obligations" extend to the constitutional duty to work in general or what is at stake here is some particular work or service which enters into normal civil obligations.

5. In addition to the aforementioned constitutionally compulsory work in the Soviet Union, compulsory labor, as was indicated earlier, is practiced in the collective farms since there is no provision for

the free right to leave the collective farm.

In 1975, the question of observance by the Soviet Union of the Convention on the prohibition of compulsory labor (ILO No.29) was studied by a commission of the International Labor Organization which found that the Soviet Union was violating this convention on three counts: 1. the existence of laws sanctioning "the enlistment of certain categories of persons for work"; 2. obligations in relation to agricultural production; and 3. termination of membership in collective farms. At the 59th International Conference on labor held in Geneva in 1975, the report of this committee was not adopted by vote. Inquiries, however, have been continued.

6. From time to time, local or national volunteer workdays (subbotniki) are staged in the Soviet Union, involving the use of free labor of persons attending these occasions. There are no laws obligating persons to show up for these volunteer workdays, but the authorities surround these projects with such an atmosphere that it can be considered as the creation of psychic coercion to attend these volunteer workdays. Although in practice non-attendance at such volunteer workdays may incur repressions at one's place of employment, the law does not provide for such repressions.

7. From time to time, workers and employees of city institutions, as well as students, are dispatched to help with agricultural work. Corresponding government resolutions are cited in justification. For example, the resolution of the CC CPSU and USSR Council of Ministers "On Measures Concerning Completion of the Harvest and Procurement of Agricultural Products in 1973" (Izvestiya, May 5, 1973)

foresees the possibility of enlisting for harvest-gathering work the population of towns, workers' settlements and rural populated centers. Although we know of no measures of coercion sanctioned by government acts to enforce participation in such agricultural projects, nevertheless many testimonies confirm that persons who do not want to take part in such works are subjected to strong pressure from the administration of the employing or residential institutions and from their colleagues. In this connection, it is significant that the Soviet Union ratified in 1956 the convention concerning forced labor (ILO 1930), where in particular, it is stated:

"The competent authority shall only authorize recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supply and always under the condition that the food or produce shall remain the property of the individuals or the community producing it." (Art.19, para.1).

As far as is known, the town-dwellers enlisted for agricultural works in the USSR do not have the right of ownership of the agricultural goods produced with their participation.

Repressions at the place of employment for refusal to take part in these agricultural works are in principle illegal, as was once confirmed by decision of the RSFSR Supreme Court.

8. There are numerous reports that school-children in Central Asia are forcibly enlisted for agricultural work on cotton plantations.

A. Sakharov has written: "All the schoolchildren in Uzbekistan must spend several months each year on cotton plantations instead of at their studies and are almost all sick from inhaling herbicides" (CHR 8). This practice was subjected to severe criticism by the

Soviet jurist V.S. Orlov (in the book "The Juvenile and Crime", MGU, 1969). He noted that one of the violations of the law concerning universal education is the "dispatch of students in the autumn months to agricultural work and especially the harvesting of cotton." Despite the strictest bans -- continues Orlov -- this is still practiced in the Central Asian republics and in the Azerbaidzhan SSR. As a result, school-children are taken away from their studies for long periods, miss a whole quarter every year, the curriculum is rushed through, sometimes whole sections of it are dropped."

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

1. The USSR Constitution guarantees the inviolability of the person of citizens of the USSR (Art.54). "No one may be arrested except by a court decision or on the warrant of a procurator."

Criminal-procedural law regulates the procedure for arrest, detention and presentation of the accusation.

2. Paras. 3 and 4 of ART.9 of the Covenant contain a guarantee analogous to the writ of habeas corpus. Nothing comparable to this institution exists in the Soviet Union. The question of arrest is decided by the procurator or the court, but the arrested person is not brought before "a judge or other officer authorized by law to exercise judicial power" in order to determine whether the arrest is justified.

3. Concerning compensation in connection with unlawful arrest or detention under guard, see the commentary to Art.2.

4. What has been said above concerns arrest or detention effected by organs of the police, procuracy or judiciary or by organs of state security in accordance with criminal-procedural law. No one but the procurator or the court can in the Soviet Union issue a lawful order of arrest. However, detention may be effected not only by these bodies, but also by persons responsible for mounting guard on especially guarded institutions or especially guarded property. The law contains no special guarantees related to such detention.

5. The so-called people's militia (druzhiny), i.e., volunteer public organizations assisting with the maintenance of order, are vested with the power to detain private persons in order to deliver them to the police or the headquarters of the people's militia (the sojourn of the detained person in the headquarters of the people's militia may not last longer than one hour). There are indications that members of the party who hold responsible posts even in local party organizations are automatically supplied with identity cards of people's militiamen and, consequently, possess the right to detain private persons.

6. Deprivation of freedom in case of compulsory hospitalization in psychiatric hospitals takes place in the USSR not on the basis of procedure established by law, but on the basis of instructions approved by the Ministry of Internal Affairs jointly with the Ministry of Public Health. Neither the person so hospitalized,

nor his kin can avail themselves of any viable procedure for contesting such hospitalization.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and status.

1. The norms on separate facilities for adult and juvenile accused, as well as on separate facilities for convicted and accused persons, are featured in the regulation on preliminary confinement under guard (approved by the Edict of Oct.6,1969, Art.8).* The same regulation establishes a regime for custody of arrested accused persons under guard that differs, generally speaking, from the regime for custody of prisoners. It is provided (Art.15) that in the even of punishment for violation of the regime of preliminary stint under guard "is barred resort to measures aimed at causing the persons kept under guard physical suffering or degrading human dignity."

Right to Humane Treatment and Respect For the
Dignity of the Persons Deprived of Liberty

2. Para.2 Art.10 seems to be the sole international obligation of the Soviet Union regarding the nature of the treatment accorded

*Regulation on preliminary confinement under guard, 1969.

prisoners. The Soviet Union does not consider itself bound by the rules set forth in the United Nations document "Minimal Standard Rules of Treatment of Prisoners." Soviet penitentiary legislation and even more so practice fall far short of satisfying these standard international rules. As concerns humane treatment and respect for human dignity, it is advisable here to draw attention at least to the following.

3. Cruel treatment of prisoners was discussed in the commentary to Art.7.

4. Numerous testimonies, describing in the main the position of political prisoners, evince the extremely low level of medical care in places of detention in the USSR. (10-1,7)

5. The possibility of release from punishment on grounds of poor state of health is envisaged by the law and cases are known when that possibility was granted. (10-8,9)

In many cases, as far as is known with respect to political prisoners, gravely ill persons continue to remain in confinement. The case of the death in the camp of the gravely ill political prisoner Yurii Galanskov is widely known. In January 1980, the 84-year old head of the Adventist Church in the USSR, Vladimir Shelkov, died in confinement.

6. No religious services are, as a rule, available in the places of detention in the USSR. The regulation "On religious associations"* sanctions the performance of religious rites in places of detention at the request of dying or gravely ill persons.

* "On Religious Associations."

Article 11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Inasmuch as this article has in mind something analogous to the institution of debtor's prisons, there are no grounds for criticizing the Soviet Union on this count.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Freedom of Movement

1. In discussing freedom of movement and freedom of choice of place of residence, I assume that, by persons lawfully located on the territory of the Soviet Union, one logically means citizens of the USSR located on that territory, foreigners and stateless persons born on that territory or granted permission for permanent or temporary sojourn on the territory of the USSR. This reservation is important in that the laws do not spell out these issues.

2. This concept does not include among the people lawfully located on the territory of the state those who found themselves on their territory as a result of an error, as a result of force majeure or as a result of the actions of other persons who acted against his will -- formally para.1 Art.12 of the Covenant does not apply to these people.

The law (Art.83 CC RSFSR) provides for the special arrival in the USSR of foreign citizens without "the prescribed passport or permission" to the end of exercising the right of asylum -- such persons do not incur punishment for illegal entry into the USSR. However, the law does not say if their sojourn in the USSR is legal prior to the grant of asylum and, hence, it is not clear if they fall under the guarantees of Para.1 Art.12 (this reservation of the article of the Criminal code does not extend to stateless persons).

3. Soviet laws do not guarantee the liberty of movement of citizens of the USSR.

4. According to the Regulation on the Defense of the State Frontier of the USSR (Art.10), entry into the area of the border zone by persons who are not permanent residents of this zone is forbidden without special permission. The border zone consists of a strip of territory 2 kms in width running along the frontier, and in some instances larger expanses of territory near the frontier.

5. Under the law, vagrancy is punishable for a term of up to two years of deprivation of freedom and, in cases where the same persons was previously convicted of vagrancy or begging, for a term of up to four years (Art.209 CC RSFSR). Although this does not follow from the law, nevertheless according to the commentary, vagrancy figures as recurrent moves from one populated center to another coupled with avoidance of socially useful work. The same commentary indicates that moves from one locale to another of persons occupied at socially useful work do not represent vagrancy.

6. In practice, the liberty of movement is violated only with respect to certain categories of citizens of the USSR.

The members of the movement in defense of rights have on a number of occasions been subjected to restrictions of the liberty of movement, mainly -- with the aim of preventing consorting between the activists of the capitals and those of the provinces. (12-1,2)

The Crimean Tartars have repeatedly been detained and returned to their place of residence in the course of attempts to come to Moscow with the object of discussing with state functionaries the resettlement of their people in Crimea. (12-3)

There have been reports that the authorities hinder the movement of gypsies: in 1970 the cashiers of Aeroflot received instructions not to sell tickets to gypsies (CCE 16).

There have been reports that in recent years the authorities restrict visits to large and well-supplied towns by residents of the countryside, not by administrative means but by cutting back on transportation service during non-working days, in order to deprive residents of the countryside of the opportunity to purchase goods and products that are not delivered to the countryside.

7. Foreigners and stateless persons are subjected to special restrictions on liberty of movement that are not based on the law. No rules are published anywhere concerning the movement of foreigners and stateless persons on the territory of the USSR; nevertheless, according to Art.197-1 CC RSFSR, the violation of these rules entails criminal liability going as high as deprivation of freedom for one year, if the person was twice subjected to administrative

punishment for the same violation. These restrictions apply both to foreigners and stateless persons permanently residing in the USSR and those temporarily located in the USSR.

Freedom of Choice of Place of Residence

8. Pursuant to Art.9 FCL, citizens may in accordance with the law choose their place of residence, which means that in the USSR freedom of choice of place of residence is recognized by law since no legal limitations apply to it.

9. This freedom is completely absent in practice, since the choice of place of residence is contingent on obtaining registry, i.e., the permission of the police to reside in a particular locale. The institution of registry is not based on law, and the rules of registry are not published in full anywhere. The Council of Ministers issued a resolution "On Certain Rules of Registry," which let people figure out in what situations citizens can obtain registry with the least difficulties.*

Residence without registry is criminally punished with deprivation of freedom for up to one year, if the person has twice before been subjected to administrative punishment.

10. We have already noted (see commentary to Art.1) that Crimean Tartars and Georgian Meskhi are subjected to special restrictions of the right of choice of place of residence when they attempt to settle on the territories historically belonging to them.

* "On Certain Rules of Registry of Citizens" (published text, including sections not published in the USSR), Papers on Soviet Law, ed. L.Lipson, V.Chalidze, Number I.

According to the reports of the Moscow Helsinki group (DKhG, 2,27), in the nine years since the issuance of the Edict on the lifting of the groundless accusations from the Crimean Tartar people, "only 5,000 Crimean Tartars (less than 1% of the people) have been able to legalize their residence in Crimea. The majority of them have lived through an extended period of all sorts of persecutions and discriminations. At the present time, about 2,000 Crimean Tartars, among them families with several children, live in the Crimea under constant threat of expulsion and prosecution "for violation of the passport rules," i.e., for lack of registry which the authorities unlawfully deny them."

The restrictions connected with registry extend even to children.

The children of Crimean Tartars from families which are trying to obtain registry in the Crimea addressed in 1974 a complaint to the UN Secretary-General, Kurt Waldheim, to the effect that in attending school they factually end up as auditors: they are not entered in the class records, have no opportunity to participate in the regular educational process. (Signed by 26 Crimean Tartar students. CHR-12)

A document of the district office of public education is available relating to admission to school of children of Crimean Tartars:

October 7, 1973

To the Director of the Chernopol Middle School

From the report of the inspector of the Belogorod ROVD,* first lieutenant Yasko, it has been learned that you admitted to school Ibraimova Dilyar, born in 1963, and Ibraimov Umer, born in 1959, who do not have registry in the village of Kursk. Request that you furnish a written explanation on the matter for submission to the chairman of the district executive committee, comrade Krovets.

(Signed) -- Inspector of the Belogorod District
Office of Public Education

* ROVD -- district office of internal affairs

11. In practice special restrictions of the right of choice of place of residence are applied to those who, without sufficiently weighty family or job reasons, try to settle in large towns or resort spots.

12. Legal restrictions of the freedom of choice of place of residence include in the USSR, besides deprivation of freedom, exile and banishment applied by the courts as a form of criminal punishment.

Administrative banishment, formerly practiced in the USSR, at present is not sanctioned by law. The recent case of banishment of Andrei Sakharov to the town of Gorkii amounts to an unlawful act of the authorities, even if on this subject there was issued a special act of the government or Presidium of the Supreme Soviet (which is not known), since under Soviet law banishment rates as a criminal punishment (Art.21 of the Fundamentals of Criminal Legislation) and, according to the same law, "criminal punishment is applied only by sentence of a court." The fact that in the Soviet press the measure applied to Sakharov is called not exile, but banishment, does not affect what has been said since banishment by definition of the law consists of prohibition to reside in designated locations with retention of the freedom of movement in other locations; the measure applied to Sakharov, on the other hand, constitutes exile in that he is forbidden to leave the town of Gorkii.* Besides, banishment itself figures as a criminal punishment by virtue of the Fundamentals of Criminal Legislation and the same arguments apply to it as those voiced with respect to exile.

* I mention here only the fact of Sakharov's banishment to the town of Gorkii, but one must remember that he is being subjected to much greater restrictions of his rights than those which are usually applied to exiles (see CHR nos.37,38).

13. Foreigners and stateless persons must, according to the law, possess freedom of choice of place of residence, since for Soviet citizens this freedom is guaranteed by Art.9 FCL and, in conformity with Arts.122 and 123 FCL only by law can there be established restrictions on the legal capacity of foreigners and stateless persons residing in the USSR in comparison with the legal capacity of Soviet citizens. No such law exists, but in practice foreigners and stateless persons are required to reside only in locales indicated by the authorities.

14. Special restrictions of the freedom of choice of place of residence exists for former political prisoners and prisoners who had committed grave crimes. For such persons, a regime of administrative surveillance sanctioned by legislation is often set.

The imposition of such a regime practically constitutes administrative punishment supplementary to what has been assigned by sentence of the court, with the location of the place of residence being picked by the Ministry of Internal Affairs. The aforesaid persons, even after serving the term of administrative surveillance or not subjected to administrative surveillance, experience restrictions of the freedom of choice of place of residence since special restrictions of registry apply to them (ban against residence in large towns).

There are reports of the existence of a secret edict of the Presidium of the Supreme Soviet of the Lithuanian SSR of January 21, 1956, whereby certain categories of Lithuanians are forever banned from residing in Lithuania: members of the former bourgeois government, leaders of the nationalist movement, active participants in this movement, persons who during confinement conducted themselves

"in an undesirable manner." As reported by Andrei Sakharov, this edict is applied to many Lithuanians who are thus deprived of the right to live in their country (statement by Sakharov of September 1, 1974. CHR 11).

We know of a verdict in criminal case No.1-189/75 by the people's court of the Lenin district of the town of Kaunas in Lithuania concerning Povilas Pechulaitis accused of violating the passport regime in which it is expressly stated:

The defendant P.Pechulaitis, not authorized to live in the Lithuanian SSR, since March 1973 resided without registry in the town of Kaunas.

The defendant was sentenced to one year of deprivation of freedom (CHR-18).

Freedom to Leave the Country

15. No law in the USSR features this freedom. Over the last ten years, the problem of free departure from the Soviet Union has won widespread international attention and this may be considered the reason why the Soviet Union, contrary to its usual practice, permitted the departure abroad of a large number of citizens of designated categories: in the span of this period, many Jews, Germans, Armenians, and some political dissidents and cultural figures were able to leave the Soviet Union. However, as hitherto the problem of freedom to leave the Soviet Union is far from being resolved.

16. In order to leave the country, a Soviet citizen must go through exhausting formalities and pay a rather substantial tax to receive a visa. The handling of petitions for emigration takes an unduly long time -- on the average of 2-4 months, and often even

much more. Grant of permission may be denied without furnishing any reasons whatever. No viable procedure for contesting the decision is available.

17. The submission of petitions for emigration is rendered difficult by having to go through certain formalities, such as obtaining the consent of parents or documents from the place of work on the absence of property claims.

For those wishing to emigrate, obtaining the document from the place of work in practice entails great risk of losing the job, without being sure that permission to emigrate is forthcoming. Although Soviet officials affirm * that those wishing to emigrate are not subjected to any repressions, including at work, in practice it often happens that the administration at the place of work agrees to furnish the document on the condition that the person wanting to emigrate agree to quit the job. Students are sometimes put in such situations that they are compelled to leave the institution of learning upon submitting the petition for emigration.

Igor Korchnoi was compelled to leave the institution of higher learning on filing a petition to leave to join his father -- Korchnoi, the noted chess-player, who refused to return. Having left the institution of learning, he lost the right to draft deferment: the affair ended with his criminal conviction for draft evasion. (CHR-36).

There are, however, indications that in recent years persons announcing their desire to emigrate are dismissed from the job less frequently than was the case in past years. There are cases of

* Report by the USSR in the Human Rights Committee

reinstatement in the job on order of the court of individuals dismissed by the administration after filing a petition to emigrate.

18. The requirement to submit the parents' consent to the emigration of adult persons desiring to emigrate runs counter to Soviet laws. This is attested to by the fact that the notaries refuse to certify signatures on such documents, citing as grounds that their contents are contrary to the law.

19. A petition to emigrate is, as a rule, accepted only in the event that the Soviet citizen has an invitation from relatives abroad. In recent years, rejections of petitions to emigrate on grounds that the degree of kinship with those who sent the invitation was too distant have become more frequent.

Usually, in emigration cases the authorities prefer not to furnish written answers. Here is one of the rare documents on the subject (reply from the Vladimir executive committee to Viktor Neikpelov, dated April 10, 1979):

I have been instructed by the competent organs to inform you that your petition to emigrate for permanent residence in the state of Israel and exit from the citizenship of the USSR cannot be approved, for reasons that your relatives residing in the state of Israel are not members of your family and exit from the citizenship of the USSR runs counter to the state interests of the USSR.

Chief of the Administration of Internal Affairs of
the Vladimir Executive Committee -- A.F. Petrov

20. Emigration from the Soviet Union is virtually impossible for those citizens who want to be reunited with members of their family who fled the Soviet Union or refused to return to the Soviet Union.

21. Frequently, difficulties attend the emigration of persons who entered into marriage with foreigners. (12-4)

22. It is impossible to estimate the number of persons who would want to emigrate from the Soviet Union if the Soviet Union would recognize freedom of emigration. Possibly, the number would turn out to be smaller than one might expect today. However, there is no reason to doubt that a certain number of citizens would want to emigrate out of political, national, economic or professional considerations, or in order to assure themselves broader creative freedom. It is known that certain groups of faithful already now have announced their desire to emigrate from the Soviet Union in order to assure themselves religious freedom. (12-5)

23. Persons attempting to cross the Soviet frontier without permission of authorities incur criminal prosecution which can ensue in punishment of deprivation of freedom for a term of up to three years, unless the authorities invest the act with attributes of treason to the Motherland. In cases where the authorities conclude that the attempt to leave the Soviet Union is committed out of political motives, as well as in cases where Soviet citizens refuse to return from abroad to the USSR, criminal responsibility usually hinges on charges of treason to the Motherland (Art.64 CC RSFSR, prescribing punishment as high as death by the firing squad). (12-6) With respect to citizens who refused to return to the Soviet Union, criminal cases are tried and sometimes verdicts are rendered in absentia.

24. Stateless persons residing in the USSR and seeking to emigrate abroad represent a special category. Many experience difficulties in this connection. (12-7)

Restrictions

25. Except for certain aforementioned legal restrictions of freedom of movement, freedom of choice of place of residence and freedom to leave the country, all restrictions of these rights in the Soviet Union are not sanctioned by law and therefore cannot be considered as based on para.3 Art.12 of the Covenant even in those cases where they fulfill other criteria listed in that section. So, for instance, restriction of the freedom of choice of place of residence based on the requirement that the abode not be overcrowded can quite validly be based on health norms and can correspond to para.3 Art 12 of the Covenant; such a norm functions in the Soviet Union in practice, but is not sanctioned by law.

Similarly, some restrictions connected with departure abroad may be established in the case where a person had access to secret work connected with the defense of state security; denial of permission to emigrate is very often based on such allegations, but they are not sanctioned by any Soviet law and in no published act is it said how long such a restriction can stay in effect. (12-8)

26. From what has been said it is clear that the Soviet Union's references to the restrictions stemming from sec.3 Art.13 cannot be considered sound until such restrictions are set by published law.

This comment is not a purely formal attempt to rebut even lawful references by the Soviet Union to the circumstances specified in sec.3. The formulation of sec.3 expressly indicates that the designated rights cannot be the object of any restrictions except those which are prescribed by law and satisfy particular criteria, with the clear understanding that under law must be meant nothing other than what amounts to law under the terms of the Constitution, i.e., an act adopted by the USSR Supreme Soviet which by law must be published.* A different interpretation of sec.3 opens the door to every sort of arbitrary restriction of these paramount rights.

What has been said in this section is very important as concerns other articles of the Covenant containing indications of possible limitations of rights (articles 12, 22)

Entry Into One's Own Country

27. The formulation of section 4 is not quite clear, since no definition is provided of the concept "arbitrary deprivation" of a right and because it is not very clear what counts as "one's own country."** One must consider as arbitrary, in any event, the deprivation of a right in all cases where it is done not on the basis of the law and when the interested person is not granted

* O poriadke opublikovania i vstuplenia v silu zakonov SSSR, Sbornik Zakonov SSSR, II, Moscow 1968

** Here I proceed on the premise that loss of citizenship of the state does not preclude that the respective state remain "his own country" for the former citizen.

access to a viable procedure for contesting the decision. No Soviet law envisages the deprivation of the right of entry into the Soviet Union of those who are entitled to consider it their own country. There is no viable procedure for contesting the decision of the authorities in these cases.

28. From the practice of recent years, instances are known of denial of permission to return to the Soviet Union to persons who previously emigrated.

The deprivation of Jews emigrating to Israel and subsequently wishing to return to the USSR of the right to such return must be considered arbitrary, since the Soviet Union offered no reasons to justify deprivation of this right even somehow similar to those enumerated in sec.3 Art.12, as well as no other meaningful grounds (sec.3 Art.12 relates to rights mentioned in secs.1 and 2; arbitrary deprivation of the right of entry into one's own country is featured in sec.4, without any explanation of what is meant by arbitrary deprivation of a right).

In 1973, the press agency TASS published an article by Losev with an explanation of the position of the Soviet Union on this question. The author of the article simply stated that the Soviet Union does not intend to authorize the return of those who did not want to live in the USSR, since these people received clear and timely warning that they might find themselves in a difficult position if they leave the Soviet Union.

Given any reasonable interpretation of the concept "arbitrary deprivation of a right," the stated motives must be recognized as arbitrary by the fact alone that in the instant case reference is to the deprivation of a right of an entire group without individual

examination, effected on grounds that may be applied to anyone who left the Soviet Union and, hence, attest to the refusal of the Soviet Union to recognize the right of the individual to return to his own country.

29. Certain people were practically deprived of the right to return to their own country by being deprived of Soviet citizenship. A number of cases are known where dissidents were deprived of citizenship through the device of special edicts of the Presidium of the Supreme Soviet; in the case of Aleksandr Solzhenitsyn, that entailed forcible expulsion from the country.

30. A person residing in the Soviet Union and deprived of Soviet citizenship by law retains the possibility to reside in the Soviet Union.* The law says nothing concerning the right of entry into the USSR of persons deprived of Soviet citizenship, and this right is protected only by sec.4 Art.12 of the Covenant. Instances where persons deprived of Soviet citizenship and located abroad sought the right to enter the Soviet Union are not known in practice.

* Article 5 of Ukaz of the Presidium of the USSR Supreme Soviet of June 15, 1979, VVS SSSR, 1979, No.25, Art.436:

"A person deprived of the citizenship of the USSR in accordance with Art.18 of the Law may be expelled outside the confines of the USSR."

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and have his case reviewed by, and be presented for that purpose before, the competent authority or a person or persons especially designated by the competent authority.

All cases of expulsion of foreigners who were lawfully on the territory of the USSR must be considered violations of Art.13 of the Covenant in that such decisions were not rendered in accordance with the law for lack of any such law: nowhere in the law is anything said about the possibility of expelling a foreigner. No viable procedure exists which a foreigner might resort to in order to discuss the issues of his expulsion. As practice shows, the foreigner being expelled does not, as a rule, have the opportunity to be represented for purposes of presenting arguments against his expulsion before persons competent to review the decision.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democracy society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offense for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

1. Civil and criminal proceedings in the Soviet Union are regulated by the Fundamentals of civil procedure and Fundamentals of criminal procedure, as well as by republican civil-procedural and criminal-procedural codes. The parties to a civil case and the defendant in a criminal case are guaranteed specific rights in some respects broader than the guarantees of Art.14 of the Covenant. However, here we will look at the rules of procedure only insofar as they coincide with or deviate from Art.14 of the Covenant.

2. The Constitution of the USSR affirms that "Justice is administered in the USSR on the principle of the equality of citizens before the law and the court." (Art.156)

According to the Constitution, the judges and people's assessors are independent and subject only to the law (Art.155). The independence and impartiality of judges in the USSR may be put in doubt in any event for the reason that practically all judges are members of the Communist Party and thus, according to the Statute of the CPSU,

- 88 -

are obliged "to wage a determined struggle against all manifestations of bourgeois ideology, vestiges of private ownership psychology, religious prejudices and other survivals of the past, observe the principle of communist morality..." Furthermore, they are expected to "struggle against vestiges of nationalism" and "counter any actions inflicting damage to the party." These duties of a judge, as a member of the CPSU, do not coincide with his duties as a judge under the law and exclude impartiality in what concerns the implementation of the party duties. It is quite evident that this absence of impartiality affects at any rate the hearing of cases involving political and religious charges.

3. The Fundamentals of legislation on court organization in the USSR sanction the early termination of the mandate of judges and people's assessors through recall by the electors or the organ which elected them, which even formally casts doubt on the factual independence of the judges.

4. As distinct from the Constitution which affirms the independence of judges and their subordination only to the law, the Fundamentals of criminal procedure and the Fundamentals of civil procedure provide that judges and people's assessors decide criminal and civil cases on the basis of the law in accordance with socialist legal consciousness, which may be viewed as the legislator's acquiescence in political partisanship in hearing court cases.

5. The Constitution and the laws provide for the publicity of trials, with the exception of cases where this runs counter to the

- 89 -

interests of protecting state secrets, in addition to which the court may issue a motivated ruling for holding a closed trial in order not to divulge information on the intimate aspects of the life of the parties to the case, in cases involving crimes committed by persons under 16 years of age, in cases involving sex crimes, as well as in other cases.

By law, judgements in civil cases and sentences in criminal cases are in every instance pronounced publicly.

6. Practice offers many examples of how the publicity of the court is violated in hearing cases involving political charges, despite the fact that the proceedings are formally considered open. Often even relatives manage to gain attendance to the trial only with great difficulty. (14-1) The usual reasons advanced by the authorities in not letting the friends and relatives of the defendant into the courtroom are allegations that the court-room is filled with people who in such instances are described as representatives of the community. Sometimes these representatives of the community are delivered to the court-room in advance, sometimes they are admitted with special passes before the eyes of the public. (No law or published act provides for the issuance of special passes to attend open court proceedings.)

One of the technical devices for violating publicity is by staging the hearing of a political case in the smallest room assigned to court sessions.

7. In those cases where publicity of court proceedings is in practice violated without announcement of a closed session, the sentence in the case is pronounced with no less violation of publicity than the conduct of the court session itself.

8. According to the Constitution (Art.160), "No one may be adjudged guilty of a crime and subjected to punishment as a criminal except by the sentence of a court and in conformity with the law." The Fundamentals of criminal procedure repeat this variant of the formula of presumption of innocence which, as can be seen from its contents, does not include the right of the accused, envisaged by Art.14 of the Covenant, to be considered innocent until his guilt is proved in accordance with the law. It must be emphasized that this divergence in the wording of the Covenant and Soviet laws is not purely formal, in that the right to be considered innocent and, moreover, such a right that the person can defend using effective procedures is something broader than a guarantee that the person cannot be proclaimed guilty except pursuant to a designated procedure. The non-recognition of the designated right by the Soviet legislator has influenced many formulations of Soviet procedural law, but a discussion of this here would require too extended an analysis. It is important, however, to note that, by comparison with the era that preceded the reforms of legislation in the fifties, one can say that Soviet court procedures have drawn substantially closer to respect for the presumption of innocence.

9. The Constitution of the USSR guarantees the aid of an interpreter for familiarizing oneself with the materials of the case

and participating in court activities to those persons who do not handle the language in which court activities are conducted.

10. With the exception of special cases, the possibility of communicating with a defense counsel in the Soviet Union is granted to the accused in custody only after the completion of the preliminary investigation before court proceedings begin. Such a modus operandi must be considered contrary to sec.3 Art.14 of the Covenant since the latter guarantees the right to communicate with a defense counsel when examining the criminal accusation that has been presented; under the terms of the law, the accusation is presented in the Soviet Union no later than two days after the decree is rendered to prosecute the person as the accused, or in the case of a compulsory appearance on the day of the compulsory appearance. (Art.148 CCP RSFSR)

Permission to associate with defense counsel only after the end of preliminary investigation (except for certain special cases) means for the accused in custody total impossibility to organize his defense using all the guarantees of the law; if this accused is insufficiently familiar with the law, it means that the accused is practically in the power of the investigator as concerns information on how he should behave himself during the course of preliminary investigation, which can last for nine months and sometimes even longer. During this time, the accused may be repeatedly interrupted by the investigator, subjected to examination and participation in other investigative activities.

From the moment when the accused is allowed to associate with defense counsel, after the completion of preliminary investigation

AD-A093 577

DEPARTMENT OF STATE WASHINGTON DC OFFICE OF EXTERNAL--ETC F/G 5/4
THE OBSERVANCE OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS BY--ETC(U)
1980 V CHALIDZE

UNCLASSIFIED

FAR-3013

NL

2 OF 3
REF ID: A677

The table area is almost entirely obscured by a dense grid of blacked-out cells. Only a few small, empty rectangular cells are visible, notably one in the top-left corner of the grid and another in the bottom-right corner. The rest of the grid is solid black, preventing any text or data from being read.

he is usually given enough time to study the materials of the case and prepare his defense.

11. Soviet law guarantees the right to defense counsel and envisions instances where participation by defense counsel is mandatory. (Art.48 CCP RSFSR guarantees that defense counsel is engaged by the accused, his legal representatives, as well as other persons upon the commission or with the consent of the accused. The investigator and the court have the right to assign a defense counsel for the accused through the college of advocates in those cases where the participation of the defense counsel chosen by the accused is impossible for a long period of time. These guarantees of Soviet law are not equivalent to the right of the person envisaged in Art.14 of the Covenant to defend himself by means of a defense counsel personally chosen by himself.

12. In practice, the accused in custody does not, as a rule, have the opportunity to choose the defense counsel and the choice is exercised by his relatives.* He may, however, refuse the defense counsel offered him and demand another. However, his actions in choosing a defense counsel are substantially restricted by the impossibility of consulting with the person whom he has entrusted to contract with the defense counsel since the question of permitting a meeting is decided by the investigator and very often the investigators deny the accused in custody a meeting and even correspondence.

* For a theoretical inquiry into the possibility of participation by a foreign attorney in a Soviet court, see the article by V.Chalidze, CHR No.29

In the case of Reshat Dzhemilev, the senior investigator of the procuracy of the city of Tashkent, counsellor of justice Mustafaev, on July 11, 1979, refused to approve the request of the accused that he be allowed a meeting with his wife in order to make arrangement on the matter of choice of advocate for the case. In the resolution concerning refusal to approve the petition, it is stated:

"In connection with the requirements of Art.42 CCP Uzbek SSR, the right of choice of advocate belongs to the accused and his wife. Dzhemileva R. Has been notified of the necessity of choosing an advocate for husband's case, a meeting between them may result in a leak of information regarding the criminal case..." (See 14-2)

13. The right of the defendant to choose defense counsel is substantially restricted by the system of admittance or clearance of defense counsel to especially important criminal cases and political cases. As far as we can tell, such admittances are equated with admittance to secret proceedings, although the laws furnish no information on the subject. The chairman of the Moscow college of advocates pinned the following resolution to the statement by the mother of defendant Vladimir Bukovskii in which she requested that the advocate Kaminskaya be earmarked to take part in the case of her son. The resolution declared: "I cannot earmark advocate Kaminskaya because she does not have an admittance to secret proceedings. K. Apraksin, November 24, 1971."

As far as one can tell, such admittances are granted to advocates who, in the opinion of the authorities, will not display a courage displeasing to the authorities in the defense of those prosecuted for political reasons; in this connection, an advocate who did not fulfill these expectations of the authorities may be deprived of admittance as happened with the Moscow advocates D. Kaminskaya,

Yu. Pozdneev, M. Romm and others after they disappointed the political trust of the authorities in their activity on behalf of the defense of the defendants in political trials.

In the statement of Soviet activists of the movement in defense of rights Tatyana Velikanova, Aleksandr Lavut and Yurii Orlov, "On the Right to Defense," it is said:

... In our country, the consent of the advocate to assume the defense of the accused is invalid without approval of the College of Advocates in the form of a writ to conduct the case. With the help of an unpublicized system of "admittances" which is not sanctioned by law, a certain segment of advocates is deprived of authorization to engage in "special cases." According to our information, about 90% of the members of the Moscow city college of advocates figure among the "unlicensed." The latter include all those lawyers who would be at least potentially capable (and ready) to fulfill their professional duty toward the defendant, whoever he may be. The list of persons "admitted" to "special cases" is approved by the presidium of the College of Advocates, but you must understand that one hardly needs to talk of the independence of the College as a professional organization (in this matter).

Furthermore, in case of the need to travel to another town on defense business (travels which are paid for by the client), the advocate is also obliged to obtain the permission of the presidium of the College.

Three or four years ago, the presidium of the Moscow City College of Advocates adopted a decision not officially recorded anywhere forbidding business trips to other towns for "special cases."

14. The defendant in a Soviet criminal trial has the right to cross-examine witnesses and the right to be the first to ask questions of a witness summoned at his request.

15. The defendant in a Soviet criminal trial has the right to request that a witness be summoned. The court may approve or deny these requests, which means that the defendant does not have the right to summon a witness as envisaged in Art.14 of the Covenant. As can be judged from the record of political trials, the court, as a rule, denies the defendant the summons of witnesses requested by him. (14-3)

16. In addition to the courts enumerated in the Constitution (Art.151), in the Soviet Union there function so-called special courts for civil and criminal cases designed to hear cases connected with the activity of secret institutions and persons employed there, as well as operating on so-called regime territories, i.e., territories where are deployed secret institutions. (There is no written information about criminal cases in special courts. See (14-4) about a civil case.) Such courts are serviced by special colleges of advocates. Their sessions are not public and the existence of such courts is nowhere mentioned in the law. The persons sentenced by such courts apparently end up in special places of confinement of which nothing is known.

17. Soviet law forbids the use of unlawful means to compel the defendant to give evidence. However, the investigator has the opportunity of exerting psychological pressure on the accused, since the law counts as an attenuating circumstance assistance by the accused in the investigation of the case and the repentance of the accused.

18. The procedural norms applying to juveniles in the Soviet Union are such that they can be deemed to fulfill the desiderata of Sec.4 Art.14 of the Covenant.

19. As a rule, a person sentenced by the court of first instance has the right to file a cassational appeal. The hearing of the case in the court of cassation does not represent a re-hearing of the case, but pursues the object of verifying the legality of the initial trial. If the court of cassation finds that sentence was pronounced in violation of the law, the case may be remanded for a new trial. This procedure does not apply to cases which were heard by the supreme courts of the union republics or the Supreme Court of the USSR as a court of first instance (these courts have the right to assert jurisdiction as a court of first instance over any case before the lower courts; ordinarily, the more important cases end up being heard in the supreme courts). This means that in Soviet court procedure procedural discrimination is practiced by virtue of the importance of a criminal case since the defendants whose cases are heard by the supreme courts as court of first instance are put into a worse position as regards appeal of sentence than other defendants.

20. On compensation for damage caused by the acts of the organs of investigation and inquiry, see the commentary to Art.2.

21. According to the law (CCP RSFSR Art.5 Sec.9), a criminal case may not be initiated, and if initiated shall be subject to

termination... "with respect to a person concerning whom under the same accusation there is a judgment of a court, or a ruling or decree of a court to terminate the case." Prosecution may be reinstated within certain deadlines by protest of the procurator or in connection with the availability of newly discovered circumstances.

Article 15

1. No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offense was committed. If, subsequent to the commission of the offense, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

1. According to Soviet law (Art.6 Fundamentals of Criminal Legislation), the criminality and punishability of an act is determined by the law prevailing at the time of the commission of that act. A law eliminating the punishability of an act or reducing the punishment has retroactive force, i.e., extends also to acts committed before its promulgation. A law establishing the punishability of an act or increasing the punishment does not have retroactive force.

This norm of Soviet law practically corresponds to Art.15 of the Covenant. (15-1)

2. In the period from the 1920's to the end of the forties, mass convictions for acts not envisaged by law as crimes were not only sanctioned by law, but were also reinforced by Soviet legal doctrine through the possibility of application of the principle of analogy. The reform of legislation at the close of the fifties eliminated the principle of analogy from Soviet law, and it looked as though the supreme courts intended seriously to struggle against use of the

principle of analogy in judicial practice. However, in 1963, the Plenum of the RSFSR Supreme Court issued a resolution (resolution on radio-hooliganism) which relied on the principle of analogy. According to this resolution, "a deliberate act consisting of the staging of radio transmissions marked by expressions of obvious disrespect for society, motivated by mischief, grossly violating public order or disrupting radiobroadcasts and official radio-communications" must be qualified under the article on hooliganism if these acts do not fall under another article of the Criminal code. Resort to the principle of analogy on this occasion is that much more obvious given the fact that the Supreme Court did not identify the designated acts as hooliganism, indicating only that they must be qualified under the article on hooliganism. There is no information that the effects of this resolution have been suspended after the entry of the Covenant into force. The given episode is a direct illustration of a situation where in practice acts that are not envisaged by law as punishable, but do not suit the authorities, are rendered criminally punishable.

3. Lending retroactive force to a law establishing a more severe punishment is contrary to the aforecited Soviet law. The incidents of conviction in 1961 of Rokotov and Faibishenko, mentioned earlier, date from the period preceding the entry of the Covenant into force. No information is available concerning similar occurrences in recent years.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

1. No matter what the violation of human rights in the USSR in individual instances, status as a person before the law is, as a rule, recognized in the Soviet Union. Minimal evidence of this is the right of every one to address oneself for recognition or protection of one's rights to state institutions.

2. An important problem is the common confusion in practice of the concepts of legal personality and capacity. The administration and doctors of psychiatric hospitals, proceeding from the presumption of non-recognition of the capacity of their patients (which also is often far from being justified *), in practice in many cases do not recognize their legal personality which has as a consequence, in particular, that any bid by the patient to insist on his legal personality and seek to insist on the recognition of his rights and defend these rights is assessed by the administration of the psychiatric hospitals as the result of a state of delirium.

* Deprivation of capacity is the prerogative of the court and far from every patient in a psychiatric hospital has undergone this procedure.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

1. Art.55 of the Constitution of the USSR guarantees the citizens of the USSR inviolability of the home. "No one may, without lawful grounds, enter a home against the will of those residing in it." In practice, it is considered that the representatives of such agencies as the police, fire marshal's and health inspector's office, have lawful grounds without additional formalities to intrude into a citizen's home.

In particular, legislation provides that the police have the right "to enter residential quarters... in pursuit of individuals suspected of committing a crime, and also for purposes of preventing a crime or violation threatening public order or the personal safety of citizens; to enter residential quarters, as a rule, during daytime to verify the observance of passport rules given reliable reports of their violation..." (edict of the Presidium of the USSR Supreme Soviet "On the Principal Duties and Rights of the Soviet Police in Safeguarding Public Order and Combatting Crime," VVS SSSR, No.24, 1973).

Violation of the inviolability of the home, including illegal search, is punished by deprivation of freedom for a term of up to one year (Art.136 CC RSFSR).

2. Intrusion into a home, connected with the performance of acts prescribed by criminal procedure (arrest, execution of search), is regulated by law: an arrest may be effected only with the sanction of the procurator or by order of a court; the seizure of specific objects and documents, by order of an investigator; search only with the sanction of the procurator. The procedure for seizure or search is regulated by law which requires the presence of witnesses.

3. Reports that have recently become more frequent of secret searches conducted by organs of state security in the homes of political dissidents are worthy of notice, although they do not lend themselves to documentary verification. (17-1)

4. According to the Constitution of the USSR (Art.56), the privacy of citizens and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

Violation of the privacy of the correspondence of citizens is criminally punished by up to six months of corrective labor (Art.135 CC RSFSR).

5. Criminal-procedural law provides for the seizure of postal-telegraphic correspondence only with the sanction of the procurator or by order and resolution of the court.

6. The existence of systematic censorship of postal correspondence sent or received from abroad is confirmed by numerous testimonies of loss of letters the contents of which might not suit the authorities.

Direct and indirect evidence of interference by the authorities with postal communication is plentiful.*

* Zh. Medvedev devoted his book "Secrecy of Correspondence is Guaranteed by Law" to researching this question.

In April 1975, during the hunger strike in Moscow by the well-known Jewish activist Vladimir Slepak, approximately four thousand telegrams were addressed to him as reported by American Jewish activists, but he did not receive a single one. (DKhG 1, p.14).

The well-known activist of the Soviet movement in defense of rights Valentin Turchin, now in the USA, was chairman of the Soviet branch of "Amnesty International" organized in Moscow. According to his reports, the Soviet authorities "a few months after the admission of the group into the organization "Amnesty International" completely stopped in the beginning of 1975 legging through materials and letters sent from London." (DKhG 1, p.14). And further: "Private letters are frequently intercepted by the authorities. Postcard are more often let through. Only scientific journals arrive regularly. Other journals and books vanish, as a rule. The director of the American Federation of Scientists Jeremy Stone, sent me in November 1975 his book on the problems of disarmament. The book vanished. In the local office of communications I was assured that they never received it. On the other hand, a dictionary mailed by the same Stone was safely delivered to me at home. The authorities thus engage in selection by quite obvious indicia. But books and journals in demand on the internal market also very often disappear. Our American friends entered a subscription for my son to the journal National Geographic for 1975. During all that time, only one issue arrived. The journal apparently tempted the censors by its beautiful photographs. The Swedish mathematician Lars Elden sent me in the summer of 1975 a historical novel about Swedish Vikings (Variags) in Russia. The book never arrived."

Here is the testimony of L. Alekseeva, Member of the Moscow Helsinki Watch Group, before the US Congressional Committee on Security and Cooperation in Europe during the first session of hearings on June 3rd, 1977. (Published by US Government Office "Hearings", Vol.4, p.36)

At first, we typed 35 copies of each document. We had no other way of reproducing materials. We sent these copies by registered mail, return receipt requested, one copy to Leonid Brezhnev's chancellery and the other copies to the appropriate embassies in Moscow. We followed this procedure for our first six documents. But we received only six return receipts -- all from Brezhnev's chancellery. The other 224 envelopes never reached their addresses. So we stopped using the Soviet post for sending mail to the embassies and started

investigating the possibility of passing on our materials through persons with access to the ambassadors of the Helsinki Conference states. We succeeded in transmitting our documents to the Governments of the United States, Great Britain, Canada, and the Federal Republic of Germany. We did not send them by mail, but our method of transmittal violated no Soviet law.

7. Instances are known where postal notification relating to correspondence confiscated by Soviet censorship is returned to the sender with a falsified signature of the addressee. One of these falsified notifications of delivery is published in the bulletin "Free Trade Union News" of April 1978: this notification accompanied a letter from the leadership of American Labor Unions inviting the Soviet defender of rights Anatolii Marchenko to come to the USA. In his letter of December 1, 1977, Marchenko informed the American Labor Union that he had not received that letter. The signature of the recipient on the notification was made by an unknown hand.

Another example: a notification was sent with a letter to the well-known defender of rights Kronid Lyubarskii to the town of Tarus. On the notice of receipt it is written that the letter was delivered to Lyubarskii on November 23, 1977, personally. Yet, on October 14, 1977, Lyubarskii had left the USSR. (CHR-29)

8. Despite the norms of the Universal Postal Convention on the responsibility of postal institutions for lost correspondence, Soviet courts have in known instances refused to recognize the right to receive compensation for loss of foreign correspondence (the suit by the brothers Goldshtain was dismissed; we know of the difficulties experienced by Evgenii Pashnin in his bid to obtain court hearing of a case for compensation; DKhG 5, p.6).

In the case instituted by Ida Nudel against the international post-office for payment of damages -or lost letters, the Sokolniki district people's court of the city of Moscow handed down a decision dismissing the suit. In the decision of the court, it is said, in particular: "In the given... case the plaintiff in no way proved that her letters are lost"; yet, according to the Universal Postal Convention, the burden of search for correspondence lies with the postal administration, whenever the interested person has filed a claim for search for letters sent. (Case No.2-1556, CHR-22). The Moscow city court left this decision of the Sokolniki district court in force.

9. With respect to the correspondence of prisoners there exists a censorship recognized by law. The principles governing the activity of this censorship and its goals are not known from published acts. One can judge the broad powers of this censorship from the following case, in particular. The well-known activist of the movement in defense of rights, Ida Nudel, sent the prisoner Slinin a valuable letter containing slides. This letter was not delivered to the prisoner. The commander of the camp (inst. YaE0308/26) Kolesnikov, to the complaint by Ida Nudel sent in that connection responded, in particular: "The designated slides were not delivered to Slinin because they are manufactured abroad and do not serve the interests of reeducation, in the union publishing house such slides are not sold."

10. There have been instances where postal departments have refused to accept telegrams. In the document of the Moscow Helsinki Group No.30 it is reported:

...one of the practicing Pentacostal Christians of the town of Nakhodka of the Primorsk territory (Perchatkin) reported that on December 20, 1977, in the post-office he sought to send a telegram to President Carter with the following message:

We wish you a Merry Christmas. Thanks be to God, there is peace on earth, goodwill in men... We wish you health and success in your efforts in defense of Human Rights. We ask you and the whole American people to pray on Christmas Day for those who do not have freedom of religious faith.

Church of Pentacostal Christians of the
Town of Nakhodka

On December 21, Perchatkin was summoned to the post-office and an individual who identified himself as a postal employee returned him the money and declared that the telegram cannot be accepted because it slanders the Soviet order.

11. The law contains no prohibitions regarding the installation of bugging devices designed to eavesdrop in the home. There is evidence that the organs of security install bugging devices with the aim of eavesdropping in the homes of political dissidents and religious activists. (17-3)

12. Although privacy of telephone communication is guaranteed by the Soviet Constitution, Art.73 of the Statute of Communications of the USSR * forbids, in particular, "the use of telephone communication (intercity, city and village) for purposes contrary to state interests and public order." In no government acts is anything said about the possibility of listening in on telephone conversations,

* Statute of Communications of the USSR...

but it is quite obvious that control over the enforcement of Art.73 of the Statute of Communications must include the possibility of listening in on telephone conversations. The numerous testimonies by political dissidents that their telephones are tapped do not lend themselves to direct verification, but the systematic disconnecting of telephones of political dissidents amounts to indirect confirmation of that. (17-4)

The Moscow Helsinki group in Document No.2 described the practice of application of this norm of the Statute of Communications in the following terms: "After a few conversations by telephone with foreign subscribers, during which any information is transmitted that does not correspond to the official version (for example, information on prisoners of conscience, on the persecution of dissidents, texts of statements in defense of the persecuted, information from abroad on the reaction of the western community to this or that political event in the USSR) -- the telephone is disconnected even without warning.

Usually, the telephone is disconnected for half a year, and then is reconnected with a warning not to use it hereafter for conversations with foreign countries, but cases are not uncommon where the telephone is disconnected for good and the number is assigned to another subscriber." (DKhG 1, 11).

13. The possibility of defending honor and reputation is envisaged in the Soviet Union by medium of Art.7 FCL allowing recourse to civil court to demand refutation of slanderous remarks, the article

of the criminal law on slander (Art.130 CC RSFSR), on deliberately false denunciation (Art.180 CC RSFSR) and on deliberately false testimony in court, during investigation and inquiry (Art.181 CC RSFSR) and the article on insult (Art.131 CC RSFSR).

Resort to criminal proceedings to institute action under the above articles of the criminal code is, however, restricted by the fact that the authorities must give their consent to that step -- this substantially curtails the possibility of defense from slander and insult emanating from state and party organizations and officials.

Article 18 *

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

1. The Constitution of the USSR (Art.52) guarantees to the citizens of the USSR "freedom of conscience, i.e., the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda."

Obstructing performance of religious rites, insofar as they do not violate public order and are not accompanied by infringement of the rights of citizens, is criminally punished with up to six months of corrective labor (Art.143 CC RSFSR).

2. The effect of the constitutional guarantee of freedom to profess any religion and conduct religious worship is substantially limited by the legislation on religious associations** and secret institutions by which are guided the state organs controlling religious activity.

* Examples to this article are arranged by subject.

** Resolution of the All-Union CEC and CPC of April 8, 1929, as amended by the Edicts of the Presidium of the RSFSR Supreme Soviet of June 23, 1975. The legislation of the Union Republics in essence repeats the provisions of the RSFSR legislation.

3. According to the Resolution on religious associations, the celebration of religious rites is permitted only given the existence of a religious association of faithful or group of faithful which are subject to mandatory registration on the decision of the Council for religious affairs of the USSR Council of Ministers on the recommendation of local organs. Religious associations or groups may begin their functions only after adoption of the decision on registration. The adoption of the decision hangs on the discretion of the Council on religious affairs of the USSR Council of Ministers, as well as the findings of local organs.

4. In practice, instances of refusal of registration of religious associations are frequent. (18-1)

Unregistered religious associations and groups of faithful are subjected to persecution in cases where they celebrate religious rites. This applies both to associations and groups which refuse to register and to those which the authorities refuse to register. Persecution takes administrative forms (fines), and the organizers and leaders of stagings of religious ceremonies are punished under the article of the Criminal Code on the violation of laws on separation of church and state and of church and school (Art.142 CC RSFSR).

5. The Resolution on religious associations envisages that the registering organs are vested with the right to exclude individual persons from the membership line-up of the executive organ of the religious association or group of faithful.

6. The Resolution on religious associations does not bracket the registration of a religious association with the availability of a prayer-house, but in practice denials of registration are sometimes alibied by the absence of a prayer-hall, thereby putting the faithful in a hopeless situation since according to sec.45 of the Regulation on religious associations the construction of new prayer-houses is licensed only at the request of religious associations with the approval of the Council on religious affairs of the USSR Council of Ministers on the recommendation of the local authorities. Registration of religious associations is often refused by the authorities on the grounds that in the given locale there are no functioning prayer-houses, despite the availability of temples previously closed by the authorities, and meantime they refuse both to open the old and build a new temple.

7. The rights of religious associations are singularly restricted compared to the rights of other voluntary associations of citizens authorized by the authorities, such as: artistic unions, scientific-technical societies, voluntary societies, etc. Religious associations do not have the status of juridical person while the other aforementioned associations of citizens are entitled to have the status of juridical person. Each religious society or group of faithful may use only one prayer-house (Regulation, sec.10), while the other aforementioned societies of citizens are not limited in the number of facilities they can use for their special purposes.

The general meeting of religious societies and groups of faithful other than prayer-meetings take place with the permission of the

executive committee of the district city soviet of workers' deputies (Regulation sec.12), which constitutes a discriminatory violation of the right of freedom of association toward members of religious societies.

Religious societies and groups of faithful may convene religious congresses and conferences only with the permission in each individual case of the Council on religious affairs of the USSR Council of Ministers (sec.20).

8. In certain cases legislation curtails the right of religious associations despite the existing prescriptions on religion, even when these prescriptions do not violate the rights of other persons, which indeed is the reason for the denial of registration. Apart from prohibiting the propagation of their faith, sec.17 of the Regulation forbids religious associations to offer material assistance to their members.

9. Discriminatory with respect to the faithful is the ban against staging women's prayer meetings (Regulation sec.17-c), despite the constitutional guarantee of equality irrespective of gender.

10. Some limitations of the rights of religious associations transcend the bounds of common sense, even if one takes into account the hostility of state ideology toward religion. Thus, according to sec.17 of the Regulation "in prayer-houses and quarters can only be stored books required for the conduct of the given rites"; the celebration of religious rites by priests at the homes of the faithful can be conducted only at the request of dying or gravely ill persons, and even in these cases practice attests to systematic obstruction wages by the authorities.

In the "Chronicle of the Lithuanian Catholic Church" fasc.10, 11 are featured statements by priests on that score.

The commentator on the Criminal code of the RSFSR, speaking of possible acts punishable under the article on violation of the laws on separation of church and state, mentions collective signing of religious psalms in railroad cars.

11. According to the Regulation and the Resolution on religious associations, the closing of houses of worship is effected by decision of the Council of Religious Affairs of the USSR Council of Ministers on the recommendation of the local authorities, if these buildings are needed for state or public purposes. The desires of the faithful are not taken into account in this connection (sec.36).

12. A substantial violation of the freedom of conscience is the norm of the Resolution on religious associations (sec.3), according to which religious associations may comprise citizens of only the same faith, religious confession, trend or rationale.

13. Atheistic propaganda is part of the propaganda systematically waged by the state. In many instances, atheistic measures may be perceived as compulsion belittling the liberty of the person to have or adopt a religion or conviction on his own choice: numerous examples are recorded of how the faithful are subjected to atheistic pressure at their place of work or study, including threats of dismissal or expulsion from the institution of learning.

Shyaulai. On April 1, 1978, the headmaster of the school, Sneshkus, told the father of the student of the 9th grade Dalia Yudikavichyute that "religion will close for Dalia the path to the institute" and that the KGB is interested in her.

Zhemaichyu (Kalvari district). The headmaster of the school Shatikene summons students from the class and interrogates them: who forces them to attend church? sing in the choir? are they paid for this? (CCE-49).

14. Sec.3 Art.18 of the Covenant envisages limitations of the freedom to manifest one's religion which Soviet authorities have long and widely employed in order to curtail the right of the faithful, interpreting these limitations in an extraordinarily broad manner.

For instance, in the case of Bitszel, a religious procession in the woods was recognized as a violation of public order ("Social Problems," No.9, 1971).

The authorities raise obstacles to pilgrimage. Cases are known when places of pilgrimage were closed, on the stated ground that the congregation of many sick people there led to the spread of infectious diseases. *

In order to justify trials of religious activists to the public, the authorities often resort to accusing religious activists of swindling the public, amoral behavior, drunkenness, etc. The well-known Soviet Buddhist scholar and leader of a Buddhist religious group, Bidiya Dandaron -- an individual thoroughly respected among experts in Buddhism -- was subjected in the local press to accusations of drunkenness, and the prosecution attempted to prove preaching of a cult of violence and even human sacrifice which was not proved in court but created an appropriate atmosphere around the trial.

* "Handbook of the Atheist," Moscow, 1971.

(Bidiya Dandaron in 1972 was sentenced in Ulan-Ude to five years of deprivation of freedom under Arts.227, part 1 and 147, sec.4 CC RSFSR. In 1974 Dandaron died in the camp.)

15. One should keep in mind that in the course of the struggle of the Soviet state against religion much is done that is in no way reflected in the published legislation or directly violates the norms of legislation. For example, in the 1918 edict on separation of church and state that has never been repealed, it is provided that "every indication of the religious affiliation or non-affiliation of citizens is eliminated from all official acts." Yet, there are many reports that in the Soviet Union lists of faithful are drawn up. A specimen is known of a document with instructions to draw up such a list in the institution (CHR-8):

16/XI/73

To the Secretary of the Party Organization.....
To the Chairman of the Factory-Workshop and
Local Committee

For purposes of control over the observance of legislation on religions, we request that you submit lists of faithful working in your enterprise. In the lists, as of December 1,1973, should be indicated: last name, surname, patronimic (in full), date of birth, specialty, affiliation with what religion, how he commits violation of the legislation on religions.

It must also be indicated what changes took place in 1973 in the composition of workers who profess a religion. Concerning possible changes in 1974 on the above question, we request that you inform us extra.

The lists should be submitted no later than December 10,1973, to the chairman of the commission of the district executive committee on observance of legislation on religious worship.

Secretary of the executive committee on
religious worship of the October district of
the city of Kharkov -- (Kashina)

On April 18, 1977, the representative of the Council on religious affairs of the Council of Ministers of the Georgian SSR visited the catholic church in Tbilisi. He entered the sacristy and, without saying a word, took from the table and carried off with him the register, the roster of young people taking communion and some sort of religious book. (CCF-47.).

16. The right to freedom of conscience and religion doubtless includes the right to religious research, study of religion, the elaboration of new religious theories and systems. There are many indications that the Soviet authorities hinder such activity.

The Constitution contains a guarantee of the right to enjoy cultural benefits which is supposed to be ensured, inter alia, by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections (Art.46). Yet books devoted to religion, with the exception of those with an atheistic bent, are, as a rule, not issued to readers in public libraries. This limitation extends even to the Bible.

The publication of religious books is extremely limited in the Soviet Union. As regards, in particular, the Orthodox Church -- the largest church in the Soviet Union -- there are numerous testimonies indicating that the faithful experience in acute shortage of such literature since the church issues it very rarely and in very limited editions. Neither the faithful, nor other interested persons are able to follow the inner life of the church, since the only religious journal -- the Journal of the Moscow Patriarchate -- is issued in a very limited edition and cannot be freely subscribed to in the Soviet Union.

The faithful who attempt with their own resources to organize the publication of religious literature are subjected to criminal prosecution.

17. For the study of religion in the Soviet Union, there exists a very few religious institutions of learning for persons who have chosen the priesthood as their vocation. Private individuals attempting collectively to study religion and discuss religious theory are often subjected to persecution.

Freedom of Parents to Ensure the Religious
and Moral Education of Their Children

18. According to Art.18 of the Fundamentals of legislation on marriage and the family, "the parents must educate their children in the spirit of the moral code of the builders of communism..." This requirement of the Soviet law runs counter to the right of parents, envisaged in Art.18 of the Covenant, to ensure the religious and moral education of their children in conformity with their own convictions. Long before the ratification of the Covenant, the Soviet Union ratified the convention against discrimination in education (UNESCO 1960) containing an analogous norm on freedom of education (Art.5), but neither since the time of ratification of the convention, nor since the time of ratification of the Covenant and its entry into force, has the Soviet Union initiated any measures to ensure such freedom of the parents. On the contrary, the norms of Soviet law on education in accordance with the moral code of the

builders of communism entered into force in 1968, i.e., six years after the Convention had entered into force for the USSR.

19. The Fundamentals of legislation on marriage and the family provide that parents or one of them may be deprived of parental rights if they avoid the performance of duties envisaged by the law. From practice, cases are known of deprivation of parental rights in connection with attempts at religious education of the children.

We know of the reply by the procurator's office of the Perm region to the complaint by the baptist woman Radygina in connection with the fact that she was deprived by court of parental rights: "In accordance with Art.52 of the Code on marriage and the family of the RSFSR parents must educate their children in the spirit of the moral code of a builder of communism... The materials of the case show that you, being a member of a sect, also involved in the sect your minor children -- Tamara, Aleksandr and Vasilii... Under these circumstances, the people's court came to the correct conclusion that you, misusing parental rights, are educating your children improperly and have a bad influence on them, and therefore justly deprived you of parental rights with respect to the three children. Chief of the department of supervision, senior counsellor of justice Budrin, July 6, 1973."

20. Concurrently with deprivation of parental rights of faithful trying to educate their children in the spirit of their religion, there have been cases of deprivation of parental rights of those who decided to emigrate to Israel, in order to shield the children from the parent's moral influence that did not suit the authorities. In 1973, the Lenin district people's court of the city of Moscow deprived of parental rights Aleksandr Temkin with respect to his daughter Marina in a suit by his wife Maya Raiskaya (civil case No.2-18 22 Lenin district court of the city of Moscow; the documents have been published: CHR 2). Another case of this type: the decision

of the people's court of the Petrograd district of the city of Leningrad on deprivation of parental rights of Solomon Draizner with respect to his daughter Ilona (CHR 3).

21. One must also consider as a violation of the freedom of parents to ensure the religious and moral education of their children the categorical ban against priests conducting religious educational talks with children, despite the parents' consent thereto. Cases are known where priests have been subjected to criminal punishment for conducting such talks under the article of the Criminal code on violation of laws on separation of church and state and of school and church.

22. The teaching staff of institutions of learning undergoes control with the object of uncovering the faithful among the teachers and isolating them from the students.

As reported by the newspaper "Tur-menskaya iskra" (January 12, 1973), during the trial of the leader of the sect of pentecostals, Iosif Fastovets, the court issued a special directive in view of the fact that, as was disclosed at the trial, Nataliya Muradova -- a school teacher -- turned out to be a member of the sect of pentecostals. The newspaper carried no details on the further fate of Muradova, but, as far as we can tell, it is highly unlikely that she was allowed to teach in the school after such a special directive of the court. The author of the article writes: "Can Muradova teach in school? Will not her influence on the children be as pernicious as her mother's example once was on her? That is why the court found it necessary to issue a special directive in her case." (CHR 10).

23. With the object of not allowing the religious education of children, despite their parents' wishes, the authorities organize polls among children in schools concerning their attitude toward religion and in the event of discovery of faithful among the students

subject them to occasionally very rough psychological pressure with a view to their anti-religious education. Their parents are subjected to similar pressure.

In the "Chronicle of the Lithuanian Catholic Church" No.6 there is published a questionnaire which had to be filled out by the students of the schools of the town of Prienai in 1973. Below are published the questions from this questionnaire:

(1) For what do you appreciate a person? -- For diligence, candor, fairness, courtesy, collectivism, appearance, erudition, talent, religious belief?

(2) How do you assess adults who attend church? (positively, negatively, no assessment).

(3) How do you assess students who attend church? (positively, negatively, no assessment).

(4) Do you agree with the opinion of faithful that prayer and faith enoble man? (agree, do not agree, don't know).

(5) Some parents send their children to church, how do you feel about the conduct of such parents? (positively, negatively, no assessment).

(6) In school it is asserted that prayer and belief in god is contrary to science. What is your opinion? (agree, agree in part, don't agree).

(7) Are church holidays observed in your family? (yes, no, sometimes).

(8) Are there icons in your apartment, in your house? (yes, no).

(9) Is it the custom in your family to make the sign of the cross before and after a meal? (yes, no).

(10) Do you pray in your family? (yes, no, sometimes).

(11) On Christmas Eve do you have Christmas wafers at home (yes, no.)

(12) Does the priest visit you? (yes, no).

- (13) Do you believe in god, angels, the devil?(yes, no, sometimes).
- (14) When was the last time you were in church? (5,4,3, 2, 1 year ago, recently).
- (15) Did you take part in the First Sacrament? (yes, no).
- (16) Who prepared you for the First Sacrament? To confirmation? (relatives, autnts, church servitors, priest).
- (17) Do you like conversations on atheistic subjects and atheistic books? (yes, no, the question has not yet arisen).
- (18) The church preaches love of the parents and not to do evil. That is why it does no harm? (agree, don't agree, don't know).
- (19) The laws of nature are immutable, that is why there can be no miracles? (agree, don't agree, don't know).
- (20) Do your parents believe? (believers, non-believers, they doubt).
- (21) Why do you go to church? (out of conviction, at the urging of the parents, because it is interesting).

As reported by the "Chronicle of the Lithuanian catholic church," after filling out the questionnaire, dictated in class by the teacher, the students had to sign it and hand it to the teacher."

In the letter of Lithuanian students and their parents to the Ministry of Education of the Lithuanian SSR (signed by 14,284 people), it is said:

"Religious students are often ridiculed, they are criticized for religious practice, caricatures of them decorate the wall-papers. Students are stripped of medallions and crosses. Sometimes the teachers even march believing students out of the church, for example, at funerals.

Religious students are forced to speak and write against their convictions, to draw anti-religious caricatures. Those who refuse to dissemble receive grades of two or one.

The teachers force religious students to join atheistic organizations and circles, that is why many are compelled to dissemble. Some teachers use lessons for atheistic propagaanda. Atheism in school and out of school is also preached by fraud. For example, "miracles" are staged, nastily ridiculing and consciously distorting the catholic faith. Sometimes a grade for good conduct is lowered to "satisfactory" only because the student attends church. In the letters of reference entries are made about the religious students'

convictions and this makes it difficult for them to enter high school. Frequently students are forced to answer queries in questionnaires concerning their religious convictions. We do not understand the reason for this forcible intrusion into the realm of conscience. Some of the students, not wishing to display their convictions, dissemble in answering these question. Who gains by this?" (March 1973).

The subject of exposing religious students features in the resolution of the Tiraspol city executive committee of the Moldavian SSR of September 6, 1978, "On measures for strengthening control over observance of legislation on religious worship in the town of Tiraspol." "4. City Department of People's Education ... mobilize the teaching collective of the schools for the timely exposure of faithful among the students and students of practicing families, implement effective individual work with them and their parents..." (CHR 35.)

In 1976, in Lithuania 7 students of the upper grades were expelled from school after repeated summons to the police and the KGB where, in particular, they were questioned about whether they went to church and listened to broadcasts of the radiostation "Vatican." The real reason for their expulsion from school was never stated: the Minister of Education of the Lithuanian SSR, A.Rimkus, told the activists of the Moscow and Lithuanian Helsinki groups L.Alekseeva and T.Ventslova, that "the boys were expelled for conduct unworthy of a Soviet student. But he could not explain what specific acts of misbehavior were committed by each of them." (Document of the Helsinki Group No.15, DKhG 2, 67.).

Article 19*

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print. In the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

The Right to Hold Opinions Without Interference

1. Soviet official figures have repeatedly asserted that the state does not interfere in the freedom of the individual to hold opinions as long as these opinions are not expressed by him.

* A. Volpin has drawn attention to the substantial inadequacy of the Russian translation of this article of the Covenant compared with the English.

In Sec.1 Art.19, the Russian "to hold his own opinions" does not match the English "hold opinion."

In Sec.2 Art.19, the Russian "right to free expression of his opinion" does not match "freedom of expression."

The latter discrepancy is especially significant since as a result the norm of the Covenant does not contain confirmation of the freedom to express anyone's opinion, which is especially important for the activity of writers, preachers, journalists.

As A. Volpin has noted, inaccuracies of translation occur also in other articles of the Covenant, but I will not digress here to analyze these.

However, even this assertion is not quite true. Even those people who hold opinions that are unorthodox -- from the point of view of Soviet ideology -- but do not care to express them, in the conditions of Soviet life are more or less systematically subjected to attempts by the state to control their opinions. In significant measure this concerns students who must pass examinations on ideological subjects, such as the history of the Communist Party, scientific atheism, scientific communism, Marxist philosophy. In the course of these examinations, following repeated directives from the authorities, the instructor seeks to elucidate not only the totality of the student's knowledge of the subject, but also the extent to which his convictions conform to the prescribed ideology.

2. From time to time, meetings are held at the citizens' place of work at which voting takes place in support of various political measures instigated by the authorities. This means that people are put in a position where, even if they do not wish to express their opinion, except that many manage not to attend the meeting or keep silent at the meeting. On the other hand, voting in a way that does not meet the ideological desires of the authorities leads to the individual's being subjected to pressure aimed at trying to change the opinions that he holds, and such pressure may escalate into occupational or other persecution.

Marina Melikyan, a teacher in the department of Russian language for foreigners in Moscow State University, voted against the resolution approving the entry of troops into Czechoslovakia; she was dismissed "at her own request." (1968) (CCE-5)

In the Institute of Electroorganic Compounds (Moscow), assistant Aronov abstained in a vote at a meeting devoted to the Czechoslovak events; he was dismissed from the institute (CCE-7).

Freedom of Expression

3. Despite the constitutional guarantee of freedom of speech and freedom of the press (Art.50), this right is one of those most violated in the Soviet Union. The permissible limitations of this right, envisaged in Sec.3 Art.19 of the Covenant, may in some instances serve as justification for the limitations of this right in the Soviet Union. However, in many cases, the limitations of this right in the Soviet Union go far beyond what is contemplated by the Covenant.

4. Restriction of the freedom of expression in order to respect the rights or reputations of others is envisaged in Soviet law by medium of the article on defense of honor and dignity in civil legislation (Art.7 FCL) and the articles on punishment for slander and knowingly false denunciation (Arts.130 and 180 CC RSFSR).

5. To the restriction, envisaged by law, of the freedom of expression to the end of protecting the health and morals of the population may be assigned the article of the criminal law on punishment for the manufacture and dissemination of pornographic articles (Art.228 CC RSFSR).

6. Similarly, to the restrictions set by the Covenant may be assigned the article of criminal legislation envisaged by criminal law on the divulgation of state secrets...

7. According to the interpretation offered by Soviet official figures, the articles on anti-Soviet propaganda and the dissemination of knowingly false fabrications slandering the Soviet system may also be viewed as corresponding to the restrictions sanctioned by the Covenant. With respect to the article on anti-Soviet propaganda, this may be justified only as regards the element of agitation and propaganda committed with the object of "...committing particular, especially dangerous crimes against the state." The punishments prescribed in Art.7 of the Law on state crimes for agitation and propaganda carried on for purposes of subverting or weakening Soviet authority, cannot be considered restrictions corresponding to the restriction featured in the Covenant for purposes of defense of state security and public order, since what is at stake here is not agitation or propaganda aimed at inflicting injury on state security, but only aimed at weakening or subverting the political system in the country: the right to choose the political system doubtless belongs to the people, and every individual has the right to appeal to the people by medium of agitation or propaganda aimed at drawing the people's attention to the need to change the political system.

8. There is also no good reason to consider the restriction of freedom of expression envisaged in Art.190-1 CC RSFSR, concerning the dissemination of knowingly false fabrications slandering the Soviet system, as based on Sec.3 Art.19 of the Covenant, since reference here, strictly speaking, is to defense of the reputation of the system and not defense of state security and public order or the reputation of individual persons, as provided for by the Covenant.

9. Numerous accounts regarding the practice of application of Articles 70 and 190-1 CC RSFSR, confirmed by personal testimonies, the records of court trials, court documents, show that these articles are used to punish dissidents for expressing their political and unorthodox views or disseminating true information concerning violation of human rights in the USSR. In that connection, as a rule, no attempt is made in court to prove that (under Art.70) what the prosecution deemed agitation or propaganda was indeed carried out for the purpose of weakening or subverting the Soviet authority, or (under Art.190-1) what the prosecution saw as fabrications slandering the Soviet system did constitute knowingly false fabrications as provided for by the wording of the law. The court, as a rule, agrees with the prosecution on that score.

10. In the majority of cases examined by us involving Arts.70 and 190-1, the charges stemmed from the fact that the defendant disseminated information concerning the violation of human rights in the Soviet Union.

On December 9-12, , in Vilnius, in the Supreme Court of the Lithuanian SSR was staged the trial of S.A. Kovalev. S.A.Kovalev was accused under article 70-CC RSFSR. Imputed to him was participation in the Initiative group for the defense of human rights, numerous statements and appeals written in 1969, among them a letter in defense of Grigorenko (1969), on the anniversary of the invasion of Czechoslovakia (1969), in defense of Bukovskii (1971), concerning Krasin and Yakir (1973), the appeal in connection with the expulsion of Solzhenitsyn (1974), the letter to the UN concerning the Crimean Tartars (1974), the letter to the League of Human Rights concerning Bukovskii (1974), and others. It was alleged that Kovalev, when taking part in the press-conference at the home of A.D. Sakharov on "The Day of Political Prisoners" October 30,1974, transmitted abroad materials on Soviet camps which in the conclusion to indict were designed as "slandorous accounts."

Imputed to Kovalev was resumption of the publication of the "Chronicle of Current Events," the collection of materials, drafting, editing and transmitting abroad of issues of the "Chronicle" 28 to 34. The conclusion to indict makes use of the similarity of the materials seized at Kovalev's during a search to the contents of the "Chronicle," the notes by Kovalev on certain documents. The accusation of transmitting the "Chronicle" abroad is based on the statement by S. Kovalev, together with T. Velikanova and T. Khodorovich in May 1974, of their intention to promote the dissemination of the "Chronicle" and also of the fact that issues 28-34 came out in the edition of "Khronika-press" in New York.

To Kovalev was imputed the storage of three issues of "Chronicle of the Lithuanian Catholic Church" and use of their materials in the "Chronicle of Current Events."

S. Kovalev is also accused of disseminating the book by A.I. Solzhenitsyn "The GULAG Archipelago." (CCE-38)

11. In some cases accusation under Arts.70 and 190-1 was based on the fact that the accused had expressed critical opinions concerning the acts of the Soviet authorities and the foreign policy of the USSR.

From October 21 to October 31, 1975, the Supreme Court of the Estonian SSR in Tallin heard the case of Sergei Soldatov, Kalliu Mattik, Matti Kiirend, Artem Yuskevich and Arno Varato on charges of "anti-Soviet agitation and propaganda."

The defendants were accused of composing, reproducing and disseminating more than forty documents, in particular -- "The Program of the Estonian National Front," the journals "Estonian Democrat" and "Estonian National Voice" in the Estonian language, the journals "Democrat" and "Ray of Freedom" in the Russian language, "The Memorandum to the UN General Assembly," "The Letter to the UN Secretary-General, K.Waldheim" (regarding the latter two documents, in the conclusion to indict it is stated: "Seeking the intervention of the UN in the affairs of the USSR... in 1972 took part in the discussion, composition, dissemination and storage for purpose of dissemination of "The Memorandum..." and "The Letter..."), "Tactical Foundations of the Democratic Movement in the USSR," the article "Russian Colonialism in Estonia," "The Chronicle of Current Events," the books by N.Berdyayev "Sources and Essence of Russian Communism," by A. Amalrik "Will the Soviet Union Survive until 1984?", by M.Djilas "The New Class," by A. Solzhenitsyn, "The GULAG Archipelago," the novel by N. Arzhak "Moscow Speaking," the Czechoslovak manifesto of 1968 "Two Thousand Words," (in October 1970 the Kaluga regional court was forced to drop this document from the indictment of R.Pimenov after it was proved in the course of the trial that it had been disseminated in the Soviet Union by official Soviet organizations)... CCE-38.

Vladimir Osipov, editor of the uncensored journal "Veche," was sentenced in September 1975 by the Vladimir regional court under Art.70 CC RSFSR to eight years of confinement in a strict-regime camp. His guilt lay in the allegedly slanderous nature of some of the articles in the journal (concerning drunkenness, the destruction of Old Moscow, the persecution of religion), as well as public pronouncements in defense of political prisoners, in particular V. Bukovsky, the article on his first arrest in 1961, and the welcoming telegram to A. Solzhenitsyn. (CCE-37) Also see (19-1)

12. In Many cases accusation under Arts.70 and 190-1 was leveled in connection with critical statements by the defendants regarding the Communist Party of the Soviet Union, despite the fact that the law, by means of the designated articles, defends only the reputation of the Soviet system and Soviet authority, and not of the Communist Party.

In the sentence under Art.190-1 CC RSFSR pronounced on A. Marchenko in 1969, he was charged with stating (he denied doing so) that "the communists have sucked all his blood out" (CCE-10).

In the case of E. Kuleshov, sentenced in December 1978 by the Rostov regional court under Art.190-1 CC RSFSR, were recognized as criminal his oral statements that the majority of the members of the CPSU entered the ranks of the party for the sake of a career (CCE-53).

13. Many cases are known where a person for expressing his opinion has been subjected to repressions not of a criminal order, including threats, expulsion from an institution of learning, dismissal from the job.

The mathematician, Dr. Valentin Turchin, was dismissed as a result of his exertions in defense of rights activity in the USSR.

The well-known mathematician, corresponding-member of the USSR Academy of Sciences, Igor Shafarevich, in 1975 was removed from lecturing work in the Moscow University as a result of his activity in defense of rights.

In 1975, it was learned of the demotion in rank and reduction of the salary of the Leningrad mathematician and specialist on the patent law of the USA, Ernst Orlovskii. This was prompted by the letter of reference issued by the administration of the institute, where, coupled with a recital of the high professional achievements and minor quotidian defects of Orlovskii, it was said: "Is inclined to praise an ideology alien to our society (Leningrad, All-Union Research Institute on Metrology named after D.I. Mendeleev)".

14. The right to seek, receive and disseminate information is systematically violated in the Soviet Union by virtue of the existence of prior censorship of the press and artistic works. This censorship is not based on the law; the acts regulating the activity of censorship are not published. Study of the fragments of the instructions relied upon by the censors indicate that, besides data that can more or less be fitted into the category of what represents state secrets, there is also forbidden to be published in the open press in the USSR much information on the internal life of the country and society and the international activity of the USSR.

Subjects Banned from Publication in the Open Press
and for Radio- and Television Broadcasts (Excerpts)

The following are banned from publication in the open press or inclusion in radio- or television broadcasts without the authorization of the KGB or the competent Ministry or administrative organ in charge of that question:

Itineraries of trips, stops, locales where speeches are delivered, stops en route of members and candidate members of the Politburo.

Information concerning organs of Soviet censorship disclosing the character, organization and methods of its work.

The activity of organs of state security and intelligence, including investigation of treason to the Motherland, espionage activities, terrorist acts, diversion, anti-Soviet agitation and propaganda, mass disturbances, membership in anti-Soviet organizations, illegal departure abroad; information about incidents of such crimes.

The activity of anti-Soviet emigre organizations.

(Note (to the above): On the designated subjects one can write only with the permission of the KGB.)*

Information on the size of the operative staff of organs of the MVD, on the availability of special operative technology.

Generalized data (absolute or relative) recording the level of criminality or conviction for all types of crimes, including: the amount of crime, the number of people tried for committing crimes, the number of persons arrested, the number of persons convicted -- by region, town or larger unit.

The number of homeless children, the number of people engaged in vagrancy and begging -- by region and larger unit.

Information about closed trials.

The number of places of preliminary detention (investigatory) places of solitary confinement, prisons, colonies, places of confinement, cells of supplementary (?) confinement -- by town, region and larger unit.

Information on the location of colonies and places of confinement without the authorization of the MVD.

(The words "special settlements," "special settlers.")

Information about the existence of corrective-labor camps (starting with 1957).

The number of special-regime schools, special professional-technical schools and the number of people undergoing instruction therein. Information about accidents in these schools.

The number of inmates, expellees, convicts and composition of those convicted.

Facts on work losses.

Facts on the physical condition, diseases and level of mortality among prisoners in all places of confinement, banishment and exile.

Information on accidents in corrective-labor institutions (on mass sabo-age activity, suicides, epidemics and other events of a similar sort).

The number of illiterate people.

Information about human losses in accidents, wrecks, serious catastrophes, and fires -- without the authorization of the competent Ministry or department.

Information on the consequences of earthquakes, tidal waves, floods and other natural disasters (the total amount of damage

* Supplements made by me from memory -- in brackets -- V.Ch.

inflicted on buildings and installations, the number of human victims, the size of material losses).

Information on the number of fires, and their victims.

The distribution of revenues and expenditures in the all-union budget and the budgets of union republics.

The relative purchasing power of the ruble and the stability of the currencies of foreign states.

Information on the capital investment of the USSR abroad, as well as on the revenues of Soviet enterprises abroad.

Information on credits and free aid granted to other governments and on credits granted to the USSR by foreign governments.

The full fund of earned wages, data on the purchasing power of the population, the balance of income and expenditure of the population, the sum of gross income of the population by Union, republics, territories or regions.

The classification of workers and employees by the size of their wages.

Information on the preparation for visits abroad by Soviet state delegations or visits to the USSR of foreign delegations.

Information on hostile acts toward representatives and citizens of the USSR by the population or responsible persons of foreign states.

Information on the arrivals of foreign delegations in the USSR.

The number, salaries and other information about the conditions of employment of foreign personnel.

The relationship between the payment for services by foreign tourists in the USSR and the official cost of tourist trips in the USSR.

Information on foreign assignments of Soviet military personnel and specialists in military industry.

(Facts on entry of foreign vessels into Soviet ports.)

Information on the military instruction of citizens of foreign states in the higher institutions of learning in the USSR.

Information on the low moral-political level of servicemen, unsatisfactory level of military discipline, abnormal relations between soldiers or between them and the population, as well as on incidents of distortion of disciplinary practice by officers and lower command personnel.

The number of drug-addicts -- by district, town and larger unit.

Information on infections among the population with cholera and plague (even in individual cases) since 1937 and typhus and small pox since 1955.

(Data on the number of alcoholics and invalids.)

Information on professional poisonings and professional ailments.

Information on professional injuries.

Information on injuries incurred as a result of wrecks or other accidents.

New methods and means of cure and early diagnosis of malignant tumors in people without the authorization of the Ministry of Health

of the USSR.

Information on the duration of convocation of all-union meetings of sportsmen, on the norms of remuneration of sportsmen, on the cash bonuses for good results in sports, on the financing, maintenance and composition of (athletic) teams.

(Information on the size of the mesh of fishing nets used by Soviet fishing vessels, with the exception of cases where these sizes correspond to those set by international agreements.)

(Information on the catch of blue whales.)

(Information on the organizational structure and staff of the All-Union Society of Cultural Ties with Foreign States.)*

The former Soviet advocate Lev Yudovich has given information about the order of the Ministry of Justice of the USSR No.29 of August 18,1972, on the list of data in the domain of justice that are considered secret.

The order refers, in particular, to the following data (the numbering of the sections corresponds to the numbering in the order).

IV. Information on Court Work

Statistical data on convictions;

Statistical data on the number of persons prosecuted;

Statistical data on the measures of criminal punishment and composition of the convicted;

Data on convictions for state crimes, data on military crimes and statistical data on court hearings of criminal cases;

Statistical data on extraordinary measures of criminal punishment (death sentence).

Sec.41. Criminal cases concerning especially dangerous state crimes.

Sec.43. Complaints, statements, letters of convicts and their relatives, containing information on physical abuse of prisoners, the staging of hunger strikes, mass disturbances in places of confinement, mass poisonings, irradiation, accidents in places of confinement and among troops.

Sec.44. Correspondence concerning the execution of sentences in regard to those sentenced to the extraordinary measure of punishment (death sentence) in closed trials.

Sec.46. Correspondence with departments of the USSR relating to the conviction and release from custody of foreign citizens.

Sec.47. Data on the examination of materials on the administrative responsibility of law-breakers.

V. Data on Cadres

Correspondence with offices on the appointment, transfer and dismissal of responsible workers in institutions of the system of the Ministry of Justice of the USSR and the courts.

* Published in: "The Literary Affairs of the KGB," Kronika Press, 1976 (In Russian)

Sec.63. Data compromising the character of workers of organs of justice and the courts and correspondence on the verification of such data (until the end of the verification).

VIII. Data Pertaining to the Activity of Notarial Bureaus and Offices of Registry of Civil Status

Data on the number of deceased by sex and age, as well as without computation by sex and age from production injuries and poisonings, murders and suicides.

Sec.68. Data on large inheritances in which Soviet organs are interested.

The Bar

Records of advocates in criminal cases which contain absolutely secret and secret data. (CHR 35.)

15. From the record of activity of the editorial offices of newspapers and journals, as well as publishing houses, it is widely known that works expressing views and conceptions which are unorthodox -- from the point of view of state ideology -- are banned from publication in the open press even in those instances where they have no relation to politics. It is known that it was impossible to get published in the Soviet Union many literary works which subsequently won wide acclaim following publication in the West, such as "Doctor Zhivago" by B. Pasternak; the works of A. Solzhenitsyn "First Circle", "Cancer Ward", "August 1914"; "Descent Underwater" by L. Chukovskaya; "Dog's Heart" by M. Bulgakov; "Faithful Ruslan" by G. Vladimov; the full text of the novel by F. Iskander "Sandro from Chekhema"; the "Metropol" almanac; "The Faculty of Unnecessary Items" by Yu. Dombrovskii; the works of V. Voinovich and V. Kornilov, and others.

There is no evidence that censorship restrictions have been relaxed after the entry into force for the USSR of the Covenant on civil and political rights.

16. In addition to the state system of censorship, control of the press in the Soviet Union is effected by virtue of the fact that all publishing houses, journals and newspapers belong to the state, party or organizations controlled by the party and the state. The organization of private publishing houses or organs of the press is impossible in the Soviet Union, as is the opening of a private printing office. Attempts to open printing offices not controlled by the authorities leads to repression (see the commentary to Art.18).

The editorial offices of newspapers and publishing houses must ideologically control the materials they publish. Here is an excerpt from the model regulation on the preparation of manuscripts for printing:

(Order of the Committee on the press of the Council of Ministers of the USSR No.495, Moscow, August 31, 1967; enters into force January 1, 1968; the previous Instruction -- Decree of the Ministry of Culture of the USSR No.200 of May 13, 1955, lapses). "Kniga", Moscow, 1967 (Extract)

...the author has the right to set forth and defend his conception and views if they are scientifically valid, do not run counter to the interests of the socialist state, the principle of party-ness, the tasks of safeguarding state secrets in the press.

... the evaluation of the manuscript includes the evaluation of the chosen subject (if the subject has not been scheduled for publication), its elaboration (from the ideological, political, scientific, intellectual-artistic standpoint) and literary form (...).

...the main task of review is to contribute to the strict and demanding selection of works for publication on the basis of their intellectual, scientific, literary merits. (...).

... in the course of preparation of the manuscript for publication, the editor is obliged to analyze the work from the ideological,

* Published in: "Literary Affairs of the KGB," Khronika Press, 1976

political, scientific, artistic, literary point of view and check that the work does not contain data not subject to open publication, that the author followed the established procedure for preparation for publication of information on scientific-technical achievements in the USSR that may be regarded as inventions or discoveries.

17. Copying machines of every type are under the strict control of the state (19-2).

In those cases where citizens use copying machines in libraries to copy fragments of library materials, a special authorization by the responsible person in the library is also required.

Typewriters can be owned by private persons in the Soviet Union and the restrictions that apply to other copying machines do not extend to them. It is known that many citizens use typewriters to retype in several copies works that cannot be published in the Soviet Union because of the censorship ban. This phenomenon, which received the name of "samizdat," causes the authorities constant worry: persons engaged in such activity are frequently subjected to criminal prosecution if they disseminate in this manner works of a political nature or works concerning violation of human rights in the Soviet Union. In other cases, repression may include pressure, threats, conduct of searches in connection with the criminal trial of some other person, confiscation of typewriters and typed works, even if these works are not of a political nature.

18. Typewriters located in public institutions apparently are under special inventory by the authorities; in any event, from time to time the institutions apparently submit, on the demand of the KGB, type samples from the typewriters located in the institution. In 1973, it was learned that the religious associations in Lithuania were

were also ordered to submit type samples from the typewriters in their possession ("Chronicle of the Lithuanian Catholic Church" No.6,1973)

19. Photoreproduction of printed and artistic materials is also not forbidden in the Soviet Union, but the use of photoreproduction for the dissemination of uncensored works leads to the same sort of repressions as their retyping on typewriters. In particular, this applies to the photoreproduction of the works of unofficial artists. (19-3).

20. The right to seek and receive information is limited in the Soviet Union by state control of libraries. In the libraries, only specially selected literature is made available for public circulation. Whenever necessary, notices are circulated to the libraries on the need to withdraw and destroy books previously received by the library and subsequently recognized as unauthorized for issuance to readers.

Here is an example of such a circular (CCE-34):

Order of the Glavlit

For departmental use

Order of the Director of the Main Administration
for protection of state secrets in the press of
the USSR Council of Ministers
No.10-dec

Moscow

February 14, 1974*

Contents: on the withdrawal from libraries and the book-selling network of the works of Solzhenitsyn A.I.

Withdraw from libraries of general use and the book-selling network the following individually published works of Solzhenitsyn A.I.,

* A.I. Solzhenitsyn was forcibly deported abroad on February 13,1974

as well as the journals in which they were published:

"A Day in the Life of Ivan Denisovich," in the journal "Novyi Mir," 1962, No.11.

Id., Novel, Moscow, Gospolitizdat, 1963 ("Roman-Gazeta," No.1, 700,000 copies).

Id. Novel, Moscow, "Sovetskii Posatel," 1963, 100,000 copies.

Id. Novel, in 2 books, Moscow, Uchpedgiz, 1963, book 1, 75 sheets, 250 copies. for the blind.

Id. book 2, 80 sheets, 250 copies. For the blind.

Two tales. Incident on the Station Krechetovka. Matrena's Household, in the journal "Novyi Mir," 1963, No.1.

For the Good of the Cause, in the journal "Novyi Mir," 1963, No.7.

Zakhar Kalita, in the journal "Novyi mir," 1966, No.1.

Also subject to withdrawal are the foreign editions (including journals and newspapers) with the works of said author.

P. Romanov

Frequently, such circulars are sent concerning the books of authors who have emigrated; to judge from the contents of these books, the sole reason for the ban then is that the authorship of these books belongs to an author who emigrated. Here is an example of such a circular (CCE 35):

Order of the Glavlit

RSFSR Ministry of Culture
December 12, 1974. No.01-305/22
index 103 693
Moscow K-74. Kitaiskii lane 7

For departmental use

To the Ministries of culture of autonomous republics, the Departments of culture of territorial and regional executive committees.

To the Chief Administrations of culture of the Moscow and Leningrad City Executive Committees

To the enterprises, organizations and institutions of republican (RSFSR) subordination.

The Ministry of Culture of the RSFSR is forwarding for information and guidance the order of the director of the Main administration for protection of state secrets in the press of the Council of Ministers of the USSR No.62-DSP of October 30, 1974, "On the withdrawal from libraries and book-selling network of the books by Galich A.A., Maksimov V.E., Sinyavskii A.D., Tabachnik G.D., Etkind E.G. *

* The authors listed here left the USSR

We request that you issue appropriate directives to the subordinate institutions, institutions of learning, enterprises and organizations, libraries and the book-selling network.

Enclosure: the indicated order in one copy "For departmental use"

Deputy minister of culture of the RSFSR
V.M. Striganov

21. Certain large libraries have the right to store in their holdings books not approved by censors, including foreign books and periodical publications. Such books and periodic publications are stored in these libraries in closed collections where only individuals with special authorization are admitted; such an authorization, as a rule, is given for access to specific literature, and not for access to the special holdings in general. It is known, however, that certain categories of responsible functionaries have wider access than ordinary citizens do to so-called forbidden literature.

22. The right to seek and receive information irrespective of state frontiers is violated in the Soviet Union by means of restriction on sales of foreign publications and customs control of books and publications brought into the Soviet Union.

In the Soviet Union there exists a limited number of book-stores selling foreign books, but, as a rule, these are editions of authorized classics of literature and editions of foreign Communist parties, although again only those that have been admitted by the censorship.

There exists a limited number of newspaper stands where one can buy foreign newspapers; however, in the main these are editions

from East European countries or foreign Communist parties. In the newspaper stands of the large hotels where foreigners stay, according to some reports it is sometimes possible to buy the better known non-Communist western papers.

23. Carriage by private persons of foreign publications and sending them by mail into the Soviet Union is controlled by customs. On the basis of instructions, customs does not let through printed materials harmful to the Soviet Union in a political sense. However, in practice the ban is much wider: as a rule, literature published abroad in the Russian language and other languages of the people of the USSR is not allowed entry into the Soviet Union regardless of the content of the publication. In particular, this applies to religious literature.

Here is an example of a Glavlit act on the destruction of books:

"Approve"
Chief of the Glavlit
of the Latvian SSR
(signed) Lutsevich A.A.
September 3, 1974

Riga

Act. No.8

We, the undersigned, senior editor of Glavlit of the Latvian SSR ZILS V.Ya. and BOGOLAPOVA V.A. drew up the present act that the materials listed below, confiscated from packages received from abroad in August, are subject to destruction:

1. E. Dunsdorfs (two words illegible--ed.) 1710-1800.....1 copy
2. Bibeles.....1 copy
3. (illegible--ed.).....1 copy
4. (illegible--ed.)16 copies

Total 19 copies

Altogether are subject to destruction 19 titles in
19 copies

Sr. editor: (signature)
Chief of special dept.: (signature)
The accuracy of the entries made in the act has been
verified

Sr. editor: (signature)

The documents have been checked off against the entries in the
act before being destroyed and were completely destroyed by
burning.

" " 197

Sr. editor:
Chief of special dept:
(no signatures--ed.)

24. Books and manuscripts that are undesirable from the point
of view of the authorities are seized during searches regardless of
their relationship to the case in connection with which the search
is being conducted. For example, in many searches are seized purely
literary, philosophical and religious works, legal documents, pre-
revolutionary and sometimes also Soviet books and copies thereof.
Here are some books which have been confiscated:

M. Bulgakov "Sobachie serdze"
I. Brodsky "Poems"
A. Akhmatova "Poema bez georya", "Requiem"
O.A. Altaev "The Dual Consciousness of the Intelligentsia and
Pseudo-Culture"
I. Babel "Dnevnik Konarmii"
A. Belyi "Predislovie k Kotiku Letaevu"
L. Chukovskaya "Sofia Petrovna" and "Zapiski ob Akhmatovoy"
H. ERdman "Samoubiytsa"
P.A. Florenskiy "Itogi," "Vospominaniya detstva"
V. Grossman "Vse techet", "Za pravoe delo"
N. Gumilev. Poems and Prose.
V. Iverni. Poems
Kharms, Daniil, Poems and "Rasskazy"
N. Berdyaev "Russkaya ideya", "Istoki i smysl russkogo kommunizma"
G. Fedotov "Rossia i Zapad"
Shestov L. "Dobro v uchenii gr. L. Tolstogo", "Dostoevsky i
Nietzsche"
Vyacheslav Ivanov, Poems
V. Nabokov -- all books
B. Pasternak "Doctor Zhivago"
M. Voloshin. Poems
Renan "Zhizn' Iesusa Christa"

M. Tsvetaeva. Poems and Prose (not published in the USSR)
A. Platonov "Chevengur", "Kotlovan"
O.S. Bulgakov "Pravoslavie"
Bible

25. In accordance with the Statute on civil aviation, the personnel of the airport may carry out searches of passengers given justifiable suspicions that they are trying to transport objects which are forbidden to be transported by plane. Such objects include explosive substances, binoculars, etc., with nothing said of books and manuscripts. Yet, there are reports that such searches are carried out on suspicion that the passenger is trying to transport manuscripts or books that the authorities consider undesirable. We have the answers of the procuracy to a complaint made by V.M. Pavlov in connection with the search to which he was subjected at the airport and the seizure of a manuscript.

I.

Procuracy of the USSR
Procuracy of the
Krasnodar territory
Dept. spec.

Town of Maikop, Shkolanay St.No.5
to citizen Pavlov V.M.

In responding, refer to No. and date
town of Krasnodar, Sovetskaya st. Bldg
No.39*
January 12, 1977, No.6-21-75

With respect to the substance of your statement, we inform you that on November 27, 1976, the personnel of the line section of police, jointly with the representatives of the Krasnodar airport, carried out a check of the passengers in accordance with instruction No.59/i/10.

The actions of the police and the representatives of the airport are recognized as correct.

The manuscript taken from you is undergoing research in Krailito after which you will be informed further.

Senior deputy procurator of the territory
Senior counsellor of justice

V.A. Kalenskii

* Sic in the original.

II

Procuracy of the USSR
Procuracy of the
Kra-nodar territory
Dept. spec.
February 16, 1977
No. 6-2-77

Town of Maikop, Shkolnaya St.5
to citizen Pavlov V.M.

In responding refer to No. and date
town of Krasnodar
Sovetskaya St.29*

In connection with the manuscript "My Odyssey" taken from you,
research has been done in the Krasnodar Kraillito.

This manuscript is considered undesirable, which is why it
was confiscated.

Senior deputy procurator of the territory
Senior counsellor of justice

V.A. Kalenskii

26. What has been said in this commentary concerns in the
main violations of the freedom of expression and the freedom to seek
information in printed form. There also exists state control of
information disseminated in oral form, or in the form of artistic
works, as well as control over musical, artistic and architectural
works. Here we have censorship of radio-broadcasts, theatrical
performances, control of the repertory of musical concerts. The ban
on the uncontrolled use of radio-transmitters with criminal punishment
for such use (see the commentar- to Art.)

* Sic in the original.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Propaganda for war is forbidden in the Soviet Union by special law.*

Propaganda or agitation with the aim of inciting racial or national enmity is criminally punishable in the USSR (Art.11 of the Law on State Crimes).

In Soviet law there is no ban on pronouncements in favor of religious hatred and no ban on incitement to discrimination on grounds of religion.

* Law on defense of peace, March 12, 1951 (VVS USSR, 3,1951)

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Freedom of assembly is guaranteed by Art.50 of the USSR Constitution. The legislation contains no details whatever on the manner of realization of the freedom of assembly or on restrictions of this freedom. On individual occasions, in the legislative government acts it is indicated that the assembly of this or that organization is conducted with the knowledge of the organs of authority, as, for example, with regard to the assemblies of religious associations.

In practice, public organizations recognized by the state have a reasonable degree of freedom of assembly, including the staging of congresses, seminars, etc. Freedom of assembly is systematically violated in cases of assemblies of a religious nature of unregistered religious groups. (See commentary to Art.18)

Assemblies of private persons held with a small number of participants for purposes of discussing scientific or social problems do not, as a rule, meet with obstruction by the authorities that could be identified as an attempt to violate specifically the freedom of assembly.

The staging of even small assemblies with the participation of foreigners encounters the opposition of the authorities which may be considered a direct violation of the right of peaceful assembly.

On April 12 in Moscow was scheduled to take place the IVth International Conference on Collective Phenomena in Physics -- a scientific seminar of Jews-refuseniks. On April 10, the apartment of Viktor Brailovskii, where the seminar was scheduled to take place, was subjected to a search. V. Brailovskii was delivered to the police station where he was informed that the editing of the journal "Jews in the USSR" which apparently he was doing was a crime specified by Art.190-1 CC RSFSR ("slander of the Soviet system"). He was finger printed and put in the cell for preliminary investigation, but after five hours was released, after being advised not to hold the seminar. That same day, a search was conducted at the home of another member of the editorial board of the journal "Jews in the USSR," Yurii Gelfand, also a presumed participant in the seminar.

The seminar took place, as arranged on April 12-14 at the home of Brailovskii. It was attended by 20 Soviet scientists, in the main refuseniks, and 26 foreign scientists who came to Moscow with tourist visas. Among the reports heard were those by A.D. Sakharov and Yu.F. Orlov. (CCE 38).

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

1. The right of association in public organizations that promote the development of political activity and initiative, the satisfaction of various interests of citizens of the USSR, is recognized by the Constitution (art.51). In general terms, freedom of association is not recognized by Soviet law. Public organizations, the overwhelming majority of which are controlled by the party and the state, are organized and function on the basis of special statutes drawn up for the occasion. Soviet law contains no restrictions on the right to freedom of association for legitimate ends.

2. Over the last 10 years, among the dissidents, there have been formed a certain number of associations independent of state control. Frequently, the members of these associations have been subjected to prosecutions, but, formally, these prosecutions were not prosecutions for exercising the right to freedom of association.

This may be seen as a sign of change in the attitude of Soviet authorities toward freedom of association by comparison with the preceding period, when any attempt to form an unofficial association met with countermeasures by the authorities: even members of self-initiative Marxist circles were subjected to brutal criminal punishments on charges of forming anti-Soviet organizations. Nevertheless, the law on state crimes as hitherto contains Art.9 on anti-Soviet organizations and as hitherto there is the danger that the Soviet authorities will apply this article to associations of dissidents.

In the summer of 1969 an Initiative Group for Defense of Human Rights in the USSR was created. Its members (15 altogether) have been persecuted from the very beginning. Now this group's members are not active: some of them are imprisoned, part of them emigrated, others are silenced in any way.

In 1970 a Committee of Human Rights in the USSR was organized; it was the first independent association in the Soviet Union, and was accepted by International Human Rights League as a branch. Two of the founders, V. Chalidze and A. Tverdokhlebov, are now living in emigration; the third one, A. Sakharov, is in internal exile.

In 1971 the first Human Rights Association of Believers was formed; its name is the Council of Prisoners' Relatives of the Evangelical Christian Baptists of the USSR. Members of this Council have been persecuted continually.

On September 1, 1973, in Moscow "Group-73" was founded to study and carry out responsible measures of assistance to prisoners of conscience and their families in the USSR. This non-governmental, non-political, loyal group was the second unofficial association, which was affiliated with an international organization; in this case it happened to be the International Human Rights Federation, which accepted "Group-73" in May 1974. (CHR #4 and #9).

Shortly after that founders of this association -- former founder of Moscow Human Rights Committee A. Tverdokhlebov, V. Albrekht and I. Korneev -- were interrogated and searched by KGB. (CHR #11-12)

In September 1974 an adoption group of Amnesty International was set up in the USSR with chairman V. Turchin and secretary

A. Tverdokhlebov. It was the third unofficial association that was affiliated with an international human rights organization. The announcement of the group's inception was made by 11 people and was dated October 1974. (CCE #34; CHR # 11-12) Most of the members of this group were arrested or emigrated or consequently both. The group, with mostly new members, continues to function.

On May 12, 1976, the Public Group to Promote the Observance of the Helsinki Agreements in the USSR was formed in Moscow with a Chairman Prof. Yury Orlov. On November 9, 1976, were formed Ukrainian Helsinki and on November 25th, 1976, Lithuanian groups; later a Georgian group was established on January 14, 1977, and an Armenian one -- on April 1st, 1977. They announced their dedication to gather information on violations of human rights in the USSR and check correctness of it in order to help fulfillment of the Helsinki Agreements by the USSR. They have sent documents about violations of human rights in the USSR to the corresponding heads of state and the public. Their collection of documents, as the reports of Helsinki-Accord Monitors in the Soviet Union, was translated into English and published by the Commission on Security and Cooperation in Europe of the US Congress.

Many of the members of these groups were either arrested and sentenced or forced to emigrate. Up to the Fall of 1980, more than forty of them have been imprisoned or sent to exile. Activities of most of the groups continue.

Since 1976 several new groups were created:

January 5th, 1977 - Working Commission on the Use of Psychiatry for Political Purposes; now most of the members are imprisoned.

December, 1976 -- Christian Committee to Defend the Rights of Believers in the USSR -- all members now are imprisoned.

May 1976 -- Group for the Legal Struggle and Investigation of the Facts about the Persecution of Believers in the USSR of the All-Union Church of the Faithful and Free Seventh-Day Adventists. All of them have been victims of persecution.

May 20, 1978 -- Initiative Group for the Defense of the Rights of Invalids in the USSR -- all of them have been victims of the threats and repressions by KGB.

November 13, 1978 -- Catholic Committee to Defend the Rights of Believers.

In the winter of 1979 "Election-79" was created with a nomination for coming elections' list unofficial candidates. (CHR #33)

In the summer of 1979 an "initiative Committee for the Right of Free Exit from the USSR has been formed (CCE #53). Later on in November 1979 this Committee was reorganized into the "Right to Emigrate" with the same group of people. A leader of this Committee, Ludmila Agapova, was a founder of the group for free elections as well. (CHR #36).

Freedom to Organize Trade Unions

3. The right of workers and employees to associate in trade unions is recognized by the Fundamentals of labor legislation (Art.2) In the USSR there exist official trade unions, comprising the overwhelming majority of workers and employees. These trade unions are controlled by the party and the state and this control is expressly acknowledged by the charter of trade unions of the USSR.* This charter contains such statements as:

"The trade unions of the USSR carry out their activity in close cooperation and interaction with state organs, various public organizations, unions and societies of workers."

"The trade unions take active part in state construction, in elections to the organs of state authority..."

"The trade unions fight for the further strengthening of the socialist social and state structure..."

"The trade unions pursue their work under the leadership of the communist party of the Soviet Union..."

4. Apparently the Soviet authorities consider that Soviet workers have the right to "associate" in existing, state-controlled trade unions but not to form new independent unions. In 1978 an attempt was made to organize an unofficial trade union, but its organizers -- the miner Klebanov and others -- were soon subjected to various repressions.

In 1979 was formed the Free Intertrade Association of Workers (SMOT). The founders of this organization announced that they intended

* Charter of the trade unions of the USSR. Approved at the 12th Congress of Trade Unions of the USSR (as amended on March 4, 1968).

to defend the social rights of all categories of workers. The Council of Representatives of SMOT comprised nine men who announced their names on October 28 at the founding press-conference of SMOT.

5. Although the Fundamentals of labor legislation recognize the right of association in trade unions only of workers and employees, Soviet agricultural workers also have the right to associate in trade unions and this right is recognized by the Soviet Union by virtue of the fact of ratification of the ILO convention on the right of association and union of workers in agriculture (ratified in 1956).

Article 23

1. The family in the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

1. Soviet family law in fact contains the principles of Art.23 of the Covenant, including the principle of equality of rights and duties of the spouses. Still, Soviet law contains no direct affirmation of the right to enter into marriage, similar to Sec.2 of this article of the Covenant.

2. In some union republics, compelling women to enter into marriage or hindering entry into marriage is criminally punishable, just as compelling them to maintain marital cohabitation. In some union republics, practice of national customs related to the violation of principles of equality of women and men in regard to entry into marriage entails criminal punishment.

3. The guarantees of Art.23 of the Covenant extend also to cases where one of those entering into marriage is a foreigner. In the Soviet Union the ban against marriage to a foreigner has long since been repealed, but in many instances the authorities indicate that they do not approve of such marriages. These indications include preventing foreigners from effectuating registration of marriage:

the organs recording the registration of marriage at their discretion set the period which must elapse between the date of declaration of intent to register the marriage and the day of registration of the marriage. In case of registration of marriage to a foreigner, this period sometimes turns out to be substantially longer than the term of duration of the foreigner's visa.

4. Art.23 of the Covenant recognizes not only the right to enter into marriage, but also the right to found a family. This right is occasionally violated in cases of marriage to foreigners even after the marriage has been registered. By right to found a family one must understand at a minimum the right to live together: in those instances when those who entered into marriage have chosen as their place of residence a country other than the Soviet Union, the impossibility of getting an exit visa for the Soviet spouse in some instances is an obstacle to the realization of the right to found a family. (12-4)

Article 24

1. Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has a right to acquire a nationality.

1. Soviet family, pension legislation, as well as legislation on health protection and on citizenship features extensive measures for the protection of children. These include the measures provided for by Art.24 of the Covenant.

2. In practice, a substantial violation of Art.24 of the Covenant is the hindrance by the state to the implementation of public aid to the children of political prisoners. Such aid is administered by the public Fund for assistance to the families of political prisoners, which is drawn from the voluntary contributions of private persons. During recent years, many cases are known where the authorities have prosecuted activists of this Fund, threatened with various prosecutions those families that received aid from the Fund, and seized during searches money, items and foodstuffs earmarked for assistance to political prisoners and their families.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballots guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

With respect to political rights, the citizens of the USSR are subjected to substantial discrimination by virtue of the fact that, as was indicated earlier, the Soviet state is totally controlled by the Communist Party and participation in the conduct of state affairs is open only to people who are members of this party or have demonstrated their loyalty to the Communist Party. The system that exists in the USSR of formally democratic elections does not ensure the right of every person to take part in the conduct of state affairs through freely elected representatives since in the elections votes are cast solely for candidates nominated by the Communist Party, irrespective of whether they are members of this party or are non-party. Besides, as a general rule, in elections votes are cast only for a single candidate.

The right to have access in one's country, on general terms of equality, to public service is also limited by the aforementioned discriminatory policy of the Communist Party.

"Election 79" a group headed by Moscow photographer Vladimir Sychov, nominated Roy Medvedev and Ludmila Agapova as alternate candidates to appear on the list for the March 4 elections to the Supreme Soviet. The authorities barred the candidates on the technical grounds that the "Election 79" group had not complied with the necessary formalities, according to Sychov, who stated that the group would try again in later elections. The Soviet press reported that 99.999% of eligible voters participated in the March 4 election and 99.89% of the voters cast their ballots for the single official state for the Soviet of the Union. (CHR 33).

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

See the commentary to Art.2 of the Covenant.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

1. In the Soviet Union, measures are taken for the development of the culture of national and linguistic minorities. The abundance of such minorities precludes the possibility of detailed analysis in the present text.

2. Significant claims against the authorities are known from many intellectuals of certain union republics stemming from the fact that, in their opinion, the national culture is being subjected to russification. It is not always possible to determine in which instances such russification is the result of the political efforts of the authorities and in which instances it is the result of a natural competition of cultures.

The authorities themselves, however, couple increased attention that in the national republics the public more actively master the Russian language with its political aims.

Thus, in 1973, the CC of the Communist Party and the Council of Ministers of the Georgian SSR adopted a resolution devoted to the problems of study of the Russian language by the population of Georgia. In the central Georgian newspaper "Zarya Vostoka" of August 14, 1973, in the article devoted to this resolution, it is said, in particular: "Underestimating the need to master the Russian

language leads to national narrow-mindedness and backwardness, is incompatible with the Communist world outlook, with the principles of Soviet patriotism and socialist internationalism."

3. The Jewish national minority is practically deprived of the opportunity to develop its culture in view of the lack of a sufficient number of Jewish cultural institutions and Jewish schools. In the Soviet Union, the organization of private tutoring for the study of the Jewish language elicits the displeasure of the authorities; textbooks on the Jewish language are confiscated during searches. (27-1)

In December 1976, the authorities prevented the staging of a private international symposium on Jewish culture in Moscow. The symposium was being prepared on the private initiative of Jewish cultural figures headed by Prof. Fain and was scheduled for three days. Participants from abroad and other towns of the Soviet Union were invited. However, the Soviet authorities refused entry visas to the invited foreigners. Participants in the symposium from other towns were detained before the opening of the seminar. Many active participants were subjected to searches and interrogations, with all the literature in Hebrew and Yiddish, including dictionaries, being confiscated during the searches. As a result, it proved possible to conduct just a one-day seminar at the home of Grigorii Rozenshtein in Moscow, with personnel of the KGB trying several times forcibly to enter the residence. (27-2).

4. Serious restrictions on the possibility to develop one's own ethnic culture operate in regard to those national groups which

previously were subjected to forcible resettlement and were not subsequently returned to their territory. (Crimean Tartars, Germans, Georgian Meskhi.) The situation of the Crimean Tartars was described in the following terms in document No.10 of the Moscow Helsinki group (DKhG 2, 26):

"The main body of the Crimean Tartars was forcibly and unjustly expelled from its lands in 1944, lives in Central Asia. They are factually deleted from the roster of Soviet nations. They do not have a single school in their native tongue, although prior to their expulsion from the Crimean autonomous SSR there were several hundred. There is not a single journal. In 1944 was liquidated the institute engaged in research in the field of Crimean-Tartar language and literature. The authorities refuse to publish even dictionaries. From 1944 to 1973 were issued two textbooks in the Crimean-Tartar language (as against 58 published, for example, during nine months in 1939). Of the seven newspapers published before the war, only one has survived (not a daily). Evidently, the authorities count on the assimilation of the Crimean Tartars into the population of the Central Asian republics."

5. The right to use the language of the national minorities is systematically violated in places of confinement where the authorities impeded conversations in the native tongue during meetings of the prisoner with relatives if the administration does not have an interpreter from this language into Russian for purposes of control.

The same applies to the correspondence of prisoners: the delivery of letters is systematically delayed because of the shortage of censors-translators.

The psychiatrist Gluzman (CHR-10), reported from the Perm camp:

"...at the present time several dozen letters from the Lithuanian SSR are not issued to the prisoners because "the censor does not know the Lithuanian language."

There are many more examples of this type.

Religious minorities are subjected to special persecutions in those cases where they refuse to register their religious associations or where the authorities refuse to register them (see the commentary and pp.103, 107-108, 113).

APPENDIX

Examples to the Paper "The Observance of the
Covenant on Civil and Political Rights by the
Soviet Union" by Valery Chalidze

Compiled by

Ludmilla Alexeeva and Pavel Litvinov

Article 1

1. In December 1977, Robert Nazaryan was arrested; in November-December 1978 the Supreme Court of Armenian SSR sentenced him to five years in strict-regime camps and two years' exile for "anti-Soviet agitation and propaganda". His indictment contains, for instance, such statement as:

In January-March 1977 at his flat in Erevan Nazaryan wrote an article entitled "Open Letter to President Carter", which he duplicated and disseminated together with the "Programme" and "Statutes" of the illegal anti-Soviet group calling itself the "National United Party", which he had obtained. These contain slander against Soviet reality and appeal to fight for secession of Armenia from the USSR and creation of so-called "Independent Armenian State", and make deliberately false allegation that the Russian people and the Soviet government are pursuing the aim of depriving small peoples of their independence.

CCE#51

2. In January 1961 a group of seven people were arrested and charged with "anti-Soviet agitation and propaganda" and "betrayal of the Motherland". One of that group Lev Lukyanenko was sentenced to death by Lvovsky Regional Court in April 1961.

Two months later Ukrainian Supreme Court commuted his sentence to 15 years in strict-regime camps and the sentences of other members of the group to different terms: from 10 to 15 years in strict-regime camps. The reason for this punishment was drafting a programme for a marxist party, the "Ukrainian Worker-Peasant Union". The draft contained proposals for a referendum on the question of

the separation of the Ukraine and for socio-political reforms in accordance with the Soviet Constitution.

CCE#50. Document of the Moscow Helsinki Group #59.

3. Genrucas Jaskunas was arrested in December 1976 and charged with "anti-Soviet agitation and propaganda" and "betrayal of the Motherland". He was charged with the authorship of articles and leaflets, where it was proposed to transform the Soviet Union into a federation of independent republics with their own armies, that, according to the author, would guarantee their sovereignty and right to self-determination. Lithuanian Supreme Court sentenced him to ten years in a special-regime camp and five years' exile.

CCE#51.

Article 2

1. Following are examples from this document:

On May 7, 1976, Nadezhda Ivanovna Gaidar came with a complaint to the USSR Procuracy and directly from there was, with the help of the police, remanded to a psychiatric hospital.

On May 6, Gaidar was at the reception held by the director of the reception office of the Central Committee of the CPSU, V.I. Filatov, who sent her to the director of the reception office of the USSR Procuracy, Tsibulnikov. Returning for an appointment scheduled by Tsibulnikov, Gaidar was seized by policemen, driven to the 108th police precinct of Moscow, then driven to psychiatric hospital No.13 where she was immediately administered injections of aminasine. The head of the 2nd section of hospital No.13, where Gaidar was kept, L.I. Fedorova, announced in connection with the hospitalization of N. Gaidar: "We will not diagnose her, we just wrote down that she suffers from nervous exhaustion brought on by her search for justice. To stop her complaints, we will keep her here for a little while and then, through special admission -- to Kiev. There she will also be kept for a little while." In response to the words of B.A. Kvebanov, a friend of N. Gaidar who came to inquire about her, that two children were left without a mother and without supervision, the doctor Fedorova said: "At least next time she will think before going to complain."

From Moscow, N. Gaidar was transferred to the psychiatric hospital in Kiev, from which she was released after two months.

Alisa Zakharovna Strakhova, who went at the end of November 1975 to the USSR Procuracy, was seized on orders of the director of the reception office of the Procuracy and sent to the police, where she was advised to leave Moscow within 24 hours. When Strakhova returned to her place of residence, an attempt was made to place her in a psychiatric hospital.

Strakhova had gone to the Procuracy concerning an unjustified dismissal from her job.

Eduard Maslov was summoned at the end of October 1975 to the Ozhereliev district party committee in connection with his complaints about unjustified dismissal (Maslov -- an engineer, instructor at a technical school -- was dismissed after he revealed abuses at the technical school where he worked.) In the district committee he was seized and placed in a psychiatric hospital where he was kept for 20 days on the basis of a diagnosis that he suffered from exhaustion of the nervous system brought on by emotional crisis caused by his dismissal.

Article 7

1. This happened to Anatoly Marchenko on the second day after his arrest in February 1975 in Kaluga prison:

- The blow from that big hulk would have knocked me over, but the solicitios guards held me and kept me from falling. I was hit again hard in the side with fists and in the back with the key.

"Stand up s*raight!"

When I stopped swaying, the blows ceased.

"Follow me", said the officer. He led the way, and I followed with my hands tied behind me. Two guards -- a sergeant and the fat first sergeant -- walked close bes-de and in back of me. On the way to the stairs they did not beat me; they only cursed and threatened. But at the landing another blow of the key made me totter against the railing. The noise caused the officer to turn around. He hit me once in the ribs and again below the belt. They dragged me down the stairs and along the corridor, kicking me in the legs with their boots and pelting me with fists and keys on my back, in my ribs and stomach. In the hall we met a major, who, I later learned, was the deputy commander of the prison. The major stpped aside and let us pass.

They shoved me into a solitary cell and threw me on the cement floor where I hit my head. My jacket, hat and socks came flying in after me.

Unable to lift myself from the floor, I did not even try to change my position and just lay there, face downward. My wrists were so numb that I could not feel them any more, but there was a sharp pain in my shoulder. I was convinced that the first sergeant had dislocated my right arm. And I felt pain in my ribs: they continued to hurt for two weeks.

Anatoly Marchenko "From Tarusa to Siberia", Strathcona Publ. Co., 1980.

2. Alexander Bolonkin, who spent four years in strict-regime camps and two years in internal exile (under article 70 of the RSFSR Criminal Code) was arrested again 26 days before his exile was completed. He was placed in an investigation prison, where he was

beaten by his cellmate who said, that it was done on instruction. Later, Bolonkin was transferred to another prison, where his next cellmate ...

"... told Bolonkin that he was being held in an investigation prison used for special assignments.

On June 2nd Oleichik returned to the cell after a long absence and said that he had seen the Head of the Operations Section, who had given him a special task and a bottle of vodka. Oleichik started beating Bolonkin up, because, he said, the Head of the Operations Section had instructed him to do so. Oleichik demanded that Bolonkin plead guilty and give the testimony the investigators were trying to extract from him. He threatened Bolonkin that he would rape him and kill him. Telling him that the Head of the Operations Section had guaranteed him full immunity, as everything had been agreed in higher circles, O. attacked Bolonkin with a knife."

CCE 51.

3. I had just put on my overcoat and not yet had time to button it when -- click! Mother of god, handcuffs! He had handcuffed my hands behind me, instead of in front. Were they going to beat me, or something? Instinctively I jerked away and jumped back so that he couldn't hit me. That was what the guards always did when they were going to beat you. They would put American handcuffs on you, which tightened automatically at the least movement of the wrists, and then take a running kick at them, so that they tightened up to the limit. It was such agony that you screamed in protest. But a man's absolutely helpless to resist afterward and you can do what you like with him.

V. Bukovsky "To Build a Castle. My Life as a Dissenter," Viking, New York, 1978.

4. The officer told me to turn about-face. I obeyed. Clumsily, he put the handcuffs on me, my arms bent behind my back. Then he checked to see if they were tight enough. The sergeant jumped up and began to pull on them himself, cursing me all the while and

hitting me in the back with his key; finally he gave another jump and struck the handcuff chain with his knee. So he really means it when he said he would tie me into knots. I saw red; I thought my arms would be thrown out of joint. The blow from that big hulk would have knocked me over, but the solicitous guards held me and kept me from falling.

Anatoly Marchenko "From Tarusa to Siberia", Strathcona Publ.Co.,1980

5. Arkadi Tsurkov, a student of the Leningrad Pedagogical Institute, was arrested in October 1978. He was accused of setting up an anti-Soviet organization, dissemination of "a publication with anti-Soviet content" -- the magazine "Perspective" and authorship of several articles therein. In November-December, Tsurkov's fiancée, Irina Lopatukhina, received through the investigator a letter from Tsurkov in which he asked her to give testimony. Subsequently, he explained this request by saying that the investigator had threatened him: otherwise, the entire responsibility for publishing the magazine "Perspective" would be imputed to her since she admitted that she had typed the materials for the magazine... but did not reveal who gave them to her. On December 13, Tsurkov, having requested a meeting with the investigator, assumed responsibility for all the articles in the magazine that he could and stated that Lopatukhina typed the materials under pressure from him.

CCE 53.

On August 2,1978, in the town of Sovetsk was arrested the painter of the city park, Roman Kosterin, charged under Art.190-1 CC RSFSR. During the investigation, the investigator of the procuracy, Kudashkin, threatened Kosterin with physical reprisals and also that his wife would be arrested and the daughter would be placed in a children's home.

CCE 51.

6. During the investigation in the case of the Lithuanian Balis Gayaskas, arrested in April 1977 on charges of "anti-Soviet agitation and propaganda," the deputy chief of the investigation department of the Committee on State Security of the Lithuanian SSR, Lieutenant-Colonel Kyazhis, declared: "If you do not confess, I will so question your mother that she will give up the ghost..." (Gayaskas' 77-year old mother was in the hospital at the time after an operation).

CCE 52.

7. A member of the Ukrainian national movement, Vyacheslav Chernovol, arrested in January 1972, agreed to admit to the investigation his participation in the publication of the uncensored "Ukrainian Herald" after he was told the date scheduled for the arrest of his wife A. Pashko -- May 17. Subsequently, in the middle of August, the wife and sister of Chernovol did in fact spend several days under arrest, and Chernovol "accidentally" saw his wife in the hallway of the investigation prison. This happened after he refused to add specific details to his statement.

In the beginning of 1973, Chernovol repudiated his "confessions" in writing, explaining by what means they had been obtained.

CCE 37.

8. Following is the description of forced feeding:

"They came with the mouth dilatator. I noticed that the tips were bandaged so as not to scratch the lips and gums. At Ashkhabad they did not bother. With my nose shut tight I would have to open my mouth at some point to breathe. I opened my lips a crack and took a swallow of air through clenched teeth. As soon as I did so, in went the dilatator looking for an opening. It hurt my teeth and gums. "Marchenko, open your mouth. Why do you want to make us mad?" The guard handed the dilatator to the doctor. Finally they laid it aside... "Let's put the food in through his nose." They pulled my head back by the hair and held it steadily in place. I could not move. The doctor had no trouble introducing a thin catheter into my left nostril and injecting the liquid foodstuff by means of a giant syringe. She gave me several injections. Finally it was all over, thank heaven. They released me, but sending me back to the cell they told me to lie down on the trestle-bed -- no so that I would come to, but so that I would not vomit... Starting on 9th they fed me every day. They no longer tried to do it through the mouth, but stuck the tube right into the nostril. And not the thin one like first time but three or four times thicker. When they produced it my eyes popped out: even afterwards I could hardly believe that such a huge hose could fit in a human nose. When the tube penetrated into nasal cavity and they began to push it into the naospharinx I thought I could the cartilage give. It was very painful. I don't know whether they greased it with vaseline -- later on, some nurses did and some did not -- but felt like an emery board or a rasp up in there. The pain was intolerable; I could not keep the tears back. Instead of syringe now they used a funnel, and I could see the thick dark red liquid through the glass, going slowly as they kept pouring from the pot. When would it all be over?

Sometimes there must have been clumps stuck in the tube, for the nurse jiggled it up and down to shake them loose and then pushed it back in deep again. It was hellishly painful... It was equally painful when they finally extracted the tube altogether. I had spasms of nausea. They held a towel under my mouth so that if I should throw up it would not splatter all over the room.

Anatoly Marchenko "From Tarusa to Siberia", Strathcona Publ.Co., 1980.

9. Raisa Moroz described the condition of her husband

Valentin Moroz after five months' hunger strike:

"Valentin is terrifyingly thin (he weighs 52 kgms (114 lbs.) though he is 175 cm (5 ft 9 ins) tall. His face is all swollen and he has dropsical swellings under the eyes. He complains of pains in the heart. But his worst sufferings are caused by the tube through which he has been fed artificially since the 20th day of his hunger strike. This tube is injuring the inside of his throat and his oesophagus. When withdrawn it is covered in blood, and the pain which Moroz has felt from the beginning during the feedings now persists in between the feedings as well. Valentin is now almost constantly in a semi-conscious condition, but he makes himself stand up from time to time, as he fears his legs may otherwise become atrophied. And such is the spiritual strength of the man that he would not let anyone carry him to our meeting, he walked in by himself!

But however morally strong a man may be, his physical capabilities have their limits. If Moroz's life is to be preserved, he must now be taken to a hospital and given prolonged and attentive medical treatment. Yet the prison governor insists that Valentin must remain in prison, whether he continues his hunger strike or ends it. This is equivalent to a death sentence. My husband is well aware of this, but he has decided to prolong his hunger strike for a further two months, until January 1, 1975. If he does not succeed in getting out of the prison during that period, he will find a way of putting an end to his life: -- 'The year 1975 in prison does not exist for me' he said. I have no doubt that he will carry out this decision, just as he has already carried out his decision to start an indefinite hunger strike.

Is it really possible that, in the present-day world, a man whose guilt consists exclusively of four essays which a court has declared to be anti-Soviet, should pay for this with his life?

From V. Moroz's father's letter:

I saw my son yesterday, or rather what is left of him: before me sat a skeleton with swollen face and puffy eyes. Artificial feeding is being used on him, and he says that the tube which they push through his oesophagus has for a long time now been covered in blood when pulled out, as everything inside him has been ingested, which makes him suffer terrible pain.

CCE #33.

10. Beatings-Up in the Ukraine:

Kiev: On March 23, 1979, at 12 noon Pyotr Vins was grabbed by KGB officials on one of the main streets in the centre of Kiev. Two men came up to him, twisted his arms behind his back and shoved him into a car which had driven up, pushing his mother away. They drove him to a forest more than 25 km. from Kiev. One of the men, holding Vins showed him a KGB ID card. Pyotr was taken out of the car and ordered to stop receiving dissidents at his home and to stop seeing the American consular representative D.Swartz. If he failed to do so, they threatened, he would be "put away". They left him in the forest and drove away. Pyotr returned to Kiev, phoned the American Consulate and made an appointment to meet Swartz in an hour. At the meeting-place the same car was waiting for him. The same men grabbed him and drove him more than 60 km. from Kiev to a field. There he was taken out of the car, thrown on to the ground, and threatened with being kicked and punched in the face...

On March 27th in the evening several people attacked P. Vins not far from his home, including one of the men who had driven him to the forest. Pyotr was beaten on the back of the head with a rubber truncheons and metal objects, and his leg was twice cut with a knife. Passers-by rushed over to help him. The attackers grabbed Pyotr's bag and hat and made off in their car.

P. Vins submitted a statement to the police. The police officials who came to investigate said they were obliged to track down criminals, but that in his statement he had described the attack as the work of KGB officials and they did not intend to look for these officials. They also stated that Vins was in no position to complain as he had received a warning from the KGB. The investigator from the Criminal Investigation Department wrote in his report that Vins had been warned not to meet dissidents...

Lvov: The wife of the political prisoner Mikhail Osadchy was assaulted on the street. She was "accused" during the assault of these facts: that the exiled political prisoner Stefania Shabatova had been to see her while in Lvov on leave; that she corresponds with prisoners; that she has a bad influence on Osadchy himself; and that she had received letters and parcels from abroad.

CCE #53.

Article 10

1. The shortage of food, the poor quality of the food you are given, and the appalling living conditions mean that almost everyone who has endured imprisonment suffers from stomach ulcers, enteritis of diseases of the liver, kidneys, heart, and blood vessels.

When I was first arrested I was very healthu, but after I had been in prison I too began to suffer from stomach ulcers and cholecystitis. This did not make any difference to the way I was treated. I was still put in the punishment cell on a reduced diet...

I was in the same cell with Yakov Suslensky, who suffers from a heart condition. He had a severe heart attack in an isolation cell, but was not taken out of isolation. After we had protested he was moved, but only to another isolation cell. After he came out of isolation he had a stroke. This was in March 1976.

I was also in Vladimir prison with Alexander Sercienko who had tuberculosis. Notwithstanding this he was put in solitary confinement on a reduced diet. The details which the group issued on the punishments which he and I endured are correct.

I was also in prison with Mikhail Dyak, who suffers from Hodgkins' disease. He was released early, but not until three years after confirmation of his diagnosis. I knew many other people who were not released even though they had cancer and other serious illnesses.

In Vladimir prison I knew Zinoviy Antonyuk, Vladimir Palakhanov, Nikolai Budulak-Sharygin, Georgi Davydov, Gabriel Superfin, Leib Knokh, and Bograt Shakhverdyan. All of them were ill and the state of their health would have justified their early release.

In prison hospitals essential medicines are often not available. For example, they have no blood bank. I remember in 1973 a man named Kurkis who had an ulcer which perforated. There was no blood available to give him a transfusion. He lay bleeding for 24 hours and then he died.

"Vladimir Bukovsky's testimony concerning Y.Orlov's case "Orlov Trubunal", "Index", volume 6, number 6, November-December 1977, pp.55,56.

2. Following are reports from the labor camps describing the position of political prisoners.

Perm Labor Camps:

In the autumn of 1978 V. Marchenko spent a long time in the hospital with double pneumonia. He fell ill in transit in April,

when he was being brought back from "prophylactic talks" in Kiev...

On May 9, 1978 S. Zagursky suffered a heart attack. First aid was not given until at least an hour afterwards.

On June 5, 1978 Anatoly Altman was taken to camp #36. He was transported in such dreadful conditions that he could not stand up on arrival.

On June 6, 1978 a medical commission visiting the camp deprived Verkholyak of his Group 2 invalid status (he is 50 years old, arrested in 1955). I. Ogurtsov asked the commission for permission to receive from home a parcel of medical herbs for his stomach illness which was growing progressively worse, since he had not received any medication in camp. He was not given such permission.

CCE #52.

Mordovian Labor Camps:

On April 18, 1979, Aleksey Tikhy suffered the beginning of a perforated ulcer. He was not taken to hospital until the following day, after bleeding for 18 hours without medical aid and with blood pressure of 70/40. In the hospital he was operated on immediately. On May 10, a serious complications (peritonitis) set in; his stomach was cut open and washed out... On May 28, the doctors submitted documents recommending that Tikhy be released in connection with his serious condition. These documents got no further than the hospital.

Aleksey Murzhenko is ill: he suffers from gastritis, angina pectoris and inflammation of a shoulder joint. During the past year he had been forbidden to write about his health.

CCE #53.

3. Following is a report of the Moscow Helsinki Watch Group (Document #53, June 15, 1978, supplements 5 and 7):

The Group wanted to have Yakov Suslensky, a former POC released from Vlad-mir Prison in early 1977, called. Suslensky, who suffers from cardiac insufficiency, was kept on a starvation diet in an isolation cell in Vladimir for a protracted period. In May 1975, Suslensky had a severe heart seizure and lay in his cell unattended for many hours. To revive him, the prison medical personnel gave him an injection directly into the heart muscle. Instead of sending

him to the prison hospital, however, Suslensky was kept in the isolation cell for ten more days and nights. During the spring of 1977, Suslensky emigrated to the West.

The health of POC Zinoviya Antonyuk who also suffers from heart disease is gravely endangered.

For over a year, the witness Sheliya had been in charge of serving Perm Camp Hospital Nos.35, 36 and 37, and was responsible for sanitary conditions there. During his testimony, Sheliya asserted that prison conditions are good and that medical attention is readily available. However, prisoners under Sheliya have complained that he is unscrupulous and inhumane. In May 1977, Russian, Ukrainian, Jewish, Armenian, and other prisoners in Perm Camp No.35 planned to stage a protest to have Sheliya removed. The protest did not get underway since the camp was partially reorganized and many activists were transferred. Sheliya had assumed his post at Perm after the Moscow Group documents in question had been written.

The following seriously ill prisoners in Perm Camps 35 and 37 are among those listed in Moscow Group Document No.17: Ivan Svetlichny, Anatoly Marchenko and Evgeny Pronyuk. Not one of these men was called as a defense witness.

In Supplement No.7, Landa relates the experiences of two seriously ill prisoners in Perm Camp No.36, Mikhail Slobodyan and Ivan Svetlichny. Landa accuses the camp's doctors Sheliya, Chepkasova, Petrov and Yuzhakov, of professional irresponsibility and deliberate malpractice in their treatment of these two men.

Slobodyan, who suffers from bleeding ulcers, was hospitalized in late 1977 with severe hemorrhaging, anemia, extreme exhaustion and abnormal sweating. After he was dismissed from the hospital, his condition continued to be poor, and his relatives tried unsuccessfully to obtain permission from the camp authorities to send him a food package, in the hope that a more nutritious diet might improve his health. By January 1978, his condition had deteriorated to the point that he could not fulfill his work norms. Instead of re-hospitalizing Slobodyan, the authorities placed him in an isolation cell as punishment for poor work efficiency.

Fearing for Slobodyan's life, fellow prisoners declared a hunger strike and refused to work until he was examined by medical specialists. To restore order in the camp, specialists were called in on March 16, 1978. However, the specialists decided not to send Slobodyan outside the camp for medical treatment. On March 20 and 23, Slobodyan was again punished -- although less severely than

before -- for non-fulfillment of work norms. Only on March 29, after the pain in his stomach became intolerable, was Slobodyan admitted to the camp hospital.

Svetlichny suffers from hypertonia, severe headaches, and circulatory disorders including oxygen deficiency of the brain. On January 22, 1978, he fell ill with jaundice. Only the repeated appeals of Svetlichny and two other prisoners, Sergei Kovalev and Igor Kalients, induced Dr. Yuzhakov to examine him. Finally, on January 25, Svetlichny was released from work. On the 27th, he was admitted to the isolation ward of the camp hospital; on the 30th, he was examined by specialists from Chusova and diagnosed as having Botkins disease (serum jaundice) contracted from poorly sterilized medical instruments.

Political prisoners Basarab and Ismagilov also contracted Botkins disease when they were sent to Perm Camp Central Hospital -- managed by Dr. Sheliya -- for treatment.

4. Stepan Mamchur (died on May 10, 1977) had been an invalid for several years on account of his high blood pressure, and was periodically given a special diet... On May 10, Mamchur's condition worsened considerably. After several summonses an ensign came, then duty officer, then... after a long time afterwards nurse Kuznetsova. She did not know what to do and asked prisoner Cherkavsky whether she should give an injection of magnesium. Later still Dr. T.A. Solomina appeared and seeing the alarming state of the patient made arrangements for hospitalization... The following day (after his death) permission was granted for a special diet, which Mamchur had been unsuccessfully trying to obtain...

CCE #52.

5. Since 1974 following prisoners had died in the Mordovian

special regime camps (less than 50 years old):

Volobuev: aged 23 - from tuberculosis;
Pekharev: aged 33 - from perforation of a stomach ulcer;
Vasilev: aged 42 - from a heart attack;
Safronov: aged 47 - from tuberculosis;
Tsvetkov: aged 48 - from tuberculosis;
Budaev: hanged himself after contracting tuberculosis.

6. The Moscow Helsinki Watch Group (document No.87) reported the names of some of the prisoners who died in labor camps due to poor medical care or lack of it:

Mityuk: he could not obtain any medical treatment on the way from Mordovian camp to Perm camp suffering diabetic;
Gantvars: hypertension; Kurkis: perforation of a stomach ulcer;
Kibartas: cancer of a liver; Mishkenis: after operation' complication;
Opanasenko: committed suicide in a camp hospital;
Rudokas: heart failure; Knavinysh: heart attack;
Pleish: gastrological disease; Kushch: heart attack;
Mezhals: heart attack; Stroganov: asthma, heart failure.

7. The Chronicle of Current Events reported that during the year of 1976 11 prisoners died in the Mordovian special regime camp (the total number of the prisoners there was about 100 in 1976).

CCE 44,45

8. Following cases of early release on grounds of illness are known:

90-year old woman, already spent over half of her sentence' term, which was 25 years.

CCE 15.

Mikhail Dyak had been imprisoned since 1967, five years later he got lymphogranulomatosis (one of the forms of blood cancer). On request of the camp doctors, explaining the serious nature of his illness, camp authorities suggested that M.Dyak should ask for a pardon. They promised him release only on this condition. He refused to ask for a pardon since he did not consider himself guilty of any crime. Finally, in May 1975, he was released on grounds of his health, and he died a year after.

CCE #40,41, 42.

9. The Moscow Helsinki Watch Group (document #17) reported:

Alexander Ser,ienko was confined in a cold, damp punishment cell on reduced rations despite the fact that he suffers from tuberculosis. His mother asked about his early release on ground of illness, but received an answer with explanation that it might happen in an exceptional case when a prisoner is already a "stretcher-case".

Decisions to release ill prisoners were received after their death' in cases of Kibartas (CCE #33) and Cheremukhin (CCE#41). Soleniaks was released when the malignant tumor on his lip had become inoperable (CCE #32,33).

Article 12

1. On April 12, 1979, member of the Moscow Helsinki Group Malva Noyevna Landa was taken off a bus on the way from Olkhovtsy to Kiev. She was searched and then driven to the police station at Zvenigorodka, the district centre. Here she had to remove all her clothes to be searched again.

During the first search they were looking for 'documents' which had disappeared 'from a certain house' which she, Landa 'had just left'. At the second search they were looking for 'gold watches and other valuable items' because 'a shop was raided in Olkhovtsy and she was given the bag of stolen goods'. They found: Moscow Helsinki Group documents, notes, and a copy of V. Chornovil's letter to the Ukrainian Minister of Internal Affairs.

Malva Landa was detained overnight at the police station. In the morning the head of the station demanded 'an explanation' of what she was doing in the district. He expressed indignation at the 'anti-Soviet materials' Landa was carrying, and said that whatever was being done to Chornovil was an internal affair which there was no point in publicizing. He was also indignant that Landa had visited Chornovil, since the latter had been given permission for a holiday to see his parents, not to see her. There was no further talk of robberies and raids.

Landa refused to give 'explanations' and instead wrote a statement of protest against her illegal detention and the searches on false pretexts, and against the intrusion of the authorities into her personal life.

* * *

On April 30, Landa again arrived in Kiev. She was detained at the station and taken to a police station, where she was again searched and again had to strip.

They were looking for 'a purse containing a large sum of money' which Landa 'had stolen from another passenger'. They found several handwritten and typewritten texts and personal letters. Among them was a letter from A.D. Sakharov, which was used in the newspaper The Week on June 25 (see 'Letters and Statements').

She was then taken, or so she was told, 'to Konotop, for identification'. However she was in fact taken back to Moscow. At the Kiev Station in Moscow she was again detained by KGB officials -- at least, that is how one of them introduced himself -- and told that she was wanted for a talk 'on the subject of the incident'. Landa was taken to a car and driven to the town of Petushki, where she is registered.

At the Petushki Police Station she was again undressed and searched. Landa gave the people who were searching her her opinion of the Soviet system. She described it as 'nothing less than fascist' and promised them a Nuremberg trial. In response a record was drawn

up which stated that Landa had called the people present 'reptiles' and said that they 'ought to be hanged'.

Then Landa was taken from the police station for a talk with the District Procurator. The head of the Petushki KGB department joined in the talk. The Procurator said that the police record was sufficient basis to institute criminal proceedings against her and put her in prison for a year for insulting officials. However, he would ignore this record if Landa would promise not to leave Petushki over the holiday period, 1 to 10 May. She gave him her promise.

After this Landa wrote a sketch entitled 'Kiev-Moscow-Petushki'. In the sketch the events of April 30 to May 1 are described as 'a micro-model of the rights of the individual under real developed socialism'.

CCE #53.

2. In April 1979 V. Chornovil left for a holiday in the village of Okhovtsy, Zvenigorodka District, Cherkassy Region. He was intending to break his journey in Kiev for a few hours.

On April 8 the aeroplane from Irkutsk to Kiev in which he was flying arrived over the airport in Kiev on time, and the landing announcement was made. However, the passengers were unexpectedly forbidden to disembark and the plane was sent to Simferopol. The plane landed at Simferopol Airport and stayed there for some time. It eventually landed in Kiev six hours late. On arrival at Borisspol Airport, V.Chornovil was taken off the plane by the police, put into a car, and driven to the bus station to catch the bus to Zvenigorodka. His wife, who was waiting to meet him at the airport, was told that he had not arrived on the flight; he was told that his wife would meet him in Zvenigorodka.

The guests who then came to visit him in Olkhovtsy were literally hunted. On their way back from Olkhovtsy P.Stokotelny, N.Gorbali, Yu.Badzyo and his wife, all from Kiev, were detained -- each of them separately, and each was informed that he or she was suspected of taking part in a robbery -- 'a raid on a shop'. L.Vasilev from Moscow, who was also on his way back from Olkhovtsy, was detained at a police station for six hours, also 'suspected' of taking part in the raid.

KGB officials 'chatted' to Chornovil in Zvenigorodka. He was not allowed to go and see his wife and son in Lvov. The KGB agents said: 'If we let you go to Lvov, in two weeks' time you'll have issued a journal'.

On May 12, when V. Chornovil, his sister and his won were travelling through Zvenigorodka on their way to Kiev, they were detained and subjected to an interrogation which lasted from morning till evening, by when the last bus for Kiev had left. They were interrogated in connection with the case of the arrested Yury Badzyo (see above).

The next day, at 5 a.m. Chornovil was taken to the airport in a police car and not given the opportunity to go to Kiev. Chornovil's friend I. Svetlichny had just arrived for a holiday in Kiev from his place of exile.

A search was conducted at the airport and papers were confiscated. The search record notes that Chornovil was asked to 'show any dangerous packages or objects' and that 'a 52-page notebook containing a draft report was discovered and confiscated during the examination.'

CCE #53.

Alma-Ata, Tashkent. On March 19, 1978, a member of the Moscow Helsinki Group, Tatyana Osipova, flew from Moscow to Alma-Ata. On leaving the plane she was stopped by a policeman and one other person, who told her that it was necessary to check her ticket. Despite the fact that there was nothing wrong with her ticket, Osipova was taken to a police station, where a search of her luggage was carried out 'to check for explosive and highly flammable substances.' Osipova tried to object that at Domodedovo airport her luggage had already been searched with no result. During the search issues of the Chronicle of Current Events and Helsinki Group documents were taken from Osipova's brief case and confiscated as being 'unsuitable for circulation on the territory of the Soviet Union'. (The search was nominally headed by Senior Police Sergeant V.V. Sapozhnikov. In actual fact a man in plain clothes, who did not introduce himself and whose name was not entered in the record, was in charge.)

In the evening of the same day Osipova went by taxi to the town of Issyk. Not far from Issyk a policeman got into the taxi and ordered the driver to go to the police station. There a lieutenant-colonel of the MVD, admitting that he had pursued Osipova from Alma-Ata, tried to find out from her whom she was visiting and why. Then police officials sent Osipova off in the same taxi to Alma-Ata, demanding that the next day she fly to Moscow.

Osipova left for Tashkent (see 'Persecution of Crimean Tatars').

On March 25, before Osipova's flight to Moscow, she was again searched at the police station in Tashkent airport. Her personal notes, addresses, a postal-order receipt and the record of the search in Alma-Ata were confiscated. After the search Senior Police Lieutenant Ivanov said: 'What is he to you? D'you want to complain about the police? You mustn't complain about the police!' This time Osipova was not given a record of the search and was not allowed to take notes from it.

On April 10 Osipova sent the Procurators of the Kazakh and Uzbek SSR's a declaration demanding that the police officials who had carried out the illegal searches be punished and that the confiscated things be returned to her.

CCE #49.

3. The Expulsion of Delegates from Moscow

In mid-March delegates from the Crimea came to Moscow once again, this time over 200 of them (in December 23 had come; in January-February about 120 -- Chronicle 52). They brought with them a 'National Protest' against the continuing harsh persecution in the Crimea (it was signed by 3,988 Crimean Tatars living in the Crimea, the northern Caucasus and southern Ukraine) and an appeal for the release of Mustafa Dzhemilev (1,927 signatures.).

On March 14 the delegates went to the Presidium of the USSR Supreme Soviet to request a hearing.

On March 15 the Crimean Tatars again came to the reception room of the Supreme Soviet Presidium and began a two-day hunger strike.

At 5 p.m. police and soldiers turned the Crimean Tatars out of the reception area, herded them into buses and drove them to various police stations and sobering-up stations. The following day the majority of those arrested were sent under guard to Tashkent (they were transported in specially designated carriages) and a group of 12, also under guard, were taken to Krasnodar, where they were registered before they returned to the Crimea. Both groups continued their hunger-strike in transit.

CCE#53.

4. American historian McClellan married a Russian woman (now Irina McClellan). Since his marriage the Soviet authorities have been refusing Mr. McClellan entry visas, and refusing permission to emigrate for his wife.

CCE#41, #45.

For over 18 months the Moscow non-conformist artist Iosif Khibitsky has been trying to get permission to leave for West Germany to join his wife, a German citizen, who is now expecting a child. Khibitsky has not received one written reply to any of his numerous inquiries.

OVIR refuses to give him permission to leave, referring orally to "secret work" while he served in the ARMY. Kiblitsky was demobilized eleven years ago. He has never signed any statement about access to secret work, either while he was in the Army or afterwards.

CCE #53.

On August 19, 1978, the registration of the marriage of Vyacheslav Nikolaevich Cherepanov and Iolanda Vaicaitis (a Canadian citizen) was to take place at Vilnius Registry Office. However, when all the preparations had been completed, the registration was postponed until August 24, although Iolanda's visa ran out on August 22. On August 22 police officers came for Iolanda and put her on a train out of the country. This marked the beginning of the so far fruitless efforts of Vyacheslav and Iolanda to be reunited.

At the end of 1978 V.Cherepanov submitted documents regarding Iolanda's application to enter Lithuania. The application was however rejected.

CCE#52.

5. The Moscow Helsinki Watch Group devoted documents Nos.11-14 to the problem of emigration.

Document No.11 The Right to Emigrate for Religious Reasons is a 2-page text plus large appendix consisting of documents on the

emigration of Pentecostal Christians.

The emigration movement among Pentecostals differs from analogous situations in its massive dimensions -- it is not individual or separate families who announce their intention to emigrate, but rather whole religious communities which have created special initiative organs -- Emigration Councils -- for this movement.

Document No.12 Ukrainian Refugees has an appendix with a list of 18 Ukrainian families wishing to emigrate and a list of 15 Ukrainian political prisoners known to have renounced their Soviet citizenship.

Document No.13, Demands by Workers to Emigrate for Economic and Political Reasons.

For the present selection, we have chosen four families wishing to emigrate from the USSR, and which have turned for help to the Group to Promote. These people live in different places, but are linked by the fact that they are workers, representatives of that class, which, in accord with official Soviet ideology "rules" in the USSR. Besides this, they do not belong to any national minorities; the reasons motivating them to request permission to leave the country are of an economic-political character.

Document No.14 is devoted to the attempts to emigrate by a Leningrad woman Emilia H'ina.

Evgeny Bresenden described his case before the Orlov Tribunal. (published in Index on Censorship, Volume 6, #6, London, U.K.):

I am 36 years old. I was born in Barnaul in Siberia. My father died during the Second World War. My mother was a Pentecostalist. In 1949, she was arrested, charged with being an American spy and sentenced to 10 years' imprisonment. Our home was confiscated. Almost all other church-goers in Barnaul received similar treatment. When my mother was released after six years our home was returned to us.

During the time that my mother was in prison I was at a State orphanage. My grandmother had wanted to look after me, but this was not permitted by the authorities. At the first orphanage I stayed in,

I would pray and sing religious songs with the other religious children. As a result, we were separated and I was bullied and mocked by other children at the orphanage.

I went to live in Nakhodka, which is near Vladivostok, and worked there as a cabinet maker. I became known as a Christian and was dismissed from a succession of jobs. On several occasions I was beaten up by gangs of youths known to be recruited by the Militia. The Militia always denied this.

In November 1962, I was arrested. The official reason was that I had refused to perform military service despite an official medical report exempting me from military service on grounds of health.

I came out of a prison camp after a three-year sentence. I then worked as an electrician, which gave me an opportunity to travel. I was very active in the Pentecostalist Church and acted as a courier between Pentecostalist Churches in Siberia, the Far East and the Ukraine. On several occasions I visited Moscow. As a result, I became acquainted with Yuri Orlov.

In 1974, I applied for permission to emigrate after the authorities had informed me unofficially that it had been decided to take my three children away from me. I did not want them to go through what I had been through. They were then aged three years, two years, and seven months. I was summoned to appear before a committee of the Nakhodka Regional Council and said that I did intend instructing my children in religious education. Rastigaev, the deputy chairman of the committee then informed me officially that my children would be taken away from me. The next time I was in Moscow I protested through the foreign correspondents and the decision to remove my children was not acted upon, although it was never formally withdrawn. At another meeting with the Council I was told by Rastigaev that I had been officially diagnosed as insane. I also lost my job in September 1974. For three months I was unemployed and then found only manual work. Eventually I was allowed to emigrate in September 1975.

On January 10 Pentecostalists and Baptists who had renounced their Soviet citizenship sent a complaint to the 'UN International Court'. They pointed to the unremitting persecution of believers and the Soviet Union's failure to observe the International Covenants regarding human rights.

Lists of those who had renounced Soviet citizenship, together with copies of renunciation declarations dated January 21 and August 25, 1978 were attached to the complaint.

CCE#52.

Following is an excerpt from Ludmilla Alexeeva's (former representative of the Moscow Helsinki Watch Group) statement before the Commission on Security and Cooperation in Europe (Both Sessions, 1st Session on Implementation of the Helsinki Accords, vol.17, p.52, 1977):

Document 9, which also concerns emigration, is based on the statement of a messenger sent by peasants of the village of Ilizna in the Voronezh region, who were denied the right to emigrate on the grounds that no one would be left to work their collective farm. Document 11 concerns Pentecostalist congregations numbering about 1,000 persons who wish to emigrate to escape persecution for their religious beliefs. Pentecostalists are almost all Russian and Ukrainian peasants and blue-collar workers or clerics who, in their refusal to conceal their religious beliefs had, in effect, barred their children from receiving higher education over the past thirty years.

Document 12 concerns the families of imprisoned political prisoners who want to emigrate from their homeland. For them, the motivation is the persecution which continues even after prisoners have served their full terms and which affects the families and friends of former prisoners of conscience as well as the ex-prisoners themselves.

Document 20 is also devoted to the problem of emigration, and particularly to the renunciation of citizenship which has become a wide-spread phenomenon.

Thus, seven of the group's 22 numbered documents concern the individual's right to choose where he wishes to live, in our judgment, a basic human right.

The attention we have given to the problem of emigration does not reflect any exaggerated interest on the part of the group members. Instead, it is a consequence of the many complaints and requests for help which we have received.

I can say the same for our other documents. They are typed and dictated not by the members' personal tastes, but by the materials which we received. We simply organized these materials and checked the reliability of the information presented.

The "Right to Emigrate" Committee was founded in Moscow in 1978 in order to promote the realization of that right in the USSR. By September 1979 three bulletins had been issued by the Committee.

In order to promote Soviet observance of the right to emigrate, the Group will inform the public about persons who struggle for this right and will render them whatever help possible. Special and persistent attention will be devoted to the struggle for a more liberal emigration procedure.

The Group will be acting in full conformity with Articles 39, 51, 67 and 113 and other articles of the Soviet Constitution dealing with public organizations.

This is the Group's first publication. It is addressed to all those who are interested in the problem of emigration from the Soviet Union. Accounts of conflicts with the authorities, as well as letters and suggestions (except for anonymous ones) sent to the Group, will be published, if the author wishes, either in full or in summary form in forthcoming issues.

Ludmila Agapova, Ivan Lupachev, Mark Borikov,
Vyacheslav Replikov, Vladimir Shepelov

CHR #36.

6. A Chronicle of Current Events reports only one instance when a man was shot after he tried to flee the Soviet Union. In November 1975, a warship of Baltflot (Baltic Sea Navy) The Igarka made an attempt to go to Sweden. (CCE 43). The captain of the ship, Valery Sablin was sentenced to the capital punishment and was shot -- it is not known what charges were brought against him -- treason or desertion. (CCE 48)

Usually persons charged with the attempt to flee the country under Article 64 (and those defected) are sentenced to the maximum of 15 years strict regimen labor camps. Presently, the following persons are serving sentences on such charges: Vladimir Balashov, sentenced to 12 years in 1973 after he returned to the USSR in 1971; two will after defection; soldiers B.Veduta and A.Ferniyshak (who tried to escape from the occupation forces in East Germany to the West, were caught and sentenced to 15 and 12 years); V.Federenko sentenced to five years of prison, five years of special regimen.

AD-A093 577

DEPARTMENT OF STATE WASHINGTON DC OFFICE OF EXTERNAL--ETC F/6 5/4
THE OBSERVANCE OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS BY--ETC(U)
1980 V CHALIDZE

UNCLASSIFIED

FAR-3013

NL

3 OF 3
20 08422



END
DATE
FILMED
*2-88
DTIC

labor camp and five years of internal exile for the attempt to cross the border to the Czechoslovakia; I.Mendelevich, Y.Fedorov and A.Murzhenko sentenced in 1970 to 12, 15 and 14 years for the attempt to hijack a plane to Israel; and others.

(Archives of Khronika Press.)

7. According to Information Bulletin #2, June 1979, of Initiative Committee for the Right of free Exit from the USSR, there is a group of about 200 Iranians living in the USSR with "residence permits", not passports. This group has been trying for a long time to return to their homeland, but authorities refused them permission to do so.

CCE #53.

According to CHR#26, an organization has been formed in Japan to assist Koreans living on Sakhalin Island who wish to emigrate from the USSR. A suit has been filed in Japanese court on behalf of four such individuals demanding that the Japanese Government acknowledge its responsibility to secure their release from the Soviet Union. CHR#25 (Russian-language edition) contains an article by Prof. George Ginsburgs detailing the fate and citizenship status of the approximately 45,000 Koreans who were residents of South Sakhalin when it was occupied by Soviet forces in August 1945. South Korean authorities estimate that 7,000 of those Koreans want to leave the USSR. See also G.Ginsburgs The Citizenship Status of Soviet Koreans, 1945-1975, "Papers on Soviet Law", Institute on Socialist Law, vol.1, N.Y.1977.

8. According to reports of the Moscow Helsinki Group (document #32), the alleged access to classified information has been the most frequently used reason for issuing refusals to emigrate from the USSR. A.D. Sakharov wrote in his open letter to the Federation of American Scientists on September 9, 1977:

I am very anxious for the fate of two scientists, mathematician Naum Meiman and physicist Yuri Golfand, who are not being allowed to emigrate from the USSR. Authorities issuing refusals say that Meiman and Golfand had access to secret information. I am very well acquainted with the work of Meiman and Golfand with their level of knowledge concerning secret issues, and I feel it is my duty and responsibility to state that there are no grounds to the authorities' claims.

Until 1954, Naum Meiman participated in computer projects at the Institute of Physical Problems in Moscow, which were commissioned by the Nuclear Weapons Systems Research Center. Yuri Golfand, until 1956, took part in similar projects at the Physics Institute of the Lebedev Academy of Sciences of the USSR in Moscow. Persons working outside the Nuclear Weapons Systems Research Center were as a rule not apprised of concrete facts and the actual parameters and characteristics of these systems. This applied especially to persons not in charge of a given project. Therefore, information Meiman and Golfand could divulge could never have been of any significance. And now, more than twenty years after their work on secret projects, Golfand and Meiman undoubtedly have no classified information at their disposal.

All these years they have worked productively in the abstract fields of theoretical physics and mathematics. Their desire to emigrate is based on very weighty considerations. Many years of visa denials have placed them in an extremely difficult situation.

I appeal to the Federation of American Scientists to support the right of Golfand and Meiman to emigrate.

Andrei D. Sakharov "Alarm and Hope," Khronika Press, 1978.

Article 14

1. During virtually all the trials of political and religious dissidents formally considered open, the general public, friends and sometimes even relatives of the defendant are barred from the courtroom. Following are two examples:

The founder of the Ukrainian Helsinki Watch Group Lev Lukyanenko's relatives and friends did not find out about the trial until the end of the first day, when several of them (in particular, his wife and brother) were served a court-summons to appear as witnesses on July 18.

In accordance with tradition, the hall was filled beforehand with a 'special public'. Measures were taken against those wanting to attend the trial even at the entrance to the town: suddenly there was an epidemic of foot-and-mouth disease in the locality and the entrance to Gorodnya was, therefore, blocked as being a disinfection point. Passengers on public buses were told to get out and were escorted across a strip of sawdust. Officials of the State Car Inspectorate told the car carrying Oksana Meshko, a member of the Ukrainian Helsinki Group, to return to Kiev. Meshko got out of the car and despite attempts to get her back in by force, she struggled free and continued on foot. She managed to hire a private car and got past two more posts, each of which was guarded by a couple of plain-clothes men as well as uniformed police. But at the entrance to the town officials of the next post detained Meshko: "You are someone we want." Three men drove her back to Kiev in the car they had stopped and put her out when they got there.

Before being questioned the witness Zvenislava Vivchar asked the Judge whether the trial was open or closed. The Judge did not answer her question and the Procurator expressed displeasure. After an adjournment Vivchar was not readmitted to the hall. She wanted to wait in the corridor, but was ordered to go home to Kiev. Vivchar found a compromise solution: she went out into the street and sat down on a bench. This proved insufficient. A couple of plain-clothes officers dragged her to a car and drove her to a bus station in Chernigov.

CCE 46.

Ukrainian Helsinki Group members Nikolai Rudenko's and Alexei Tikhy's relatives first learned of the trial on June 25 from the summonses to "witness for the defense" to appear at 10 a.m. on

June 28. They arrived in the town on June 27. However, the chairman of the Town Court N.A. Ladyzhsky refused to inform them as to where the trial was taking place... They finally found the place, but were not allowed into the court room. On the third day "Rudenko's sister, Tykhy's mother (80 years old) and his two sons (one of whom had learned of the trial from the radio the Voice of America) were allowed into the court room. Tikhy's sister was not admitted: - The judge forbids it!-"

CCE #46

2. Here is another example:

On March 2 the relatives of Anatoly Shcharansky sent the chairman of the KGB, Andropov, the following telegram:

Despite our categorial demands we have been given no meetings with Anatoly, so we cannot find out his wishes regarding his defense. We have not received from him the detailed instructions provided for by the law. In this way he is being deprived illegally of the opportunity to engage a defense lawyer. We categorically protest against the illegal appointment of an official lawyer by the KGB in this case.

In reply to this declaration Shcharansky's mother, I.P. Milgrom, was summoned to Lefortovo prison on March 16. She was interviewed by Lieutenant-Colonel Volodin and the Procurator for supervision of the state security organs, Ilyukhin. After prolonged wrangling Ida Petrovna was brought a note from Anatoly. It reads:

Dear Mama! I declare to the investigators and repeat to you that I am entrusting you and Natasha with the choice of a defense lawyer. I have categorically refused the lawyer appointed by the Bar. If you do not succeed in finding the lawyer you want I will choose one myself.

On April 2 Milgrom sent a declaration to the Head of the KGB's Investigation Department, General Volkov. Referring to the note received from Anatoly, she wrote that she and her son's wife had to choose a defense lawyer for a man threatened with a death-sentence; by this token they bore a huge responsibility. Therefore, Milgrom insisted on a meeting with her son so that they might together make the right choice of a lawyer.

The next day Milgrom handed a copy of this declaration to Volodin and Ilyukhin. They advised her to stop looking for a lawyer altogether, assuring her that Anatoly was quite capable of defending himself.

CCE #49.

3. At the beginning of the session A. Podrabinek appealed to the court with a series of petitions.

The petitions were as follows: to attach to the case file the "Statutes on Psychiatric Hospitals", the directives of the Ministry of Health concerning food in hospitals, the international classification of illnesses, the indictments and psychiatric reports on 30 political prisoners formerly held in psychiatric hospitals, the reports on the examinations carried out by G.Low-Beer on P.Starchik and Yu.Belov, the medical history of Radchenko and the medical report on his death, and the post-mortem report on Dekhnich.

He also petitioned to call as witnesses the psychiatrist Fyodorov, Yu.Belov, M.Kukobaka, P.G. Grigorenko and N.Ya.Shatunovskaya (the mother of Olga Iofe -- Chronicles 11 and 15 -- who was compulsorily hospitalized in the Kazan SPH); to procure the two-volume edition of Mashkovsky's Medicinal Remedies, several copies of A Chronicle of Current Events and the Information Bulletin of the Working Commission, the book by Bloch and Reddaway on psychiatric hospitals in the Soviet Union, copies of the S.S. Korsakov Journal of Neurology and Psychiatry containing information on the International Congress of Psychiatrists in Honolulu (Chronicle 47); to engage an Italian-Russian interpreter, as the case materials included documents written in Italian (materials of the Sakharov Hearings); to allow him (Podrabinek) to hear the tape-recordings of his interrogations; to call the British barrister Blom-Cooper to the trial as defense counsel; to arrange that the trial be relayed to all those interested.

A. Podrabinek gave reasons justifying each petition, almost all of which were supported by his barrister. The court rejected all the petitions.

A.Podrabinek then said that he was dispensing with barrister Shalman and would conduct his own defense. After several alterations among themselves the court complied with this petition.

CCE#50.

I.Zisels repeated his petition submitted during the pre-trial investigation to call 580 witnesses and conduct 139 confrontations and examinations to determine the truth of the facts contained in the

incriminating documents (listed were people discussed in these documents, and their authors -- Solzhenitsyn, Nekipelov, Osipova and others).

Eight witnesses out of the 23 who had been examined at the pre-trial investigation were summoned to appear at the trial. Zisels petitioned for the other 15 witnesses to be called also.

CCE#53.

Orlov then submitted several petitions to the court. His explanations of the reasons for these petitions, like everything he subsequently said throughout the trial, were interrupted by shouts from the Judge: "No one is asking you (about this or that)!" "Stand up straight, don't prop yourself up!" "You're not giving a lecture!" and so on.

Orlov asked that the English lawyer J.Macdonald, to whom his wife had entrusted his defense (Chronicle 45) be invited to the trial.

Orlov petitioned for additional witnesses to be summoned. Among these were L.Sery (Chronicles 42, 43), V. Pavlov (Chronicle 43), V.Khailo (Chronicles 3648) N.Svetlichnaya, N.Strokatova, O.Ya.Meshko, and S.Karavansky, all of whom feature in the Moscow Helsinki group documents which formed part of the basis of the criminal charges against Orlov. (Pavlov and Khailo had come to Moscow that day and were outside the court building). There were also several research scientists from Moscow and Erevan who could have testified to Orlov's scientific capabilities. Orlov asked that the director of IZMIRAN, corresponding member of the USSR Academy of Sciences V.V. Migulin, be summoned, since his letters to the KGB had influenced the formulation of the charges, and also S.Lipavsky (see "The Trial of Shcharansky" and A.Gradoboyev (see "The Trial of Ginzburg"), whose testimony was included in Orlov's case file (Orlov did not know Gradoboyev and he had seen Lipavsky once only, at the entrance to his own apartment). Orlov asked that V.Slepak, a member of the Moscow Helsinki Group, be summoned before the court (with reference to the group's Document No.9 about the Jews from the village of Ilinka -- Chronicle 43); also the secretary of the Soviet group of Amnesty International, V.Albrekht, the director of the Institute of Psychiatry of the USSR Academy of Medical Sciences, A.V.Snezhnevsky (with reference to an incident involving L.Plyushch - Chronicle 36) and translator Antonova, who had translated Orlov's interview with the Italian journalist M.Zoppelli.

Orlov asked for inclusion in the case of additional documents. Lawyer Shalman petitioned for the inclusion of Orlov's scientific articles, published in the USSR and abroad in 1974-1978, and certificates and testimonials concerning Orlov's scientific work. He asked that a number of people be summoned to court who could give evidence about Orlov's efforts to obtain a regular job in Moscow and Erevan.

The court rejected all the petitions of the accused and his lawyer.

CCE#50.

4. According to the Moscow Helsinki Watch Group (Document #75),

The following case is worth citing. Yury Yarym-Agaev, research associate at the USSR Academy of Sciences Institute of Physical Chemistry, was transferred from one laboratory to another. Since he considered his transfer unlawful, he brought an action for reinstatement in his former position in the raion court of the Oktyabr Raion of Moscow, citing Articles 113 and 117 of the GPK and Article 201 of the RSFSR Labor Code. But his case was not accepted for trial by the people's court. Instead, it was sent to Special Court 12.

His complaint that his suit was unlawfully rejected was filed with the Moscow City Court; but up to now it has not been considered and has been left unanswered, in violation of Article 214 of the GPK.

This is one confirmed instance involving violation of the principle of equality before the law and the courts.

CHR #33.

Article 15

1. There are several known cases, when political prisoners serve their 25-year terms inspite of the fact that present Criminal Law (effective since 1958) declares the maximum term -- 15 years. Shortly after enacting that new criminal legislation in 1958, the Presidium of the USSR Supreme Soviet issued a decree saying that those who had been serving their punishment for "especially dangerous crimes against the state" could not benefit from reduction of their sentences to the new limit on the length of imprisonment.

One of these people is Svyatoslav Karavansky, Ukrainian poet, first time arrested in 1943 for participation in underground group demanding Ukrainian independence, so-called "nationalist", finished his 30-year sentence in 1979. He was freed in 1960, but was arrested again actually for the same crime in 1965. From the Memorandum #1 of Ukrainian Helsinki Watch Group:

Svyatoslav Karavansky and Hryhoriy Prokopovych never concealed their nationalism; it forms the basis of their beliefs. It is known that V.I. Lenin insisted on differentiating between the nationalism of subjugated nations and the nationalism of subjugating nations. Lenin did not condemn nationalism of a subjugated nation, but justified it morally and politically, especially if it was not aggressive, but legally defensive in character. But S.Karavansky and H.Prokopovych and hundreds of other Ukrainian nationalists who peacefully demanded Ukrainian independence were sentenced after the war to 25 years' imprisonment because of their convictions. Later, under Khrushchev, some were released for several years. But when the Khrushchev thaw ended, they were again thrown into concentration camps for the same thing -- for their convictions.

CHR# 23-24 contains a statement by another Ukrainian political prisoner Miroslav Simchich. He was arrested in 1949 for participating in UPA and was sentenced to 25 years of imprisonment. In the camps,

he was sentenced to 10 more years. In 1956 his sentence was reduced, but after four years of freedom he was again arrested, his case was reopened. M.V.Simchich is asking not to extend his sentence more than his 35 years, saying: "The commission rehabilitated all seven of my co-defendants in the camp case. Why have people now resurrected and justified lawlessness that has long since been condemned?"

Article 17

1. In the summer of 1971, A.Solzhenitsyn's friend Alexander Gorlov went to the country cottage belonging to A.Solzhenitsyn to fetch something on request of the owner. When he came near the cottage, he heard voices from inside, the door was unlocked. Gorlov entered and demanded papers of unknown people. Although they wore plain clothes, they happened to be KGB agents: one of them showed his identification card to the neighbors, who came running to the cottage in answer to Gorlov's shout. The intruders already had beaten up Gorlov before neighbors came and went, then they demanded from him a promise to keep silent about the whole thing, otherwise they threatened to ruin his career as a scientist and to persecute his family.

CCE#21.

In his place of exile, city of Gorky, Andrei Sakharov is under constant watch by the authorities. One day in July, when A.Sakharov and his wife Elena Bonner returned home after taking a walk, they found there two unknown persons. They were searching Sakharov's desk. They ran away through the window. Since Sakharov's apartment is closely watched all day long and there is even a guard outside the apartment door in the hall, these persons could not be common thieves. New York Times, July 10, 1980.

2. In October E.Ts.Chukovskaya received two letters at once. The first was in an envelope bearing the return address of a friend in Leningrad and a Leningrad postmark -- but it turned out to be from somebody else and had been written in the Caucasus. The envelope of the second letter bore exactly the same return address (and the corresponding postmark). Without opening the second envelope, Chukovskaya took both letters to the post office (district K-9, Central Telegraph). The director, on hearing her complaint, was shocked: "Surely you don't think our postmen change letters around?" Chukovskaya assured the director that she fully trusted the postmen but asked that those who were in fact responsible should be found. When she received a categorical refusal at the post-office, E.Ts.Chukovskaya turned to the procurator's office.

In her presence and that of witnesses, an investigator opened the second envelope and revealed that the letters had been switched before the Moscow stamps had been put on them. At the investigator's suggestion, E.Ts.Chukovskaya wrote a declaration asking that those who had violated the secrecy of her correspondence be found. The procurator's office replied that there were no grounds for starting a criminal case. Chukovskaya is continuing to demand that those responsible be found and punished. She also demanded the return of her letters, which were kept by procurator's office after being examined.

CCE#38.

3. Odessa. Leonid Tymchuk (Chronicles 30,32 and 35), having guessed that his flat was bugged, carried out a thorough search and discovered a newly plastered niche with wires leading to it in a wall of his house looking onto the grounds of a factory. At the beginning of May Tymchuk disconnected the wires by night, opened the niche and forced open a metal box which was bricked up in the wall. Inside were clips of batteries and two or three boxes, tightly wound with insulating tape and connected together by different coloured wires; some of the wires went straight into the wall, behind which was Tymchuk's room. Tymchuk took the boxes into the house and hid them. Very soon a car appeared at the house and some people began to swarm around the wall, but when they noticed Leonid observing them from the roof, they ordered him to clear off. He did so; he left the house unobtrusively, across the roofs.

Later, however, they tracked him down on the streets of Odessa and brought him home, having produced a search warrant for the purpose of confiscating "literature slandering the political and social order." The search was conducted by KGB officers; they did not discover the literature for which they were searching, but to make up for it they found the boxes and confiscated them. Tymchuk demanded that they

should take the insulating tape off them and see what was underneath. However, the people conducting the search refused to do this.

Subsequently, at an interrogation, Tymchuk was reproached with having allegedly upset the anti-aircraft defenses of the factory, although his house had nothing whatsoever to do with the factory and as a matter of fact is scheduled for demolition.

CCE#36.

On May 26, 1974 the electricity meter was replaced in the home of Gennady Konstantinovich Kryuchkov, chairman of the Council of Churches of the Evangelical-Christian Baptists (in Tula, Ageyeva street 32).

On June 8 Yuri Konstantinovich Kryuchkov, G.K.Kryuchkov's brother, opened the meter at the request of Gennady's wife Lidiya Vasilievna and examined it. At first he found nothing. Then he tried to unscrew two screws by which the meter's mechanism was attached to the outer casting, but the screws turned out to have two heads, so that although the outer casing came off, the screw remained in place. Then Y.K. Kryuchkov took the meter off the wall and, by carefully examining it, noticed some barely visible slits in the screws. Inserting a needle into these slits, he managed to unscrew the casing and take out the meter's mechanism. Behind the mechanism, instead of the back part of the casing, he found a black steel plate concealing a microphone. The microphone was directly connected to the circuit in the meter itself, and a miniature microphone monitor was taped to the back part of the casing. On the monitor was written in English "Made in USA". The other equipment had Soviet markings.

The meter was taken down and opened between 12.00 and 1.00 p.m. on Saturday June 8. Immediately the house was surrounded by "people in plain clothes". Soon two men calling themselves electricians entered the house. Seeing the opened meter, they made a written report and turned off the lighting.

From the moment the meter was opened, everyone coming out of the house had been detained, searched and interrogated. In addition, S.F. Selivanov, an investigator from the Administration of Internal Affairs, kept demanding of L.V. Kryuchkova, "Return to us what you found". Sometimes he even resorted to threats: "Watch out! The case isn't closed! After all, that equipment was expensive -- you'll answer for theft."

L.V. Kryuchkova has written an open letter "To All Christians of the Evangelical-Baptist Faith", giving an account of these events and including a photograph of the open meter and the microphone.

CCE #34.

4. Following example was published in CCE#38:

V.F.Turchin, who was in Vilnius during the trial of S.A.Kovalyov, phoned home a number of times -- but only on the first day of the trial: on the second day his home telephone had already been disconnected without warning. Turchin's friends in Moscow asked the

telephone repairs office:

"What's wrong with telephone number 129-25-30?"

"The telephone has been repaired but has been switched off for three months."

"Why?"

"For breaking the regulations."

"What regulations?"

"Paragraph 59 of the Statutes on communications."

"And what do these regulations say?"

"I don't know."

"Who does know?"

"Phone the chief communications engineer, Vladimir Aronovich Ioffe."

The conversation with Ioffe:

"Tell me please, why has telephone number 129-25-30 been disconnected?"

"Is it your telephone?"

"No, my friend's."

"So ask your friend; he knows perfectly well why it is."

"But he's not in Moscow at the moment, nor was he when it was disconnected; the repairs office told me the telephone had been disconnected because paragraph 59 of some regulations had been broken."

"They told you the truth."

"But can't you tell me what this paragraph 59 consists of?"

"What do you want to know for?"

"So that I know what to protest about."

"All that is quite useless!"

"But nevertheless?"

"All right, I'll read it to you: 'A telephone may be disconnected if it is being used for purposes contrary to state interests or public order; rent continues to be payable in the usual way.' Do you understand?"

"Not quite, I must admit. Who is it that decides what is 'contrary to' anything? Do you mean they listen in to telephone conversations?"

"This is a completely unnecessary conversation!"

"Do you mean that some third person is listening to our telephone conversation as well?"

"I repeat, this is a wholly unnecessary conversation!"

"But tell me, who gives the order to disconnect a telephone?"

"The head of the communications network."

"Well, who does the head of your network work for -- the Ministry of Communications or the 'relevant authorities'?"

"We all work for those authorities."

"What do you mean? You too?!"

"Listen, I've already said much too much."

Article 18

Repressions of the Unregistered
Communities

1. On June 22, 1975 the administrative commission of Babushkino district in Moscow warned A.A. Vlasov, a member of a Christian-Pentacostal congregation: "If we catch you again at one of your religious get-togethers, we'll put you on trial." This year (1975) A.A. Trushin, the Moscow regional commissioner of the Council for Religious Affairs, has three times summoned Christian Pentecostal preachers to his office for discussions; on October 24, KGB officials A.D. Shilkin and S.P. Shalev took part in such "discussion" at Trushin's office. They demanded that the congregation should register threatening it with trials if it refused.

The congregation regards the conditions of registration as incompatible with the demands of the Christian religion.

CCE#37,38,39.

On May 18,1978, Yury Safronov, leader of the Pentecostal congregation of the settlement of Mikhailovka (Neklinovsky District, Rostov Region), was warned by Procuracy that if he did not register the congregation he would be held criminally responsible.

CCE#51.

A group of Adventists in Kharkov have left the officially registered community. The Kharkov commissioner of the Council for Religious Affairs and KGB officials, threatening they would shut down the prayer house, demanded from the community leaders a list of

the believers who had left it. On January 13,1977, a group of believers sent a protest about this to Brezhnev and Andropov...

On July 23,1977, the house of Kharkov Adventist I.A. Konev was besieged by KGB and MVD officials (8 people). The owners did not open the door. For three and a half hours the raiders drummed on the windows and doors, swore at the owners and threatened them with reprisals... Then they cut off electricity supply to the house...

On December 17,1977 the operation was repeated. This time about 15 people came.

CCE#51.

In Vinnitsa the owners of houses in which religious marriage ceremonies take place, and the ministers who conduct the services, are being fined. For example, Presbyter A.Melnik has been fined three times this year (50 roubles each time).

* * *

On July 15 in the village of Evseyevo, Moscow Region, the police and men in civilian clothes tried to break up the wedding of Pentecostal believer Razumovsky. The electricity was cut off in the house where the wedding was taking place, and when the electricity was quickly restored by connecting it to the next house, the power was cut off throughout the village. In spite of this, the wedding still took place.

* * *

On May 6 in the village of Novaya Greblya, Rogatin District, Ivano-Frankovsk Region, the wedding of O. Stefanishina and R.Shkavritko was broken up. On the day before the wedding the bride's father was summoned to the District Soviet EC and warned by the local Commissioner of the Council for Religious Affairs that religious wedding ceremonies are forbidden. On the night of May 5-6 about 20 policemen and vigilantes broke into the Stefanishins' yard and demolished the wedding tent and the prepared tables. On May 6 the village was surrounded by police, MVD troops and vigilantes. All the roads were cut off and a quarantine on account of "Siberian plaque" was declared. The bridegroom and his guests (about 200 people) could not get into the villaGe to see his bride, and the

bride was not allowed out to see him. About 100 believers went to protest to the Rogatin District Party Committee. The Party official on duty wanted to call the police, but there were no policemen available -- they were all involved in cordoning off the village.

CCE#53.

On September 17, 1978 in Petromikhailovka village, Volnyansk District, Zaporozhe Region, the wedding of A.Katrich and D.Rotova took place. During the wedding, conducted as a religious ceremony, Deputy Head of the Regional UVD Kirilyuk and N.Mirko, the Secretary of the District Soviet Executive Committee, made an appearance. They drew up a report stating that a religious service was being held under the guise of a wedding. Then the radio loudspeaker was turned on at full volume in the school building. When two believers set off to the school to ask for the volume to be lowered, they were detained and sent to the district centre, where P.Stankevich was sentenced to 1- days' imprisonment (Stankevich was due to be married a week later; the authorities demanded written proof, but although this was supplied, his punishment was not revoked).

CCE#52.

Kharkov, March 9. On this day Vitaly Pidchenko should have celebrated his wedding, of which he had already informed the local authorities. A condition was set for Pidchenko and his fiancée -- that they should invite no more than 40 guests to the wedding. They refused. So, on the eve of the wedding, tables put out for the celebration were dismantled and taken away, and on March 9 the guests were forced to disperse; 26 people were arrested and detained for 15 days, six were fined 50 roubles each, and over 20 were detained (some for two days). Policemen and vigilantes, so as not to make an error and arrest "their own people", demanded that those they detained should use foul language, cursing God.

Kharkov, April 15. Major Kurilo was in charge of breaking up a festive religious service. The believers were taken in a bus to the Vigilante Support Point, where they were all photographed and given summonses to an administrative commission. Five people were arrested.

Enakievo, Donetsk Region, April 30. A wedding was broken up, the guests were beaten and driven away, far from the house, and musical instruments were seized. Two people were sentenced to 10 and 15 days' imprisonment, two others were given corrective labor and fined 20% of their pay.

CCE#53.

At the beginning of May the Rostov Baptist congregation notified the chairman of the city Soviet executive committee about a forthcoming important prayer-meeting. On May 7, two days before the meeting was due to take place, mass arrests of believers began in the city.

Believers were roused from their beds by people climbing through their windows and breaking down their doors. Searches were conducted involving the confiscation of religious literature and ordinary objects -- without the sanction of the Procuracy. The Baptists were even pulled off suburban trains. About 2,000 people were arrested altogether. Many were sentenced to 10-15 days' imprisonment. In the special reception centres some people had their hair cut off, others were taken to the venereal disease clinic and forced to give blood samples. Lyubov Ovchinnikova was detained in the clinic, though the doctors declared her to be healthy.

After the Baptists complained to Moscow, the local authorities began to release those imprisoned without waiting for their sentences to end.

On May 13 the Christian Committee for the Defense of Believers' Rights in the USSR sent a letter to I.A. Bondarenko, first secretary of the Rostov regional party committee, demanding that he end these illegalities.

* * *

On March 10 Pyotr Danilovich Peters (Chronicles 47, 48), was sentenced to 2½ years' imprisonment under article 190-3 of the RSFSR Criminal Code ("Organizing or actively participating in group activities which contravene public order"). Only the father of the accused was able to be present at his trial. His friends and fellow-believers who tried to get into the courtroom were pushed into buses and taken to the police station, where they were held until evening.

CCE#49.

Ivan Petrovich Fedotov (born 1929, a builder) was arrested on August 15, 1974 (Chronicle 34).

From April 10 to 18, 1975 the Kaluga Regional Court examined his case. The presiding judge was Kuznetsov. The state prosecutor was a man of the same name, Fedotov conducted his own defense.

He was charged under article 227 ("infringing on the person and rights of citizens under the guise of carrying out religious rites"), article 190-1, article 191 ("resisting a representative of the authorities or the public in the performance of his duty of safeguarding public order") and article 192 ("insulting a representative of the authorities or the public") of the RSFSR Criminal Code.

Under article 227 Fedotov was accused of organizing unregistered prayer meetings. Five signed statements by officials were presented in evidence as material proof of this. A statement dated December 2, 1972, declared: "Twenty six believers were signing, i.e. performing religious rites. On the table were a Bible and a hymn book published

in 1968." A statement dated July 5, 1973, ran thus: "When we came in, the believers were sitting around and talking and there was nothing on the table."

In a statement dated October 26, 1973 it was said that "Ten guests were present, in addition to the residents. While this report was being compiled, Fedotov said, 'You're Gestapoists,' and refused to name his religious denomination or to sign his name."

A statement dated June 2, 1974 said: "There were 31 people present, they read verses and sang to the accompaniment of a guitar."

And the statement dated August 4, 1974 reported that "there were 150-180 people at the meeting, praying, singing and muttering; There were about 30 children. When they were asked to give their names, and show their passports, they refused." (This last statement was compiled at a wedding!)

Fedotov was charged under articles 191 and 192 because on October 26, 1973, when representatives of authority (Deputy Rudakov of the district Soviet, police lieutenant Lovkov, and others) climbed over a fence, broke into Fedotov's house, and Lieutenant Lovkov grabbed hold of him by the lapels, Fedotov said: "You're behaving like the Gestapo" and pushed Lovkov away.

It seems that article 190-1 formed part of the charges against Fedotov only because of a meeting of the administrative commission of the district soviet executive committee Fedotov had said that the Communist Lomovtsev, head doctor at the Medical Centre for Sanitary and Epidemiological Protection, was a drunkard.

The majority of the witnesses of this incident, members of the administrative commission, attributed the following statement to Fedotov: "You communists are drunkards."

The judge behaved very rudely. When the witness Olga Loseva asked what the defendant was accused of, the judge answered: "We're the ones who ask you the questions, not you us."

When O. Loseva began to say, "I must...", the judge interrupted her, saying, "That's right, you must. Go and sign the record!"

When the witness Natalya Loseva started to describe in detail how the police broke into Fedotov's house on October 26, 1973 (see above), the judge also interrupted her, saying, "All right, that's enough. You sound as if you're addressing a meeting. Who has incited you so much against the Soviet police?"

When N. Loseva protested, "As a witness I have the right to recount freely all I know about the case," the judge cut her off. "You can demand your rights in your own home, but here you're in a courtroom."

V.I. Nazdrachev, presbyter of the Baptist congregation in the town of Maloyaroslavets, who appeared as a witness at the trial, stated that Fedotov had been driven out of the Baptist congregation, after which he had formed a separate group with 17 other members of the congregation. When the judge asked if Fedotov's "unregistered group" was still meeting after his arrest, Nazdrachev replied: "Yes, they still meet. I have not been there myself, but one of our sisters went." The secretary of Maloyaroslavets District Soviet Executive Committee told the court that Presbyter Nazdrachev had twice applied in writing to the Executive Committee, and more than once in person, demanding that they "get rid" of Fedotov.

The prosecutor alleged in his speech that Fedotov was being tried not for his convictions but for breaking the law... "He organized a group of Pentecostals, including 17 Baptists and young children... The activities of Fedotov's group are anti-social in character and are aimed at encouraging disobedience to Soviet laws, though this is not openly stated in the sermons... The Bible contains the words "He who takes the sword shall perish by the sword." They were quoted to indicate a veiled refusal to take the military oath..."

The prosecutor demanded a sentence of five years' imprisonment for Fedotov. In addition he demanded that the witnesses P.I. Pyzhov, M.I. Smirnov and A.I. Smirnov should be criminally charged for refusing to give evidence.

In his defense speech Fedotov denied that he belonged to a group of "Pentecostal shakers."

When I moved to Maloyaroslavets I did not organize an underground group but went to the prayer house.

Everyone here has testified that the presbyter let me sit beside him and that I spoke the Word of God, but later he expelled me because of envy and evil jealousy... Then he began to expel others, which was the reason for our meetings... I am a devout Christian and have never concealed this fact; representatives of the authorities came to our house and were present at our services. I do no harm to citizens' health. All the children present were those of devout parents, and had become believers before they knew me.

He also denied the charges made under other articles. In his concluding statement, Ivan Fedotov also denied that he was guilty and asked the court to take into consideration the fact that his dependents included his old mother who received no pension, an invalid aunt, a brother -- an invalid of the first group and his wife; "and as the prosecutor has asked for a sentence of five years' strict-regime under article 227, and as I am not guilty, I ask the court to limit its sentence to the period of imprisonment I have already served and to substitute five years' exile for the five years of strict regime."

The court sentenced Fedotov to three years in a corrective labor colony of strict regime.

At the end of May an appeal court confirmed the sentence.

Obstacles in Religious Activities

A Statement to the Minister of Health of the Lithuanian SSR
by the Rev. Petras Budriunas, residing at Satalov No.8 in
Anyksciai:

For some years in the city hospital of Anyksciai, believers have not been allowed to summon a priest with the Blessed Sacrament. Their requests receive a variety of replies: "The patient is not in critical condition", "He doesn't need a priest; you do," "There is no special room", "Once you take the patient home, you can have the priest as often as you like." Those who ask for the priest are deceived and derided.

On October 7, 1973, the mother of Valentinas Kovas, of Daugpilis, and the daughter of Juozas Grizas, of the Village of Cekonai, requested Chief Physician Sinkunas to allow the priest to visit their weak patients, but he would not give permission. Some hours later, Valentinas Kovas died.

On August 19, 1973, patient Donatas Cesunas, of the Village of Storiiai, and his near relatives asked permission of the Chief Physician, but he would not allow the priest to come. During visiting hours, Doctor Sinkunas personally ordered the priest from the ward.

In July of 1973 he would not allow the priest to visit Tekla Stasiuliene, of Visintai; on November 8, 1973, Ona Barziuniene of the Village of Stanislava; on November 19, 1973, Emilija Bagdoniene, of Elmininkai, and others.

In the press it is always emphasized that in the hospitals nothing prevents performance of religious observances which are requested by the dying or the seriously ill. On January 3, 1974, the newspaper of the Anyksciai District Kolektyvinis Darbas (Collective Work), in the article by P. Misutis entitled "Soviet Law and Religion" the author writes:

"Ministers of Religion may visit the patient in the hospital, in penal institutions, and at home, if the patient so wishes."

On November 30, 1973, in Tiesa, in the article entitled, "Law and Religious Cults," one reads: "Prohibition does not apply to the performance of those rites requested by the dying or the seriously ill, who are in hospitals or in penal institutions."

However, in the hospital of Anyksciai, this prohibition does apply, since the priest is not allowed to visit the patient even when he is in a private room.

In 1972, Stefanija Karosiene, lying alone in Ward 5 of the Internal Medicine Section, was not allowed to summon a priest.

On July 17, 1972, Petras Katinas and Sukys were alone in a ward, and asked for a priest, but their request was not heeded. When I tried to visit the patients at their request, Doctor Sinkunas intercepted me in the hospital yard and ordered me to go back.

A few years ago, I appealed this matter to the former vice-chairman of the Executive Committee of the Anyksciai District K. Zulona. He promised to look into the matter, but I never had positive results

from him. On September 17, 1972, I requested that the present vice-chairman of the Executive Committee of the District of Anyksciai, A. Baltrunas decide this serious question.

He replied that people had more than once come to him, and he promised to speak with the Chief Physician. It appeared as though this problem would be solved, but once again someone blocked the road.

Twice the pastor of Anyksciai had reported the above-mentioned interferences to the Prophylactic Division of the Ministry of Health. Moreover, the near relatives of the patients directed telegrams to the Ministry of Health, requesting permission. The Bishop of Panevezys was also informed of the spiritual needs of the patients, and through him the Commissioner for Religious Affairs.

On January 9, 1974, I was summoned by the vice-chairman of the Executive Committee of Anyksciai, A. Baltrunas, who admonished me in writing for administering the Sacrament of the Sick December 25, 1973, to Julius Vitkevicius, of the Village of Lagedziai without permission of the hospital administration.

I had visited this patient for about three minutes just before his death. Moreover, Mr. Vitkevicius' wife told me that she could not find the Chief Physician in time, and that her husband was very weak. Of course, the Chief Physician would not have given permission for Vitkevicius, any more than he had on January 15, 1974, for Domas Silinius, of Visintai; January 29, 1974, for (Mrs.) Liudvika Meskauskiene of the village of Anyksciai. February 4, 1974, for (Mrs.) Monika Usackiene of Anyksciai, or others.

This situation has existed in Anyksciai for more than fifteen years. Hundreds of people have been seriously deprived, morally speaking, since their final wish was not carried out, at the most critical moment of life -- the hour of death.

I respectfully request you, the Minister, to see that the law regarding religious cults be observed in the hospital at Anyksciai, so that believers might be able to take advantage of the right to receive the Blessed Sacrament.

Anyksciai, March 2, 1974

The Rev. P. Budriunas

CICC 10.

Diocese of Panevezys

Utena

To: His excellency the Apostolic Administrator
of the Diocese of Panevezys,
Bishop Dr. R. Kriksciunas

From the Dean, the Rev. J. Niurka

A Statement

On March 28, 1974, in the Utena hospital I conferred the Sacrament of the Anointing of the Sick upon (Mrs.) Ona Katiniene. The patient, struck by an automobile, was unconscious, and the following day she died.

On March 29 I was summoned by Utena Regional Executive Committee Vice-Chairman Labanauskas and asked whether I had been to see a patient at the hospital the day before, and whether I had permission from the chief of staff.

I explained that I had been summoned by the sister of the deceased, who said that arrangements had been made with the staff, and that I would not be ejected from the hospital. I went and took care of the patient, without disturbing anyone.

The Vice-Chairman was not satisfied with my explanation and demanded a written statement besides. I felt that I was innocent, and that I had not forced my way into the hospital arbitrarily, but had only performed my priestly duties upon invitation, and so I wrote a statement.

One night I was awakened to visit the hospital, but it became clear that no arrangements had been made with the staff. I said I would wait until they went and made arrangements, but they did not return.

A few days later, during the day, I was again summoned to go to the hospital. The one asking me did not have permission of the chief of staff. He went off to get permission, but did not return.

On March 7, I told the faithful from the pulpit that we priests may visit the hospital only with permission from the chief of staff.

On April 24, (Mrs.) Agota Grauziniene, daughter of Petras, 82 years old, a resident of the village of Dronicenai, a patient at the Utena hospital, asked that a priest be called. Her children went to the doctor for permission.

"She's not weak, she doesn't need a priest. We have no separate room," the doctor explained.

This was no answer to give, since the patient was at death's door. She was taking twelve packets of oxygen daily. And at the Utena hospital, the office of the chief of staff is set aside for religious ministrations to patients. On April 25, (Mrs.) Grauziniene died without having seen a priest.

Conclusions:

1. At the hospital in Utena, the faithful who are dying may not have religious ministrations, to say nothing of those who wish to make their Easter confession.
2. Of what value is the instruction to obtain the chief of staff's permission, when this is not granted?
3. It appears as though someone forbade the chief of staff to grant permissions just as they had forbidden the doctors on duty to admit the priest to visit the sick.

I request Your Excellency to contact the appropriate authorities, so that the misunderstandings which have arisen in Utena regarding this question might be resolved, and that a priest ministering to the sick would not be considered an offender.

Utena, May 9, 1974.

Rev. J. Niurka

CLCC 11.

At the beginning of 1976 the inhabitants of the village of Didziesalis invited their parish priest, Father K. Garuckas, to visit their homes. On February 25 Garuckas fulfilled their request.

On March 3 he was invited to the district soviet executive committee, where deputy chairman A. Vaitonis and KGB district chief Paskevicius told him that priests are not allowed to visit believers in their homes. When asked to point out the law relating to this, Vaitonis took out a piece of paper, but would not allow it to be reproduced or even to be read properly. Paskevicius also threatened to deprive Garuckas of the right to conduct services for three years.

In the hospital of Birzai, on January 3, 1976, Doctor Janulis told the patient A. Norkute, "As you invited the priest to visit you yesterday, Chief Doctor Dauguvietis has ordered you to be discharged."

And although her health had grown worse, they stopped her treatment and sent her home. On the very same day, Miss Norkute sent a telegram to the Minister of Health. The next day, a doctor visited Norkute and continued her treatment at home. On January 12 Norkute thanked the Minister in a special letter.

CCE #41

In order to visit a sick man the priest has to have five documents: from the doctor, from the local authorities, from the district soviet executive committee, from the city soviet executive committee and from the commissioner. C-mmissioner Vikonsky jokes: "In order to succeed in acquiring all the documents before the sick man has died, start soliciting beforehand, while the man is still healthy".

CCE#47.

Skudodas. The chief doctor of the local hospital, Mazrimas, will not allow the priest to visit dying patients. In February 1977 81-year-old Kazimiera Akliene, after being refused a visit from the priest, asked to be taken for an hour to a friend's house, where she could make her confession before dying. Mazrimas ordered the sick woman to be carried out into the corridor and told her husband that he would not take Akliene back. The dangerously-ill Mrs. Akliene lay in the corridor for a few hours, in a draught, and died the same day.

Gargzdai. On March 24, 1978 Father Anatanas Seskevicius was summoned to the invalids' home to see Stanislovas Milasius, who was dangerously ill. It turned out that there were other sick believers at the invalids' home who wanted to confess and take Communion, but Striauka, the director of the home, pushed Seskevicius out of the door.

CCE#49.

Orthodox Christians

In the Dobroye District of Lipetsk Region, 14 churches were destroyed after the Revolution. In 1974 believers began to ask that a church be opened in the village of B.Khomutets.

The believers went more than once to see the District Soviet EC -- refusals were accompanied by insults. In December 1975 they handed in a request signed by over 1,200 believers to the Council for Religious Affairs. A month later officials Borodin and Yartsev from the district centre arrived in the village. Summoning the believers one by one, they demanded that they sign a declaration renouncing their signatures and threatened them with the sack. As a result, 15 believers renounced their signatures.

In June 1976 Commissioner Degtyarev of the Council for Religious Affairs came to the village from Moscow, accompanied by ten officials from the District Party Committee and the District Soviet EC. Their talks with believers resembled interrogations and were accompanied by threats. Two months later, the Council for Religious Affairs sent a refusal, basing it on the fact that there are three working churches in Dobroye District and two in Lipetsk. After this the believers wrote a series of complaints to the highest Soviet authorities and to the editors of newspapers and journals.

In April 1978 one of the most active believers, Anastasia Kleimenova, was seized on the street and taken to a psychiatric hospital. After examining her for two weeks, they released her, admitting that she was healthy.

* * *

In the village of Khinochi, Vladimir District, Rovno Region, the church was closed in 1963. The believers immediately began to ask that the church be reopened.

In the summer of 1973, while the peasants were harvesting, the church dome was removed by order of the district authorities and soon, by order of the chairman of the village soviet, grain began to be stored in the church. The complaints of the believers achieved only the removal of the grain from the church. Since then it has been locked.

In answer to the requests by inhabitants of Khinochi and neighbouring villages to allow the restoration and opening of the church, the local authorities reply that only a small handful of people need it and the other villagers have no need of the church.

In 1978, because of the complaints of believers, a commission consisting of representatives of the district, regional and republican authorities came to Khinochi. The chairman of the village soviet introduced only two believers to the commission and the discussion was again about the small number of people who needed the church. When the commission was leaving the village, a crowd of believers was waiting for it on the road but no one would get out of the cars.

* * *

Believers in the town of Kotovo, Volgograd Region, appealed in the summer of 1978 to the District Soviet EC to register their religious community and open a prayer-house. 216 people signed the declaration. The responsible officials of the EC refused their request, suggesting that the believers should go and pray in the neighbouring district, where there were churches. Prudnikovich, Commissioner of the Council for Religious Affairs in Volgograd Region, to whom the believers travelled to complain, redirected them to the District Soviet, where they again received a refusal.

The believers have begun to be pressurized to renounce their signatures on the declaration. Old people have received threats that children and relatives will suffer.

CCE#53.

Repressions Against Registered Churches

On July 2, 1978, members of the registered Bryansk Baptist Church attempted to perform a water baptism. Squads of police and vigilantes broke up the procession and gave the believers a cruel beating. The operation was directed by the Chairman of the Volodarsky District Soviet Executive Committee, Luzhetsky, his deputy V.I. Prokopenko, the Head of the State Motor-Vehicle Inspectorate, Captain Shepetko, and A.S. Makarov, the Bryansk regional representative of the Council for Religious Affairs. More than 50 people were detained. Many were fined or sentenced to 15 days' imprisonment.

On October 17, 1978 the chairman of the church council, P.I. Kravchuk, who was charged with organizing the procession, was sentenced to two years in camps.

CCE#52.

Odessa, May 2. A religious service in a registered prayer-house was broken up. KGB men, police and Gavrilov, local commissioner of the Council for Religious Affairs, warned that a service must be only two hours long. They constantly shouted through a megaphone how much time was left. As soon as the time was up, the officials broke up the service. A fire-engine and fire-pump were summoned to assist the police. Several people were arrested.

CCE #53.

Moscow region. The priest Fr.Dmitry Dudko (Chronicle 32), who was working in the village of Kabanovo, Moscow region, has once again been left without a parish: at the end of December the elder

of the church, without the agreement of the 'twenty' (the parish council), cancelled his employment contract, explaining to the parishioners that such was the decision of the district Soviet executive committee. On December 28, 1975, Fr. Dmitry came to the church to attend a service (his place had already been taken by another priest). The parishioners do not want to part with their pastor and a spontaneous meeting took place near the church; over 300 people signed a petition on behalf of Fr. Dmitry Dudko.

CCE #38.

Throughout 1974 there has been gross interference in the internal affairs of the congregation of Saint Sergei's Church, the only Orthodox church in the city of Fergana (Uzbekistan). Rakhimov, the Fergana Regional Executive Committee official in charge of religious affairs, supported by Abdunazarova, the deputy chairman of the City Executive Committee, refuses to register the new parish committee of "Twenty" and the church council elected by the "Twenty". Rakhimov is trying to ensure that the "Twenty" includes persons who support the former church rector Father Aleksei (Leonid) Zinchenko, whose appointment the church council has annulled on behalf of the congregation because he performed marriage ceremonies for couples who were not adults, and in an unconsecrated place; because he conducted services without transferring money he received to the church funds, extorted fees larger than those allowed, sometimes took services while intoxicated, and so on.

Rakhimov allowed Zinchenko to continue taking services, although this was against the law.

In October Rakhimov finally dismissed the church council and the auditing commission, and announced the registration of new personnel for the executive bodies of the congregation. However, only the assembly of the "Twenty" has the right to re-elect the executive bodies, and it appears that the new church council, the new auditing commission and, probably, the new "Twenty" were simply appointed by Rakhimov.

At the same time as the dissolution of the "Twenty" which had been freely chosen in January 1974 by the believers (which is the only legal basis for its creation), a second priest at the St. Sergei church - Father Pavel Adelgeim (see Chronicles 13, 17 (supp.), 24, 25) -- was dismissed from his post. In his place Archpriest Valentin Rubanovich was appointed; he is reported to be using the church for his own personal profit.

The complaints sent by the parishioners to various authorities have remained unanswered. Ruzmetov, the commissioner for religious affairs in the republic, formerly the procurator of the republic, stated in a conversation that the congregation's representatives do not have the right to compose statements or complaints about the actions of Soviet authorities.

CCE#34.

Village of Srednyaya Elyuzan, Gorodishche district, Penza region. Until 1970 there were three active mosques open here. In the autumn of 1980 one of them was closed and in 1972 the local authorities closed another -- because of alleged infringement of sanitary regulations. Since then the mosque has been used to store damp mineral fertiliser.

On days of prayer, up to a thousand Muslim believers assemble in the only remaining mosque, which can barely hold them all.

* * *

Zhitomir. The fight of believers to preserve their Orthodox church (Chronicle #30) has ended in defeat: in August their church was torn down before the eyes of a stunned crowd of parishioners.

CCE#38.

In the village of Mshany, Gorodok District, Lvov Region, the church -- an architectural monument of the 1-th century -- was closed and turned into a store-house in March 1978. The church plate was removed.

This "operation" was carried out under the leadership of Gamersky (First Secretary of the District Party Committee), KGB Captain Bogomolov, Malishevsky (Deputy Head of the District OVD), divisional police inspector Major Yurkov, the school headmaster Karaim, Vitkovsky (Deputy Chairman of the collective farm), Shelovilo (party organizer on the collective farm) and agronomist Bushko.

IN March 1979, when the authorities wanted to fill the church with grain for the second time, the women of the village joined hands and would not let them into the church. The women were forcibly dispersed by the police; one, the most active, was imprisoned for 15 days for saying: ... "They show on television what goes on abroad, and look what they do themselves..."

Afterwards five women travelled to Zagorsk as delegates, to complain to Patriarch Pimen.

A complaint was signed by 200 believers, asking that the church be opened and the grain removed. There was no answer to the complaint.

CE#53.

The (Russian Orthodox) church in the village of Znosychi, Sarny District, Rovno Region, which was built in 1910, used to serve the needs of believers from a number of villages. In spite of the fact that in recent years there had been no priest at the church the parishioners met regularly for prayers and had redecorated and adorned the church themselves. A few years ago unknown persons vandalized the church at night, plundering and breaking the decorations and scraping the inside walls. The vandals were not found or punished by the authorities.

In 1977 the authorities tried to demolish the church. One night they began to tear down the church building with a powerful tractor. The believers, woken by the noise, ran up and drove the tractor-driver away. After that the parishioners set a twenty-four hour guard on the church.

In the spring of 1978 there was another attempt to demolish the church. One night a fire-engine drove up, the building was doused in fuel oil and there was an attempt to set it on fire. The parishioners surrounded the church, saying: "Burn us together with the church". Those who had assembled were dragged away and dispersed, but others ran up in their stead.

In autumn of the same year the district authorities called together the management of the collective farm and announced their decision to turn the church into a farm storehouse, "as we have so few buildings that can be used as storehouses." Grain was piled up in the church. In response to this the farm workers refused to go out to work and the children did not go to school. The grain was taken out of the church and it was once more left at the disposal of the believers.

On April 25, 1979, at Easter time, all the inhabitants of Znosychi were sent to work in another village. The children were shut in the school. Five buses full of policemen and two demolition trucks were drive up to the church building. The trucks, after ropes had been put around the church, began pulling the church down. The parishioners, hearing the roar of the motors, returned to Znosychi, gathered round the church and demanded that the demolition should stop. The police drove them away. Towards morning they burnt the ruins of the church. The operation was commanded by the Procurator of Sarny District.

Soon after, believers from the whole area began to gather for prayers in Znosychi, on the site of the demolished church. The news about the burning of the church had reached even the farthest villages. At times, 10-20 pilgrims were sleeping in almost all the houses in Znosychi.

On the others of the District Procurator the local authorities constantly dispersed the worshippers. Travel to Znosychi was forbidden. Patrols were set up on the roads, stopping pedestrians and cars from getting through to the village; so people started to go to Znosychi through the woods.

The pilgrims decorated the pine-trees around the demolished church with embroidered towels and coloured ribbons. On the orders of the authorities the age-old pines were chopped down. People began to decorate the stumps that remained -- bulldozers rooted out the stumps and covered them with earth. However, the believers continue to meet in Znosychi for prayers on the site where the church used to be.

CCE#54.

Repressions for Publishing Activities

On October 24, 1974, after a number of days of helicopter surveillance, a large militarized detachment of KGB officials and police (180-200 in number), under the command of a general, surrounded the farmhouse Ligukalys in the woods of the Cesis district, in the Latvian SSR. Inside the farmhouse, which belonged to the Gaver family (a married couple), one of the printing presses owned by the ECB (Evangelical-Christian Baptist) publishing house The Christian was discovered. The KGB officials confiscated a home-made printing press, nine tons of paper, obtained through the voluntary contributions of believers, and 15,000 printed Gospels. The Bulletin of the Council of Relatives of ECB Prisoners in the USSR number 18, 1974, reports that seven printing workers were arrested: Vitaly Ivanovich Pidchenko (born 1941), Ekaterina Ivanovna Gritsenko (born 1943), Viktor Anatolevich Pikalov (born 1950), Zinaida Petrovna Tarasova (born 1942), Ida Danilovna Korotun (born 1938), Tatyana Sairovna Kozhemiyaikina (born 1937) and Nadezhda Gerasimovna Lvova (born 1946). Bratsky Listok (The Fraternal Leaflet) No. 5, 1974, the organ of the Council of Churches of the ECB, reports that when they were detained they "agreed on a three-day fast in prison". Bratsky Listok also includes the statement by the CCECB sent to Podgorny and Kosygin on November 24, 1974 in connection with the confiscation of the printing-press and the arrest of its workers.

At the present time an investigation is being conducted into this case.

CCE#34.

According to a report from the Council of ECB Churches and the "Christian" publishing house, on March 21, 1977 I.I. Leven and the sisters Lyudmila and Larisa Zaitseva were arrested in Ivangorod, Leningrad region. During a search of the house they were living in, three tons of paper, a printing press and other typographical machinery were confiscated.

A week later the owner of the house, D.I. Koop, was arrested.

Another two searches were carried out in Ivangorod and one in Narva in connection with this case.

CCE#46.

January 19. Baptists Lyubov Kosachevich, Tamara Bystrova, Galina Yudintseva and Sergei Bublik were arrested in Dnepropetrovsk oblast when authorities seized a printing press belonging to the Baptists' unofficial "Christianin" publishing house.

CHR #37.

Donetsk. On March 3 Nikolai Chekh and Alexander Chekh were detained in Chuquyev for transporting the Bulletin of the Council of Baptist Prisoners' Relatives in their car.

On March 5 a search was carried out at the home of V.Naprienko (Chronicle 49). Besides other things, 1,300 copies of the journal Messenger of Truth were confiscated. On the same day a search took place at the home of G.Dzhurik. On April 12 Naprienko was arrested. On June 27 Naprienko was sentenced under article 187-1 of the Ukrainian SSR Criminal Code (= article 190-1 of the RSFSR Code) to three years' imprisonment; Dzhurik was given a suspended sentence of two years' imprisonment but 'with compulsory labor' (in slang -- "chemistry"). N.Chekh and A.Chekh were given suspended sentences of 11 months' imprisonment and had their car confiscated.

* * *

Plavsk town (Tula Region), February 12. O.N. Popov, a member of the Ryazan Baptist Church, and E.V. ERshov, a member of the Moscow Baptist Church, were detained while transporting religious literature in their private car (220 copies of Christina Roy's story The Worker and 320 volumes of Revival Songs). These books were burned on March 17, together with religious literature confiscated from other people (Bibles, Gospels, collections of religious verses and copies of the journal Messenger of Truth) by Procurator Ognev, a senior investigator of Ryazan Region; a record was made of this.

CCE#53.

CLCC No.8 appeared in December 1973. This issue reported that on November 20, 1973, mass searches were conducted in Lithuania in connection with Case 345 (preparation of religious literature and literature which "defames the Soviet system"). It appears that one of the chief objectives of the searches was to track down the publishers of the CLCC.

Petras Pliuira and Povilas Petronis were arrested after being searched. Jonas Stasaitis (settlement of Salininkai, Vilnius district) was arrested on December 4 at an interrogation by the KGB. He, too, had been searched on November 20. CLCC assumes there were many other searches about which there is still no information.

Religious literature (including pre-war publications) and typewriters were confiscated during the searches and, in some cases, issues of CLCC. Copies of the holy scriptures (Soviet edition of 1972) were taken from Miss Cincinaite and Mrs. Maciukiene. A home-made printing press and matrices for a prayer book were taken from Z.Orbon, wax printing material from V. Jaugelis, and a book-binding machine from A. Jasenas.

Almost all of the people searched were interrogated -- many of them repeatedly -- about their acquaintances and the sources of the literature confiscated. Some of those interrogated were threatened with arrest.

The following have been dismissed from their jobs: Miss B. Papkeviciute, a doctor (kandidat) of pedagogical sciences, Miss. D. Gailiusyte, a teacher, and Miss E. Suliauskaite, senior laboratory assistant at Vilnius University. All three were accused of belonging to a Catholic order of nuns. "Violating the norms established by law, these people prepared and duplicated works of a reactionary nature which they circulated among the population of the republic. For these purposes, they used illegally procured duplicating equipment."

The investigation continues.

CCE#30.

In September 1974 an unofficial Russian Orthodox seminar has been organized by Alexander Ogorodnikov and his friends. They had met to discuss purely religious, philosophical questions and started to publish unofficial journal Community (Obshchina) in 1977. Since that time the seminar's participants have been harassed by KGB and police officials.

On January 10 the Konakovo People's Court (Kalinin Region) sentenced Alexander Ogorodnikov (Chronicle 51) under article 209 of the Russian Criminal Code ("the leading during a long time of a parasitic way of life") to one year in ordinary-regime camps. An appeal by counsel E.A. Reznikova for an examination to be conducted to determine whether he was fit for work (Ogorodnikov is ill) was rejected by the court. Reznikova asked the court to acquit the accused. Ogorodnikov told the court that he was being persecuted for his faith.

Ogorodnikov was dispatched under escort to the Far East. In transit the warders beat him up when he asked to see a priest.

* * *

On February 10 two policemen and several civilians carried out a search at a flat in Mayakovsky Street in Moscow. They did not produce their documents or a search-warrant, and the civilians were said to be vigilantes. A regular meeting of the Christian Seminar was being held in the flat at the time. The visitors photographed the assembled group, were rude and used the familiar form of address.

The outcome was that the following were confiscated: works by S. Bulgakov and Evgeny Trubetskoi, a pre-Revolutionary edition of Berdyayev's Theological Works, a New Testament, a Bible (Moscow Patriarchate edition), and six copies of the journal Community, published by the Seminar (Chronicles 49 and 51). No record of the confiscated material was drawn up. The Seminar members were taken to police station No.60, where they were detained until midnight.

The members of the Seminar sent an appeal to Moscow Commissioner A.S. Plekhanov, of the Council for Religious Affairs. They wrote that they considered the religious activities of the Seminar inseparable from the Orthodox faith, and asked for an end to the persecution. The letter also contained a protest against the sentencing of Alexander Ogorodnikov.

CCE#52.

On January 8, 1979, Tatiana Shchipkova, a teacher from Smolensk and a participant in the Orthodox Christian seminar, was sentenced to three years' labor camp on a charge of hooliganism stemming from a police raid on a Moscow seminar session.

Vladimir Poresh, a participant in Alexander Ogorodnikov's Orthodox seminar in Moscow and a related Leningrad seminar, and a contributor to the Orthodox samizdat journal Obschina (Community) was arrested on August 1 in Leningrad on charges of slandering the Soviet system. Poresh (born 1949) worked as a bibliographer in a Leningrad library after graduating from Leningrad University; he is married and has a two-year-old daughter. Searches in connection with the case against the journal Obshina were conducted at several homes in Moscow and Leningrad including the home of the poet Oleg Okhupkin. Tatiana Shipkova, a language teacher at the Smolensk Pedagogical Institute until 1978 when she was fired for her membership in the Ogorodnikov seminar, was reportedly taken into custody on September 9 on charges of hooliganism. These charges stemmed from an incident which occurred on February 10 when police raided a session of the Orthodox seminar which Shipkova was attending in Moscow. Cronid Lubarsky's Information Bulletin reports that a search was conducted at the Moscow home of Father Gleb Yakunin on September 28 in connection with the Poresh case. Kronika Press has received a copy of a report which Yakunin completed on August 15 about the current situation of the Russian Orthodox Church.

* * *

Sergei Ermolaev, 20 years old, and Igor Polyakov, 22 years old, both participants in Alexander Ogorodnikov's unofficial Russian Orthodox seminar, were arrested on January 14 after shouting anti-Soviet slogans ("The Communist Party is a pack of scoundrels!") in the Moscow subway. After eight months of detention in Butyrka

Prison and psychiatric facilities, they were tried (Moscow; September 24; judge: Natalia Orlova) on charges of malicious hooliganism.

November 21, 1979. Alexander Ogorodnikov, leader of a Russian Orthodox seminar and editor of the samizdat journal Community, was not released at the expiration of his one year sentence for "leading a parasitic style of life" (see CHR 33, pp.25026), but was instead transferred to the KGB prison in Leningrad where he is detained on charges of anti-Soviet propaganda.

CHR#35, 36.

In 1980 A. Ogorodnikov was sentenced to six years in labor camps and three years in exile. V. Poresh -- to five years of labor camps and three years in exile.

Repressions for the Religious Upbringing of

Children

Salos. At the end of 1977 Danute Cesoniene, secretary of the local soviet, was sacked for having her daughter christened. Party member Jana Butkeviciene, a team-leader on the state farm, was sacked for giving her mother a church funeral.

* * *

Telsiai. On February 16, 1978 Andriauskas, head of studies at school No.4, threatened nurse Zelviene that he would "hand her son over to the KGB" for going to church and smiling during atheist lectures. Andriauskas constantly intimidates the children, saying it's dangerous to go to church because criminals -- like the organis Induikis -- work there, while the priest Kauneckas (see above) is mentally ill.

On February 20 the class teacher, Miss Slivinskaite, forbade her pupils to go to the funeral of a schoolgirl's mother. On May 23 KGB officials talked to the schoolgirl Birute Ribinskaite about the fact that she often went to church. Before that they had talked to her parents: "You're doing everything you can to ensure your daughter ends up in prison."

In November 1977 Mrs. Rumbutiene, the teacher of class 10 at school 5, forbade her pupils to participate in the funeral of a pupil's mother.

CCE#49.

On June 5, 1977 in the settlement of Kant, Frunze region, the trial took place of Baptists Ya. G. Yantsen and I.G. Shlekht. They were charged under article 141, part 2 of the Kirghiz Criminal Code (=article 142 of the RSFSR Code).

The accused were not taken into custody before the trial.

From the evidence of witnesses and the accused it became clear that on Sundays believers gathered in some house for a service of worship, and would come with their children. After the service they would have dinner, and then occupy themselves with the children: read to them from the Bible, show them pictures, sing songs and read poetry with them.

On January 30 an administrative commission from the district soviet executive committee came to the house of Shlekht and found about 20 children there and approximately the same number of adults-- mostly women. Yantsen was occupying himself with the children.

Expert Galperin stated to the court that he regarded such pursuits as constituting a Sunday school and that, whatever they were called, they were all the same prohibited by law.

The court sentenced the defendants to three years of ordinary-regime camps.

CCE#47.

On October 23-24, 1974, in the city of Vladivostok, a people's court heard the divorce case of Yury Bregman and Svetlana Vardapetyan. The main request of the plaintiff Yu.Bregma was that the court should award him custody of the three small children -- Misha (five and a half years old), Natasha (about three) and Masha (one year and three months).

Both the plaintiff and the respondent are biologists and research workers at the Institute of Marine Biology. Yu.Bregman is a Candidate of Science and a member of the CPSU Communist Party. S.Vardapetyan holds a post-graduate degree from Leningrad Biological Institute, and is a Baptist believer. Bregman based his request on the fact that his wife was bringing up the children in a religious spirit; she read the oldest child stories from the Bible and took him with her to prayer meetings. He also stated that his wife did not bother about their son's intellectual development and did not take him to the cinema; she looked after the younger child carelessly; and she cooked badly. Bregma said his mother would help him to bring up the children until he "found himself a new partner".

The respondent S.Vardapetyan agreed to the divorce, but asked the court to leave the children in her custody and not to deprive them of their mother. She insisted that she had the right to acquaint the children with her basic beliefs and to bring them up in the spirit of Christian morality -- "Christian morality and communist morality are not contradictory". She said she had cared for her children's health and intellectual development. S. Vardapetyan refused to answer specific questions from Judge Stepanova about her religious convictions; she also refused to name the leaders of the religious congregation she belonged to, or to tell the court who gave her religious literature, etc.

CCE #34

The Moscow Helsinki Watch Group issued on June 17, 1976, document No.5, Repressions Against Religious Families. Following are excerpts from this document.

These extracts reveal the "legal" basis for decisions to take children away from their religious parents. In most cases of repression, this measure is used against members of religious "sects"-- Baptists, Pentecostals, Adventists and others. This practice was wide spread in 1973-74. After the signing of the Final Act for Security and Cooperation in Europe on August 1, 1975, there has been a decrease in established cases about the deprivation of parental rights because children were educated in a religious manner, probably because more revealing information has reached the West, causing a reaction in world public opinion.

However, on October 23, 1975 there was a court case on taking children away from their parents.

The Peoples' Court of the village of Staraya Vizha, Volinsk district, the Ukraine, decreed that the Baptist Maria Suprunovich have her three children taken away from her and that they be given over to their father who is probably an atheist.

After that, Maria Suprunovich sent a second telegram to the same addressees, announcing that in response to this inhuman decision she renounced her citizenship and demanded either to let her children remain with her or to allow them to emigrate to Canada where they have relatives. If her situation remained unchanged, she said she would turn to international organizations for help. This produced results. The answering telegram stated: "In response to your complaints and telegrams to the Soviet Supreme Court, the Central Committee, the Committee of Soviet Women, the editorial board of the journal, Soviet Woman, I announce that the decision of the Peoples' Court of the Starovyzhev region of October 23, 1975 about giving your children to the custody of their father will not be carried out, the children will live with you. The first deputy attorney of the region, Senior Counselor of Law, P.G. Dumalo."

However, the decision of the court was not repealed. This means that the sentence still hangs over the children -- they may be deprived of the care of their own mother. Therein (one sees that) decisions made before August 1, 1975 on the deprivation of parental rights and the taking away of children still remain in effect. At the present time, there are families which are forced to hide their children from the executive organs, and families which live with the threat of having their children being taken away at any time, as soon as they will be caught in the act of conducting religious rites.

We give here the most representative examples.

1. Pentecostals Nikolai and Nina Muravlev, who have seven children, were deprived of their parental rights in 1974. Their children were not taken away; the decision remains in effect. Their address: 114 Dieva Street, Saratov.

2. Adventist, Maria Vlasyuk, mother of two children. In April 1975, the court took away her daughter without depriving her of her material rights. The address of the Vlasyuks: Ilyatka selo (village), Starosinyav region, Khmel'nitskaya oblast, the Ukraine.

The Starosinyavsky department of popular education sent to the Peoples' Court a statement which demanded that both son and daughter be taken away from the Vlasyuks.

The evidence of numerous witnesses describes the very strong administrative and other pressures which are brought to bear on parents (and their children) who are educating their children in a religious spirit. The Soviet of relatives of Evangelical and Christian Baptists appeals to world opinion:

"We request you to pray and make appeals for the abolition of intent and decisions to take children away from religious parents and to deprive them of their parental rights because of their Christian upbringing:

"Andrei Ignatevich Petrenko, 8 Lazo Street, Korosten, Zhitomirskaya oblast; children: Valya, 14 years old, Yulya 11 years old, Lyuba, 10 years old.

"Aleksandr and Nina Nazaruk, living in the city of Zdobulnov, were threatened with being deprived of parental rights because they educate their children in a religious manner. The decision was reached at a general meeting of the Zdobulnov hospital in the dentistry clinic where Nazaruk works. They have 11 children.

"Ekaterina Stepanovna Zhivotyagina, residing at 11 Gizhinsky Street, Shepetovka, Khmel'nitskaya oblast. Her sister and brother beat her and the authorities threaten to take away her children and put her in a psychiatric hospital. She was forced to leave home at night with her children. She asks for the right to live at home without persecution.

"Baptist Vladimir Pavlovich Khailo and his wife Maria Emilianova, who have 11 children, wrote an open letter on January 13, 1976, to the "Heads of 35 Nations which signed the human rights document in Helsinki". A part of this appeal says: "Already several years ago the KGB warned me that my children will have the path to education and employment closed to them." The Khailo family asks for a vyzov (invitation from a relative abroad) in order to "leave the USSR, give up (Soviet) citizenship and become a citizen of any capitalist country."

"Baptist A.I. Petrenko and his wife Natalya, who have three children, appealed to Brezhnev and Podgorny on June 5, 1976 "with a request to defend our children from the intent and decision of the administrative commission of the Executive Committee of the city Soviet of the city of Korosten, of the pedagogical collective of School #8, and the shop meeting of the workers of the locomotive depot -- to take away their parental rights for their children, because they did not want to join the Pioneers." "Is it possible that in our humane country there exist such bestial laws -- to deprive parents of children because they are brought up in a Christian family?" ... The decision of the administrative commission is that if I do not change my convictions in a three-month period, then they will "isolate"(my children). At a meeting of the factory shop where Petrenko works, the foreman suggested "to carry out... a decision that if I do not change my beliefs, to deprive me of my parental rights."

"In a separate letter of March 14, 1976, Natalya Petrenko wrote: "At school #40, the school director, P.N.Lyakh, tells the children all kinds of nonsense and lies, giving a pretext to hit and laugh at our children. The geography teacher calls our son an enemy of the people and a beast..."

Address of Andrei Ignatevich Petrenko: 8 Sergei Lazo Street, Korostel, Zhitomirskaya Oblast.

The Bulletin of the Soviet of Relatives of Prisoners of Evangelical Christian Baptists in the USSR #33, page 51, published the letters of the Baptist, Kazimira Zhivotyagina. She resides at 2 Gizhitsky Street, Shepetovka and has two children. A school teacher, she announced in April 1975 that she is a religious believer. After that, the administration and her own relatives decided to send her to a psychiatric hospital and to deprive her of her maternal rights. "Who gave them the right to deprive me of my maternity only because I believe in Christ?" "As a result of all this, from May 4 to 5, 1976, I was forced to leave my house together with my children. The next day, as I was told, representatives of the childrens' room of the militia appeared at my house and posted guards. I do not know their purpose, but obviously their intentions were not kind. Just now the children have been taken away from their school."

Baptist Nadezhda Lebedev, residing at Section 54, #7 Brest-Litovsky Prospect, Kiev. 4 children. On May 28, 1976, she appealed to the REpresentative of the Soviet of Ministers, Kosygin, and others, with a letter which reads in part: "My children are completely deprived of the right to receive higher and middle education. The children were forced to take recommendations based on their beliefs."

Adventists announce that the following people are under the grave threat of having their children taken away:

Polina Trofimovna Neverova, 87 Shlyuzovaya Street, Zeleny Gorod, (suburb) Krivaya Roga.

Eva Vasilevna Moiseeva, 1 Rubatsky Pereulok, Koshekhabl Aul (village) Adygeiskaya avtonomnaya oblast.

Olga Grigorevna Dmitrenko, 51 Artema Street, Kramatorsk.

Lidiya Grigorevna Gateks, Banilov (village), Podgorny Storotensky region, Chernovitskaya -blast.

Vasili Vasilevich Shendrik, 5 Gaidar Street, Russkaya Polyana (suburb), Cherkasa (city)

Petr Pavlovich Lidenko, 10 Khmelnitsky shosse, (first proezd), Vinnitsa.

F. Stotsky, 16 Sverdlov Street, Elsm, Gomelskaya oblast.

Valentina Mikhailovna Velichko, 13 Shevchenko Street, suburb - Cherkasskaya oblast.

Maria Brezhnova, suburb Bely Piket, Keminsky region, Kirghiz SSR.

Polina Karpovna Ratushnaya, Dzhambul (city).

Roza Davidovna Shtark, Merke (village), Dzhambulskaya oblast.

V.V. Shendrik wrote to the procurator of the USSR: "April 8, 1976 in the enterprise where I work as a joiner, a meeting was held... At this meeting, I was accused of bringing up my children in a religious spirit... Comrade Chernovsky, candidate in philosophy, called me an enemy of the people in his speech which stirred up the anger and hostility of the whole meeting against me. One woman worker shouted: "(Two words are incomprehensible) he has not crippled them, he has not choked their consciousness with a religious narcotic." Another worker, who is really a morally dissolute woman, swore at me roundly and shouted: "Let's have less talk and give him a bullet in his forehead..." In a voice vote, they adopted a final resolution, demanding a change in my religious views and beliefs and if I did not change them, then depriving me of my parental rights."

From the city of Dzhambul, Kazakhstan, they announced: "In school #20 of our city Emma Davidovna Gomer, 11 years old, who lives at 45 Dobrolyubova Street. The class director, teacher Milena Yunokovna in front of the whole class, constantly discriminated and poked fun at Emma Gomer and finally said to her in a threatening way: "We'll write an indictment of you and at the Regional Executive Committee they'll put you on trial." These words were soon put into effect. And on the next day, January 20, 1976, Emma Gomer, a student in the 5th grade, received a summons, signed by the secretary of the Executive Committee, R.Asmanova, informing her that she had to appear at the Executive Committee of the Zavodsky regional soviet of workers' deputies at the court of the administrative commission. And all this is only because Emma shares the purely religious views and beliefs of her mother and on Saturdays does not attend school."

According to the evidence of Adventists, the school director in a suburb of Frunze, Chon Aryk, Kirghiz SSR, Sergei Davydovich Manin told a 150year old daughter of an Adventist, Irina Lutsenko, "I've shot two people like you and you I'd send to a special school -- a children's colony".

Other forms of repression from which children suffer indirectly: the arrest of family providers for their religious convictions; the demolition of a house in which a family lives if in that house prayer meetings were held; systematic fines.

Practicing Adventists from the village of Belovodskoe in the Kirghiz SSR announce: "Marie Yakovlevna Bakhareva, mother of five children. Over a period of already several years, she is constantly threatened and administratively harassed because she is a religious person and her children do not go to school on Saturdays due to their religious beliefs. When she was ill and had little money, she had to pay a fine which the tax commission had levied on her purely because of her religious convictions. She had nothing with which to pay. Then the commission went to her home in order to take some domestic items, and, evaluating them, to thereby pay the required tax. But, not finding anything valuable -- Bakhareva was poor -- the dissatisfied members of the commission left."

Information about this case (with a request to get involved and defend Bakhareva) was contained in a letter to the Representative of the Soviet of Ministers of the Kirghiz SSR, written by A. Khmara, a Communist who does ideological work with religious believers in Leningrad, who happened to be in the village of Belovodsk.

Article 19

1. Following is the example from the description of the trial of Alexander Podrabinek, a founding member of the Moscow Commission to Investigate the Use of Psychiatry for Political Purposes in the USSR.

Podrabinek A.P. ... is charged with preparing several copies of, and circulating, a document entitled Punitive Medicine when he was living in Elektrostal, Moscow Region, and working in Moscow from 1975 to 1977. In it Podrabinek libels Soviet democracy and the country's internal policies, identifies the authority in the USSR with totalitarian fascism, makes assertions about the use in our country of 'repressive psychiatric measures', and about the premeditated placing in psychiatric hospitals, for their beliefs, of people known to be sane, and states that they were tortured in psychiatric institutions. Podrabinek addressed this document to international organizations and circulated it among his friends in Moscow. The document was used by imperialist propaganda to stir up a campaign of slander against the Soviet Union.

At the beginning of the session A.Podrabinek appealed to the court with a series of petitions.

The petitions were as follows: to attach to the case file the "Statutes on Psychiatric Hospitals," the directives of the Ministry of Health concerning food in hospitals, the international classification of illnesses, the indictments and psychiatric reports on 30 political prisoners formerly held in psychiatric hospitals, the reports on the examinations carried out by G.Low-Beer on P.Starchik and Yu.Belov, the medical history of Radchenko and the medical report on his death, and the post-mortem report on Dekhnach.

He also petitioned to call as witnesses the psychiatrist Fyodorov, Yu.Belov, M.Kukobaka, P.G. Grigorenko and N.Ya.Shatunovskaya (the mother of Olga Iofe -- Gronicles 11 and 15 -- who was compulsorily hospitalized in the Kazan SPH); to procure the two-volume edition of Mashkovsky's Medicinal Remedies, several copies of A Chronicle of Current Events and the Information Bulletin of the Working Commission, the book by Bloch and Reddaway on psychiatric hospitals in the Soviet Union, copies of the S.S. Korsakov Journal of Neurology and Psychiatry containing information on the International Congress of Psychiatrists in Honolulu (Chronicle 47); to engage an Italian-Russian interpreter, as the case materials included documents written in Italian (materials of the Sakharov Hearings); to allow him (Podrabinek) to hear the tape-recordings of his interrogations; to call the British barrister Blom-Cooper to the trial as defense counsel; to arrange that the trial be relayed to all those interested.

A. Podrabinek gave reasons justifying each petition, almost all of which were supported by his barrister. The court rejected all the petitions.

CCE#50.

Following is an excerpt from the indictment of Evgeny Buzinnikov:

The accused E.I. Buzinnikov, resident of Svetlogorsk, from March 1975 to May 1978 listened continually to the broadcasts of the foreign anti-Soviet radio-stations "Radio Liberty", "Voice of America", the BBC and others, and then systematically disseminated orally among acquaintances at work and in his neighbourhood deliberate fabrications slandering the Soviet political and social system; he slandered Soviet reality and socialist democracy, praised the capitalist way of life, claimed that human rights were suppressed in the USSR and that there was no freedom for the individual, and he uttered insulting remarks about the Belorussian people. He disseminated deliberate falsehoods slandering the Soviet social and political system in written and printed forms.

Thus in December 1976, Buzinnikov wrote and sent a letter to A.D. Sakharov at his address at the Branch of the Lebedev Institute of the USSR Academy of Sciences; in this letter he slandered Soviet reality, alleging that arbitrary repression was practiced in the USSR.

He wrote similar slanderous fabrications in an "Open letter", in letters addressed to "Sergei Mikhailovich", "Volodya" and "Pyotr Grigor-vich", the rough copies of which were discovered in December 1977 and anonymously sent to Svetlogorsk District OVD. In May 1978 he wrote a letter addressed to V.A. Nekipelov (sentenced under article 190-1 of the Russian Criminal Code) which he gave to M.I. Kukobaka in Bobruisk, and in which he defamed Soviet reality.

In Spring 1978 Buzinnikov disseminated the anti-Soviet document Economic Monologues by Rudenko and the foreword to it by P. Grigorenko, both of which contain malicious, slanderous fabrications about the Soviet reality, the Soviet people and the activities of the CPSU and the Soviet government, and attempts to criticize Marxist-Leninist doctrine and the practical activities of the CPSU and the Soviet government, and to discredit the historical experience of the Soviet people in building communism. He took measures to duplicate the above-mentioned hostile documents by typing, photographing and copying them by hand, in order subsequently to disseminate them.

Thus, he personally copied out the text of the "Foreword" by P. Grigorenko, and part of the text of Economic Monologues by M. Rudenko, into two notebooks. Buzinnikov gave a typed copy of these hostile documents to Yu.A. Chernoshei to type out in 11 copies; he gave N. Chernyayev P. Grigorenko's "Foreword" and part of the text of

M. Rudenko's Economic Monologues, copied into a notebook, for him to read, and also gave these anti-Soviet documents to V.N. Domoratsky for the same purpose. He tried to have Domoratsky duplicate them by re-typing and photographing them.

CCE#51.

On August 23, 1978, in Sovetsk, a session of the Kaliningrad Regional Court presided over by J.I. Kapturov started examining the case of V. Konovalikhin (Chronicle 49), charged under article 190-1 of the Russian Criminal Code.

On March 28 criminal proceedings were instituted against Vadim Ivanovich Konovalikhin (born 1943); a search was conducted at his flat on the same day. After the search he was kept in custody for several days. From April 25 to May 22 Konovalikhin underwent forensic-psychiatric examination as an in-patient; he was ruled responsible (Chronicle 49 contains several inaccuracies). On May 2 Konovalikhin was presented with the charges and taken into custody. While in custody Konovalikhin gave some testimony and pleaded guilty. Entry to the courtroom was open to all. As soon as the session began Konovalikhin gave the presiding judge the following statement:

Since I, Vadim Ivanovich Konovalikhin, did not and do not consider myself guilty under article 190-1, I declare before the court that I renounce my signatures on the investigation documents which contain deliberately false charges against me...; I also renounce the statements I wrote myself about repentance, as I wrote the signatures and repentance in exchange for release from custody.

When Konovalikhin's statement was read out concerning his resignation from Soviet trades unions and his wish to join the (American) AFL-CIO or the Free Trades Union (Chronicles 48 and 49) (this is one of the statements with which Konovalikhin was charged), People's Assessor A.V. Kotov asked: "But aren't you aware that Meany belongs to a gangster organization/"

The court investigation lasted three days. On August 30 the summing-up speeches commenced. Procurator Sizov demanded that Konovalikhin be given three years in camps, while barrister Panfilov demanded that he be acquitted, as in his remarks and statements he had expressed his beliefs, so they could not be considered "deliberate fabrications". The verdict was pronounced on the same day.

The following is an extract from the verdict:

Under the influence of the foreign anti-Soviet broadcasts to which he had been listening, Konovalikhin systematically, in 1977-1978, prepared by writing and typing on a "Moscow" typewriter especially obtained for the purpose, and disseminated, deliberate fabrications slandering the Soviet social and political system.

These he sent to party and Soviet administrative organs and to trades-union organizations of the USSR, and also to international bodies and official and private persons in foreign states.

Thus on October 2, 1977, at his flat, he wrote a statement containing deliberate fabrications defaming the Soviet state and the policies of the Communist Party; he sent this to the 7th Session of the USSR Supreme Soviet and sent a copy to the United Nations Organization.

On January 7, 1978 he wrote similar statements containing similar slanderous fabrications which he addressed to Soviet trades unions and sent to the local committee of the trades-union organization of the Sovetsk production unit No.4 of the 'Ekran' combine, and on February 21, 1978 he wrote and sent a statement to the local committee of the Kalinigrad regional radio and television repair combine; he intended to send a copy of it to the All-Union Central Trade Union Council and the s--called "Group to Assist the Implementation of the Helsinki Agreements on Human Rights Questions". He wrote and sent letters and statements of anti-Soviet content slandering the Soviet social and political system to the Central Committee of the CPSU, the Presidium of the USSR Supreme Soviet, the Procurator-General of the USSR, the Procurators of Kaliningrad Region and Sovetsk, Amnesty International in London, the West German Chancellor and other official and private persons in foreign states.

In addition, Konovalikhin systematically and with bad intent disseminated deliberate fabrications slandering the Soviet social and political system. He did this in conversation with workers of PMK-24 and the Sovetsk production combine 'Ekran', where he worked from 1977 to 1978.

In court Konovalikhin pleaded not guilty to preparing and disseminating in written, spoken and printed form deliberate fabrications slandering the Soviet social and political system, and explained that from 1977 to 1978 in answer to the state organs' refusal to grant him permission to emigrate, he sent letters and statements to Soviet political and social organizations and also to official and private persons and organizations and also to official and private persons and organizations in foreign states.

In these letters and statements he expounded in sharp form his views on the Soviet social and political system, but he did not consider this to be slander.

Konovalikhin's explanations to the effect that the information he prepared and disseminated was in accordance with reality are invalidated because he did not adduce one single fact on which he could base his criticisms of the Soviet social and political system. This demonstrates the presence of direct intent in his actions to prepare and disseminate fabrications of a slanderous nature.

His claims that he has been persecuted for his beliefs have also been disproven. No administrative measures have been taken against Konovalikhin; he was dismissed from his job at the Sovetsk

production unit of the No.4 "Ekran" combine for infringing work-discipline regulations by absenteeism.

...The court has taken into account the nature and degree of social danger of the crime, the fact that it is a first offense, details about his character, and also the possibility of reform and re-education without isolation from society...

Konovalikhin's typewriter was confiscated as an "instrument of crime". After the verdict was pronounced the judge told Konovalikhin: "There, you see -- in this country no one is persecuted for his beliefs!"

CCE#51.

2. Thus on April 5, 1979, Trud, the official newspaper of the All-Union Central Council of Trade Unions, published an article by its correspondent in Taganrog, Yury Dmitriev, titled "The Rotogravure and Conscience,"² giving an account of two court cases where charges for the use of photocopying equipment were filed not under Chapter 1 of the Ukrainian Criminal Code (State Crimes) but under Chapter 11 (Crimes against Socialist Property).

The first case involved a thirty-three-old printer, Ilya Kim, employed at the Taganrog Radiotechnical Institute, who used the institute's duplicating equipment to reproduce a book, Mary Magdalene, which he then sold on the local second-hand book market. All that Dmitriev said about that book in his article was that it was "in demand by people whose tastes were not very exacting." Therefore, the mere fact of its reproduction could not be considered illegal, since the law nowhere stipulates that the Soviet State has a monopoly on nurturing the taste of its citizens. According to Trud, Kim was charged with engaging in illegal enterprise (which under Article 148, part 1, of the Ukrainian Criminal Code is punishable by corrective labor on one's job for a period of no more than one year, or by a fine of no more than 100 rubles), and "petty theft", (which under Article 85 is punishable by no more than six months' deprivation of freedom).

The other incident reported in Dmitriev's article took place at the Taganrog Special Design Office for Grain Harvesting Machines. Gennady Svistelin, a machinist employed by that organization, was charged with using Era-M duplicating equipment to reproduce, for pay, "all manner of pulp literature and, occasionally, politically harmful pamphlets and brochures." More precisely:

The majority of the books are by foreign authors and had already been published in pre-revolutionary Russia... Some of them glorify the cult of cruelty and colonialism, while others are full of mysticism and eroticism.

Dmitriev did not report what charges were brought against Svistelin and his accomplice, N. Igantovich. All we know is that a pretrial investigation of their case was carried out:

In the course of the investigation secretly printed editions of books on black magic, spiritualism... and out-and-out pornography... were discovered.

Article 211 of the Ukrainian Criminal Code states that the "preparation, sales, and distribution" of pornography is punishable by up to one year of incarceration. All the other books which, according to the Trud correspondent, were distributed by the accused persons, fell outside the category of illegal publications and belonged rather to the category of literature considered undesirable by the authorities.

The Trud correspondent also tells us how the authorities usually go about preventing the circulation of such undesirable literature. In other words, he tells us what kind of difficulties would be encountered by the buyers of the books reproduced by Svistelin if they tried to satisfy their curiosity through official channels:

It turned out that Svistelin was able to use, as if it were his own, the duplicating equipment, the paper-cutting machine, and a special powder for the Era-M equipment... This happened despite the formal system whereby each order received must be entered in a log-book with prenumbered pages, detailing the kind of duplicating equipment used, the source of the order, and the number of sheets and copies. (Emphasis mine -- J.V.)

From the above quotation one can get an idea both of the inadequacy relative to current technology of Soviet duplicating machines, and of the strict control exercised over their use. For anyone living in the West, both are astounding.

In this connection, it is known that, pursuant to the USSR Council of Ministers Decree No.673, dated July 22, 1977, a Soviet factory, institution, or organization can acquire duplicating equipment only with permission of the State Committee on Publishing, Printing, and Bookselling: and that it can be used only under supervision by appropriate government agencies. By the terms of that decree, any organization that violates these conditions will lose its duplicating equipment.³

As for private citizens, book publishing is risky by virtue of the above-mentioned article stipulating criminal liability for "engaging in illegal trade" (Article 162 of the RSFSR Criminal Code and Article 148 of the Ukrainian Code). A list of illegal trades is given in part 3 of the Regulations on Trades and Crafts promulgated by decree of the USSR Council of Ministers dated May 3, 1976. Under these regulations, it is unlawful anywhere in the USSR for citizens to engage, with a view to sales,

... in the manufacture of duplicating and copying machines, of any kind of stamps, postmarks, seals, or type, in the duplication of any kind of printed or photographed matter, in the production of phonograph records, films, or magnetic tapes.⁴

According to the Commentary a person who has engaged in such activities for personal use only is not liable under Article 148 of the Ukrainian Criminal Code.⁵ Of course the fact that there are no indicia of a crime under the law on "illegal trade" does not rule out criminal prosecution under other articles of the Criminal Code. Thus on November 25, 1977, in Kingisepp (Leningrad Oblast), four Evangelical Christian Baptists on the staff of the "Christian" publishing house, which had been functioning without authorization from the State Committee on Publishing Affairs, were tried and convicted. In the course of the search conducted at the building where they were arrested, three tons of paper was seized, along with a printing press and other typographic equipment. The printers Larisa and Ludmilla Zaitsev, and I.I. Leve, together with the owner of the house, D.I. Koop, were sentenced to incarceration for periods ranging from three years and six months to four years and six months.⁶

When the indicia of a crime are lacking, extra-judicial persecution is a possibility. Thus after an experimental model of a printing press was seized during a search of the home of Vladimir Borisov, a member of the Initiative Group for the Defense of Human Rights in the USSR, Borisov was forcibly confined in the Third Leningrad Psychiatric Hospital. Since at the time of the search the inventor had not yet managed to test his "simple, cheap printing equipment" for the "independent publishing of underground literature," he spent only a half-year (from September 13, 1976 to March 4, 1977) in the insane asylum (CCE 42).

There have been cases where the defendants have been charged with printing literature deemed "anti-Soviet" by the court. For example, Georgy Davydov and Vyacheslav Petrov, indicted under Article 70 of the RSFSR Criminal Code (anti-Soviet agitation and propaganda), were tried in Leningrad July 10-16, 1973 (CCE 29). IN particular, they were charged with having used a mimeograph to print forty copies of Tactics of the Democratic Movements in the Soviet Union. Davydov was sentenced to five years in a strict-regimen camp, plus two years of exile, and Petrov to three years in a strict-regimen camp, plus two years of exile. Another precedent is the case of Alexander Bolonkin and Valery Balakirev (Moscow, November 19-23, 1973) (CCE29,30). They were charged under Article 70 of the RSFSR Criminal Code with the preparation of "anti-Soviet literature" on a homemade rotary press. Bolonkin was sentenced to four years in a labor camp, plus two years of exile, and Balakirev got a five-year suspended sentence. Since the practice of conducting proceedings under Article 70 of the RSFSR Criminal Code has been rather well studied, there is no reason to suppose that the sentences meted out to these four persons would have been different if they had "prepared" their incriminating literature in the classic samizdat manner -- on a typewriter.

On the other hand, there has been one case giving grounds to believe that even the duplication of "criminal literature" on official equipment does not entail criminal liability if it is done for personal use only and not for distribution. This is the case involving Valery Maresin. His indictment stated:

On October 9, 1974, the defendant, along with Yury P. Dobrachev, went to the laboratory at the Institute of Experimental Veterinary Medicine to make for Dobrachev a copy of Albert Schweizer's book, Civilization and Ethics. Then, taking advantage of the fact that no one else was in the laboratory, Maresin began to photocopy Parts III and IV of Alexander Solzhenitsyn's book, The Gulag Archipelago... While copying The Gulag Archipelago, Maresin was caught by V.N. Chikina, a laboratory assistant, and V.A. Gorbатов, head of the laboratory, who took the book away from him.

On April 14, 1976, the Supreme Court of the Lithuanian SSR sentenced Maresin to six months of corrective labor on the job, and to a fine amounting to 20 per cent of his salary for "refusing to testify." (Article 189 of the Lithuanian SSR Criminal Code.)⁸

We know from the history of the Soviet dissident movement, beginning in 1966, that refusal to testify in a case involving "anti-Soviet agitation and propaganda" always entails such punishment, even if the witness has not photocopied materials in which the court is interested.

Thus one can say that in an of itself, the copying of any printed matter. "for oneself" -- but, let us add, not for friends and certainly not for sale -- does not entail criminal liability: neither according to the law nor, so far as we know, in practice. There is, however, a decree of the Presidium of the USSR Supreme Soviet, "Concerning Administrative Liability for Violation of the Regulations (governing)... the Use, Accountability, and Custody of Duplicating Equipment," which states:

2. Persons responsible for observing regulations for the use, accountability, and custody of printing equipment, type, and dies found guilty of violating those regulations, are liable to an administrative fine of no more than fifty rubles.⁹

2

Yury Dmitriev, "The Rotogravure and Conscience," Trud, April 5, 1979

3

Decree on Strengthening Control over Printing Presses.

4

Collected Regulations of the USSR, 1976. No. 7, p. 39. For a discussion of Soviet legislation on illegal trades see Valery Chalidze, Criminal Russia, Random House, New York, 1977, pp. 158-187

5

The Criminal Code of the Ukrainian SSR: A Scholarly and Practical Commentary, Kiev, 1978, p.409.

6

CCE No.45, 46 and 48.

7

CCE No.40

8

CCE Nos.38,40.

9

Bulletin of the USSR Supreme Soviet, No.6, 1978, p.38.

CHR #34.

3. Georgy Mikhailov, Leningrad physicist and a collector of non-conformist art, had helped unofficial artists stage exhibitions of their works and had prepared color slides of their paintings for them. In September, 1979, Mikhailov was sentenced to four years' labor camp on charges of acting as a commercial middleman (Article 153 of the RSFSR Criminal Code) and of engaging in a prohibited trade (Article 162).

CHR#35.

Article 27

1. In September 1979, in Odessa, all books in Hebrew were confiscated during the search of Moscow refusenik G.Khasin's apartment there.

About the same time another search was conducted in Kiev at refusenik V.Kislik's apartment. He was not told what was the ground for the search and what was expected to be found; searchers confiscated all books in Hebrew (textbooks, dictionaries, religious literature).

2. Following is an excerpt from the Document #19 of the Moscow Helsinki Watch Group, concerning Symposium on Jewish Culture Broken up by KGB (January 1977):

The symposium was supposed to open on December 21, 1976 and to last three days. Its schedule included 55 reports, of which 14 were to have been given by foreign guests.

Despite the fact that the preparations for the symposium were conducted completely in the open, the authorities reacted to it as to a "dangerous", "provocative" enterprise. An avalanche of prohibitions and direct repressions descended on the organizing committee and the prospective participants:

1. All foreign scholars who had been invited to the symposium were refused entrance visas. Even tourists who were suspected of being interested in the symposium received refusals. At least three citizens of the USA (lawyers Frederick Stant and Charles Hofheimer and Dr. Larry Goldman from Norfolk, Virginia) who informed the authorities about their interest in the symposium were expelled from the Soviet Union.

2. The members of the organizing committee and people connected with it were subjected to house searches and questioning which lasted for many hours. During the searches, all literature in Hebrew and Yiddish -- including dictionaries -- the text of reports for the symposium and all preparatory materials for them were confiscated.